

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.

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Chairman