

**Confirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 24 January 2023 at 2.00pm.**

**Members of the Committee present:**

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tom Daly, Councillor Colin Hedgley, Councillor Mark Newton

**Other Members present:**

Councillor David Beavan, Councillor Peter Byatt, Councillor Linda Coulam, Councillor Lydia Freeman, Councillor Carol Poulter, Councillor David Ritchie

**Officers present:**

Ben Bix (Democratic Services Officer (Regulatory)), Marianna Hall (Principal Planner), Matt Makin (Democratic Services Officer (Regulatory)), James Meyer (Senior Ecologist), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Michelle Stimpson (Environmental Health Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Tony Cooper, Mike Deacon, Debbie McCallum, and Kay Yule. Councillors Peter Byatt, Linda Coulam and David Beavan attended as substitutes for Councillors Deacon, McCallum and Yule respectively.

Councillor Stuart Bird, Vice-Chairman of the Committee, chaired the meeting in the absence of Councillor McCallum, the Chairman of the Committee.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Non-Registerable Interest in item 6 of the agenda, as the speaker registered to represent Campsea Ashe Parish Council was known to him.

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

Councillor Mark Newton declared an Other Registerable Interest in item 6 of the agenda, as a member of the British Horse Society. Councillor Newton stated that he had come to the view that a fair minded and reasonable observer could consider he

was biased towards the application and declared that he would not take part in or vote on the item and would leave the meeting room for its duration.

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

Councillors Stuart Bird, Tom Daly, Colin Hedgley and Mark Newton all declared they had been lobbied by email on item 6 of the agenda and had not responded to any correspondence received.

Councillor Chris Blundell declared he had been lobbied by email on item 6 of the agenda; he had not responded to any correspondence received but had forwarded one email to the case officer as it contained a question on a factual matter.

### **4 Minutes**

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

#### **RESOLVED**

That the Minutes of the Meeting held on 20 December 2022 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/1423** 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 has either been sanctioned under delegated powers up until 16 December 2022. At that time there were 17 such cases.

The Vice-Chairman invited the Assistant Enforcement Officer to comment on the report, who advised that following the publication of the report a compliance visit had taken place to 297 High Street, Walton, and it had been confirmed that the compliance notice had been achieved. The Committee was advised that a closure notice would be issued shortly to all parties.

There being no questions to the officers it was on the proposition of Councillor Hedgley, seconded by Councillor Newton and by a unanimous vote

#### **RESOLVED**

That the outstanding enforcement matters up to 16 December 2022 be noted.

*NOTE: Councillor Byatt arrived at the meeting during this item (at 2.10pm) and therefore did not take part in or vote on the item.*

### **6 DC/21/4896/FUL - Part Land Opposite Ashe Green Farm, Ivy Lodge Road, Campsea Ashe**

*NOTE: Councillor Newton did not take part in or vote on this item and left the Deben Conference Room for its duration.*

The Committee received report **ES/1386** of the Head of Planning and Coastal Management, which related to planning application DC/21/4896/FUL.

The application sought to introduce a new equestrian business into a countryside location in the parish of Campsea Ashe. It was proposed as the relocation of an existing business, whose tenancy within the district (Iken) was coming to an end; the applicant wished to maintain a local business and maintain an existing riding school and livery customers whilst continuing to provide these equestrian uses for the local area.

Due to the significant level of public interest in the application the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, had requested that it be determined by the Committee.

The Committee received a presentation from the Planning Manager (Development Management, Major Sites and Infrastructure), who was the case officer for the application, who summarised the changes made to the scheme during the course of the application along with the information contained in the update sheet published on 23 January 2023. The Planning Manager noted that several members of the Committee had visited the application site earlier in the day.

The site's location was outlined and the Planning Manager identified its relationship with Ivy Lodge Road to the east; the site was surrounded on its other boundaries by a public right of way (PRoW) and bridleways. The Committee's attention was drawn to the site's proximity to the Grade II listed Ashe Green Farm and the Grade II\* listed Campsea Ashe Parkland to the north, and the dwellings to the south that had originally been gatehouses to the Rendlesham Parkland.

An aerial photograph of the site was displayed and the Planning Manager summarised its relationship with the arable and woodland surroundings. The Planning Manager highlighted the preparatory works undertaken on the site, including the access from Ivy Lodge Road and hardstanding in the centre of the site.

The proposed block plan was displayed and the site layout arrangements were outlined. The Planning Manager noted the entire site would be surrounded by a three-bar railing fence, with temporary electric fencing internally for the paddocks. The Committee was advised that an isolation stable would be located in the north-western corner of the site.

The Committee was advised that the site's historic setting was to be taken into consideration; the Planning Manager reiterated its proximity to Grade II\* listed historic parkland and explained that the site had historically been known as Ashe Green and used for grazing. The Planning Manager confirmed that the land did not benefit from common status, the woodland belt around the site had been there for a significant period of time and the eastern boundary had historically an open setting.

The Planning Manager identified that the applicant was relocating part of their business from Iken, displaying a map showing the business's current location, due to the tenancy ending and had purchased the site to continue running the business. The Committee was reminded that the purchase of and preparatory works on the site were not material planning considerations, but weight should be given to the continuation of the business in the district. The Planning Manager summarised an extract from the submitted Design and Access Statement relating to the existing business provision in Iken.

The relationship between the site and both the PRoW and the bridleway network was outlined; the Planning Manager confirmed that the PRoW would not be used for horse riding.

The Committee received photographs of the site demonstrating views from the vehicle access from Ivy Lodge Road, looking into the site from the vehicle access (towards the hardstanding area), from within the site looking out of the vehicle access point towards Ashe Green Farm, from the access looking south along the eastern boundary, from the south-east corner of the site looking north, street views looking east towards Ashe Green Farm, the north-east corner of the site towards the historic parkland, and from the historic parkland looking south along Ivy Lodge Road.

The Planning Manager displayed extracts from the Landscape Assessment submitted with the application, which included several images from various viewpoints setting out the existing situation on the site, the proposed position of the building, and boundary planting. The Committee was advised there would be a significant change to the landscape due to the full extent of the development proposed.

The proposed floor plans were displayed; the Planning Manager noted that despite the provision of the stables, it was the applicant's intention to keep animals in the paddocks for much of the time. The Committee was also shown a visualisation image for the stables building, along with the proposed elevations for this building and the isolation stable.

The Planning Manager highlighted the cover of the Design & Access Statement and noted that the proposed planting along the eastern boundary had been removed.

The Committee was advised of the proposed materials to be used for the buildings, fencing, riding arena surface and jump equipment. The Planning Manager outlined the land improvement works already undertaken on the site to install drainage east to west across the site and to excavate the drainage ditch on the western boundary. It was noted that larger drains had been installed at the southern boundary of the site.

Detailed drawings for the proposed vehicle access, showing the improvements to be made to the existing access, were shown to the Committee.

The key issues and material planning considerations were summarised as heritage, landscape, policy support (policy SCLP4.5 of the Suffolk Coastal Local Plan (Economic Development in Rural Areas) and paragraphs 84-85 of the National Planning Policy Framework), and the public benefits.

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

The Vice-Chairman invited questions to the officers. The site was confirmed to be 8.6 hectares in size. The Planning Manager advised that a Heritage Impact Assessment had been completed; the site had been recognised as a pasture in the past and would have had community links through grazing use and had since the latter 20th century been used as an arable field. This assessment had been reviewed by the Council's Senior Ecologist, who had not objected to the application. It was confirmed that the proposed floodlighting for the riding area had been removed from the proposals to protect nearby bats.

In response to a question from Councillor Beavan, the Planning Manager explained that all consultees are notified of changes made to planning applications and are re-consulted and able to comment on the revised proposals at each stage.

The Planning Manager stated that there had been no requirement to consult the Environment Agency for flood purposes on this application and that drainage works were able to be completed without planning permission, adding that no flooding concerns had been raised by statutory consultees.

The Vice-Chairman invited Mr Spencer, representing objectors to the application, to address the Committee. Mr Spencer hoped that the site meeting earlier in the day had given Members a better idea of the size and scale of what was proposed and noted that after a significant period of time officers had concluded the application was finely balanced and had recommended approval; Mr Spencer said this was despite the quality and content of the application and the wide-ranging concerns raised by objectors.

Mr Spencer highlighted Council policies to protect historic parkland and expressed concerns about the application causing the spread of equestrianism in the area. Mr Spencer quoted policies from the Local Plan about keeping the agricultural setting of the historic parkland and said that these areas should be protected from harm. Mr Spencer questioned the public benefits that would be brought by the development, noting similar facilities in the local area.

Mr Spencer noted the concerns of the Council's Landscape Officer and queried if the suggested benefits would outweigh the harm would cause to its surroundings, noting that there appeared to be no mitigation for the impact it would have on the landscape and that there had been no assessment of the harm that would be caused to nearby heritage assets.

Mr Spencer concluded that there were many equestrian sites in the district but not many historic parkland sites and urged the Committee to protect them and refuse the application.

The Vice-Chairman invited questions to Mr Spencer. Mr Spencer clarified that his concern about the spread of equestrianism in the area related to the Character Assessment completed in 2018. Mr Spencer said that the site dated back to 1433 and had been known as Ashe Green, and the woodland demarcating the boundary being a

unique feature. Mr Spencer considered the site to be rare and that it should be protected.

The Vice-Chairman invited Councillor Reid, representing Campsea Ashe Parish Council, to address the Committee. Councillor Reid said the Parish Council was concerned about the development of the site on the place and setting of the local area and supported concerns raised by other objectors. Councillor Reid said the Parish Council was also concerned about the impact of additional traffic on Ivy Lodge Road, especially when considering other developments near Rendlesham and how the site would link with the wider highway network.

Councillor Reid expressed unease about the viability of the business, stating that the applicant was only moving 50% of their business from the site in Iken and that the land was owned by a third party. Councillor Reid said that the public benefit of the development had not been fully evaluated against the harm it would cause and said the Parish Council considered robust testing was needed.

Councillor Reid was of the view that the applicant had played down the importance of the site to the community and concluded that the application had recognisable shortfalls and would cause harm with no mitigation which was not outweighed by the public benefit. Councillor Reid urged the Committee to refuse the application.

The Vice-Chairman invited questions to Councillor Reid. Councillor Reid stated that the nearest riding school was approximately one mile away from the application site. In response to a question on the importance of the site to the community, Councillor Reid said that residents can walk through the field, and this was good for their mental health.

When asked a further question about the use of the field for walking, given its use as an arable field, Councillor Reid said that locals would walk on the PRow and bridleways at the edge of the field. Councillor Reid said that the development of the field would change the character of those walking routes.

Councillor Reid advised that there had been three major vehicle accidents on Ivy Lodge Road in the last year, noting one incident where a vehicle flipped into the field when swerving to avoid a deer in the road.

Councillor Reid said the Parish Council was concerned about the future use of the site for housing should the business fail, reiterating her comments that only 50% of the applicant's business was being moved from Iken and questioning the profitability and viability of what would be operating on the application site.

The Vice-Chairman invited Mr Price, agent for the applicant, to address the Committee. Mr Price was accompanied by Ms Kelly, the applicant, who was available to answer any questions of the Committee. Mr Price confirmed that the end of the tenancy on the Iken site was forcing the applicant to relocate their business, which had seen an increase in custom since the COVID-19 pandemic.

Mr Price described the proposed operation as a countryside business and considered that equestrian activities were appropriate in rural locations. Mr Price said the officer's

report noted the potential impact of the development and that the case officer's decision had been reached by balancing the low-level landscape impacts against the public benefits of the business.

Mr Price stated he had been surprised by the level of local objections to the application as pre-application engagement had suggested minimal concerns in the community. Mr Price highlighted that the applicant had made several amendments to the proposals in response to concerns raised by objectors and officers.

Mr Price said there was a misconception amongst objectors that the site was a village green or common land and that information to clear this up had been supplied to officers. Mr Price said the applicant was committed to the site as it provided several benefits to their business, including a direct connection to the bridleway network.

Mr Price concluded that the benefits of the scheme outweighed the harm and questioned that if this site was not suitable for the proposed use, what site would be.

The Vice-Chairman invited questions to Mr Price and Ms Kelly. Mr Price said that a condition to prevent housing development would be acceptable but was of the view it was very unlikely that planning permission would be granted for housing development on the site.

Ms Kelly was able to advise that horses would not be ridden on the highway, only on the bridleways, and that vehicle movement details had previously been submitted to officers. Mr Price noted the two elements of the proposed business, the livery and the riding school, and did not expect significant vehicle movements for the latter as it would principally be cars transporting students to and from lessons.

Mr Price considered that users of the livery would not be arriving and leaving at the same time and the number of vehicles associated with that side of the business would be low. Mr Price highlighted that the Highways Authority had not objected to the application; he was able to state that the all-day traffic increase on the low-traffic highway was between 4.3% and 7.1%, with the maximum figure based on an assumption that users all arrive and leave at the same time.

Ms Kelly said that lessons were for one to two riders at a time and the livery was serviced so users would only be attending to ride their horses. Ms Kelly only expected two to three vehicle movements per day after dark, which would be staff vehicles.

Ms Kelly said that planting would be dictated by the planting plan required by condition; Mr Price added that planting would not take place on the eastern boundary to maintain an open character and that planting would be outside of the arena and adjacent to the woodland. Mr Price concurred with the comments in the report that the change of use on the site would increase its biodiversity.

Ms Kelly confirmed that three people would be employed on the site, one full-time and two part-time, with operating hours being between 9.00am and 3.30pm. Ms Kelly said that many of her customers post COVID-19 had been attending for wellbeing reasons.

Mr Price explained that the only night-time lighting would be for security purposes and to walk safely across the developed part of the site, with it primarily being motion-activated and as minimum as necessary. Mr Price said this lighting would be designed to be as eco-friendly as possible to retain the rural amenity of the area and noted that a proposed condition would require the submission and approval of a lighting strategy.

The Vice-Chairman invited Councillor Poulter, Ward Member for Campsea Ashe, to address the Committee. Councillor Poulter said she did not often attend Committee meetings to speak as a ward member as she usually agreed with officer recommendations and defended them in her Ward when necessary. Councillor Poulter said she could not agree with the recommendations for this application and had objected to it at all stages of consultation.

Councillor Poulter explained she objected to the application for a variety of reasons and shared the concerns of local objectors and Campsea Ashe Parish Council. Councillor Poulter considered that the site was a Non-Designated Heritage Asset (NDHA) and that this had not been made completely clear; Councillor Poulter said that the NDHA should be protected. Councillor Poulter referenced the comments of the Gardens Trust and the Suffolk Preservation Society that supported protecting the site.

Councillor Poulter expressed concerns about the mitigation proposed and the lack of an ecological assessment, asking if the latter had been completed as there could be protected species on the site. Councillor Poulter considered that the development would completely change the area and was of the view that lighting would be required for the riding arena.

Councillor Poulter said she remained very concerned about the application despite the amendments that had been made, stating that these amendments had not satisfied her that this was a suitable development. Councillor Poulter advised the Committee that councillors were there to represent their residents and make sure they are protected, concluding that there was no evidence of any public benefit given the proximity of other, similar sites. Councillor Poulter requested that the Committee reject the application.

The Vice-Chairman sought clarity from officers on Councillor Poulter's comments regarding the site being a NDHA. The Planning Manager noted that this was covered in paragraph 7.29 of the report and outlined that NDHAs were recognised nationally as heritage criteria and referred to in the NPPF. The Planning Manager explained that the criteria to meet the definition of a NDHA was set out in the Local Plan at paragraph 11.37, and that the Suffolk Preservation Society considered the site met one of the criteria set out in the Local Plan. The Committee was advised that the site did not meet the minimum of two criteria set out in the Local Plan to be defined as a NDHA and that this also applied to buildings, not places or landscapes.

The Vice-Chairman also sought clarity on whether an ecological assessment had been completed. The Senior Ecologist commented that the site was predominantly an arable field with low biodiversity and therefore an ecological assessment had not been required. The Senior Ecologist stated that his initial appraisal of the application was that lighting, particularly floodlighting for the riding arena, would have a significant



impact on the bat colony adjacent to the site, and this concern had been resolved by the removal of the floodlighting to the proposals.

The Vice-Chairman invited questions to Councillor Poulter. Councillor Poulter defined that her principal objection was that the proposed development would cause harm to the landscape and change the character of the area.

The Vice-Chairman invited the Planning Manager to clarify points raised regarding viability. The Planning Manager noted that the proposed on-site residential dwelling had been removed from the application and advised that the viability of the existing business was not a material consideration for the Committee when making its decision. The Planning Manager confirmed that the number of riding schools in the area was three and not ten, as had been suggested earlier in the meeting, and that several of the facilities referred to were only liveryes and did not incorporate a riding school.

The Vice-Chairman invited the Committee to debate the application that was before it. Several members of the Committee expressed concerns about the application, noting other livery stables in the area, the change to the character of the area, and the impact on traffic in the local area. Councillor Hedgley indicated he was not in favour of the application but wanted to hear from other Members before coming to a decision. Councillor Byatt highlighted the accident record at Ivy Lodge Road and was concerned that additional accidents could occur with the increased traffic that the development would bring.

Other members of the Committee were supportive of the application, considering the impact on both the character of the area and traffic on Ivy Lodge Road would be minimal, and that the proposed use was acceptable in a rural setting. Councillor Daly was of the view that the change of use would be beneficial for those using the site for recreation and health reasons and would be an improvement from its current use as an arable field. Councillor Beavan concurred with these statements and highlighted that the change of use would increase the biodiversity of the site.

Councillor Coulam noted that there had been more letters of support than objection and said it would be disappointing to see a business shut down due to not being able to find a site.

Councillor Blundell concurred with the comments made in support of the application and said that in his experience as Chairman of the former Suffolk Coastal District Council, he had seen first-hand the benefit such operations can bring.

Councillor Bird concluded the debate, acknowledging that although there would be some impact on the landscape this would be screened to an extent and considered there were no material planning grounds on which to refuse the application. Councillor Bird noted that the right to walk the boundary of the site via the PRow and bridleways would continue and the proposed change of use was an evolution of the site.

There being no further debate, the Vice-Chairman sought a proposer and 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.

On the proposition of Councillor Blundell, seconded by Councillor Coulam, it was by a majority vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to the conditions below and there being no changes as result of consultation responses received in the two days following the meeting.

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 shall be carried out in accordance with the drawings and plans (to be listed) received 8 February 2022 and 22 December 2022 and the site location plan received 26 October 2021

3. The permission to undertake this development shall be personal to the applicant as the relocation of an existing business only. Following the completed construction of the stables, the business shall not be sold or operated by another individual for a period of three years.

After that period there shall be no restriction on the owner/operator (final wording to be agreed)

*Reason: To ensure the material considerations of the relocation of an existing business endure in the delivery and use of this development.*

4. In using the site, there shall be no operation of the livery part of the business without the active presence and use of a minimum of five riding school horses/ponies. In the event that there is no riding school element of the site, the livery use shall cease within 6 months of the last use of the site for a riding school of a minimum of five horse/ponies. There shall be no more than 12 livery ponies/horses on the site at any time and the livery stabling shall be limited to that on the approved drawing. All riding school stables on that drawing shall only be used for the stabling of riding school ponies/horses.

*Reason: To ensure that the material consideration applied to the benefit of the riding school use remains the leading use of the site and that the benefits of the use are maintained for its importance in justifying this consent.*

5. External storage of feed, hay, straw, jumps and associated equestrian paraphernalia shall be limited only to the areas in the stable yard and the fenced area to the rear of the stables.

There shall be no storage of jumps or other paraphernalia within the paddock area other than in daytime hours and no such items shall be left in the paddock areas overnight. No towable or temporary field shelters or structures are permitted to be placed anywhere within the site unless planning permission has been obtained. There shall be no temporary siting of any mobile home or portkabins on the site during the construction period.

*Reason: to protect and control the character and appearance of the landscape.*

6. Removal of permitted development rights for permanent fences walls and enclosures.

7. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing labelled Highways Plan on the planning portal dated 21.12.2021. Thereafter it shall be retained in its approved form.

*Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. \*This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.*

8. Before the access is first used visibility splays shall be provided as shown on Drawing labelled Highways Plan on the planning portal dated 21.12.2021. with an X dimension of 2.4 metres and a Y dimension of 120 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

*Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.*

9. Construction Management Plan Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan.

The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials

- c) piling techniques (if applicable)
- d) storage of plant and materials and storage structures
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase.

*Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.*

10. 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 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.*

11. Prior to commencement, 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.*

12. Details of the proposed foul drainage treatment plant to be installed shall be agreed in writing and installed in accordance with plans prior to the use of the restroom facilities first commencing.

*Reason: To ensure that suitable foul drainage is installed noting that connection to the public sewer is not proposed, in the interests of the local environment.*

13. Prior to the commencement of development, details of surface water/roof water drainage shall be submitted and agreed along with details of water efficiency measures to enable rain water to be used on the site.

*Reason: To ensure surface water is appropriately managed and water efficiency measures are implemented in the interests of sustainable development.*

14. Stable waste and manure shall be stored within the indicated trailer on the approved drawing and shall be removed from the site whenever full. There shall be no stable waste or manure storage anywhere else on the site. There shall be no burning of stable waste, straw or manure anywhere on the site at any time.

15. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing 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.*

16. The landscaping scheme shall be completed within the first planting season following the commencement of the stable building, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which are diseased, die or are removed during the first 5 years shall be replaced during the next planting season.

*Reason: to ensure the satisfactory external appearance of the building.*

17. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use first commences. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of amenity and the appearance of the locality.*

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. As the development involves the creation of a new private water supply advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended). The water must not be used before it has been assessed by the Local Authority.

3. In order to operate these premises a licence may be required under Animal Welfare Licensing legislation. An application form may be obtained from the Environmental Protection Team. The issue of the licence will be subject to inspection and a fee being paid. For further details please contact the Environmental Protection Team e-mail at [environment@eastssuffolk.gov.uk](mailto:environment@eastssuffolk.gov.uk).

*NOTE: following the conclusion of this item, the Vice-Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.48pm and was reconvened at 3.52pm.*

**7 DC/22/3493/FUL - 54 Looe Road, Felixstowe, IP11 9QB**

*NOTE: Councillor Newton returned to the meeting for this item.*

The Committee received report **ES/1424** of the Head of Planning and Coastal Management, which related to planning application DC/22/3493/FUL.

The application sought planning permission for the construction of a two-storey side and rear extension and a single-storey rear extension to 54 Looe Road, Felixstowe. As the officer's recommendation of approval was contrary to the recommendation of refusal by Felixstowe Town Council, the application was considered by the Referral Panel on 20 December 2022, where it was referred to the Committee for determination.

The Committee received a presentation from the Principal Planner, on behalf of the case officer for the application. The site's location was outlined and the Committee's attention was drawn to the public right of way (PRoW) at the rear of the site. The Principal Planner displayed the existing and proposed elevations and floor plans, noting that the internal measurements of the existing garage were below the current minimum parking standards.

The Committee was shown an aerial photograph of the site and the proposed block plan. The Principal Planner stated that the space in front of the existing garage was not large enough to accommodate a car and was not used for parking.

The Committee received photographs of the site demonstrating views of the front and rear of the host dwelling, looking towards neighbouring properties from the host dwelling's rear garden, and from the rear of the host dwelling towards the rear of the garden.

The material planning considerations and key issues were summarised as the design and impact on the streetscene, residential amenity, and parking and highway safety.

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

The Vice-Chairman invited questions to the officers. The Principal Planner confirmed there was a mixture of properties in Looe Road with similar lean-to garages, which did not need planning permission to convert into a habitable room, and others without garages and a few with more substantial arrangements.

The Vice-Chairman asked if it was reasonable to expect that an occupied four-bedroom dwelling would only use public transport. The Principal Planner confirmed this was the justification provided in the response from the Highways Authority (who had not objected to the application) and reiterated that the garage and front parking space on the site were not currently in use, and that the existing garage could be converted into a habitable room without planning permission. The Principal Planner concluded there was no significant impact on highway safety that provided grounds to refuse the application.

The Vice-Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee. Councillor Smith said that although the Town Council acknowledged that, in principle, the proposals were well-designed and attractive, it remained concerned about the parking issues. Councillor Smith noted that there was

already no off-road parking at the site and considered that some cars would be able to fit into the existing garage.

Councillor Smith highlighted the comments of the Highways Authority and pointed out that its own parking standards required three parking spaces for a four-bedroom dwelling. Councillor Smith acknowledged the parking standards were guidance but countered that the Town Council was experienced of the application of such guidance to planning applications.

Councillor Smith said that for a car-free development to be acceptable there needed to be good public transport links and services in walking distance; Councillor Smith said that although there were bus stops in walking distance, the service in the area was so infrequent it could not be considered good. Councillor Smith added that beyond one SPAR shop, all other services were in the town centre, which he considered was not in walking distance of the site. Councillor Smith concluded that the Town Council considered the balance of the application was such that it should be refused.

The Vice-Chairman invited questions to Councillor Smith. When asked if the proposals would make the highways situation worse Councillor Smith said it was an intensity of use.

The Chairman invited the Committee to debate the application that was before it. Several members of the Committee spoke in favour of the application, noting the existing garage was not suitable for modern vehicles and could be converted to a habitable room without planning permission.

Councillor Beavan said he had been convinced by the arguments of Felixstowe Town Council and was concerned that the intensification would cause highway issues.

There being no further debate, the Vice-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 Coulam, it was by a majority vote

## **RESOLVED**

That the application be **APPROVED** subject to the conditions below.

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 carried out in all respects strictly in accordance



with the following approved plans and documents for which permission is hereby granted:

- Application Form received on 5 September 2022.
- Drawing no. 22/07/0070 received on 5 September 2022.
- Drawing no. 22/07/0071 Revision B received on 6 December 2022.

*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*

4. The two-storey extension shall not be brought into use until the area within the site shown on drawing no. 22/07/0071 Revision B for the purposes of secure cycle storage has been provided and thereafter the area shall be retained, maintained, and used for no other purposes.

*Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2019) to promote sustainable travel.*

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 4.13pm.

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Chairman