

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, on **Tuesday, 26 November 2019 at 2:00 pm**

**Members of the Committee present:**

Councillor Melissa Allen, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Kay Yule

**Officers present:**

Liz Beighton (Planning Development Manager), Charlie Bixby (Assistant Planning and Enforcement Officer), Danielle Miller (Area Planning and Enforcement Officer), Katherine Scott (Development Management Team Leader), Natalie Webb (Area Planning and Enforcement Officer)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

No declaration of interests were made.

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

Councillor Fryatt declared that he had been lobbied in respect of item 5 on the agenda, when he had attended a recent meeting of Westerfield Parish Council. He said he did not engage in any discussions on the application.

Councillor Hedgley declared that he had been lobbied via email in respect of item 5 on the agenda and that he had replied neutrally.

**4 East Suffolk Enforcement Action - Case Update**

The Committee received report **ES/0195** of the Head of Planning and Coastal Management. The report was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement had been sanctioned under delegated powers up until 28 October 2019. 14 cases were outlined in the report.

The Planning Development Manager updated the Committee on ongoing enforcement action at Pine Lodge, Hinton, advising that the deadline for compliance on the site was 5pm that day and that a compliance visit would be taking place on the morning of 27 November 2019.

The case was due to be heard in the High Court on 28 November 2019 and Members would be updated once the outcome of this hearing was known.

## **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 28 October be received and noted.

### **5 DC/19/3662/FUL - Land Adjacent To Mallards, 5 St Mary Way, Westerfield, Ipswich, IP6 9BQ**

The Committee received report **ES/0196** of the Head of Planning and Coastal Management, which related to planning application DC/19/3662/FUL.

The application sought permission for the construction of two new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and an extension of the vehicular access driveway at Land Adjacent to Mallards 5 St Mary Way in Westerfield.

The application was before the Committee in accordance with the Council's Constitution as it was, in the opinion of the Head of Planning and Coastal Management, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect. In this instance the proposal was contrary to policies within the Development Framework.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. She explained that an application had been made for a different scheme on the site for five dwellings which had been refused and later dismissed at appeal (Planning Ref DC/17/5215/OUT, Appeal Ref APP/J3530/W/18/3200488) and that subsequent applications on the site had either been refused or withdrawn by the applicant.

The Committee was referred to the reasons for the Planning Inspectorate's appeal decision on the original application, which were appended to the report. The Area Planning and Enforcement Officer highlighted that the Planning Inspector had agreed that the scheme did not accord with policy DM23 of the Suffolk Coastal Local Plan regarding residential amenity, due to the impact that would be caused to both 5 and 6 St Mary's Way. It was also noted that although the application was dismissed on appeal, it had established a principle of development on the site.

The new scheme proposed had been reduced to two units, which had also been reoriented, in order to minimise the impact on residential amenity to neighbouring properties.

The Committee was shown the site location plan, the existing and proposed block plans, and a site context plan which outlined the location of an adjacent site to the east, where the erection of five dwellings had been allowed on appeal.

Proposed elevations, floor plans and street scene illustrations were also displayed to the Committee. Additional landscaping was proposed and the details of this would be obtained by conditions set out in the recommendation.

Site photographs were displayed which gave views looking in to the site from the existing properties, looking back to the site from the south and the east, looking back towards the access to the site, looking back towards the rear of the site, several views looking into the site from the boundary, and looking up the access towards the site.

The key issues were summarised as being whether the applicant had overcome the remaining reason for refusal of the first application (residential amenity) and the receipt of a RAMS payment.

The Area Planning and Enforcement Officer noted that it had been agreed that permitted development rights (pdrs) would be removed via conditions.

The Area Planning and Enforcement Officer advised that the recommendation had been revised and this was displayed during the presentation.

The revised recommendation was outlined to the Committee.

The Chairman invited questions to the Planning Officers.

It was confirmed that officers were comfortable that the appeal decision had established principle of development and that although the Council was obliged to advertise the application as a departure from policy it was considered that the principle established superseded that.

In response to a question on how the site would be accessed, the Area Planning and Enforcement Officer displayed the proposed block plan which displayed the proposed access.

The Area Planning and Enforcement Officer confirmed that 10 letters of objection had been received and apologised for the typographical error in the report, which omitted the number of letters.

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

Mr Macdonald advised that he was representing a group of individuals who objected to the application. He stated that he had asked the Area Planning and Enforcement Officer to engage with the case officer for the original application to ensure consistency, as it had been that officer's view that it would be difficult to envisage an application that would be suitable for the site.

Mr Macdonald said that those who opposed the application did so with well-considered thought. He noted the garden to the rear of 6 St Mary's Way would be 10 feet below one of the proposed dwellings and that this would cause severe overlooking, adding that the proposed planting to mitigate this would take time to mature and would also be overbearing when fully grown.

Mr Macdonald noted that the proposed planting would not provide any mitigation during the winter months. He also raised concerns about loss of light and the risk of tree roots causing subsidence.

The erection of a two-metre high fence was considered by Mr Macdonald to cause an overbearing drop in height and he stated that even one dwelling on the site would be overbearing to neighbouring properties. It was noted that residents already had difficulty accessing St Mary's Way during school drop-off and collection and that bin lorries had to reverse into the road to collect refuse.

Mr Macdonald drew the Committee's attention to the Landscape Manager's comments on the initial application and considered them to be material to the objections raised. He added that the site was a haven for a variety of wildlife and was of the view that developing it would have impact on future generations. He also noted the land to the north of the site and was unclear on the applicant's intention for it, suggesting that the current application could be a "trojan horse" to secure planning permission there at a later date.

The Chairman invited questions to Mr Macdonald.

A member of the Committee sought further information regarding Mr Macdonald's comments regarding the case officer on the original application. Mr Macdonald reiterated the views given by that officer stating he had considered it would be difficult to see a suitable application for the site, stating the information was detailed in the original application file.

The Chairman invited Mr Caird, Clerk to Westerfield Parish Council, to address the Committee.

Mr Caird considered that there needed to be a very good reason to be flexible on planning policies in cases such as the one before the Committee, stating that respect needed to be shown to the process that had created the policies. He said that Westerfield had been a willing partner with the Council to develop appropriate housing in the village.

It was noted that if sites allocated in the current Suffolk Coastal Local Plan were developed, the size of the village would increase by 50%. Mr Caird was of the opinion that Westerfield had contributed to new housing in East Suffolk. He added that the emerging Suffolk Coastal Local Plan stated that no housing over and above what was already identified for the village was required.

Mr Caird highlighted that the application site was outside of the Westerfield physical limits boundary and that there needed to be compelling reasons to allow new dwellings in the countryside. He considered that the proposed scheme did not meet an identified housing need. He also noted the parcel of the land to the north of the site, owned by the applicant, which would be landlocked by the development and rendered unusable for any purpose.

Mr Caird asked the Committee to demonstrate that residents' views matter and said that approval of the application would confirm the cynical view that their views do not matter.

The Chairman invited questions to Mr Caird.

Mr Caird confirmed that Westerfield did not have a Neighbourhood Plan but was considering undertaking the process to develop one.

The Chairman invited the Planning Development Manager to comment on the working relationships between officers. She advised that there was an ethos of a team approach within the Planning Service and that officers routinely liaised with one another to obtain feedback on cases. She noted that the case officer on the original application had not provided any formal comments on the current application, but that the Area Planning and Enforcement Officer would have discussed the case with him and other peers.

The Chairman invited the Committee to debate the application that was before it.

Several members of the Committee sympathised with the views of objectors to the application. It was noted that a principle of development had been established by the appeal decision but considered that the current application did not overcome the concerns regarding residential amenity, which had been the reason for the previous application being refused and then dismissed at appeal. Several members considered the proposals to be backfill and overdevelopment on the site, and concerns were also raised about the overlooking that would occur on existing neighbouring properties and the fact that the site was outside of Westerfield's physical limits boundary.

Another member of the Committee noted that the site was beyond the physical limits boundary but was of the view that as a principle of development had been established and was a material planning consideration, refusing the application would run contrary to the appeal decision and the principle that it had established. He did not consider that the proposed development was overdevelopment or that it would significantly impact residential amenity, noting that the concerns regarding parking and bin lorries accessing the site were not material considerations. The Member concluded by stating that the need to build new housing was greater than it had been in decades and said that he would be supporting the application.

In response to comments regarding the current and emerging Local Plans, the Planning Development Manager advised the Committee that it needed to give weight to the policies of the existing Local Plan. She stated that the emerging Local Plan could be considered but until it was adopted could not be given weight; the emerging Local Plan had been examined by the Planning Inspectorate, but the conclusion of this process had been delayed by the impending General Election. It was also noted that previous decisions made about schemes on the site had been made against policies in the existing Local Plan.

A member of the Committee accepted that the proposed scheme could be considered as backfill but stated that the application needed to be considered in full and asked if there would be a strong defence to any decision to refuse. The Chairman considered

that a robust reason for refusal was required if the Committee was minded to refuse and suggested that policy DM23 of the Local Plan, regarding residential amenity, was the strongest reason for refusal. Another member of the Committee suggested policies DM3 (Housing in the Countryside) and DM19 (Parking Standards) of the Local Plan as reasons for refusal.

The Chairman invited the Planning Development Manager to provide advice on possible reasons for refusal.

The Planning Development Manager acknowledged the views expressed in debate, particularly about the site being outside of the physical limits boundary and therefore in the countryside. She said that it was clear that a principle of development had been established by the appeal decision and considered that a refusal of this application would be difficult to defend at any future appeal.

The Committee was advised that the main concerns for the original application had related to residential amenity and compliance with policy DM23. Officers were of the view that the reduction of the number of dwellings and the size, along with their reorientation, meant that the scheme was now acceptable. Overlooking to 6 Mt Mary's Way would now be oblique, due to the reorientation proposed.

The Planning Development Manager added that the Arboriculture and Landscape Manager had not objected to the new scheme. She acknowledged that the scheme was contrary to policy DM23 but noted that this had been superseded by the appeal decision that had established a principle of development.

The Chairman referred to the Planning Inspector's comments in the appeal decision regarding the overlooking to the rear gardens and windows of neighbouring properties, that he had observed on his visit to the site. She also noted the suggestion made by the Planning Inspector regarding the orientation to any property located to the rear of 5 St Mary's Way and asked if this was what was being proposed in the current application.

The Area Planning and Enforcement Officer stated that this was the case and noted the re-positioning of a window on the relevant proposed dwelling, adding that landscaping would be controlled through conditions.

The Chairman considered that although the Planning Inspector had agreed that there was some possibility for development, he had not concluded this definitively.

The Vice-Chairman was of the view that the conclusion of the Planning Inspector, that a development would be detrimental to the residential amenity of 6 St Mary's Way, was also applicable for the current application. The Planning Development Manager advised that the refused scheme consisted of properties facing directly in to neighbouring dwellings and that the reorientation of the new scheme limited this overlooking.

It was confirmed that the distance from the rear facade of 5 St Mary's Way to the application site boundary was 23 metres, the back to back distances from Carlfield was 77 metres, and the distance between the two proposed dwellings was 22 metres.

The Chairman moved to the revised recommendation for authority to approve, as set out in the presentation.

The recommendation was proposed, seconded and by a majority vote **FAILED**.

The Chairman sought a new recommendation to refuse the application, suggesting that any reason should concentrate on the scheme being contrary to policy DM23 of the Local Plan.

Following advice from Officers, a new recommendation was formulated to refuse the application as the proposed scheme would be detrimental to the residential amenity of both 5 and 6 St Mary's Way, by causing significant overlooking, and was therefore contrary to policy DM23 of the Suffolk Coastal Local Plan.

The Chairman moved to the new recommendation.

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

#### **RESOLVED**

That the application be **REFUSED** as the proposed scheme would be detrimental to the residential amenity of both 5 and 6 St Mary's Way, by causing significant overlooking, and was therefore contrary to policy DM23 of the Suffolk Coastal Local Plan.

*The meeting was adjourned for a short break following the conclusion of this item (2.52 pm) and was reconvened at 2.54 pm.*

#### **6 DC/19/3489/VOC - 1 Hill Farm Cottages, Hill Farm Road, Playford, IP6 9DT**

The Committee received report **ES/0197** of the Head of Planning and Coastal Management, which related to planning application DC/19/3489/VOC.

The application sought a variation of condition 2 of application E/6694 to remove the agricultural occupancy from 1 Hill Farm Cottages. The other cottage granted under E/3394 was proposed to retain the occupancy condition.

The removal of this condition would be contrary to planning policy and therefore the application was before the Committee for determination.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer.

The Committee was shown the site location plan along with site photographs of the two dwellings in question.

The key issue was summarised as the removal of the condition which would create an unrestricted dwelling in the countryside.

The Committee was advised of the fallback position which was the granting of the certificate of lawfulness.

The Area Planning and Enforcement Officer advised that the recommendation had been revised and this was displayed during the presentation.

The revised recommendation was outlined to the Committee.

There being no questions to the Planning officers, and no public speaking on the application, the Chairman invited the Committee to debate the application before it.

There being no debate, the Chairman then moved to the revised recommendation for authority to approve, set out in the presentation.

On the proposition of Councillor Yule, seconded by Councillor Hedgley it was unanimously

### **RESOLVED**

That **AUTHORITY TO APPROVE** be granted subject to the consideration of any additional material planning considerations being raised during the consultation process, and subject to controlling condition:

The occupation of the dwellings shall be limited to persons solely or mainly working, or last working, in the locality in agricultural or in forester, or a widow or widowers of such persons, and to any resident dependents with the exception of Number 1 (one) Hill Farm Cottages.

### **7 DC/19/3882/FUL - Haresfield, Badingham Road, Framlingham, IP13 9HS**

The Committee received report **ES/0198** of the Head of Planning and Coastal Management, which related to planning application DC/19/3882/FUL.

The proposal was for a detached two bay cart lodge with storage space above and the application and as the applicant was directly related to a member of staff, the item was therefore required to be determined by the Committee. The proposal would not adversely affect visual or residential amenity and accorded with planning policy.

The Committee received a presentation on the application from the Assistant Planning and Enforcement Officer. The Committee was shown the site location plan along with photographs of the existing double garage on the site, the large parking area, and the site's relationship with a nearby holiday let. The site was described as being well back from the street scene. The proposed block and floor plans were also displayed.

The key issues were summarised as visual amenity and residential amenity.

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

The Chairman invited questions to the Planning officers.



It was confirmed that the development would be in line with the principal elevation of the neighbouring holiday let.

The Chairman invited the Committee to debate the application that was before it.

There being no debate, the Chairman moved to the recommendation to approve.

On the proposition of Councillor Allen, seconded by Councillor Cooper it was unanimously

**RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Proposed All Plans & Site Plan received 11/10/19 & 15/10/19, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

The meeting concluded at 3:00 pm

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Chairman