

## Introduction

This Report consists of a schedule of planning applications, each with their own written report, plus Members Information on workload.

Recommendations on applications are given whenever possible at the time of report writing. Sometimes there will be issues outstanding which could affect the recommendations made, so either an indication of the likely recommendation will be given, or no recommendation will be made until the meeting itself. Sometimes recommendations may be amended if there are late and unforeseen developments on a particular case. Details of final recommendations may be obtained from the Planning and Development team after 12 noon, the day before the meeting.

Proposed conditions and reasons for refusal will be given, often in summary form. It will be the Head of Planning and Development's duty to word and interpret the final form of these, following the Committee debate. Planning Officers will draw to the Committee's attention any non-standard and/or unusual conditions proposed, otherwise conditions may be attached as the Head of Planning and Development thinks fit, so long as these are in line with normal Council practice.

## Application Types

The following different types of planning application may be made, and they can be identified by reference to the letter suffix to the application reference number:

FP/FUL	Full Planning
RM/REM	Reserved Matters
LB/LBC	Listed Building Consent
PIP	Permission in Principle
DGD/GDA GDO/GDF/GDR	Development by Government Department
CLD	Certificate of Lawful Development
FRINGE	Neighbouring Authorities
HS/HSC	Hazardous Substances Consent
APD	Agricultural Works - Permitted Development
TPD	Telecommunications Works - Permitted Development
CON	Details under a Condition
FPC	Full Planning Application by SCC
OLC/OUTC	Outline Planning by SCC
RMC	Reserved Matters Application by SCC
FPCM/FCM	Full Planning to be dealt with as County Matter
OLCM/OCM	Outline Planning to be dealt with as County Matter
RMCM/RCM	Reserved Matters Application to be dealt with as County Matter
FPI3	Full Planning Application by Ipswich Borough Council
RMI	Reserved Matters Application by IBC
OEL	Overhead electric lines

PREAPP	Pre-application
PDE	General Permitted Development extensions
P3JPA	Prior Approval – Office/Retail to dwelling(s)
P3KPA	Prior Approval – to school or state registered nursery
P3LPA	Prior Approval – school to previous use
P3MPA	Prior approval – agricultural to office/shop
CAAD	Certificate for Appropriate Alternative Development
OL/OUT	Outline
A/ADV	Advertisement
CALF	Trees Application ( <b>C</b> onservation Area)
TALF	Trees Application ( <b>T</b> PO)
PALF	Trees Application ( <b>P</b> lanning Condition)
DEM	Demolition details
OLI/OUTI	Outline Planning by Ipswich Borough Council
VC	Vary Condition attached to Planning Permission (also known as a Section 73 application)
FUL4	Full Planning under Article 4
MPSID	Public Service Infrastructure Development

### Abbreviations

The following abbreviations may be used within the Report.

BREEAM -	Building Research Establishment Environmental Assessment Method.
DPD -	Development Plan Document (part of the statutory development plan).
DEAP -	Destination Equipped Area for Play.
IP-One -	Central part of Ipswich including the town centre, the Waterfront, Ipswich Village and the Education Quarter.
LB -	Listed Building (either Grade ii, Grade ii*, or the highest being Grade i)
LEAP -	Local Equipped Area for Play
LPA -	Local Planning Authority
NPPF-	National Planning Policy Framework
NPPG -	National Planning Policy Guidance
NEAP -	Neighbourhood Equipped Area for Play
PD -	Permitted Development (see below)
PDL -	Previously Developed Land
POS -	Public Open Space
S106 -	Section 106 of the Town and Country Planning Act (legal agreement – see below)
SAM -	Scheduled Ancient Monument
SPD -	Supplementary Planning Document
SSSI -	Site of Special Scientific Interest
SPA -	Special Protection Area
SCI -	Statement of Community Involvement
SPD -	Supplementary Planning Document
SuDS -	Sustainable Drainage Systems

### Policies

CS - Core Strategy and Policies Development Plan Document Review 2022

SAP - Site Allocations and Policies (Incorporating IP-One Area Action Plan) Development Plan Document Review 2022

### Determination of Applications For Planning Permission

Section 70(2) of the Town and Country Planning Act 1990 requires that

“In dealing with (application for planning permission) the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Different priorities may apply to other types of application.

### The National Planning Policy Framework

The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and was updated on 11 December 2024. This sets out the government’s planning policies for England and how these are expected to be applied. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. Officer reports will refer directly to the NPPF.

### The Local Plan

This consists of the Adopted Core Strategy and Policies Development Plan Document Review 2022 (or CS), and the Site Allocations (Incorporating IP-One Area Action Plan) Development Plan Document Review 2022 (or Site Allocations Plan). Any draft plans do not constitute part of the development plan until they are formally adopted at the end of the preparation process. They will be “material considerations” and the amount of weight to be given to their content will depend upon how far advanced they are, and the degree of public acceptability that exists towards a particular section.

### Background Duties

Background duties are those which Members and Officers of the Council should be aware of in carrying out all of their functions.

### Human Rights Act 1988

The following parts of this legislation are particularly relevant to the determination of planning applications.

Article 6 – Right to a Fair Trial

“In the determination of his civic rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.....”

#### Article 8 – Right to Respect for Private and Family Life

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

#### Protocol 1, Article 1 – Protection of Property

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or secure the payment of taxes or other contributions or penalties.”

The Head of Planning and Development will alert members to cases where it is considered that an individual’s human rights may be affected.

#### Crime and Disorder Act 1998

Section 17(1) of this Act requires that:

“without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

#### Equality Act 2010

Section 149 of the Act requires that:

The Council shall have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## Race Relations (Amendment) Act, 2000

(The Council is required) “when carrying out all of its functions to have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups”.

## Codes of Conduct

Members should abide by the Code of Conduct set out in the Council’s Constitution and guidance issued by the Local Government Association on probity, which covers the roles of Councillors and Officers, Declaring interests, Pre-application discussions, lobbying, the Party Whip, Site visits, Officers reports to and Public Speaking at the Committee, Decisions contrary to Officers Recommendations and/or the Local Plan, Planning Applications by Councillors and Officers, and Council Development.

## Planning Tools

### Section 106 Obligations

The Community Infrastructure Levy Regulations 2010 requires that Planning Obligations should only be sought where they are (i) necessary to make the development acceptable in planning terms, (ii) relevant to planning, (iii) directly related to the proposed development, and (iv) fairly and reasonably related in scale and kind to the proposed development. If the Head of Planning and Development is in any doubt over compliance with these tests he will raise the matter with Committee.

### Planning Conditions

The National Planning Practice Guidance advises that conditions should be 1. necessary; 2. relevant to planning and; 3. to the development to be permitted; 4. enforceable; 5. precise and; 6. reasonable in all other respects.

## Use Classes

### **Changes were introduced to The Town and Country Planning (Use Classes) Order 1987 from 1<sup>st</sup> September 2020.**

The Town and Country Planning (Use Classes) Order 1987, (as amended) sets out various uses of land into use classes. If two uses fall within the same use classes, then planning permission is not required, as the change from one to another is not considered to be ‘development’ in the meaning of the 1990 Act. If the uses fall within separate use classes, then permission may be required, however permitted changes are allowed between some use classes in certain circumstances.

The list of commonly referred to **use classes prior to September 2020** were (in brief):-

- A1 – Shops
- A2 – Financial and Professional Services.
- A3 – Restaurants and Cafes.
- A4 – Drinking Establishments.
- A5 – Hot Food Take Aways.

B1 – Business (offices, research and development, light industry)  
B2 – General Industry.  
B8 – Storage and Distribution.

C1 – Hotels, boarding and Guest Houses.  
C2 – Residential Institutions (boarding schools, hospitals and nursing homes).  
C3 – Dwellinghouses.

D1 – Non-Residential Institutions (Churches, Church Halls, Clinics, nurseries, museums, public halls, libraries, schools etc).  
D2 – Assembly and Leisure (cinemas, dance halls, sports, halls, gymnasium etc)

Some uses are not within a use class, and are referred to as being “Sui Generis” Planning Permission is normally required for a change to or from such uses. Such examples of the Sui Generis use class are:- Motor vehicle sales, betting shops, retail warehouse clubs, laundrettes, taxi hire business, petrol filling stations, timber merchants.

### **The changes to Use Classes from 1 September 2020 are listed below.**

#### Class A

Class A is revoked from 1 September 2020.

- Class A 1/2/3 are effectively replaced with the new Class E(a,b,c); and
- A4/5 uses are not covered by the new Class E and become defined as ‘Sui Generis’.

#### Class B

B1 Business is revoked from 1 September 2020.

- Class B1 is effectively replaced with the new Class E(g); and
- Uses B2 and B8 remain valid.

#### Class C

Class C is not affected by the 1 September 2020 changes.

#### Class D

Class D is revoked from 1 September 2020.

- Class D1 is split out and replaced by the new Classes E(e-f) and F1; and
- Class D2 is split out and replaced by the new Classes E(d) and F2(c-d) as well as several newly defined ‘Sui Generis’ uses.

#### Class E - Commercial, Business and Service

Class E is introduced from 1 September 2020.

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and ‘indoor sport’ from D2(e):

- E(a) Display or retail sale of goods, other than hot food;
- E(b) Sale of food and drink for consumption (mostly) on the premises;

- E(c) Provision of:
- E(c)(i) Financial services;
- E(c)(ii) Professional services (other than health or medical services); or
- E(c)(iii) Other appropriate services in a commercial, business or service locality;
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms);
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner);
- E(f) Creche, day nursery or day centre (not including a residential use);
- E(g) Uses which can be carried out in a residential area without detriment to its amenity;
- E(g)(i) Offices to carry out any operational or administrative functions;
- E(g)(ii) Research and development of products or processes; and
- E(g)(iii) Industrial processes.

### Class F - Local Community and Learning

Class F is introduced from 1 September 2020.

In two main parts, Class F covers uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as newly defined local community uses.

- F1 Learning and non-residential institutions – Use (not including residential use) defined in 7 parts:
  - F1(a) Provision of education;
  - F1(b) Display of works of art (otherwise than for sale or hire);
  - F1(c) Museums;
  - F1(d) Public libraries or public reading rooms;
  - F1(e) Public halls or exhibition halls;
  - F1(f) Public worship or religious instruction (or in connection with such use);
  - F1(g) Law courts;
- F2 Local community – Use as defined in 4 parts:
  - F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres;
  - F2(b) Halls or meeting places for the principal use of the local community;
  - F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms); and
  - F2(d) Indoor or outdoor swimming pools or skating rinks.

### Sui Generis

'Sui generis' is a Latin term that, in this context, means 'in a class of its own'.

Certain uses are specifically defined and excluded from classification by legislation, and therefore become 'sui generis'. These are:

- Theatres;
- amusement arcades/centres or funfairs;
- laundrettes;
- fuel stations;

- hiring, selling and/or displaying motor vehicles;
- taxi businesses;
- scrap yards, or a yard for the storage/distribution of minerals and/or the breaking of motor vehicles;
- ‘Alkali work’ (any work registerable under the Alkali, etc. Works Regulation Act 1906 (as amended));
- hostels (providing no significant element of care);
- waste disposal installations for the incineration, chemical treatment or landfill of hazardous waste;
- retail warehouse clubs;
- nightclubs;
- casinos;
- betting offices/shops;
- pay day loan shops;
- public houses, wine bars, or drinking establishments – from 1 September 2020, previously Class A4;
- drinking establishments with expanded food provision – from 1 September 2020, previously Class A4;
- hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) – from 1 September 2020, previously Class A5;
- venues for live music performance – newly defined as ‘Sui Generis’ use from 1 September 2020;
- cinemas – from 1 September 2020, previously Class D1(a);
- concert halls – from 1 September 2020, previously Class D1(b);
- bingo halls – from 1 September 2020, previously Class D1(c); and
- dance halls – from 1 September 2020, previously Class D1(d).

Other uses become ‘sui generis’ where they fall outside the defined limits of any other use class.

For example, C4 (Houses in multiple occupation) is limited to houses with no more than six residents. Therefore, houses in multiple occupation with more than six residents become a ‘sui generis’ use.

### Permitted Development

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Planning Permission is required for all forms of development other than permission that is granted by national legislation for certain categories of development. This is known as “Permitted Development”. There are 19 categories of such development, but the most common type is “development within the curtilage of a dwellinghouse”, which allows many domestic alterations and extensions to be undertaken without requiring planning permission from the LPA.

### Building Control

The Building Regulations may apply in and around buildings. These requirements are intended to protect people’s safety, health and welfare. They also set standards for accessibility, water use, energy use and security. The approved documents give further guidance for many

common building situations. They contain statutory guidance on how to meet the requirements of the Building Regulations.

Building Regulations are considered to be the minimum standards of Health and Safety for people in and around buildings. Currently any developer can choose to use an external Approved Inspector or the Local Authority Building Control Team for any scheme that has not yet commenced on site.

The Approved Inspector and Local Authority Building Control Teams are required to ensure the work meets the same standards.

The full list of Approved Documents is:-

- A – Structure
- B – Fire Safety
- C – Site preparation and resistance to contaminants and moisture
- D – Toxic substances
- E – Resistance to sound
- F – Ventilation
- G – Sanitation, hot water safety and water efficiency
- H – Drainage and waste disposal
- J – Combustion appliances and fuel storage systems
- K – Protection from falling, collision and impact
- L – Conservation of fuel and power
- M – Access to use of buildings
- O – Overheating
- P – Electrical safety
- Q – Security in dwellings
- R – High speed electronic communications networks
- S – Infrastructure for charging electrical vehicles
- Document 7 – Material workmanship

With regards Part B (Fire Safety) of the Building Regulations applies to all new build schemes and where any 'building work' would leave the situation any less compliant than it previously was, to non-exempt buildings. Both private and public sector Building Control are required to ensure compliance with the guidance and consult with the Suffolk Fire and Rescue Service (if the scheme is for 5 or more dwellings or is a commercial scheme).

With regards Part M (Access to an use of buildings) and accessibility there can be may iterations with regards application, depending on the type of scheme and which classification of any change of use is categorised, under Building Regulations 2010. The result is in many existing shop units and residential conversions, level access and much of Part M may not be required.

The Equality Act 2010 is the primary legislation ensuring suitable access and use of existing buildings. It places duties on all businesses and employers to ensure people do not suffer discrimination, harassment or victimisation. A suitable Access Statement justifying Building Regulations non compliances may be used to satisfy Building Regulations, however may not protect from prosecution under The Equality Act 2010.

Speaking At Committee

Interested parties and Ward Councillors may speak on applications, in accordance with the Council's Standing Orders and published Scheme details – [information](#) on how to do this is available on the Council's website at: <https://www.ipswich.gov.uk/content/speaking-planning-and-development-committee>

## Representations

The location plans at the front of each report include details of representations received, marked as **‘\*’**.

Where an **‘\*’** is shown on the location plans this indicates the addresses of the persons making representations. However, this only covers the area shown on the plan. There may be representations from persons living beyond the plan. Please refer to the Representations section of each report for full details of all representations received.

## Material and Non-Material Planning Considerations (Not exhaustive lists)

### Material:-

- The Development Plan / Government Policy
- Statutory Consultation responses
- Supplementary Planning Documents
- Prematurity
- Overlooking/loss of privacy
- Loss of light or overshadowing
- Design / Appearance / Layout / Density
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building/s and conservation area/s
- Previous planning decisions (including appeal decisions)
- Nature conservation and protection of the environment

### Non-Material:-

- Impact on property values
- Profit
- Ownership of land / rights of access
- Work already having started
- Commercial competition
- Moral objections
- Loss of private views
- Restrictive covenants
- History of the applicant
- Changes from previous applications
- Matters covered by other legislation such as Building Regulations