

Confirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Monday, 20 September 2021** at **2:00pm**

Members of the Committee present:

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

Other Members present:

Councillor Paul Ashdown, Councillor John Fisher

Officers present:

Chris Bing (Head of Legal and Democratic Services), Sarah Davis (Democratic Services Officer), Matt Makin (Democratic Services Officer), Steve Milligan (Planner), Philip Ridley (Head of Planning and Coastal Management), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Development Manager)

Announcements

The Chairman opened the meeting and announced that, following consultation with the Head of Planning and Coastal Management, a decision had been taken to defer item 4 of the agenda. This was to allow the applicant to consider the independent transport assessment and respond to/update their own transport assessment, in order for officers to be able to make a recommendation for determination to the Committee.

1 Apologies for Absence and Substitutions

Apologies were received from Councillor Tony Cooper and Councillor Tom Daly.

Councillor Paul Ashdown attended as substitute for Councillor Cooper and Councillor John Fisher attended as substitute for Councillor Daly.

2 Declarations of Interest

There were no declarations of interest.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Stuart Bird, Chris Blundell, Mike Deacon, Colin Hedgley, Debbie McCallum and Kay Yule all declared that they had been lobbied on item 5 of the agenda by both the applicant and objectors and had not responded to any communication.

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.

Councillor Mark Newton declared that he had been lobbied on item 5 of the agenda by letter.

4 DC/20/3284/FUL - Land West Side of Chapel Road, Grundisburgh

This item was **DEFERRED** from the agenda prior to the meeting and was not heard.

5 DC/20/3362/FUL - Land West Side of Chapel Road, Grundisburgh

The Committee received report **ES/0886** of the Head of Planning and Coastal Management, which related to planning application DC/20/3362/FUL.

This application was considered by the Committee at its meeting on 29 June 2021, along with duplicate application DC/21/3284/FUL. Both applications were deferred by 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, before this meeting.

The Planner, who was the case officer for the application, advised that since the previous Committee meeting, 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 Planner, who was the case officer for the application.

The site's location was outlined, and the Committee's attention was drawn to its proximity to the Grundisburgh recreation area, highlighting the route taken by the Committee at the site visit earlier that day. The Planner reiterated that the site was allocated for development under policy SCLP12.51 of the East Suffolk (Suffolk Coastal) Local Plan (the SCLP). The Planner noted the Grundisburgh Hall parkland to the south of the site and the nearby Non-Designated Heritage Asset of Grundisburgh Hall, which was protected by the SCLP.

The Committee was shown photographs of the site demonstrating:

- The view from Park Road looking east;
- The view from the north-west corner of the site towards the south-east;
- The west boundary facing south; and
- The view from the south-west of the site into Grundisburgh Hall parkland.

The proposed site layout, elevations and proposed designs were displayed. The Planner outlined the design of the affordable dwellings, which would be similar to the design of the open market dwellings; officers were content that the site would be tenured blind.

The location of the affordable and shared ownership units were displayed; these would be generally clustered in the north-west area and were considered to be well integrated with the remainder of the development.

The relationship between the site and Footpath 20 across the north of the site was outlined, which had been walked by Members on the site visit. The Planner highlighted the diversion of Footpath 20 around a section of hedge; concern had been expressed by residents that the alignment of the footpath would provide separation from open space and the applicant's agent had confirmed the land in the applicant's ownership.

The Planner also detailed the proposed tree removal works that would form part of the Section 278 agreement to improve Footpath 20 as certain trees had been shown to be in conflict with the definitive line of the footpath. The cellweb system to protect tree routes was detailed.

A map detailing the HRA off site walking routes was displayed. The Planner explained that the size of the site could not accommodate the length of walking route in itself and was reliant on using the existing footpath network, including certain use of Park Road and Lower Road. The proposals included works to widen the route between the site access and Park Road and that vehicles will be expected to travel through the village. The Planner highlighted the route that objectors considered that vehicles would realistically take and the concerns about pinch points and an s-bend.

The material planning considerations and key issues 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 and the setting of the village.

The revised recommendation to defend the appeal, as set out in the update sheet that had been published on Friday 17 September 2021, was outlined to the Committee.

The Chairman invited the Head of Planning and Coastal Management to address the Committee.

The Head of Planning Coastal Management asked the Committee to consider the defence of the appeal and explained that, ultimately, the decision on this application would be made by the appointed Inspector who would consider the evidence presented at the Public Inquiry in November 2021.

The Head of Planning and Coastal Management said that the Committee was asked to consider what the Council's position at the Public Inquiry should be, and stated that officers considered the details in his recommendation to this Committee be the correct approach to be taken forward to the appeal, having carefully considered all material planning considerations. The Head of Planning and Coastal Management expressed disappointment that the transport assessment submitted by the applicant had been

considered to be deficient and said there was now an opportunity for the applicant to address these deficiencies.

The Chairman invited questions to the officers.

The Head of Planning and Coastal Management said that it was in the gift of the applicant to withdraw the appeal and was of the view that the applicant was unlikely to do so until the live application had been determined. The Head of Planning and Coastal Management anticipated that the applicant would look to address its transport assessment for both the appeal and the live application.

The Planning Development Manager highlighted that the Committee could take the position that the applicant's transport assessment was deficient and would then need to consider if there was enough evidence in the independent transport assessment to support this, which would need to be submitted at the proof of evidence stage of the Public Inquiry.

The Chairman invited the Planning Development Manager to address the Committee on the outcome of the independent transport assessment.

The Planning Development Manager advised that, following the resolution of the Committee at its meeting on 29 June 2021, the Council engaged a consultant to undertake an independent peer review of the applicant's transport assessment, following a brief agreed by both the applicant and community representatives.

The Planning Development Manager explained that consultants reviewed the transport assessment, the response of the Highways Authority and contributions from the community. The findings of the review had been broken into three categories - red, amber and green - as set out in the report.

The Committee was advised that the findings of the independent review suggested that the applicant's transport assessment had been deficient and outlined five key actions that were recommended to ensure a sound judgement from the transport assessment. The Planning Development Manager reminded the Committee that officers were reliant on the response of the Highways Authority when reviewing the highways matters of the originally submitted application and the review clearly suggested that some areas of the assessment could have been covered by the Highways Authority in more detail.

The Planning Development Manager confirmed that officers would continue to work with the Highways Authority and the consultants on any further submissions made by the applicant in relation to the transport assessment.

The Chairman invited further questions to the officers.

The Planning Development Manager advised that officers needed to see what response the applicant makes to the five key actions outlined in the independent transport assessment, including any revisions to the transport assessment itself and further feedback from the Highways Authority, to be assured of sound judgement; he added that if the Highways Authority concurred that the transport assessment was deficient

and agreed with the key actions identified, the Council would be seeking the Highways Authority's support in defending the appeal.

In response to a question regarding pedestrian and cycling provision, the Planning Development Manager explained that the transport assessment provided had acted as an evidence base and considered that, as per the report, pedestrian access had been adequately set out and that cycling information was absent due to the existing nature of the area.

The Chairman invited the Committee to debate what the Council's position at the Public Inquiry should be.

Members of the Committee supported defending the appeal (only) on the basis that there were deficiencies within the submitted Transport Assessment which did not allow appropriate judgement on the safety of the development and its compliance with Policy SCLP7.1, as recommended by the officers.

Councillor Hedgley highlighted that his main concerns about the application had related to highways matters and considered that the live application could not be determined whilst the transport assessment was deficient. Councillor Yule agreed with the approach and said that the appeal should be defended as such until such time as the transport assessment was updated.

Councillor Deacon said it was unfortunate that the deficiencies in the transport assessment were not highlighted at an earlier stage, given that the recommendation to approve the application in June 2021 had only failed by a single vote. The Head of Planning and Coastal Management reiterated that the applicant's transport assessment had been assessed by the Highways Authority, who had raised no objections despite challenges from the community and Planning officers.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to defend the appeal (only) on the basis that there were deficiencies within the submitted Transport Assessment which did not allow appropriate judgement on the safety of the development and its compliance with Policy SCLP7.1, as recommended by the officers.

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

RESOLVED

That East Suffolk Council defend the appeal (only) on the basis that there are deficiencies within the submitted Transport Assessment which do not allow appropriate judgement on the safety of the development and its compliance with Policy SCLP7.1.

The Planning Development Manager confirmed that it remained a priority to progress the live application and this needed to be determined to come to a definitive conclusion on the appeal; he advised that the appeal would continue at this time and

that another Extraordinary Meeting of the Committee may be required to determine the live application.

The meeting concluded at 2:52pm

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Chairman