

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton on **Tuesday 24 September 2019 at 2 pm**

**Members of the Committee present:**

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

**Officers present:** Katherine Abbott (Democratic Services Officer), Joe Blackmore (Senior Planning and Enforcement Officer), Katherine Scott (Development Management Team Leader)

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**1 Apologies for Absence and Substitutions**

Apologies for Absence were received from Councillor Tony Cooper. Councillor Paul Ashdown acted as Substitute.

**2 Declarations of Interest**

Councillor Melissa Allen declared a Local Non-Pecuniary Interest with regard to item 7 - Land adjacent 20 Emerald Close, Kesgrave - as she was acquainted with the landowner.

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

Councillors Melissa Allen, Stuart Bird, Mike Deacon, Tony Fryatt, Colin Hedgley, Debbie McCallum and Key Yule made Declarations of Lobbying with regard to item 7 - Land adjacent Emerald Close, Kesgrave - and stated that they had either acknowledged receipt of correspondence only or sent no reply.

**4 Minutes**

**RESOLVED**

That the Minutes of the Meeting held on 27 August 2019 be confirmed as a correct record.

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

The Planning Committee South received report **ES/0144** by the Head of Planning and Coastal Management. The report provided a summary of the status of all outstanding cases where enforcement action had been sanctioned under delegated powers; the report referred to sixteen such cases.

The Chairman invited questions.

A member of the Committee asked for an update on the enforcement case related to the storage of vehicles at Top Street, Martlesham. The Development Management Team Leader reported that an enforcement appeal for this matter had been submitted to the Planning Inspectorate in late May; therefore, any further enforcement action was on hold pending the result of that appeal process.

Another member of the Committee referred to an enforcement case in his Ward but not included within the Committee's report. The Development Management Team Leader clarified that the report detailed those cases where formal enforcement action was in process; she undertook to look in to the matter within the Councillor's Ward and to provide an update outside of the Meeting.

There being no further questions, the Chairman moved to the recommendation. The recommendation was proposed by Councillor Hedgley, seconded by Councillor Deacon and by unanimous vote it was

## **RESOLVED**

That the report on outstanding enforcement cases up to 22 August 2019 be received.

### **6 DC/19/2065/FUL - Land at Waldringfield Golf Club, Newbourne Road, Waldringfield, IP12 4PT**

The Committee was informed by the Chairman that this item, **ES/0145**, had been withdrawn from the Agenda.

### **7 DC/19/0438/FUL - Land Adjacent 20 Emerald Close, Kesgrave**

The Planning Committee South received report **ES/0146** by the Head of Planning and Coastal Management. The report was presented by the Case Officer.

The application sought full planning permission for the erection of a dwelling and a garage on land adjacent to 20 Emerald Close, Kesgrave and had been forwarded to the Committee by the Referral Panel. The Referral Panel had considered the application because the Officers' recommendation for refusal was contrary to the recommendation of the Town Council. The Case Officer considered the proposed dwelling to be the second phase of the existing residential development at Emerald Close and that this would bring the total number of dwellings at the development to ten, from nine. The Committee was reminded that developments of ten or more houses should include a provision for affordable housing at a ratio of 1 in 3 and , in exceptional circumstances, a commuted sum to fund the provision of affordable housing at a different site in the same area might be acceptable. The Case Officer stated that the application would not provide an on-site affordable home and that a planning obligation to deliver an appropriate commuted sum had neither been provided or agreed with the Council. He therefore advised the Committee that the application was contrary to the strategic objectives of policies SP2 (Housing Numbers and Distribution) and DM2 (Affordable Housing on Residential Sites) which sought to deliver the housing types and tenure of accommodation required to meet the District's

needs. In addition, the application was contrary to the requirement of the National Planning Policy Framework for major housing development to deliver affordable homes.

The Chairman invited questions of the Case Officer.

A member of the Committee asked about the legal 'test' of what constituted a second phase of a development, if there was a time limit for second phases of existing residential developments, for clarity about the land's ownership and how this might impact on this being assessed as a second phase, or not. The Case Officer replied that, in this case, the first phase of the residential development's building works remained on-going and so, in practice, the application would be considered to be a second phase. He added that case law was clear on what constituted a second phase, or not, but acknowledged that it was for the Committee to make a subjective judgement on the circumstances of the application before it. The Case Officer added that the ownership of the land had not changed hands since the submission of a previous planning application in 2018 which had sought to demolish an existing dwelling at 191 Main Road (now 20 Emerald Close) to enable the construction of one replacement dwelling; that application had been refused and the Committee was referred to paragraph 3.2 of the report for the detailed reasons for that determination. It was noted that whilst the land remained in the same ownership the current application had been submitted by a different applicant to the earlier application.

There being no further questions, the Chairman moved to debate.

A member of the Committee referred to correspondence from the residents of Emerald Close which indicated that they perceived the application to be part of the main development and not a second phase. The Case Officer summarised two additional letters of support which had been received since the publication of the Committee's papers. The member of the Committee added that the applicant had not adhered to the requirement for the provision of affordable housing. Another member of the Committee agreed that the requirement for affordable homes had not been met by the applicant and added that, to approve the application, would not only be contrary to policies and case law but set a precedence. Several other members supported the Officers' recommendation and concurred with the earlier comments that the Council's policies be upheld.

The Chairman spoke briefly, as Ward Member. She said that the site had been the subject of several planning applications and that, whilst the application had not received objections, there was a wish, locally, to have the matter concluded.

The Chairman moved to the recommendation which was proposed by Councillor Blundell, seconded by Councillor Deacon and by majority vote (there being one abstention) it was

## **RESOLVED**

That the Application be REFUSED for the following reasons:

1. The proposed site was in the same ownership as the existing development on land at Emerald Close and, because of the access road arrangement and the way the properties were oriented around it, the proposed development of the site - in combination with the existing development - would form one planning unit. It would clearly read as a single development and the proposal was therefore a second phase of the existing development on land at Emerald Close. This second phase would take the total number of dwellings across the development from nine to ten. In this regard, the proposal failed to satisfy the requirements of policies SP3 and DM2 through its inadequate affordable housing provision and no planning obligation has been provided to deliver an appropriate commuted sum to fund provision of affordable housing at a different site within the same area.

The development proposal was, therefore, contrary to policies SP3 (New Homes) and DM2 (Affordable Housing on Residential Sites) of the East Suffolk Council (Suffolk Coastal) District Local Plan (Development Plan Document) July 2013.

2. The application site fell within 13km of three designated European Sites: the Deben Estuary SPA/Ramsar Site; the Stour and Orwell Estuaries SPA/Ramsar Site; and the Sandlings SPA.

The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, a per-dwelling financial contribution of £321.22 was required to fund the Suffolk RAMS. No planning obligation had been submitted with the application to deliver this financial contribution and, therefore, the Local Planning Authority could not conclude 'no likely significant effects' arising from the development proposal on the aforementioned European sites.

The proposal was therefore contrary to the objectives of Development Plan policies SP14 and DM27(i) (Biodiversity and Geodiversity); and SSP32 (Visitor Management of European Sites) - which sought to protect designated sites in accordance with The Conservation of Habitats and Species Regulations 2017 and Chapter 15 of the National Planning Policy Framework.

## **8 DC/19/2760/COU - 19 & 21 Thoroughfare, Woodbridge, IP12 1AA**

The Planning Committee South received report **ES/0147** by the Head of Planning and Coastal Management. The report was presented by the Development Management Team Leader.

The application sought planning permission for a change of use from A1 (Retail) to A3 (Restaurant), along with some external alterations and new signage, at 19 and 21 Thoroughfare, Woodbridge. The Development Management Team Leader, in summarising the report within her presentation, advised that the associated internal alterations would be considered later in the meeting as part of an associated application for Listed Building Consent (ES/0148 referred). Therefore, the presentation would summarise both reports (ES/0147 and ES/0148) for the Committee's ease and completeness. However, the Chairman reminded the Committee that the recommendations within the two reports would be considered separately.

The application was before the Committee as it was contrary to 'saved' Policy AP257 (Woodbridge Town Centre: Prime shopping area) which sought to resist changes of use from retail to non-retail at ground level within the High Street. The Development Management Team Leader stated that this policy was considered to be out of date in light of the evolving function of town centres and against the current National Planning Policy Framework and other policies within the adopted and emerging Local Plan. She continued that Officers considered the application to enhance Woodbridge town centre through the prolonging of its vitality and viability as well as the increased employment within the local economy. The Committee was referred to the proposed physical internal and external changes which Officers considered to both protect and enhance the special interest of the listed building and the Conservation Area. It was further considered that the nature of the site's current use, including the preparation and sale of hot food and the cafe at 21 Thoroughfare, would not result in adverse impact on neighbouring properties. The Committee was referred to the detail of the proposed internal and external physical alterations as detailed at paragraphs 3.2 and 3.3 of ES/0148 which were not considered to harm the character or historic fabric of the building.

The Chairman invited questions of the Officer.

A member of the Committee, also the Ward Member, referred to the proposed condition related to working hours at the premises and asked if there was the possibility of a request for these to be extended. The Development Management Team Leader replied that if the premises wished to go beyond the stated hours, this would need to be formally agreed with the Council.

There being no further questions or matters raised for debate, the Chairman moved to the recommendations which was proposed by Councillor Yule, seconded by Councillor Ashdown and by unanimous vote it was

## **RESOLVED**

That the application be APPROVED subject to the following conditions:

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

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

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

- A02-09A (Proposed plan and elevations);
- 19/11158-03 B (Proposed ground floor plan sections and details);
- A01-01 (Location plan);
- A02-08 (Existing plans and elevations).

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

3. The working hours in connection with the use hereby permitted, shall not be other than between 7am and 6pm daily, unless otherwise agreed in writing by the local planning authority.

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

4. Proper facilities shall be provided for the storage and disposal of waste material. Such facilities should totally enclose and adequately protect all commercial waste from insect and rodent infestation.

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

5. Prior to the installation of any plant or machinery (e.g. compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) a Noise Assessment based on BS4142:2014 shall be submitted to and approved by the Local Planning Authority. The report should include information on all proposed plant and machinery based on a rating level (LAeq) of at least 5dB below the typical background (LA90). Where the rating level cannot be achieved, proposed noise mitigation measures should be explained and the achievable noise level should be identified and justified.

*Reason: To avoid noise nuisance in the interests of residential amenity*

6. All construction activities, including demolition and deliveries/collections to and from site will only take place within the following hours unless otherwise approved by the Local Planning Authority:

- Monday - Friday: 7.30am - 18.00pm;
- Saturday : 8:00am - 13.00pm;
- Sundays/Bank Holidays: None.

*Reason: To avoid noise nuisance in the interests of residential amenity*

7. Prior to the installation of any plant or machinery (e.g. compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) an Odour Assessment shall be submitted to and approved by the Local Planning Authority. The report should detail proposed measures to ensure that neighbouring residential properties are not adversely affected by odour from any proposed kitchen extract system. The report shall specifically make reference to:

- i) The proposed filtration plant;
- ii) Its ducted route through the building, and;
- iii) Its final discharge point [1 metre above roof level].

The methods proposed should be in accordance with the latest guidance e.g. Control of Odour and Noise from Commercial Kitchen Exhaust Systems-An update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business, and be retained thereafter.

*Reason: To avoid odour nuisance in the interests of residential amenity.*

**9 DC/19/2761/LBC - 19 & 21 Thoroughfare, Woodbridge, IP12 1AA**

The Planning Committee received report **ES/0148**, by the Head of Planning and Coastal Management, and presented by the Development Management Team Leader. The Development Management Team Leader, in summarising the report within her presentation, also referred to the earlier agenda item and the report ES/0147. The minute at item 8, above, also refers.

There were no additional questions.

The Chairman invited debate. A member of the Committee, also the Ward Member, said she considered the proposed internal and external physical alterations to be restrained, sympathetic and an enhancement to the existing building.

The Chairman moved to the recommendation which was proposed by Councillor Hedgley, seconded by Councillor Ashdown and by unanimous vote it was

**RESOLVED**

That the application be APPROVED subject to the following conditions:

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

*Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).*

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawings:
  - A02-09A (Proposed plan and elevations);
  - 19/11158-03 B (Proposed ground floor plan sections and details);
  - A01-01 (Location plan);
  - A02-08 (Existing plans and elevations).

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

3. All construction activities, including demolition and deliveries/collections to and from site will only take place within the following hours unless otherwise approved by the Local Planning Authority:
  - Monday - Friday: 7.30am - 18.00pm;
  - Saturday : 8:00am - 13.00pm;
  - Sundays/Bank Holidays: None.

*Reason: To avoid noise nuisance in the interests of residential amenity.*

4. Prior to any works being undertaken confirmation of how the approved lettering to the fascia sign will be applied shall be submitted to and approved by the Local Planning Authority.

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

5. Notwithstanding the details hereby approved, no development shall commence until a vertical cross-section through the area of the new shopfront to show the stall-riser, glazing and fascia sign and all materials, including tiles has been submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented in their entirety. Cross-sections shall show the window frames, glazing bars, roof verge details and the dormer cheek width/detailing.

*Reason: To ensure the development will not harm the architectural and/or historic character of the existing building.*

6. No building work shall commence until details of the following have been submitted to and approved by the local planning authority:
- Engineering details demonstrating capacity for the removal of the ground floor wall between no.19 and no.21;
  - Details of the new raised ground floor platform, including materials, construction and method;
  - Clarification that level access for wheelchair users and those with mobility will be retained/provided;
  - Details of drainage and ventilation to serve new W.C, including materials and method statement;
  - Details of rear access door including appearance, materials and ironmongery.

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

*Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building as the application does not include the necessary details for consideration.*

The Meeting concluded at 2:40 pm

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Chairman