

Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Riduna Park, Melton, on **Tuesday, 25 June 2019 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 Debbie McCallum, Councillor Kay Yule

Officers present:

Jamie Behling (Trainee Planner), Liz Beighton (Planning Development Manager), Joe Blackmore (Senior Planning Officer), Rachel Lambert (Planning Officer), Matt Makin (Democratic Services Officer), Danielle Miller (Planning Officer), Katherine Scott (Development Management Team Leader South)

1 Apologies for Absence and Substitutions

There were no apologies for absence.

2 Declarations of Interest

Councillor Fryatt declared a Local Non-Pecuniary Interest in item 4 of the agenda as the applicant was a neighbour. He advised the Committee that he had not discussed the application with the applicant.

Councillor Hedgley declared a Local Non-Pecuniary Interest in item 4 of the agenda as the Ward Member for Carlford & Fynn Valley.

Councillor McCallum declared a Local Non-Pecuniary Interest in item 5 of the agenda as both the Ward Member for Kesgrave and as the applicant was known to her.

Councillor Yule declared a Local Non-Pecuniary Interest in item 5 of the agenda as the applicant was known to her.

Councillor Bird declared a Local Non-Pecuniary Interest in items 8 and 9 of the agenda as a member of Felixstowe Town Council. He declared an additional Local Non-Pecuniary Interest in item 9 as the applicant was known to him.

Councillor Deacon declared a Local Non-Pecuniary Interest in items 8 and 9 of the agenda as a member of Felixstowe Town Council. He declared an additional Local Non-Pecuniary Interest in item 9 as the applicant was known to him.

3 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0042** of the Head of Planning and Coastal Management, which provided a summary of the status of all outstanding enforcement cases for the Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 28 May 2019.

The report was presented by the Planning Development Manager, who drew the Committee's attention to information relating to enforcement action at Cowpasture Farm, Gulpher Road, Felixstowe (on page 10 of the report) and Dingle Dell, Leiston Road, Middleton (on page 12 of the report).

RESOLVED

That the contents of the report be noted.

At this point in the meeting, the Chairman advised that the agenda would be reordered and that item 9 would be heard next.

9 DC/19/1186/FUL - 246 Ferry Road, Felixstowe

The Committee received report **ES/0048** of the Head of Planning and Coastal Management. The proposal sought to change the use of a residential annexe to a holiday let unit was before the Committee on the grounds that the applicant was an Elected Member of East Suffolk Council.

The Committee received a presentation on the application by the Planning Officer. The site location was outlined to the Committee. The existing floor plan was demonstrated and the Planning Officer highlighted the residential annex that was proposed to be converted, in relation to the host dwelling.

Elevations of the property were shown along with site photographs showing the host dwelling, extension, driveway, and rear elevation.

The recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that the Council's Economic Development Team had not provided any comments on the application.

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

Members of the Committee did not object to the application, noting that there was no substantive difference in elevations and that Felixstowe Town Council had recommended approval.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Hedgley, seconded by Councillor Fryatt it was unanimously

RESOLVED

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

1. The development hereby permitted shall begin no later than 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 proposed site layout and internal floor plan received on 18 March 2019.

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

3. The premises herein referred to shall be used for holiday letting accommodation or as an 'annexe' 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) (as amended). The duration of occupation by any one person, or persons, 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: The development is not such that the local planning authority would be prepared to approve as a separate dwellinghouse in its own right. This condition is imposed to ensure that the development is occupied only as bona-fide holiday accommodation or as an ancillary annexe, in the interests of residential amenity.

4 DC/18/3385/FUL - Street Farm, The Street, Witnesham

The Committee received report **ES/0043** of the Head of Planning and Coastal Management. The application sought full planning permission for the development of land at Street Farm, Witnesham to provide twenty dwellings of which seven would be affordable homes. The site area was some 1.26 hectares of which 0.7 hectares was allocated in the adopted Local Plan for the residential development of approximately twenty dwellings. The application was before the Committee as part of the site was in the countryside, for planning purposes, and therefore the proposed development represented a departure from the Local Plan insofar as the site area extended into the countryside beyond that which is allocated for housing, noting that a large part of the site was in the Local Plan for residential development.

The Committee received a presentation on the application from the Senior Planning Officer. He outlined to the Committee that Witnesham was made up of two distinct

settlements and this was demonstrated by way of an aerial photograph. He identified the site's proximity to nearby residential dwellings at Giles Way, The Street, and Strugglers Lane, as well as a local golf course.

The application site was shown to be broadly L shaped; it contained a redundant farm complex with disused agricultural buildings remaining on the site. The part of the site running towards the south went up the river valley slope into a pasture field.

The Senior Planning Officer highlighted the area of the site allocated for housing development by policy SSP19 of the Suffolk Coastal Local Plan. The part of the site that extended into the countryside was towards Strugglers Lane. Various photographs were displayed, showing the site access, the site's relationship with nearby residential dwellings, and views of the site from neighbouring buildings. The Committee was also in receipt of photographs of the current state of the site, showing a wall that was proposed to be demolished as well the disused farm buildings.

Councillor McCallum left the Conference Room at 2.15pm; Councillor Fryatt, the Vice-Chairman, assumed the Chair in her absence.

The Flood Risk Zone constraints on the development, as detailed within the Officer's report, were highlighted to the Committee.

Councillor McCallum returned to the Conference Room at 2.16pm and resumed the Chair.

It was noted that two neighbouring dwellings, Street Farmhouse and Mill House, were both Grade II Listed Buildings.

Vehicle access would be taken from The Street in the north-western part of the site and would feed onto a main spine road running west-east across the site, providing access to sixteen of the proposed dwellings. The road would then turn south and run up the slope to serve the remaining four dwellings.

The separation distances between the proposed dwellings and existing properties were discussed. In reference to objections from residents in Giles Way, it was noted that the closest physical relationship would be at least forty metres.

The Committee was apprised of the proposed designs of the dwellings, including elevations. The mix of housing was detailed. A cross section of the site was shown, and the Senior Planning Officer noted the applicant's proposals to address the changing levels across the site. He stated that it was a characteristic of the settlement to see varying heights of buildings, stating that a condition to control this was proposed within the recommendation to approve.

The recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that the dwellings would not be constructed underneath power lines; the new dwellings would be at least sixty metres away from nearby power lines.

A member of the Committee noted the difference between the site allocated for development in the Local Plan and the application site. The Senior Planning Officer noted that the site area included a Listed Building and curtilage that was not to be developed and also drew attention to the areas of the site within the flood zones 2 and 3, where development could not take place. He considered that twenty dwellings could not be built on the 0.7ha allocated in a way that would respect the setting of the Listed Buildings, and be located outside the area at risk of flooding.

The Planning Officer confirmed that the comments of Swilland and Witnesham Grouped Parish Council had received an extension to its deadline to make comments on the application, and what was included in the report were the Parish Council's final comments.

The Chairman invited Mr Hockley, the applicant, to address the Committee.

Mr Hockley stated that he was in attendance to answer any questions that the Committee had regarding the application. He thanked officers for engaging with him when he developed the proposal and noted that a Registered Housing Provider had made a bid to take on the affordable housing element of the development.

The Chairman invited questions to Mr Hockley.

Mr Hockley noted that he had increased the site beyond what was allocated for development in the Local Plan in order to not cram properties on to the site. He said that he wanted to build local houses for local people.

The Chairman invited Councillor Fryatt, Ward Member for Witnesham, to address the Committee.

Councillor Fryatt advised the Committee that he had not been the Ward Member when the application was first made. He acknowledged the resolution of the Parish Council on the matter and applauded the developer for taking on board the points made by Planning Officers during the process. He was positive about the conditions in the recommendation that addressed the concerns of neighbouring residents.

There being no questions to Councillor Fryatt, the Chairman invited Councillor Hedgley, Ward Member for Witnesham, to address the Committee.

Councillor Hedgley was of the opinion that the site should be developed. He considered the application to be well designed and twenty dwellings to be sufficient. He sympathised with the views of the residents in Giles Way but deferred to the officer advice regarding the flood risk being mitigated. He did not object to the application.

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

A member of the Committee concurred with the views of the Ward Members; he said that he had studied the application in detail and considered the application to be a good one.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Fryatt, seconded by Councillor Hedgley it was

RESOLVED

That the Head of Planning and Coastal Management be given delegated **AUTHORITY TO APPROVE**, subject to a S106 legal agreement to secure affordable housing provision; per-dwelling financial contribution to the Suffolk RAMS; and details of the long-term management and maintenance of the site.

The following planning conditions are also recommended:

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 accordance with the following approved plans and documents:

- Drawing Nos. 001, 005, 006, 006, 007, 008, 009, 011, 012, 013 and 014, received 13 August 2018;
- CGI images - drawing no. 015, received 04 September 2018;
- Drawing Nos. 004 revA, 010 revB, 017 revA and 019, received 17 December 2018;
- Drawing No. 1140 (Street Farm Landscaping Strategy), received 20 December 2018;
- Proposed Site Layout Drawing No. 002 revD, received 06 February 2019;
- Flood Risk Assessment and Drainage Strategy, and Design & Access Statement, received 15 March 2019; and
- Preliminary Ecological Appraisal (Castle Hill Ecology, 2018), received 03 June 2019.

Reason: For the avoidance of doubt and to secure a properly planned development.

3. No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the approved dwellings and garages have been submitted to and approved in writing by the local planning authority.

Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a high quality finish in the interest of securing good design in accordance with Core Strategy design policy DM21 (Design: Aesthetics).

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

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and

facilities for public viewing, where appropriate;

- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- delivery, demolition and construction working hours.

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

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

5. No development shall take place within the 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 the publication and dissemination of the analysis and records of the site investigation;
- e) Provision to be made for archive deposition of the analysis and records of the site investigation;
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

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 site boundary from impacts relating to groundworks and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by the development.

6. No development shall commence until precise 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.

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

7. 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 local planning authority. 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.

8. 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 local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP 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 in line with the River Basin Management Plan.

9. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (as shown on Drawing No.1140 Street Farm Landscaping Strategy) and the appropriate working methods in accordance with British Standard BS5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars].

Reason: To ensure that trees on and around the site are not damaged through the construction of the development.

10. No works or development shall commence until a full specification of all proposed tree and hedge planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a well laid out scheme of landscaping in the interest of good design and preserving the special qualities of the river valley location.

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

As deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

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

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

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

Reason: To ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

Reason: To ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. No development shall take place until full details of the finished levels of the development ('The Levels Plan'), above ordnance datum, has been provided and approved in writing by the Local Planning Authority. The levels plan must include precise details of all earthworks showing existing and proposed finished levels or contours; proposed floor levels of all the proposed buildings, in relation to ground levels; and proposed levels of all areas of hard landscaping across the site. This plan must also include site sections to demonstrate this. The development shall be carried out in accordance with the approved details.

Reason: Due to the sloping nature of the site, further precise details are required to understand the relative levels where development will take place.

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

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

15. Prior to any occupation or use of the approved development the RMS approved under condition 5 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

17. No other part of the development shall be commenced until the new vehicular access onto The Street (B1077) has been laid out and completed to at least Binder course level or better in accordance with the approved Road Details Plan (Drawing No. 019) and been made available for use. The access shall be fully completed prior to final occupation and thereafter be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate standard and made available at the right time.

18. Before the approved access is first used, visibility splays shall be provided as shown on Drawing Nos. 019 and 002 revD with an X dimension of 2.4 metres; and a Y dimension of 90 metres; and thereafter retained in the specified form.

Notwithstanding the provisions of Schedule 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 have sufficient visibility to safely enter the public highway.

19. The use shall not commence until the areas within the site on Drawing Nos. 019 and 002revD for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

20. In accordance with the details in the submitted Preliminary Ecological Appraisal (November 2018), the recommended methods of working in Chapter 6 (in respect of conserving Bats, Breeding Birds, Terrestrial Invertebrates, Reptiles and Barn Owl) shall be adhered to during the site clearance, demolition and period of construction.

Reason: To ensure that any impacts on priority/protected species are minimised during.

21. In accordance with the recommended habitat enhancements in the submitted Preliminary Ecological Appraisal, the development shall include:

- The erection of two bird boxes on mature trees within the south-western tree line, which should be a minimum of 4 metres above ground level; and
- The inclusion of one integrated bat box in each of the detached and semi-detached buildings. The boxes shall be a minimum of 4 metres above ground level and on south-east to south-west orientations.

Reason: To ensure that the proposal delivers habitats enhancements in accordance with the objectives of Core Strategy Policies SP14 and DM27 (Biodiversity and Geodiversity).

22. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the landscaping strategy is implemented in a timely manner.

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

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

24. Prior to the construction of the dwellings at plots 1-11, details of the boundary fences that divide the residential gardens intersecting the river Fynn shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and thereafter retained in the approved form.

Reason: To ensure these fences are permeable (to allow the flow of water) and incorporate removable sections/panels to enable emergency access to the watercourse for the Environment Agency.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no new outbuildings/garages and sheds; areas of hardstanding; and gates, fences and walls erected within the rear gardens of plots 1-11 unless express planning permission is obtained for such development from the Local Planning Authority.

Reason: Physical objects and development in this area may obstruct flood flows which would increase flood risk both on and off-site. Clear access to the watercourse also needs to be retained for the Environment Agency.

5 DC/19/1391/FUL - 67 Holly Road, Kesgrave

The Committee received report **ES/0044** of the Head of Planning and Coastal Management. The application sought planning permission to extend the bungalow at

67 Holly Road, Kesgrave. The application was submitted on the basis that the proposal would be a “part implementation” of a larger scheme of extensions already approved under DC/17/2437/FUL. However, as this was a standalone application, the submitted proposal was assessed on its own merit – and not as a component part of any previous approval. The application had been brought to the Committee through the Referral Panel due to the complex history associated with the site and that the earlier application had been considered by Suffolk Coastal District Council's Planning Committee.

The Committee received a presentation on the application from the Senior Planning Officer. He advised the Committee that the extant planning permission on the site had been allowed on appeal, following the application's refusal by Suffolk Coastal District Council's Planning Committee.

The site location was identified. The site was bordered to the south by properties on Yew Tree Grove, which consisted of small bungalows with short back gardens. The Committee was shown various photographs of the site and the area surrounding it, which demonstrated its relationship with 65 Holly Road as well as the relatively low height of properties in the area.

The Senior Planning Officer outlined the details of the extant planning permission, which had not been built out, and the reasons for refusal given by Suffolk Coastal District Council's Planning Committee. The extant planning permission was considered to be the fallback position for the new application. He also noted a civil issue between the applicant and the residents of 65 Holly Road, which had resulted in the applicant not building out the extant planning permission. The Committee was advised that this was not a material planning consideration.

The block plan of the new application was compared to that of the extant planning permission. The proposed elevations of the application were also displayed.

The key issues were summarised as policies DM21 (Design: Aesthetics) and DM23 (Residential Amenity) of the Local Plan, and the fallback position of a larger approved scheme.

The recommendation to refuse the application, as it was considered to be contrary to policies DM21 and DM23, was outlined to the Committee.

The Chairman invited questions to the Officer.

A member of the Committee sought clarification on the term "part implementation". The Senior Planning Officer reiterated that the application had been submitted on the basis that the proposal would be a “part implementation” of a larger scheme of extensions already approved under DC/17/2437/FUL. However, as this was a standalone application, the submitted proposal was assessed on its own merit – and not as a component part of any previous approval.

The Committee was referred to the Appeal Decision relating to the approved scheme, which was appended to the Officer's report, which referred to Suffolk Coastal District Council's reasons for refusal. In response to a question from a member of the

Committee, the Senior Planning Officer confirmed that residential amenity was a factor in the current reason for refusal.

The Chairman referred to guidance on "right to light", highlighting that this was a civil issue and not a material planning consideration.

It was confirmed that the main concerns of officers related to design aesthetics and that residential amenity was a secondary reason for refusal.

The Chairman invited the applicant, Ms Barker, to address the Committee.

Ms Barker stated that she had engaged with Planning Officers in February 2019 regarding a partial build on what had been approved, due to concerns relating to deadlines to begin building and ongoing civil matters. She considered that her family needed the space that the extension would provide.

The Committee was advised by Ms Barker that she had engaged with her neighbours about plans for the bungalow before making an offer on the property and had not received any objections until planning applications were made. She said that she had not wished to cause upset to her neighbours and deeply regretted any harm caused by not engaging with residents in Yew Tree Grove.

Ms Barker said that she was treating this application as phase one of development to secure the initial extension, before proceeding to phase two. She noted that the footprint of the development remained unchanged and that the only difference in the new scheme was the location of an internal staircase.

The Chairman invited questions to Ms Barker.

A member of the Committee sought clarification on the reasons for the application, given the extant planning permission that was in place. Ms Barker stated that a new application had been submitted to secure what she considered phase one of the extant planning permission. The Senior Planning Officer reiterated that from a planning point of view, the extant planning permission could be built out. The Planning Development Manager also clarified that the application differed from what had been approved on appeal and that it should be treated as such.

Councillor McCallum, who was the Chairman of the Committee, addressed the Committee in her capacity as Ward Member for Kesgrave. She noted that the application was a difficult one and that the civil matters pertaining to it should not be confused with material planning considerations. She said that having spoken to neighbours, she had been advised that they were happier with the updated design. She acknowledged the recommendation of refusal and considered that the design of the proposal was the key point to be considered by the Committee.

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

A member of the Committee, who had visited the site, was unsure of the impact of the new proposal and was unsure on what was being applied for. He also referred to the

civil matters related to the site; at this point the Chairman reiterated that the application before the Committee was separate to what had been approved on appeal and was to be determined as such. The Planning Development Manager recapped the details of the new proposal and reminded the Committee that the ongoing civil issues were not for the Committee to discuss or consider when determining the application. The member of the Committee who had opened the debate thanked the Planning Development Manager for her explanation of the new scheme; he considered it to be a form of cramped development and stated that he supported the Officer's recommendation.

Several members of the Committee were of the opinion that there had been little improvement on the approved application in terms of design and did not support the application, stressing the need to be consistent with previous determinations. One member of the Committee considered that the design was worse than what had been approved on appeal.

Other members of the Committee acknowledged the points raised in debate but noted where similar developments had been approved in the past and were minded to approve the application.

The Chairman highlighted that there was an eclectic mix of building design in Holly Road and said that she agreed with the points raised by members of the Committee who supported the application.

The proposal's design was criticised by a member of the Committee, who was of the view that the Committee should have regard to the policies of the Local Plan. The Chairman read out the text of policy DM23 and stated that the immediate issue to consider was the interpretation of the policy in relation to the proposed design.

There being no further debate, the Chairman invited the Committee to determine the application. The recommendation to refuse, as outlined in the report, was proposed and seconded, but by a majority vote was not carried.

The Chairman sought an alternative recommendation from the Committee. She suggested that the application was in accordance with policies DM21 and DM23 of the Local Plan and did not impact on the surroundings or street scene and would not cause significant harm. The Vice-Chairman also quoted paragraph (a) of DM21, which stated that proposals should relate well to the scale and character of their surroundings particularly in terms of their siting, height, massing and form. The Planning Development Manager asked the Committee if it wished to apply any specific conditions beyond the standard conditions that could be applied; after discussion regarding the possible removal of permitted development rights it was noted that the Committee did not wish to apply any specific conditions to the recommendation.

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

RESOLVED

That the application be **APPROVED**, subject to standard conditions (relating to 3 year time limit, drawings and materials), as it was in accordance with policies DM21 and DM23 of the Local Plan and did not impact on the surroundings or street scene and would not cause significant harm.

6 DC/19/0521/OUT - 1 Holly Villas, Melton Road, Melton

The Committee received report **ES/0045** of the Head of Planning and Coastal Management. The application had been heard by the Shadow Planning Committee (South) of the East Suffolk Shadow Authority on 18 April 2019 but was deferred at that meeting, to enable a site visit to be undertaken prior to the item being taken back to Committee for determination. A site visit was undertaken at 12pm on 25 June 2019, prior to the Committee meeting commencing.

Outline Planning Permission was sought for the erection of a 1.5 storey dwelling with access from Daines Lane to the rear of 1 Holly Villas, Melton Road, Melton. Matters in relation to appearance, scale and design were reserved for future determination. The application therefore was to consider only the principle of development and means of access.

The application was before the Committee as Melton Parish Council had raised objections. The application was heard by the referral panel, who had requested that it came before the Committee to enable all competing issues to be debated in public.

The Committee received a presentation on the application from the Planning Development Manager, on behalf of the Planning Officer allocated to the application. The Committee was apprised of the site's location and was informed of the access from Daines Lane to houses on that road as well the garages to the rear of properties on Melton Road. An indicative block plan was also outlined.

Photographs of the site were displayed. The Planning Development Manager acknowledged that the Highways Authority had not objected to the application and was content with the vehicle access arrangements. She also drew attention to the red line boundary of the site and its relationship with the neighbouring Hoo House.

The Planning Development Manager advised that a fence under 2m in height could be placed on the boundary abutting Hoo House under permitted development rights. The trees on that section of the border were not subject to any Tree Protection Orders so could also be removed.

It was noted that Hoo House was of a unique design and had received awards for this aspect, but that this did not afford any greater degree of protection than was held by the other neighbouring properties. She advised the Committee that it needed to be mindful of the site's relationship to Hoo House.

The key issues were summarised as being all matters except access being reserved, the principle of development, and access.

The Planning Development Manager informed the Committee that the site was considered by officers to be able to accommodate the size of dwelling that was proposed and that the concerns raised by Melton Parish Council could be addressed

through conditions attached to any Reserved Matters application that would be considered in the future. The Committee was advised that it could attach informative information to any permission it granted for this application and that officers would seek a Construction Management Plan for any development.

The Officer's recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that all other matters could be controlled through a Reserved Matters application, which would need to comply with any outline planning permission granted. The application that was before the Committee would control the site boundary, the number of dwellings on the site, the height of the dwelling, and the position of the access to the site. She reiterated that informative information could be attached to any outline planning permission to give a clear steer on where on the site the dwelling should be sited and that this aspect would be controlled by the Committee when it considered a Reserved Matters application.

In response to a question from the Vice-Chairman, the Planning Development Manager advised that bin collection lorries already served the existing properties on Daines Lane.

A member of the Committee, who had attended the site visit earlier in the day, asked about the scale of the site location plan, as he considered Hoo House to be closer to the site than demonstrated in the plan. The Planning Development Manager confirmed that the drawing was to scale and noted that Members had visited the site and the relationship between the boundary and Hoo House had been highlighted during that visit.

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

Mr Bolton informed the Committee that he lived at Hoo House with his family. He stated that the application site had not been used for parking and that, in his view, approving the application would contravene both policy DM23 of the Local Plan and also the Melton Neighbourhood Plan. He noted that the latter document prohibited overdevelopment and cramming and said that the application before the Committee was a prime example of this; he was of the view that if approved would encourage similar development in the area. The Neighbourhood Plan also stated that development should not affect neighbours by blocking daylight; Mr Bolton explained that Hoo House's layout had been designed to maximise natural light and considered that a dwelling on the site would impact his family's privacy by either overlooking into living areas, or with the erection of a fence under permitted development rights impacting access to natural light.

Parking access was also raised by Mr Bolton. He noted that utility vehicles already did not use Daines Lane and that parking access to the site would have significant impact on Concord House, the dwelling opposite the site.

Mr Bolton concluded by referring to the protection given to the trees on the boundary with Hoo House and queried the lack of similar protection for the proposed development. He considered that the application was of no benefit to anyone except the developer and was contrary to the implicit duty of care that the Council had to its residents.

The Chairman invited questions to Mr Bolton. There being no questions to Mr Bolton, the Chairman invited the Planning Development Manager to address some of the points raised by Mr Bolton.

The Planning Development Manager advised that the proposal was not considered to be overdevelopment and considered that the issues raised in respect of the Melton Neighbourhood Plan could be controlled under conditions attached to any Reserved Matters application, which could be negotiated on the granting of outline planning permission. The trees on the site boundary with Hoo House had been protected for a five-year period which had since expired. The Planning Development Manager reiterated officers' views regarding parking access and the lack of objection from the Highways Authority, noting that who bought the property was not a material planning consideration. A member of the Committee asked if a further period of protection could be given to the trees on the site; the Planning Development Manager advised that Mr Bolton had been referring to trees crossing the boundary, which could be removed.

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

Several members of the Committee expressed concern regarding the eventual siting of a dwelling within the site, but acknowledged that this would be controlled through a Reserved Matters application. It was noted that the site was a building plot and that concerns raised by objectors and Melton Parish Council could be addressed at the next stage of application.

It was noted by another member of the Committee that the application was for outline planning permission and that the Committee was required to determine whether or not the site could host a dwelling of the size proposed and if the access to the site was acceptable. He considered that this was the case and was in support of the application.

A member of the Committee considered that the site area was cramped and the access narrow. He was particularly concerned about the impact any development would have on Concord House and Hoo House.

In response to a question from the Committee, regarding any possible grounds that the application could be refused on, the Chairman considered that refusing on grounds of cramming and/or access would be difficult to defend at appeal. She added that should the application be refused at the outline stage and approved by the Planning Inspectorate on appeal, this could alter what would appear on the site. The Planning Development Manager agreed with this assessment and reminded the Committee that further detail would be dealt with by any Reserved Matters application. She stated that should the Committee resolve to refuse the application, officers would mount a robust defence of any appeal, but that any refusal would be difficult to defend.

The issue of highway maintenance was raised. The Planning Development Manager said that, as the highway was private, this would be a civil matter and not part of any planning consideration.

A member of the Committee sought confirmation that access to the site during construction could be conditioned. The Planning Development Manager reiterated the intention to pursue a Construction Management Plan for the site.

It was considered by another member of the Committee that the application could not be refused on principle of access, as this principle was already established by vehicles using Daines Lane to access existing dwellings. He did not consider that there were viable grounds to refuse the application.

The debate was concluded with reference to the Officer advice and the NPPF's presumption in favour of sustainable development.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Cooper, seconded by Councillor Bird it was unanimously

RESOLVED

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

1. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

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

2. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

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

3. This permission is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010) and before work on the development is begun, approval of the details of the appearance, landscaping, layout and scale [herein called the "reserved matters"], shall be obtained from the local planning authority.

Reason: As provided for in the Town and Country Planning (General Development Procedure Order 2010) no such details having been given in the application.

4. The development hereby permitted shall not be carried out other than in complete accordance with the site location plan and Drawing No 5328:4 in relation to the access arrangement received on 05.02.2019

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

5. In the event that contamination which has not already been identified to the Local 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.

6. Prior to commencement a method of Construction Management Plan must be submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To reduce the potential impacts of noise pollution and additional vehicular movements in this area of Daines Lane during the construction phase of the development.

7. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the existing maple tree and beech tree has been erected 1 metre beyond the canopy of the tree(s). 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.

8. No development shall commence or any materials, plant or machinery be brought on to the site, until the approved scheme of protective fencing has been implemented. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges. All fencing shall be retained and maintained until the development is complete.

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

9. 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.

10. Two parking spaces are to be provided on site with suitable turning space to allow vehicles to enter and exist the public highway in a forward gear and shall be retained thereafter in its approved form and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in a forward gear in the interests of highway safety.

Following the determination of the application, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.43pm and was reconvened at 3.57pm.

7 DC/19/1327/FUL - 1a Burkitt Road, Woodbridge

The Committee received report **ES/0046** of the Head of Planning and Coastal Management. Planning Permission was sought for the retention of a detached workshop that had been built without planning permission in a position slightly further away from the road than currently occupied. In addition, the application also proposed a new single storey side extension connected to the workshop via a flat roof. This item had come before the Committee through the referral process on the grounds that the workshop was subject to an enforcement complaint and the Panel wished for the impact on the streetscene to be considered by the Committee.

The Committee received a presentation on the application from the Trainee Planner. The site's location was outlined, and the existing block plan was detailed. It was noted that the workshop's new location would bring it closer to the hose dwelling.

The proposed elevations were demonstrated. The Committee was also apprised with elevations from approved Planning Permission granted in 2014.

Photographs of the site were displayed. These showed the views of the site and the existing workshop from the highway, The area of the site where the workshop was

proposed to be moved to and where the single storey extension was proposed to be constructed, as well as a view of the site from a neighbour's garden.

The key issues were summarised as being overdevelopment, loss of green space, and being out of keeping with the streetscene.

The recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that Planning Permission was required for the workshop due to its proximity to the highway and as the site was within a Conservation Area.

The proposed workshop was described as being slightly shorter than what was currently in place.

In response to a question regarding a different roof type being more acceptable, the Chairman reminded the Committee that it was not in its remit to modify the application but to consider what was in front of the Committee.

The Chairman invited Mr Hodd, the applicant, to address the Committee.

Mr Hodd stated that he had moved into 1a Burkitt Road in 2012 and since then had enhanced the wildlife offer of its garden. He said he had previously applied for a larger extension but had, on reflection, decided that the small extension contained within the current application was sufficient. The Committee was advised that with the relocation of the workshop and the addition of the extension, there would be a net gain of 20m² for the ground floor area.

It was considered by Mr Hodd that the workshop would be hidden from view due to its reduced height and proposed planting. He added that the roof of the extension would be a green-friendly roof. The area of garden proposed for the development was shown to not have been green space previously.

Mr Hodd noted that the development would be of benefit for his neighbour as it would improve access and remove any overlooking caused by the current workshop. He hoped that the Committee would support the application as part of the conservation of the building.

There being no questions to Mr Hodd, the Chairman invited Councillor Yule, Ward Member for Woodbridge, to address the Committee.

Councillor Yule considered that the relocation of the workshop would be an improvement and have a positive impact on the neighbouring property. She noted that the applicant was doing as much as possible to encourage wildlife on the site and was of the view that the proposal would be a visual improvement on what was currently in place.

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

Members of the Committee were impressed by Mr Hodd's presentation and were supportive of the application.

There being no further debate, the Chairman moved to the recommendation to approve, subject to conditions. On the proposition of Councillor Yule, seconded by Councillor Fryatt 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 be completed in all respects strictly in accordance with A02/01 received 29/03/2019 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

8 DC/18/0272/FUL - Beach Huts, Sea Road, Felixstowe

The Committee received report **ES/0047** of the Head of Planning and Coastal Management. The proposal sought to carry out platform repairs and an extension for the provision of six new beach huts and was before the Committee due to the applicant being East Suffolk Council.

The Committee received a presentation on the application from the Planning Officer. The site's location and its proximity to Felixstowe Pier and the Sea Road car park was outlined. The Committee was shown the proposed plans and elevations relating to the repairs, extension, and the provision of new beach huts. The arrangements for winter storage were also detailed.

Photographs displaying the existing beach huts, the platform to be extended, the view from the site to Felixstowe Pier, and the spacing between the existing beach huts, were shown to the Committee.

The recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

In response to a question on the comments of Felixstowe Town Council in regard to policy FFP20 of the Felixstowe Peninsula Area Action Plan, the Planning Officer acknowledged that the application was contrary to this policy due to the addition of new beach huts on this area of the coastline, but said this was mitigated by the existing beach huts in the area. It was acknowledged that the beach huts were not of a uniform size.

Another member of the Committee questioned the Officer recommendation being contrary to this policy. The Chairman advised that this question was best directed to the application and reminded the Committee that the policies provided guidance and were designed to have an element of flexibility where appropriate. She noted the Officer's view that there would be more weight given to the policy if the site area did not contain any beach huts already.

A member of the Committee asked what precedent would be set if this application was approved. The Planning Officer said that when writing her report, she had considered the impact that the development would have on the Conservation Area against the positive benefits additional beach huts would bring to the area. She also noted the cost benefit of maintaining and repairing the existing facilities on the site.

The Chairman invited Neil Cockshaw, Programmes and Partnerships Manager and representing the Council as the applicant, to address the Committee.

Mr Cockshaw outlined that the application had first been submitted in early 2018 due to concerns regarding the state of the existing platform but was withdrawn in March 2018 due to the impact of adverse weather on the area. He said that the current application was a resubmission and that since the previous application had been withdrawn, the state of the platform had deteriorated further and needed urgent repair. There had also been an impact on beach huts sited north of Felixstowe Pier and it was intended that the five of the new beach huts be relocated huts from that area of the coastline, with the sixth being a new beach hut to be sold to fund the repairs and maintenance required.

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

A member of the Committee, who was Ward Member for Western Felixstowe, considered that policy FFP20 had been misinterpreted. He noted that it did not stand in contravention to the existing beach huts on the site but referred to the addition of further beach huts and the redirection of new allocation to other areas of the Felixstowe coastline. He accepted the Chairman's point regarding policies providing guidance and there being circumstances where policy could be departed from but saw no justification to do so in this case. He added that the addition of a new beach hut to cover costs was not a material planning matter and noted the strong feeling from Felixstowe Town Council on the application given concerns that the new beach huts

would draw from the view of Felixstowe Promenade. This was echoed by another member of the Committee, also a Ward Member for Western Felixstowe, who referenced a recent case where the Spa Pavilion had complained about beach huts blocking the views of the restaurant.

Other members of the Committee agreed that there was no justification to depart from policy in this instance; the Vice-Chairman noted that there was no evidence that the new beach hut was required to enable the repairs required.

There being no further debate, the Chairman invited the Committee to determine the application. The recommendation to approve, subject to conditions, was proposed, seconded but by a majority vote was not carried.

The Chairman sought an alternative recommendation from the Committee. Following further debate, it was suggested that the Committee could consider a recommendation to refuse, as the application was contrary to policy FFP20 of the Felixstowe Peninsula Action Plan and would cause significant harm as the addition of further beach huts would be intrusive and detract from the seaside experience, in particular the loss of sea views from the promenade.

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

RESOLVED

That the application be **REFUSED** as it is contrary to policy FFP20 of the Felixstowe Peninsula Action Plan and would cause significant harm as the addition of further beach huts would be intrusive and detract from the seaside experience, in particular the loss of sea views from the promenade.

The meeting concluded at 4:30pm

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Chairman