

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 26 October 2021 at 2.00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor Tony Fryatt

**Officers present:**

Chris Bing (Head of Legal and Democratic Services & Monitoring Officer), Grant Heal (Planner), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Alli Stone (Democratic Services Officer), Dominic Starkey (Assistant Enforcement Officer), Ben Woolnough (Planning Development Manager), Nicola Wotton (Deputy Democratic Services Manager)

**Others present:**

Luke Barber (Suffolk Highways)

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**Announcements**

The Chairman opened the meeting and stated that she had re-ordered the agenda; item 10 would be heard after item 5, followed by item 9, before proceeding to item 6.

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Tom Daly and Kay Yule. Councillor John Fisher attended as Councillor Daly's substitute.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in items 9 and 10 of the agenda as a member of Felixstowe Town Council and Chairman of that authority's Planning & Environment Committee.

Councillor Chris Blundell declared a Local Non-Pecuniary Interest in item 6 of the agenda as the Ward Member for the application.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in items 9 and 10 of the agenda as a member of Felixstowe Town Council.

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

Councillors Stuart Bird, Chris Blundell, Tony Cooper, Debbie McCallum, and Mark Newton all declared that they had been lobbied on items 6, 7 and 8 of the agenda and had not responded to any correspondence.

Councillor Mike Deacon declared that he had been lobbied on items 6, 7 and 8 of the agenda and had only replied to correspondence to acknowledge it.

Councillor John Fisher declared that he had been lobbied by Grundisburgh and Culpho Parish Council on items on 7 and 8 and had not responded to any correspondence.

Councillor Colin Hedgley declared that he had been lobbied on items 6, 7 and 8 of the agenda; he had not replied to any correspondence relating to item 6 and had responded to some but not all the correspondence on items 7 and 8.

#### **4a Minutes - 20 September 2021**

Councillor Fisher highlighted an error in the Minutes under item 3, where it stated that he had been lobbied by the applicant on item 5 of the agenda. Councillor Fisher stated that he had declared that he had been lobbied by Grundisburgh and Culpho Parish Council and not the applicant.

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

#### **RESOLVED**

That the Minutes of the Meeting held on 20 September 2021 be confirmed as a correct record of the meeting and signed by the Chairman, subject to the following amendment:

- That Councillor Fisher's declaration of lobbying under item 3 of the Minutes be changed to read "*Councillor John Fisher declared that he had been lobbied on item 5 of the agenda by Grundisburgh and Culpho Parish Council by email and had not responded.*".

#### **4b Minutes - 28 September 2021**

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

#### **RESOLVED**

That the Minutes of the Meeting held on 28 September 2021 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0925** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 24 September 2021. At that time there were nine such cases.

The report was taken as read and the Chairman invited questions to the officers.

The Assistant Enforcement Officer advised that the enforcement cases at Top Street, Martlesham and Homeland House, Ashbocking Road, Swilland had been heard at court on 15 October 2021. The case at Top Street had been adjourned until 12 November 2021 and the case at Homeland House had been adjourned until 29 October 2021.

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

### **RESOLVED**

That the outstanding enforcement matters up to 24 September 2021 be noted.

### **10 DC/21/2444/FUL - Trim Train and Volley Ball Area, Sea Road, Felixstowe**

The Committee received report **ES/0930** of the Head of Planning and Coastal Management, which related to planning application DC/21/2444/FUL.

The application sought planning permission for the construction of a 'Beach Village' area, including 27 traditional wooden beach huts, five accessible beach pods and new public conveniences on the site of existing 'Trim Trail' and 'Volleyball' areas off Sea Road, Felixstowe. The application also proposed the relocation and enhancement of the existing trim trail equipment to land further south, including the siting of three boules rinks, table tennis tables and exercise spaces.

As the Council was both the applicant and the landowner the application had been referred to the Committee for determination, as required by the Scheme of Delegation set out in the East Suffolk Council Constitution.

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

The site's location was outlined; the site comprised of open amenity space and was situated between Sea Road and Felixstowe Promenade. The Committee was shown an aerial view of the site which demonstrated the two parcels of land that made up the application site, labelled site one and site two.

The Committee was shown photographs of various views of both areas of the site and the surrounding area, demonstrating the site's relationship with both Sea Road and the seafront.

The Planner displayed both the original and revised proposed layout of site one, which would contain the beach huts, accessible beach hut pods and public conveniences, the latter of which would include accessible toilet facilities. The Planner explained that minimal changes had been

made when the layout had been revised, relating to surfacing, materials and drainage, and had retained the same design ethos.

The Committee was shown the proposed block plans and elevations for the public conveniences and the accessible beach huts.

The Planner displayed both the original and revised proposed layout of site two, which would contain the recreational and exercise facilities. The proposed climbing wall was proposed to reach a maximum height of 2 to 2.5 metres. The Planner advised that as with site one, the revisions to the layout had been minimal, relating to slight variations in spacing, and the design ethos had been retained.

The main considerations were summarised as:

- Impacts
  - residential outlook
  - noise disturbance
  - conservation area; and
- Benefits
  - promotes public health and wellbeing
  - promotes tourism and outdoor recreation
  - supports resort function and long-term vitality

The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers. It was noted that Mr Neil Cockshaw, the Council's Programmes and Partnerships Manager, was also present to answer any questions.

The siting of the beach hut pods was clarified. Mr Cockshaw was able to advise the Committee that there would be a maximum of five pods that could be hired out. It was confirmed that the open green space in site one would remain open to the public.

There being no public speaking, the Chairman invited the Committee to debate the application that was before it.

Councillors Deacon and Bird both considered that the development would enhance Felixstowe, in particular its tourism offer. Councillor Deacon expressed disappointment that none of the standard beach huts would be available to rent. Councillor Bird considered the development reflected the upward trend happening in Felixstowe.

Councillor McCallum noted the continued improvements taking place in Felixstowe and considered the proposals to be positive.

Councillor Hedgley said that the proposed facilities were excellent and would add to the improvements already made in Felixstowe.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application.

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

## **RESOLVED**

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun 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 approved drawing(s):

- Volleyball Area site location plan (received 18 May 2021);
- Trim Trail site location plan (received 18 May 2021)
- 21105 100 rev. D (Proposed site layout plan);
- 21105 51 (Proposed site plan);
- 21105 50 (Proposed site plan);
- 21105 300 (Accessible Beach Huts Proposed Plan and Elevations);
- 21105 200 (Toilet Block Proposed Plan and Elevations);
- 203022-SWE-ZZ-XX-DR-C-0120 (Proposed Drainage Details);
- 203022-SWE-ZZ-XX-DR-C-0100 (Proposed Drainage Layout).

*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. The hereby approved beach huts will only be used for recreational purposes during daylight hours and will otherwise remain unoccupied and not used for any overnight stays.

*Reason: To ensure that the development is occupied only for recreational purposes having regard to the tourism and residential policies of the adopted Local Plan.*

5. The hereby approved development shall at all times be maintained in a clean and tidy condition free from litter and waste.

*Reason: In the interest of protecting public amenity and to safeguard the local environment.*

6. The hereby approved use shall not commence until the bins, lighting and cycle hoops shown on drawing no's. '21105 51' and '21105 50' (Proposed site plan) have been installed and made available for use.

*Reason: In the interest of protecting public amenity and to safeguard the local environment.*

7. 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 ORMAS 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.*

Informatives:

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

## **9 DC/21/1549/FUL - 7 Sea Road, Felixstowe, IP11 2AU**

The Committee received report **ES/0929** of the Head of Planning and Coastal Management, which related to planning application DC/21/1549/FUL.

The application sought planning permission for the conversion of a vacant ground floor commercial unit to provide four new market dwellings, including minor infilling works, at 7 Sea Road, Felixstowe.

The application was considered by the Planning Referral Panel at its meeting of 12 October 2021, as the officer's 'minded to' decision of approval was contrary to Felixstowe Town

Council's recommendation of refusal. The application was referred to the Committee for determination due to the planning history of the site, which the Panel was of the view should be considered by the Committee.

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

The site's location was outlined, and the Committee was shown an aerial view of the site. The Planner noted that the aerial image of the site was taken prior to the demolition and redevelopment of the site.

Photographs were displayed of views of the site from various angles, including the vehicular access to the rear of the property and parking arrangements.

The existing and proposed block plans were displayed, providing details of the proposed conversion. The Planner highlighted that the conversion would result in the loss of two of the eight parking spaces currently located at the rear of the site.

The existing and proposed floor plans and elevations were displayed.

The Planner noted the requirement of policy SCLP4.4 of the Suffolk Coastal Local Plan (hereafter referred to as the Local Plan), on the protection of employment premises, which required marketing evidence to be provided which demonstrates premises have been marketed for a sustained period of 12 months before conversion to residential use could be considered. The Planner gave a summary of the comprehensive marketing strategy undertaken by the applicant, over 22 months, to find an occupier for the commercial premises, which the applicant had stated demonstrated there was no interest in the site for commercial use.

The Planner also highlighted the comments of the Council's Economic Development team made in June, July and October 2021 which concluded that the applicant had done all it can to find an occupier for the premises.

The main considerations were summarised as:

- Impacts
  - loss of commercial floorspace in a seafront location
  - loss of two parking spaces; and
- Benefits
  - provision of four market dwellings
  - removal of dead frontage along main route

The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

In response to a question on policy SCLP12.14 of the Local Plan, the area specific strategy for Spa Pavilion to Manor End, the Planner confirmed the policy was pertinent to the application but did not preclude residential use on the Sea Road frontage, subject to the correct steps

having been taken. The Planner considered that the marketing strategy undertaken by the applicant had demonstrated that an alternate use of the site for residential purposes was acceptable.

It was confirmed that the six spaces provided on the site was the allocated parking for the residential units at 7 Sea Road. The Planner said that the site was in a sustainable area with good transport links and that a lower proportion of parking spaces had been deemed acceptable. The Planner highlighted that no objection to the application had been received from the Highways Authority and the on-street parking in the area.

The Planner reiterated that the Economic Development team had considered the applicant's marketing strategy and had concluded that they had done all they could to find an occupier for the commercial premises, accepting that the strategy had been robust.

The Chairman invited Mr Richard Quelch, agent for the applicant, to address the Committee.

Mr Quelch said there was very little for him to add, given the comprehensive report from the Planner. Mr Quelch commented that his client had demonstrated they had undertaken an extensive and robust marketing of the site for commercial use without success and that the proposed conversion had been carefully considered to provide new homes in keeping with the character of the area which would remove the boarded-up frontage.

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

Councillor Bird considered the application to be worrying and problematic; he referenced that SCLP4.4 also required that conversions such as that proposed also needed to have a substantial planning benefit. Councillor Bird said he welcomed more housing but considered what was proposed to not be in the right area.

Councillor Bird referred to SCLP12.14, which the Planner had acknowledged was applicable to the application and quoted its requirement for conversions to be located on upper floors or at the rear of the ground floor. Councillor Bird considered that there had already been intensification on the site from what had been approved, as two additional residential units had been allowed at the rear of the ground floor and a further two allowed on the upper floors.

Councillor Bird said that SCLP12.14 was in place to protect tourism in the area and stated that the previous application considered by the Committee had evidenced that the tourist industry in Felixstowe was booming. Councillor Bird highlighted that the majority of the site's marketing had taken place when the economy had virtually been at a standstill; he considered the application was in contravention of SCLP12.14 and could not support the application.

Councillor Deacon concurred with Councillor Bird and said he was not aware of many commercial spaces fronting Sea Road being vacant. Councillor Deacon was also concerned about the potential flood risk; although the Committee had been advised this would not be an issue, Councillor Deacon stated that climate change meant that the change to this risk, even in the short-term, could not be accurately predicted.



Councillor Hedgley was conflicted on the application, weighing the objections from Felixstowe Town Council and the points raised during the debate against the information from the Economic Development team regarding the applicant's marketing strategy. Councillor Hedgley did not want to see the commercial space vacant for a long period of time but said that on balance, he agreed that the application was contrary to SCLP12.14 and could not support it.

Councillor McCallum considered that Felixstowe was developing itself and that the South Seafront was a thriving area which had been brought forward in recent times. Councillor McCallum acknowledged that 12 months should be sufficient time to market commercial space but said that the period in which this space had been marketed had been at a time when the economy was not really operating. Councillor McCallum was not against more housing but said she was not able to support the application at that time.

The Chairman sought a proposer and seconder for the recommendation to approve the application; there being no proposer and seconder the recommendation therefore **FAILED**.

The Chairman sought an alternative recommendation and invited the Head of Planning and Coastal Management to advise the Committee.

The Head of Planning and Coastal Management suggested that should the Committee wish to do so it could refuse the application on the grounds that it was contrary to SCLP12.14 or defer the application to enable the applicant to further market the property under an alternative strategy. The Head of Planning and Coastal Management suggested a significant period of time would be required for the latter suggestion.

Councillor Bird considered it was unacceptable to defer the application as this would suggest the Committee was merely 'going through the motions'. Councillor Bird proposed that the application be refused on the grounds that it was contrary to both policies SCLP4.4 (b) and SCLP12.14 of the Local Plan as it did not provide a substantial planning benefit and did not support resort related uses on the Sea Road frontage. This recommendation was seconded by Councillor Fisher and by a majority vote **FAILED**.

Councillor Hedgley proposed that the application be deferred to allow the applicant to further market the property in liaison with the Council's Economic Development team for a period of at least six months and that the application be returned to the Committee for determination.

Councillor Bird said that if Councillor Hedgley was content to amend his proposal for the property to be marketed for 12 months he would be happy to second it. Councillor Hedgley consented to this amendment to his proposal.

The Planning Development Manager advised that the applicant would need to agree to an extension of time on the application and advised the Committee that it may want to include provision to refuse the application, on the grounds earlier stated by Councillor Bird, should the applicant not agree to this extension. Councillors Hedgley and Bird consented to this addition to the recommendation.

On being put to the vote it was unanimously

**RESOLVED**

That the application be **DEFERRED** to allow the applicant to further market the property in liaison with the Council's Economic Development team for a period of at least 12 months and that the application be returned to the Committee for determination, subject to the applicant agreeing to an extension of time on the application; otherwise the application be **REFUSED** on the grounds that it was contrary to both policies SCLP4.4 (b) and SCLP12.14 of the Local Plan as it did not provide a substantial planning benefit and did not support resort related uses on the Sea Road frontage.

## **6 DC/21/1575/ARM - Orwell Crossing Service Area, A14 Nacton East Bound, Nacton**

The Committee received report **ES/0926** of the Head of Planning and Coastal Management, which related to planning application DC/21/1575/ARM.

The application sought approval for the Reserved Matters (including details of access, appearance, landscaping, layout and scale etc.) pursuant to condition no.1 of Outline Planning Permission DC/17/4257/OUT (Class B8 Storage and Distribution and Ancillary Class B1 Office Uses including associated infrastructure, car and lorry parking) at Orwell Crossing Service Area, A14 East Bound, Nacton.

In addition, the application also sought to discharge planning conditions 4 (Travel Plan), 5 (External lighting), 7 (Phasing Management Plan), 8 (Surface Water Management Strategy) 9 (Construction Management Plan), 10 (Site Wide Masterplan Document), 11 (External facing and roofing materials), 12 (Roads and footways), 13 (Electric vehicle charging), 14 (Parameter plan), 16 (Boundary treatments details), 17 (Noise attenuation assessment) and 18 (Link road details) of DC/17/4257/OUT.

The Head of Planning and Coastal Management had referred the application to the Committee for determination, as set out in the Scheme of Delegation within the East Suffolk Council Constitution, due to the significant public interest it had generated. The application was deferred by the Committee at its meeting held on 28 September 2021 to allow the Committee to undertake a site visit.

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

The site's location was outlined; the Planner confirmed that the site was located south-east of Ipswich, abutting the Ipswich Borough Council administrative boundary, and bordering the Ransomes Europark Industrial Estate.

The Committee was shown an aerial view of the site which demonstrated its relationship to the surrounding area. The western half of the site was considered to be brownfield and the eastern half greenfield, and the site was accessed from the A14 via the existing Orwell Truck Stop access. A secondary access from the Ransomes Europark Industrial Estate also existed. The Planner demonstrated the two level crossings and the residential properties bordering the north of the site.

Photographs were displayed showing:

- The existing access to the site;
- Views within the site;

- Hardstanding areas within the site;
- Views from the northern boundary towards the west of the site;
- The 'Shepard and Dog' and 'Routs' level crossings;
- Views towards the northern boundary of the site which compared the heights of telegraph poles in comparison to the proposed building heights;
- Views from Felixstowe Road towards the site, showing the neighbouring residential properties; and
- The neighbouring Suffolk County Council recycling centre and self-store units, again with comparisons to the proposed building heights.

The outline indicative masterplan was displayed, which demonstrated the coverage of commercial buildings across the site. This was compared to the Reserved Matters masterplan with an overlay, which demonstrated that the buildings would be 21.5 metres at maximum ridge height, compared to the 15 to 20 metre height in the outline plans. The Planner highlighted that the unit on the eastern half of the site was positioned further away from the residential properties to the north than had been indicated at the outline stage.

The Committee was shown the parameters plan and the phasing plan, outlining the timeline of the development.

Drawings, elevations, landscaping and layout plans for all of the proposed units were displayed. The Planner outlined the details of the electric vehicle (EV) charging points, pedestrian/cycling access, acoustic fencing, proposed materials, vehicular access (from the A14 and within the site) and the gated emergency access from Ransomes Europark Industrial Estate. The Planner noted that the largest unit, on the eastern half of the site, would be at least 66 metres away from the nearest residential property.

The Planner outlined that each phase of development would be fully landscaped at the northern boundary of the site, creating a green buffer with both native and non-native species. An image of a section of the proposed landscape buffer was displayed.

A computer-generated visualisation of the two units to be located on the western half of the site was displayed.

The Planner noted that the improvements to the A14 access would be secured via a Section 278 Agreement and that the site would include a four-arm roundabout with points of access to the north and west for future phases of development. The Committee was advised that there would be a total of 162 vehicle movements between 8am and 9am and a total of 139 movements between 5pm and 6pm, which equated to 15 trips in the morning and 13 trips in the afternoon over what was estimated at the outline stage.

The main considerations were summarised as:

- Impacts
  - The scale and amount of development;
  - Light, dust and noise impacts on existing dwellings;
  - The height of the proposed buildings in relation to existing dwellings;
  - The visual impact on the Suffolk Coast and Heaths AONB; and
  - The increased use of the 'Shepard and Dog' level crossing.
- Benefits

- The fulfilment of the Local Plan employment allocation, in accordance with policy;
- A high quality design to BREEAM 'very' good standard (including PV, ASHP and EVC);
- Pedestrian/cycle linkage to Ransomes Europark;
- The integration and enhancement of the existing Public Right of Way (PROW);
- A14 vehicular access improvements;
- The creation of 1,180 new long-term employment opportunities; and
- The creation of 300 construction jobs over a two-year build program.

The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

It was confirmed that the existing PROW was not well-used and pre-dated the construction of the A14, originally heading towards Nacton and now terminating at the A14. A member of the Committee highlighted that the PROW in fact continued across the A14 with a pedestrian crossing and asked if this would be maintained; it was suggested that this question be posed to the applicant's agent.

The Head of Planning and Coastal Management confirmed that the Uniserve building in Felixstowe, referred to at the Committee's meeting held on 28 September 2021, was 24 metres high.

In response to a question on the planting on the northern boundary, it was suggested that the applicant's agent would be able to advise on the species that would be planted there. This information was also detailed in the landscaping information submitted with the application.

The Chairman invited Mr Adrian Day, who objected to the application, to address the Committee.

Mr Day said that residents were primarily concerned about the loss of visual amenity that would be caused by the development. Mr Day displayed an image of the Uniserve building in Felixstowe, demonstrating its maximum height of 21 metres, and confirmed this was what he was referring to at the Committee's previous meeting.

Mr Day also displayed an image of a container stack located next to the Council's offices in Melton and stated, for context, that if it was another four containers high it would reach 20.46 metres. Mr Day said that such a building near dwellings would be imposing, especially given the proposed length of the buildings.

Another image was shared with the Committee by Mr Day of fir trees in one of his neighbour's garden, stating that he had erroneously claimed at the site visit they were 13.5 metres high; they were 11 metres high and Mr Day supplied a letter from a Council officer confirming them as such. Mr Day considered that if those trees were another 10 metres high, they would be overwhelming.

Mr Day said that the applicant had acknowledged that the impact of the proposed buildings would be major and that if they needed to be that high they were being built in the wrong place, urging the Committee to refuse the application on these grounds.

At the invitation of the Chairman, the Planning Development Manager clarified the trees in Mr Day's image were at the eastern boundary and not a view towards the boundary. The Planning Development Manager referred to the letter produced by Mr Day and said that the height of the trees had been estimated and a detailed tree survey had not been conducted at that time.

There being no questions to Mr Day the Chairman invited Councillor Graeme Watts, representing Brightwell, Foxhall and Purdis Farm Group Parish Council, to address the Committee.

Councillor Watts confirmed that the Parish Council supported residents in opposing the development and considered it would have a significant impact on amenity. Councillor Watts advised that the Parish Council had scrutinised the application in detail, acknowledging that outline consent had been granted and there were limited grounds for objections.

The Parish Council had concerns regarding the access to the site which it did not believe had been addressed by the application. Councillor Watts highlighted the proposed pedestrian link via the 'Shepard and Dog' level crossing; he noted that the new cycleway would only start in the site and that the section of the path from Felixstowe Road to the level crossing had not been maintained due to the minimal use since the construction of the A14. Councillor Watts noted that the applicant would not be responsible for maintaining this section of the route and queried who would maintain it.

Councillor Watts also drew attention to the comments of Network Rail, noting that although it had not objected to the use of the level crossing route, it had had expressed concerns about increased pedestrian uses. Councillor Watts concluded that the proposed pedestrian link was therefore unsuitable.

There being no questions to Councillor Watts the Chairman invited Mr Tim Rainbird, the applicant's agent, to address the Committee.

Mr Rainbird reiterated that the application sought the approval of Reserved Matters as indicated in the outline consent granted in 2018. Mr Rainbird highlighted that, as stated by the Planner, the application was in line with those conditions.

Mr Rainbird stated that the layout and orientation of the buildings on the site resulted in a minimum separation distance of 66 metres from the nearest residential dwelling, an increase of 20 metres from the outline proposals. In addition, further screening on the northern boundary was also proposed.

Mr Rainbird highlighted that there had been no objections to the application from statutory authorities, including the Council's own Environmental Health team who had assessed that the development would have a minimal impact on amenity. Mr Rainbird said the applicant was sympathetic to the concerns of residents but noted that outline consent existed on the site.

Mr Rainbird said that approval of the application would give rise to substantial economic benefits in terms of jobs created, construction jobs, economic activity and business rate

income. The development would support the logistics market and was supported by both the Port of Felixstowe and the New Anglia Local Enterprise Partnership.

The Chairman invited questions to Mr Rainbird.

Mr Rainbird confirmed that the servicing area for HGVs referred to the area servicing the arrival of HGVs to the site and not mechanical servicing of vehicles.

Mr Rainbird advised that the details of species to be planted on the northern boundary had been submitted with the application; he said that a range of semi-mature trees between 4.5 and 6.5 metres will be planted alongside hedgerow and less mature trees.

The Chairman invited the Committee to debate the application.

Councillor Blundell said he had lived in the area for a long time and had seen several changes to the landscape but considered buildings of this size would change the amenity of people living in the area as well as completely altering the landscape. Councillor Blundell acknowledged that there was outline consent on the site but was unhappy with the application as it would dominate the lives of residents and exacerbate existing traffic issues. Councillor Blundell said he was not able to vote on the application.

Councillor Deacon said he valued the site visit which answered a lot of his queries. Councillor Deacon said that notwithstanding the building sizes, he was concerned about the number of freight rail movements on the line along with passenger services, and the use of the level crossing by pedestrians on such a busy line. Councillor Deacon added that the road access to the A14 would put additional strain on the Seven Hills junction. Councillor Deacon lamented the loss of general haulage driver facilities on the site.

Officers clarified that although the loss of haulage driver services was disappointing, the former Orwell Truck Stop business was not part of this application site and reminded the Committee that the application was for matters of detail reserved by the conditions of the outline planning consent and that the principle of development had been established on the site.

Councillor Hedgley said he appreciated both the benefits and the impact of the proposed development; he expressed concern about the lack of general facilities for drivers on the site as well as the size of the buildings but noted the development would bring improvements to the A14 access and create a significant amount of jobs. Councillor Hedgley considered that concerns about the northern boundary and the footpath there were key.

Councillor Bird noted the improvements to the building locations from the outline consent and highlighted there was little difference in the proposed heights of the building from the outline stage. Councillor Bird was content with the layout, site access and the location of the HGV servicing area and that there would not be significant impact on residential amenity. Councillor Bird drew comparisons between this development and the Uniserve building in Felixstowe, which he could see from his own home. Councillor Bird highlighted that the site was allocated for development in the Local Plan and would bring jobs and growth and supported the application.

In response to a question on improvements to the Seven Hills junction, the Planning Development Manager reminded the Committee that improvements to this junction would be brought forward by the Section 278 agreement related to the nearby Brightwell Lakes development. The Planning Development Manager confirmed that Network Rail had not objected to the use of the level crossing and stated that it would not be appropriate to remove that proposed pedestrian access from the proposals.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application.

On the proposition of Councillor Cooper, seconded by Councillor Bird it was by a majority vote

## **RESOLVED**

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s) and document(s):

Site wide:

- \*18168 P0101 Rev. B (Location plan);
- \*18168 P0118 Rev. E (Parameters Plan);
- \*18168 P0117 Rev. E (Phasing Plan);
- \*18168 P0116 Rev. G (Masterplan);
- \*18168 P0119 Rev. A (External facing and roofing materials).

Unit 1:

- \*18168 P1001 Rev. C (Unit 1 - Warehouse Plan);
- \*18168 P1004 Rev. C (Unit 1 - Elevations and Section);
- \*18168 P1005 Rev. B (Unit 1 - Roof Plan);
- \*18168 P1002 Rev. C (Unit 1 - Main Office Plan);
- \*18168 P1003 Rev. B (Unit 1 - Transport Office Plan);
- \*18168 P1006 Rev. B (Unit 1 - Gatehouse Layout and Elevations).

Unit 2:

- \*18168 P2001 Rev. C (Unit 2 - Warehouse Plan);
- \*18168 P2003 Rev. C (Unit 2 - Elevations and Section);
- \*18168 P2004 Rev. B (Unit 2 - Roof Plan);
- \*18168 P2002 Rev. C (Unit 2 - Main Office Plan);
- \*18168 P2005 Rev. A (Unit 2 - Transport Office Plan);
- \*18168 P2006 Rev. A (Unit 2 - Gatehouse Layout and Elevations).

Unit 1 and 2:

- \*18168 P0102 Rev. F (Units 1-2 Site Plan);
- \*18168 P0110 Rev. E (Units 1-2 Site Plan - External Finishes);
- \*18168 P0108 Rev. E (Units 1-2 Site Plan - Pedestrian Routes);
- \*18168 P0106 Rev. E (Units 1-2 Site Plan - Tracking);
- \*18168 P0104 Rev. E (Units 1-2 Site Plan - Fence Layout);
- \*18168 P0112 Rev. D (Units 1-2 - Cycle Shelter Details).

#### Unit 4:

- \*18168 P4001 Rev. B (Unit 4 - Warehouse Plan);
- \*18168 P4004 Rev. B (Unit 4 - Elevations);
- \*18168 P4005 Rev. A (Unit 4 - Roof Plan);
- \*18168 P4002 Rev. A (Unit 4 - Main Office Plan);
- \*18168 P4003 Rev. A (Unit 4 - transport office plan);
- \*18168 P4006 Rev. A (Unit 4 - gatehouse layout and elevations);
- \*18168 P0103 Rev. C (Unit 4 site plan);
- \*18168 P0111 Rev. C (Unit 4 site plan - external finishes);
- \*18168 P0109 Rev. C (Unit 4 site plan - pedestrian routes);
- \*18168 P0107 Rev. C (Unit 4 site plan - tracking);
- \*18168 P0105 Rev. C (Unit 4 site plan - fence layout);
- \*18168 P0113 Rev. B (Unit 4 - Cycle and smoking shelter details);

#### Landscaping and trees:

- \*2113/21-RP01 Rev. B (Landscape maintenance and management plan);
- \*2113-21-05 Rev. B (Site wide cross sections);
- \*566/21 (Pre-development tree survey);
- \*2113-21-16 Rev. A (Detailed landscape plan sheet 5 of 5 - unit 3);
- \*2113-21-15 Rev. A (Detailed landscape plan sheet 4 of 5 - unit 3);
- \*2113-21-14 Rev. A (Detailed landscape plan sheet 3 of 5 - unit 2);
- \*2113-21-13 Rev. A (Detailed landscape plan sheet 2 of 5 - unit 2);
- \*2113-21-12 Rev. A (Detailed landscape plan sheet 1 of 5 - unit 1);
- \*2113-21-11 Rev. B (Tree protection retention and removal plan);
- \*2113-21-10 Rev. B (Tree protection retention and removal plan);
- \*2113-21-09 Rev. A (Tree constraints plan sheet 3 of 3);
- \*2113-21-08 Rev. A (Tree constraints plan sheet 2 of 3);
- \*2113-21-07 Rev. A (Tree constraints plan sheet 1 of 3);
- \*2113-21-05 Rev. B (Tree constraints plan sheet 1 of 3);
- \*2113-21-04 Rev. C (Landscape concept sections);
- \*2113-21-03 Rev. F (Landscape concept plan sheet 2 of 2);
- \*2113-21-02 Rev. F (Landscape concept plan sheet 1 of 2).

#### Transport:

- \*FX-LE-GEN-XX-DR-CE-010 Rev. A (Highway lighting layout);
- \*FX-LE-GEN-XX-DR-CE-009 (Highway kerbing and construction);
- \*FX-LE-GEN-XX-DR-CE-008 Rev. A (Highway drainage layout);
- \*FX-LE-GEN-XX-DR-CE-006 Rev. A (Highway typical cross sections);
- \*FX-LE-GEN-XX-DR-CE-004 Rev. A (Highway drainage details);
- \*FX-LE-GEN-XX-DR-CE-003 Rev. A (Planning swept path analysis);
- \*FX-LE-GEN-XX-DR-CE-002 Rev. A (Highway geometry alignment);
- \*FX-LE-GEN-XX-DR-CE-001 Rev. C (Highway general arrangement);
- \*18168 P0120 Rev. A (Emergency access road).

#### Construction:

- \*Construction Management Plan - March 2021 (received 30 March 2021).

#### Travel Plan:

- \*Orwell Crossing, Nacton Heath: Framework Travel Plan (version 3 - June 2021).



Drainage and levels:

- \*128400 Rev. 4.1 (Drainage Strategy Review);
- \*128400/2000 Rev. C (Proposed Drainage Layout Sheet 1);
- \*128400/2001 Rev. A (Proposed Drainage Layout Sheet 2);
- \*128400/2004 Rev. B (Proposed Cut and Fill);
- \*128400/2003 Rev. A (Proposed Finished Levels Sheet 2);
- \*128400/2002 Rev. B (Proposed Finished Levels Sheet 1).

Energy and renewables:

- \*20-029 P2 (BREEAM 2018 Pre-assessment)
- \*20-029-EX-006 Rev. PL2 (Indicative unit 3 EVC layout);
- \*20-029-EX-005 Rev. PL2 (Indicative units 1-2 EVC layout);
- \*Energy Strategy (Rev. P2 - June 2021).

Lighting:

- \*20-029-EX-001 Rev.PL2 (Indicative site external lighting layout);
- \*External LED Lighting Assessment Report (20-029 rev. 2 - June 2021).

Noise:

- \*Noise Assessment (784-B026698 - June 2021).

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

2. 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.*

3. The proposed alterations to the site access from the A14 shall be completed prior to occupation of the new development. These shall be in accordance with the approved drawing no. FX-LE-GEN-XX-DR-CE-001 Rev. C (Highway general arrangement) or any subsequent version(s) as approved by the Local Planning Authority in consultation with Highways England.

*Reason: To ensure the continued safe and efficient operation of the A14.*

4. Prior to the occupation of each phase of the development, the approved lighting scheme (as per approved drawing no. '20-029-EX-001 Rev.PL2' (Indicative site external lighting layout) shall be fully installed and operational. No additional external lighting shall be installed at the site unless details are first submitted to and approved by the Local Planning Authority. Such details shall include position, operating times, details of luminaires, aiming angles and vertical and horizontal illuminance on areas outside the site. Thereafter the lighting scheme shall be implemented and maintained in accordance with the approved scheme.

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

5. The hereby approved development shall at all times be implemented in complete accordance with the mitigation measures outlined within the 'Orwell Crossing

Environmental Report' (10818-001\_September 2017) with specific regard to the following unless otherwise agreed by the Local Planning Authority:

- i. A pre-construction check for Japanese knotweed shall be undertaken to ensure the species has not spread into the development boundary;
- ii. A pre-construction search for badger setts (shelters) shall be undertaken of the site and wider 30 m (100 m if activities such as pile driving are anticipated) study area between the months of February and April. Should a badger shelter be identified during the pre-construction survey and a 30 m disturbance buffer cannot be implemented, a licence to disturb badger will sought from Natural England;
- iii. A 30 m disturbance buffer will be maintained around all suitable bat roosting features and trees during ground clearance, construction works and operation. All suitable features in the 30 m buffer will remain unlit during these periods and construction works will only be undertaken during periods of daylight (between dawn and dusk) to ensure foraging and commuting activity is not hindered;
- iv. A Suitably Qualified Ecologist (SQE) shall be present during vegetation clearance to ensure that no reptiles present on site will be harmed as per methods outlined within best practice guidelines (Natural England, 2004 and ARC, 2010);
- v. All construction work affecting existing trees and vegetation shall be completed outside of the bird breeding season (April – August inclusive). Should there be a requirement for construction work to take place during the breeding bird season, a SQE will be employed to search the site for evidence of nesting birds immediately prior to works, with a re-check undertaken for any works delayed longer than 48hours.

Should a nest be recorded, a suitable working buffer will be put in place until young have successfully fledged the nest.

*Reason: In the interests of safeguarding the natural environment, biodiversity and protected species'.*

6. No development shall commence until full details of the strategy for the disposal of surface water on the site have been submitted to and approved by the Local Planning Authority (LPA).

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

7. No development shall commence until full details of the implementation, maintenance and management of the approved strategy for the disposal of surface water across the site have been submitted to and approved by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

8. Within 28 days of practical completion of each phase of the development, a surface water drainage verification report (which shall sufficiently verify that the surface water drainage system has been fully inspected, is built correctly and functions in accordance with the approved drawings) shall be submitted to and approved by the Local Planning Authority.

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 within the county of Suffolk.*

9. The hereby approved development shall not commence until a full 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) has been submitted to and approved by the Local Planning Authority. The CSWMP shall thereafter be implemented, managed and maintained in accordance with the approved plan for the duration of construction of each phase.

For avoidance of doubt, the approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals including:

- i. The temporary drainage system;
- ii. All measures for managing pollution / water quality and protecting controlled waters and watercourses;
- iii. All measures for managing any on or offsite flood risk associated with the construction of each phase.

*Reason: To ensure the development does not cause increase flood risk or pollution of watercourses or groundwater.*

10. The occupation of each phase shall not commence until all areas within the site shown on the approved drawings for the purposes of loading, unloading, manoeuvring, vehicle parking, secure cycle storage and electric vehicle charging have been provided in their entirety. Thereafter, such areas shall be retained and used for no other purpose unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure the provision and long-term maintenance of adequate on-site space for vehicle parking, manoeuvring, storage and charging.*

11. No phase of the hereby approved development shall be occupied until the pedestrian and cycle access to Lytham Road as per approved drawing no's. 18168 P0116 Rev. G (Masterplan) and '18168 P0120 Rev. A' (Emergency access road) has been fully provided and made available for use. Thereafter this access shall be retained in its approved form unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure that the access is made available for use by occupants in the interest of sustainable travel.*

12. No phase of the hereby approved development shall be occupied until the diverted Public Right of Way (PROW) as shown on the approved drawings has been fully provided in

its approved form and made available for use. Thereafter this accessway shall be retained in its approved form unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure that the access is made available for use by occupants in the interest of sustainable travel.*

13. The hereby approved landscaping and planting scheme shall be implemented not later than the first planting season following commencement of each phase of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained in complete accordance with the approved document no. '2113/21-RP01 Rev. B' (Landscape maintenance and management plan). 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 local amenity and biodiversity.*

14. No development shall commence or any materials, plant or machinery brought on to the site, until the approved scheme of protective tree fencing (compliant with BS.5837) as per approved drawing no's. '2113-21-11 Rev. B' (Tree protection retention and removal plan) and '2113-21-10 Rev. B' (Tree protection retention and removal plan) has been fully implemented. Such fencing shall be retained and maintained in its entirety until the development is complete. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of retained trees and hedges, including those overhanging the application site.

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

15. 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.*

16. The hereby approved development shall not be brought into use until the noise mitigation measures outlined within the submitted Noise Assessment '784-B026698' (June 2021) have been fully implemented. Thereafter, such measures (i.e. acoustic barriers) shall be retained in their approved form unless otherwise agreed by the Local Planning Authority.

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

17. The hereby approved development shall not be brought into use until a noise validation report has been submitted to and approved by the Local Planning Authority. The validation report must include, but is not limited to, the results of surveying and/or monitoring carried out to demonstrate that the measures in the agreed noise report have been implemented and any agreed noise levels have been achieved. It is recommended that the validation methodology should be agreed with the Local Planning Authority prior to the validation report assessment being undertaken.

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

18. No phase of the hereby approved development shall be occupied until a detailed strategy for the long-term discharge of foul drainage generated within the site has been submitted to and agreed by the Local Planning Authority. Thereafter the approved scheme shall be implemented in its entirety and retained in its approved form unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure a properly planned and functional development in the interest of local amenity and safeguarding the environment.*

19. The hereby approved development shall at all times be constructed in complete accordance with the 'Construction Management Plan' received 30 March 2021.

*Reason: To reduce the potential impacts of noise/vibration/dust pollution and additional vehicular movements in the area during the construction phase of the development.*

20. No phase of the hereby approved development shall be occupied until details of the areas and enclosures to be provided for the storage of waste and refuse from each unit has been submitted to and agreed by the Local Planning Authority. Thereafter the approved scheme shall be implemented in its entirety and retained in its approved form unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure a properly planned and functional development in the interest of local amenity and safeguarding the environment.*

## **7 DC/20/3284/FUL - Land West Side of Chapel Road, Grundisburgh**

The Committee received report **ES/0927** of the Head of Planning and Coastal Management, which related to planning application DC/20/3284/FUL.

The application sought full planning permission for the development of 70 houses and associated infrastructure. The site was allocated in the East Suffolk Council Suffolk Coastal Local Plan for the development of approximately 70 houses under Policy SCLP12.51.

The application was considered by the Committee at its meeting held on 29 June 2021, along with duplicate application DC/21/3362/FUL, having been referred to the Committee by the Head of Planning and Coastal Management due to the level of public interest, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

Both applications were deferred by the Committee at that meeting to allow assessment of highway matters pertaining to the site to be carried out by an independent consultant. The

Committee also voted to undertake a site visit prior to it being considered again, which took place on the morning of 20 September 2021. The results of the independent assessment were incorporated into the update sheet for the meeting of 20 September 2021; at this meeting the application was again deferred to allow the applicant to respond to the findings of the independent assessment.

The Committee received a presentation from the Planning Development Manager, on behalf of the case officer for the application.

The Planning Development Manager recapped the planning history on the site and the previous meetings which had considered the application. Application DC/21/3362/FUL was now the subject of an Appeal Against Non Determination. This type of appeal was based on the failure of the Council to determine the application within the statutory determination period of 13 weeks. A Public Inquiry date had been set by the Planning Inspectorate for mid-November 2021, running for approximately six days. The Planning Development Manager advised that how the Council will deal with this Appeal will be determined by its decision on this application.

The site's location was outlined, and an aerial view of the site was displayed. The Planning Development Manager highlighted the route taken by the Committee at the site visit.

The Planning Development Manager highlighted that the site was allocated for the development of 70 homes under policy SCLP12.51 of the Local Plan.

The Committee was shown photographs of the following:

- The view from Park Road looking east;
- The view from the north-west corner of the site towards the south-east;
- The view from the west boundary facing south;
- Towards Footpath 20 and the site from the car park of the Grundisburgh Recreation Area;
- The view of Lower Road;
- Grundisburgh Chapel; and
- The view from the south-west of the site into Grundisburgh Hall parkland.

The proposed layout plan was displayed, and the Planning Development Manager highlighted the walking route at the perimeter of the site and the location of Footpath 20 at the northern boundary.

The proposed elevations and housing types were outlined; the Planning Development Manager stated that the affordable homes had been designed to be tenure blind. Although there was a small cluster of affordable housing on the site, it was broadly spread across the whole site.

The Planning Development Manager drew the Committee's attention to the diversion of Footpath 20 at the north-west corner of the site; it was proposed that £9,000 be allocated to align Footpath 20.

The removal of trees to improve Footpath 20, under a Section 278 agreement, was outlined; the Planning Development Manager stated that officers would work with the applicant to minimise any tree removal. The details of the cellweb surfacing to be used within tree root protection areas was displayed.

The Habitat Regulations Assessment (HRA) off-site walking routes in the area were shown to the Committee.

The Planning Development Manager displayed information supplied by residents comparing the proposed route from the site to the A12 to the route along Lower Road that residents considered would actually be used. Street view images of Lower Road were displayed, demonstrating some of the narrow areas and blind bends.

The main considerations were summarised as:

- Compliance with policy SCLP12.51;
- Highways;
- Suitability and delivery of footpath improvements;
- Setting of Heritage Assets; and
- The impact on the landscape/setting of village.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee. The Planning Development Manager noted that an addition had been made to the published recommendation, to include that the delegation of authority to approve would also be following the end of the consultation period with agreement of the Chairman and Vice-Chairman plus final wording of conditions following the Brookbanks report as may be agreed with the Highway Authority and Applicant.

The Chairman invited questions to the officers.

The Planning Development Manager confirmed that the Section 106 Agreement would not be affected by the ongoing appeal process in respect of the duplicate application.

In response to a question on traffic management scheme at the access to the site, the Planning Development Manager said this would be difficult to impose as it did not form part of the transport assessment. The Planning Development Manager advised that Mr Luke Barber, from Suffolk Highways, was present at the meeting and could further elaborate on this point. Mr Barber said that enforcing traffic management measures would be reliant on processes outside of the planning process and that it was considered that mitigation matters were not required to make the site viable.

The Planning Development Manager confirmed that following the independent transport assessment, the applicant's consultant had provided two supplementary notes to their transport assessment providing additional detail in response to the points raised by Brookbanks. This additional information had been reviewed by Brookbanks who had produced a second report which set out that the original deficiencies had been adequately addressed. The Planning Development Manager was of the opinion that following this process, it was clear that there were no grounds to refuse the application on highways matters.

The Committee was advised that additional passing places on Chapel Road could be added at the detailed design stage.

The Planning Development Manager advised that the condition for a bat survey to be completed was safeguarded against any trees being removed without an up-to-date survey being completed.

It was confirmed that there was a recommended condition to ensure that no dwellings on the site be occupied until the details of improvements to Footpath 20 have been agreed.

The Chairman invited Mr Craig Plant, who objected to the application, to address the Committee.

Mr Plant objected to the application being determined when the consultation period on the updated transport assessment was open until 9 November 2021; he added that the Council's planning portal had recently been inaccessible for several days and therefore objectors had only just had access to the applicant's latest submissions.

Mr Plant said that having had a cursory glance at the new information he had already identified several deficiencies and asked that the application be further deferred until the end of the current consultation period, to allow all parties to consider the submissions in full.

Mr Plant considered that the Committee was being asked to approve the application without the conditions proposed by Brookbanks. Mr Plant said there was still uncertainty on if the widening of Park Road would require the removal of trees and was concerned that if this was the case, there would not be any replacement planting.

Mr Plant concluded that approving the application would be an affront to the people of Grundisburgh and said he was troubled that the Committee was being asked to determine the application at this point in time. Mr Plant considered that it might be better for the Planning Inspector to determine the applications.

There being no questions to Mr Plant the Chairman invited Councillor Geoff Caryer, representing Grundisburgh and Culpho Parish Council, to address the Committee.

Councillor Caryer requested that the Parish Council be given more time to assess the latest submissions, given the recent submission of the second Brookbanks report and the size of the documentation submitted. Councillor Caryer considered the latest transport assessment to be suspect as it was carried out during the recent fuel crisis, and he questioned the statement about there being no roadworks in the area.

Councillor Caryer said that the increase in traffic brought by the development would impact the single lane roads significantly and bring traffic into conflict with cyclists; he added that the improved visibility splays for Ipswich Road and Woodbridge Road did not address the issues with the roads themselves, only the issues with Park Road and Lower Road.

Councillor Caryer acknowledged that there were more pedestrians present than usual on Lower Road during the Committee's site visit but considered that the volume of traffic was not out of the ordinary and that an increase to this would create significant issues.

Councillor Caryer considered that Planning officers had prejudged the case from the beginning and had pushed for approval without considering the views of residents. Councillor Caryer said there had been no civil engineering assessment to assure no trees would be lost due to



the widening of Park Road and noted that the plans were still to be examined by the Planning Inspector.

There being no questions to Councillor Caryer the Chairman invited Mr Geoff Armstrong, the applicant's agent, to address the Committee.

Mr Armstrong said that Hopkins Homes, the applicant, was pleased to see that its transport assessment was no longer considered to be deficient. Mr Armstrong said that this was the result of the additional information provided in response to the initial Brookbanks report.

Mr Armstrong supported the recommendation to approve the application and said that it should not be refused on highways matters, noting that the applicant would be working to ensure all aspects of the updated transport assessment were carried out to a sufficient standard.

Mr Armstrong considered that comments made by objectors, that the site was needed to ensure the Council had a sufficient housing land supply, to be inaccurate.

Mr Armstrong clarified that although the Suffolk Coastal Disability Forum had raised that there was not a wheelchair accessible dwelling on the site, there would in fact be one constructed on plot 21 of the site. Mr Armstrong confirmed that there was no intention to remove trees as part of the widening of Park Road.

Mr Armstrong concluded that the application was policy compliant and trusted that the Committee would support it.

There being no questions to Mr Armstrong the Chairman invited Councillor Tony Fryatt, Ward Member for Grundisburgh, to address the Committee.

Councillor Fryatt referenced his close involvement in the creation of the Local Plan; he said he had reviewed the comments of the objectors and considered they accurately reflected the discrepancies in the application. Councillor Fryatt assured the Committee that the objectors were not NIMBYs.

Councillor Fryatt considered that there had been adequate development in Grundisburgh in recent years and Grundisburgh had remained a quintessential Suffolk village, which residents wanted to protect.

Councillor Fryatt raised issues with the consultation for the site allocation during the creation of the Local Plan, stating that the site was brought forward at a late stage and no real chance had been available to object to its inclusion, resulting in a site unsuitable for development being included in the 'made' Local Plan. Councillor Fryatt highlighted that attempts to develop the site in the past had failed as a result of an inadequate road network.

Councillor Fryatt concluded that the site was in a very sensitive area and that the objections to the development were justified.

At this point, the Head of Planning and Coastal Management advised the Committee that the Local Plan had been found to be sound by an independent Planning Inspector and, in reference to Councillor Fryatt's comments about the late inclusion of the site and the subsequent

complaints received about this, noted that these complaints had been addressed by himself, his team and the Council's Chief Executive Officer. The Head of Planning and Coastal Management was content that the inspection process applied to the Local Plan had been sound and that the Planning Inspector had taken all relevant information into account.

*The Chairman adjourned the meeting at this point (5.09pm) for a short break. The meeting was reconvened at 5.12pm.*

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

Councillor Hedgley said that, having listened to all the information shared at the meeting, he remained unconvinced that he could support the application; he considered it was in the wrong place and that the road and traffic management issues were problematic. Councillor Hedgley also cited issues around road safety, bat nesting, trees, hedges, and a lack of amenities, and highlighted the significant opposition to the development in the community.

Councillor Hedgley said that the development would be isolated and required the improvement to Footpath 20 to make it viable. Councillor Hedgley said he did not consider the construction of 70 homes on the site would solve the housing crisis and considered the situation to be a shambles.

Councillor Bird referred to Councillor Fryatt's comments about the creation of the Local Plan. Councillor Bird said that it was a requirement for Local Planning Authorities to have a Local Plan to protect against speculative development by identifying sites suitable for development.

Councillor Bird noted that the Local Plan had been through the requisite processes and found sound by the Planning Inspector and the site had been allocated for the development that was proposed by the application. Councillor Bird noted that the application had been deferred to allow for an independent transport assessment to be undertaken and that the Committee had been advised that the resultant updated transport assessment from the applicant had been found to no longer be deficient. Councillor Bird concluded that he saw no grounds to further delay or refuse the application and said he would be supporting it.

Councillor Fisher said that he had cycled through Grundisburgh recently and remained concerned about the highways matters relating to the application, highlighting that one of the main routes for the site was currently closed to roadworks, resulting in traffic being diverted through Lower Road.

Councillor Cooper echoed the comments made by Councillor Bird and noted that the updated independent transport assessment had confirmed that there were no grounds to refuse the applications on highways matters.

Councillor Deacon said he had been shocked at the narrowness of the roads that would service the development and did not see how another 70 homes could be imposed on the community with the access proposed. Councillor Deacon did not object to the development itself, but the access arrangements proposed, and asked if the decision could be further delayed or made by the Planning Inspector.

The Planning Development Manager highlighted the urgent nature of determining the Council's defence of the Appeal and that this was dependent on the outcome of this application, noting the extensions of time already granted and the proximity of the Public Inquiry.

Councillor Cooper was of the view that the application should not be deferred again as this would not resolve the situation and postpone its resolution indefinitely.

Councillor Hedgley referred to Councillor Bird's comments, earlier in the meeting, about the correct location for housing. Councillor Bird highlighted that the site was allocated for 70 homes in the Local Plan, which was the application that was before the Committee. Councillor Bird saw no reason to defer the application, stating that the Committee needed to determine it now and, in his view, approve it.

There being no further debate, the Chairman sought a proposer and a seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report and with the additional requirements set out in the presentation.

On being put to the vote, the votes for and against the proposition were equal.

*The Chairman briefly adjourned the meeting at this point and left the room to take further advice from the Head of Planning and Coastal Management and the Planning Development Manager.*

The Chairman, the Head of Planning and Coastal Management and the Planning Development Manager returned to the room and the Chairman exercised her casting vote to approve the application.

The Chairman asked the Head of Planning and Coastal Management to relay the advice provided outside the room. The Head of Planning and Coastal Management advised that he and the Planning Development Manager had advised the Chairman that she had the option to either cast a vote for or against the application and had advised that if the application was approved, it clarified the Council's position for the Public Inquiry on the duplicate application.

The Chairman added that she had previously voted for the application at this meeting and the meeting of the Committee on 29 June 2021 when the application was first considered and said she had seen no benefit in deferring the application and noted the site was allocated in the Local Plan.

It was therefore

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application with conditions (including but not limited to those below) be delegated to the Head of Planning and Coastal Management, subject to the completion of a Section 106 Legal Agreement within six months to secure obligations (including but not limited to) following the end of the consultation period with agreement of the Chairman and Vice-Chairman plus final wording of conditions following the Brookbanks report as may be agreed with the Highway Authority and Applicant:

- Provision of 23 affordable dwellings;
- Per-dwelling contribution to the Suffolk RAMS;
- Provision and long term management of public open space;
- Financial contribution to fund secondary school transport;
- Financial contribution to fund improvement works to local bus stop;
- Financial contribution to fund Brightwell school;
- Financial contribution to bus service improvements;
- Financial contribution to fund legal work for widening/surfacing of footpath 20.

If the Section 106 agreement is not completed within six months then **AUTHORITY TO REFUSE** the application is delegated to the Head of Planning and Coastal Management.

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 following plans:

- Site Location Plan 001 received 26 August 2020,
- External works layout 002 Rev I received 23 April 2021,
- Planning layout 003 Rev H received 23 April 2021,
- Materials Plan 004 Rev B received 12 February 2020,
- S278 General Arrangement 1812-296-278A received 26 August 2020,
- S278 Road Widening 1812-296-279B received 26 August 2020,
- Chapel Road Shared Access 1812-296-295 received 26 August 2020,
- Ipswich Road/Park Road Junction Visibility Improvements 1812-296-008A received 26 August 2020,
- B1079/Lower Road Junction Visibility Improvements 1812-296-009 received 26 August 2020,
- Grundisburgh Footpath 20 Improvements 1812-296-305C received 15 February 2020,
- Landscape Strategy Plan 6647/ASP3 Rev D received 15 February 2020.

And the following house type plans:

- GRU5 108B; 109B; 112B; 114B; 129B; 130B; 145; 146; 219B; 220B; 221A: 228A and 229A received 23 April 2021,
- GRU5 101; 102; 103; 104; 113A; 115A; 116A; 117A; 118A; 119B; 120B; 122A; 123A; 124A; 125A; 126A; 127A; 131A; 132A; 133A; 134A; 135A; 136B; 141A; 143A; 144A; 147; 209A; 210A; 211A; 212A; 217A; 218A; 223; 224; 225; 226; 227 received 15 February 2021;
- GRU5 105; 106; 107; 110; 111; 137; 138; 139; 140; 201; 202; 203; 204; 205; 206; 207; 208; 213; 214; 215 216 and 401 received 26 August 2020

And the following garage plans:

- 301A, 302A, 303A and 304 received 15 February 2021;

And the following miscellaneous plans:

- External Works Details 401 received 26 August 2020

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. Details of the play equipment to be provided on the site and dog bins shall be submitted to and agreed by the local planning authority. The play equipment and bins shall be installed in accordance with the approved details prior to first occupation of the dwellings or in accordance with a programme agreed with the Local Planning Authority.

*Reason: To ensure appropriate provision of play equipment and dog bins.*

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Appraisal report (Aspect Ecology, April 2021) and Report to Inform a Habitats Regulations Assessment (HRA) (Aspect Ecology, February 2021) 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.*

5. No removal of hedgerows, trees or shrubs or other site clearance 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.*

6. Prior to the removal of the tree identified as T7 in the Ecological Appraisal report (Aspect Ecology, July 2020) it will be subject to further survey for bats by a suitably qualified ecologist to determine if it is being used by roosting bats. The results of the survey work will be submitted to the Local Planning Authority prior to felling being undertaken. If a bat roost is identified suitable mitigation measures will be identified and submitted to the Local Planning Authority for approval prior to felling being undertaken.

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

7. Immediately prior to commencement of development a further survey of the site for badgers should be undertaken by a suitably qualified ecologist. Should any evidence of badgers be encountered suitable mitigation measures will be designed and implemented. A copy of the updated badger survey will be submitted to the Local Planning Authority once it is complete and prior to development commencing. Should any additional mitigation measures

be required details of these will be submitted to the Local Planning Authority for approval prior to development commencing.

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

8. Prior to first occupation, 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.*

9. Prior to commencement an Ecological Enhancement Strategy, 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.*

10. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved by, the local planning authority prior first occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.*

11. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

*Reason: To ensure the provision of amenity afforded by appropriate landscape design.*

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

*Reason: to ensure that the appearance of the development is satisfactory.*

13. Deliveries to the construction site and collections of waste during the construction phase shall be undertaken between 08.00 and 16.30 (except for the delivery of abnormal loads to the site which may cause congestion on the local road network).

*Reason: In the interests of amenity.*

14. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. This should contain information on hours of construction and how noise will be controlled so as to avoid annoyance to occupiers of neighbouring properties. Examples of measures to be included are:

- a) Good practice procedures as set out in BS5228:2014,
- b) Best Practicable Means (BPM) as defined in Section 72, of the Control of Pollution Act 1974 (COPA),
- c) Careful location of plant to ensure any potentially noisy plant is kept away from the site boundary as far as possible,

- d) Careful selection of construction plant, ensuring equipment with the minimum power rating possible is used, and that all engine driven equipment is fitted with a suitable silencer,
- e) Regular maintenance of plant and equipment to ensure optimal efficiency and quietness,
- f) Training of construction staff where appropriate to ensure that plant and equipment is used effectively for minimum periods,
- g) If identified as necessary, the use of localised hoarding or enclosures around specific items of plant or machinery to limit noise breakout especially when working close to the boundary.

The Construction Management Plan shall be implemented in accordance with the approved details.

*Reason: In the interests of amenity.*

15. 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+A1:2013 and CLR11) 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.*

16. No development shall take place until a scheme for the installation of fire hydrants throughout the site has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Fire and Rescue Service. The fire hydrants shall be installed prior to occupation of dwellings served by the relevant hydrant.

*Reason: In the interests of fire safety.*



17. Before the development hereby permitted is occupied full details of electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved.

*Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles.*

18. Prior to the commencement of development full details of how the development will achieve high energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations and water efficiency of 110 litres/person/day shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the agreed details.

*Reason: In the interests of sustainable construction.*

19. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority.

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained 20. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.*

*Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

21. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason: 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 per 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/>*

22. 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 by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- a. 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. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life.*

23. No part of the development shall be commenced until details of the proposed accesses onto Park Road and Chapel Road have been submitted to and approved in writing by the Local Planning Authority. The approved accesses shall be laid out and constructed in their entirety prior to the occupation of any property served by the relevant access. Thereafter the accesses shall be retained in their approved form.

*Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.*

24. No part of the development shall be commenced until details of the proposed surfacing improvements and links to Footpath 20 as indicatively shown on Drawing Nos. 1812-296 305 Rev C and GRU5 003 Rev H have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.

*Reason: To ensure that the necessary improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel*

25. No part of the development shall be commenced until details of the proposed road widening of Park Road, local junction improvements and Chapel Road passing place indicatively shown on Drawing Nos. 1812-296 279 Rev B; 1812-296 008 Rev A and; 1812-296 009 have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.

*Reason: To ensure that the necessary improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.*

26. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number GRU5 002 Rev I shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

*Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.*

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

*Reason: To ensure that roads/footways are constructed to an acceptable standard.*

28. 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 except with the written agreement of the Local Planning Authority.

*Reason: To ensure that satisfactory access is provided for the safety of residents and the public.*

29. The new estate road junction with Park Road inclusive of cleared land within the sight splays to this junction must be formed to at least base course level prior to any other works commencing or delivery of any other materials.

*Reason: To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.*

30. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

*Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV movements.*

31. The use shall not commence until the area(s) within the site shown on Drawing No. GRU5 003 Rev H for the purposes of [LOADING, UNLOADING,] 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 in order 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.*

32. Before the development is commenced details of the areas to be provided for secure cycle storage and 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 relevant dwelling is brought into use and shall be retained thereafter and used for no other purpose.

*Reason: To encourage the use of cycles and low emission vehicles.*

33. Before the access onto Park Road is first used visibility splays shall be provided as shown on Drawing No. 1812-296 278 Rev A with an X dimension of 2.4m and a Y dimension of 59m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.*

34. Before the access onto Chapel Road is first used visibility splays shall be provided as shown on Drawing No. 1812-296 295 with an X dimension of 2.4m and a Y dimension of 59m and 52.8m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.*

35. 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 SCLP11.3: Historic Environment of Local Plan and the National Planning Policy Framework (2021).*

36. 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 35 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 SCLP11.3: Historic Environment of Local Plan and the National Planning Policy Framework (2021).*

37. Prior to the commencement of development a detailed Arboricultural Method Statement supported by 1:500 scale technical drawings should be prepared and submitted to the Local Planning Authority for approval in writing. Work shall be carried out, including all tree protection work only in accordance with the approved Statement.

*Reason: In the interests of amenity/ecology, insufficient detail has been provided at application stage.*

38. Prior to first occupation of the proposed development, a copy of the built heritage statement shall be deposited to the Suffolk County Council Historic Environment Record, with deposition to be confirmed to the Local Planning Authority.

*Reason: In the interest of social history.*

39. The removal of any buried deadwood, roots or other habitat suitable for stag beetle (*Lucanus cervus*) larvae must be supervised by a suitably qualified ecologist, experienced in identification of stag beetle larvae. Any larvae found must be appropriately relocated to a previously prepared area of suitable habitat created within the boundary of the site. Any such habitat areas created must be appropriately managed in the long term as part of the Landscape and Ecological Management Plan (LEMP) for the site.

*Reason: To ensure that stag beetle, a UK Priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006), are adequately protected during development.*

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. 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@eastssuffolk.gov.uk](mailto:CIL@eastssuffolk.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](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>.

## **8 DC/20/3362/FUL - Land West Side of Chapel Road, Grundisburgh**

The Committee received report **ES/0928** of the Head of Planning and Coastal Management, which related to planning application DC/20/3362/FUL.

The application was first considered by the Committee at its meeting on 29 June 2021, along with duplicate application DC/21/3284/FUL. Both applications were deferred by the Committee to allow assessment of highway matters pertaining to the site to be carried out by an independent consultant.

The Committee also voted to undertake a site visit prior to it being considered again; the site visit took place on the morning of 20 September 2021.

The Planning Development Manager reminded the Committee that since the Committee meeting of 29 June 2021, application DC/21/3362/FUL had been subject of an Appeal Against Non Determination (submitted 3 August 2021). This type of appeal is based on the failure of the Council to determine the application within the statutory determination period of 13 weeks.

The Committee was advised that a Public Inquiry date had been set by the Planning Inspectorate (the PINS) for mid-November running for approximately six days. The Planner advised that the Committee was required to direct if and how the Council should defend the appeal at the Public Inquiry.

The Committee received a presentation from the Planning Development Manager, who confirmed that the application was identical to DC/21/3284/FUL, which had been approved by the Committee earlier in the meeting. The Planning Development Manager said that, based on the conclusion of that duplicate application, officers considered that there were no grounds to defend the appeal and would be recommending approval of DC/21/3352/FUL if the Council remained the determining authority.

The Planning Development Manager advised that, should Hopkins Home continue to pursue the appeal, the Council in not defending the appeal would still contribute to the Public Inquiry to contribute its considerations and details of the Section 106 agreement. It was noted that the community would also have an opportunity to engage with the Public Inquiry.

The Chairman invited questions to the officers.

The Planning Development Manager confirmed that the approval of DC/21/3284/FUL would influence the evidence and consideration at the Public Inquiry, as it indicated that Members supported the proposals of the duplicate application.

The Planning Development Manager noted that if the appeal was defended on highways matters the Council would be required evidence; he highlighted that the outcome of the independent transport assessment did not provide such evidence.

On the proposition of Councillor Cooper, seconded by Councillor Bird it was by a majority vote

**RESOLVED**

That East Suffolk Council not defend the appeal against non-determination based on the conclusions of the report and the update sheet.

The meeting concluded at 5.36pm

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Chairman