



**East Suffolk House, Riduna Park, Station Road,
Melton, Woodbridge, Suffolk, IP12 1RT**

Planning Committee South

Members:

Councillor Debbie McCallum (Chairman)
Councillor Stuart Bird (Vice-Chairman)
Councillor Chris Blundell
Councillor Tony Cooper
Councillor Tom Daly
Councillor Mike Deacon
Councillor Colin Hedgley
Councillor Mark Newton
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 25 April 2023 at 2.00pm.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtu.be/imthlKbrbdM>.

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

- | | | |
|----------|---|----------------|
| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Minutes
To confirm as a correct record the Minutes of the Meeting held on 28 March 2023. | 1 - 22 |
| 5 | East Suffolk Enforcement Action - Case Update ES/1532
Report of the Head of Planning and Coastal Management. | 23 - 40 |
| 6 | DC/23/0539/VOC - Former Deben High School, Garrison Lane, Felixstowe, IP11 7RF ES/1533
Report of the Head of Planning and Coastal Management. | 41 - 56 |
| 7 | DC/22/1746/FUL - Ipswich Town FC Training Ground, Playford Road, Rushmere St Andrew, IP4 5RG ES/1534
Report of the Head of Planning and Coastal Management. | 57 - 65 |
| 8 | DC/23/0460/RG3 - Public Toilet Block adjacent Town Hall, Undercliff Road West, Old Felixstowe, Walton, IP11 2AG ES/1535
Report of the Head of Planning and Coastal Management. | 66 - 73 |

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

If you are registered to speak, can we please ask that you arrive at the meeting **prior to its start time (as detailed on the agenda)** and make yourself known to the Committee Clerk, as the agenda may be re-ordered by the Chairman to bring forward items with public speaking and the item you have registered to speak on could be heard by the Committee earlier than planned.

Please note that any illustrative material you wish to have displayed at the meeting, or any further supporting information you wish to have circulated to the Committee, must be submitted to the Planning team **at least 24 hours** before the meeting.

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded.

The Council cannot guarantee public seating areas will not be filmed or recorded. By entering the Conference Room and sitting in the public seating area, those present will be deemed to have consented to the possible use of filmed images and sound recordings. If you do not wish to be recorded, please speak to a member of the Democratic Services team at the earliest opportunity.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: democraticservices@eastsuffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development
East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 28 March 2023** at **2.00pm**.

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tom Daly, Councillor Mike Deacon, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Kay Yule

Officers present:

Eleanor Attwood (Planner), Daniel Kinsman (Environmental Protection Officer), Matt Makin (Democratic Services Officer (Regulatory)), Tony Rudd (Valuer), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Michelle Stimpson (Environmental Health Officer), Natalie Webb (Senior Planner), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure)), Karolien Yperman (Design and Conservation Officer)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Tony Cooper; Councillor Judy Cloke attended as his substitute.

2 Declarations of Interest

Councillor Stuart Bird declared an Other Registerable Interest in items 9 and 10 of the agenda, as a member of Felixstowe Town Council and Chairman of that authority's Planning and Environment Committee.

Councillor Mike Deacon declared an Other Registerable Interest in items 9 and 10 of the agenda, as a member of Felixstowe Town Council.

Councillor Colin Hedgley declared that he would be recusing himself from item 7 on the agenda and would not vote on the item and would retire to the public gallery in order to speak on the application as the Ward Member.

3 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were made.

4 Minutes

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

RESOLVED

That the Minutes of the Meeting held on 28 February 2023 be agreed as a correct record and signed by the Chairman.

5 2022 Quality of Place Awards

The Committee received a presentation from the Design and Conservation Officer on the 2022 Quality of Place Awards, which had been held on 8 March 2023. The Committee was advised that this was the first awards ceremony to take place in person for two years and the Design and Conservation Officer detailed the judging process.

It was noted that there had been no winner in the Building Conservation category this year but that the judges had been pleased to see several high-quality submissions for all the other categories, including the new Community category.

The Design and Conservation Officer outlined the winning and highly commended schemes as set out below, providing a brief outline of each one.

Community Category

Winner - Aldringham and Thorpeness Heritage Centre
Highly Commended - The Old Hospital, Southwold
Highly Commended - Carlton Marshes Visitor Centre

Nature and Landscape Category

Winner - Garden at Willow Barn, Grundisburgh

Design Category

Joint Winner - Martello Café, Felixstowe
Joint Winner - Heath House, Thorpeness
Highly commended - Eastern Edge Beach Huts, Lowestoft
Highly commended - Laureate Fields, Felixstowe

The Chairman thanked the Design and Conservation Officer for the presentation.

6 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1516** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 23 February 2023. At that time there was 18 such cases.

The report was taken as read and there were no questions to the officers.

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

RESOLVED

That the outstanding enforcement matters up to 23 February 2023 be noted.

7 DC/22/2871/FUL - Stone Cottage, Lower Street, Great Bealings, Woodbridge, IP13 6NH

NOTE: Councillor Hedgley recused himself from the Committee for this item and retired to the public gallery, remaining present to speak on the application as Ward Member. Councillor Hedgley did not vote on the item.

The Committee received report **ES/1517** of the Head of Planning and Coastal Management, which related to planning application DC/22/2871/FUL.

The application sought retrospective planning permission for the siting of a domestic sewage treatment plant. As the officer recommendation of approval was contrary to Great Bealings Parish Council's recommendation of refusal, the application was presented to the Referral Panel at its meeting on 7 January 2023 in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, which recommended that the application be determined by the Committee.

The Committee received a presentation from the Planner, who was the case officer for the application. The site's location was outlined and the Planner displayed the block plan. The Committee was advised that the sewage treatment plant had been installed below ground and under the parking area of the host dwelling following the failure of a septic tank, the direct replacement of which had not been possible. The Committee received section drawings and photographs of the sewage treatment plant.

The Planner explained that the Council's Environmental Protection Team had investigated issues with the sewage treatment plant related to residential amenity and it had been identified that vibrations from the plant had been travelling through the ground and causing a noise disturbance to the neighbouring property known as The Old Post Office, which was deemed a statutory nuisance.

The Committee was advised that following discussions between Environmental Protection and the applicant, mitigation measures had been implemented and a subsequent site visit by the former had identified that the mitigation had reduced noise to a low level, described as being like the humming of a domestic refrigerator. Environmental Protection had advised that a vibration assessment was not required and that the noise was no longer considered a statutory nuisance.

The Planner advised that the retrospective application had been assessed against local and national planning policies, with note taken of the mitigation measures installed and its requirement to deal with the domestic sewage of the host dwelling; officers had assessed that as the noise was of a low level and the vibration was now of minimal concern, had concluded that there were no grounds to refuse the application on residential amenity impact.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers. The Planner confirmed that The Old Post Office was adjacent to the parking area of the host dwelling, where the sewage treatment plant had been installed. The Planner said that the sewage treatment plant had been the only option for the replacement of the failed septic tank.

In response to a question on the audibility of the noise, the Planner noted it was still present but at a low level and was not classified as a statutory nuisance. The Chairman invited the officers from Environmental Protection to comment on this; the Environmental Protection Officer concurred with the assessment of the Planner and added that on the most recent site visit, officers could only barely detect the noise. In response to a further question, the Environmental Protection Officer confirmed that the noise was alien to The Old Post Office.

When asked if a better solution could have been chosen for domestic sewage treatment, the Environmental Protection Officer said he was not aware of one and noted the original septic tank had failed due to the small space it was able to discharge to. The Planning Manager (Development Management, Major Sites and Infrastructure) added that the dwellings in the area did not benefit from access to mains sewage and that like-for-like replacement of septic tanks was not considered an environmentally suitable option, thus leaving the installation of a domestic sewage treatment plant as the only viable option for the applicant.

The Committee was advised that the domestic sewage treatment plant had a mechanical element and that, using anaerobic bacteria, broke down sewage into water clean enough to discharge into water courses.

The Chairman invited Mr Wilkinson, the applicant's agent, to address the Committee. Mr Wilkinson considered there was no demonstrable harm caused by the domestic sewage treatment plant and that the applicant had shown care throughout the process, engaging with all statutory and technical consultees. Mr Wilkinson noted the objections from neighbours but was of the view these were unsubstantiated and highlighted that there were no objections to the application from technical consultees.

Mr Wilkinson said that an evidence-based and rational decision was required for the application and considered that the officer's report accurately represented the application. Mr Wilkinson highlighted that mitigation measures had been put in place in respect of the vibration caused by the treatment plant and stated that the development was proportionate, suitably sited and of an essential nature.

Mr Wilkinson summarised that the applicant had provided robust evidence in support of the application, in contrast to the objectors, and that those unsubstantiated concerns should be dismissed. Mr Wilkinson advised that the application had been stress-tested against local and national planning policies and encouraged the Committee to support the application and grant planning permission.

The Chairman invited questions to Mr Wilkinson. When asked if the vibration issues had taken the applicant by surprise, Mr Wilkinson said that a noise assessment had

been commissioned and noted that there could be a variety of causes for the vibration in addition to the treatment plant, including traffic on nearby roads.

Mr Wilkinson disputed the claims that documentation submitted with the application was inaccurate.

The Chairman invited Councillor Hedgley, Ward Member for Great Bealings, to address the Committee. Councillor Hedgley explained he had recused himself from the Committee for this application as there was a public perception that he was supporting the objector as a friend, even though this was not the case and although the objector was known to him, he did not have a friendship with them.

Councillor Hedgley considered that the treatment plant had not been installed as a replacement for the failed septic tank but in a new location, much closer to the Old Post Office than to the host dwelling. Councillor Hedgley summarised the initial concerns and that on inspection, Building Control had suggested it had been expecting the treatment plant to be installed in the host dwelling's garden; Councillor Hedgley was also of the impression that Building Control had notified Planning as the treatment plant required planning permission.

Councillor Hedgley highlighted that the original drawings submitted were incorrect and updated drawings had been submitted and highlighted that the original noise assessment suggested that the treatment plant had been sited incorrectly and was "closer than ideal" to The Old Post Office. Councillor Hedgley said the treatment plant had created an ongoing issue since May 2022 and that although noise had been reduced, the vibration remained and the objector, who works from home, can still feel vibrations in their house, mainly in their home office and spare bedroom, the latter being particularly uncomfortable to use now.

Councillor Hedgley considered the treatment plant was intrusive and causing a detrimental impact to the residents of The Old Post Office, which was getting all the negatives and none of the positives of the development. Councillor Hedgley stated that the objector should not have to put up with sound akin to the humming of a domestic refrigerator in their home when it is not being generated by their device.

Councillor Hedgley was of the view that if the treatment plant had been installed in the garden, the application would not be before the Committee as planning permission was not required. Councillor Hedgley suggested the application be refused due to its negative impact on residential amenity.

The Chairman invited questions to Councillor Hedgley. Councillor Hedgley confirmed he had no evidence that moving the treatment plant further away from The Old Post Office would resolve the vibration issue.

The Chairman invited the Committee to debate the application that was before it. Councillor Daly said that it appeared there were two opposing views on the application, that there was either no noticeable effect or that the vibration was causing a disturbance to the residents of The Old Post Office. Councillor Daly queried if the proximity of the treatment plant made a difference; at the invitation of the Chairman the Environmental Protection Officer considered that proximity could make a

difference, but further issues could be caused even if the treatment plant was relocated. The Environmental Protection Officer noted that it was not an airborne noise experienced at the first visit, sound was transferring through the ground and radiating as sound.

The Planning Manager added that the treatment plant had been designed based on the current location, including connectivity to drainage lines, and advised the Committee that it only required planning permission due to its location, noting that the host dwelling did not benefit from a back garden where it could be located.

Councillor Blundell said it appeared the noise and vibrations from machinery were both at a low enough level that officers had recommended approval and highlighted that mechanical vibrations could only be deadened by an absorption wall. Councillor Blundell noted that mitigation had been installed to lessen the problem and although being concerned about vibration still being transmitted to The Old Post Office, said it was apparent that the situation had been mitigated as much as it could be.

Councillor Deacon was undecided about the application, noting the treatment plant was essential for the habitation of the host dwelling and acknowledging the residential amenity impact it was causing for the neighbouring property.

Councillor Bird cautioned that the Committee should not be speculating on alternative locations and needed to consider the application before it. Councillor Bird highlighted there was no back garden to locate the treatment plant in and summarised that the factual evidence presented to the Committee advised that the noise and vibration no longer constituted a statutory nuisance. Councillor Bird considered there were no material planning grounds to refuse the application and supported its approval.

Councillor Cloke queried what would happen if the application was refused, given it was retrospective in nature. At the invitation of the Chairman, the Planning Manager advised that the applicants would have a right to appeal the decision, however any refusal by the Committee would make the development unauthorised and the Council would need to contemplate if enforcement action was required and if any appeals process should be allowed to run first. The Planning Manager added that the Council would also need to consider if enforcement action was expedient, given the treatment plant was essential infrastructure. The Committee was informed that the applicant could also consider relocating the treatment plant but was advised the current location had been selected based on expert advice.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Bird, it was by a majority vote

RESOLVED

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

1. The development hereby permitted shall not be carried out other than in complete accordance with drawing A1-00 received 08/08/2022; Design and Access Statement

received 08/08/2022; Installation, Operation and Maintenance Manual (Clenviro, BSEN 12566-3, July 2018) received 18/07/2022; Email from Agent with Mitigation Methods received 12/12/2022.

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

2. The mitigation methods as described in Agents Email received 12/12/2022, shall be provided in its entirety within 3 months of the date of this consent. The approved details shall be maintained and retained in the approved form, unless otherwise agreed in writing with the Local Planning Authority.

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

3. For as long as the hereby approved sewage treatment plant is in use, it shall be maintained in accordance with the Maintenance Schedule set out in section 6 of Installation, Operation and Maintenance Manual (Clenviro, BSEN 12566-3, July 2018).

Reason: To ensure that the sewage treatment plant functions correctly in the interests of the amenity of local residents in relation to noise and vibration.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.

Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution.

Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act.

Any works to a main river may require an environmental permit.

NOTE: Councillor Hedgley resumed his seat on the Committee following conclusion of this item.

8 DC/22/4334/FUL - Airfield Farm Cottage, Clopton Road, Monewden, IP13 7DF

The Committee received report **ES/1518** of the Head of Planning and Coastal Management, which related to planning application DC/22/4334/FUL.

The application sought permission for the use of the land for the siting of three cabins for use as holiday lets at Airfield Farm Cottage, Clopton Road, Monewden. As the officer recommendation of approval was contrary to Monewden Parish Council's recommendation of refusal, the application was presented to the Referral Panel, which recommended that it be determined by the Committee.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The site's location was outlined and an aerial view of the site was displayed. The Committee received photographs of the existing holiday cabin on the site, views looking into the site, views looking out of the site taking in the surrounding areas, and views of the site demonstrating the existing building that made up the airfield.

The Senior Planner displayed the existing and proposed site layouts, along with the elevations for the existing cabin to be retained, the new cabins and the proposed amenity facilities.

The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers. In response to a query from Councillor Bird, the Senior Planner confirmed that the cabin structures would be classed as caravans as defined by the Caravan Sites Act 1968.

The Senior Planner explained to the Committee that the Certificate of Lawfulness on the site related to the operation of the airfield, including controlling the number of aircraft movements permitted on the site in a year.

The Chairman invited Mr Elvin, the applicant's agent, to address the Committee. Mr Elvin considered that the officer's report covered the application well; he stated that the applicant was aware they were privileged to benefit from a site such as Airfield Farm Cottage and strived to look after it.

Mr Elvin said that the site could accommodate the development without impacting on the surrounding area and highlighted that the applicant wished to maximise the potential of the site, which benefited from substantial views. Mr Elvin noted that the applicant had revised the proposals to bring the proposed cabins within the cluster of buildings as suggested by officers.

Mr Elvin stated that the Council's planning policies were generally supportive of rural tourism, as was the National Planning Policy Framework (NPPF) and considered that the proposals met the objectives for sustainable development. Mr Elvin highlighted that there was direct access to the site, and good visibility on the access road.

Mr Elvin was of the view that there was much to be gained from the proposals and pointed out that the development would not take agricultural land out of use. Mr Elvin acknowledged the concerns of Monewden Parish Council and sought to assure the Committee that the applicant did not intend to intensify the use of the site as an airfield.

The Chairman invited questions to Mr Elvin. Mr Elvin confirmed that the applicant would seek to protect the neighbouring Site of Special Scientific Interest (SSSI) and was amenable to any conditions proposed by the Committee in this regard.

The Chairman invited the Committee to debate the application that was before it. Councillor Blundell said he was familiar with the SSSI adjacent to the site and considered it was important it be protected from damage through overuse by tourists. The Chairman invited the Planning Manager (Development Management, Major Sites and Infrastructure) to comment on this matter; the Planning Manager advised that the SSSI in question was a meadow managed by the Suffolk Wildlife Trust and that there was no direct access to it from the application site and was not a public open space. The Planning Manager advised that, in his view, an additional condition to protect the SSSI was not required.

Members were supportive of the proposals, noting the benefits it would bring to the local economy and considering that the proposed cabins were suitable for the site. Councillor Hedgley noted that it was important that external lighting was appropriate to the rural location of the site; the Senior Planner confirmed that there was a condition proposed that required the applicant to submit a lighting strategy.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Yule, seconded by Councillor Deacon, it was by a unanimous vote

RESOLVED

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

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

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 4315-01B, 4315-02B and 4315-05F received on 03 March 2023, 4315-03, 4315-04 and 4315-06 received on 02 November 2022.

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

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

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

4. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 or any Order revoking or re-

enacting the said Order). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

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

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

5. There shall be no more than three holiday cabins or other means of tourism accommodation on the site at any time, unless planning permission is granted by the Local Planning Authority for additional tourism units/use.

Reason: In the interests of the landscape, ecology and the highway network.

6. 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 in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary 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).

b) Where 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: BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. 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 in writing 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 the Land Contamination Risk Management (LCRM).

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.

8. Prior to any occupation or use of the approved development the RMS approved under condition 7 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, 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.

9. 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, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in

writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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.

11. Prior to the first use of the new cabins, details of the areas and infrastructure to be provided for the loading, unloading, manoeuvring and parking of vehicles including electric vehicle charging points and secure, covered, and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with the current Suffolk Guidance for Parking where on-street parking and or loading, unloading and manoeuvring would be detrimental to highway safety and to promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking (2019).

12. Prior to first use of the first new cabins details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

13. A Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the siting of the two additional cabins. The strategy shall include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first use of the first new cabins. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.

15. No external lighting shall be installed unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

16. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at:

<https://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses>.

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

9 DC/22/2466/FUL - Wardens House, Office, View Point Road, Felixstowe, IP11 3TW

The Committee received report **ES/1519** of the Head of Planning and Coastal Management, which related to planning application DC/22/2466/FUL.

The application sought the demolition and reconstruction of an office annex to Landguard Bungalow, Felixstowe. The application was referred to the Committee for determination by the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, as it was considered that East Suffolk Council had an interest in the site; East Suffolk Council was not the owner of the site nor applicant, however it leased the building for accommodation for its Landguard Ranger.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The site's location was outlined and the Senior Planner demonstrated the site's proximity to the Grade I listed Landguard Fort; it was noted that the application site sat within a scheduled monument site and that permission had been granted by Historic England.

The Committee was shown an aerial photograph of the site which indicated the portion of the building to be demolished, as well as another photograph showing a wider aerial view of the site.

The Senior Planner displayed photographs of the site showing the extension to be demolished and reconstructed, the wider site, various views into the site, and an outbuilding adjacent to the site.

The existing and proposed block plans were displayed. The Senior Planner explained that there had been initial concerns about the proposed works and that the applicant had worked with the Council's Design and Conservation team to address these, resulting in the proposed design that was before the Committee for determination. The Design and Conservation team had not objected to the proposed development and considered the replacement extension to be more aesthetically appropriate to the surrounding area.

The existing and proposed elevations and floor plans were displayed. The Senior Planner noted that there would be a slight increase in the building's footprint.

The recommendation to approve the application was outlined to the Committee.

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

Councillor Deacon described Landguard Common as a special and sensitive place and said he knew the area very well; he considered that the proposals would enhance the area, noting the site's proximity to the Port of Felixstowe which did not seem to impact on the special nature of the reserve.

Councillor Yule concurred with Councillor Deacon's comments and asked if the site would be occupied. The Senior Planner confirmed that it would be.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, set out in the report. On the proposition of Councillor Bird, seconded by Councillor Newton, it was by a unanimous vote

RESOLVED

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

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

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 03313-02-D4, 03313-03-D4, 03313-04-D4, 03313-05-D4 and 03313-06-D4 received on 20 June 2022.

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

3. Prior to the erection of the replacement extension, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) specifications of all external facing and roof materials
- (ii) brickwork detailing (including brick type, joinery and bonding pattern) including detailed drawings of how the extension will be joined to the existing building
- (iii) eaves, verge, barge boards and capping pieces (including shape, material and finish)
- (iv) rainwater goods (including material, colour and profile)
- (v) all new windows and external doors (including full details of the profile of frame, glazing bars (if applicable), method of opening, materials and finish)
- (vi) details of any new or replacement fencing (height, location, appearance, materials and finish)

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

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

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological receptors are adequately protected as part of the development.

5. No development shall commence until a method statement of archaeological and historic building recording has been submitted to and approved by the Local Planning Authority. This shall cover the existing building to be demolished and how any surviving archaeological deposits would be investigated and recorded during the development, and provision shall be made for archive deposition of the analysis and records of the site investigation. The development shall then be undertaken in accordance with the approved method statement.

Reason: To safeguard historical and archaeological assets and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological and historical assets affected by this development, in accordance with Local Plan Policies SCLP11.7 and SCLP11.3.

6. Prior to the first use of the extension, the site investigation and post investigation assessment shall be submitted to the Suffolk Heritage and Environment Record (HER).

Reason: To ensure the proper recording of the historic building.

7. 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 in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary 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).

b) Where 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: BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM).

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.

8. 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 in writing 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 the Land Contamination Risk Management (LCRM).

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.

9. Prior to any occupation or use of the approved development the RMS approved under condition 7 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, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. 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, 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.

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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.

12. Prior to the installation of any new or replacement air source heat pump system, details of the equipment including manufacturers specification, and location shall be submitted for approval in writing by the Local Planning Authority. Only the approved scheme shall be implemented and shall be maintained and retained in the approved form thereafter, unless otherwise agreed in writing with the Local Planning Authority.

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

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

10 DC/22/4367/FUL - Land east of Bent Hill, Undercliff Road West, Felixstowe

The Committee received report **ES/1520** of the Head of Planning and Coastal Management, which related to planning application DC/22/4367/FUL.

The application sought full planning permission for the continued use of public recreation land for outdoor dining purposes associated with adjacent hospitality businesses on land adjacent Bent Hill, Undercliff Road West, Felixstowe. The application was required to be determined by the Committee as East Suffolk Council was both the applicant and the landowner, in accordance with the Council's Constitution.

The Committee received a presentation from the Principal Planner, on behalf of the case officer for the application. The site's location was outlined and an aerial photograph of the site was displayed, outlining the areas of land in question.

The Committee was shown photographs of views of the recreation land, towards Bent Hill, towards the Alex Bar and Brasserie, and of the site in use for outdoor seating in summer 2022. The Principal Planner noted the two previous temporary permissions granted for use of the site in May 2021 and May 2022, noting that this application sought to make the use of the land permanent.

The key considerations were summarised as visual amenity and the impact on the conservation area, flood risk, and residential amenity.

The recommendation to approve the application was set out to the Committee.

The Chairman invited questions to the officers. In response to a question on the premises licence arrangements for the site, the Planning Manager (Development Management, Major Sites and Infrastructure) said that it was important to first establish the use of the land in planning terms.

Councillor Daly asked if a ban on all music was necessary; the Principal Planner noted that the site would be used as a seating area and that residential properties neighboured it, so a balance needed to be struck.

The Principal Planner confirmed that as owners of the land, the Council could revoke its permission to use it as it saw fit. Officers were not aware that the area had been formally partitioned by the licensees using it.

The Chairman invited Mr Rudd, a Valuer for East Suffolk Council's Asset Management team and representing the Council as the applicant, to address the Committee. Mr Rudd advised he was present to clarify any queries the Committee might have and

explained that the area was used in collaboration by the different licensees and had not been formally partitioned. Mr Rudd said that the Council's land licences could be revoked at any time for infraction of conditions, such as not meeting statutory licensing requirements.

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

Several members of the Committee spoke in support of the application, noting their personal experiences of seeing the site in operation during the summer of 2022. Councillor Deacon said that the facilities had been a very welcome addition to Felixstowe and was under the impression that the different licensees used its own style of seating to informally demarcate areas for customers to sit.

Councillor Bird noted Councillor Daly's comments during questions about live music but cautioned that the reason there had been no adverse reaction to the use of the land for licensable activities was likely down to a lack of noise disruption.

Members agreed that the use of the land was a positive addition to Felixstowe in a post-COVID era.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Deacon, seconded by Councillor Daly, it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to there being no contrary views from statutory consultees and the conditions below:

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

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted relates to the land identified within the submitted site location plan received on 4 November 2022.

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

3. The hereby approved development permits the use of the subject land for the siting of chairs, tables and parasols associated with adjacent hospitality business only. No other furniture or apparatus shall be placed or erected on the site at any time unless otherwise agreed by the Local Planning Authority.

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

4. The hereby approved development site shall at all times be maintained in a clean and tidy state as free from litter and waste.

Reason: In the interest of public health and visual amenity.

5. At no time shall there be allowed any display of recorded or live music or performances on the hereby approved development site.

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

6. The hereby approved development site shall only be open to the public for dining and drinking purposes between the hours of 09:00 and 23:00 Monday to Sunday.

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

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

The meeting concluded at 3.21pm.

.....
Chairman



Planning Committee South

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

25 April 2023

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 27 March 2023. At present there are 18 such cases.

Information on all cases has been updated at the time of preparing the report such that the last row in the table for each item shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *5 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *8 current cases*

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *1 current cases*

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *No current cases*

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *3 current case*

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 27 March 2023 be noted.

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	24/11/2024

A.2

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/06/2023

A.3

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 20/02/2023 – Extension of time agreed to 20/10/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.4

LPA Enforcement Case Reference	ENF/21/0510/DEV
Location / Address	Part Land East Of Chapel Barn Farm, Leiston Road, Aldeburgh
North or South Area	North
Date of Report of Breach	19.11.2021
<u>Nature of Breach:</u> Caravan sited for residential use with new hardstanding and associated works	
<u>Summary timeline of actions on case</u> 16/02/2023 – Operational and material change of use Enforcement Notices served. Both come into effect on the 20/03/2023	

<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/07/2023

A.5

LPA Enforcement Case Reference	ENF/22/0133/USE
Location / Address	Patience Acre, Chenerys Loke, Weston
North or South Area	North
Date of Report of Breach	22.04.2022
<u>Nature of Breach:</u> Residential occupation of holiday let	
<u>Summary timeline of actions on case</u> 28/03/2023 –Breach of Condition Notice served. Comes into effect on the 27/04/2023. There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	27/04/2024

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal

B.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
<p><u>Nature of Breach:</u> Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.</p>	
<p><u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements 11/01/2023 – Council applied to the High Court for an Injunction. 30/01/2023 – Case adjourned for legal reasons, awaiting new court date 03/02/2023 – High Court date for an Injunction hearing 18th & 19th May 2023</p>	
<p><u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision and court outcome.</p>	

Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision and court outcome.
--	---

B.2

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
Nature of Breach: Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
Summary timeline of actions on case 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 – final comments date for comments on Appeal	
Current Status/Position Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.3

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
Summary timeline of actions on case 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted 28/06/2022 – final comments due.	
Current Status/Position	

Awaiting Planning Inspectorate Appeal Decision	
Date by which Compliance expected (or prosecution date)	Dependant upon date and outcome of Appeal Decision

B.4

LPA Enforcement Case Reference	ENF/21/0003/DEV
Location / Address	26 Highland Drive, Worlingham
North or South Area	North
Date of Report of Breach	30.12.2020
<u>Nature of Breach:</u> High fence adjacent to highway.	
<u>Summary timeline of actions on case</u> 07/04/2022 - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 25/05/2022 - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 23/06/2022 – Statements submitted 21/07/2022 – target date for comments on statement of case.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.5

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	

Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision
--	--

B.6

LPA Enforcement Case Reference	ENF/21/0121/USE
Location / Address	The Pastures, The Street, North Cove
North or South Area	North
Date of Report of Breach	17.03.2021
Nature of Breach: Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	
Summary timeline of actions on case 03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance 14/11/2022 - Pre-start letter from Planning Inspectorate 14/12/2022 - Appeal started. Written Representations Process, statement due by 6 th February 2023. PINS Reference APP/X3540/C/22/3312353	
Current Status/Position Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.7

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
Nature of Breach: Artificial hedge, support structure and fencing which is over 2m in height	
Summary timeline of actions on case 28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance 09/01/2023 - Pre-start letter from Planning Inspectorate	
Current Status/Position Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.8

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022
Nature of Breach: Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<u>Summary timeline of actions on case</u> 28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance 09/01/2023 – Pre-start letter from Planning Inspectorate 31/01/2023 – Start letter received from Planning Inspectorate, statements required by 14 th March 2023.	
<u>Current Status/Position</u> Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period

There are currently no cases at this stage.

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023	
<u>Current Status/Position</u> Awaiting Court outcome	
Date by which Compliance expected (or prosecution date)	Dependant on Court outcome

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action

There are currently no cases at this stage.

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

F.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	20.10.2008
<u>Nature of Breach:</u> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	
<p> 15/10/2010 – Enforcement Notice served 08/02/2010 - Appeal received 10/11/2010 - Appeal dismissed 25/06/2013 - Three Planning applications received 06/11/2013 – The three applications refused at Planning Committee. 13/12/2013 - Appeal Lodged 21/03/2014 – Enforcement Notices served and became effective on 24/04/2014 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. 10/11/2015 – Informal hearing held 01/03/2016 – Planning Appeal dismissed 04/08/2016 – Site re-visited three of four Notices have not been complied with. 21/04/2017 - Trial date. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. 21/11/2017 – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. </p>	

<p>11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</p> <p>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</p>	
<p><u>Current Status/Position</u></p> <p>Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

F.2

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<p><u>Nature of Breach:</u></p> <p>Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins</p>	
<p><u>Summary timeline of actions on case</u></p> <p>16/11/2017 – Authorisation given to serve Enforcement Notice.</p> <p>22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted.</p>	

<p>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <p>13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use</p> <p>16/06/2020 – Submission of Appeal Statement</p> <p>11/08/2020 - Appeal dismissed with some amendments.</p> <p>11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action.</p> <p>25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p>2022 - Application for an Injunction has been made to the High Court.</p> <p>06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p>08/03/2023 – Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p>	
<p><u>Current Status/Position</u> In compliance period of High Court Injunction</p>	
Date by which Compliance expected (or prosecution date)	Dependent on Legal Action

F.3

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
<u>Nature of Breach:</u> Untidy site	
<p><u>Summary timeline of actions on case</u></p> <p>07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p>17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action.</p> <p>21/11/2022– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24th February 2023 to comply with notice.</p> <p>10/03/2023- Site visit conducted, notice not complied with. Matter passed to Legal for further action.</p>	
<p><u>Current Status/Position</u> In compliance period</p>	

Date by which Compliance expected (or prosecution date)	24/02/2023
--	------------

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue

G.1

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<u>Nature of Breach:</u> Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	
<u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - Retrospective app received. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 30/04/2021 - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs 12/07/2021 – Letter sent to owner giving until the 10 th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains	
<u>Current Status/Position</u> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.	

Date by which Compliance expected (or prosecution date)	31/12/2023
--	------------

Committee Report

Planning Committee South – 25 April 2023

Application no DC/23/0539/VOC

Location

Former Deben High School
Garrison Lane
Felixstowe
Suffolk
IP11 7RF

Expiry date 15 May 2023

Application type Variation of Conditions

Applicant East Suffolk Council

Parish Felixstowe

Proposal Variation of Condition No. 11 of DC/21/0541/FUL (Hybrid Application - Full Application for the construction of 45 apartments and maisonettes and 16 houses in buildings ranging in height from 2 to 3 storeys, conversion of retained assembly hall to provide 250m2 community space, 16 residential car parking spaces, 1 car park space for community hall, 137 cycle parking spaces, highways and public realm works, hard and soft landscaping, access and associated works and Outline application (with all matters reserved except for access, use and scale) for redevelopment and extension of retained sports hall to provide indoor bowls facility and cricket pitch with pavillion, 32 car parking spaces, 24 cycle spaces, landscaping and associated works. All matters reserved except for access, use and building heights) - alter the number of affordable homes.

Case Officer Marianna Hall
07880 019354
marianna.hall@eastsuffolk.gov.uk

1. Summary

- 1.1. This application seeks to vary Condition 11 of permission DC/21/0541/FUL, granted on 3 June 2021 for the redevelopment of the former Deben High School site on Garrison Lane in Felixstowe. Condition 11 requires a scheme for the provision of affordable housing to be submitted and approved, and requires no less than 42 of the 61 residential units approved to be affordable housing. The proposal is to amend the condition to require the policy compliant amount of 1 in 3 residential units to be affordable, being 20 units, with the additional 22 affordable units provided on a voluntary basis.
- 1.2. The application has come before members as the applicant and landowner is East Suffolk Council.
- 1.3. Although the reduction in the number of affordable homes that would be secured by condition (as amended) consequently reduces this benefit of the scheme, officers consider the development to remain in accordance with the development plan and therefore recommend approval of the application to vary Condition 11. Also whilst there is no certainty over the deliver of the 22 voluntary units being provided, the Council's Housing Team are proposing this in order to enable Homes England funding to deliver the extra 22 homes as affordable housing.

2. Site Description

- 2.1. The application site comprises the site of the former Deben High School in Garrison Lane, Felixstowe. The majority of the former school buildings have been demolished, with the exception of the assembly hall which is to be converted to a community space and the sports hall which will be redeveloped to provide an indoor bowls facility. The site includes the former school playing field which is to be re-purposed as a cricket pitch. The site is located within the settlement boundary of Felixstowe and there are residential properties surrounding the site.

3. Proposal

- 3.1. Application DC/21/0541/FUL was a hybrid application, seeking full planning permission for 45 apartments and maisonettes and 16 houses, conversion of the retained assembly hall to provide a community space, and associated car and cycle parking, highways, access and public realm works and hard and soft landscaping; and outline planning permission for the redevelopment and extension of the retained sports hall to provide an indoor bowls facility and cricket pitch with pavilion, with associated parking and landscaping. For this aspect of the development all matters were reserved except for access, use and building heights.
- 3.2. This application seeks to vary Condition 11 of permission DC/21/0541/FUL, which states:

“The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 42 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing,
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policy SCLLP5.10 of the Suffolk Coastal Local Plan (2020) to secure the appropriate provision of affordable housing on the site.”

- 3.3. The statement submitted with the application explains that the East Suffolk Housing Development Team are seeking a variation to this condition to aid the financial viability of the development and to help secure external funding from Homes England. After recent consultation with Homes England, the council are only able to request funding on affordable homes that are considered to be a voluntary over-provision and which are not required by policy or a condition/section 106 agreement. The council are seeking funding under the Homes England Affordable Homes Programme 2021-2026 in order to achieve the full 42 affordable homes.
- 3.4. The condition currently states that 42 affordable properties are required. Policy SCLP5.10 (Affordable Housing on Residential Developments) requires 1 in 3 units to be affordable dwellings, which for this development would equate to 20 affordable homes. The submitted statement explains that due to the current wording of the condition, the council are unable to gain funding for the 22 additional affordable units and without this funding there would be viability pressures on the scheme.
- 3.5. The application therefore seeks to vary Condition 11 to instead state that applicant is required to provide the policy compliant 20 affordable homes and that any increase to this number is a voluntary contribution. This would then allow the potential of Homes England Affordable Homes Programme 2021-2026 funding being achieved on the additional 22 affordable homes. The statement explains that if funding cannot be achieved, the proposal for 42 affordable homes may need to be reconsidered on viability grounds.

4. Consultees

Third Party Representations

4.1. Ten representations of objection have been received, making the following summarised comments:

- Insufficient parking which will lead to more on-street parking.
- Concern regarding increased traffic.
- No mention of EV charging points for parking spaces.
- Is unrealistic that cycle storage of more than two spaces per unit is required.
- Proposed pathways to the 'pocket park' are not wanted by current residents and will only benefit the new residents.
- Amount of affordable housing proposed far exceeds the local planning policy requirement.
- Concern regarding increase in crime and antisocial behaviour as a result of the higher percentage of affordable housing.
- Existing school hall could be swamped by the three-storey buildings proposed; the flat roofed three-storey buildings are out of character with the area.
- Local bat population may be adversely affected by the height and density of the development and by the building works.
- Three-storey flats will be imposing, block views from our garden, result in loss of light and there will be overlooking and noise from the balconies.
- Concerns regarding impact of construction on the condition of our property.
- Proposed yellow bricks are not in keeping with the area.
- Felixstowe is a radon affected area.
- Concerns regarding ground gas migration.

Consultee	Date consulted	Date reply received
Felixstowe Town Council	23 February 2023	8 March 2023
Summary of comments: Committee recommended APPROVAL. We are pleased that this Variation of Condition does not reduce the number of Affordable Homes being delivered at the Deben Fields site. We are in support of the proposed amendment to the planning consent, which enables East Suffolk Council to access Homes England Funding, which will ensure that East Suffolk Council can subsidise the costs of this development and enable more Affordable Homes to be built in the future.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Policy	23 February 2023	6 March 2023
Summary of comments: No objection, proposal would comply with the requirement in Policy SCLP5.10 that 1 in 3 units be affordable.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	23 February 2023	16 March 2023
Summary of comments: Recommend approval.		

Consultee	Date consulted	Date reply received
Water Management Alliance	23 February 2023	23 February 2023
Summary of comments: No comments to make regarding this variation of condition.		

Consultee	Date consulted	Date reply received
Natural England	23 February 2023	28 February 2023
Summary of comments: Generic advice note provided.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	23 February 2023	8 March 2023
Summary of comments: Condition 11 relates to the provision of affordable housing which is not an environmental protection concern and as such I would have no comment to make in its regard.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	23 February 2023	24 February 2023
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	23 February 2023	23 February 2023
Summary of comments: No additional comment to make in regards to the VOC.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	23 February 2023	23 February 2023
Summary of comments: No comments on this application.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	23 February 2023	10 March 2023
Summary of comments: Previous response is still relevant and up to date, no further comments.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	23 February 2023	7 March 2023
Summary of comments: No objections or comments.		

Consultee	Date consulted	Date reply received
Felixstowe Society	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Disability Forum	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk CIL	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Police Design Out Crime Officer	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SUSTRANS	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Leisure And Play	23 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Police - General	23 February 2023	No response
Summary of comments: No response received.		

Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Major Application	2 March 2023	23 March 2023	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 1 March 2023 Expiry date: 22 March 2023
---------------------	--

5. Planning policy

5.1. National Planning Policy Framework (NPPF) 2021

5.2. East Suffolk Council Suffolk Coastal Local Plan 2020:

- SCLP3.1: Strategy for Growth
- SCLP3.2: Settlement Hierarchy
- SCLP3.3: Settlement Boundaries
- SCLP3.5: Infrastructure Provision
- SCLP5.8: Housing Mix
- SCLP5.10: Affordable Housing on Residential Developments
- SCLP7.1: Sustainable Transport
- SCLP7.2: Parking Proposals and Standards
- SCLP8.1: Community Facilities and Assets
- SCLP8.2: Open Space
- SCLP9.2: Sustainable Construction
- SCLP9.6: Sustainable Drainage Systems
- SCLP9.7: Holistic Water Management
- SCLP10.1: Biodiversity and Geodiversity
- SCLP10.3: Environmental Quality

- SCLP11.1: Design Quality
- SCLP11.2: Residential Amenity
- SCLP11.3: Historic Environment
- SCLP11.6: Non-Designated Heritage Assets
- SCLP11.7: Archaeology

5.3. East Suffolk Council Supplementary Planning Documents:

- Historic Environment Supplementary Planning Document (2021)
- Affordable Housing Supplementary Planning Document (2022)
- Sustainable Construction Supplementary Planning Document (2022)

6. Planning Considerations

- 6.1. This application is made under section 73 of the Town and Country Planning Act 1990 to vary Condition 11 of planning permission DC/21/0541/FUL. Section 73(2) states that on such an application, the local planning authority will consider only the question of the conditions subject to which planning permission should be granted. As such, the sole consideration in this case is whether the proposed variation of Condition 11 is acceptable.
- 6.2. Policy SCLP5.10 requires proposals for residential development (with capacity for ten units or more or sites of 0.5ha or more) to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people. Proposals which provide a higher amount of affordable housing than that set out above will also be permitted. Of these affordable dwellings, 50% should be for affordable rent / social rent, 25% should be for shared ownership and 25% should be for discounted home ownership. Provision is expected to be made on-site, unless it can be demonstrated in exceptional circumstances that it is not feasible or practical to provide the units on site in which case it may be agreed that a commuted sum could be paid towards provision of affordable housing outside of the site.
- 6.3. The scheme approved under DC/21/0541/FUL included 42 of the 61 residential units to be affordable units (68.8%). Although this is a significantly higher proportion than the 20 required by policy, SCLP5.10 also supports proposals that provide a higher amount of affordable housing than 1 in 3 units. It is also clear that at the time the application was considered, the high proportion of affordable housing proposed was given significant weight in the planning balance in terms of being a benefit of the scheme. It is noted that, as set out in the submitted statement, the East Suffolk Housing Development Team do not intend to reduce the number of affordable homes being provided and that the additional 21 units would still be provided on a voluntary basis. Importantly however, as a result of the proposed variation the council as local planning authority would only retain control over the delivery of 20 affordable dwellings. This would therefore reduce the benefit that was previously attributed to the scheme in terms of affordable housing provision.
- 6.4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states 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. The National Planning Policy Framework (2021) is a material consideration in planning decisions, and at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). For decision-taking this

means approving development proposals that accord with an up-to-date development plan without delay.

- 6.5. The development plan in this case is the Suffolk Coastal Local Plan (adopted September 2020). The national guidance regarding Section 73 applications such as this states that local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. There have been no significant changes to the development plan since application DC/21/0541/FUL was determined, and as set out above, the proposal would continue to accord with policy SCLP5.10 in terms of the amount of affordable housing proposed.
- 6.6. Although the reduction in the number of affordable homes that would be secured by condition (as amended) consequently reduces this benefit of the scheme, officers consider the development to remain in accordance with the development plan and therefore recommend approval of the application to vary Condition 11. As highlighted at the time application DC/21/0541/FUL was considered, the site is located within the defined settlement boundary of Felixstowe, in a sustainable location close to services and facilities required to support additional residential development. The proposals will redevelop the site, which is currently vacant and surplus to education requirements. The site is a suitable location for residential development, with the prevailing character of the surrounding area being residential in nature. The scheme will deliver new housing, together with a community hall, new bowls facility and cricket pitch, and is considered to be of a high quality, contemporary and sustainable design. The number of affordable units to be secured by condition will also comply with the council's affordable housing policy for the former Suffolk Coastal part of the district. In those respect, the over-provision of affordable housing was not an essential component of the scheme to justify its approval, it was a complementary benefit which was given weight but it is not one which is essential to maintain.

Conditions

- 6.7. The national guidance (Flexible options for planning permissions) highlights that permission cannot be granted under section 73 to extend the time limit within which a development must be started, or an application for approval of reserved matters must be made. Section 73 also cannot be used to change the description of the development. The residential development aspect of the scheme (with full planning permission) would therefore still be required to commence by 3 June 2024, and reserved matters submitted for the indoor bowls facility, cricket pitch and pavilion, and associated parking and landscaping (with outline permission) also by 3 June 2024.
- 6.8. As set out within the national guidance, permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended, albeit the section 73 consent would be the future implemented consent. The decision notice for the new permission should set out all of the conditions imposed on the new permission and restate the conditions imposed on earlier permissions that continue to have effect.
- 6.9. The East Suffolk Housing Development Team has requested that a number of the conditions attached to DC/21/0541/FUL are re-worded when carried forward to the Section 73

permission, if granted. The amendments to the wording of conditions relate to the trigger points regarding when details need to be submitted for approval by the local planning authority. The national guidance regarding use of planning conditions highlights that care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.

- 6.10. There are a number of pre-commencement conditions attached to DC/21/0541/FUL, some of which officers consider should be re-worded when carried forward to this permission (if granted), in cases where it is not necessary for details to be submitted and approved before the development can start on site. There are also several applications to discharge conditions on DC/21/0541/FUL which are under consideration, and as such the final conditions attached to this Section 73 application will need to take this into account.

Other matters raised by third parties:

- 6.11. Concerns have been raised by third parties during the course of this application regarding insufficient parking, increased traffic, lack of information regarding EV charging points, proposed pedestrian routes through the site, and cycle storage. There are however no changes proposed to these aspects of the scheme as part of this application.
- 6.12. It is noted that there is an error in the description of the development on permission DC/21/0541/FUL, which refers to '16' residential car parking spaces in error; this should state '61'. This description has been carried forward to the current application, as a Section 73 application cannot be used to change the description of the development. The plans approved under Condition 9 of permission DC/21/0541/FUL however clearly show 61 residential parking spaces, which equates to one parking space per dwelling. In terms of EV charging points, the extant permission requires all dwellings with off street parking to be provided with a charge point for electric vehicles and at least 10% of car parking spaces in private communal parking areas to be provided with a charge point. This will also be a requirement for the current application. The description error has no effect on how much parking must be delivered.
- 6.13. Concerns have also been raised regarding the scale and form of the three-storey buildings proposed as part of the residential development, the materials to be used, and the impact on nearby properties in terms of residential amenity and the potential for damage caused during construction. As above, these aspects of the scheme are unchanged by this application, and the scale, design, layout and appearance of the residential development are as previously considered and deemed acceptable under application DC/21/0541/FUL.
- 6.14. Similarly, the proposed variation of the condition concerning affordable housing does not affect the previous consideration of the scheme in terms of ecology. Concern has also been raised by third parties regarding radon and ground gas migration. The Desk Study and Preliminary Risk Assessment submitted with application DC/21/0541/FUL did not raise any issues in terms of radon potential; notwithstanding this, the full suite of land contamination conditions was attached to the extant permission and will be carried forward to this application to address any contaminated land matters.

7. Conclusion

- 7.1. Although it is acknowledged that the reduction in the number of affordable homes that would be secured by condition does reduce this benefit of the scheme, for the reasons set out above officers consider the development to remain in accordance with the development plan and therefore recommend approval of the application to vary Condition 11.

8. Recommendation

- 8.1. Approve the Variation of Condition 11 to the following:

11. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing,
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policy SCLLP5.10 of the Suffolk Coastal Local Plan (2020) to secure the appropriate provision of affordable housing on the site.

Other Conditions:

The final wording of some conditions may be subject to change, as noted above, as there are a number of applications to discharge conditions attached to DC/21/0541/FUL under consideration at the time of writing this report. Conditions will address the following matters:

1. Time limit for commencement of residential development (with full planning permission).
2. Time limit for the submission of reserved matters (with outline permission) and time limit for commencement.
3. Development to be carried out in accordance with the approved plans and documents.
4. External facing and roofing materials to be agreed.
5. Removal of permitted development rights for extensions and alterations, roof alterations and outbuildings in respect of the residential development.
6. Removal of permitted development rights for walls and fences.
7. Removal of permitted development rights for additional windows above ground floor level.
8. Requirement for windows above ground floor level serving bathrooms to be fitted with obscure glazing.
9. Provision of storage areas for bins.
10. Details of external lighting to be agreed.
11. Scheme for provision of affordable housing to be agreed (as set out above).
12. Construction hours to be limited to 7.30am to 6pm Mondays-Fridays, 8am to 1pm on Saturdays and no construction work to take place on Sundays and Bank Holidays.
13. Details of protective fencing for existing trees to be agreed.
14. Noise assessment to be submitted.
15. Air quality assessment to be submitted.
16. Requirement for a minimum of 5% of car parking spaces for staff/visitor use to be provided with EV charging points.
17. Requirement for all dwellings with off-street parking and a minimum of 10% of spaces in private communal parking areas to be provided with EV charging points.
18. Site investigation in respect of land contamination to be carried out.
19. Remediation method statement (RMS) in respect of land contamination to be submitted.
20. RMS to be completed prior to occupation of the development.
21. Validation report in respect of land contamination to be submitted.
22. Landscaping scheme to be submitted for approval.
23. Management plan for maintenance of communal areas to be submitted for approval.
24. Scheme for provision improvements to pre-school and primary school education to be submitted for approval.
25. Strategy for disposal of surface water to be submitted for approval.
26. Details of implementation, maintenance and management of the strategy for the disposal of surface water to be submitted for approval.
27. Surface water drainage verification report to be submitted for approval.
28. Construction Surface Water Management Plan detailing how surface water and storm water will be managed on the site during construction to be submitted for approval.
29. Eastern-most balconies at first and second floors on apartment block D, on the eastern boundary of the site, to be fitted with an obscured glazed privacy panel on their eastern elevation to a height of 1.7m from balcony floor.

Informatives:

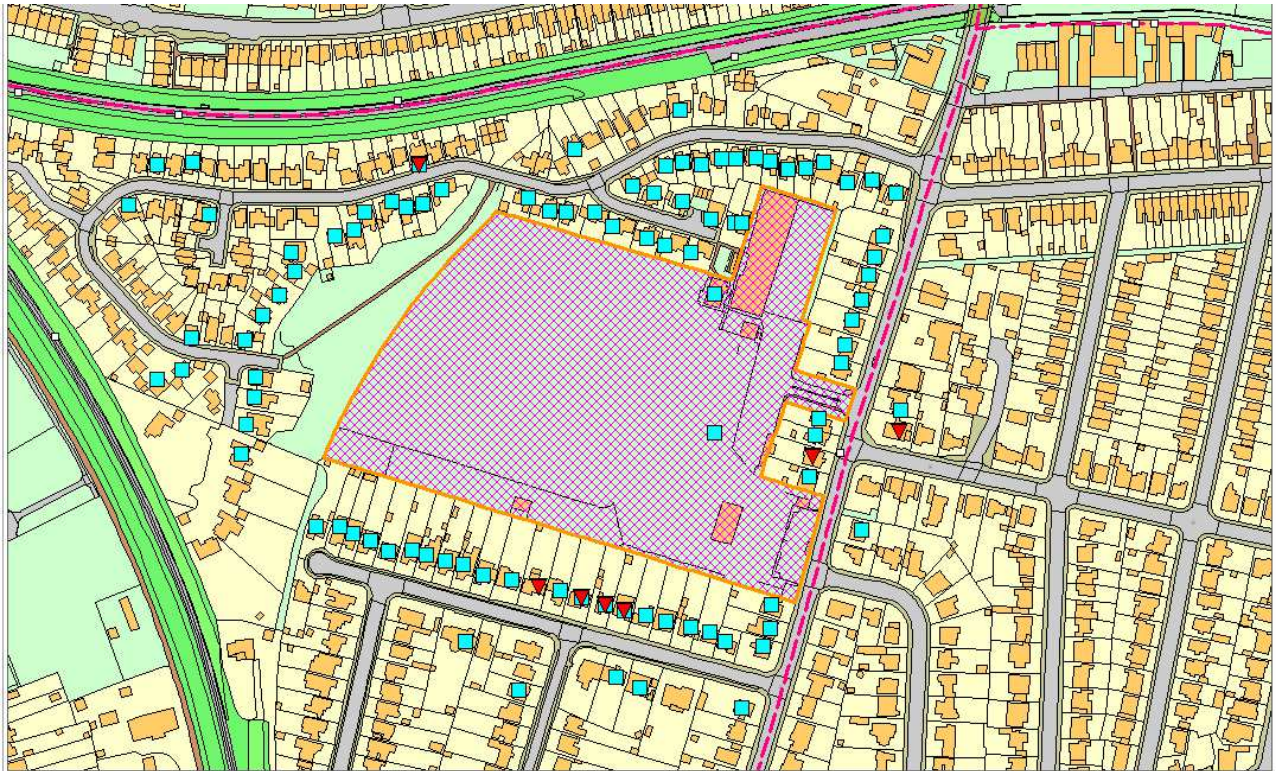
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning

Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background information

See application reference DC/23/0539/VOC on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee South – 25th April 2023

Application no DC/22/1746/FUL

Location

Ipswich Town FC Training Ground
Playford Road
Rushmere St Andrew
Suffolk
IP4 5RG

Expiry date 5 July 2022

Application type Full Application

Applicant Ipswich Town Football Club

Parish Rushmere St Andrew

Proposal Proposed 3no new camera towers and retention of existing camera towers for Ipswich Town Football Club Training Ground, existing towers previously approved under now expired application ref C/01/1883

Case Officer Rachel Smith
07887 452719
rachel.smith@eastsoffolk.gov.uk

1. Summary

- 1.1 The application site is Ipswich Town Football Club's training ground located off Playford Road in Rushmere St Andrew, to the east of Ipswich. The proposal involves the retention of existing camera towers located around the training pitches and the siting of additional towers.
- 1.2 The application was presented to the Referral Panel on 14 March 2023 as the Officer's 'minded to' recommendation of approval is contrary to the Parish Council's recommendation of refusal as follows:

"Rushmere St Andrew Parish Council recommends REFUSAL. The reasons are that the Parish Council is concerned about overlooking of neighbouring properties, loss of privacy and disturbance to neighbouring properties particularly in Playford Road and Bent Lane. The structures are out of keeping with the character of the locality and it would have a detrimental impact on the character of the area and neighbouring properties."

- 1.3 At this meeting, Members of the panel voted that they felt the nature of the proposal warranted debate by Planning Committee.
- 1.4 While the structures are relatively tall and visible from within the site and neighbouring properties, they are also of a lightweight appearance, not being of permanent construction and have a modest depth and width. They are not of such a height that they would be overly dominant in wider views nor are they noticeable taller than other structures on and surrounding the site such as other club buildings, ball stop netting and neighbouring dwellings. While some views towards neighbouring properties would be possible, these would not be in close proximity to private amenity areas, many of which have some vegetation providing screening. A condition is proposed to restrict their use to be in accordance with the Method Statement submitted and only for professional purposes while training is in progress. It is therefore considered that the proposed towers to be used for the development of the club would not result in such significant harm to the character or appearance of the area or residential amenity to warrant refusal.
- 1.5 It is recommended that the application be approved.

2. Site Description

- 2.1 The application site is Ipswich Town Football Club's training ground. It is located within the Parish of Rushmere St. Andrew to the east of Ipswich. The site is located off Playford Road with the main entrance to the site and associated car park, buildings and the majority of the pitches being located to the north of Playford Road with additional parking and playing pitches being located to the south of Playford Road. The southern part of the site has an additional access onto Bent Lane to the south.

3. Proposal

- 3.1 The proposal involves the siting of three new camera towers and the retention of six existing camera towers to include improvements/replacement of the surrounding mesh. These are sited such that each training pitch is visible for players to be filmed to aid with

their training programme. Two towers were originally approved under C01/1883 however this was a temporary permission only and expired in 2003.

- 3.2 The proposed towers would be a maximum height of 6330mm high and approximately 1.5 metres square. They are constructed in tubular scaffold poles with green nylon mesh around the sides. The viewing platform is access by a ladder. Two types of tower are proposed - one with a single aspect viewing platform, the other with dual aspect. The platform height is just under four metres high. Seven of the nine towers would be single-aspect with two (one located centrally on the southern part of the site with the other adjacent to the 3G pitch on the northern part of the site) being dual aspect.

4. Third Party Representations

- 4.1 Objections have been received from three neighbouring properties (four letters). Two additional letters making comments or querying the height of the towers have been received. The objections raise the following main concerns:
- 4.2 Specifically in relation to tower 5 and generally:
- Tower 5 has remained in situ notwithstanding expiration of its planning consent.
 - The tower is unsightly and also carries an advertising banner.
 - The tower has been used on only 2 occasions during the past year.
 - This tower offers persons (with video recording devices) direct line of sight into bedrooms and bathroom.
- 4.3
- Since the existing towers have been in situ, performance has not improved.
 - Ipswich Rugby Football Club (a local amateur outfit) record all their training and matches using drone technology.
 - Suggested that on the few occasions they wish to video games, these could be on an outer pitch perhaps with a temporary tower.
- 4.4 Specifically in relation to camera tower 3:
- Less established planting at garden boundaries results in overlooking of garden areas resulting in a loss of privacy to the garden and bedrooms.
 - Incidents where players have been in the towers, supporting their team, resulting in a loss of privacy and noise and disturbance in gardens.
 - One person quietly filming only during training is less intrusive but this cannot be controlled.
 - The wind may cause damage to the side enclosures.
 - Concern over health and safety as gate to the towers may not always be closed.
- 4.5 General concerns:
- Towers are rarely used and therefore there seems no need for additional towers.
 - There are currently two towers that look into our bedroom windows.
 - They are particularly ugly and impose on privacy.
 - There is no longer any respect for neighbours. Other recent includes unsightly fencing and ball netting, large permanent marquees.
 - Manchester City, Manchester United, Arsenal, Tottenham training grounds do not have video towers. If these clubs don't have such facilities, it proves this requirement for

Ipswich Town who state they need these towers to improve performance in the league to be misguided and irrelevant.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Rushmere St Andrew Parish Council	19 May 2022	15 June 2022
Rushmere St Andrew Parish Council recommends REFUSAL. The reasons are that the Parish Council is concerned about overlooking of neighbouring properties, loss of privacy and disturbance to neighbouring properties particularly in Playford Road and Bent Lane. The structures are out of keeping with the character of the locality and it would have a detrimental impact on the character of the area and neighbouring properties.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 25 May 2022

Expiry date: 17 June 2022

6. Planning policy

National Planning Policy Framework 2021

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

- 7.1 A previous application considered the provision of camera towers at the Ipswich Town training ground. This application approved two towers but for a temporary period for only just over one year. This application expired almost 20 years ago and therefore is not relevant to consideration of this application. The current application was submitted following an enforcement complaint regarding the towers, made at the end of 2021. At this point it is understood that there were a total of seven towers at the site - two on the area to the south of Playford Road and five on the area of the site on the northern side of Playford Road. Since the application was submitted, one of the five towers on the northern

side of Playford Road has been removed from the application. The original complaint makes reference to the towers having been in situ 'for years' however the precise number, siting and length of time they have been in situ is unknown. Therefore, this application concerns all of the towers, both existing and proposed.

- 7.2 The current application proposes retention of six of the existing towers and three additional towers. Two of the new towers would be on the southern part of the site with one additional tower on the northern part of the site.
- 7.3 Since the previous application for camera towers was considered, the site has developed significantly with much improved training facilities suitable for a large, professional football club. This has included floodlights, changing rooms, classrooms, an artificial pitch and ball stop netting. The camera towers are said to be necessary as part of the training programme for players.
- 7.4 Given the height of the towers, they would be visible from neighbouring properties and from around the site. Having said this, their modest size would limit this visual impact and they would not appear unduly out of character with the wider site given the prevalence of relatively tall ball-stop netting, flood light columns and buildings. The green mesh would help to reduce their visual prominence in longer views against the backdrop of vegetation in many areas.

Consideration of each tower

- 7.5 Existing tower 1 is situated close to the western boundary of the southern part of the site. It is single aspect and faces west. The nearest residential property is 50 metres to the south. There is mature vegetation along the shared boundary in this location with the rear wall of the neighbouring dwelling being approximately 90 metres from the tower. Given this separation distance and intervening vegetation, it is not considered that the siting or use of this tower would adversely affect the visual outlook from the neighbouring gardens or privacy that occupiers can enjoy.
- 7.6 Existing tower 2 is centrally located on the southern part of the site and would be a dual aspect tower. Looking south, the tower is 90 metres from the site boundary of neighbouring properties, again with boundary vegetation in place and looking north, the nearest residential boundary is just over 50 metres away (20 Playford Road) with the rear of the dwelling itself being just over 80 metres from the tower. This boundary is delineated by a dense hedgerow, approximately two metres in height. The existing boundary treatment and distance from the tower means that it is unlikely there would be any degree of overlooking.
- 7.7 Proposed tower 1 would be located to the eastern side of the playing pitches on the southern part of the site, close to the overflow parking area. This would be a single aspect tower facing west into the site. The nearest property to the north (30 Playford Road) is just over 40 metres away with the dwelling being just over 60 metres away. The southern site boundary would be approximately 50 metres from the tower. There is some vegetation providing screening to the southern boundary of no. 30.
- 7.8 Proposed tower 2 is also on the southern part of the site and faces west, across a playing pitch towards the rear garden of 20 Playford Road, at a distance of just over 70 metres.

Again, this separation distance is considered sufficient not to significantly impact privacy. No 30 Playford Road is closer to this tower but views towards this property would be screened by the mesh around the sides and rear.

- 7.9 On the northern part of the site, existing tower 3 is located towards the southern site boundary, close to the northern boundary of residential dwellings fronting Playford Road. This is a single aspect tower facing away from the closest dwellings, into the site and would have the mesh screening views to the rear.
- 7.10 Existing tower 5 is single aspect and faces west. The nearest dwellings are located to the south of this tower, just over 60 metres away and therefore direct views towards these properties would be restricted by the mesh on the side of the tower.
- 7.11 Existing tower 6 also faces west towards the north of the site. There are no neighbouring dwellings affected by this tower.
- 7.12 Existing tower 7 is single aspect and faces north. It is 90 metres from the site boundary which faces onto the access drive to a neighbouring residential development and Ipswich School's sports pitches.
- 7.13 Proposed tower 3 would be double aspect and face into the site onto the artificial pitch and to the east. The nearest dwelling to this tower would be 15 Rushmere Street with the shared boundary being 55 metres from the tower and the dwelling itself 80 metres away. There is mature planting on the boundary of this residential property.

Noise

- 7.14 Concern has been raised from third parties regarding users of the towers chatting and creating a noise/disturbance audible in their rear gardens. While it is not disputed that conversations on the towers may be audible, this should not include any amplification of sound, nor would it be at times when the pitches were not otherwise being used and, as a result, the training/matches would generate noise from participants. It is therefore not considered that the towers would result in any significant impact on residential amenity as a result of increased noise and disturbance.

Frequency of use

- 7.15 Some of the third-party comments received note that the towers are not used frequently. While it is unknown exactly how often they would be used, and whether this would change as a result of additional towers and improvements to the existing, if they are not used regularly, this would also limit the impact on neighbours. It is also noted that following a number of Officer site visits, the towers have not been in use while training has been taking place. While these have only been for limited times, it does indicate that it is unlikely the towers would be in use frequently.

8. Conclusion

- 8.1 While the structures are relatively tall and visible from within the site and neighbouring properties, they are also of a lightweight appearance, not being of permanent construction and have a modest depth and width. They are not of such a height that they would be

overly dominant in wider views nor are they noticeable taller than other structures on and surrounding the site, such as other club buildings, ball stop netting and neighbouring dwellings. While some views towards neighbouring properties would be possible, these would not be in close proximity to private amenity areas, many of which have some vegetation providing screening. A condition is proposed to restrict their use to be in accordance with the Method Statement submitted and only for professional purposes while training is in progress. It is therefore considered that the proposed towers to be used for the development of the club would not result in such significant harm to the character or appearance of the area or residential amenity to warrant refusal.

9. Recommendation

9.1 Approve, subject to controlling conditions as detailed below.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 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 drawing no 4015-1 01 received 28 April 2022 and 4015-1 03 B received 24 January 2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity.
4. The use and maintenance of the camera towers hereby permitted shall only be in strict accordance with the Method Statement prepared by Hoopers (received 13 October 2022) and shall only be used when training is taking place on the pitch(es) directly adjacent to the tower(s) being used. No one shall use the towers when the adjacent pitch is not being used for training. Within six months of the towers being no longer required by the club for training purposes, they shall be removed from the site.
Reason: To restrict the use of the towers to professional use for limited periods in the interests of residential amenity.

Informatives:

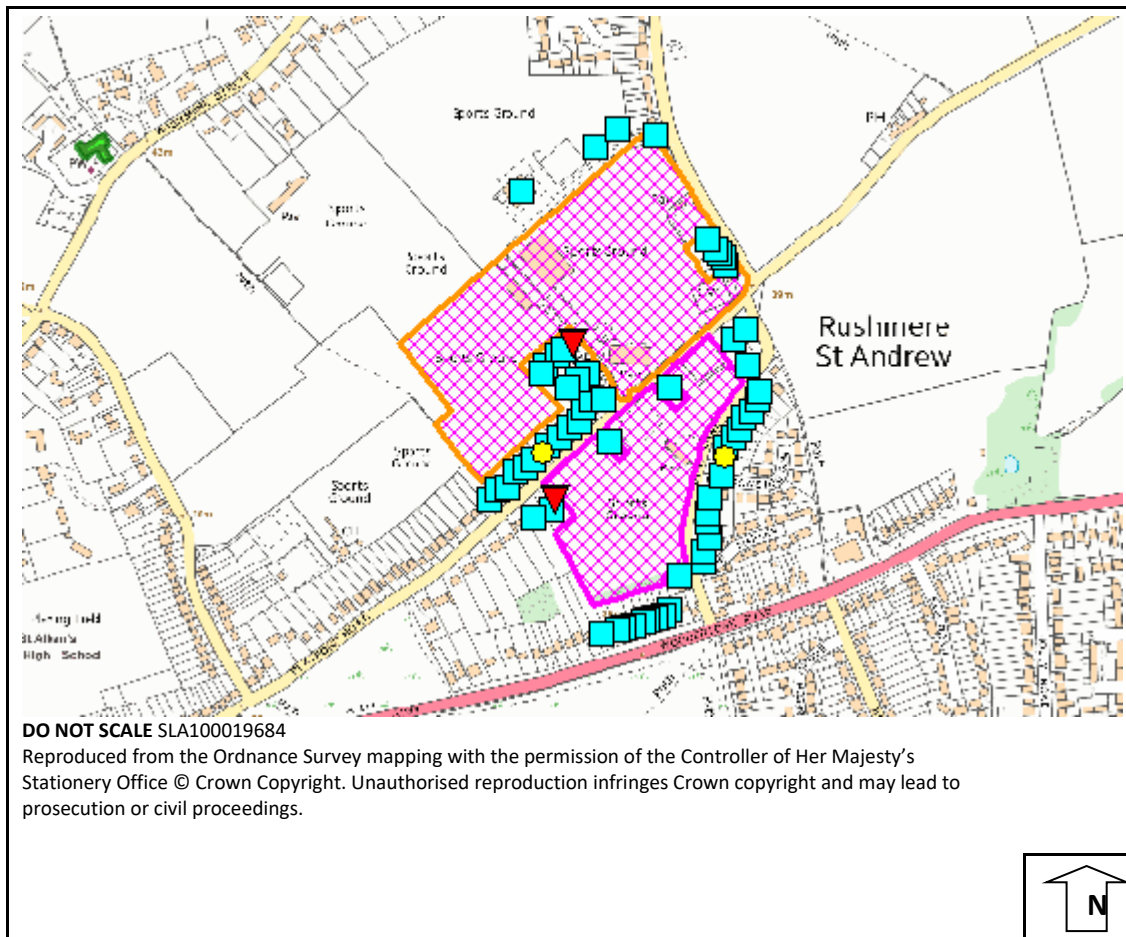
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning

Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background information

See application reference DC/22/1746/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee South - 25 April 2023

Application no DC/23/0460/RG3

Location

Public Toilet Block Adjacent Town Hall
Undercliff Road West
Old Felixstowe
Walton
Suffolk
IP11 2AG

Expiry date 6 April 2023

Application type Deemed Council Development

Applicant East Suffolk Council

Parish Felixstowe

Proposal Extension & alterations to public toilet block facility to provide improved male & female toilets. Together with accessible toilet/operatives rest area & improved access.

Case Officer Nick Clow
07741 307312
nick.clow@eastsoffolk.gov.uk

1. Summary

- 1.1. The application site is the public toilet block facility at Undercliff Road West, below Convalescent Hill and to the north east of Felixstowe Town Hall. The proposals concern extensions and alterations to the public toilet block to improve the facilities, including the provision of an accessible toilet, an operatives rest area and improved access.
- 1.2. The application is before committee as East Suffolk Council is the applicant and landowner.
- 1.3. The application is considered to accord with the development plan and is therefore recommended for approval. Felixstowe Town Council has recommended approval of the scheme and there have been no objections from consultees or third parties.

2. Site Description

- 2.1. The application site is located within the settlement boundary of Felixstowe along Undercliff Road West and adjacent to the Felixstowe Town Hall. The public toilet block facility is adjacent to the Felixstowe Seafront Gardens, which are a Grade II listed registered Park and Garden of special historic interest (Cliff Gardens and Town Hall Garden). The site is also located within the Felixstowe Conservation Area. A grade II listed war memorial lies to the south-east. The site is located in flood zone 1 (low risk of flooding). The surrounding built environment consists of a mix of commercial and residential units.

3. Proposal

- 3.1. East Suffolk Council propose extensions and alterations to the public toilet block facility to provide improved male and female toilets together with an accessible toilet, operatives rest area and improved access. An extension is proposed, infilling the gap between the existing female toilet block and the existing male toilet block, and measures approximately 4m in length, 2m in width and 3m in height. The extension will have an external door to the proposed accessible toilet.
- 3.2. Two external pedestrian doors are to be constructed providing new external access into the male toilets and access into the proposed cleaners rest area created by the construction of a new internal wall within the existing male toilets. The existing male toilets are to be reduced by approximately 2.4m in width giving an overall width of 3.6m to accommodate the proposed cleaners rest area. The proposed cleaners rest area is to be approximately 3.6m in depth, 2.9m in width and 3m in height.
- 3.3. East Suffolk Council also propose the enlargement and relaying of the paving area in-between the female toilets to the south, proposed accessible toilet to the west and male toilets and cleaners rest area to the north. The proposed paving area is being enlarged by approximately 2.4m from 1.6m to 3m.
- 3.4. Removal of two internal walls within the existing female toilet block provides greater space within the block.
- 3.5. Materials include facing brickwork finishing the external walls, fibre glass flat roof and timber/metal painted doors.

4. Consultees

Third Party Representations

- 4.1. No third-party comments have been received.

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	15 February 2023	22 February 2023
Summary of comments: Committee recommended APPROVAL		

Non statutory consultees

Consultee	Date consulted	Date reply received
Disability Forum	15 February 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	15 February 2023	28 February 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Felixstowe Society	15 February 2023	28 February 2023
Summary of comments: The Felixstowe Society has no objection.		

Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	23 February 2023	16 March 2023	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Conservation Area
Date posted: 2 March 2023
Expiry date: 23 March 2023

5. Planning policy

National Planning Policy Framework 2021

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.3 – Historic Environment Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.8 - Parks and Gardens of Historic or Landscape Interest (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

Felixstowe Conservation Area Appraisal (2020)

6. Planning Considerations

Design and Visual Amenity

- 6.1. The application site is highly visible from numerous public vantage points from Undercliff Road running from the south-west to the north-east of the site, the Seafront Gardens to the north-east of the site and Convalescent Hill due to the higher topography providing views down onto the toilet block. Any changes/alterations to the public toilet block will therefore have an impact on the overall streetscene and character of the area.
- 6.2. Officers are satisfied that the overall scale, form and design of the proposed extensions and alterations would be in keeping with the existing building. The most prominent alteration is the infill extension between the existing female and male toilets to accommodate the proposed accessible toilet and men's ambulant toilet. Although this increases the overall footprint of the toilet block, a flat roof is maintained, extending no higher than the existing roof. Therefore officers are satisfied it is a modest alteration that does not adversely affect the overall streetscene or character of the area.
- 6.3. The removal and construction of internal walls will not be visible from public vantage points and therefore will have no material impact on the overall streetscene or character of the area. The proposed pedestrian doors closely replicate the design, style and material of the

existing doors and therefore officers are satisfied that they will similarly have no adverse impact on the overall streetscene or character of the area.

- 6.4. Enlarging the paving area leading to the toilet block would have only a modest impact on the overall streetscene and character of the area due to the use of similar materials and a minor increase in the width of the path, which will be barely noticeable compared to the existing path from public vantage points surrounding the application site.
- 6.5. Facing brickwork, fibreglass and painted timber/metal are harmonious materials with the existing built environment and therefore officers are satisfied that the overall scheme will not have a detrimental impact on the overall streetscene and character of the area which complies with SCLP 11.1.

Residential Amenity

- 6.6. No new windows are proposed as part the alterations to the toilet block and therefore officers are satisfied that no overlooking or adverse impacts on neighbouring privacy will occur as a result of the development.
- 6.7. Although the floor area of the toilet block is being increased, the overall massing of development is not and therefore as the height of the roof of the proposed infill extension is not exceeding the height of the existing roof, officers are satisfied that the proposed scheme will not have an adverse overbearing impact on neighbouring amenity.
- 6.8. For the same reasons as above officers are content that the proposed scheme will not have an adverse impact on the availability of natural daylight sunlight entering the habitable rooms of any neighbouring dwellings. This complies with SCLP 11.2.

Heritage Impacts

- 6.9. The application site sits in relatively close proximity to a grade II listed war memorial. Officers are satisfied that the modest alterations to the toilet block are of an appropriate design, scale, form, height, massing and position which complement the existing building. The use of high quality materials replicating the surrounding built environment and the existing toilet block do not harm the character of the memorial or any architectural, artistic, historic, or archaeological features that contribute towards its special interest. Officers conclude the historic and architectural significance of the grade II listed war memorial will be preserved following the proposed extensions and alteration to the toilet block. This complies with SCLP 11.4.
- 6.10. The application site is located within the Felixstowe Conservation Area. The application site sits adjacent to the Seafront Gardens which are of significant historic interest. The landscaped gardens were created 100 years ago, as a result of the popularity in late Victorian times for visiting coastal locations. The Felixstowe Conservation Area Appraisal describes Undercliff Road West as being lined on the beach side with a series of open lawns, divided by evergreen hedges, some of the lawns planted with simple bedding schemes. Of note is the War Memorial, a fluted Corinthian stone column surmounted by a dove, unveiled in 1920. Otherwise, built development is on the landward side.

- 6.11. Officers are satisfied that the modest nature of the proposed extensions and alterations as well as the harmonious materials demonstrate a clear understanding of the significance of the conservation area alongside an assessment of the potential impact of the proposal on that significance. The proposed scheme is of an appropriate design, scale, form, height, massing and position which preserves the character or appearance of the conservation area. This complies with SCLP 11.5 and SCLP 11.8.

7. Conclusion

- 7.1. The proposals will improve this existing public facility and are considered to be acceptable in terms of their scale, form and detailed design and to accord with the policies and guidance listed above.

8. Recommendation

- 8.1. This application is recommended for approval.

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 Drawing numbers 22.170-13, 22.170-14, 22.170-23 and Design and Access Statement received on the 03.02.2023, 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

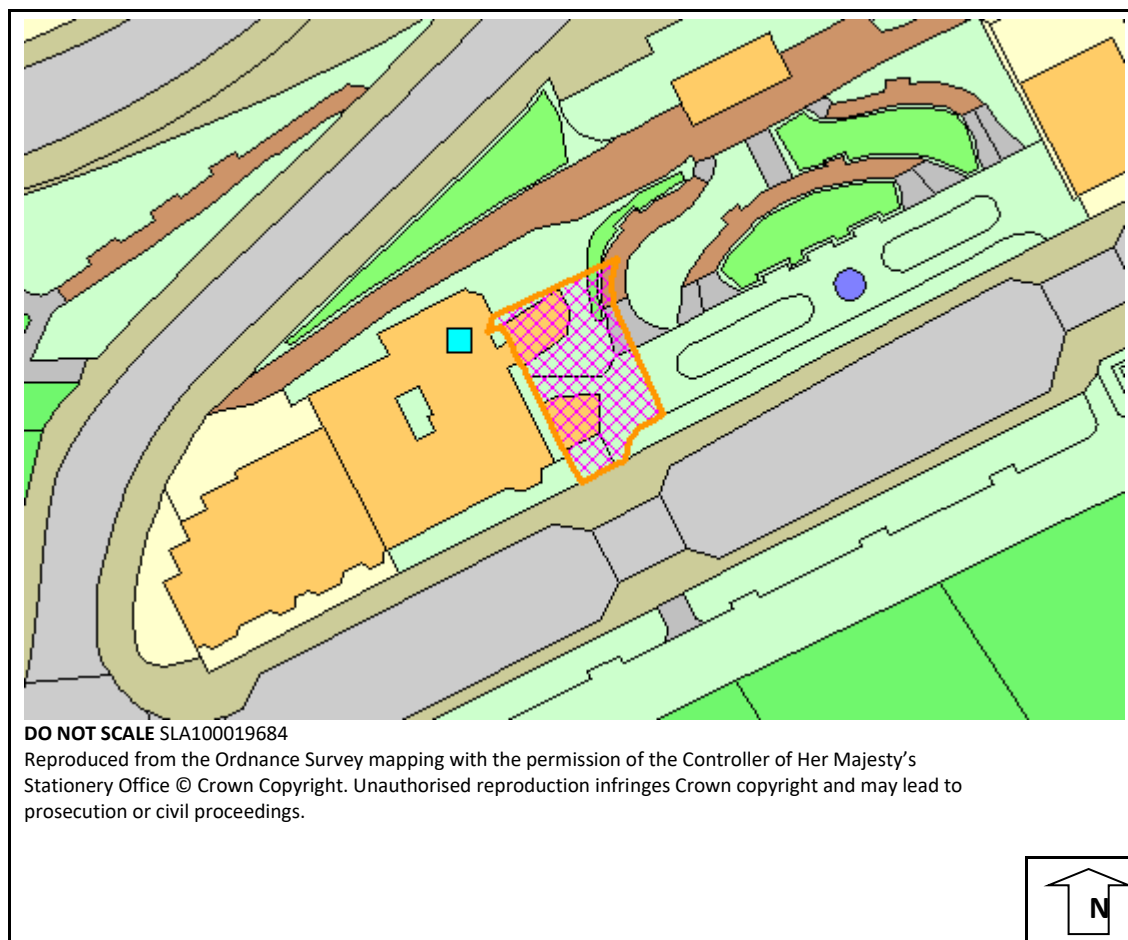
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





Background information

See application reference DC/23/0460/RG3 on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support