

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 26 July 2022 at 2.00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Chris Mapey

**Officers present:**

Mark Brands (Planning Officer (Development Management)), Karen Cook (Democratic Services Manager), Nick Clow (Energy Projects Co-ordinator), Grant Heal (Planner), Rachel Lambert (Principal Planner (Major Sites)), Matt Makin (Democratic Services Officer (Regulatory)), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

---

**Announcement**

The Chairman announced she was reordering the agenda to bring forward an item with public speaking; item 10 would be heard after item 5 and before item 6.

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Tony Cooper.

**2 Declarations of Interest**

Councillor Stuart Bird declared an Other Registerable Interest in item 11 of the agenda as both a member of Felixstowe Town Council and the Chairman of that body's Planning & Environment Committee.

Councillor Chris Blundell declared a Non-Registerable Interest in item 9 of the agenda as the applicant was known to him.

Councillor Mike Deacon declared an Other Registerable Interest in item 11 of the agenda as a member of Felixstowe Town Council.

Councillor Colin Hedgley declared an Other Registerable Interest in item 9 of the agenda as the Ward Member for the application area.

Councillor Kay Yule declared Other Registerable Interests in items 9 and 10 of the agenda as the Ward Member for the application areas.

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

Councillor Kay Yule declared that she had been lobbied on item 10 of the agenda and had not responded to any correspondence.

### **4 Minutes**

On the proposition of Councillor Bird, seconded by Councillor Newton it was by a majority vote

#### **RESOLVED**

That the Minutes of the Meeting held on 28 June 2022 be confirmed as a correct record and signed by the Chairman.

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

The Committee received report **ES/1230** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 27 June 2022. At that time there were 16 such cases.

The report was taken as read and the Chairman invited questions to the Assistant Enforcement Officer.

The Assistant Enforcement Officer confirmed that he had conducted another site visit to Sandy Lane, Martlesham to monitor progress on the site and had also corresponded with the site owner, who was making attempts to comply with planning enforcement. The Assistant Enforcement Officer advised that he would continue to monitor the site to ensure that compliance was achieved.

The Assistant Enforcement Officer explained that he had liaised with Suffolk County Council regarding outstanding enforcement action at Main Road, Kesgrave, to ensure that the fences being moved back formed a singular fence line.

In response to a question from Councillor Hedgley, the Assistant Enforcement Officer stated he would seek further information on enforcement action related to car sales at Martlesham Road, Little Bealings and update Councillor Hedgley after the meeting.

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

#### **RESOLVED**

That the outstanding enforcement matters up to 27 June 2022 be noted.

## **10 DC/22/1303/FUL - 5 Gladstone Road, Woodbridge, IP12 1EF**

The Committee received report **ES/1235** of the Head of Planning and Coastal Management, which related to planning application DC/22/1303/FUL.

The application sought planning permission for the construction of a single storey rear and side extension and alterations to 5 Gladstone Road in Woodbridge.

As the officer recommendation of approval was contrary to Woodbridge Town Council's recommendation of refusal, the application was considered by the Planning Referral Panel on 22 June 2022 where the Panel referred the application to the Committee for determination.

The site's location was outlined and the Committee was shown aerial photographs of the site, as well as photographs of the front and rear elevations of the host dwelling. The Committee received the existing block plan, which demonstrated the site's proximity to neighbouring Grade II listed dwellings.

The Committee was shown the existing and proposed elevations along with the proposed block plan; the Energy Projects Co-ordinator highlighted that the application had been reduced in size to reduce the impact of the new extension on visual amenity.

The Committee received photographs of the site taken by the case officer of the rear of the host dwelling and photographs supplied by the residents of one of the neighbouring properties from within their home, demonstrating their view of where the extension would be located along the boundary between the two properties. The Committee was also shown photographs of the application site within the surrounding area.

The Energy Projects Co-ordinator displayed a drawing demonstrating the application of the 45-degree sunlight test to the proposed north elevation of the extension, noting that although the line passed through the middle window of the neighbouring property, the north-north-west orientation of the property provided a significant mitigation and officers considered that the extension would not have an adverse impact on the sunlight to 3 Gladstone Road.

Further photographs were displayed, showing current overlooking from the site into 6 Gladstone Road and vice-versa.

The material planning considerations and key issues were summarised as visual amenity, residential amenity, impact on listed buildings and impact on the conservation area.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers.

The Energy Projects Co-ordinator stated that due to the size and nature of the proposed development, a construction management plan would not be required should the application be approved.

In response to a question on using zinc as a roof material, the Energy Projects Co-ordinator advised that it was deemed to be a common material and officers considered it would not have an adverse or detrimental impact on the conservation area.

The Chairman invited Emma Pryse-Jones, who objected to the application, to address the Committee.

Mrs Pryse-Jones said that she was a neighbour of the site and objected to the application due to the proposed height and size of the extension, which would be overbearing, considering it would cause a dramatic loss of sunlight to her dining room. Mrs Pryse-Jones highlighted that the host dwelling already reduced the sunlight to her property and was of the view it should not be reduced further as this would set a precedent to disregard "right to light".

Mrs Pryse-Jones set out that the applicant did not have a fallback position under permitted development for a similar extension and that anything that could be built on the site under permitted development would fail the sunlight test. Mrs Pryse-Jones considered that the light tests undertaken to be insufficient and questioned why it had not been more thorough, displaying images which she considered demonstrated the proposed extension failed the 45-degree sunlight test.

Mrs Pryse-Jones asked for more testing on sunlight and noted another case where the impact on sunlight had been less than what was proposed, where the application had been refused. Mrs Pryse-Jones considered that this demonstrated that no form of extension was suitable for the site and asked for someone to view the site from her garden. Mrs Pryse-Jones highlighted four objections to the application had been received and not two as stated in the report.

There being no questions to Mrs Pryse-Jones the Chairman invited Councillor Robin Saunders, representing Woodbridge Town Council, to address the Committee.

Councillor Saunders said that following a visit to the site, Woodbridge Town Council had resolved to recommend the application be refused, noting concerns about the impact of sunlight reaching the ground floor of 6 Gladstone Road. Councillor Saunders addressed the officer's recommendation of approval but considered that an appropriate level of light testing had been completed to the required standard, which he said was a reasonable request.

Councillor Saunders referred to the mention of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) Schedule 2, Part 1, Class A in the officer's report and questioned if its application in a conservation area was correct, noting that the GPDO did not refer to walls.

Councillor Saunders highlighted that the proposed extension would have a sloped roof which further impacted the light testing that should be undertaken and concluded that Woodbridge Town Council remained of the view that the application should be refused and asked the Committee to carefully consider the points he had raised.

There being no questions to Councillor Saunders the Chairman invited Chris McManigan, agent for the applicant, to address the Committee.

Mr McManigan advised that the scheme before the Committee was the result of a detailed pre-application process and the initial scheme had been revised following continual dialogue with officers at the Council.

Mr McManigan highlighted other, similar extensions that had been approved in close proximity of the application site and noted that none of these examples had been recommended for refusal by Woodbridge Town Council despite some local opposition; Mr McManigan was of the view that this application was similar to the examples he had provided and was less visible than other approved extensions in the conservation area.

Mr McManigan acknowledged the overlooking that currently existed between 5 and 6 Gladstone Road and said that the development would improve privacy to both residences. Mr McManigan added that the orientation of the host dwelling meant there would be no loss of sunlight to 6 Gladstone Road as the rear of both dwellings were in their own sun shadow and said that the extension accorded with the 45-degree sunlight test.

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

Councillor Yule, who was also the Ward Member for Woodbridge, said it was difficult to compare extensions in the conservation area and each one should be looked at in isolation. Councillor Yule did not consider that what was proposed would be detrimental to the area and was similar to other extensions in Woodbridge, citing the improvement to overlooking as a positive aspect of the application and stated that she was in favour of the application.

Councillor Hedgley said the slope of the land was unfortunate and was of the view that the objections from neighbours had demonstrated a lack of communication between them and the applicant on the proposed development. Councillor Hedgley acknowledged that the height and length of the proposed extension had been reduced and although uneasy about the application, saw no material planning reason to refuse it.

Councillor Daly sought clarity on the points raised about light testing. The Planning Manager advised that "right to light" was a civil matter and not a material planning consideration and that the application had to be determined on impact to residential amenity; he noted that the BRE guidance had been utilised and there was no specific planning policy on this. The Planning Manager reiterated the comments earlier in the meeting regarding the orientation of the host dwelling and that the extension would be wholly in its profile, where direct sunlight did not reach.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Yule, seconded by Councillor Bird it was by a unanimous vote

## **RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the site location plan received on 05.04.2022, revised floor plan received on 07.06.2022 and revised elevation and block plans received on 10.06.2022 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

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

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal: [https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5).

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>.

The Committee received report **ES/1231** of the Head of Planning and Coastal Management, which related to planning application DC/21/4002/ARM.

The application sought the approval of reserved matters – the construction of 173 dwellings (including 80 affordable houses) together with associated works, landscaping and infrastructure for Brightwell Lakes (Phase W1) - on DC/20/1234/VOC.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the application be determined by the Committee due to the significance of the Brightwell Lakes proposal, particularly as it formed part of the first reserved matters application(s) for the design of housing.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The Committee's attention was drawn to the information contained within the update sheet, which had been published on the Council's website and circulated to Members on Monday 25 July 2022.

The Principal Planner summarised the planning history on the site, including the conditions agreed as part of the outline and variation of condition applications relating to the Brightwell Lakes development.

The Committee received an outline of the Brightwell Lakes site plan, as well as a master plan for the wider site. The Principal Planner displayed a site context map which set out the phased development for the site and highlighted the construction phase that the application applied to, phase W1. The application site was outlined.

The Committee was shown the character area plan and access strategy, along with the site layout. The Principal Planner advised that the required density for the site was met by the application.

The Principal Planner outlined the housing mix plan and noted that it incorporated the provision of affordable housing in line with the Section 106 Agreement and that phase W1A, subject to a separate application to be determined by the Committee later in the meeting, was included in the calculation. The Principal Planner said that given the extent of the wider Brightwell Lakes development and its phased approach, it was considered to consider the proposed housing mix in the context of the wider site. The Committee also received a table detailing the proposed mix of housing for phase W1.

The Committee was advised that the proportion of affordable housing provision for Brightwell Lakes would be addressed across the wider site and there would be reserved matters policies to provide greater and lesser quantities and proportions dictated by the characteristics of each parcel. The Principal Planner also displayed a table of the proposed housing mix across phases E1, E1a, W1 and W1a.

The Committee received the storey height parameter plan, the materials parameter plan, refuse strategy plan, parking plan and earthworks plan. The Principal Planner outlined that further detail on materials to be used was outstanding and would need to be discussed with the Council's Design & Conservation team when received.

The Principal Planner displayed street scene drawings showing proposed views of the entrance to the site from the A12, further along the spine road and the southern aspect of the site.

The Principal Planner summarised the planning considerations that had been addressed within the reporting.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the officers.

In response to a question on the consultation responses from Historic England and Natural England and the issues raised therein, the Planning Manager (Development Management, Major Sites & Infrastructure) said that officers had contacted Historic England via email on 25 July 2022 as it appeared they had misunderstood the concept of the application.

The Planning Manager raised that considerable consultation had taken place with Historic England at the outline application stage to address concerns related to heritage assets and outlined the heritage park area of the wider Brightwell Lakes site. The Planning Manager explained that everything to the north of the heritage park had to be designed as a whole to minimise the effect on heritage assets but the southern area, in which the application was located, would not have a visual effect on these assets once the north area was developed. The Planning Manager confirmed that the comments of Historic England had been noted as objections to the application.

In respect of Natural England, the Planning Manager confirmed that the proposed mitigations had been secured at the outline application stage and highlighted the large SANG area and network of recreational routes that would be part of Brightwell Lakes, along with the RAMS contribution of approximately £300,000.

The Principal Planner noted that Natural England's consultation response confirmed they did not object to the application subject to the appropriate mitigation being secured and added that an updated Habitats Regulation Assessment had been produced by the Council's ecologist and submitted to Natural England.

The Planning Manager explained that a lower provision of affordable housing on the site, 25% rather than 30%, was a result of a viability exercise conducted at the outline stage concluding that to deliver all required infrastructure for Brightwell Lakes, 25% was the maximum provision of affordable housing that would be viable.

The Committee was informed that although Suffolk County Council was progressing with a major network bid that would bring improvements to the A12, several conditions in the outline planning consent for Brightwell Lakes would bring forward highway improvements to the A12 at specific trigger points, regardless of this bid.

The Principal Planner advised that initial concerns on the proposed designs in the application had been addressed over time and this information had been summarised in the update sheet. The Principal Planner highlighted that the design of plot 7, near to the entrance to the



site, had been revised and was now considered acceptable by the Council's Principal Design and Conservation Officer.

It was confirmed to the Committee that phase W1 would have 80 affordable housing units in total; these would be tenure blind in design and distributed predominantly along the spine road, consisting mostly of flats. The Principal Planner explained that there had been further discussions with the Council's Housing team and it had been agreed that future housing mix would be appropriately distributed in line with the requirements of each phase of development.

The Chairman invited Jordan Last, representing the applicant, to address the Committee.

Mr Last said that the applicant had worked with officers over the last 18 months to address constraints and opportunities on the site and noted that phases W1 and W1a would be the first area seen entering the site, stressing the importance of the development setting the tone for Brightwell Lakes. Mr Last said this would be achieved through the spine road and creation of enclosed streets, with the heights along the boulevard chosen to create this enclosure and dwellings arranged to address the green edge of the site.

Mr Last confirmed that there would be a variety of trees and wildflower planted on the site which would address both native and resilient planting.

Mr Last stated that all dwellings would have air source heat pumps and there would be no gas supply to the site; electric vehicle (EV) charging points would also be provided. Mr Last considered the proposed density of the site would be in line with the outline planning consent and that phases W1 and W1a would be delivered alongside each other with an appropriate mix and distribution of dwellings.

Mr Last said that the applicant was looking to deliver a cohesive community and create a sustainable development with a strong sense of place and character.

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

Councillor Blundell, who was Ward Member for the application, noted that a new estate was being created in an area that had been discussed and developed in consultation with local councils and most issues had been addressed to the satisfaction of neighbouring areas. Councillor Blundell complimented the Community Forum as a mechanism for keeping the community updated on the site's progress and considered that the application should be approved so the development could move forward.

Several other members of the Committee concurred with Councillor Blundell's points, adding that it was positive that the development had been adapted to provide environmentally friendly heating solutions.

Councillor Daly highlighted that it was important that any objections from Historic England and Natural England be addressed and said he was encouraged by what he had heard at the meeting.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Bird it was by a unanimous vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to no new material issues being raised during the latest re-consultation period, all outstanding matters being resolved, and agreement of conditions.

Conditions and informatives to be agreed upon receipt of all consultation responses and covered in the Committee update sheet. These are expected to be minimal, with extensive conditions already applied on the outline consent still applicable.

### **7 DC/21/4003/ARM - Land to the South and East of Adastral Park**

The Committee received report **ES/1232** of the Head of Planning and Coastal Management, which related to planning application DC/21/4003/ARM.

The application sought the approval of reserved matters – the construction of 22 dwellings together with associated works, landscaping and infrastructure for Brightwell Lakes (Phase W1a) - on DC/20/1234/VOC.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the application be determined by the Committee due to the significance of the Brightwell Lakes proposal, particularly as it formed part of the first reserved matters application(s) for the design of housing.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The Committee's attention was drawn to the information contained within the update sheet, which had been published on the Council's website and circulated to Members on Monday 25 July 2022.

The Principal Planner summarised the planning history on the site, including the conditions agreed as part of the outline and variation of condition applications relating to the Brightwell Lakes development.

The Committee received an outline of the Brightwell Lakes site plan, as well as a master plan for the wider site. The Principal Planner displayed a site context map which set out the phased development for the site and highlighted the construction phase that the application applied to, phase W1a. The application site was outlined.

The site layout plan was displayed and the Principal Planner confirmed that density requirements were met. Although there was no affordable housing on the site, phase W1a when combined with phase W1 (previously considered by the Committee at the meeting) these two phases collectively met the affordable housing provision required by the outline planning consent. The Principal Planner displayed a table detailing the proposed housing mix for the site.

The Committee received the character area plan, access strategy plan, housing mix plan, boundary treatment plan, parking plan and earthworks plan. The Principal Planner noted where on the boundary treatment plan that changes had been made.

The Principal Planner summarised the planning considerations that had been addressed within the reporting.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, subject to conditions, was outlined to the Committee.

There being no questions to the officers the Chairman invited Jordan Last, representing the applicant, to address the Committee.

Mr Last said he had nothing further to add to his address on the previous application for phase W1 and was happy to answer any questions the Committee might have.

The Chairman invited questions to Mr Last.

Mr Last explained that this parcel of land had been split from phase W1 as it will incorporate the showroom area of the Brightwell Lakes site and prior to knowing what the applicant did now about the site, had been separated off to avoid any potential delays with the larger parcel of land. Mr Last said now that there was a better understanding of the earthworks and drainage requirements both phases would be brought forward at the same time.

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

Councillor Blundell was pleased to see that there would be gardens and allotments on the site and thanked the Principal Planner for her polite and professional engagement with Martlesham Parish Council in relation to the Brightwell Lakes development.

Councillor Daly highlighted concerns raised by both the Suffolk Coastal Disability Forum and the Police's Design Out Crime Officer. The Planning Manager said that the Police were engaged on both policing matters and for an architectural input on urban design considerations and acknowledged there had been a degree of conflict in this particular instance.

The Principal Planner noted that the proposed footpath widths met highways requirements but that further conditions would be delivered through future reserved matters applications to ensure footpaths were accessible. The Committee was advised that the number of compatible dwellings being delivered was lower than the requirement set out in the Local Plan but was what had been secured at the outline planning stage.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report. On the proposition of Councillor Deacon, seconded by Councillor Hedgley it was by a unanimous vote

**RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to no new material issues being raised during the latest re-consultation period, all outstanding matters being resolved, and agreement of conditions.

Conditions and informatives to be agreed upon receipt of all consultation responses and covered in the committee update sheet. These are expected to be minimal, with extensive conditions already applied on the outline consent still applicable.

*Following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting adjourned at 3.32pm and reconvened at 3.39pm.*

## **8 DC/21/5698/FUL - 60 Old Barrack Road, Woodbridge, IP12 4ER**

The Committee received report **ES/1233** of the Head of Planning and Coastal Management, which related to planning application DC/21/5698/FUL.

That application sought planning permission for a single storey outbuilding within the rear garden of no. 60 Old Barrack Road, Woodbridge to be used for food preparation by the occupiers/owners in connection with their catering company.

The application was presented to the Planning Referral Panel on Tuesday 19 April 2022 as the 'minded to' decision of the case officer was contrary to Woodbridge Town Council's recommendation to refuse the application. In light of concerns raised in relation to potential impacts on local amenity from deliveries and noise/odour nuisance, the Planning Referral Panel considered there were sufficient grounds to debate the merits of the application at Committee.

The Committee received a presentation from the Planner, who was the case officer for the application.

The site location was outlined and the Committee was shown an aerial image of the application site.

The Committee received photographs of the site showing the front and rear of the host dwelling, the rear garden and an approximate position of the proposed location of the development, the rear access to the site and Peterhouse Crescent's proximity to the rear access to the site.

The proposed block plan was displayed and the Planner explained that the applicant had indicated the proposed outbuilding's use would be facilitated via access from Old Barrack Road only.

The Committee received the proposed elevations and floor plans for the proposed outbuilding.

The Planner summarised the Planning Practice Guidance on if planning permission was required to work from home and the application of the key test of whether the overall character of the dwelling will change as a result of the business. The Planner considered that, based on the evidence provided by the applicant, the primary use of the dwelling would remain as a home.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers.

The Planner confirmed that the casual waiting staff employed by the applicant would not be visiting the site.

In response to a question on footfall on Peterhouse Crescent, the Planner said that the application did not propose accessing the site from that location and the proposed conditions restricted this, so no survey of pedestrian use had been completed as the road did not form part of the application site. The Planner explained that due to the size and nature of the application, it was not anticipated there would be a marked increase in the traffic on Old Barrack Road.

The Planning Manager advised that although planning permission could condition where waste was stored, waste disposal was not a material planning consideration.

The Chairman invited Daniel Smith, the applicant, to address the Committee.

Mr Smith explained that he operated a family run catering business founded by his mother, which was currently operated from a similar kitchen outbuilding at her home in Knodishall. Mr Smith described the company as providing outside catering and said that it employed staff on an ad hoc basis at booking venues only. Mr Smith said that prior to joining the business he had worked as a chef but owing to ill health had needed to moderate his hours since 2013, which he had been able to do working for the business.

Mr Smith said that his mother, following her own ill health in 2019, had elected to retire and subsequently there was a need to relocate the business operations. Mr Smith said that it had been concluded that the best option would be to relocate the operations to his own home in Woodbridge.

Mr Smith outlined that the application sought to create a similar setup to the one operated by the business in Knodishall, where it had enjoyed a positive relationship with neighbours. Mr Smith confirmed that all deliveries would either be collected by him or delivered with other household groceries. Mr Smith advised that a high-quality ventilation and extraction unit would be installed as part of the development.

The Chairman invited questions to Mr Smith.

Mr Smith confirmed that the individual dinner deliveries supplied by the company were not for one person but for groups up to a maximum of 10.

Mr Smith said that the size of outbuilding proposed was required to ensure that the operations could meet food hygiene and environmental health requirements and provide storage for items such as crockery and cutlery.

Mr Smith, when asked about the number of functions catered for in the space of week, noted that in the last week he had catered for two events and used the existing premises in Knodishall from Thursday to Saturday. Mr Smith explained that there would be some weeks

where there was no work and other weeks where the work might be in the early part of the week. Mr Smith confirmed that the work was often seasonal.

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

Councillor Yule, who was the Ward Member for the application, considered that the proposed development and use was not suitable for a compact residential area and concurred with the objections raised by Woodbridge Town Council that it would negatively impact traffic on Old Barrack Road and Peterhouse Crescent, the latter being a busy road.

Councillor McCallum said she had been concerned about this application but in light of the information heard at the meeting and viewing the business' website was confident that the application was suitable for the area.

Councillor Bird said he had also listened to all the information presented and noted that the officer's report stated that the proposed operations could be undertaken in a domestic condition. Councillor Bird questioned why then such a facility as the one proposed was required, expressing concern that the outbuilding would be similar in size to a small bungalow. Councillor Bird said the cooking was likely to be in excess of scale for domestic usage and agreed with Councillor Yule's comments about the suitability of the operation for a residential area.

In response to points raised during the debate, the Planning Manager (Development Management, Major Sites and Infrastructure) explained that planning permission was sought for the construction of the building and that the scale of operation by itself would not require planning permission. The Planning Manager clarified that the point in the officer's report about the scale of use being accommodated in a domestic kitchen had been made theoretically to show that the scale of operation could be classified as "working from home".

Councillor Hedgley supported the application and noted that the Council had encouraged people to work from home since COVID-19 and that it should be in favour of supporting endeavours like the one proposed.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Hedgley, seconded by Councillor McCallum it was by a majority vote

## **RESOLVED**

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

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

*Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s):

- Site location plan (Received 21 December 2021);

- 8093 - PA/21/01 A (Floor plan);
- 8093 - PA/21/03 A (Elevations);
- 8093 - PA/21/02 A (South West Elevations);
- 8093 - PA/21/04 A (Block Plan).

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

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

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

4. No construction work shall commence on site before 08:00 and shall not continue after 19:00 Monday to Saturday, with none being undertaken on Sundays and Bank Holidays, unless otherwise agreed by the Local Planning Authority.

*Reasons: To prevent noise pollution to adjacent residential properties.*

5. Deliveries to and collections from the site as required in connection with the construction phase of the hereby approved development shall not be undertaken between the hours of 07:30 to 09:00 and 15:00 to 16:30 Monday to Friday, with none being undertaken on Sundays and Bank Holidays, unless otherwise agreed by the Local Planning Authority.

*Reason: In the interests of amenity and the protection of the local environment.*

6. The hereby permitted use relates only to those activities reasonably required in connection with food preparation and for no other purpose whatsoever, unless otherwise agreed by the Local Planning Authority.

*Reason: In the interests of amenity and the protection of the local environment.*

7. The hereby permitted food preparation use shall be operated solely by the owners/occupiers of the host dwelling with no other employees or third-parties whatsoever shall be allowed to operate from the site in connection with the permitted use unless otherwise agreed by the Local Planning Authority.

*Reason: In the interests of amenity and the protection of the local environment.*

8. The working hours in connection with the hereby permitted food preparation use, shall only be between 08:00 and 20:00 Monday to Saturday, and between 10:00 and 16:00 on Sundays/ Bank Holidays, unless otherwise agreed by the Local Planning Authority.

*Reason: In the interests of amenity and the protection of the local environment.*

9. Apart from loading and unloading of produce, no activities or process in connection with the hereby approved food preparation use shall be carried out outside the hereby approved building unless otherwise agreed by the Local Planning Authority.

*Reason: In the interests of amenity and the protection of the local environment.*

10. Except for the owner's own personal or business vehicle, deliveries to and collections from the site in connection with the hereby permitted food preparation use shall only be made via Old Barrack Road with none being made via the site's Peterhouse Crescent entrance unless otherwise agreed by the Local Planning Authority.

*Reason: In the interests of amenity and the protection of the local environment.*

11. Prior to the occupation of the hereby approved development, an odour and noise risk assessment in accordance with the updated current guidance (i.e. 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems - An update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs') shall be submitted to and approved by the Local Planning Authority.

The risk assessment shall identify potential sources of odour/noise, pathways and receptors and make recommendations regarding the level of mitigation needed. The Local Planning Authority will be expecting that a rating level (LAeq) of at least 5dB below the typical background (LA90) is achieved. Any required mitigation/control measures shall thereafter be fully implemented in accordance with the approved measures.

*Reason: In the interests of amenity and the protection of the local environment.*

12. The hereby permitted use shall not commence until a scheme for the extraction, treatment and dispersal of fumes and odours has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the use commencing and thereafter retained and maintained unless otherwise agreed by the Local Planning Authority.

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

13. Before the installation of any extractor systems, fans, air-conditioning plant or refrigeration plant, and any other fixed plant, details of a scheme to attenuate noise and vibration shall be submitted to and approved by the Local Planning Authority.

The noise assessment must be undertaken by a competent person should be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Only the approved shall be implemented and retained thereafter.

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

14. Prior to the hereby approved development's first use, a suitably surfaced footpath linking the proposed outbuilding with the host dwelling's existing rear patio area shall be fully provided. The footpath shall thereafter be retained in connection with the permitted food preparation use.

*Reason: To ensure that safe and suitable access between the permitted outbuilding and host dwelling is retained in connection with the permitted food preparation use.*



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.

*Councillor Deacon left the meeting at this point (4.15pm).*

## **9 DC/22/1162/FUL - Woodside, Martlesham Road, Little Bealings, Woodbridge, IP13 6LX**

The Committee received report **ES/1234** of the Head of Planning and Coastal Management, which related to planning application DC/22/1162/FUL.

The application sought retrospective planning permission for the construction of a 4-bay cart lodge with studio above at Woodside, Martlesham Road, Little Bealings, IP13 6LX.

As the 'minded to' recommendation was one of approval, contrary to the comments of Little Bealings Parish Council, the application was referred to the Planning Referral Panel in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution. The application was presented to the Planning Referral Panel on 24 May 2022, where it was referred to the Committee for determination.

The application was first presented to the Committee at its meeting of 28 June 2022, where the Committee resolved to defer determining the application to allow the Committee to visit the site. The site visit took place on the morning of 26 July 2022, prior to this meeting of the Committee.

The Committee received a presentation from the Energy Projects Co-ordinator, who was the case officer for the application.

The site's location was outlined and the Committee was shown an aerial image of the application site.

The Committee received photographs of the site demonstrating views from Martlesham Road, the outbuilding constructed on the site, the outbuilding's relationship with the host dwelling and wider street scene photos.

The Energy Projects Co-ordinator outlined the previous consent approved on the site for a cart lodge and the proposed elevations and block plan of the current application, detailing the differences between what had been applied for and what had been approved.

The Committee received information on the consented alterations to the host dwelling which had not yet been built out. The Energy Projects Co-ordinator confirmed that the implication of these consented alterations in respect to the outbuilding's relationship with the host dwelling had been considered when forming the recommendation to approve the application.

The Energy Projects Co-ordinator displayed drawings overlaying the consented alterations with the cart lodge that had been built on the site.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers.

In response to the question on the maximum size for a cart lodge, the Planning Manager (Development Management, Major Sites and Infrastructure) explained that this was dependent on its proportion to its host dwelling and how it would fit into its surrounding, acknowledging that what was proposed was on the larger end of the scale for a cart lodge.

The Energy Projects Co-ordinator stated that the difference between a garage and a cart lodge was on a case-by-case basis.

The Chairman invited Audrey Harrington, who objected to the application, to address the Committee.

Mrs Harrington said that the retrospective application was very concerning as it was seeking planning permission for something that had already been built; she considered that if the application had been made prior to construction it would have still generated local opposition.

Mrs Harrington was of the view that the application provided no reason or apology for what had been built on the site and highlighted that what had been built should have accorded with the previous scheme that had been approved. Mrs Harrington highlighted that what had been constructed was an excessively large building in comparison to what had been approved, which had a detrimental impact on visual amenity and the street scene.

Mrs Harrington stated that the conditions in the extant consent to protect trees and hedging had been ignored and considered that Members would have been able to see where vegetation had been removed when they had visited the site earlier that day.

Mrs Harrington acknowledged the contentious nature of the planning application process but said that the rules were there so that all applicants followed the same process to obtain planning permission and build out to what was approved.

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

Several members of the Committee expressed concern that what had been constructed on the site was not in accordance with the extant consent granted and that a retrospective planning application had now been made to obtain approval for an existing structure. Members considered that the applicant was an experienced developer and therefore should have been cognisant of what was required of them and stated they would be voting against the application, noting its detrimental impact to visual amenity and the street scene of Martlesham Road.

Councillor Bird reminded the Committee that retrospective items must be considered on their own merits and not against any other applications that may or may not have been approved on the site; he acknowledged the size of the cart lodge but considered that the size of the site meant it was still subservient to the host dwelling, was not larger in size and was conditioned to be ancillary to the host dwelling. Councillor Bird said that the site visit had demonstrated

there was no impact on residential amenity caused to neighbouring properties and that the development was not out of scale or excessive in appearance and was in support of the application.

In response to points raised during the debate, the Planning Manager advised the Committee that despite the retrospective nature of the application, planning decisions must not be punitive and the application needed to be determined against local and national planning policies, regardless of its retrospective nature. The Planning Manager assured the Committee that should the application be refused then enforcement action would be taken and the Council needed to be confident it could robustly defend any appeals against either the decision of the Committee or enforcement action.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Bird, seconded by Councillor Newton it was by a majority vote

## **RESOLVED**

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

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing numbers 22108/2, 22108/3 and site plan received on the 24.03.2022 and 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.*

2. The cartlodge and studio above hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Woodside.

*Reason: Having regard to the special circumstances put forward by the applicant in relation to a proposal which is inappropriate for use as a separate dwelling.*

3. Within 3 month(s) of the date of this consent, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) for the area between the western and southern elevations of there hereby consented outbuilding and the southern and western boundaries of the application site, shall be submitted to and approved by the local planning authority.

*Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping to soften the appearance of the building in the wider streetscene in the interest of visual amenity.*

4. The approved tree/shrub planting scheme shall be implemented not later than the first planting season (November - April) following the issuing of this consent (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

*Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping to soften the appearance of the building in the wider streetscene in the interest of visual amenity.*

#### 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. Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended) The development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

Please note as this consent is being granted retrospectively, self-build exemption can not be sought, and the full CIL payment will be liable in full upon the issuing of this planning decision notice.

Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action. Full details of the process for the payment of CIL can be found at <https://www.eastsuffolk.gov.uk/planning/developer-contributions/community-infrastructure-levy>

#### **11 DC/22/1996/FUL - Kiosk Site near Bent Hill, The Promenade, Undercliff Road West, Felixstowe, IP11 2AB**

The Committee received report **ES/1236** of the Head of Planning and Coastal Management, which related to planning application DC/22/1996/FUL.

The application sought full planning permission for the replacement of a beachside kiosk adjacent to the promenade in Felixstowe. As the applicant and landowner was East Suffolk Council, the proposal was referred to the Committee for determination in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer (Development Management), who was the case officer for the application.

The site's location was outlined and the Committee was shown the proposed block plan and aerial views of the site. The Committee received photographs showing views of the site from Felixstowe Promenade and what the previous kiosk on the site had looked like. The proposed elevations were also displayed.

The material planning considerations and key issues were summarised as visual amenity, impact on the conservation area, coastal environment and flood risk.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined to the Committee.

There being no questions to the officers, the Chairman invited the Committee to debate the application that was before it. There being no debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application, as set out in the report. On the proposition of Councillor Bird, seconded by Councillor Yule it was by a unanimous vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to both the submission and confirmation from East Suffolk Council Coastal Management team that a 'Level B CEVA' submission satisfies their requirements and the conditions below:

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 the application form, design and access statement, flood risk assessment, drawings 202201-01, 202201-02 received 16 May 2022.

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

3. The kiosk shall only be in use between 8:00 and 18:00 Monday - Sunday (including bank holidays), and no work or deliveries etc shall be carried out outside of the specified hours.

*Reason: In the interests of amenity and protection of the local environment.*

4. The development shall be carried out in accordance with the approved Level B Coastal Erosion Vulnerability Assessment, unless otherwise agreed by the local planning authority.

*Reason: In the interests of coastal change management and to ensure that access to coastal defences is not inhibited by new and/or replacement 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.

The meeting concluded at 4.45pm.

.....

Chairman