

Confirmed



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

Members of the Committee present:

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers

Other Members present:

Councillor David Beavan, Councillor Judy Cloke, Councillor Tony Goldson

Officers present: Jamie Behling (Trainee Planner), Ben Bix (Democratic Services Officer), Joe Blackmore (Principal Planner), Mia Glass (Assistant Enforcement Officer), Philip Ridley (Head of Planning and Coastal Management), Iain Robertson (Senior Planner), Ben Woolnough (Planning Manager - Development Management), Nicola Wotton (Deputy Democratic Services Manager)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Plummer and Rivett. Councillor Beavan was in attendance as substitute for Councillor Plummer; and Councillor Goldson was in attendance as substitute for Councillor Rivett.

2 Declarations of Interest

There were no Declarations of Interest.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Ashdown, Beavan, Brooks, Ceresa, Cooper, Coulam, Gee and Pitchers declared that they had been lobbied by email on agenda Item 6 - DC/22/1891/FUL - G Engineering Ltd, Malt Office Lane, Rumburgh, and had not responded. Councillor Beavan declared that he had been lobbied on agenda item 7 - DC/22/0479/FUL - 23 Ferry Road, Southwold, and had not responded.

4 Minutes

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

RESOLVED

That the minutes of the meeting held on 9 August 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1277** of the Head of Planning and Coastal Management, which provided a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 25 August 2022. At that time there were 15 such cases.

The Assistant Enforcement Officer explained that a site visit had been undertaken at Land West of Guildhall Lane, Wrentham and reported that the notice had not been complied with. A further update would be provided to Members at the next meeting. Councillor Cooper queried whether any progress had been made regarding Pine Lodge Caravan Park since the last meeting, and the Assistant Enforcement Officer advised that the case was still with the Council's legal department.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Coulam, seconded by Councillor Gee it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 25 August 2022 be noted.

6 DC/22/1891/FUL - G Engineering Ltd, Malt Office Lane, Rumburgh, IP19 0JD

The Committee considered report **ES/1278** which related to planning application DC/22/1891/FUL. The application sought planning permission for the construction of a two-storey detached residential dwelling for the applicant and his family, as well as workers and business associates, as and when required. The site was proposed to be occupied in association with G Engineering Ltd who had relocated to the site following the grant of planning permission DC/18/5021/FUL for the construction of a replacement workshop building. The need for a residential property had been proposed on the grounds of security of machinery on the site and the need to be close to the site to promptly attend to call outs. The application had been referred by the Referral Panel for further discussion to take place in relation to the key policy consideration, WLP8.8 – *Rural Workers Dwellings in the Countryside*.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The Committee considered the location plan and aerial view, the proposed block and floor plans, proposed elevations and viewed photographs of the site. Illustrations were shown of the view of the site from footpath 3 and an approved planting scheme. The recommendation to refuse the application as set out in the report was outlined to the Committee, and the Senior Planner explained the material planning considerations and key issues consequential to WLP8.8 and

Paragraph 80 (a) of the NPPF which were:

- Whether a clearly established *functional need* to satisfy WLP8.8 had been demonstrated, advising that security of equipment and convenience of living on site did not demonstrate an essential need
- Whether satisfying the *essential need* requirement of Paragraph 80 (a) could be fulfilled by other existing accommodation in the area.
- Whether there was any evidence to suggest that a dwelling on this site would be essential for the continued viability of the business; and
- Landscape Impact.

At the invitation of the Chairman, Member's questions to Officers sought clarification of:

- The type of alternative accommodation that was available, and its location, noting that the applicant had stated that no suitable alternative accommodation was available within the applicant's budget
- The relevance or otherwise of the applicant's financial circumstances
- Whether approval would set a precedent.

Officers responded to Members' questions accordingly:

- Alternative accommodation in the form of housing for sale or rent was available within a reasonable driving distance in the local area. Contextually, alternative accommodation did not mean short term hotel or tourist accommodation
- There was a financial test set out in WLP8.8 which stated that the unit and the rural activity concerned had to have been established for at least three years, had been profitable for at least one of them and was financially sound with a clear prospect of remaining so; and
- Each application would be considered on its merits.

At the invitation of the Chairman, the applicant's agent Mr Rankin addressed the Committee. Mr Rankin gave an overview of the applicant's thriving agricultural machinery repair business which had been founded in 2013 and now had over 400 clients. The business offered a 24/7 service to its customers, and machinery to the value of £10m could be onsite at any one time. During the Covid-19 Pandemic, the five employees were defined as Key Workers, which Mr Rankin contended was grounds to define them as essential workers for planning policy purposes. The owner, Mr Gowing, lived in rented accommodation adjacent to the site, which would no longer be available, and wanted to continue to offer his employees overnight accommodation to meet business need.

Mr Gowing was invited by the Chairman to respond to questions from Members. Mr Gowing advised that he had recently prevented two potential thefts due to him living adjacent to the site and having been able to monitor and respond to incidents. The public footpath alongside the site effectively allowed the public to pass and repass the site and posed a significant risk. In response to questions from Councillors Goldson and Gee, Mr Gowing advised that in the event of a theft, the lead time for replacement machinery was in excess of two years. Thieves would also target GPS appliances, which alone would cost £20,000 to replace.

Councillors Coulam and Brooks noted that since the applicant had always lived on site, he hadn't been able to find a plausible alternative that would provide sufficient accommodation for workers and be close enough to act as a preventative security measure. Councillor Ashdown asked where the workers came from, and how frequently they would stay on site. Mr Gowing explained that some travelled from Devon, due to the specialised nature of the work, and workers would stay on site according to business need.

There being no further questions to the applicant, the Chairman called upon the Ward Member, Councillor Cloke to speak.

Councillor Cloke spoke in favour of the application satisfying the tests for the rural workers exemption. Councillor Cloke echoed the statements made by the applicant regarding the security benefits that proximity to the site would provide, that the workers should be regarded as essential workers, and that a thriving business in a rural setting should be supported. The applicant was reliable, worked long hours and his business had benefitted from his proximity to the site to access tools and equipment for call-outs. The Council had previously granted permission for the workshop building outside the village settlement, and the applicant currently rented a house outside the village settlement. Therefore, due to the tenure of the rented accommodation coming to an end, it seemed reasonable that the applicant would want to continue to live outside the village settlement, and close to his business. Councillor Cloke urged the Committee to acknowledge that whilst Paragraph 80(a) of the National Planning Policy Framework stated that planning decisions should avoid the development of isolated rural dwellings unless there was essential need for a rural worker, it was clear that Mr Gowing's application had demonstrated that there was an essential need for a rural worker.

Members debated the proposal. Councillor Brooks surmised that the applicant had put forward a compelling case. Assurance relating to the future use of the dwelling could be conditioned to ensure that the occupier of the residential accommodation must own the business or be employed by the business, and that any future sale of the business would be inclusive of the residential accommodation, so they were always tied together. Councillors Beavan and Gee stated that the application was genuine and persuasive on its merits. Councillors Goldson, Cooper and Pitchers were concerned about rural crime, and recognised that the application provided a mitigation for the site. Councillor Pitchers noted however that emergency services workers were not obliged to live on the premises of their workplace, despite also having to be available for 24/7 call outs.

The Planning Manager cautioned that Officers had applied well-established policy criteria in preparing the report and making the recommendation for refusal. Members were urged to firstly have regard to the village settlement and whilst the proposed development was not within the settlement, it was relatively close to the village services and amenities. Secondly, the value of the machinery on site at any one time was not a policy consideration, and thirdly that the *functional need* test was critical and the assessment by Officers was that the test had not been met.

Councillor Brooks proposed that the application be approved subject to condition, Councillor Gee seconded the proposal, the Chairman moved to the vote and it was by a majority

RESOLVED

That the application be **APPROVED** subject to a condition.

Condition:

That the occupation of the dwelling be limited to the owner and any resident dependents of the business, and any person or persons solely or mainly employed by that business serving agricultural needs in the locality. The property not to be let independently or sold off from the business unit.

7 DC/22/0479/FUL - 23 Ferry Road, Southwold, IP18 6HQ

The Committee considered report **ES/1279** which related to planning application DC/22/0479/FUL. The application sought planning permission for a revision to an approved scheme to include the demolition of a single-storey side addition which would be replaced by a new single-storey side entrance, a two-storey rear extension, and internal alterations. A detached beach room to the side would be constructed and the boundary fence would be upgraded. The application was referred to Committee by the Referral Panel for further consideration of the application, primarily in relation to the use of the building and the design of the proposed parking area to the front of the building. The Planner clarified that the site was in a Conservation Area, and that contrary to the report, the proposed parking provision could not be achieved within permitted development rights due to the article 4 restriction covering the site. An update sheet had been published and circulated on Monday 12 September 2022 which included an additional condition relating to parking and further comments from Southwold Town Council.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, and a contrast was made between the previously approved scheme and the revised proposal, including illustrations of the potential impact on the street scene. The Committee also viewed the existing and proposed elevations, layout and floorplans, along with a photograph of the grass block paving that would provide the hardstanding for the parking.

The recommendation to approve the application, as set out in the report, was outlined to the Committee and the Planner explained that the material planning considerations and key issues were: use, design, parking, natural environment, and loss of private garden space. The Planner surmised that the proposed beach room was a comparable ancillary outbuilding to what had previously been approved, would not be rentable separately from the main building, and that overall the development would not cause significant harm to the area.

In response to questions from Members about the future use of the site, Officers emphasised that whilst the whole house, including the beach house could be rented in the future, proposed Condition 4 provided a constraint that the beach house could not be occupied at any time other than for purposes ancillary to the residential use of 23 Ferry Road. The applicant's intention was to use the house as a home and Officers were content that the proposed parking layout was not contrary to Suffolk County Council's Technical Guidance for Parking. The Planning Manager urged Members that the Committee could only consider the application before it and could not speculate about any future application.

In response to two questions from Councillor Ceresa, the Planner firstly clarified that the site was in flood risk zones 2 and 3 and that a flood risk assessment had been provided with the application. Secondly, if the application was not approved, it would be possible to convert the existing garage into a room.

At the invitation of the Chairman, Southwold Town Councillor Jessica Jeans spoke on behalf of the Town Council in objection to the application. Town Councillor Jeans explained that the Town Council perceived that the report before Members had not demonstrated the correct application of policies SWD6, SWD7 and SWD12 of the Southwold Neighbourhood Plan, and would effectively neuter the future application of the plan. It was perceived that in the future the proposed beach room could be converted into standalone holiday accommodation, and the Town Council were concerned about the overall harmful impact that holiday letting was having on the town. The Town Council was of the view that the proposal did not satisfy the specific tests relating to parking set out in SWD7 (B) and that the proposal would:

- Result in a car dominated street scape, as the parking capacity of the site would increase from 2 to 3 cars
- Not preserve or enhance biodiversity, as part of the garden would be lost
- Not preserve the amenity space, as the existing patio would be lost

At the invitation of the Chairman, Town Councillor Jeans responded to Members questions as follows:

- The cumulative impact of the approved scheme and the proposed scheme on the rear and side of the site was, in the view of the Town Council, contrary to Neighbourhood Plan policies and approval would neuter the Neighbourhood Plan.
- Approval could set a negative precedent where the same Neighbourhood Plan tests would be applied to future applications
- The extant parking provision was for 2 cars, which would increase to 3, and the garage would be lost. Town Councillor Jeans referred to a colloquial term for large expensive cars dominating the frontage
- The approved consent would create a 3-bedroom property, and it was probable that the revised proposal for a beach house, would in effect, create room for a fourth bedroom at a future point.

The Chairman cautioned that the Committee could only consider the matter before it, and could not revisit the consent previously approved, nor speculate about any future application.

The Chairman invited the applicant, Mr Thompson to address the Committee. Mr Thompson clarified that the property was intended to be a family home, with the beach room being in daily use as part of that. The additional parking space that would be provided once developed, was for family and personal use, with modest vehicles and once complete, would improve the appearance of the property from the road, as well as making use of the redundant patio area. The proposed beach room corresponded to an outbuilding that had previously been located on the site in the 1950's and was less wide than the garage. Mr Thompson had improved the property and had replaced the unsightly uPVC windows and introducing tiled roofing. With reference to the comments on the colloquial term for large expensive cars dominating the frontage, Mr Thompson said that he doesn't own such vehicles and that would not be the case.

In response to a question from Councillor Goldson, Mr Thompson confirmed that the whole parking hardstanding area would be surfaced with grass blocks.

At the invitation of the Chairman, the Planning Manager sought to clarify matters for Members. It was emphasised that the application was a homeowner application and should be treated fairly as such. The Town Council had demonstrably made assumptions in their consideration of the application and had used emotive language during the meeting which was unhelpful. The Planning Manager countered that the Neighbourhood Plan policies had been competently applied by Officers in making their recommendation, and no precedent would be set in approving the application. The Neighbourhood Plan was robust and well prepared, and its policies sat side by side with Local Plan policies. The Planning Manager confirmed that the recommendation certainly would not neuter the Neighbourhood Plan policies and that ESC Planners applauded the efforts of Southwold for its ambitious policies, including recent defence of them and similar neighbouring Reydon Neighbourhood Plan policies at appeal. There was no policy conflict, the application was relatively modest, the retained garden space would be consistent with other properties on the road, and the parking concerns had been addressed in the report, including a condition that the parking provision be completed prior to first use.

The Chairman invited the Committee to debate the application. Councillor Goldson noted that the amount of garden space that would be lost was small, and along with Councillor Pitchers observed that the one additional car parking space would not be visible from the road. Councillor Beavan concurred and noted that the grass block paving would mitigate drainage and biodiversity concerns. Councillor Cooper saw no evidence to support the assertion that the beach room would be used as a fourth bedroom; and Councillor Brooks was satisfied that the applicant had made clear the purpose for which the property was intended to be used.

Councillor Beavan moved that the application be approved, Councillor Pitchers seconded, the Chairman moved to the vote and it was by a majority unanimously

RESOLVED

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

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 05M and 06G received 18/05/2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 23 Ferry Road.

Reason: The proposal is inappropriate for use as a separate/independent dwelling.

The meeting concluded at 3.56pm

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Chairman