



# Rushmere St. Andrew Parish Council

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*"Seek The Common Good"*



**Minutes of the Planning & Development Committee meeting held on Wednesday, 2<sup>nd</sup> March 2022 at Tower Hall at 7.30pm**

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CHAIRMAN: Mr P Richings

COMMITTEE MEMBERS PRESENT: Mr J Westrup, Mr D Francis, Mr B Ward, Mr P Richings, Mr M Newton

OTHER ATTENDEES: None

Members of the public = 0

APOLOGIES: A Cracknell (another commitment), Mr R Nunn (another commitment), Mr K Driver (another commitment), Mr Whiting (another commitment), Mrs B Richardson-Todd (unwell)

CLERK: Mrs S Stannard

## **1. APOLOGIES, APPROVAL OF ABSENCE, PROTOCOL & CONDUCT REMINDERS**

The Chairman reminded out the Code of Conduct, protocol for debate and statutory rights to film, record, photograph or otherwise report on the proceedings of the meeting and the protocol for face-to-face meetings. Mr Westrup proposed acceptance of the apologies, seconded by Mr Ward resolved with ALL in favour.

## **2. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 20<sup>th</sup> January 2022**

Mr Ward proposed acceptance of the minutes of 20<sup>th</sup> January 2022 without any amendments. This was seconded by Mr Francis. Resolved with ALL in favour. The minutes was duly signed by the Chairman.

## **3. DECLARATIONS OF COUNCILLOR INTEREST**

Mr Newton declared a non-pecuniary interest as a member of East Suffolk Council and also stated that he may be asked to reconsider any matter from this meeting at District Council and at any relevant Committee/Sub Committee and in so doing, shall take into account all relevant evidence and representations made at the District level before coming to a decision.

## **4. PUBLIC PARTICIPATION**

### **a. To identify public participation with respect to items on this agenda**

None

**b. Public forum – Members of Public and Councillors may speak on any matter**

Mr Francis reported that the one of the fixings of the fence around the building site in Clovelly Close/ Bladen Drive is loose and needs reinstating. Clerk to report.

**5. TO NOTE P&D DELEGATED RECOMMENDATIONS ON THE FOLLOWING PLANNING APPLICATIONS**

DC/22/0131/TPO	8 Mere Gardens, Rushmere St Andrew	IP4 5HU	Trees in rear garden: T1 Birch: Fell, tree has decayed base and is leaning on fence. T2-T8 Oaks remove deadwood.
<p>Mr Richings gave a situation report following his examination of the proposal documentation.</p> <p><b>History</b> – None.</p> <p><b>Consultation List</b> – None.</p> <p><b>Application form</b> – “Condition of trees (e.g. is it diseased or you have fears that it might break or fall”) box ticked “yes”.</p> <p><b>Plans</b> – Diagram showing position of trees within the curtilage. T1 Birch is located on the eastern boundary with 5 The Greens.</p> <p><b>Consideration</b> – With no previous maintenance history identified, it does not seem unreasonable for occasional maintenance to take place from time-to-time. T2-T8 oaks fall into this category. T1 Birch has been identified as having “rot at base &amp; is leaning towards fence with risk to structures around”. The position of the tree abuts the boundary with 5 The Greens &amp; is closest to 7 The Greens dwelling. A falling tree would cause risk to one or other of these properties. Our tree warden had full access to the site &amp; considers the application is perfectly in order so would suggest approval without any additional comments.</p> <p><b>Delegated Response</b> – <i>Rushmere St Andrew Parish Council recommends approval.</i></p> <p>Councillors noted this.</p>			
DC/22/0239/TPO	30 The Limes, Rushmere St Andrew	IP5 1EA	T1 Oak of MWA Arboricultural Report Works: Remove (fell) to near ground level and treat stump to inhibit regrowth. T2 Oak of MWA Arboricultural Report Works: Remove (fell) to near ground level and treat stump to inhibit regrowth. Reason: Clay shrinkage subsidence damage at the property. Please also refer to the Reasons for Works document submitted with this application. NOTE: A separate application is to be submitted regarding T3 oak and T4 oak of the MWA Arboricultural Report
<p>Mr Richings gave a situation report following his examination of the proposal documentation.</p> <p><b>History</b> – None.</p> <p><b>Consultation List</b> – None.</p> <p><b>Application form</b> – “Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?” box ticked “yes” – TPO ref 29 1955. “Alleged damage to property - e.g. subsidence or damage to drains or drives” box ticked “yes”.</p> <p><b>Plans</b> – Documents provided –</p> <ul style="list-style-type: none"><li>- Crawford's Tech Report 30/12/2020. This report, commissioned by NFU Mutual, was produced as a result of a subsidence insurance claim regarding structural cracks appearing in the rear right hand side (north east corner) of this dwelling (no 30) - No 28 is located to the east. The report advises “In structural terms the damage falls into Category 2 of Table 1, Building Research Establishment Digest 251, which</li></ul>			

describes it as "slight" (>1 but < 5mm)." The report details indicative causes – clay shrinkage & proximity of trees, whence root structure, located in no's 28 & 30 The Limes. With the trees subject to TPO orders, suggested course of action reported back to NFU Mutual.

- Auger SI Report 10/02/2021. Auger were commissioned by NFU Mutual Subsidence to undertake a site investigation and CCTV inspection of the underground drainage within the area of concern at the property. The results of this survey are contained within this report. Additionally, two 3m deep trial holes were dug to identify soil type / vegetation. Auger referred soil types & vegetation found to specialist companies for identification - reports included.
- Crawford's Add Tech Report 13/12/2021. An updated version of their original report detailing actions taken during preceding 12 month and associated findings.
- MWA Arboricultural Report 29/11/2021. A review of trees in the vicinity & actions felt necessary.
- MHN Level Monitoring 13/04/2021 - 18/12/2021. Analysis report of structural movement over a period of time.
- Reasons for Work – MWA recommendations for works to trees T1 to T4. Mention is also made of "Replacement planting of standard size trees with agreement of Local Authority". It also details other options, including indicative costings, to rectify the identified problems.

**Consideration** – The application is being made as a result of an insurance claim regarding structural damage to 30 The Limes, which took place in 2020. In the intervening time, assessments have been made including subsoil, root growth, drainage assessment & structural movement.

The reasons for work document states –

1. *Engineering opinion is that damage is due to clay shrinkage subsidence. Details of the damage are included in the technical report submitted.*
2. *Foundations are bearing on to clay.*
3. *The clay subsoil has a medium to high volume change potential (NHBC Guidelines) susceptible to undergoing volumetric change in relation to changes in soil moisture.*
4. *A comparison between moisture content and the plastic and liquid limits suggests moisture depletion in both TP/BH1 and TP/BH2 (February 2021).*
5. *Roots were observed to a depth of 1.1m bgl in TP/BH1 and 2.0m in TP/BH2 and recovered samples have been positively identified (using anatomical analysis) as Quercus spp in both TP/BH1 and TP/BH2 the origins of which will be T1, T2, T3 and T4 Oaks confirming the influence of these on the soils below the foundations. All trees included within the application are within the normally accepted influencing distance of the building.*
6. *Level monitoring for the period 13/04/2021 to 18/12/2021 has recorded a pattern of movement indicative of the effects of seasonal soil drying by the subject trees below foundation level. Uplift of the building can only be attributable to an expanding clay soil from a desiccated (shrunken) state due to the soil drying effects of roots.*
7. *The drains have been surveyed and though defects were found, these are not considered to be the cause of the current damage. Drains can be discounted as a causal factor given the recorded desiccation and by reference to the level monitoring data.*
8. *No tree works have been carried out during the period of the claim or in the recent past in relation to the damage to the building.*
9. *No recent structural alterations or building works have been carried out. The property has not been underpinned.*
10. *A root barrier has been considered as an alternative to tree removal and may be viable however this requires further appraisal to evaluate the constraints of the site. The barrier would need to extend across the neighbouring property to the right requiring their consent. The cost of a deep barrier is currently estimated to be £20k - £25k.*
11. *The evidence confirms that on the balance of probabilities the subject trees are a material cause of the subsidence damage.*
12. *Superstructure repairs and decorations are currently estimated to be £6k should the tree works be undertaken. Costs for underpinning in the event the tree works do not proceed are currently estimated to be £110k.*
13. *Replacement planting of standard size trees with agreement of Local Authority.*

To the rear of this property are located the 2 oak trees in question, annotated T1 & T2. Removal will leave none at this property. In the adjacent rear garden (no 28) are located 5 trees, annotated T3-T7 of which T6 is a beech &

the rest oak. A separate application, for no 28, requests removal of T3 (closest to no 30) & maintenance to T4 (next closest). All have age classification of "predate the property".

This group of trees (together with others along the northern boundary of The Limes) forms a significant visual amenity along the northern edge of Rushmere St Andrew village, especially when viewed from the Fynn Valley direction. Removal of T1 to T3, plus works to T4, would cause a gap in this visual alignment of trees.

Deterioration of the trees does not seem to be a causal factor for the proposed works. The issues appear to be natural tree growth, soil composition, inadequate foundations at the time of property construction & proximity of trees to property. A number of possible solutions are quoted in the documentation, with significant range of costs – the proposed solution being the lowest.

Had there been no mention of property damage, it is likely the Parish Council would have seen no good reason for the proposed works (trees T1-T3) to be carried out. With none appearing to have occurred in the past, maintenance of T4 is not seen as an issue.

It is noted that the above point 13 proposes replacement planting. Any such planting should come with a condition to ensure long-term retention.

Our tree warden comments "Here at no 30 there are two Oak Trees behind the bungalow in the back garden. I had full access today. In conversation with the applicant it appears that a surveyor to their property has indicated that the trees are "responsible" for subsidence cracks appearing in the house. The insurance company have sent surveyors and tree experts who've concluded that the trees should be felled. The resident doesn't want that but feels they have to go along with the insurance company. I understand there have already been conversations with the tree officer at East Suffolk. As Tree Warden I would normally oppose felling. Perhaps our recommendation should be: "that serious consideration should be given to save the trees at this stage by carrying out significant crown reduction" and leave it to others to make the decision (as they would have done anyway.) As for no. 28 this application runs in tandem and the plan is to reduce the trees rather than any felling. I think we could approve that anyway because tidying up the trees in the garden of no.28 would be a good idea."

**Delegated Response** – Rushmere St Andrew Parish Council recommends refusal of this application. There appear to be a number of options to resolve the problems initiating this application. Firstly, serious consideration should be given to save both trees at this stage by carrying out significant crown reduction. If this is not deemed appropriate, retention of the trees via root barrier methods seems a reasonable compromise solution, rather than the costlier underpin possibility. Whatever decision is determined, by East Suffolk Council, we would wish to ensure the long-term retention of the tree buffer along the northern boundary of The Limes and thus retention of the view from the Fynn Valley. As such an appropriate condition, via potential inclusion of any replacement trees within a TPO, is strongly recommended.

**Latest Consultation Expiry Date** – 14/02/22 (Expiry)

Councillors noted this.

DC/22/0240/TPO	28 The Limes, Rushmere St Andrews	IP5 1EA	T3 Oak of MWA Arboricultural Report Works: Remove (fell) to near ground level and treat stump to inhibit regrowth. T4 Oak of MWA Arboricultural Report Works: Reduce height by ~ 3.0m and lateral branches by ~ 2.0m. Prune on a triennial cycle to maintain broadly at reduced dimensions. Reason: Clay shrinkage subsidence damage at neighbouring property 30 The Limes, IP5 1EA. Please also refer to the Reasons for Works document submitted with this application. NOTE: A separate application has been submitted regarding T1 oak and T2 oak of the MWA Arboricultural Report
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Mr Richings gave a situation report following his examination of the proposal documentation.

**History** – SCDC/TPO/10/00034 - There are 4 Turkish Oak trees in our rear garden which are subject to TPOs. We would like permission to lift the crowns of these to allow more light into the garden. This has previously been carried out a few years ago with the permission of yourselves. Application approved 06/05/10.

**Consultation List** – None.

**Application form** – None provided to date.

**Plans** – Documents provided (as per DC/22/0239/TPO) –

- MWA Arboricultural Report 29/11/2021
- Crawford's Tech Report 30/12/2020
- Crawford's Add Tech Report 13/12/2021
- Auger SI Report 10/02/2021
- MHN Level Monitoring 13/04/2021 - 18/12/2021
- Reasons for Work

**Consideration** – Our considerations are in line with that for DC/22/0239/FUL as detailed above.

**Delegated Response** – *Rushmere St Andrew Parish Council recommends refusal of this application. We have no issue with the proposal for tree T4. There appear to be a number of options to resolve the problems, being encountered at 30 The Limes, initiating this application. Firstly, serious consideration should be given to save tree T3 at this stage by carrying out significant crown reduction. If this is not deemed appropriate, retention of the tree via root barrier methods seems a reasonable compromise solution, rather than the costlier underpin possibility proposed at no 30. Whatever decision is determined, by East Suffolk Council, we would wish to ensure the long-term retention of the tree buffer along the northern boundary of The Limes and thus retention of the view from the Fynn Valley. As such an appropriate condition, via potential inclusion of any replacement trees within a TPO, is strongly recommended.*

**Latest Consultation Expiry Date** – 11/02/22 (Expiry)

Councillors noted this.

## 6. TO MAKE RECOMMENDATIONS ON THE FOLLOWING PLANNING APPLICATIONS

DC/22/0345/FUL	735 Foxhall Road, Rushmere St Andrew	IP4 5TH	Two storey rear extension
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Mr Richings gave a situation report following his examination of the proposal documentation.

**History** –

- C/92/0860 – Erection of detached single garage and formation of 2nd access to form 'in and out' facility – application approved 08/09/92.
- C/97/1136 – Erection of single storey rear extension (removal of conservatory); conversion of existing garage to bedroom and bathroom; erection of single storey side/front extension to form attached garage – application approved 06/08/98.

**Consultation List** – 733 & 769 Foxhall Road (adjacent properties).

**Application form** – No pre-application advice sought. Materials to match existing.

**Plans** – The property is a bungalow (situated between 2 2-storey dwellings) located 5 dwellings east of Lings Garage on the north side of Foxhall Road. The proposal entails a 2-storey extension at the rear of the property. Viewed from the front, no changes are made to the frontage, although the extension roof-line will appear above the existing roof line. The eastern elevation is similar in length to the existing one – the main difference being a flat roof changing to a pitched style with single roof-light included. The western elevation is extended in length with existing ground floor windows being removed – again a flat roof profile is replaced with a pitched version with single roof-light. The main elevation change is to the north where the ground floor has a pair of windows, patio doors & rear door at ground level with Juliet style window at the new 1<sup>st</sup> floor level.

**Latest Consultation Expiry Date** – 02/03/22 (Expiry)

Councillors considered this carefully.

Mr Richings proposed approval of the application. This was seconded by Mr Ward. Resolved with ALL in favour. Rushmere St Andrew Parish Council recommends APPROVAL.

DC/22/0550/TPO	1 Mere Gardens, Rushmere St Andrew	IP4 5HU	TPO SCDC 97/100 Large Oak – side prune away from house and garage by 1.5m. to prevent branch contact with house. Small Silver Birch – fell, tree in unsuitable position
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Mr Richings gave a situation report following his examination of the proposal documentation.

**History** –

- SCDC/TPO/06/00106 - T1 Oak: You are permitted to reduce the sides only of the tree by up to 25% and cut back remaining branches to form an even crown without reducing the trees height – approved 13/12/06
- DC/14/0923/TPO - 30% crown reduction to oak to reduce shading and risk of wind damage – approved 15/05/14

**Consultation List** – None.

**Application form** – “Condition of trees (e.g. is it diseased or you have fears that it might break or fall”) & “alleged damage to property boxes ticked “no”.

**Plans** – Simple diagram of the trees. Located in the rear garden, the oak’s canopy is shown overlapping the house & garage. The silver birch is shown to the side of the garage, separated by a fence. With no site layout being provided, it is not clear whether the fence marks the curtilage of the site or not.

**Latest Consultation Expiry Date** – 03/03/22 (Expiry)

**Response:** Mr Westrup proposed approval of the application. This was seconded by Mr Francis. Resolved with ALL in favour.

Rushmere St Andrew Parish Council recommends APPROVAL.

DC/22/0337/FUL	Heathlands Caravan Park Heathlands Park, Rushmere St Andrew	IP4 5TG	The siting of 2 no. new mobile homes and a new 20 space car parking area
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Mr Richings gave a situation report following his examination of the proposal documentation.

**History** –

- DC/21/2263/FUL – Siting of 1 additional mobile park home – application approved 11/08/21. RSAPC recommended refusal.
- DC/21/5054/DRC – Discharge of Condition No 3 of DC/21/2263/FUL - Siting of 1 additional mobile park home - parking arrangement for the new unit – application approved 08/12/21.

**Consultation List** – None quoted on website.

**Application form** – No pre-application advice sought. Foul sewage to main sewer.

**Plans** – A Design & Access statement is provided which advises a proposed increase from 118 to 120 caravans on the site – increasing the density from 25 to 26 per hectare – Government guidelines quote a maximum of 50. A photo of the proposed caravan is included. The plans show the proposed location of the caravans, in line with the additional one added via DC/21/5054/DRC – access to this one being directly in front of the 2 additional ones. The placement of the proposed 20 parking spaces is also shown – the area is currently used for parking with informal usage at right angles to the access road – this application formalises the area into marked fixed spaces.

**Latest Consultation Expiry Date** – 02/03/22 (Expiry)

Councillors considered this carefully.



**Response:** Mr Newton proposed approval of the application subject to the car parking area be of a proper bound surface that is well drained. This was seconded by Mr Westrup. Resolved with ALL in favour.

Rushmere St Andrew Parish Council recommends APPROVAL subject to the car parking area be of a proper bound surface that is well drained.

**7. ANY OTHER PLANNING APPLICATIONS RECEIVED SINCE THE PUBLICATION OF THIS AGENDA**

Five applications have been received that will be considered at next planning and development committee meeting.

**8. TO NOTE PLANNING DECISIONS RECEIVED SINCE THE LAST MEETING**

The Clerk advised that the following decisions were received since the last meeting.

DC/21/4799/FUL	St Andrews Church, The Street, Rushmere St Andrew	Works to additionally buttress a leaning section of the east boundary wall of St Andrews Churchyard, Rushmere St Andrew and to undertake localised crack & copings repairs P&D recommended delegated approval noted pm 25 November 2021 <b>East Suffolk Council – approved planning application on 26 January 2022 with conditions</b>
DC/21/5444/FUL	121 The Street, Rushmere St Andrew	Upgrade to existing driveway, including entrance leading on to the highway. P&D recommended approval on 6 January 2022 <b>East Suffolk Council – approved planning application on 28 January 2022 with conditions</b>
DC/21/5453/FUL	778 Foxhall Road, Rushmere St Andrew	Proposed two storey rear extension P&D recommended approval on 6 January 2022 <b>East Suffolk Council – approved planning application on 1 February 2022 with conditions</b>
DC/21/5570/TPO	Willoways, 1A Lamberts Lane, Rushmere St Andrew	TPO ESCC55/0029 Reduce Oak tree by up to 4m. The tree has significant dieback in the top part of the crown, most likely linked to the bleeding canker on the trunk. P&D recommended approval on 6 January 2022 <b>East Suffolk Council – approved planning application on 3 February 2022</b>
DC/21/5380/FUL	6 Bladen Drive, Rushmere St Andrew	Erection of single storey rear extension and reconstruction of garage roof (lowering height of ridge/ raising height of rear fascia) P&D recommended approval on 6 January 2022 <b>East Suffolk Council – approved planning application on 7 February 2022 with conditions</b>
DC/21/5648/TPO	Willow House, 124 The Street, Rushmere St Andrew	TPO ESCC 55/0029 T1 Ash tree reduction of the limbs overhanging the drive way, excessive shading of the house, birds soiling cars, a better balance of the tree as its now got a heavy lean ; proposed 2-3 meters reduction. P&D recommended approval on 6 January 2022 <b>East Suffolk Council – approved planning application on 8 February 2022</b>
DC/21/4647/LBC	St Andrews Church, The Street, Rushmere St Andrew	Churchyard east boundary wall stabilisation and repairs <b>East Suffolk Council – application withdrawn on 18 January 2022</b>
DC/21/5546/FUL	81 The Street, Rushmere St Andrew	Retrospective – Double Garage P&D recommended approval on 20 <sup>th</sup> January 2022 <b>East Suffolk Council – approved planning application on 23 February 2022 with conditions</b>
DC/22/0240/TPO	28 The Limes, Rushmere St Andrew	T3 Oak of MWA Arboricultural Report Works: Remove (fell) to near ground level and treat stump to inhibit regrowth. T4 Oak of MWA Arboricultural Report Works: Reduce height by ~ 3.0m and lateral branches by ~ 2.0m. Prune on a triennial cycle to maintain broadly at reduced dimensions. Reason: Clay shrinkage subsidence damage at neighbouring property 30 The Limes, IP5 1EA. Please also refer to the Reasons for Works document submitted with this application. NOTE: A separate application has been submitted regarding T1 oak and T2 oak of the MWA Arboricultural Report. <b>East Suffolk Council – application withdrawn on 25 February 2022</b>



## **9. ENFORCEMENTS & APPEALS – TO NOTE/REPORT ANY RELEVANT MATTERS**

15 The Pastures – Sites visits took place on 20<sup>th</sup> January 2022 and 17 February 2022. The enforcement officer was unable to gain access to the rear garden to take the required measurements. It appears the extension may fall within the limits of permitted development within The Town and Country Planning (General Permitted Development) (England) order 2015. However, a further site visit will be completed to take measurements.

Building compound at Gwendoline Close/ Bladen Drive – The enforcement officer spoke to the owner of the land in January 2022 and the occupier has been given a period of time to remove the fencing and all building materials from the land. Alternatively, it is their right to submit a retrospective planning application for the change of use. The owner has asked for a short extension of time to complete the required application. The enforcement officer agreed to an extension until 14<sup>th</sup> March.

Enforcement has been made aware of the dog grooming business in Linksfield – application submitted.

Councillors noted this.

## **10. NEIGHBOURHOOD PLAN**

### **a. Update on Submission of Neighbourhood Plan**

The Clerk advised that the Rushmere St Andrew Neighbourhood Plan was submitted to East Suffolk District Council on 15<sup>th</sup> February 2022. East Suffolk District Council indicated that it would take approximately 2 weeks to review the submission document for legal compliance prior to proceeding with Regulation 16 consultation. It is likely that the consultation will start beginning to mid-March.

Councillors noted this.

## **11. TO CONSIDER AND COMMENT ON THE BUS BACK BETTER STAKEHOLDER CONSULTATION**

The relevant documentation was distributed with the agenda for the meeting. A document outlining all the proposals were distributed at the meeting. Councillors considered this and agreed to submit the following comments:

The Council is supportive of in demand response public transport such as an electric minibus for the Rushmere St Andrew village and surrounding rural areas. There is a need for a more regular service from the parish to centres of employment such as Felixstowe and other facilities such as the hospital, etc.

## **12. OTHER MATTERS & CORRESPONDENCE**

The Clerk informed Councillors that the Inspector's report for the Ipswich Local Plan review has been published. This is available to note but no further comments can be submitted. The Inspectors' Report concludes that the Duty to Cooperate has been met and that, with the recommended Main Modifications set out in the Appendices to the Report, the Ipswich Local Plan Review 2018-2036 satisfies the requirements of the Act and is sound. Ipswich Borough Council is scheduled to consider the adoption of the Ipswich Local Plan Review 2018-2036 at its meeting on 23<sup>rd</sup> March 2022. Councillors noted this.

## **13. DETERMINATION OF ITEMS FOR FUTURE AGENDA**

None

## **14. CLOSE OF MEETING**

The Chairman closed the meeting at 8.45pm.