

Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 24 May 2022 at 2.00pm**

Members of the Committee present:

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

Other Members present:

Councillor Paul Ashdown, Councillor Maurice Cook

Officers present:

Sarah Davis (Democratic Services Officer), Marianna Hall (Principal Planner), Rachel Lambert (Planner (Major Sites)), Matt Makin (Democratic Services Officer), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management))

1 Apologies for Absence and Substitutions

No apologies for absence were received.

2 Declarations of Interest

No declarations of interest were made.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Bird, Blundell, Cooper, Daly, Deacon, Hedgley, McCallum, Newton and Yule all declared that they had been lobbied on item 6 of the agenda and had not responded to correspondence received; Councillor Hedgley noted that he had responded to acknowledge the first two pieces of correspondence he received but due the volume received, had not acknowledged any other correspondence after that point.

4 Minutes

On the proposition of Councillor Hedgley, seconded by Councillor Bird it was by a unanimous vote

RESOLVED

That the Minutes of the Meeting held on 19 April 2022 be agreed as a correct record and signed by the Chairman.

5 Enforcement Action - Case Update

The Committee received report **ES/1157** 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 22 April 2022. At that time there were 13 such cases.

The Chairman invited questions to the officers.

In response to a question on the status of possible enforcement action at Sandy Lane, Martlesham, the Assistant Enforcement Officer advised that there were several issues on the site, and he was working alongside other agencies who were also involved, in order to ascertain who was most appropriate to take action on each issue. The Assistant Enforcement Officer summarised the enforcement issues on the site as residential use of land, expansion of industrial units and activities, storage of waste and signage.

The Assistant Enforcement Officer confirmed that he would investigate when land recovery charges would be finalised at Pine Lodge Caravan Park, Hazels Lane, Hinton and update the Committee outside of the meeting. The Planning Manager (Development Management) noted that a report would be presented to the Strategic Planning Committee at its meeting on 6 June 2022 on improving the way enforcement information is presented to the Council's planning committees.

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

RESOLVED

That the outstanding enforcement matters up to 22 April 2022 be received.

Announcement

The Chairman announced that item 8 of the agenda had been withdrawn and would be considered at a future meeting of the Committee.

6 DC/20/3326/OUT - Land at Victoria Mill Road, Framlingham

The Committee received report **ES/1158** of the Head of Planning and Coastal Management, which related to planning application DC/20/3326/OUT.

The application sought outline planning permission with all matters reserved apart from access, for a phased development comprising: the erection of up to 49 custom/self-build homes (plots), including 16 affordable homes; public open space; a neighbourhood equipped area of play (NEAP), comprising a multi-use games area (MUGA); landscaping, and other associated infrastructure.

The application was considered by the Committee at its meeting of Tuesday 25 January 2022; at this meeting, the Committee resolved to delegate authority to the Head of Planning and Coastal Management to approve the outline planning application as per the officer's recommendation in the committee report.

On 7 February 2022 the East Suffolk Communities Team determined a revised community bid for two areas of grass verge to be listed as an Asset of Community Value (ACV) and this status was agreed. Because of this change in circumstance, officers determined that it would be necessary to refer the application back to the Committee to consider the policy effects of this ACV status affecting the application.

The Committee received a presentation on the application; the Planning Manager (Development Management) opened the presentation and gave an overview of the ACV process and detailed the ACV submission that had been made for the two grass verges. The Committee was advised that the new policy consideration related to policy SCLP8.1 of the Suffolk Coastal Local Plan (the Local Plan), which stated that proposals to change the use, or redevelop for a non-community use, a facility registered as an ACV, would not be permitted.

The Committee was shown satellite images of the two grass verges that had been given ACV status.

The Planning Manager provided a summary of the planning application's history and noted the most recent letter received from Leigh Day acting on behalf of Framlingham Town Council which set out three grounds that the application failed on, as well as a summary of the Counsel opinion sought by the Council in response to the letter from Leigh Day, which dismissed the grounds for failure set out by Leigh Day.

The Planning Manager confirmed that the application was before the Committee to be considered in its entirety and that members of the Committee were not bound by the vote on the application at the meeting held on 25 January 2022.

The Chairman invited questions to the officers on the ACV status issues relating to the application.

Officers were of the opinion that although one of the verges with ACV status would be lost as a result of the proposed highways works outside the application site, comparable green space was provided by the application.

The presentation was continued by the Planner (Major Sites), who was the case officer for the application. The Planner summarised the amendments to the report detailed in the update sheet which had been published on Monday 23 May 2022.

The site's context was outlined, and the Planner confirmed that the site was allocated for housing development by policy FRAM25 of the Framlingham Neighbourhood Plan (the Neighbourhood Plan). The Committee was provided with an overview of the site's relationship to its surrounding environment, the site's topography, its flood risk and that a nearby Public Right of Way, Footpath 50, linked to the site at its north-western corner.

The Planner recapped the Committee's visit to the site on 6 December 2021, noting the route taken by Members. The site visit had been conducted as the Committee had considered it necessary to view the site in terms of its context with particular reference to the proposed road realignment and highway matters.

The Committee was shown photographs of views looking north-east from Victoria Mill Road, looking east along Victoria Mill Road, looking south from the north-west corner of the site, looking south-west from the north-west corner of the site, looking north-west from the north-east corner of the site and looking west from the north-east corner of the site.

The Planner highlighted that the site was both within the Framlingham settlement boundary and allocated for housing development within the Framlingham Neighbourhood Plan and therefore the principle of development had been established.

The Committee received the indicative masterplan and indicative phasing plan, along with computer-generated images of expected views towards the site and proposed features of the site.

The Planner summarised the proposed highways works outside the application site including the realignment of Victoria Mill Road, the provision of crossing points, new footways and the widening of existing footways.

The Committee was shown comparison images of the existing and proposed alignments of Victoria Mill Road and the Planner noted that the five matters of consideration to be addressed in relation to these works were the highway extent and land ownership, road width, footway width at pinch-point, heritage impact and the impact on Assets of Community Value.

The Committee was shown photographs demonstrating the current alignment of Victoria Mill Road.

The Planner noted that consultation responses had suggested that the realignment works were not possible as land fell in private ownership rather than the highway extent; the applicant had provided additional land registry details and had served notice on both affected parties, the Highways Authority and Flagship Housing.

The Committee was advised that it was understood that all proposed realignment works fell within the current extent of the highway. Neighbour responses also noted that land within the realignment works fell within third-party ownership, but Land Registry title plans for "The Granary" and "Victoria Mill House" had demonstrated this was not the case.

The Planner demonstrated the proposed road widths and noted that the Highways Authority considered the five-metre width sections to be acceptable. The Committee was provided with examples of the changing dimensions as a result of the realignment, highlighting where the road would be either widened or narrowed.

The Committee was advised that the proposed highways works would result in an overall loss of 57 square metres of green verge on Victoria Mill Road.

The Planner addressed the proposed footway widths and reiterated the advice from the Highways Authority that the use of "generally" in the Manual for Streets meant the figures in the guidance were not absolute. In regard of the pinch-point highlighted, it was highlighted to be 1.713 metres in width and less than 6 metres in length, with its narrowest section being 1.5 metres wide.

The Committee was reminded that although the Council's Principal Design and Conservation Officer had commented that it was disappointing to lose the historical dog-leg layout of Victoria Mill Road he had not raised a formal objection to the application.

The Planner highlighted the proximity of the three verges given ACV status to the application site. The Planner outlined the definition of an ACV and considered that the verges were mixed use as both highway extent and community use.

The Committee was advised that the impact of the realignment works on the verges could be interpreted as a partial change of use and therefore contrary to policy SCLP8.1 of the Local Plan; the Planner noted that a breach of policy was not necessarily a reason for refusal and highlighted that the right to bid process afforded to the verges by their ACV status was unlikely to be triggered.

The Committee was shown images of the proposed NEAP within the site and its proximity to the green verges on Victoria Mill Road that would be created by the road realignment. The Planner commented that given there was a minimal loss of green verge on Victoria Mill Road in comparison to the creation of additional green space and housing by the development, more weight had been given to the latter by officers when considering the proposals.

The Planner displayed the swept path analysis drawings provided by the applicant, which had been revised in response to concerns raised. The Committee was advised of the final comments of the Highways Authority, which remained satisfied that the proposed road layout could accommodate the vehicles to construct and serve the proposed development.

The Chairman invited questions to the officers on highways matters.

The Planning Manager confirmed that the highways works proposed remained the same as when the application had previously been considered by the Committee and that the only change to the application since that time was the policy consideration in relation to the verges granted ACV status.

The Committee was advised that verge 3 would be most impacted by the proposed highways works and that ACV status would not automatically be transferred to the new verge created. The Planning Manager noted that any of the new green spaces created by the road realignment could be given ACV status in the future but would remain part of the extent of the highway.

The Planning Manager confirmed that officers, when considering the application against policy SCLP8.1 of the Local Plan, had considered that on balance the benefits of the application would offset the breach of the policy.

The Planner continued her presentation, and the Committee was shown an artist's impressions of aerial views of the site from both the south-east and north-east.

The Planner outlined the application against the clauses of policy FRAM25 of the Neighbourhood Plan. The Committee was advised that proposed Grampian condition would result in a phased development commencing near to 2025, which would meet the time constraints of the policy.

The Planner noted that based on a conservative interpretation, the application for "up to 49" dwellings would be 14 more than an approximate upper limit of 35 but highlighted that the density of the site would be broadly similar to areas north of the site and would be lower than the neighbouring Hopkins Homes development.

The Planner considered that although it was disappointing that the proposed development did not meet the target set in policy FRAM3 of the Neighbourhood Plan for one-bedroom properties, the exceedance of the target for two-bedroom properties was a positive outcome and mitigated the lower number of one-bedroom properties. The Committee was informed that final details would be approved as part of any reserved matters application.

The Committee was provided with information on the proposed building types on the site, which would be self-build, custom-build and custom-choice and how affordable housing would be delivered on the site. The design detail would be approved as part of any reserved matters application, but a design code would be secured via condition at the outline stage.

The Committee received the building heights parameter plan and an indicative affordable housing phases plan. Affordable housing would compromise 32.7% of the site, of which 25% of this figure would be first homes, 25% shared ownership and 50% affordable rent.

The proposed NEAP provision for the site was outlined and the Committee was shown an indicative plan of this area. The Planner highlighted that the NEAP would be a 0.61-hectare area of landscaped public open space including a play area, central green and wetland garden. The Committee was informed that in response to policy FRAM10 of the Neighbourhood Plan, the applicant had stated that they were willing to explore with the community the potential for inclusion of a community growing space should this considered to be of particular merit.

The details of the proposed vehicle access were outlined, and the Planner noted that the most recent comments of the Highways Authority did not raise any objections to the proposals. The Committee was also shown visibility splay and swept path analysis drawings submitted by the applicant.

The Committee was advised that the proposed pedestrian access was in accordance with policy FRAM14 of the Neighbourhood Plan; details of the proposed connections to

the existing footpath network and a footpath on the perimeter of the site were outlined to members of the Committee.

A transport assessment had been submitted with the application and the Committee was informed that no objections had been received from the Highways Authority.

The Planner noted the comments of the Suffolk County Council Archaeology Service, which had stated that it did not recommend refusal of the application as preservation on the site could be achieved 'in situ'; it had recommended that any planning permission include a condition to record and advance the understanding of any heritage assets found on the site during development.

The Planner summarised the material planning considerations along with the positives and negatives of the application.

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

There being no further questions to the officers the Chairman invited Mr Fitzhigham, who objected to the application, to address the Committee.

Mr Fitzhigham considered that Members had been asked to go against the Council's own policies and noted that the application had returned to the Committee to consider the material consideration of the ACVs. Mr Fitzhigham was of the view that the ACV status of the verges was inviolate, and the Committee should not go against this by approving the application. Mr Fitzhigham said that the verges were recreational and not ancillary.

Mr Fitzhigham said that policy SCLP8.1 was clear that the loss of an ACV should not be permitted and said it was unbelievable that the recommendation was against this. Mr Fitzhigham pointed out that the ACV status could not be moved to any new verge and considered that the public would not be able to trust the Council if the application were approved.

Mr Fitzhigham considered that Dr Dan Poulter MP, whose constituency the application site sat in, writing to the Committee to object to the application was an extraordinary step. Mr Fitzhigham said it was up to Members to determine the application and not Planning officers, quoting relevant comments from Dr Poulter's letter on integrity which he pointed out was the second of the Nolan Principles that all elected representatives were required to uphold.

Mr Fitzhigham concluded that the case officer had acknowledged in their report that to approve the application would be a breach of policy SCLP8.1 and urged the Committee to refuse the application.

There being no questions to Mr Fitzhigham the Chairman invited Councillor Garrett, representing Framlingham Town Council, to address the Committee.

Councillor Garrett highlighted that this was the third time the application had been presented to the Committee and four different versions of the officer's report had been produced, each with different grounds for approval.

Councillor Garrett advised that Framlingham Town Council did not consider that its legal objections had been fully addressed and that two had been dismissed with no merit, with no explanation provided ahead of the meeting.

Councillor Garrett said that a presumption in favour of development was not a catchall to override neighbourhood plans and there must still be material reasons for going against development plan policies. Councillor Garrett said that much of the information in the report pre-dated the Framlingham Neighbourhood Plan and therefore should not be considered.

Councillor Garrett pointed out that a recent planning application in Debach had been refused planning permission by the Committee and quoted comments that this was to uphold the Local Plan; Councillor Garrett suggested that this should not only happen in Debach but across the district.

Councillor Garrett considered that the density comparison presented was misleading as the site was on the edge of the town and had therefore been included in the Neighbourhood Plan at a lower density by the Planning Inspector. Councillor Garrett added that other sites nearby had been granted on appeal and that a more relevant comparison was the approved development at Station Terrace, which was of a lower density.

Councillor Garrett said that the Town Council believed that policy FRAM25 had been misinterpreted and suggested there was a growing disrespect of the planning system by the electorate, noting that other applications had been overturned due to a lack of policy compliance. Councillor Garrett asked the Committee to respect the development plan and refuse the application.

There being no questions to Councillor Garrett the Chairman invited Mr Marten, the applicant, to address the Committee.

Mr Marten advised that since the application was considered at the Committee's meeting in January 2022 there had been engagement with an affordable housing provider to deliver the 16 affordable homes on the site and work had been completed with officers to mostly complete the draft Section 106 Agreement.

Mr Marten considered it regrettable that the Council had been threatened with legal action should it issue the planning consent as per the Committee's previous resolution and was pleased that legal advice had resulted in a recommendation to approve the application as before. Mr Marten considered that the application should be approved as its benefits outweighed any harm that would be caused.

Mr Marten highlighted that the proposed density of the site was half of the Hopkins Home development to the east and would create a NEAP that would be a substantial new asset to Framlingham. Mr Marten considered that the NEAP would offset the loss

of the verges on Victoria Mill Road as a result of the highway realignment, which would also improve safety in the area.

Mr Marten pointed out the significant growth of the self-build register in both Framlingham and across the district and noted that the site would provide high quality custom and self-build properties with affordable homes for local people, two-bedroom properties for families and young people, the NEAP, as well as highways and footpath improvements. Mr Marten considered that the proposed development would make best use of the allocated site and requested that the Committee once again support the application.

There being no questions to Mr Marten the Chairman invited Councillor Cook, Ward Member for Framlingham, to address the Committee.

Councillor Cook was pleased that both the application had been referred back to the Committee and that he had an opportunity to support residents and Framlingham Town Council in urging for its refusal.

Councillor Cook reminded the Committee that when he spoke on the application at the Committee's meeting in November 2021, he had noted that communities were encouraged to create neighbourhood plans as a means to have some influence regarding speculative development and that communities set great store by the plans they create. Councillor Cook acknowledged that the Framlingham Neighbourhood plan allocated the site for development but contended that up to 49 was not approximately 30 units, considering the proposals to be contrary to policy.

Councillor Cook stated that at the Committee's meeting in January 2022 it had been suggested that that site could accommodate more than 30 dwellings given the neighbouring density levels but noted that the Planning Inspector had been willing to accept the lower density on this site when assessing the Neighbourhood Plan.

Councillor Cook said that the application had been referred back to the Committee as the three verges on Victoria Mill Road had been awarded ACV status, yet the proposals would destroy one of them, contrary to policy SCLP8.1. Councillor Cook considered the recommendation to approve the application was contrary to policy and the reason to depart from policy was not acceptable.

Councillor Cook expressed concern that the self-build nature of the site would cause a longer period of disruption for residents than a developer building housing project and would not attract any Community Infrastructure Levy (CIL) with which Framlingham could improve the town's infrastructure to accommodate new residents.

Councillor Cook reminded the Committee that the right homes should be built in the right places and that a local plan led planning system was vital, and that the proposed development was not right for the site. Councillor Cook considered that the Secretary of State for Levelling Up, Housing and Communities would not approve this application if put before him on appeal and suggested that the Committee refuse it to avoid significant reputational damage to the Council and to provide reassurance to communities that neighbourhood plan creation was not a futile exercise.

The Chairman invited questions to Councillor Cook.

Councillor Cook recognised that the application was for outline planning permission for up to 49 dwellings but considered this was still contrary to policy, which he agreed was guidance and not regulation.

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

Several members of the Committee highlighted concerns regarding the loss of the green space awarded ACV status, the number of proposed dwellings and the loss of the historical road layout of Victoria Mill Road. These Members noted that an area designated as an ACV would be lost as a result of the highways works and could not support the application. Councillor Yule considered that the replacement of the lost ACV with green space elsewhere was irrelevant. Councillor Newton said he was disappointed with the lack of regard to the Neighbourhood Plan given the amount of work that was put into them.

Other members of the Committee spoke in support of the application, with Councillor Cooper considering that during the site visit the grass verges appeared to not be used for anything other than parking. Councillor Bird spoke at length in favour of the application, noting that officers had been clear that the site could occupy up to 49 dwellings and considering that there would only be a net loss of 57 square metres of green space.

Councillor Bird acknowledged that the three grass verges had been given ACV status and stated the legislation behind this was to protect an asset's status if being sold; he highlighted that this was irrelevant as the land was within the highway extent and a sale was not needed to allow the highways works to take place. Councillor Bird set out that the Committee was required to weigh the benefits of the development against any potential harm that would be caused and considered that the net loss of 57 square metres of open space from 688 square metres when weighed against the delivery of much needed housing, meant that the benefits outweighed the harm and remained in support of the application.

Councillor Blundell noted that the proposed access was also a key consideration and was of the view that it could be considered that this and the ACV status of the verges outweighed the delivery of housing on the site. Councillor Blundell said he could not overcome the problems with the access and considered this a problem that needed to be resolved.

The Chairman invited the Planning Manager to clarify points raised during the debate. The Planning Manager advised that the ACV status granted to the verges was under the Localism Act 2011 and not planning legislation, to allow the community a right to bid on an asset should it be put up for sale. The Planning Manager reiterated that the application needed to be considered in full, including the new material consideration relating to the ACVs and that a balanced judgement was required, emphasising that neighbourhood plans were not subject to the same rigorous testing levels that local plans were.

The Planning Manager clarified that officers were not disregarding the Neighbourhood Plan and had worked with Framlingham Town Council during its development around the relationships between policies. The Planning Manager highlighted that the Planner's report had not changed its position each time but had expanded in response to the scrutiny of the application.

Councillor McCallum sought clarification on what weight would be given to the ACVs should the application be refused and appealed by the applicant. The Planning Manager advised due weight was given to all relevant policies by planning inspectors against all other material considerations when considering an appeal.

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

The Chairman sought an alternative recommendation to refuse the application. On the proposition of Councillor Yule, seconded by Councillor Daly it was by a majority vote

RESOLVED

That the application be **REFUSED** on the grounds that it is in conflict with policy FRAM25 of the Framlingham Neighbourhood Plan and policy SCLP8.1 of the Suffolk Coastal Local Plan and that these policy conflicts outweigh the benefits of the proposed development.

Following the conclusion of this item the Chairman adjourned the meeting for a short break; the meeting was adjourned at 3.51pm and was reconvened at 4.04pm.

7 DC/21/0757/FUL Land North of The Street, The Street, Kettleburgh, IP13 7JP

The Committee received report **ES/1159** of the Head of Planning and Coastal Management, which related to planning application DC/21/0757/FUL.

The application sought full planning permission for the construction of 16 dwellings, (including five affordable homes) a new shared vehicular access, driveways, cart lodges and garages on land north of The Street, Kettleburgh, IP13 7JP.

The application was considered by the Committee at its meeting of 19 April 2022. The application was deferred at that meeting to allow for a site visit to be undertaken, which took place on Tuesday 3 May 2022.

The Committee received a presentation on the application from the Planning Manager (Development Management) on behalf of the case officer.

The Committee was provided with a summary of the revised plans received on 17 May 2022 which included specific site dimensions including the gradient of the land, amended roof pitch to plots 3, 4, 5, 10 and 11 and the amended roof design for plots 6,

7, 8 and 9. The Planning Manager highlighted the distance from plot 5 to Honeysuckle Cottage, the distance from plot 12's cart lodge to the boundary of Honeysuckle Cottage and further distances from plots on the western boundary to The Fieldings.

The site's location was outlined, and the Committee was shown an aerial view of the site. The Planning Manager highlighted that a Public Right of Way, Footpath 19, ran alongside the site's western boundary.

The Planning Manager outlined the site's allocation for development under policy SCLP12.53 of the Suffolk Coastal Local Plan (the Local Plan) and highlighted a survey of the site's existing topography.

The Committee received photographs demonstrating views of the site looking towards the south-west across the frontage of the site, back towards the site, directly into the site, looking towards the north-east edge of the site, looking up The Street to the north-east, directly up into the site, from the north-east boundary looking to the south-west, within the site towards The Street, and towards the site demonstrating the low valley character of the area.

The Planning Manager displayed the proposed block plan, and the proposed housing mix was set out. The Committee was advised that there would be a range of property sizes from one-bedroom flats up to four-bedroom detached houses; the affordable housing would be at plots 1 to 5 and consist of one and two-bedroom flats and terraces, and all housing would be between one and two storeys in height.

The Committee received the proposed streetscene drawings and the Planning Manager highlighted where changes superseded what was presented to the Committee at the previous meeting. The Committee also received the proposed elevations and floor plans for each of the plots, including where changes had been made.

The Planning Manager explained that the site sat outside of a flood zone but was an area that had experienced surface water flooding in the past and set out the proposed surface water drainage layout.

The material planning considerations and key issues were summarised.

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

The Chairman invited questions to the officers.

The Planning Manager advised that the figure of 1.5 parking spaces per dwelling was an average across the entire site.

The Committee was advised that the proposed fenestration design was a Georgian sash window and the Planning Manager noted that the scale of the drawings made this appear more severe than it would look when built out.

The Planning Manager confirmed that the lead flood authority required surface water run-off to be no greater than the rate if the site remained greenfield; the Planning

Manager noted that the proposed system would control run-off through attenuation and highlighted that the applicant's drainage consultant was present to answer questions.

The Committee was informed that Footpath 19 sat outside of the application site and was not in the applicant's ownership. The ditch at the western boundary of the site was confirmed to be in the applicant's ownership.

The Planning Manager explained that a lighting strategy would be required by condition should planning permission be approved.

In response to a query regarding holding objections from the lead flood authority and the Highways Authority, the Planning Manager clarified that all outstanding matters had been addressed.

The Chairman invited Mr Wells, applicant for the agent, to address the Committee. Mr Wells was accompanied by Mr Horner, the applicant's highways & drainage consultant.

Mr Wells said that he had liaised with officers regarding the drainage issues raised at the previous meeting and invited Mr Horner to address the Committee. Mr Horner explained the design process for the surface water drainage system proposed and highlighted that the current run-off from the site during a 1 in 100-year event was eight litres per second, which would only increase over time.

Mr Horner said this development would reduce the risk of flooding downstream, having looked at how to control the run-off through SUDS and to discharge at the greenfield rate of 0.8 litres per second. Mr Horner advised that the proposed drainage system had built in for future increases from climate change and any additional development on the site. Mr Horner noted that the lead flood authority had recommended approval of the application.

The Chairman invited questions to Mr Wells and Mr Horner.

Mr Wells confirmed that the slope on the site would be addressed via the stepping of the site by each plot and that this had influenced the proposed layout.

The Chairman invited Councillor Cook, Ward Member for Kettleburgh, to address the Committee.

Councillor Cook advised that Kettleburgh Parish Council had been unable to attend the meeting and read out a statement on their behalf. This statement noted appreciation of the changes made by the applicant and that the Committee had visited the site and expressed concern that officers had not been able to answer some of the flooding questions posed at the site visit. The statement from Kettleburgh Parish Council reiterated its concerns about flooding on the site not been adequately addressed, the impact on neighbouring properties and the lack of consultation from the community. Kettleburgh Parish Council's statement asked the Committee to protect the countryside settlement of Kettleburgh as per the development plan and planning legislation.

Councillor Cook then provided his own comments, reiterating his previous comments about flooding and drainage having witnessed first-hand the issues caused by flooding in the village in 2019, which had resulted in residents having to leave their homes for several months whilst flood damage was repaired. Councillor Cook said he was pleased to hear about the potential drainage solution.

The Chairman invited questions to Councillor Cook.

In response to a query on land ownership, Councillor Cook said that he could not speak for the understanding of Kettleburgh Parish Council. Councillor Cook said that he acknowledged the information presented by Mr Horner earlier in the meeting.

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

Councillor Hedgley said that his original concerns about the impact of the frontage of the streetscene had been eased by the changes made by the applicant.

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 Hedgley, seconded by Councillor Newton it was by a majority vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management with conditions and subject to the completion of a Section 106 Legal Agreement to secure obligations (including but not limited to):

- Affordable housing provision.
- A financial contribution towards primary and secondary school transport.
- Contribution towards RAMS (either S106 or S111)

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:

Received 04 April 2022:

- PW1111-PL12-Rev B

Received 23 March 2022:

- 104/2020/03/P5 received

Received 03 March 2022:

- PW1111-PL01-Rev K
- PW1111-PL06-Rev E
- 104-2020-03-Rev P4
- 104-2020-04-Rev P4
- 104-2020-05-Rev P5
- 104-2020-06-Rev P2

Received 12 July 2021:

- PL02-Rev D
- PL03-Rev C
- PL04-Rev D
- PL05-Rev D
- PL06-Rev D
- PL07-Rev C
- PL08-Rev C
- PL09-Rev C
- PL10 Rev C

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

3. Notwithstanding the submitted details, no development shall commence until details of the roof, wall materials and finishes to be used have been submitted to and approved by the local planning authority.

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

4. No development shall commence until details of the means of enclosure (i.e. hedgerows, fences, gates etc) for the boundaries between plots, and the external boundaries have been submitted to and approved by the Local Planning Authority. Each section of the approved means of enclosure shall be erected prior to the occupation of the dwelling to which they specifically relate. The approved means of enclosure shall thereafter be retained in their approved form.

Reason: In the interests of visual and residential amenity.

5. No development shall commence until a detailed Construction Method Strategy has been submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, delivery hours for materials and equipment to the site before and during construction, access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway and neighbouring amenity during the construction phase.

6. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwellings. It shall thereafter be retained and maintained in its improved form.

Reason: In the interests of the safety of the future occupants of the hereby approved development.

7. 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 withi
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 SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

8. 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 7 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 SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

9. Prior to occupation, evidence of the energy performance and water efficiency standards shall be submitted to, and approved in writing by, the local planning authority. The dwelling(s) within the hereby approved development must achieve the

optional technical standard in terms of water efficiency of 110 litres/person/day in Policy SCLP9.2 or any future document/policy replacing this, as measured in accordance with a methodology approved by Building Regulations Approved Document G.

Reason: To ensure that the finished dwelling(s) comply with Policy SCLP9.2 of the East Suffolk Council - Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

10. Prior to first occupation of the hereby approved development details of all the measures in the approved Energy Statement that have been completed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the finished development implements the approved sustainable measures to comply with Planning Policy SCLP9.2.

11. Prior to first occupation and/ or use of the hereby permitted development a British Research Establishment Environmental Assessment Method New Build Post Construction Stage (PCS) final rating and certificate of assessment demonstrating the development achieved the 'Very Good' standard or equivalent shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with Planning Policy SCLP9.2.

12. The following dwellings shall be constructed to meet the Requirements of M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings and therefore retained in their approved form:

- Plot 3
- Plot 4
- Plot 5
- Plot 6
- Plot 7
- Plot 8
- Plot 9
- Plot 10

Reason: To ensure the development complies with Planning Policy SCLP5.8.

13. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Liz Lord Ecology, December 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

14. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed

check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

15. No external lighting shall be installed unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall:

1. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
2. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

16. Prior to any works above slab level an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

17. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior first occupation of the development. The content of the LEMP shall include the following:

- o Description and evaluation of features to be managed.
- o Ecological trends and constraints on site that might influence management.
- o Aims and objectives of management.
- o Appropriate management options for achieving aims and objectives.
- o Prescriptions for management actions.
- o Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- o Details of the body or organisation responsible for implementation of the plan.
- o Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where

the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.

18. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

19. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (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 in the interest of visual amenity.

20. No development shall commence, or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

21. No development shall commence until a method for construction for the proposed cart lodge for plot 16 has been submitted to and approved in writing by the local planning authority. Thereafter the method of construction shall be adhered to and implemented in its entirety unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the roots of the trees/hedging are not damaged during construction.

22. 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. 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+A2:2017 and LCRM) 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.

23. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing no. 104/2020/03/P5 Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

24. Before the access is first used visibility splays shall be provided as shown on Drawing No. 104/2020/03/P5 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

25. The [hedge, fence, wall or other means of frontage enclosure] along the highway frontage of the site shall be reduced to 0.6m metres above the level of the adjacent carriageway or set back at least 0.5m from edge of carriageway/footway before

occupation of the development. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

Reason: In the interests of highway safety by providing and maintaining intervisibility between highway users.

26. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

27. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

28. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

29. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and 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 required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk. <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register>.

30. No development shall commence until 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 LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan>.

31. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A, AA, B, C, D, E, F and Part 2 Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents and to ensure that access to the watercourse can be maintained if necessary for maintenance.

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

3. Note: 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 County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at:
<https://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses>.

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.

4. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

5. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991

6. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

7. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution

8. i. PROW are divided into the following classifications:

- o Public Footpath - only for use on foot or with a mobility vehicle
- o Public Bridleway - use as per a public footpath, and on horseback or by bicycle
- o Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
- o Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW).

There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

ii. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of

normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

iii. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

o To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities> or telephone 0345606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

o To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> or telephone 0345 606 6071.

iv. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

v. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk>.

This item was withdrawn from the agenda at the beginning of the meeting.

The meeting concluded at 4.40pm.

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Chairman