

Confirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room,
Riverside, on **Tuesday, 13 December 2022 at 2.00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Sarah Plummer

Other Members present:

Councillor Tony Goldson, Councillor David Ritchie

Officers present: Ben Bix (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Cooper and Rivett. Councillor Goldson attended as substitute for Councillor Cooper.

2 Declarations of Interest

Councillor Ceresa declared a Non-Registerable Interest in agenda item 8 as a Ward Member for Carlton Colville.

3 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

4 Minutes

On the proposition of Councillor Pitchers, seconded by Councillor Coulam it was by a unanimous vote

RESOLVED

That the Minutes of the Meeting held on 8 November 2022 be confirmed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1379** of the Head of Planning and Coastal Management, which was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 28 November 2022. At that time there were 17 such cases.

The Assistant Enforcement Officer drew the Committee's attention to an update in the south of the district where the enforcement notice at Park Farm, Chapel Road, Bucklesham had been complied with and the site had been cleared.

There being no questions from Members; Councillor Brooks proposed, Councillor Ceresa seconded, and the Committee unanimously

RESOLVED

That the outstanding enforcement matters up to 28 November 2022 be noted.

6 DC/22/1189/FUL - Wayland Cottage, The Street, Walberswick, IP18 6UG

The Chairman announced that a proposed site visit had been postponed due to unsafe weather conditions and that consequentially the item had been withdrawn from the agenda. It was anticipated that the item would be considered in the new year.

7 DC/21/2369/FUL - 73 Beccles Road, Bungay, NR35 1HT

The Committee considered report **ES/1381** which related to planning application DC/21/2369/FUL and sought permission for a new dwelling and associated works. The application had been considered by the Planning Committee in March 2022, and was deferred to enable Officers to discuss an amended design with the applicant's agent. The proposal was amended with revised plans submitted in August 2022, and a full re-consultation had been undertaken on the amended scheme. In response to the re-consultation, there were no objections from any consultees. Two third party representations of objection to the revised application had been received.

The Committee received a presentation from the Planning Manager, who was representing the case officer for the application. The Committee viewed the site location plan, the settlement boundaries, photographs of the site and its surrounding area, and comparative elevations of the current proposal alongside those proposed in March 2022. Compared to the scheme considered in March, the proposal was now a chalet bungalow with a hipped roof and small box dormers. The maximum height of the proposed dwelling was not dissimilar from the height of the previous design; however, due to the steep hipped roof form and lower eaves, there was less mass at first floor level, which resulted in a larger footprint with more of the accommodation at ground floor level. Proposed materials were now to be red brick, black cladding, and clay (grey) pantiles compared to previous use of white render, larch boarding and standing seam steel roof. The overall design approach was generally simpler and of a more traditional form. The double garage was now proposed to be of a pitched rather than flat roof design.

The site was described as being in the countryside for Planning purposes because it was outside the defined settlement boundaries for Bungay as detailed on the Local Plan policies maps. However, in general terms the site was very closely related to the Town and was sustainably located. The gap between the drawn settlement boundaries was more about the undeveloped open area to the south of Beccles Road, which formed an important gap between the two main built-up areas of the Town. Development of the proposed site would cause no coalescence between the two distinct areas of the town. Policy WLP8.7 - Small Scale Residential Development in the Countryside sets out that small scale residential development in the Countryside of up to three dwellings would be permitted where:

The site constituted a clearly identifiable gap within a built-up area of a settlement within the Countryside,
There were existing residential properties on two sides of the site; and
The development would not extend further into the undeveloped Countryside than the existing extent of the built-up area surrounding the site.

The Planning Manager surmised the material planning considerations as:

The Principle of Development
Design of Development - amended
Trees and Character/Appearance of the Area, and
Residential Amenity

At the invitation of the Chairman Members asked questions of Officers. Councillor Ceresa sought clarification of whether the first floor fire escape on to a balcony was satisfactory; and Councillor Goldson queried whether there would be sufficient ventilation in the first floor shower room, due to the absence of windows. The Planning Manager explained that both matters would be compliant with Building Regulations and that there would be mechanical ventilation to the shower room.

There being no further questions to Officers, the Chairman invited Dr Ken Lodge to address the Committee in Objection to the application.

Dr Lodge clarified that he was addressing the Committee in a personal capacity as the owner of a property on Beccles Road and not on behalf of Bungay Town Council. Dr Lodge was firstly concerned that a garage had now been included on the application which seemed contrary to Policy WLP8.29 that proposals should avoid the perception of a car dominated environment. Secondly, Dr Lodge was disappointed that there was no separate environmental assessment to determine any disturbance to bats and birds particularly regarding the felling of trees. Overall, Dr Lodge was of the opinion that Officers had not listened to local concerns.

The Chairman thanked Dr Lodge for his contribution and invited questions from Members. Councillor Goldson asked which species of tree would be removed, and whether bats had been observed using those trees. Dr Lodge responded that the trees were Copper Beeches, and that himself and others had observed bats using those

trees. There being no further questions, the Chairman invited the Planning Manager to clarify matters.

The Planning Manager strongly countered the opinion of the Objector that Officers had not listened to local concerns. The report and presentation before Members clearly showed that a garage had been present in the previous application, was not an additional feature of the current application and Officers considered that it would not be of significant amenity impact. Secondly, the East Suffolk Landscape Team had been consulted and were of the view that the 3 trees proposed for removal to enable the development had limited amenity value and their loss would not be noticed within the existing street scene. Condition 12 provided for tree /vegetation removal to take place outside bird nesting season; and Condition 13 stated that prior to the felling of any trees a survey for bat roost potential would be undertaken by a suitably qualified ecologist. Any mitigation measures identified would then be implemented. The Planning Manager emphasised that the Officer's report had demonstrably taken account of the concerns raised by the Objector.

At the invitation of the Chairman, Councillor Pitchers opened the debate and expressed his satisfaction that the current application had addressed the concerns that the Committee had previously. The report was clear that there was a need to remove the trees due to their proximity to existing power lines and the proposed bungalow. Councillor Plummer was content that the footprint of the proposed garage was not of greater scale than the previous proposal and was encouraged that the Arboriculture and Landscape Officer had observed that Drawing No. 2159.2a showed 7 new trees, with 4 being in the frontage of the site to replace the 3 that would be lost.

Councillor Pitchers proposed that the application be approved, Councillor Brooks seconded the proposal, the Chairman moved to the vote and it was unanimously

RESOLVED

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

Conditions (summarised)

1. Three-year time limit.
2. Development in accordance with approved plans.
3. Materials/finishes to be submitted and agreed.
4. Area within the site for manoeuvring and parking of vehicles to be provided prior to occupation of the new dwelling, and those area retained and used only for that purpose.
5. Details of electric vehicle charging points to be submitted and approved by the LPA.
6. Bin presentation and storage area to be provided before occupation of the new dwelling and retained for that purpose.
7. Scheme of hard and soft landscaping to be submitted and approved pre-commencement.
8. Landscaping implemented at first available planting season and maintained for five years.
9. West facing bedroom windows to be obscure glazed and non-opening.
10. Standard condition requiring action if unexpected contamination encountered.

11. Construction management plan to be submitted, approved, and then adhered to.
12. Tree/vegetation removal to take place outside bird nesting season.
13. Prior to the felling of any trees a survey for bat roost potential to be undertaken by a suitably qualified ecologist. Any mitigation measures identified to be implemented.

8 DC/22/3272/FUL - Land to the Rear of 55 The Street, Carlton Colville

The Committee considered report **ES/1382** which related to planning application DC/22/3272/FUL and sought permission for the erection of a residential bungalow and all associated works on a site located directly adjacent to the beer garden of the Old Red House Public House. Carlton Colville Town Council had raised concerns that the proposal would be out of character, result in the loss of parking, right of access, lack of charging points, flooding issues, and loss of an allotment. Due to the contrary recommendation of the Town Council, the application was referred to Planning Committee North by the referral panel.

Planning permission for a similar form of development was previously refused under application reference DC/21/2130/FUL on the grounds of the effect of that proposed development on the living conditions of future occupiers having regard to noise and disturbance, lighting and outlook. That decision had been appealed and dismissed by the Planning Inspectorate. The Planner explained that it was now considered that the previous reasons for refusal has been overcome, and with no other substantive concerns raised by the Inspector in the appeal decision, the matters had been fully addressed. The proposal was now considered to have an acceptable impact on the character and appearance of the area and street scene. Following submission of a Noise Impact Assessment, Officers were content that the proposal would provide suitable living conditions and amenity to future residents with no likely harmful impacts from the adjacent beer garden. Furthermore, the proposal would not result in any adverse impacts on Highways Safety, and the appropriate RAMS contribution has been paid to mitigate the potential impacts on nearby European Protected Sites.

The Committee received a presentation from the Planner who was the case officer for the application. The Committee viewed the site location plan, an aerial photograph, 3D visualisations of the site and contemporary photographs of the immediate surrounds. Existing and proposed block plans were shown, along with proposed elevations and floor plans. During the presentation the Planner emphasised that the proposal would formalise currently informal parking arrangements providing 2 parking spaces for the proposal and 2 parking spaces for neighbouring properties.

The Planner surmised the material planning considerations as:

- History
- Principle
- Character and appearance
- Amenity
- Highways
- Ecology, and
- Flood Risk

At the invitation of the Chairman Members asked questions of Officers. In response to questions The Planner and the Planning Manager confirmed:

That the extant informal parking arrangements would be made formal by the proposed development
The existing garages were owned by the applicant and would be demolished
The pub was closed at the time the application was made
The land was currently used as private allotment land
Access to the site was used by multiple vehicles from the surrounding properties
The small scale of the development mitigated the need for a Construction Management Plan.

Councillor Ceresa queried whether the loss of allotment land was compliant with Local Plan policies. The Planning Manager explained that only Statutory Allotments were protected by the Local Plan, and the site in question was a privately owned allotment. Similarly, it was not designated open space.

The Chairman called upon Alison Ayers, Town Clerk of Carlton Colville Town Council, whom had registered to speak on behalf of the Town Council. Ms Ayers explained that despite the changes to the proposal and the re-orientation of the bungalow, the Town Council had sustained its Objection from the original scheme and re-stated its material objections as follows:

The proposal was out of character for the heart of the village and the style of houses in its immediate proximity contrary to WLP 8.172
There would potentially be a loss of 4 car parking spaces
There was a questionable right of access over the Public House land
There was no vehicle charging point
There was a risk of flooding and a concealed water way
There would be a loss of allotment contrary to policies WLP 8.33, WLP 8.29 and WLP 8.34
The proposal did not accord with the National Planning Policy Framework (NPPF) which stated that developments should create places with a high standard of amenity for existing and future users
Parts of the land, and Beccles Road would be under water in winter months (and contemporary photographs illustrating the road being flooded were provided).

Ms Ayers explained that the Public House had now re-opened and was concerned that the noise impact assessment had taken place when the Public House was closed. The proposal to mitigate noise using an acoustic fence would, in the view of the Town Council, create a tunnelling effect. Furthermore, the proposal did not satisfy WLP 8.171 as it did not deliver a good standard of amenity for existing and future occupiers, and would generate significant harmful effects which would include overlooking, loss of privacy, noise and light pollution. Overall, the Town Council expressed its dissatisfaction that Officers had not taken account of local opinion.

The Chairman thanked Ms Ayers for representing the views of the Town Council and invited Members to ask Ms Ayers questions. Councillor Brooks asked for confirmation

that the current parking arrangement was informal, and observed that since the land was in the ownership of the applicant, then that informal arrangement could cease. Ms Ayers concurred that the extant parking arrangement was informal.

Councillor Goldson questioned how the Town Council would view the integration of any future application for the large mixed use site allocation of 900 dwellings WLP2.16 (Land South of The Street) which was immediately behind the proposed site. Ms Ayers explained that the Town Council anticipated that its Neighbourhood Plan would be agreed before any application was made for that site.

In response to questions from Councillors Pitchers and Coulam, Ms Ayers confirmed that recent flooding on The Street had been caused by heavy rain water, rather than the stream; the site was close to Mardle Road, which was mainly comprised of modern bungalows; and confirmed that the Public House was fully operational now. The Chairman observed that he had recently driven down The Street and concurred that the flooding was caused by rainwater.

There being no further questions, the Chairman invited the Applicant's representative Graham Nourse to address the Committee. Mr Nourse was pleased that the concerns expressed with the previous application had been addressed within the current proposal. It was clear that the Planning Inspector had not been concerned by the location of the site, nor parking matters. A noise impact assessment had now been undertaken and the Landlord of the public house had written in support of the application. Mr Nourse emphasised that the proposed conditions would make use of a site within the settlement boundary to provide a smaller home to address local housing need, appropriately landscaped and fully compliant with Local Plan policies. At the invitation of the Chairman, Mr Nourse responded to a question from Councillor Coulam to confirm that the 2 extant garages on the site were owned by the applicant, but were not currently used for garaging. The Chairman thanked Mr Nourse for his participation and invited the Planning Manager to speak.

The Planning Manager strongly refuted the assertion that Officers had not listened to local opinion, for both this item and the previous item. The report before Members was clear and reflected all of the views that had been expressed, each of those views had been considered by Officers and responded to within the report, both reports being 10 pages long. The application was being considered in a public meeting to which objectors were in attendance and had been afforded the opportunity to speak which had been selected as the method for determination following voting at the Referral Panel, based on local opinion. Members could therefore be satisfied that the report enabled them to make a robust decision and that local opinion had been thoroughly listened to.

Furthermore, the Planning Manager emphasised the importance of the report of the Planning Inspector which had guided the revised application and Officers' considerations. With regard to the Town Council's concerns around flooding, it was apparent that one single small dwelling was not a flooding risk; and it was cautioned that the large site allocation on Land South of The Street would include flood mitigation measures at the time of any application.

The Chairman called upon Members to debate the proposal. Councillor Goldson echoed the Planning Manager's rebuttal of the Town Council's opinion that Officers had not listened to local opinion and was content with the report, the application of policy and that the Inspector's reasoning had been satisfied. Accordingly, Councillor Goldson proposed approval of the Officer recommendation. Councillor Pitchers observed that properties on Mardle Road consisted primarily of modern bungalows and as such observed that there was no clear vernacular for the area. Potential purchasers would be aware of the acoustic fence and would consider their purchase accordingly. Councillor Brooks sympathised with the Town Council, however it was clear that the proposal accorded with the Inspectors reasoning and that the noise mitigation proposal was satisfactory. Parking would be enabled on the site and the proposal was policy compliant, and duly seconded approval of the Officer recommendation.

Councillor Ceresa cautioned that some minor alteration to the conditions would make the proposal more palatable:

That Condition 9 relating to tree dieback be adjusted from 3 years to 5 years
That the construction site be entered and left by vehicles only in a forward gear
That the construction management plan excludes working on weekends, late evenings and bank holidays, and
The removal of future permitted development rights.

The Planning Manager was satisfied that alteration 1 relating to Condition 9 was acceptable and consistent with recent approvals. However alteration 2 would not be enforceable and it would not be desirable to limit future permitted development rights as proposed in alteration 4 and an existing easement restricted further development also. The Planning Manager re-stated that alteration 3 was not required on a small development. The Planning Manager was however content to include a standard condition to assuage alteration 3 that during the construction of the dwelling, no construction works shall take place outside of the following hours: 07:30 to 18:00 Monday to Friday and 08:00 to 12:00 (Noon) Saturdays.

The Proposer and Secoder were content with the two alterations only as expressed by the Planning Manager, accordingly the Chairman moved to the vote and it was by a majority

RESOLVED

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

Conditions:

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

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

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

- Location Plan and blocks plans, 2742.21.3C, received 25/10/2022,
 - Proposed plans, 2742.21.2E, received 25/10/2022,
 - Noise Impact Assessment, IEC/4401/01/AVH, received 16/08/2022,
- 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

4. The use shall not commence until the area(s) within the site shown on drawing no.2742.21.2E for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

5. Prior to construction above slab level details of the infrastructure to be provided for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies.

6. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 2742.21.2E shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

7. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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 scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

8. Prior to the first occupation of the dwelling, hereby permitted, the 2.4m high Acoustic fence as shown on drawing 2742.21.2E, and detailed within the Noise Impact Assessment (IEC/4401/01/AVH), shall be installed, and shall thereafter be retained in this approved form.

Reason: To protect the amenity of future residents from the adjacent Public House and Beer Garden.

9. Prior to development above slab level full details of the soft landscape works, shown on drawing 2742.21.2E, shall be submitted to and approved in writing by the Local Planning Authority. These details 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.

The approved landscaping scheme shall be completed within 6 months of the first occupation of the dwelling, hereby permitted. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, and to provide amenity benefits to future residents.

10. During the construction of the dwelling, hereby permitted, no construction works shall take place outside of the following hours:

- 07:30 to 18:00 Monday to Friday
- 08:00 to 12:00 (Noon) Saturdays

Reason: To protect the amenity of neighbouring land users during the construction phase.

The meeting concluded at 3:13 PM

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Chairman