

**Confirmed**



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room,  
Riverside, on **Tuesday, 10 March 2020 at 2.00 pm**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Craig Rivett

**Other Members present:**

Councillor David Beavan, Councillor Tony Cooper, Councillor David Ritchie

**Officers present:**

Liz Beighton (Planning Development Manager), Joe Blackmore (Development Management Team Leader - North), Chris Green (Senior Planning and Enforcement Officer), Matt Makin (Democratic Services Officer), Iain Robertson (Area Planning and Enforcement Officer), Melanie Van Der Pieterman (Area Planning and Enforcement Officer), Debby Wicks (Assistant Planning Officer)

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**Announcements**

The Chairman opened the meeting and announced that he was re-ordering the agenda in order to bring forward items with public speaking. He advised that item 8 would be heard after item 5 and before item 6.

*Councillor Rivett arrived at this point of the meeting (2.02 pm).*

**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Ashdown declared an interested in item 7 of the agenda as he was acquainted with the applicants. He clarified that the applicants were not close personal friends and that he had consulted the Monitoring Officer regarding this interest, who had advised him that this interest was neither a Local Non-Pecuniary Interest nor a Disclosable Pecuniary Interest.

Councillor Ashdown also declared a Local Non-Pecuniary Interest in item 8 of the agenda as his wife was a member of Oulton Broad Parish Council. He advised that he would leave the Conference Room for the duration of the item and the meeting would be chaired by the Vice-Chairman.

Councillor Brooks declared an interest in item 7 of the agenda as he was acquainted with the applicants.

Councillor Elliott declared a Local Non-Pecuniary Interest in item 7 of the agenda as Ward Member for Barnby.

Councillor Gee declared a Local Non-Pecuniary Interest in item 8 of the agenda as Ward Member for Oulton Broad.

Councillor Rivett declared an interest in item 7 of the agenda as he was acquainted with the applicants.

Liz Beighton, the Council's Planning Development Manager, declared an interest in item 5 of the agenda as she had previously worked with the applicant's agent.

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

Councillors Ashdown, Ceresa, Bond, Brooks, Coulam, Elliott, Gee, Pitchers and Rivett all declared that they had been lobbied via letters and email on item 7 of the agenda.

### **4 Enforcement Action - Case Update**

The Committee received report **ES/0327** 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 been sanctioned under delegated powers. At the time the report was written there were 18 such cases.

The Chairman confirmed that the report would be taken as read and invited questions to the officers.

A member of the Committee sought an update on the Woods Meadow Development. The Planning Development Manager stated that she would liaise with the Principal Planning Officer (Major Projects) and would circulate an update on the site to the Committee via email.

### **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 24 February 2020 be received and noted.

### **5 DC/19/1141/OUT - Land to the West of Copperwheat Avenue, Reydon**

The Committee received report **ES/0328** of the Head of Planning and Coastal Management, which related to planning application DC/19/1141/OUT.

The application sought outline planning permission for the development of up to 220 dwellings with associated open space. Details of access had been submitted for approval whilst appearance, landscaping, layout and scale were reserved matters for future determination.

East Suffolk Council (Waveney) Local Plan Policy WLP6.1 allocated 9.8 hectares of land west of Copperwheat Avenue, Reydon for the residential development of approximately 220 dwellings.

The application site extended farther west to 12 hectares in total but included the entirety of the allocated land.

Given the scale of the development proposal and the site area extending beyond the allocation, the application had been brought direct to the Committee for determination.

The Committee received a presentation on the application from the Development Management Team Leader. The site's location was outlined, and it was noted that the entire site sat within the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB).

An aerial photograph of the site from 2010 was displayed. The Development Management Team Leader acknowledged the age of the photograph and advised that it allowed the Committee to appreciate the site in context to Reydon.

Access to the site would be via Copperwheat Avenue to the north and The Crescents to the east. The proximity of the site to two listed buildings, one Grade II and the other Grade II\*, was highlighted. The site's relationship to Wangford Road and community amenities and facilities was demonstrated.

A map was displayed that outlined the land allocated for development against the application site, showing the area of the site that extended beyond the allocation. The Committee was advised that land north of the site was playing fields.

The Development Management Team Leader provided another map, that demonstrated the site's relationship with existing public rights of way and how the site would connect to neighbouring residential areas.

Photographs of the site were displayed that detailed various views in and out of the site and highlighted where access to the site would be located.

The site access details were provided, including movement within the site and any pedestrian and cycle connections. A parameter plan was also displayed; the Development Management Team Leader advised that this would be conditioned, and any reserved matters application would need to be in accordance with this. The parameter plan detailed how the site would connect to existing routes and indicated how pedestrian access may connect to the site.

The Development Management Team Leader considered that the proposals provided potential for the site to link up with the existing rights of way network and would provide connection through to the children's play area to the north at Barn Close.

The proposed highways access works were also detailed. The footpath on Wangford Road would be widened and traffic calming measures would be installed to mitigate the increase in traffic. There would also be a series of footpath and bell mouth works to Copperwheat Avenue and The Crescents.

Regarding the site's location within the AONB, the Development Management Team Leader noted the requirement to protect the AONB as a designated landscape, but that the site was allocated in the Local Plan.

Further photographs of the site were displayed to demonstrate the public right of way on the western edge of the site.

The development parameters for the site were outlined, which detailed how the land would be used and also the green infrastructure that would be contained within the site. The Development Management Team Leader stated that this information had been sought with the support of the applicant's agent to detail how the development could look, in order to provide clarity to the Committee.

The information highlighted residential development areas, recreational areas, drainage attenuation, accessible natural green space, and the site's road network. Development parameters for massing and scale of buildings and the spread of low, medium and mixed scale buildings was also supplied.

The Committee was in receipt of an extract from the Design Access Statement regarding defining character areas for the site and the design principles for those areas.

An illustrative masterplan of the site was displayed to demonstrate how the development might come forward in accordance with the parameters supplied.

The Development Management Team Leader noted coastal erosion in the area, particularly at Easton Bavents, and outlined that seven plots on the site would be secured by legal agreement for those residents who needed to relocate due to coastal erosion.

The key issues were summarised as the principle of development, access and connectivity, landscape and visual impact, the design of the development, residential amenity, heritage considerations, ecology and European sites, affordable housing, self-build and coastal relocation opportunity, and the public benefits of the development proposal, as set out in the report.

The recommendation that authority to approve be delegated to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

A member of the Committee sought clarity on what weight the draft Reydon Neighbourhood Plan could be given when determining the application. The Development Management Team Leader confirmed that it was a material consideration and that officer advice was that the draft plan was at an early stage in the plan-making process, and therefore could only be given very limited weight.

In response to a question regarding cycle connections, the Development Management Team Leader displayed the plan that outlined these and confirmed that there would be cycle links to and from both Copperwheat Avenue and The Crescent. He added that the route at the southern edge of the site was recommended to be upgraded to a bridleway as the land was in the applicant's ownership. This was detailed in conditions 11 and 12 of the recommendations.

A member of the Committee questioned the acceptability of the site encroaching beyond the allocated site and further into the AONB. The Development Management Team Leader noted that this question had been asked of the applicant when the scheme was submitted, and the applicant's response had given good reasons for doing so. To not extend the site would have

created a 'ransom strip' of land on the western edge between the allocated site boundary and the public right of way. By extending the site, the applicant intended to join up to a natural boundary and integrate the site into the natural landscape features.

The Development Management Team Leader noted the reasons for the allocation in the AONB given by the Planning Inspector during the Local Plan. He added that extending the site beyond the allocated area would give the applicant an opportunity to provide considerably larger areas of green space, incorporate drainage of a positive design, and achieve a better level of density.

It was confirmed that Historic England had responded to the consultation and advised that it had no comments to make.

A member of the Committee highlighted that the draft Reydon Neighbourhood Plan had been through the Regulation 14 consultation process and was now proceeding into the Regulation 16 consultation process. He noted that no concerns had been highlighted at the Regulation 14 stage and queried the officer advice that the plan was considered to be at an early stage of the plan-making process, as he considered it to be at a more advanced stage.

The Development Management Team Leader acknowledged the work done by the Reydon Neighbourhood Plan Steering Group, but said that whilst it may appear to those involved that the draft Neighbourhood Plan was advanced, that actually the stages of plan-making were set out in the National Planning Policy Framework (NPPF) and by case law. He advised that on that basis the Neighbourhood Plan was at an early stage. He advised the Committee that the period of Regulation 16 consultation for this plan had opened on 27 February 2020 and would end on 9 April 2020; the plan would then be subject to inspection by the Planning Inspectorate (the PINS), during which time further comments or changes could be made, and would then be subject to a referendum before being made. He also noted that there were outstanding objections to the draft plan which reduced the weight that could be given to the policies in the Neighbourhood Plan.

The same member of the Committee asked if the approval of this scheme would negate the draft Reydon Neighbourhood Plan and queried if the application was being determined prematurely.

The Planning Development Manager referred to paragraph 50 of the NPPF, which stated that *"Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or - in the case of a neighbourhood plan - before the end of the local planning authority publicity period on the draft plan. [...]"*. The Planning Development Manager advised the Committee that as the draft neighbourhood plan was still within this publicity period, the application had to be determined in accordance with the NPPF and the Local Plan.

The member of the Committee referred to paragraph 49 of the NPPF and stated that he considered the plan to be at an advanced stage and therefore the application could be considered premature.

In response to a question regarding the time frame for completion of the Reydon Neighbourhood Plan, the Planning Development Manager advised that there were no firm timescales at that time and that these would be set by the current consultation period and any

modifications that could be made to the plan. She considered that the neighbourhood plan would not be in place until the end of 2020 or early 2021.

A member of the Committee asked what the impact would be on the setting of Gorse Lodge, which neighboured the application site. The Development Management Team Leader noted that Gorse Lodge was enclosed by a strong hedgerow and a tree field boundary and it could be argued that its primary setting was more to the north, west and south. He acknowledged that the development would have some impact on Gorse Lodge's setting and said that this harm had to be weighed against the benefits of the proposal.

Another member of the Committee sought additional detail on the affordable housing that would be provided. The Development Management Team Leader confirmed that 88 dwellings, 40% of the total number proposed, would be affordable housing units that would be controlled through a Section 106 agreement. There would also be 11 plots reserved for self-build, either by individuals or a custom build, and seven plots reserved for coastal erosion relocation. The Committee was advised that, if these seven plots were not taken up, they would become part of the affordable housing provision and increase the number of affordable housing units to 95.

The Development Management Team Leader outlined how the self-build plots would be reserved as such and confirmed how they would not be able to be sold on immediately after development. The Planning Development Manager said that the plots would not be able to be sold on for three years; the detail of this would be included in the Section 106 agreement and owners would need to register to self-build and meet the requirements of doing so.

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

Mr Burnett advised that he was Chairman of the Southwold and Reydon Society and was speaking on behalf of the society, which objected to the application. He added that he was a resident of Reydon and was involved in the development of the Reydon Neighbourhood Plan.

Mr Burnett said that a consultation of residents had shown that there was concern over the scale of the development, which would double the housing built in Reydon in the last ten years, and its incursion into the AONB. Mr Burnett said that there was also concern that a number of the properties would be bought as second homes and would price local people out of the market.

Mr Burnett confirmed that the Southwold and Reydon Society supported new homes in Reydon that would not be used as second homes or holiday lets. He said the society sought refusal of the application unless a condition was added to ensure that homes were sold as principal residences, as per the clause in the draft Reydon Neighbourhood Plan. Mr Burnett considered that without such a condition, an estimated 30% of the new properties would become second homes and therefore the development would not meet Reydon's housing needs.

The Southwold and Reydon Society was also concerned about the extension of the site further into the AONB as it would undermine the area.

Mr Burnett requested that if the Committee did not resolve to refuse the application, that it defer the application until the Reydon Neighbourhood Plan was adopted later in 2020. The Southwold and Reydon Society was concerned that the development did not provide the

required density of housing needed on the site and would provide the wrong style of dwellings and sought the application of the Local Plan's housing mix policy to the proposal.

Mr Burnett also expressed the concerns regarding the development's impact on the landscape and wanted to see its compliance with the related policies of the draft Reydon Neighbourhood Plan set out in any conditions. Mr Burnett anticipated that the scale of the development would have a significant impact on neighbouring properties and sought strict conditions to minimise this.

The Chairman invited questions to Mr Burnett.

Mr Burnett said it was hoped that the Reydon Neighbourhood Plan referendum would take place in October 2020.

When asked about the principal aim of the Reydon Neighbourhood Plan, Mr Burnett said that it was to preserve and enhance the village as a whole and mediate the effect of development as much as possible.

The Chairman invited Mr O'Hear, representing Reydon Parish Council, to address the Committee.

Mr O'Hear explained that he was also the Chairman of the Reydon Neighbourhood Plan Steering Group and wanted to make a case for the application of the principal residence clause in the draft plan. He said that it was expected that the plan would be examined by the PINS in May 2020 and considered it to be at a later stage of development than had been suggested by planning officers.

Mr O'Hear said that Reydon Parish Council accepted the allocation as set out in the Local Plan but was concerned about the impact of the development on the local community. He was of the view that there would be an additional impact because of the number of dwellings that would become second homes.

The issue with second homes in Southwold was highlighted by Mr O'Hear; he stated that this issue was now spreading into Reydon. Mr O'Hear noted that the allocation in the Local Plan was based on an objectively assessed housing need and that the development would not meet that housing need. He considered that new housing should be restricted to people who will occupy the homes as principal residences.

The Parish Council was of the opinion that the determination of the application should be delayed until the Reydon Neighbourhood Plan was made; Mr O'Hear cited a similar case where Suffolk County Council, as the Local Planning Authority for mineral and waste development, had deferred an application related to a local gravel pit. Mr O'Hear said that if the application was not deferred, it should be refused; he considered that this would be a disappointment as the scheme had many positive aspects.

Specific concerns regarding sewerage were highlighted by Mr O'Hear; he said that it was inappropriate for the attenuation tank to be located elsewhere and should be within the development site. He also considered that the developer should contribute to improvements to the local sewerage network.

Mr O'Hear was not confident that the conditions in the recommendation were strong enough and was concerned that if the outline application was approved, details could be amended at a reserved matters stage.

The Chairman invited questions to Mr O'Hear.

Mr O'Hear confirmed that Reydon Parish Council did not object to the extension into the AONB beyond the allocated site. The Parish Council had accepted the allocation in the Local Plan and considered the extension would improve the area. He said that the Parish Council was seeking a deferment of the application until the Reydon Neighbourhood Plan was made.

Mr O'Hear said that Reydon Parish Council was not seeking a restriction to only sell the dwellings to local residents but wanted to see them occupied as principal residences.

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

Mr Clarke thanked officers for the comprehensive report. He also thanked both Reydon Parish Council and the Southwold and Reydon Society for their co-operation during the development of the proposed scheme.

Mr Clarke explained that development of the scheme began in September 2017 following the call for sites to be included in the then draft Waveney Local Plan. He noted that the site was retained in the Local Plan during the plan-making process and allocated in the made document, and the application was made following this as a principle of development had been established.

Regarding the extension of the application site beyond the boundary of the allocated site, Mr Clarke said that this had occurred in order to avoid creating an isolated area of land that could not be developed and also to ensure that the site better integrated with the surrounding countryside. Mr Clarke added that the larger site would also allow for a better masterplan to be created.

The Committee was advised that the application had been submitted in 2019 and that since then, the applicant had worked with officers to finesse the proposals and develop the scheme that was before the Committee. Mr Clarke said that approximately 50% of the development would be given over to affordable housing and self-build and considered that the Council therefore would control the fate of over half of the site. He added that the value of the Community Infrastructure Levy (CIL) that would be gained from the development would be £223 per square metre.

Mr Clarke urged the Committee to approve the application.

The Chairman invited questions to Mr Clarke.

A member of the Committee sought Mr Clarke's comments on the request from objectors for a principal residency clause. Mr Clarke reiterated his earlier point that he considered the Council would have control over the tenure of a significant number of the dwellings and stated that the applicant did not want a rigid condition included that was not supported by established planning policy.

In response to a question regarding the selection of a Registered Provider for the affordable housing, Mr Clarke said that the applicant did not see themselves as being singularly responsible for who would occupy those dwellings.

The Chairman invited Councillor Beavan, Ward Member for Reydon, to address the Committee.

Councillor Beavan referred to his earlier letter to members of the Committee regarding the application. He said that he had initially supported the application until it became apparent that some of the houses would be sold as second homes. Councillor Beavan noted Paragraph 48 of the NPPF, which he had cited in his letter, which stated that weight could be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan.

Councillor Beavan also cited Paragraph 50 of the NPPF, which allowed weight to be given to an emerging plan when approval of an application would prejudice the plan-making process; Councillor Beavan considered that approving the application would negate the Reydon Neighbourhood Plan, particularly its principal residency clause. Councillor Beavan cited the case in Rendlesham in 2014 where the emerging neighbourhood plan there was given weight in the appeal determination.

The allocation of the site in the Local Plan was acknowledged by Councillor Beavan. He said that given the number of second homes in Southwold and Reydon, the former having the most in the country, more second homes on this site would mean that the allocated site would not be able to contribute towards meeting the Council's commitment to developing more housing.

Councillor Beavan referred to Paragraph 7 of the NPPF, which stated that the purpose of the planning system is to contribute to the achievement of sustainable development. He submitted that as the development stood, it did not contribute to sustainable development. He considered that the local communities of Southwold and Reydon were under threat and cited a letter he had received from a constituent who was the only permanent resident in his block of flats.

There being no questions to Councillor Beavan, the Chairman invited further questions to the officers.

A member of the Committee asked if a condition restricting the dwellings as principal residences could be attached to any planning permission. The Planning Development Manager advised against this as there was no established policy in either the East Suffolk (Waveney) Local Plan or the NPPF to support it. She reiterated that there was clear advice from officers that the Reydon Neighbourhood Plan was not at an advanced enough stage of development for its principal residence clause to be given significant weight when determining this application, noting that if the condition was appealed against it was likely that this would be upheld by the PINS.

The member of the Committee queried if the application could be deferred until such time that the Reydon Neighbourhood Plan was made. The Planning Development Manager said that as there was no firm time frame for the making of the Reydon Neighbourhood Plan, to do so would give the applicant the opportunity to appeal to the PINS on the grounds of non-determination, given there would be no timescale for approval. She noted that this would take control away from the Council, as the Local Planning Authority, to determine what was approved on the site.

Another member of the Committee asked what weight would be given to the Reydon Neighbourhood Plan at appeal, should the application be refused, as it would be at a more advanced stage. The Development Management Team Leader said that the weight given to the neighbourhood plan would be based on its state at the time of the appeal determination.

The Development Management Team Leader read an extract from the Planning Inspector's report on the site, where the Inspector had identified the need for housing in the area, the absence of feasible alternatives outside the AONB, the relatively high level of affordable housing which can viably be provided on the site, and the limited harm to the AONB.

The Committee was advised by the Development Management Team Leader that the draft Reydon Neighbourhood Plan explicitly referred to the Local Plan requiring 40% proportion of affordable housing on major developments in Southwold and Reydon, and that this policy was justified on the basis of its rigorous assessment of the economic viability of a 50% affordable housing proportion. He advised the Committee that the restriction of dwellings for principal residences would completely change the viability of the proposal, and would like make provision of 40% affordable housing unviable.

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

A member of the Committee considered that it was interesting that Reydon Parish Council had considered the development to be acceptable but had asked the Committee to delay or refuse the application. He acknowledged that the development was acceptable and that its extension beyond the allocated site boundary would result in a scheme that would fit in better with its surrounding. He considered the primary concern to be the lack of a principal residency clause; he noted it was the driving force of the draft Reydon Neighbourhood Plan and had been modelled on a similar policy in the St Ives Neighbourhood Plan that had been scrutinised in the plan-making process and made by Cornwall Council.

The member of the Committee was of the view that the application should be either deferred or refused on the grounds that it undermined the plan-making process for the Reydon Neighbourhood Plan. He reiterated his view that the neighbourhood plan was at an advanced stage of the plan-making process.

Another member of the Committee was concerned that the application would fill the allocated site in advance of the making of the Reydon Neighbourhood Plan and before its principal residency clause could be taken into consideration. He was also concerned that the viability of the development could be affected if units could not be sold as second homes. The member of the Committee expressed sympathy with the view of residents and said he was opposed to more second homes and not the number of dwellings proposed. He considered that the Ward Member had made his point adequately and that tourism should not be at the expense of local people. He also noted that there was no guarantee on who would purchase the affordable housing and if those units would be made available to local people.

It was the view of a member of the Committee that the determination of the application should not be rushed. She said that she was appalled by the impact of tourism on Southwold's community feel and the impact of second homes in the area. She considered that this issue would spread to Reydon and that planning policies should be in place to prevent this issue occurring. The member of the Committee acknowledged the acceptability of the scheme but

was minded to vote to refuse in order prevent the second homes issue in the area from escalating.

Several members of the Committee said that they appreciated the concerns raised and weighed this against the positive aspects of the development, namely affordable housing mix and the positive density that would be sympathetic to the area. A member of the Committee noted the officer advice against deferring the application without a clear timescale for the making of the Reydon Neighbourhood Plan and the risk of a refusal being open to challenge at appeal, and said that on balance the Committee should accept the proposal before it. Another member of the Committee expressed concern that restrictions on properties for principal residency would result in empty properties in the area, noting issues elsewhere in the district where properties had remained vacant.

It was confirmed to the Committee that conditions could not later be attached at the approval of reserved matters that would impact details agreed at the outline stage.

A member of the Committee recommended that the application be refused. The Chairman reminded the Committee that a recommendation to delegate authority to approve to the Head of Planning and Coastal Management was before it, and that this recommendation needed to be considered before any alternative recommendation.

The Chairman moved to the recommendation, as set out in the report, and sought a proposer and seconder.

The recommendation was proposed by Councillor Rivett and seconded by Councillor Ceresa. There were four votes in favour, four votes against, and one member of the Committee abstained from voting.

As there an equal number of votes for and against, the Chairman exercised his casting vote and it was

## **RESOLVED**

That **AUTHORITY TO APPROVE** planning permission be delegated to the Head of Planning and Coastal Management with conditions (including but not limited to those below), subject to securing agreement from Natural England on the conclusions of the HRA – Stage 2 Appropriate Assessment; and subject to the completion of a Section 106 Legal Agreement to secure obligations (including but not limited to):

- Provision of 88 affordable dwellings;
- Provision of seven plots as part of relocation offer for properties lost/at risk to coastal erosion;
- 5% of the residential development as self-build plots;
- Per-dwelling contribution to the Suffolk RAMS;
- Provision and long term management of public open space;

- Financial contribution to fund secondary school transport;
- Financial contribution to fund improvement works to local bus stops; and
- Financial contribution to fund road safety engineering schemes at local accident cluster sites.

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. Development shall be carried out as approved.

*Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.*

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

*Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.*

3. Prior to the submission of the first reserved matters application(s) a site wide Phasing Plan shall be submitted to the local Planning Authority for approval. No development shall commence until such time as the site wide Phasing Plan has been approved in writing by the Local Planning Authority.

The site wide Phasing Plan shall include the sequence of providing the following elements

- All vehicular and pedestrian accesses; the primary estate roads; segregated footpaths and cycle ways; any temporary footpaths and access connections during the construction period; the on-site circular walking route of 1.4km; and the timings of such provision, with recognition of other conditions triggering access completion.
- Residential development parcels, including numbers; housing type and tenure; location of self-build plots; and location of the 7no. plots to be set aside for properties lost to coastal erosion.
- Surface water drainage features, SUDS and associated soft landscaping.
- Accessible natural green space, structural landscape planting on the western edge of the site, and Local Equipped Play Area (LEAP).
- Improvement works to the southern public footpath.
- Ecological mitigation and enhancement measures.

The site wide Phasing Plan shall be implemented as approved.

*Reason: To ensure that key elements of the approved development are delivered at the right time in the interests of securing a sustainable form of development.*

4. Means of vehicular access into the site are hereby approved and shall be carried out in accordance with drawing number 1509 03/001 Rev B, received 12 June 2019; and the Movement and Access Parameter Plan (drawing number 18 050 02), received 27 November 2019.

*Reason: To ensure that the site is served by safe and suitable vehicular accesses in the interests of highway safety and in accordance with the site allocation objectives of policy WLP6.1 of the Local Plan.*

5. The submission of reserved matters applications pursuant to this outline application shall together provide for up to 220 dwellings and demonstrate substantial compliance with the Movement and Access Parameter Plan (drawing number 18 050 02); Land Use and Green Infrastructure Parameter Plan (drawing number 18 050 04); and Massing & Scale Parameter Plan (drawing number 18 050 03), all received 27 November 2019.

*Reason: The site is located within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and therefore in order to secure high-quality design and properly mitigate landscape and visual impact, it is essential to establish development parameters to guide future reserved matters application, in accordance with the design and landscape objectives of Local Plan policies WLP8.29 (Design) and WLP8.35 (Landscape Character).*

6. All reserved matters applications shall incorporate the relevant elements of the 'Shaping the Character' principles of section 5.4 of the Design Access Statement, demonstrating broad compliance with the design intent reflected on pages 48-49 (Farmland heritage); pages 50-51 (Rural settlement); and pages 52-53 (Village edge) of the Design and Access Statement. Each reserved matters application shall be accompanied by a statement demonstrating this.

*Reason: To ensure that the master planning principles of this permission inform detailed designs and in the interests of delivering a distinctive, attractive and sustainable development with high quality design appropriate for the AONB.*

7. As part of the reserved matters application(s) for layout and landscaping, plans and particulars of the pedestrian access points on the southern, western and northern site boundaries, as shown on the Movement and Access Parameter Plan (drawing no. 18 050 02), shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include the following:

- (a) the precise location of the pedestrian access points;
- (b) the route of the pedestrian accesses and their integration into the development layout;
- (c) details of any engineering works required to create the accesses; and
- (d) the ground surface treatment of the accesses and any associated landscaping.

Development shall be carried out in accordance with the approved details and the pedestrian access points shall be completed and made available for use in accordance with the triggers approved in the site wide phasing plan under condition 3.

*Reason: to ensure that the final development layout incorporates pedestrian connections to the existing public right of way network and residential environment in the interest of creating an integrated and sustainable development.*

8. No dwelling shall be occupied until the opening has been formed on the northern site boundary to facilitate the delivery of the pedestrian connection into the existing play area at Barn Close. The completion of the pedestrian access point shall be in accordance with the details approved under condition 7 and the site wide phasing plan approved under condition 3.

*Reason: connectivity between the site and the existing play area is a critical element of the proposals, as required by site allocation policy WLP6.1. In order to ensure the delivery of this pedestrian connection the opening must be formed at an early stage of the development.*

9. No part of the development shall be commenced until full details of the proposed access and tie-in works shown on Drawing No. 1509 03/001 Rev B have been submitted to and approved in writing by the Local Planning Authority.

The approved access from Copperwheat Avenue shall be laid out and constructed in its entirety prior to occupation of the first dwelling. Both approved accesses (from Copperwheat Avenue, and The Crescents) shall be laid out and constructed in their entirety prior to occupation of the 101st dwelling.

Thereafter the accesses shall be retained in the approved form.

*Reason: To ensure that the accesses are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety. The condition is necessary in acknowledgment of the requirement for detailed, technical matters to be agreed through S278 Agreement with the Highways Authority.*

10. No part of the development shall be commenced until full details of the proposed pedestrian crossing and other off-site highway improvements (including footway widening, crossing points and traffic calming) shown on Drawing No. 1509 03/001 Rev B, have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be laid out and constructed in its entirety prior to occupation of the first dwelling.

*Reason: To ensure that the necessary improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety. The condition is necessary in acknowledgment of the requirement for detailed, technical matters to be agreed through S278 Agreement with the Highways Authority.*

11. No part of the development shall be commenced until details of improvements (including widening of the useable width and surfacing) to Footpath 2, within the southern

section of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety in accordance with the trigger point identified in the approved phasing plan under condition 3.

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

12. Prior to occupation of the 101st dwelling, Footpath 2 shall be converted to a public bridleway.

*Reason: To ensure that the necessary legal requirements to enable sustainable travel are made available for use at an appropriate time of the development in the interests of sustainable travel and recreational benefit.*

13. As part of each reserved matters application for layout, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

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

14. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

15. As part of each reserved matters application for layout, details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose unless otherwise approved by the Local Planning Authority.

*Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.*

16. As part of each reserved matters applications for layout, a plan indicating the positions and design of secure covered and open cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided prior to occupation of each respective residential unit. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of sustainable development to ensure that residential occupiers of the site have the ability to own, use and securely store cycles as a means of transport.*

17. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with policy WLP8.40 of the Local Plan.*

18. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 17 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with policy WLP8.40 of the Local Plan.*

19. Concurrent with the first reserved matters application(s) a surface water drainage scheme for the whole site shall be submitted to, and approved in writing by, the local planning authority.

The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;

c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall event including climate change as specified in the FRA;

d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;

e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;

f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;g. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

1. Temporary drainage systems

2. Measures for managing pollution / water quality and protecting controlled waters and watercourses

3. Measures for managing any on or offsite flood risk associated with construction

h. Details of the maintenance, management and adoption of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

*Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

20. The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk*

21. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority.

The intrusive investigation(s) shall include:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including:

human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including BS 10175:2011+A1:2013 and CLR11.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

22. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

23. Prior to any occupation or use of the approved development the RMS approved under condition 22 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

24. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

*Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.*

26. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

27. With the exception of any site clearance works, site investigation works and tree protection works no development in relation to each phase shall take place unless a Mineral Safeguarding Assessment and Minerals Management Plan for that phase has been submitted to and approved in writing by the local planning authority in consultation with the minerals planning authority. The Mineral Safeguarding Assessment shall assess the potential for the onsite reuse of mineral resource arising from groundwork, drainage and foundation excavations in accordance with an agreed methodology. The Minerals Management Plan will identify for each phase of development the type and quantum of material to be reused on site, and the type and quantum of material to be taken off site and to where. The development shall then be carried out in accordance with the Mineral Management Plan unless otherwise approved in writing by the local planning authority.

*Reason: In accordance with the minerals safeguarding objectives of Local Plan Policy WLP6.1 and Paragraph 204 of the NPPF.*

28. As part of each reserved matters application for landscaping, a plan indicating the positions, design, height, materials and type of boundary treatment to be erected shall be submitted to and agreed by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the building to which it relates is occupied.

*Reason: In the interests of amenity and the appearance of the development and locality.*

29. As part of each reserved matters application for layout and landscaping, details shall be submitted to include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on, or adjacent to, the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, details of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

(e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

The details provided shall be in accordance with the standards set out in 'BS5837:2012 - Trees in Relation to Design, Demolition and Construction' (or the relevant professional standards should the guidance be updated/modified/superseded).

*Reason: to ensure that the detailed design retains important trees on the edges of the development site and incorporates existing and new planting into the development layout.*

30. As part of each reserved matters application for appearance, details of all external facing and roofing materials for all buildings within that reserved matters area shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure the satisfactory external appearance of the development.*

31. As part of reserved matters applications for appearance, layout and scale, details shall be submitted to the Local Planning Authority for approval demonstrating how 40% of the proposed dwellings shall be designed to meet requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings. The development shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

*Reason: in accordance with the lifetime design objectives of policy WLP8.31 of the East Suffolk (Waveney) Local Plan.*

32. As part of reserved matters applications for appearance, layout and scale, details shall be submitted to the Local Planning Authority through the submission of a sustainability statement which demonstrates that Sustainable Construction methods have been incorporated into the development proposal. The development shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

*Reason: in accordance with the sustainable construction objectives of policy WLP8.28 of the East Suffolk (Waveney) Local Plan.*

33. As part of each layout reserved matters application, details of external lighting to be installed on the site, including the design and specification of the lighting unit, any supporting structure and the extent of the area to be illuminated and how the impact on ecology has been considered shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and no additional lighting shall be installed in public areas without the prior approval of the Local Planning Authority.

*Reason: To protect biodiversity and the visual amenity of the surrounding area.*

34. The mitigation and enhancement measures outlined on pages 16 to 18 of the Ecology Assessment report (Hopkins Ecology, February 2019) shall be implemented in full unless otherwise approved in writing by the Local Planning Authority.

*Reason: in accordance with the biodiversity and geodiversity objectives of policy WLP8.34 of the East Suffolk (Waveney) Local Plan 2019.*

35. As part of each reserved matters application(s) for landscaping, layout, appearance and scale, the following ecological plans shall be submitted to the Local Planning Authority for approval:

- a Construction Environment Management Plan (CEMP) detailing construction mitigation measures; and

- an Ecology Management Plan (EMP) detailing operational mitigation, management and enhancement measures as part of the final detailed design.

Development shall be carried out in accordance with the approved details unless otherwise approved in writing.

*Reason: to mitigate construction impacts and ensure long term biodiversity enhancements in accordance with the objectives of policy WLP8.34 of the East Suffolk (Waveney) Local Plan 2019.*

36. No development shall take place in each layout reserved matters area until a scheme for the installation of fire hydrants throughout that part of the site has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Fire and Rescue Service. The fire hydrants shall be installed prior to occupation of dwellings within each part of the development to which they relate, and the phasing of occupation and hydrant installation of that reserved matters area shall be set out in the submission.

*Reason: In the interests of fire safety.*

*Following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.30 pm and reconvened at 3.35 pm.*

## **8 DC/19/4826/FUL - 14 Moyes Road, Lowestoft**

*Councillor Ashdown, the Committee's Chairman, had declared an interest in this item and therefore left the Conference Room for its duration. Councillor Ceresa, the Committee's Vice-Chairman, chaired the meeting for the duration of the item.*

The Committee received report **ES/0331** of the Head of Planning and Coastal Management, which related to planning application DC/19/4826/FUL.

The application concerned a proposed single storey rear extension and conversion of the loft including dormer windows to the front and rear and a new first floor side gable window. The application was presented to the Referral Panel on 11 February 2020 where Members agreed to refer the application to the Committee for determination.

The Committee received a presentation on the application from the Assistant Planning Officer. The site's location was outlined, and the Committee was shown aerial views of the site.

Drawings of the existing and proposed floor plans were displayed.

The Assistant Planning Officer noted that Oulton Broad Parish Council had objected to the application and considered it to be overdevelopment. The Parish Council was also concerned about the impact on parking in Moyes Road. This was contrary to the officer's recommendation of approval.

It was confirmed that the application was compliant with highway standards.

The Committee was in receipt of the existing and proposed elevations for the application.

The Assistant Planning Officer advised that a neighbour had objected to the application on the grounds of noise and disturbance during the construction phase; the objection had not been made on loss of light.

The Committee was given details of the elements of the development that could be completed under permitted development rights (pdrs) and the elements that required planning permission.

The proposed front dormer window was not considered by officers to be prominent and was described as recessing behind the two buildings to the north of the site.

Photographs of the site were displayed that showed the front of the dwelling, the view to the north up Moyes Road, view of the site looking towards 12 Moyes Road, the front drive looking north, the rear of the property where the extension would be located, the view towards north, a view showing the neighbouring property on the south side, the view towards the rear of the garden, and the view towards the rear of 12 Moyes Road from the proposed site.

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

The Acting Chairman invited questions to the officers.

It was confirmed that the length of the extension would be 4.5 metres.

A member of the Committee asked if the extension would cause any loss of light to neighbouring properties. The Assistant Planning Officer stated that a small shadowing effect would be caused for 12 Moyes Road, but that overshadowing was already caused by an existing brick wall.

The Acting Chairman invited Mr Keller, representing Oulton Broad Parish Council, to address the Committee.

Mr Keller noted that turning into Moyes Road from Hall Road was very tight and there was significant on-street parking in the area. Mr Keller said that increasing the size of the dwelling to a four-bedroom property would increase the number of cars associated with it. He also considered that the site appeared to be a small area of space for what was proposed.

There being no questions to Mr Keller the Acting Chairman invited Councillor Gee, Ward Member for Oulton Broad, to address the Committee.

Councillor Gee was concerned that the application would double the size of the dwelling. She considered that on the images displayed the host dwelling looked smaller than its neighbour and that this could be an optical illusion. Councillor Gee agreed with Oulton Broad Parish Council's concerns about access to Moyes Road from Hall Road and the size of the extension, but was not opposed to the application in principle.

There being no questions to Councillor Gee, the Acting Chairman invited further questions to the officers.

The Assistant Planning Officer clarified that the front dormer windows required planning permission and the remainder of the development could be undertaken through permitted development rights, subject to the prior notification procedure and where there was not a material objection from a neighbour; it was confirmed that no material objections had been made.

It was confirmed that there had been no requirement to consult the Highways Authority on the application.

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

Councillor Pitchers stated that he knew the area well and said that vehicles travelled through Moyes Road infrequently. He acknowledged that parking for a nearby shop took place on Moyes Road but did not consider it was used as a regular through route. He proposed the recommendation, as set out in the report.

Councillor Rivett seconded Councillor Pitcher's proposal. He said that he was also familiar with the area and that his concerns regarding how much the development would extend into the garden had been addressed, noting the different mix of housing styles in the street.

The Chairman moved to the recommendation, as set out in the report.

On the proposition of Councillor Pitchers, seconded by Councillor Rivett it was by a majority vote

## **RESOLVED**

That planning permission 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 Drawing no. 19/185/01 Rev B received 16th December 2019, 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 to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

*Reason: To ensure the satisfactory external appearance of the development.*

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority. The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@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>

*Following the conclusion of this item, Councillor Ashdown returned to the Conference Room and resumed the Chair.*

## **6 DC/19/4450/FUL - Hubbards Barn, Hubbards Hill, Peasenhall**

The Committee received report **ES/0329** of the Head of Planning and Coastal Management, which related to planning application DC/19/4450/FUL.

The application was for the change of use from B1 (Office use) to C3 (dwelling house) at Hubbards Barn, Peasenhall, including provision of a single storey rear extension.

Hubbards Barn had previously been used as office accommodation for V-M Orthotics. The business had since relocated to Halesworth Business Centre leaving the building vacant. Planning permission was granted in 2019 for the change of use of the building to a holiday let unit. This permission had not been implemented but remained extant.

The site was in an isolated location where special justification is required for residential dwellings as highlighted in paragraph 79 of the National Planning Policy Framework (NPPF) and the Council's adopted spatial strategy policies.

The application was before the Committee as the Referral Panel had considered that it was necessary for Elected Members to consider the loss of the employment use.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. The site's location was outlined; the site was located approximately one mile north-west of Peasenhall.

The Area Planning and Enforcement Officer outlined the history of the site. The building was formally an isolated field barn and in 2010 planning permission was granted to convert this to a holiday let; this consent was not implemented. In 2011 a further application was made to convert it for B1 (office use). The consent in 2011 removed the permitted development rights that would have allowed the barn to be converted to C3 (dwelling house). Planning permission was granted in 2018 for an extension to the building in order to increase office space.

Photographs of the site from several different angles were displayed to the Committee, to highlight its prominent location in the countryside.

The Committee was in receipt of the existing and proposed elevations for the site.

The premises had been marketed for B1 use since April 2019 at an asking price of £500,000, with an overage uplift stopping point, and there had been minimal interest in the site. It was noted that the marketing strategy did not comply with the emerging East Suffolk (Suffolk Coastal) Local Plan.

The Area Planning and Enforcement Officer referred to information from the applicant contained within the update sheet, which had been published on 9 March 2020. The information related to suggested changes to the marketing strategy, which the Committee was advised could not be considered.

Late representations had also been received from Councillor Burroughes, Ward Member for the application, who supported the recommendation of officers.

The key issues were summarised as the planning history, the loss of employment premises, the suitability of the marketing strategy, and the impact on the landscape character.

The Chairman invited questions to the officers.

A member of the Committee noted clutter on the site and asked about the removal of pdrs. The Area Planning and Enforcement Officer confirmed that pdrs could be removed for the outbuildings, but this would not circumvent general clutter on the site.

The Area Planning and Enforcement Officer said that had the site still been in agricultural use, the barn building could have been converted for dwelling house use. He confirmed that the site was no longer in agricultural use.

A member of the Committee asked about employment site losses in nearby settlements. It was noted that sites had been lost in Aldeburgh. The Planning Development Manager highlighted that the application site was disjointed from the Peasenhall settlement area and was defined as a site in the countryside.

In response to a question regarding the changing of the marketing strategy suggested, the Planning Development Manager advised that the applicant would need to agree a marketing strategy with the Council in advance which included a realistic value of the property, which would require the applicant to complete a marketing analysis.

The Planning Development Manager, replying to a question regarding the impact of any marketing strategy change, advised that changes could generate more interest in the site as there was a need for rural employment usage and holiday lets in the area.

The Vice-Chairman stated that she had been able to find the property for sale on a website and it was being advertised at a lower price to that in the marketing strategy. The Area Planning and Enforcement Officer noted that despite the increase in office space, the business that had been occupying the building had required more space which had necessitated the move to Halesworth.

A member of the Committee asked what the difference would be between an isolated employment site and an isolated residential dwelling. The Planning Development Manager highlighted the difference in local and national planning policies between employment sites and residential sites in the countryside.

It was confirmed that the extant planning permission for a holiday let on the site supported policies in the existing Suffolk Coastal Local Plan that encouraged tourism to the west of the A12.

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

Members of the Committee noted the loss of employment sites in the area and the need for them. They supported the officer's recommendation to refuse planning permission.

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

On the proposition of Councillor Bond, seconded by Councillor Rivett it was by unanimous vote

## **RESOLVED**

That planning permission be **REFUSED** for the following reasons:

1. Consent is sought for the change of use of the premises from B1 (Office) use to a single residential dwelling. The applicant has failed to demonstrate that there is no current or long-term demand for the continued use of the premises for employment purposes. This should be demonstrated by a marketing strategy that should first be agreed with the LPA or in accordance with the Council's guidance. The marketing that has been carried out is not sufficient and the proposal would therefore be contrary to the aims of Policy DM10 "Protection of Employment sites" and SP7 "Economic development in rural areas" of the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013).
2. The garden curtilage proposed is excessive in size and fails to preserve rural landscape character. The introduction of a residential curtilage of this size would have a harmful impact on the character of the countryside and would fail to protect or enhance the special qualities and local distinctiveness of the area contrary to the aims of Policies DM13 "Conversion and re-use of redundant buildings in the countryside" and SP15 "Landscape and Townscape" of the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013).
3. The development falls within the 13km protection zone of European Designated Sites. As set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Local policy DM27 seeks to support the Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of development, the applicant has failed to submit relevant information in relation to potential disturbance caused by additional visitors to the European Designated Sites, or that there would be no harm or adverse impact, as such no screening assessment has been undertaken which is contrary to the 2017 Regulations which as a result the proposals are considered contrary to Policy DM27 "Biodiversity and Geodiversity" of the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Section 15 of the NPPF.

## 7 DC/19/4684/FUL - Plot Arboretum, Mill Lane, Barnby

The Committee received report **ES/0330** of the Head of Planning and Coastal Management, which related to planning application DC/19/4684/FUL.

The planning application was for the construction of a dwelling house and garaging. The proposal followed an earlier refusal of a previous application on scale and had been referred to the Committee by the Referral Panel to enable it to be fully considered by Elected Members.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer. The site's location was outlined, and the Committee was made aware of the property boundary, site boundary and the boundary of an adjacent site where planning permission for development had been renewed. The Senior Planning and Enforcement Officer explained that this application had been delayed pending the outcome of the renewal application on the adjacent site.

Several photographs of the site were displayed which showed various views in and out of the site. The Committee's attention was drawn to the high hedgerows on Mill Lane.

*Councillor Rivett left the Conference Room at this point (4.08 pm).*

Further site photographs were displayed that demonstrated the change in level across the site.

The Senior Planning and Enforcement Officer noted the acceptable separation distance between the application site and the adjacent site as well as the mitigation provided by the hedgerow.

The approved site plan for the adjacent site was displayed as well as the site plan and floor plans for the application to be determined. The Committee was assured that vehicles would be able to manoeuvre in and out of the parking area.

*Councillor Rivett returned to the Conference Room at this point (4.10 pm).*

The key issues were summarised as highway access, context and character, and scale.

The recommendations to approve, as set out in the report, were outlined to the Committee.

The Chairman invited questions to the officers.

The Senior Planning and Enforcement Officer confirmed to the Committee that the highways conditions were achievable.

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

Councillor Brooks said that he was familiar with the area and was content with the application, considering to be well designed. He proposed the recommendations as set out in the report. Councillor Pitchers seconded this proposal.

The Chairman moved to the recommendation as set out in the report.

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

## **RESOLVED**

That planning permission be **APPROVED** with conditions; including the agreement of setting out level details, the removal of permitted rights and for agreement as to hedge reinstatement.

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 drawing 2463.19.3D received 15 January 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. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

4. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No DM01; with an entrance width of 3.0 metres (as shown within Drawing No. 2463.19.3D) and has been made available for use. Thereafter the access shall be retained in the specified form.

*Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.*

5. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

*Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.*

6. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

*Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.*

7. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

*Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.* 8. Before the access is first used visibility splays shall be provided as shown on Drawing No. 2463.19.3D with an X dimension of 2.4 metres and a Y dimension of 57 metres (North East of the access) and 86 metres (South West of the access) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

9. The use shall not commence until the area(s) within the site shown on Drawing No. 2463.19.3D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

*Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.*

10. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 2463.19.3D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

11. Before site levels are established details of the setting out of the slab top level for the lower level floor shall be submitted in writing to and agreed in writing by the Local Planning Authority, the works shall accord to the agreed levels.

*Reason: The impacts of the proposal in terms of scale are mitigated by the relative levels of the highway and lower ground floor, so further detail is required to ensure outcomes match the submitted proposal in this regard.*

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any order revoking and reenacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

*Reason: To secure a properly planned development.*

13. Before occupation or construction of hard surfaces around the site, further details of the hedge replanting indicated on the drawings shall be submitted in writing to the Local Planning Authority and subsequently agreed by the LPA. These details shall include centres for planting the laurel replacement hedge, details of ground preparation, a schedule of the time when the work is to be carried out and details of maintenance. Any plants which die within the first five years following planting shall be replaced to the satisfaction of the Local Planning Authority.

*Reason: To ensure the street-scene benefits of the mature hedging is retained.*

Informatives:

1. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The customer services contact number is 0345 606 6171 and Information regarding dropped kerbs is available at <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-andpay-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

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@east Suffolk.gov.uk](mailto:CIL@east Suffolk.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>

## **9 DC/20/0272/AND - The Marina Customer Service Centre, Marina, Lowestoft**

The Committee received report **ES/0332** of the Head of Planning and Coastal Management, which related to planning application DC/20/0272/AND.

The application sought advertisement consent for the installation of new East Suffolk Council logo signage at a high level to the existing Marina building.

The application was before the Committee as the applicant was East Suffolk Council, and the land to which the application related was owned by the Council.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. The site's location was outlined, and an aerial photograph of the site was displayed.

Photographs of the site were displayed, and it was outlined to the Committee where the signage would be installed.

The existing and proposed elevations were provided.

The key issues were summarised as public safety, amenity, and visual impact.

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

The Chairman invited questions to the officers.

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

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

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

### **RESOLVED**

That planning permission be **APPROVED** with standard advertisement conditions as below and the following conditions:

1. This consent shall be for a period of five years.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

2. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

3. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

*Reason: as required by the Town and Country (Control of Advertisements) Regulations in force at this time.*

4. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign or so as otherwise to render hazardous the use of any highway.

*Reason: In the interests of road safety and the amenities of the area.*

Informatives:

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

The meeting concluded at 4:17 pm

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Chairman