

Confirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 20 December 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 Tony Fryatt, Councillor David Ritchie

Officers present:

Jamie Behling (Assistant Planner), Karen Cook (Democratic Services Manager), Marianna Hall (Principal Planner), Daniel Kinsman (Environmental Protection Officer), Matt Makin (Democratic Services Officer (Regulatory)), Philip Ridley (Head of Planning and Coastal Management), Dominic Starkey (Assistant Enforcement Officer), Michelle Stimpson (Environmental Health Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

No apologies for absence were received.

Councillor Yule advised that she would need to leave the meeting no later than 4pm to attend another appointment.

2 Declarations of Interest

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

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

Councillor Colin Hedgley declared a Non-Registerable Interest in item 6 of the agenda, as the application was in his Ward.

Councillor Debbie McCallum declared a Non-Registerable Interest in item 7 of the agenda, as a licensee in the East Suffolk area.

Councillor Mark Newton declared a Non-Registerable Interest in item 7 of the agenda, as he had taken part in the Licensing Sub-Committee that had granted a premises licence for the business on the application site and stated that he would leave the meeting and not take part in the determination of the related planning application.

Councillor Newton also declared an Other Registerable Interest in item 8 of the application, as a member of Rushmere St Andrew Parish Council.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Stuart Bird, Chris Blundell, Tony Cooper, Tom Daly, Mike Deacon, Colin Hedgley, Mark Newton and Kay Yule all declared that they had been lobbied on item 6 of the agenda and that they had not responded to any correspondence received.

4 Minutes

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

RESOLVED

That the Minutes of the Meeting held on 22 November 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1384** 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 28 November 2022. At that time there were 17 such cases.

There being no questions to the officers, the Chairman sought a proposer and seconder for the recommendation to note the report. On the proposition of Councillor Cooper, seconded by Councillor Yule, it was by a unanimous vote

RESOLVED

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

6 DC/22/0998/FUL - Land East of B1077 Mow Hill, Witnesham, IP6 9EH

The Committee received report **ES/1385** of the Head of Planning and Coastal Management, which related to planning application DC/22/0998/FUL.

The application sought full planning permission for the residential development of 32 dwellings, together with areas of new public open space and the provision of a new access to the site from the B1077 on land east of Mow Hill, Witnesham, IP6 9EH.

The application was before the Committee as 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 the decision be made by the Committee due to its scale, the allocated status of the application site and the level of public interest in the proposal.

The Committee received a presentation from the Planning Manager (Development Management, Major Sites and Infrastructure), on behalf of the case officer for the application. The Planning Manager summarised the information on the application contained in the update sheet, which had been published on the Council's website on Monday, 19 December 2022, alongside the agenda and reports for the meeting.

The Committee was informed that the principle of development had been established on the site through policy SCLP12.70 of the Suffolk Coastal Local Plan (the Local Plan), which had allocated the site for development. It was noted that there was no adopted Neighbourhood Plan for Wivesham.

The Planning Manager outlined the context of the site and its current agricultural use as an arable field; the Committee received an aerial photograph demonstrating this. The Committee was advised of the site's relationship with neighbouring dwellings to the north and west, a public house to the south, and agricultural land to the east. The proximity of Grade II and Grade II* listed buildings was demonstrated, as well as a public footpath, Public Right of Way (PROW) 26, which ran along the south-western boundary of the site.

The Committee was advised that the site was partially in flood zone 1 and there was a low probability of the site being flooded by rivers or sea. The Planning Manager noted an area of the site that was at low risk of surface water flooding, at the southernmost extremity of the site, and highlighted that no dwellings were proposed in this area

The proposed site layout was displayed, detailing the single point of access, the linear arrangement of dwellings and the use of a spine road and how housing would be arranged around this. The Planning Manager noted the southern area of the site that would accommodate an attenuation basin to deal with surface water flooding.

The Committee received photographs of the site demonstrating views:

- looking north-east on Mow Hill, looking north on Mow Hill towards the proposed access point
- looking south on Mow Hill
- looking south on Mow Hill towards the neighbouring public house
- the existing PROW (26) accesses to and from Mow Hill
- looking north-east towards Springfield
- looking east across the site (demonstrating changes in levels)
- looking south-east
- looking south towards Grade II and Grade II* listed buildings at Redhouse Farm
- looking north from the southern point of the site
- looking west towards the site and boundary with Mow Hill

The proposed site layout was revisited in more detail, with the Planning Manager detailing the location of housing along the spine road and in cul-de-sacs. The site was highlighted as being screened from Mow Hill by an existing hedgerow and that development would be set away

from this boundary to protect this vegetation. The Planning Manager highlighted the proposed drainage swales and the attenuation basin at the south of the site, along with the highways proposed to be adopted.

The Planning Manager outlined that the application site, at the southern edge, did not fully extend to the allocation site boundary. This had been discussed with the applicant and it had been requested that the Section 106 Agreement make it clear that this land is covered to its full extent to ensure a landscape strategy for the whole site. It was noted that this area of the allocated site was being retained for access to the agricultural land to the east of the application site; officers considered this acceptable but required the area be seamlessly integrated from a landscaping perspective.

The Committee's attention was drawn to the road ending abruptly at the eastern edge of the site; the Planning Manager explained the applicant had claimed this was to provide alternative access to the agricultural land to the east of the site and its use would be seasonal, for the harvest. Officers had considered the abrupt ending originally proposed to be poor from a landscaping point of view and following discussions with the applicant this had been softened by removing one of the pavements and integrating additional landscaping.

The Planning Manager acknowledged the concerns raised by Swilland & Witnesham Parish Council, who considered this access was to future-proof for further residential development to the east; the Committee was reminded that it was considering the application before it and any future planning application adjacent to the site was not a material planning consideration.

The Committee was advised that the hedgerow on the western boundary, bordering Mow Hill, would be mostly retained with only minimal loss to incorporate the access point and the required visibility splays. The Planning Manager detailed the access layout and proposed crossing points for Mow Hill, along with a landscaping plan for the site.

The Committee received the proposed street scenes and cross-sections; the Planning Manager noted the gradient of the site and outlined how the housing would be designed to "stagger" up the gradient. The Planning Manager outlined the proposed affordable housing mix, spread across the site, noting that 10 affordable housing units would be delivered; the site allocation sought 10.5 affordable dwellings and the 0.5 of a dwelling would be secured by a commuted sum, through the Section 106 Agreement.

The Committee was advised of the proposed materials to be used, including brickwork, tiling and slate; the Planning Manager considered the style to be similar to other housing developments delivered by the applicant. The drainage strategy was set out, with the Committee being made aware of the sustainable urban drainage (SUDS) features leading towards an attenuation basin for extreme events to maintain the current water run-off rate on the site.

The Planning Manager displayed proposed elevations for the different housing types proposed, as well as garage plans and the parking schedule for the site.

The material planning considerations and key issues were summarised as:

- principle of development and site allocation (SCLP12.70)
- design and layout

- affordable housing and mix
- sustainable construction
- landscape and visual impact
- biodiversity and ecology
- residential amenity
- highways, sustainable transport and public rights of way
- flood risk and surface water drainage
- archaeology
- financial contributions

The Planning Manager summarised the local planning policies that the proposed development was considered to be in accordance with, subject to compliance with conditions and obligations as applicable, as well as the draft heads of terms for the proposed Section 106 Agreement. 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 advised that policy SCLP5.10 of the Local Plan sought one in three dwellings on residential developments to be affordable dwellings and that the Affordable Housing Supplementary Planning Document (SPD), adopted by the Cabinet in May 2022, set out more detail when considering affordable housing in residential developments, including how to deal with situations where a fraction of an affordable dwelling is required. The Planning Manager confirmed that the Council's policy was that partial affordable housing units were dealt with by way of commuted sum payments, which would be spent on delivering affordable housing across East Suffolk.

In response to a question on what constituted affordable rent, the Head of Planning and Coastal Management confirmed that this amount would be defined in any Section 106 Agreement and would not be a percentage of the open market; it was suggested that if the application was approved, this information would be cascaded to members of the Committee and the relevant ward members when available.

The Planning Manager confirmed that a Habitat Regulations Assessment (HRA) had been completed and considered acceptable by the Council's Ecologist, and that further ecological surveys would be secured by condition. A Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) payment had been secured and the Committee was advised that replacement planting would take place on the site to mitigate the loss of hedgerow required to create the access point to the site. The Head of Planning and Coastal Management added that Natural England had granted a licence on the site regarding Great Crested Newts and had not objected to the application subject to proposed conditions.

The Planning Manager stated that Electric Vehicle charging points could be required by condition and new Building Regulations also expected them to be delivered on new sites; air source heat pumps could not be secured by condition.

In response to a question regarding having adequate footpaths linking to the wider network, the Planning Manager noted that the Highways Authority had not objected to the application and noted the crossing points that would link the site to the wider pedestrian network and provide a walking route into Witlesham.

The Chairman invited Councillor Hindle, representing Swilland & Witnesham Parish Council, to address the Committee. During Councillor Hindle's address, the Planning Manager displayed drawings on the screens requested by Councillor Hindle to illustrate his points. Councillor Hindle considered that it had been a mistake to allocate the site when creating the Local Plan, given the significant impact any development will have on Witnesham, but acknowledged it was an allocated site and would be developed.

Councillor Hindle said that despite the Parish Council attempting to work with all parties to seek a suitable development for the site, that would integrate into Witnesham and meet planning policy requirements, it had felt ignored during this process.

Councillor Hindle stated that should the Committee be minded to approve the application, the Parish Council sought that 11 rather than 10 affordable dwellings be delivered, a 10-metre tree belt along the eastern boundary and a small tree copse planted which would be looked after by a management company and used as public open space, removal of the proposed farm access on the eastern edge of the site as it was deemed improper for agricultural vehicles to use a residential area as an access route, further consultation on public open spaces as the southern open space would be largely occupied by the attenuation basin, and pedestrian access from the north-west of the site to the wider village. Councillor Hindle suggested these aspects could be delivered by conditions.

The Chairman invited questions to Councillor Hindle. Councillor Hindle said that the Parish Council had not been consulted at the pre-application stage and it had proposed the conditions he had set out at each consultation stage. Councillor Hindle considered that the applicant had been dismissive of the Parish Council during the process.

Councillor Hindle noted that the Parish Council had objected to the site allocation during the consultation phases for the Local Plan and at its Public Inquiry.

Councillor Hindle said he was not familiar with the Council's policy addressing partial affordable housing units and considered more should be delivered on the site as there was a poor affordable housing provision in Witnesham.

The Chairman invited Mr Eburne, representing the applicant, to address the Committee. Mr Eburne was accompanied by Mr Martin-Edwards from James Bailey Planning Ltd, who was present to answer any technical questions. Mr Eburne noted that the site was allocated for development in the Local Plan and that the proposed development accorded with planning policies as set out in the report and presentation.

Mr Eburne confirmed that a broad range of homes were proposed, all compliant with national space guidance. Mr Eburne highlighted that there had been no objections to the application from statutory consultees and that the development would be sympathetic to neighbouring heritage assets and flooding issues and would be climate change resilient. Mr Eburne considered that the site would be well-connected to the village and have appropriate landscaping, including the retention of the hedgerow on the western boundary. Mr Eburne advised that affordable housing would be prioritised for those in housing need and with a link to Witnesham.

Mr Eburne said that Electric Vehicle charging points and air source heat pumps would be installed as standard on the site and noted the £740,000 committed sum that would be

secured. Mr Eburne commended the application to the Committee as a sensitive scheme, deserving of its full support.

The Chairman invited questions to Mr Eburne and Mr Martin-Edwards. Mr Eburne said that further ecological surveys would be secured by condition and that their findings would advise further mitigation strategies as appropriate. Mr Eburne acknowledged that mitigation was also proposed for any Great Crested Newts found on the site, as well as for a badger sett off-site. Mr Eburne confirmed that ecological surveys would be refreshed immediately prior to construction commencing, to ensure mitigation strategies were up to date. Mr Martin-Edwards highlighted that the removal of hedgerow would be kept to a minimum, to create the access point and the required visibility splays.

Mr Eburne said that the applicant was happy to engage with the Parish Council throughout the process, noting it had attempted to do previously but had found this very difficult given the Parish Council's opposition to the application. Mr Martin-Edwards added that a consultation meeting took place in June 2022, which the Parish Council was invited to, and that there had been email correspondence throughout the application process. Mr Martin-Edwards said it would be possible to share contact details with the Parish Council for construction management. Mr Eburne noted that several amendments made to the scheme had been in response to the Parish Council's responses.

Mr Eburne said that a tracking exercise had been conducted to ensure that agricultural vehicles would be able to navigate to the eastern access on the site and this had been vetted by the Highways Authority. Mr Eburne reiterated that this access would only be used on a seasonal basis and would not form part of regular traffic movements on the development.

Mr Eburne confirmed that open space management will be put into a management company, secured through the Section 106 Agreement and noted that to achieve the Parish Council's wish for a north-western pedestrian access out of the site, further and significant hedgerow removal would be required to ensure a safe crossing point at Mow Hill.

NOTE: Councillor Tony Fryatt, Ward Member for Witnesham, had been present remotely to speak on the application, but was not able to address the Committee due to technical issues. Democratic Services officers attempted to resolve the issue but were unable to do so, and Councillor Fryatt left the meeting.

The Chairman invited the Committee to debate the application that was before it. Councillor Hedgley, who was also Ward Member for Witnesham, considered the concerns of the Parish Council and other objectors to be genuine and considered that despite their efforts, engagement with the applicant had been limited. Councillor Hedgley questioned the need for 32 dwellings in Witnesham, when significant development was happening nearby on the edge of Ipswich and noted conflicting statements from government departments on the need from housing land and growing land, highlighting that this development was on an agricultural field. Councillor Hedgley was of the view that the eastern access to agricultural land was not required.

Councillor Bird spoke about the robustness of the Local Plan making process and highlighted that the site had been allocated for development in the adopted Local Plan; he considered revisiting the debate on whether the site should be allocated as superfluous and was of the view that there were no material planning reasons to refuse the application. Councillor Bird

said it was clear that fractions of affordable housing requirements were dealt with, by policy, through a commuted sum and considered that the Parish Council's request for a north-western pedestrian access would cause harm to the hedgerow through further removal.

Councillor Bird concluded that the application was policy compliant in all aspects, there was a need for the housing, and that the scheme was extremely well designed, and would be supporting its approval.

There being no further debate, the 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 conditions. On the proposition of Councillor Bird, seconded by Councillor Cooper, it was by a majority vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, with conditions (listed below) and subject to final landscaping revisions, the completion of a S106 Legal Agreement to secure obligations including but not limited to:

- Affordable housing provision.
- Contribution towards Habitats Regulations Mitigation (RAMS).
- Open space (including management company) covering the site and adjacent farm access land up to and including the Public Right of Way.
- A financial contribution towards school transport.
- Bus stop improvements.

Conditions:

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

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

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

Received 20 October 2022:

- WIT1 004 Rev D
- WIT1 005 Rev D
- WIT1 105 Rev B
- WIT1 106 Rev B
- WIT1 107 Rev A
- WIT1 117 Rev A
- WIT1 118 Rev A
- WIT1 125 Rev A
- WIT1 126 Rev A
- WIT1 127 Rev A
- WIT1 128 Rev A

- WIT1 129 Rev A

Received 19 August 2022:

- 7589/ASP3 D

Received 14 July 2022:

- WIT1-006 A
- WIT1-112 A
- WIT1-116 A
- WIT1-202 A
- WIT1-204 A
- WIT1-007
- WIT1-130

Received 11 March 2022:

- WIT1 003
- WIT1 101
- WIT1 102
- WIT1 103
- WIT1 104
- WIT1 108
- WIT1 109
- WIT1 110
- WIT1 111
- WIT1 113
- WIT1 114
- WIT1 115
- WIT1 119
- WIT1 120
- WIT1 121
- WIT1 122
- WIT1 123
- WIT1 124
- WIT1 201
- WIT1 203
- WIT1 205
- WIT1 206
- WIT1 207
- WIT1 208
- WIT1 301
- WIT1 302
- WIT1 303
- WIT1 304
- WIT1 401

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

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

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

4. Each section of the approved means of enclosure illustrated on the external works layout (005 Rev D) shall be erected prior to the occupation of the dwelling to which they specifically relate. The approved means of enclosure shall thereafter be retained in their approved form.

Reason: In the interests of visual and residential amenity.

5. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwellings. It shall thereafter be retained and maintained in its improved form.

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

6. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

7. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition.

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

assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

8. Prior to commencement of the hereby approved development, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority and include details demonstrating how a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in Building Regulations is achieved. The identified measures shall be implemented in accordance with the approved statement, and thereafter be retained and maintained in their approved form.

Reason: To ensure the finished development implements the approved sustainable measures to comply with Planning Policy SCLP9.2.

9. The following dwellings shall be constructed to meet the Requirements of M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings and therefore retained in their approved form:

- Plot 4
- Plot 5
- Plot 7
- Plot 8
- Plot 9
- Plot 10
- Plot 11
- Plot 12
- Plot 13
- Plot 14
- Plot 15
- Plot 25
- Plot 31
- Plot 32

Reason: To ensure the development complies with Planning Policy SCLP5.8.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A, AA, B, C, D, E, F and Part 2 Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment.

11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected.

13. Prior to any works above ground level, 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.

14. No development shall take place (including any demolition, ground works, site clearance or vegetation clearance) until the further surveys for badger and hazel dormouse identified in the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) have been undertaken. The results of these surveys and details of any necessary additional mitigation measures shall be submitted to the Local Planning Authority prior to works commencing.

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

15. Prior to any works above ground level an Ecological Enhancement Strategy, in accordance with the measures identified in the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) and addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

16. 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.

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

Monday - Friday: 7:30-18:00

Saturday: 8:00 - 13:00

Sundays/Bank Holidays: No noisy working

These restrictions also apply to deliveries/collections from site.

Reason: In the interests of residential amenity.

18. No development shall commence until a detailed Construction Method Strategy has been submitted to and approved by the Local Planning Authority. This statement shall set out how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To ensure minimal adverse impact on the public highway and neighbouring amenity during the construction phase.

19. 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
- 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.

20. 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 no. DM10 with an entrance width of 5.5 metres. 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.

21. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

22. Before the access is first used visibility splays shall be provided as shown on Drawing No. 004-D with an X dimension of 2.4 metres and a Y dimension of 90 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.

23. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

24. The use shall not commence until the area(s) within the site shown on Drawing No. 004-D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

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

Reason: To ensure the provision of charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019.

26. Before the development is commenced details of the areas to be provided for the secure, covered, and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019.

27. Before the development is commenced, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose (or) the approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation 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.

28. Before the development is commenced details of a new footway shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed to base course before the development is first occupied and fully completed prior to the occupation of the dwellings hereby approved in accordance with the approved scheme. The footway shall be retained thereafter in its approved form.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

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

Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard.

30. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.

31. The strategy for the disposal of surface water (detailed Flood Risk Assessment 2140-570, Revision A 22 September 2021; 2104-570 Mow Hill, Witnesham Suffolk: Technical Note on Planning Objection (received 11 July 2022); and 2104-570 Mow Hill, Witnesham Suffolk :Technical Note on Planning Objection (received 01 August 2022) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

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

32. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

33. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

i. Temporary drainage systems

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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidanceon-development-and-flood-risk/construction-surface-water-management-plan>.

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

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

35. No development shall commence or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plan, have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

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

36. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

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. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of

new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email llpg@eastsuffolk.gov.uk.

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

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

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

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

CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5.

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

4. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence>.

5. The Local Planning Authority recommends that developers of housing estates should enter into formal agreements with the Highway Authority under Section 38 of the Highways Act 1980 in the interests of securing the satisfactory delivery, and long term maintenance, of the new streets.

For further information please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence>.

Please note that this development may be subject to the Advance Payment Code and the addition of non statutory undertakers plant may render the land unadoptable by SCC Highways for example flogas and LPG.

6. Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption

criteria: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice>.

7. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.

8. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

9. Any works to a main river may require an environmental permit.

10. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

11.

i. PROW are divided into the following classifications: o Public Footpath - only for use on foot or with a mobility vehicle o Public Bridleway - use as per a public footpath, and on horseback or by bicycle o Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage o Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

ii. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

iii. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below: o To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads->

[and-transport/public-rights-of-way-in-suffolk/rightsandresponsibilities](https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rightsandresponsibilities) or telephone 0345606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. o To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> or telephone 0345 606 6071.

iv. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

v. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage. In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk>.

NOTE: following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.25pm and was reconvened at 3.34pm. Councillor Yule left the meeting during the adjournment.

7 DC/22/1341/FUL - 55-57 Undercliff Road West, Felixstowe, IP11 2AD

NOTE: Councillor Newton left the meeting for the duration of this item.

The Committee received report **ES/1387** of the Head of Planning and Coastal Management, which related to planning application DC/22/1341/FUL.

The application sought retrospective approval for change of use from restaurant use (Class E) to drinking establishment (Sui Generis) at 55-57 Undercliff Road West, Felixstowe. As the case officer's recommendation of refusal was contrary to Felixstowe Town Council's recommendation of approval, the application was considered by the Planning Referral Panel at its meeting on 22 November 2022 where it was recommended that the application be determined at Committee.

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 was shown images of the front of the site taken from Undercliff Road West; the Principal Planner noted that no external alterations had been made to the building other than signage. The Principal Planner also displayed the floor plans for the building from before and after the change of use.

The material planning considerations and key issues were summarised as the impact on the character of the area, particularly the conservation area, and the impact on residential amenity. The recommendation to refuse the application was outlined to the Committee.

The Chairman invited questions to the officers, and it was noted that officers from the Council's Environmental Protection team were also present to answer any queries. The Planning Manager (Development Management, Major Sites and Infrastructure) advised that the planning system could impose hours of use by condition; officers would usually seek to come to an agreement with applicants on this matter and where there is resistance from an applicant, this would often result in a recommendation of refusal.

The Principal Planner noted that four objections to the application had been received, relating to noise spillage from the premises and noise from customers leaving the building. The Environmental Health Officer advised that the Environmental Protection team had received a total of 26 complaints, from two complainants, relating to noise issues. Environmental Protection officers had visited the site on several occasions to witness these noise issues.

The Principal Planner confirmed that the premises had opened as a bar in 2021. The Principal Planner was not aware of the operating hours of other premises in the immediate area; the Planning Manager advised that there were no other late-night drinking establishments in that row of premises.

The proximity of residential properties to the application site was demonstrated to the Committee.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee. Councillor Smith stated that the Town Council's Planning and Environment Committee had considered the application at its meeting in June 2022 and noted that since that time, additional information had become available that was not attached to the application when that committee considered it.

Councillor Smith said that the Town Council regularly saw planning applications that sought to evolve and update the varied resort offer in this area of Felixstowe and was experienced in judging the positive tourism effects of such applications against their impact on residential amenity and had framed its comments on this application as such.

Councillor Smith said the proposed change of use was a new element in Felixstowe's tourism offer, considering it to be novel and with minimal impact on residential amenity. Councillor Smith considered the Town Council's recommendation of approval to have been in line with East Suffolk Council's own planning policies, as well as the Town Council's own policies to encourage varied use whilst keeping impact of residential amenity to a minimum.

Councillor Smith acknowledged that since the Town Council had made its recommendation, several issues had been raised in relation to the premises; Councillor Smith said he could not comment on these issues as the Town Council had not come to a collective view on them.

The Chairman invited questions to Councillor Smith. Councillor Smith maintained that the Town Council's support of the application was predicated on the information that had been available

to its Planning and Environment Committee's meeting in June 2022 and could not comment on the additional information submitted in the intervening period.

The Chairman invited the Committee to debate the application that was before it. Councillor Bird opened the debate and admitted to being conflicted on the application, supporting the change of use's contribution towards high intensity tourist use in the area and to creating a more varied tourist offer for Felixstowe seafront, and noting that other late-night operations, such as takeaways, immediately neighboured the site.

Councillor Bird also acknowledged the concerns about noise issues and the complaints made about their impact on residential amenity. Councillor Bird was reluctant to refuse the application and suggested it could be approved with conditions to reduce the opening hours and minimise noise spillage from the premises.

In response to a question from the Chairman on opening hours, the Principal Planner advised that discussions had taken place with the applicant, who had been willing to reduce the opening hours but not to the extent recommended by Environmental Protection. The applicant had also been contacted regarding reducing music levels in the premises but had not responded. The Chairman considered that the applicant, as a premises licensee, had a responsibility to work with their neighbours.

Councillor Deacon said he was opposed to the application as he had insufficient confidence that the recommendations made by Environmental Protection, set out in the report, could be met on the site as the applicant had been given several opportunities to do this and had not done so. Councillor Deacon noted that a sizable block of flats was also located close to the site.

Councillor Blundell expressed concerns about the late-night noise issues, considering them to be the principal concern.

Councillor Daly noted that the night-time industry had suffered due to COVID-19 lockdowns and considered there was a demand for the services offered on the site; he was reluctant to refuse the application without good cause. In response Councillor Deacon spoke about his own experience of living near a licensed premises where there had been noise issues, describing it as having been an absolute nightmare.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to refuse the application, as set out in the report. On the proposition of Councillor Deacon, seconded by Councillor Cooper, it was by a majority vote

RESOLVED

That the application be **REFUSED** for the following reasons:

This application seeks retrospective planning permission for the use of the premises as a bar.

The current use of the premises as a bar is considered to have a detrimental impact on the residential amenity of nearby dwellings in terms of noise and disturbance, due to music breakout from the building itself and noise from customers outside of the premises. The submitted Noise Assessment furthermore does not provide sufficient confidence that noise from the premises can be sufficiently controlled in order to prevent unacceptable impacts.

The proposal is therefore contrary to policies SCLP10.3: Environmental Quality and SCLP11.2: Residential Amenity of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020) and to paragraphs 174 and 185 of the National Planning Policy Framework. These require proposals to protect the quality of the environment by minimising all forms of pollution, including noise pollution, and avoid noise and disturbance giving rise to significant adverse impacts that result in an unacceptable loss of amenity for existing or future occupiers of development in the vicinity.

Informative:

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

8 DC/22/2599/FUL - 708 Foxhall Road, Rushmere St Andrew, IP4 5TD

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

The Committee received report **ES/1388** of the Head of Planning and Coastal Management, which related to planning application DC/22/2599/FUL,

The application sought permission to erect a detached annex within the rear garden of 708 Foxhall Road in Rushmere St Andrew. As the case officer's recommendation of approval was contrary to Rushmere St Andrew Parish Council's recommendation of refusal, it was considered by the Planning Referral Panel at its meeting on 22 November 2022, where it was referred to the Committee for determination, to consider the relationship between the annex and the main dwelling, and highway safety due to the parking arrangement.

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 the original and revised plans for the proposed development. The Assistant Planner confirmed that the proposed annex would now be located on the eastern boundary in a more linear form, and closer to the host dwelling than originally proposed.

The Committee received the proposed floor plan and elevations, along with photographs of the site demonstrating views of the application site from various points of the host dwelling's garden, the building to be removed, the southern, eastern and western boundaries of the host dwelling's garden, and the existing driveway parking arrangements. The Assistant Planner noted that there had been no objection to the proposals from the Highways Authority.

The material planning considerations and key issues were summarised as the relationship to the host dwelling, the impact on residential amenity, and off-road parking. The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers. The Assistant Planner confirmed that the use of the annex for family purposes would be enforced by condition and that any alternative use, such as a holiday let, would be dealt with by way of planning enforcement.

In respect of question regarding policy SCLP5.13 of the Suffolk Coastal Local Plan (the Local Plan) on how officers were satisfied the annex would be well related to the host dwelling, the Assistant Planner said that in this instance, as the annex would be located directly behind the host dwelling with limited access and a shared drive, it would be difficult to sub-divide the property without being contrary to planning policies, and therefore would be easy to resist should any application be made.

There being no public speaking, the Chairman invited the Committee to debate the application that was before it. Councillor Newton, whose Ward the application site was in, opened debate and highlighted that it had been extensively debated by Rushmere St Andrew Parish Council, particularly on the matter of the annex's relationship to the host dwelling. Councillor Newton said that the Parish Council had considered that if it was well-related then it would have use to the host dwelling beyond being an annex and any additional use was not clear. Councillor Newton also expressed concerns about vehicles reversing from the driveway onto Foxhall Road, where speeding was common.

Councillor Bird considered that the parking arrangements on the site would not be changed by the proposed development and therefore as an existing issue could not be held against the proposals. Councillor Bird stated that the Assistant Planner's explanation on how officers considered the annex to be well-related to the host dwelling had been helpful in clarifying the issue for him and he was satisfied with the application. Councillor Hedgley concurred with Councillor Bird's point on parking.

In response to a point raised by Councillor Deacon, officers confirmed that a building 0.5 metres shorter than the proposed annex could be developed under permitted development rights, but that the proposed use required planning permission.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, set out in the report. On the proposition of Councillor Bird, seconded by Councillor Hedgley, it was by a majority 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 2257.01D received 25/10/2022, 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 annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 708 Foxhall Road.

Reason: Having regard to the special circumstances put forward by the applicant in relation to a proposal which is inappropriate for use as a separate dwelling.

5. 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.

Informative:

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 4.15pm.

.....

Chairman