

**Confirmed**



Minutes of a Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 25 August 2020 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

**Other Members present:**

Councillor Paul Ashdown

**Officers present:**

Katherine Abbott (Democratic Services Officer), Liz Beighton (Planning Manager), Charlie Bixby (Planner), Alexis Burns (Assistant Planner), Sarah Carter (Democratic Services Officer), Matt Makin (Democratic Services Officer), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence received.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in items 6 and 8 of the agenda as both a member of Felixstowe Town Council and also as the Chairman of that Council's Planning and Environment Committee.

Councillor Chris Blundell declared a Local Non-Pecuniary Interest in item 10 of the agenda as both a Ward Member for Martlesham and as a member of Martlesham Parish Council.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in items 6 and 8 of the agenda as a member of Felixstowe Town Council.

Councillor Colin Hedgley declared a Local Non-Pecuniary Interest in item 7 of the agenda as a Ward Member for Little Bealings.

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

Councillor Tony Fryatt declared that he had been lobbied by email on item 7 of the agenda; he advised that he had not responded to any of the emails he had received.

**4 Minutes**

## **RESOLVED**

That the Minutes of the Meeting held on 21 July 2020 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0456** of the Head of Planning and Coastal Management. The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 28 July 2020. The report detailed 19 such cases.

The Chairman invited questions to the officers.

A member of the Committee asked if there was an estimated timescale for a resolution to the enforcement case at Rosery Cottage Barn and also asked for an update on the site at The Chestnuts, Little Bealings. The Planning Manager advised that she would speak to the relevant case officers and respond to the Member directly outside of the meeting.

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

## **RESOLVED**

That the report concerning outstanding enforcement matters up to 28 July 2020 be received.

### **6 DC/20/1794/FUL - 1 College Green, Felixstowe, IP11 7AP**

The Committee received report **ES/0463** of the Head of Planning and Coastal Management, which related to planning application DC/20/1794/FUL.

The application sought permission for a single storey side and rear extensions and new garden wall. The side and rear extensions and a garden wall have already been granted permission on application DC/19/4442/FUL. The only change proposed through the current application is an extension in length of the garden wall.

The initial submission of the application included proposals for recladding on the front elevation of the property. The proposals were later removed from the application.

The application was recommended for approval by the Planning Officer and Felixstowe Town Council had recommended refusal of the planning application; as the Town Council's recommendation was contrary to that of the Planning Officer, the application was reviewed by the Referral Panel.

The Referral Panel considered the application on 11 August 2020 and referred the item to the Committee on the basis of the level of public objections and the previous discussion surrounding the wall at the Planning Advisory Panel meeting of 24 March 2020, and to enable discussion of the impacts upon visual amenity and the Conservation Area.

The Committee received a presentation on the application from the Assistant Planner, who was acting as the case officer. The site location was outlined, and the Committee was shown the proposed block plan in contrast to the approved block plan.

The approved and proposed elevations were displayed. The Assistant Planner explained that the height of the wall would remain unchanged and that the changes would elongate the wall along the front of the property.

The Committee was in receipt in photographs of the site which showed the front of the property and street views.

The Assistant Planner explained that several letters of objection had been received; the objections were similar to those received on the approved application.

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

The Chairman invited questions to the Planning Officers.

It was confirmed that two-metre high fence could not have been constructed under permitted development rights as it would have been next to the highway and the limitation for such fences was one-metre high. The Assistant Planner stated that the height of the wall, two metres, had already been approved in the extant planning permission and the new application was to extend the wall laterally.

A member of the Committee queried what the limit on fence height under permitted development. The Planning Manager explained that the limit was two metres unless the fence bordered a highway, where the limit would be one metre.

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

A member of the Committee spoke in support of the application and said that as long as the wall was constructed from suitable materials, it would not have a detrimental effect on the surrounding area. This view was supported by another member of the Committee.

A different member of the Committee took a contrary view and considered that as the application site was in a conservation area and part of a planned and designed estate, the extension of the wall would have a detrimental effect on the surrounding area. He noted that the dwelling was at the opening of the estate and occupied a prominent position in the road, and that the extended wall would detract from the open plan nature of the area.

In response to a request for clarity from the Chairman, the Planning Manager read out the comments of the Planning Advisory Panel at its meeting on 24 March 2020, as contained in the update sheet.

There being no further debate, the Chairman moved to the recommendation as set out in the report.

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

## RESOLVED

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

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 Drawing No's 2632.20.02 (Site Plan), 2669:20:03 (Proposed elevations) and 2669.20.05 (Proposed Garden Wall Elevations) all received on 15 May 2020 and the requirements of other conditions on this consent.

*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 in writing with the local planning authority.

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

4. Notwithstanding what is shown on drawings 2669:20:01 (existing elevations and floor plans), 2669:20:03 (Proposed elevations) and 2669.20.05 (Proposed Garden Wall Elevations) all received 15 May 2020, the cladding on the existing house above the ground floor level windows shall be retained in its existing form (mock tudor) and shall not be replaced with Resin Cement Boarding or any other form of cladding, unless otherwise agreed through further application to the Local Planning Authority.

*Reason: In the interests of clarity as to the works hereby granted planning permission as this element was removed from the description of development but no revised plans were received for consideration during the application process.*

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@eastsoffolk.gov.uk](mailto:CIL@eastsoffolk.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>

3. The applicant is hereby advised that the cladding initially proposed during this application and referred to in condition 4 would require Planning Permission. Class A of Part 1 of Schedule 2 of the General Permitted Development Order (England) 2015 (As Amended) allows for the installation of cladding, but not on dwellings within article 2(3) land, which includes Conservation Areas. This property is located within the Felixstowe Conservation Area, and therefore does not benefit from the Permitted Development Rights for the installation of cladding.

## **7 DC/20/1909/FUL - Bealings Holt, Martlesham Road, Little Bealings, IP13 6LX**

The Committee received report **ES/0460** of the Head of Planning and Coastal Management, which related to planning application DC/20/1909/FUL.

The application sought full planning permission on land to the west of Bealings Holt, Martlesham Road, Little Bealings. The site was located in the countryside, more than 150 metres from the nearest settlement boundary on a road with no pavement, so the proposed dwelling would not meet the current local plan policy relating to dwellings in clusters in the countryside (policy DM4).

A dwelling had previously been granted on this site under NPPF paragraph 55 (now paragraph 79), and that consent remained extant. However, the current scheme was not proposed under paragraph 79, but under emerging Local Planning Policy SCLP5.4 (Housing in clusters in the countryside).

As the recommendation was contrary to the current Local Plan, the application was before the Committee for determination in accordance with the Council's Scheme of Delegation.

The Committee received a presentation on the application from the Principal Planner, who was acting as the case officer. The site's location was outlined, and its relationship with neighbouring properties Marchwood and Bealings Cottage was established.

Images from Google Earth were displayed showing views of the site from the north, south, east and west.

The Principal Planner outlined the extant planning permission on the site. The proposed access for the new application was unchanged from that approved previously.

The Committee was in receipt of photographs that showed a view of the site from road and the site boundary with Marchwood.

An aerial photograph of the site and the proposed block plan were displayed. The Principal Planner also displayed a copy of the proposed block plan that indicated the distances between

the proposed dwelling and neighbouring properties. Officers were of the view that the scheme was acceptable in terms of residential amenity.

Details of the completed tree survey were outlined, which detailed the trees that would be protected during construction.

The proposed floor plans and elevations were displayed, as well as a computer-generated image of what the completed development would look like.

The material planning considerations and key issues were summarised as the principle of development, landscape and visual impact, impacts upon trees, on-site ecology, off-site ecology, highway safety and residential amenity, and permitted development rights.

The Principal Planner said that it was considered that the emerging policy SCLP5.4 could be given significant weight, as the proposed main modifications to the policy did not affect the principle of this proposal, and the examination process was nearing completion. The Principal Planner advised that the proposed dwelling complied with policy SCLP5.4 and was acceptable in terms of all other relevant planning policies and material planning considerations.

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

*The meeting was adjourned at 2.47pm to allow the Chairman to address the connection issues that she was experiencing. The meeting was reconvened at 2.50pm.*

The Chairman invited questions to the Planning Officers.

A member of the Committee asked how many times in the previous three months had a similar application of policies been applied to planning applications. The Principal Planner stated that she was unable to comment on this and that any similar situations would have needed to come to the Committee as per the Council's Scheme of Delegation.

The Chairman invited Mr Ransome, representing Little Bealings Parish Council, to address the Committee.

Mr Ransome said that Little Bealings Parish Council felt very strongly about the application and considered that it was not within the designated settlement boundary of the village. He noted that the application site was within a Special Landscape Area (SLA) and that this should be the prime driver for the Committee in determining the application.

It was noted by Mr Ransome that a previous application for a two-storey dwelling on the site had been refused and considered that the application before the Committee should also be refused as it was not in accordance with the existing Development Plan.

Mr Ransome asked what weight should be given to emerging policy SCLP5.4 and if it was appropriate for it to be interpreted in a way that allows for approval of an unsustainable development in an SLA. Mr Ransome said that the Parish Council did not comply with policy and considered that if approval was given, no care would have been exercised in terms of the policy. He added that approval of the scheme would significantly alter the character of the area and leave the Council with no grounds not to approve other infill sites along the whole of Martlesham Road.

It was highlighted by Mr Ransome that Martlesham Road had no pavement, lighting, or public transport links and that more cars for residents and visitors would exacerbate existing traffic issues in the area.

Mr Ransome considered that paragraph 6.49 of the report contained an error, as the son of the occupant of Marchwood had objected on behalf of the residents, highlighting many of the same points made by the Parish Council.

Mr Ransome said that the Parish Council was not opposed to development where it was appropriate, sustainable and of benefit to the residents. He considered that the Council would be in grave error if it interpreted policy SCLP5.4 as providing grounds for unsustainable development in the SLA.

At the conclusion of Mr Ransome's address, the Chairman sought clarification on whether objections had been received from the residents of Marchwood. The Principal Planner advised that the objections made by the son of the occupants of Marchwood had been written from a different address and had not explicitly stated that they were on behalf of the residents of Marchwood.

There being no questions to Mr Ransome the Chairman invited Mr Price, agent for the applicant, to address the Committee.

Mr Price noted that there was extant planning permission on the site which had been approved under paragraph 55 of the NPPF (now paragraph 79). He noted that the new Suffolk Coastal Local Plan was at an advanced stage, that there were no outstanding issues with policy SCLP5.4, and that the plan was due to be adopted in due course.

It was the view of Mr Price that the application was in accordance with the new policy and that there was no demonstrable harm. He stated that paragraph 48 of the NPPF made it clear that where a Local Plan was at an advanced stage and there were no major issues, its policies could be given significant weight. He sought approval of the application.

There being no questions to Mr Price the Chairman invited Councillor Colin Hedgley, Ward Member for Little Bealings, to address the Committee.

Councillor Hedgley stated that the previous application had been approved as an exception under paragraph 55 (now paragraph 79) of the NPPF. He was of the opinion that the new application did not meet the standards for this exception.

Councillor Hedgley considered that the emerging Local Plan had not been adopted and said it felt wrong to give significant weight to its policies. He said that it was a moral issue to determine the application based on the existing Local Plan rather than trying to circumvent it by pretending that the new Local Plan was already in place. He said that he objected to the application.

There being no questions to Councillor Hedgley the Chairman invited Councillor Tony Fryatt, Ward Member for Little Bealings, to address the Committee.

Councillor Fryatt was concerned about the route being taken with the application. He concurred with Councillor Hedgley's view that the new application was not of the same standard as what had already been approved on the site and said that although he understood that more weight should be given to an emerging Local Plan as it progresses, it should not be acquiesced to until it is adopted. Councillor Fryatt was very unhappy about approving this application based on the presumed adoption of the new Local Plan.

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

Several members of the Committee expressed concern about giving significant weight to policy SCLP5.4 when determining the application. Several Members stated that, morally, more weight should be given to the existing Local Plan and Members considered they could not support the application as it was contrary to policy DM4 of the existing Local Plan. One member of the Committee considered that the approval of the application would lead to ribbon development on Martlesham Road.

One member of the Committee initially spoke at length in support of the application, noting that it had not been submitted under paragraph 79 of the NPPF but under policy SCLP5.4 of the emerging Local Plan. However, as debate continued the Member advised that the significant strength of feeling from those members of the Committee opposed to the application had swayed him to support their views and that he would not be voting in favour of the application.

The Chairman of the Committee invited the Planning Manager to address the Committee. The Planning Manager referred the Committee to paragraph 48 of the NPPF, which set out the significant weight that should be given to policies of the emerging Local Plan, given its advanced state. The Planning Manager detailed the differences between policy DM4 and policy SCLP5.4 and noted that the application site had development on two sides of it and therefore accorded with the latter policy.

The Planning Manager advised that if the Committee was minded to refuse the application and the decision was appealed, the Planning Inspectorate (PINS) would consider the application against emerging and established policies in place at the time of the appeal decision and was of the view that any refusal would be difficult to defend at appeal.

There being no further debate, the Chairman moved to the recommendation set out in the report; it was proposed but not seconded and therefore the recommendation **FAILED**.

The Chairman sought an alternative recommendation. Following further debate by members of the Committee, it was suggested that the application be refused as it was not in accordance with policy DM4 of the existing Development Plan, when weighed against policy SCLP5.4 of the emerging Suffolk Coastal Local Plan.

The Chairman then moved to the alternative recommendation. On the proposition of Councillor Hedgley, seconded by Councillor Fryatt it was by a majority vote

## **RESOLVED**

That the application be **REFUSED** as it was not in accordance with policy DM4 of the existing Development Plan, when weighed against policy SCLP5.4 of the emerging Suffolk Coastal Local Plan.



*Following the conclusion of this item, the meeting was adjourned at 3.23pm for a short break. The meeting was reconvened at 3.30pm.*

## **8 DC/20/1893/OUT - 21 Fleetwood Avenue, Felixstowe, IP11 9HR**

The Committee received report **ES/0459** of the Head of Planning and Coastal Management, which related to planning application DC/20/1893/OUT.

The application site comprised part of the rear garden of 21 Fleetwood Avenue, Felixstowe. The application was made in outline form and proposed the erection of a detached dwelling.

The application was presented to the Referral Panel on 30 June 2020 with a recommendation of refusal, which was contrary to the Town Council's recommendation in support of the application. At this meeting, Members were content that the application could be delegated to Officers for a decision.

Following this meeting, Officers were supplied with a number of example cases whereby similar proposals had been permitted within Felixstowe. On balance, it was therefore considered that the recommendation of refusal due to the plot being cramped within the streetscene and out of character with the area would be difficult to argue and therefore the recommendation should be to approve.

The application was therefore taken back to the Referral Panel on 14 July 2020 where Members decided that in the interests of transparency, following Officers' change of recommendation that the application ought to be determined by the Committee.

The Committee received a presentation on the application from the Senior Planner, who was acting as the case officer. The site's location was outlined, and the Committee was shown photographs of the site outlining views from the corner of Fleetwood Avenue and Dellwood Avenue, the front of the application site, and to the right of the proposed plot.

The indicative site layout plan was displayed; the Senior Planner explained that these details would be approved at the Reserved Matters stage and that the plan was being displayed to show how the development could be accommodated on the site. An indicative streetscene view was also displayed.

The Committee was in receipt of plans of similar developments that had been approved in Felixstowe.

The main consideration was summarised as whether development of the site would result in an acceptable design and layout, in keeping with the character and appearance of the streetscene and/or harm neighbours' amenity.

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

The Chairman invited questions to the Planning Officers.

The Senior Planner confirmed that one letter of objection had been received on behalf of the resident of 19 Fleetwood Avenue, regarding the principle of development and overlooking. The Senior Planner noted that it had been processed against the sender's address

on receipt, and that Officers would look in to how such letters written on behalf of neighbours were logged in future.

It was stated by the Senior Planner that when looking at this type of application Officers took into account the size of the garden, if the property would fit in such a space, if the property would have amenity space and the impact on the residential amenity of neighbouring properties.

The Senior Planner advised that there would be on-plot parking on the site.

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

A member of the Committee considered the case to be straightforward as the proposed plot could accommodate a dwelling easily. He said that the illustrative cases in other areas of Felixstowe where similar developments had been allowed with less amenity space than would be retained for the proposed property.

Another member of the Committee spoke in objection to the application and stated that the application should not be approved because mistakes had been made elsewhere in Felixstowe. He highlighted the negative impact of a similar development in the town and considered that the proposed application would negatively impact on 19 Fleetwood Avenue.

The Member also noted that the site was opposite Felixstowe and Walton United Football Club and highlighted that it was difficult to park in the area on matchdays. He considered that the development was inappropriate and said that he would be voting against the application.

There being no further debate, the Chairman moved to the recommendation as set out in the report. The recommendation was proposed, seconded and by a majority vote **FAILED**.

The Chairman sought an alternative recommendation. Following further debate by Members it was suggested that the application be refused as it was a cramped form of development contrary to policy DM7 of the existing Development Plan and policy SCLP5.7 of the emerging Suffolk Coastal Local Plan.

The Chairman moved to the alternative recommendation. On the proposition of Councillor Deacon, seconded by Councillor Deacon it was by a majority vote

## **RESOLVED**

That the application be **REFUSED** as it was a cramped form of development contrary to policy DM7 of the existing Development Plan and policy SCLP5.7 of the emerging Suffolk Coastal Local Plan.

## **9 DC/20/1418/FUL - Iken Hall, Tunstall Road, Iken, IP12 2EP**

The Committee received report **ES/0457** of the Head of Planning and Coastal Management, which related to DC/20/1418/FUL.

The application site was located in the countryside within the parish of Iken. It was also within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The proposal involved the erection of a building to house equipment for the maintenance of a meadow to the north and west of Iken Hall.

The application was presented to the Referral Panel on 14 July 2020 as the Parish Council had objected to the proposal which was being recommended for approval. The Referral Panel considered that given the previous refusals for storage buildings on the site, the application should be determined by the Committee.

The Committee received a presentation on the application from the Senior Planner, who was acting as the case officer. The site's location was outlined; it was noted that adjacent land to the application site was also in the applicant's ownership.

Photographs of the site were displayed that showed views along Tunstall Road towards the existing and proposed access, the existing field access, inside the driveway of Iken Hall looking towards the application site, and from the riverpath towards the site.

The Senior Planner explained that due to the local topography and vegetation, the application site was only visible from one specific point on the riverpath.

The Committee was shown a map detailing the public rights of way; the route that entered the application site was a dead end.

The proposed block plan and elevations were displayed.

The Committee was in receipt of plans for the refused schemes. The Senior Planner said it was not sure where exactly the refused buildings would have been located.

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

There being no questions to the Planning Officers, the Chairman invited Mr Hutson, the applicant, to address the Committee.

Mr Hutson said that the building would be constructed from traditional materials and would be in a discreet corner of a field. Mr Hutson explained that he had purchased Iken Hall in 2003 which had already been separated from its historic storage buildings.

The refused applications were acknowledged, and Mr Hutson considered that the issues that had led to refusal had been addressed in the new application, including issues around height and screening. Mr Hutson said the planting in the area provided a windbreak to the field and had encouraged the return of wildlife to the area.

Mr Hutson said that the barn would be for the storage of agricultural equipment; he also said that previous equipment had been sold as it had deteriorated due to being stored uncovered. Mr Hutson explained that it was his intention to grow lavender and keep bees on the site to produce lavender oil and lavender honey and said that he also wanted to plant more trees to contribute to the environment.

Mr Hutson said that the barn was of a traditional design, designed by a local architect, and would not be visible from outside the site and would not cause a loss of outlook.

The Chairman invited questions to Mr Hutson.

Mr Hutson confirmed that work had already taken place to move a water source near to the site, which could be used for fire-fighting if so required.

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

Members of the Committee supported the application and considered that it was sympathetic to the area and would fit in well to its surroundings.

There being no further debate, the Chairman moved to the recommendation as set out in the report.

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

## **RESOLVED**

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

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 be completed in all respects strictly in accordance with Site Plan and Block Plan received 21 May 2020 and drawing no. 2612/19/1 received 6 April 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. 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. None of the existing trees or hedgerow on the southern site boundary shall be 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 hedgerow 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

and/or shrubs of a size and species which have previously been agreed in writing by the local planning authority.

*Reason: To safeguard the visual amenity provided by the trees and hedgerows.*

5. The building hereby approved shall be used for storage purposes only in association with the maintenance of the land on which it is situated and shall not be used for any purposes ancillary to a residential dwelling.

*Reason: The building is located outside of any residential curtilage and therefore a building in this location would only be approved where it is reasonably necessary for purposes relating to agriculture.*

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.

*At this point, the Chairman re-ordered the remainder of the agenda so that item 11 would be heard before item 10.*

## **11 DC/20/1429/FUL - 58 High Street, Wickham Market, IP13 0QU**

The Committee received report **ES/0464** of the Head of Planning and Coastal Management, which related to planning application DC/20/1429/FUL.

The proposal was for the change of use of 58 High Street, Wickham Market, from two flats and an A2 office type use, to a single dwellinghouse.

The application was before the Committee as the recommendation was to approve the proposal as a departure from the current Local Plan. It was a departure because the property had not been marketed in accordance with policy DM10. However, the emerging Local Plan had no requirement for marketing when A2 type uses are proposed to be lost.

The Committee received a presentation on the application from the Planner, who was acting as the case officer. The site's location was outlined; it was noted that there was an adjoining outbuilding to the rear of the property as well as an amenity garden space.

The Committee was shown a map detailing listed buildings in the area. The Planner confirmed that the application building itself was not listed but was adjacent to a listed building to the west.

Photographs of the site from the front and rear were displayed.

The existing block plan and the proposed floor plan was shown. The Planner detailed the removal of the internal partition wall that was proposed.

The material planning considerations and key issues were summarised as a departure from policy DM10, heritage/conservation area impact and residential amenity.

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

The Chairman invited questions to the Planning Officers.

In response to a question on parking, the Planner confirmed that there was no existing parking for the site and no parking was proposed in the application. The Highways Authority were satisfied with the lack of parking as the site was considered sustainable; there was a car parking area immediately adjacent to the property and sustainable transport links in the area.

It was confirmed that there was a mix of residential and office use within the area of the High Street that the site was located.

The Chairman invited Mr Meadows, the applicant, to address the Committee.

Mr Meadows considered that the Planner had covered most of the important points. He said that the current office space was a small area at the back of the house on the ground floor and only suitable for a one or two person office. Mr Meadows explained that office users would need to come through the residential area to access the office and detailed the extensive work to the dwelling and the garden that would be required to obtain privacy for all parties.

Mr Meadows said that he wanted to turn the dwelling into a family home and that the conversion would be done in an attractive and sympathetic manner. He noted that a third of the properties in the area were residential and asked the Committee to consider the loss of A2 type use office space against the gain of a residential dwelling.

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

Members of the Committee spoke in support of the application and noted the residential dwelling that would be created. One member of the Committee considered that the application returned the dwelling to its original use and would convert unobtainable office space back to residential use.

There being no further debate, the Chairman moved to the recommendation as set out in the report.

On the proposition of Councillor Yule, seconded by Councillor Allen it was by a majority vote

## **RESOLVED**

That the application be **APPROVED** subject to the conditions set out below.

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 not be carried out other than in complete accordance with drawings 998//1 (ground floor), and Site Plan received on 7 April 2020, and drawing 998/2 (first floor) received 29 April 2020.

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

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@eastsuffolk.gov.uk](mailto:CIL@eastsuffolk.gov.uk). A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action. CIL forms can be downloaded direct from the planning portal: [https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](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>

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)

4. The applicant is hereby advised that this property is a Listed Building. Therefore the proposed internal changes to the internal walls etc would require Listed Building Consent.

## **10 DC/20/1836/FUL - Martlesham House, School Lane, Martlesham, IP12 4PG**

The Committee received report **ES/0458** of the Head of Planning and Coastal Management, which related to planning application DC/20/1836/FUL.

The application sought full planning permission for the erection of one detached two-storey dwelling. The application also proposed an outside pool, two detached outbuildings to provide garaging and a summerhouse associated with the proposed pool. The proposal also involved a new access onto Three Stiles Lane and a proposed front boundary wall along the front of the site.

The site crossed the defined settlement boundary. The proposed dwelling, pool and outbuildings would be located outside of this boundary. The scheme therefore constituted a new dwelling in the countryside, which would be contrary to the Local Development Plan Policies. However, the site had development on two sides, was within a sustainable location, and would not otherwise result in significant material planning harm. It was therefore recommended for approval, contrary to the current Local Plan.

The positive recommendation, contrary to the current Local Plan, triggered the item's referral for determination by the Committee.

The Committee received a presentation on the application from the Planner, who was acting as the case officer. The site's location was outlined; the Planner outlined the relationship between the application site and the adjacent land and buildings also under the ownership of the applicant, including Martlesham House.

A Martlesham Neighbourhood Plan key map was displayed to the Committee. The Planner detailed that the application site was just outside and to the south of the physical limits boundary defined by policy MAR1 of the Neighbourhood Plan and where the site boundary intersected the settlement boundary.

Photographs of the site were shown detailing views of Martlesham House, the site access, the application site, the field opposite the application site, and recent development along Three Stiles Lane which was also outside of the settlement boundary.

The Committee was in receipt of the proposed block plan, proposed floor plans and cross sections, proposed elevations for the dwelling and the outbuilding, and the proposed retention of trees on the site.

The material planning considerations and key issues were summarised as the departure from the existing Local Plan policies DM3 and DM4, the visual and streetscene impact, the residential amenity impact, access and visibility splays, and the tree impact.

The Planner advised that the proposed dwelling complied with policy SCLP5.4 of the emerging Suffolk Coastal Local Plan as it was bordered by development on two sides.

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

The Chairman invited questions to the Planning Officers.

A member of the Committee queried the application's compliance with policy SCLP5.4 as the report seemed to state that it failed on this policy due to the five existing properties not being on the same highway. The Planner explained that the policy can be given significant weight but cannot be fully tested until fully adopted; he said that the application was considered to meet the criterion of the policy that it was bordered by developments on two sides and could be considered part of a cluster.

The Planner noted that the GGP map that had been displayed during the presentation did not reflect recent developments adjacent to the site.



The Planning Manager advised the Committee that the criteria listed within SCLP5.4 was of an either/or nature and given that the development was bordered on at least two sides by other developments, it was considered it met the emerging policy.

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

A member of the Committee, who was also Ward Member for Martlesham, advised the Committee that Three Stiles Lane was not a highway but a bridleway and that a vehicular entrance had been forced by residents driving onto the bridleway. He said that when he had written to the Highways Authority about this, he had been advised that it was illegal for vehicles to access the bridleway but that residents did so nonetheless. The Planner noted that the Highways Authority, in its response to the consultation, had acknowledged that Three Stiles Lane was a bridleway but considered the access acceptable.

In response to further debate regarding the access, the Planner confirmed that the Highways Authority did not object to the access and had recommended approval subject to conditions.

Another member of the Committee referred to the earlier application at Bealings Holt, where emerging policy SCLP5.4 had been referred to as a reason to approve the application. The Member noted that the Committee had not given significant weight to the emerging policy and had refused it as it was contrary to policy DM4 of the existing Local Plan, and considered that as this application was of a very similar nature then he was obliged to object to this application to ensure consistency in the Committee's decision making.

Several Members of the Committee considered that more weight should be given to policy DM4 of the existing Local Plan as the emerging Suffolk Coastal Local Plan had not yet been adopted. Members considered that the Committee should be consistent in its decision making.

The Chairman invited the Planning Manager to address the Committee. The Planning Manager acknowledged the Committee's view to be consistent in its decision making; she advised that if the Committee was minded to refuse the application it needed to identify specific harm that would be caused by the application, as a principle of development had been established by other applications being approved contrary to policy DM4 on the grounds that they still represented sustainable development. The Planning Manager stated that this was a material planning consideration.

There being no further debate, the Chairman moved to the recommendation as set out in the report. It was proposed, seconded and by a majority vote **FAILED**.

The Chairman sought an alternative recommendation. Following further debate by Members it was suggested that the application be refused as it was not in accordance with policy DM4 of the existing Development Plan.

The Chairman moved to the alternative recommendation. On the proposition of Councillor Bird, seconded by Councillor Cooper it was by a majority vote

**RESOLVED**

That the application be **REFUSED** as it was not in accordance with policy DM4 of the existing Development Plan.

The meeting concluded at 4.36 pm

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Chairman