

Confirmed



Minutes of a Meeting of the **Planning Committee South** held remotely via Zoom, on **Tuesday, 30 June 2020 at 2:00pm**

Members of the Committee present:

Councillor Melissa Allen, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Kay Yule

Other Members present:

Councillor Paul Ashdown, Councillor Richard Kerry, Councillor David Ritchie

Officers present:

Liz Beighton (Planning Development Manager), Sarah Carter (Democratic Services Officer), Matt Makin (Democratic Services Officer), Danielle Miller (Senior Planner), Katherine Scott (Principal Planner), Natalie Webb (Senior Planner), Nicola Wotton (Deputy Democratic Services Manager)

Election of an Acting Vice-Chairman

Councillor Fryatt, acting as Chairman in the absence of Councillor McCallum, advised that it was prudent to elect an acting Vice-Chairman for the meeting to ensure the meeting could continue to go ahead should his internet connection fail for any reason.

Councillor Fryatt proposed that Councillor Paul Ashdown be elected as Acting Vice-Chairman for this meeting; this was seconded by Councillor Allen.

In the absence of any other nominations it was

RESOLVED

That Councillor Paul Ashdown be elected as Acting Vice-Chairman for the meeting.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Debbie McCallum. Councillor Paul Ashdown acted as her substitute.

2 Declarations of Interest

Councillor Allen declared a Local Non-Pecuniary Interest in Item 6 (Brightwell Wood, Brightwell Street, Brightwell) as several of the objectors were known to her and also as the Ward Member for Newbourne.

Katherine Scott, Principal Planner, declared an interest in Item 7 (Home Farm, Wickham Market Road, Easton) as she was acquainted with the site's neighbours. Ms Scott advised that she would leave the meeting for the duration of that item.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Allen declared that she had been lobbied by objectors on Item 6 (Brightwell Wood, Brightwell Street, Brightwell) and had responded.

4 Minutes

Councillor Bird referred to the first sentence of the second paragraph of Item 2 (Declarations of Interest) and stated that the interest he had declared in Item 8 of that agenda was as the County Councillor for Felixstowe North and Trimley.

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

RESOLVED

That the Minutes of the Meeting held on 26 May 2020 be agreed as a correct record and signed by the Chairman, subject to the following amendment:

Agenda Item 2, second paragraph, first sentence be amended to read "Councillor Bird declared a Local Non-Pecuniary Interest in item 6 (Felixstowe Ferry Golf Club, Ferry Road, Felixstowe) as a member of Felixstowe Town Council and as Chairman of that Council's Planning and Environment Committee, and in item 8 (Land to the east of the Water Tower, Spriteshall Lane, Trimley St Mary) as County Councillor for Felixstowe North and Trimley."

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0404** of the Head of Planning and Coastal Management. The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 27 May 2020. There are 17 such cases at that time.

The Acting Chairman invited questions to the Planning officers.

The Planning Manager confirmed that the enforcement case at Pine Lodge, Hinton, was with the Council's legal team which was reviewing the injunctions and what action had been undertaken; Planning officers were of the impression that there had been compliance on the site.

The enforcement case at Top Street, Martlesham, was confirmed to be close to conclusion, pending the outcome of the pending appeal decision from the Planning Inspectorate (the PINS). In response to a question from a member of the Committee, who was also Ward Member for Martlesham, the case could not be concluded until the decision of the PINS was known.

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

RESOLVED

That the report concerning Outstanding Enforcement matters up to 27 May 2020 be received and noted.

6 DC/19/4875/FUL - Brightwell Wood, Brightwell Street, Brightwell

The Committee received report **ES/0405** of the Head of Planning and Coastal Management, which related to planning application DC/19/4875/FUL.

The application sought permission for the creation of a mountain bike park with associated facilities, which included infrastructure, and landscaping; a management compound including 3 static caravans; enlargement of fishing pond, and the erection of 10 glamping units.

The application was considered at the Referral Panel because the 'Minded to' decision of the Planning Officer was contrary to Bucklesham Parish Council's recommendation to refuse. Officers recommended that the application should be referred to the Committee due to the sensitive nature of the site, the finely balanced nature of the recommendation and the level of public interest. The Planning Referral Panel referred the item to the Committee for the same reasons.

The Committee received a presentation on the application from the Senior Planner.

The site's location was outlined, and it was noted that the site was within a Special Landscape Area. The site straddled the parish border of Bucklesham and Newbourne, with much of the site being within the latter parish. The Senior Planner highlighted that the comments in the report attributed to Bucklesham Parish Council were in fact the comments received from Brightwell Parish Council; Bucklesham Parish Council had been given an additional consultation period to comment on the application.

The plans for the site access was displayed. Some works had already begun on the site and the Park was open to its members.

The Committee was shown the following photographs of the site:

- access from the highway
- views of the site from the highway
- access into the site
- the lower and upper car parks
- views of the entrance and the lower car park from the public footpath
- River Mill (looking west along lower car park and from lower car park looking north)
- access to the upper car park (with the public right of way running to the right of the access)
- the route to the pond and the manager compound
- views of the upper car park from the public footpath
- views from the public footpath running along the north of the site
- the bike route through trees
- the fishing pond
- the different jumps and runs on the site
- the existing workshop
- the manager compound
- the practice jump area

- the southern site and the bike route through it

Councillor Fryatt lost connection with the meeting at this point (2.34pm). Councillor Ashdown acted as Chairman of the meeting from this point. Councillor Fryatt was able to briefly rejoin the meeting on two occasions but owing to technical issues beyond his control was not able to maintain his connection and left the meeting at 2.55pm. Councillor Ashdown continued as Acting Chairman for the remainder of the meeting.

The Senior Planner noted that the applicant had amended the speed limit for the access road to 5mph. The changes to the fishing pond and the existing workshop were also outlined.

The Committee was in receipt of the site block plan; the Senior Planner detailed the planting already undertaken by the applicant to mitigate the impact of the site on the surrounding area. The drawings for the upper car park were displayed and the Senior Planner detailed the height of the bunding.

The Committee was shown the following drawings:

- cross section of bike jumps
- elevations for the toilet block
- elevations for the glamping pods
- elevations of the existing workshop

The Senior Planner noted that there were 15-35 vehicles accessing the site during the week. The facility would have the potential to attract up to 200 vehicles on event days; the Senior Planner explained that those attending the site on those days would be pre-booked and that the Highways Authority was satisfied that the access to the site was now suitable.

The principle considerations were outlined as the change of use to a recreational use as a bike park and fishing lake and the suitability of the site for glamping purposes (suitability, economic development in rural areas, tourism, sport and play, impact on landscape, access, residential amenity, and ecology).

The Acting Chairman invited questions to the Planning officers.

The Senior Planner clarified the potential number of vehicles of sites for different events and advised that the application was partially retrospective as some works had been undertaken on the site. It was considered that with the two car parks, as well as cycle storage for those accessing the site via bicycle, there was sufficient parking on the site.

A member of the Committee queried the name of the site and its address, as it sat in Bucklesham and Newbourne, and suggested that a condition be attached to any approval to change this. The Planning Manager advised the Committee that this would not be possible as the address was tied to the geographical location; she noted that the documentation clearly displayed where the site was in relation to surrounding villages.

Another member of the Committee sought clarification that the Highways Authority was content with the visibility splays for the site access. The Senior Planner replied that the Highways Authority had confirmed they were content with the site access visibility and officers

were satisfied that the works carried out on the access met the conditions proposed by the Highways Authority.

The Senior Planner explained that due to a clerical error, the application had been passed by Bucklesham Parish Council to Brightwell Parish Council to respond. Bucklesham Parish Council had been given an additional consultation period to comment on the application; should the Parish Council not make any material planning objections this would not impact the authority to approve being sought however if it did it was possible that this would necessitate the application returning to the Committee for determination.

A member of the Committee highlighted that some of the visibility splay was within the property of a neighbour and asked if this posed a risk of the visibility being impeded by the construction of a fence. The Planning Manager advised that condition 8 of the proposed recommendation stated that no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. The Senior Planner added that the applicant had also come to an agreement with the owner of the neighbouring land in respect of the visibility splays.

The Senior Planner advised the Committee that, in response to concerns raised by users of the public right of way, the applicant had introduced additional mitigation such as lowering the speed limit of the access road and ensuring that additional staff will marshal the access road during busier periods to ensure that pedestrians have right of way. The construction of the footpath was subject to separate legislation for public rights of way and the Senior Planner confirmed that the applicant would need to follow the proscribed process.

The Planning Manager stated that 11 letters of objection and 160 letters of support had been received, details of which were contained at paragraph 4.1 of the report.

A member of the Committee expressed concern about the number of vehicles that would be accessing the site on event days. The Senior Planner noted that the event days planned would likely be annual events.

The Acting Chairman invited Mr Houston, representing Mr Nicholls who objected to the application, to address the Committee.

Mr Houston read from a statement prepared by Mr Nicholls, which stated the following:

"I object to this planning application in the strongest terms, Twisted Oaks have made a mockery of the planning process as they are running this business currently without any form of planning or thought for local residents and have done so for the last 2 years, the planning application as submitted lacks a lot of documentation and the information submitted does not accord with the way they are running the business and lacks a lot of documents and detail.

The application lacks detail on a number of issues, East Suffolk Coastal District Council do not appear to have a Local validation list setting out the required documents for a planning application, however the National Planning Policy Framework states 'Local authorities should only request supporting information that is relevant, necessary and material to the application in question'.

I am of the firm opinion that there is information missing from this application that is relevant, necessary and material, as follows:

Noise Report, no noise report provided, a baseline survey should be provided and predicted impacts on local receptors including Brightwell Hall Farm included.

Biodiversity and Habitat assessment / ecological survey, I could not find the ecological walkover referenced by James Meyer, the East Suffolk Coastal ecologist in his consultation response, but the consultation response mentions badger setts and possible otter holt, requiring these to be protected. However no information on their protection has been provided. In addition there may be other protected species such as great crested newts and bats, which could be adversely affected but it is not clear if all protected species have been considered..

Flood risk assessment, this document has not been provided, much of the application site is at risk of flooding, and notably the environment agency do not appear to have been consulted.

Planning Statement, this document has not been provided, there is no justification given for the proposal set against national and local planning policies.

There are a number of other documents I would have expected to see, namely:

Transport statement, this is a significant proposal in traffic terms with over 200 parking spaces, but no assessment of the additional traffic on the local highways network.

Lighting assessment, no details of external lighting is provided.

Arboriculture, there are a significant number of trees on the development site which are likely to be affected.

Design and access statement, given the development size and area this should be provided.

Archaeology, given the construction of buildings, trails, soil bunds and mounds and raised features, these all have the potential to impact on archaeology.

Some other points:

Hours of Opening, the application form states 10am – 6pm Mondays to Saturdays, this does not accord with their advertised hours of 10am – 9pm Monday, Tuesday, Wednesday and 8am – 9pm Saturday and Sunday, and as the proposal involves glamping pods clearly these stated hours are misleading."

The Acting Chairman invited questions to Mr Houston.

A member of the Committee asked Planning officers to respond to the comments in Mr Nicholl's statement. The Planning Manager explained that certain ecological information, such as the location of badger setts, had been removed as this was protected information. The Senior Planner said that the Council's Ecologist had reviewed the available information and had concluded that the level of works proposed would not significantly impact protected species in the area. A lighting assessment had not been required as no external lighting had been

proposed. The Senior Planner acknowledged that the application was partially retrospective and that operating hours would be controlled by condition 4 in the recommendations.

Mr Houston confirmed that Mr Nicholls lived at Brightwell Hall Barn, which was adjacent to the site.

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

Mr Harradine advised the Committee that the applicant had engaged with a range of stakeholders, including neighbours and local authorities, to resolve any issues with the site and arrive at the proposal that was before the Committee. Mr Harradine was aware of the highways concerns raised by Brightwell Parish Council and considered that the issues had been resolved satisfactorily.

The positive benefits the Park would provide were stated by Mr Harradine which included health and leisure, physical and mental health benefits, space for young people, economic development, and its compliance with the Council's coastal tourism strategy; he also referred to the 160 letters received in support of the application which referred to these positive benefits.

Mr Harradine said that the highways and public rights of way considerations had been met. In regard to noise considerations, Mr Harradine stressed that the site would host cycling activity and not motoring activity and that a member of Newbourne Parish Council, who lived near the site, had not heard any increase in noise since the Park had been in operation.

Mr Harradine confirmed that the site was outside of the Area of Outstanding Natural Beauty (AONB) and would take pressure off unauthorised cycling in that area. Mr Harradine noted that the proposals would bring back wildlife to the site and that the facility was much needed and valued, that met policies and would provide a safe space.

The Acting Chairman invited questions to Mr Harradine.

Mr Harradine confirmed that the Park required membership, but this could be purchased annually or daily, so casual users could in effect pay for one day of membership.

A member of the Committee noted the concerns raised by users of the public right of way and asked if the applicant had addressed these. Mr Harradine acknowledged that there is the possibility for pedestrians using the right of way to meet vehicles where the access road met the track; he said that mitigation measures had been set out in the Officer's report and that on event days and weekends additional staff would be present to marshal that area and remind drivers that pedestrians have the right of way, managing traffic flow and stopping it if necessary.

In response to a question regarding First Aid on the site, Mr Harradine said that event days would have two specialist medical teams present on site, as required by the British Cycling Association.

Another member of the Committee asked if any planting would take place at the top car park and also sought clarity regarding the visibility splays for the site access. Mr Harradine noted the condition proposed for planting on the top car park and explained that the applicant had entered into an agreement with the adjacent landowner and had leased the areas of land

adjacent to the access and part of the visibility splays. He also referred to the proposed conditions restricting the blocking of the access view.

When asked about the impact of event days on wildlife, Mr Harradine highlighted that both the Council's Ecology report and the Suffolk Wildlife Trust both found the proposals acceptable; only one or two large events per year would be held and the activities would not be motor based.

The Acting Chairman invited Councillor Richard Kerry, Ward Member for Newbourne, to address the Committee.

Councillor Kerry said that he had visited the site and had seen lots of wildlife there. He had noted that significant tree planting had already taken place on the site and that eco-friendly solutions for facilities on the site were in operation.

Councillor Kerry considered that the site would be an addition to the area and would link to the upcoming Brightwell Lakes development. Councillor Kerry said that he had only been able to see one dwelling in Newbourne from the site and only a few dwellings in Brightwell. He did not consider the impact of the site on the area to be massive and supported the Officer's recommendation.

There being no questions to Councillor Kerry, the Acting Chairman invited the Committee to debate the application that was before it.

Several members spoke in support of the application and considered that the concerns regarding the site access had been resolved. The site was considered to be compliant with local and national planning policies, economically sustainable and biodiverse, and would support the tourism and leisure industry in East Suffolk.

One member of the Committee spoke on an unauthorised cycling site that had been set up in his Ward some years ago and the high number of injuries that had resulted from it. He considered that a First Aid system should be in place when the site was in use. The Committee was advised by the Planning Manager that separate legislation would cover the provision of First Aid on the site.

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

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

RESOLVED

That **AUTHORITY TO APPROVE PLANNING PERMISSION** be delegated to the Head of Planning and Coastal Management subject to both no new material planning considerations being received from Bucklesham Parish Council and to controlling conditions which include but are not restricted to:

- The restriction of occupation of the holiday use to a continuous period of 56 days by one person or persons within one calendar year, restricting the period the accommodation can be occupied plus requires a register of all lettings, to be made available at all times.

- Highway conditions which include secure covered cycle storage is required to comply with Policy SCLP 6.5 of the emerging plan.
- The creation of a secondary tree and hedge belt along the northern and western Site boundaries. The implementation of an appropriate and high quality planting scheme will help to integrate the proposed development into the surrounding landscape whilst retaining local landscape character, details of which are to be submitted.
- Control of opening times to ensure that there is no activity after dark.

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 carried out in all respects strictly in accordance with Site location plan, Vision splays B, Glamp Pod style 1, Showers, elevation and workshop, upper car park and bund, cross sections, Brightwell Pond, Landscape Statement, Ecology report, Block plan; received 18th December 2019;, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The bike trails and fishing pond areas of the premises shall only be open to the public between 9am-4pm December - March and 8am-9pm April - November, and the premises shall be closed to the public at all other times.

Reason: In the interests of amenity and protection of the local environment, so that the Park is operated during daylight hours.

5. Prior to first use of the holiday accommodation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) 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
- b) 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.

6. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

7. The access shall be maintained in accordance with drawing DM04 with the access properly surfaced with a bound material for the minimum distance of 15 metres from edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

8. The visibility splays shall be maintained as shown on Drawing No. SK383383 with an X dimension of 2.4m and a Y dimension of 160m in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

9. Notwithstanding the details shown on the approved plans, no occupation of the holiday units hereby permitted shall take place until detailed drawings of the secure/covered bicycle storage

to serve the development has been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.

Reason: To ensure there is adequate cycle parking for the development.

10. The approved tree/shrub planting 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.

11. The 10 glamping pods herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.

12. The hereby permitted bike trails shall not be used for any motorised vehicles; including but not limited to motorbikes.

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

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. Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

Suffolk Fire and Rescue Authority recommends the use of an existing area of open water as an emergency water supply (EWS). Criteria appertaining to Fire and Rescue Authority requirements for siting and access are available on request from the above address.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

3. 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. These works will need to be applied for and agreed with Suffolk County Council as the Local Highway Authority. Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage:

www.suffolk.gov.uk/planning-waste-and-environment/planning-anddevelopment-advice/

4. 1. PROW are divided into the following classifications:

- . Public Footpath - only for use on foot or with a mobility vehicle
- . Public Bridleway - use as per a public footpath, and on horseback or by bicycle
- . Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
- . 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@suffolkhighways.org.

2. 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.

3. 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:

. To apply for permission to carry out work on a PROW, or seek a temporary closure - <http://www.suffolkpublicrightsofway.org.uk/home/temporary-closure-of-a-public-right-ofway/> or telephone 0345 606 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.

. To apply for permission for structures such as gates to be constructed on a PROW - <http://www.suffolkpublicrightsofway.org.uk/home/land-manager-information/> or telephone 0345 606 6071.

. 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 - <http://www.suffolkpublicrightsofway.org.uk/contact-us/> 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.

4. 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.

5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.

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/>

7 DC/20/1285/FUL - Home Farm, Wickham Market Road, Easton, IP13 0ET

Ms Scott left the meeting for the duration of this item.

The Committee received report **ES/0406** of the Head of Planning and Coastal Management, which related to planning application DC/20/1285/FUL.

The application sought the conversion of existing agricultural barn (plot 7) into two residential units (amendment from one dwelling previously approved under approval DC/18/1506/FUL and amended under approval DC/19/4766/VOC). The application also sought to raise the roof pitch

to the garage associated with plot 1 and 2 at Home Farm, Wickham Market Road, Easton, IP13 0ET.

The application was before the Committee as the application was contrary to the development plan and supported by officers. The previous applications noted above had also been presented to the Committee. It had therefore been considered that the proposal had significance to warrant consideration by the Committee.

The Committee received a presentation on the application from the Senior Planner.

The site's location was outlined, and the Committee was shown both the approved block plan and the proposed block plan. The Committee was also in receipt of the drawings for the garages for plots 1 and 2; the Senior Planner highlighted the increase in height and the alterations to the fenestration.

The Committee was shown the elevations for plots 1 and 2 (without the inclusion of the garages), the floor plans for plots 1 and 2's garages and both the existing and proposed plans for plots 7 and 8. 3D visualisations of both plots 7 and 8 and the view into the site were displayed.

Photographs of plots 7 and 8, other buildings within the site and the bunding adjacent to the access were displayed. The Senior Planner explained that work had already begun to lower the bunding to improve highway safety.

The principal considerations were summarised as the principle of development, design and visual impact, ecology, residential amenity, and highway safety.

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

The Acting Chairman invited questions to the officers.

The Senior Planner said that she was under the impression that works on the bunding had commenced. The maximum height of the bund would be 600mm above carriage level.

The Acting Chairman invited Mr Marsh-Feiley, agent for the applicant, to address the Committee.

Mr Marsh-Feiley explained that the application was part of a wider development of barn conversions. He confirmed that the works required on the site access, including the lowering of the bunding, had been completed. Some works on the site had taken place to insulate the roof of plot 7.

It was explained that the applicant wished to increase the diversity of plot types on the site and introduce two-bedroom units. The garaging arrangements was largely staying the same and the changes to what had been approved were minor in nature. Access to the site would remain unchanged.

There being no questions to Mr Marsh-Feiley, the Acting Chairman invited the Committee to debate the application that was before it.

Several members of the Committee spoke in favour of the application; it was considered to be a high-quality conversion and a well thought out scheme.

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

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

RESOLVED

That **AUTHORITY TO APPROVE PLANNING PERMISSION** be delegated to the Head of Planning and Coastal Management 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 not be carried out other than in complete accordance with Drawing No's HOM-002B, HOM-012A, HOM-298C, HOM-303F, HOM-312F, HOM-0012, HOM-006B, HOM-341H and HOM-342D received 23/03/2020 and HOM-351A received 03/06/2020.

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. The landscape details shall be implemented as approved by DC/19/0652/DRC on 11th March 2019 unless otherwise 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.

5. The dwellings shall not be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with [DC/18/1506/FUL] Drawing Number PW680_PL412 (bund to be lowered to maximum 600mm above carriageway level and post and rail fence to be realigned). Thereafter the access shall be retained in the specified form.

Reason: To improve visibility at the existing access.

6. Prior to the occupation of any of the dwellings, details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety and shall be retained thereafter for no other purpose.

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

7. Prior to the occupation of any dwelling, details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking (garages/car ports need to be of a size suitable to accommodate cars - dimensions yet to be provided by the applicant) and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety.

8. Prior to the occupation of the dwellings, details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the storage cycles (garages/car ports need to be of a size suitable to accommodate both cycles and cars - dimensions yet to be provided by the applicant- else other cycle storage areas, additional fixed enclosed storage of minimum size 3m², will be required).

9. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

10. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

Class G - provision of a chimney, flue, soil or vent pipe

Class H - installation, alteration or replacement of an antenna

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general.

11. No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity

12. The hereby approved garages shall not be used other than for purposes incidental and ancillary to their associated dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority would not approve the development other than for purposes ancillary and incidental to the host dwelling.

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

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: www.suffolk.gov.uk/environment-andtransport/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

The meeting concluded at 3:43 pm

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Chairman