

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 27 June 2023 at 2.00pm.**

**Members of the Committee present:**

Councillor Tom Daly, Councillor Mike Deacon, Councillor John Fisher, Councillor Katie Graham, Councillor Colin Hedgley, Councillor Mike Ninnmey, Councillor Mark Packard, Councillor Rosie Smithson

**Other Members present:**

Councillor Deborah Dean

**Officers present:**

Sarah Davis (Democratic Services Officer (Scrutiny and Member Development), Marianna Hall (Principal Planner), Grant Heal (Planner), Matt Makin (Democratic Services Officer (Regulatory)), Rachel Smith (Principal Planner), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Debbie McCallum; Councillor Deborah Dean attended the meeting as her substitute.

**2 Declarations of Interest**

Councillor Mike Deacon declared an Other Registerable Interest in item 8 of the agenda, as a member of Felixstowe Town Council.

Councillor Colin Hedgley declared a Non-Registerable Interest in item 8 of the agenda, as the application site was located within his ward.

**3 Declarations of Lobbying and Responses to Lobbying**

Councillor Mike Deacon declared he had been lobbied on item 8 of the agenda; he had responded to acknowledge the correspondence and to confirm he had noted the points made.

**4 Minutes**

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

**RESOLVED**

That the minutes of the meeting held on 25 April 2023 be agreed as a correct record and signed by the Chair.

**5 East Suffolk Enforcement Action - Case Update**

The Committee received report **ES/1560** 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 has been sanctioned under delegated powers up until 25 May 2023. At that time there were 18 such cases.

The Planning Manager (Development Management, Major Sites and Infrastructure) clarified the structure of the report for those Members new to the Committee.

The report was taken as read and the Chair invited questions to the officers. The Assistant Enforcement Officer (Development Management) and the Planning Manager clarified that in relation to case A.1 (Houseboat Friendship, New Quay Lane, Melton) officers had been advised that the boat had been removed but that a site visit was required to confirm this and formally close the case.

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

**RESOLVED**

That the outstanding enforcement matters up to 25 May 2023 be noted.

**6 DC/23/0830/OUT - Land Fronting Seven Gardens Road, Burgh**

The Committee received report **ES/1561** of the Head of Planning and Coastal Management, which related to planning application DC/23/0830/OUT.

The application sought outline planning permission (with all matters reserved) for the construction of three market dwellings with garages on land fronting Seven Gardens Road, Burgh.

As the case officer's 'minded to' decision was contrary to comments received from Burgh Parish Meeting, the application was presented to the Planning Referral Panel, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, on 6 June 2023. The Planning Referral Panel considered that the concerns raised by parishioners warranted further discussion by members and referred the application to the Committee for determination.

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 noted that for policy purposes, the site was considered to be in the countryside. Officers were comfortable,

however, that the site's location and the proposed development was in accordance with policy SCLP5.4 of the Suffolk Coastal Local Plan (the Local Plan), regarding housing in clusters in the countryside.

The Committee was shown examples of appropriate developments in accordance with SCLP5.4, contained within the Housing in Clusters and Small Scale Residential Development in the Countryside Supplementary Planning Document (SPD), and the Planner highlighted that the proposed development was similar to the examples displayed of infill cluster development.

The Planner displayed an aerial image of the site and photographs of the site demonstrating views of the southern boundary, existing dwellings to the south, looking into the site, the surrounding countryside, and looking north along Seven Gardens Road.

The Committee received an illustrative block plan and an illustrative street scene drawing.

The material considerations and key planning issues were summarised as traffic and highway safety, the sustainability of the site's location, and environmental concerns including the loss of agricultural land. The Planner highlighted the response from the Council's Senior Ecologist concerning bee orchids in response to the points raised at the Parish Meeting, contained in the update sheet which had been published and circulated on 26 June 2023.

The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chair invited questions to the officers. In response to a query on Community Infrastructure Levy (CIL), officers confirmed that the application would be subject to CIL contributions and that although parish meetings did not receive CIL contributions directly, any CIL collected from an approved scheme in a parish meeting's area would be ringfenced to deliver infrastructure there.

The Planner clarified how the proposed development would fit into the existing cluster of housing, highlighting the aerial image of the site and noting the adjacent housing surrounding the application site, meaning that the development would infill an existing cluster.

The Planning Manager (Development Management, Major Sites and Infrastructure) confirmed that Burgh was considered a small hamlet in the countryside and did not have a defined settlement boundary. The Committee was informed that any community group could initiate the creation of a Neighbourhood Plan for an area and this process did not have to be led by a town or parish council.

Members were advised that should this application be approved, further development in the area would not meet the criteria of SCLP5.4; officers noted that the policy referenced that cumulative effects on an area must be considered.

The Planner confirmed that no letters of support had been received.

The Chairman invited Mr Price, the applicant's agent, to address the Committee.

Mr Price considered that despite the site's location in the countryside the application was in accordance with the Local Plan regarding clusters of housing in the countryside. Mr Price said that the proposal was identical to one of the examples within the Housing in Clusters and Small Scale Residential Development in the Countryside SPD as an acceptable infill within a rural cluster. Mr Price said that the main issue to be considered was if the proposal would cause such demonstrable harm as to warrant refusal.

Mr Price referred to the concerns expressed by objectors at the Parish Meeting and highlighted that these concerns were not shared by consultees such as the Highways Authority, the Council's ecology team and its landscape team.

Mr Price noted that a major concern expressed was that the application would set a precedent for further development, the local infrastructure would not cope with this or further development and that the proposals would impact on residential amenity. Mr Price highlighted that planning applications must be determined on their own merits, having regard to the development plan and all material considerations and that precedent was not, therefore, a consideration to be taken into account.

Mr Price referred to specific claims that sewerage capacity and water pressure would be affected by the development and highlighted that alternatives to mains drainage were available and the precise means of foul sewage disposal would be determined under any reserved matters application.

Mr Price also referred to the claims of bee orchids in the highway verge and referred the Committee to the comments of the Council's Senior Ecologist on the matter. Mr Price highlighted that prior to submission the applicant had created a wildflower meadow of 0.4 hectares at the southern end of the field hosting the application site.

Mr Price concluded that the application was fully in accordance with the development plan and would cause no demonstrable harm and should therefore be approved.

**Note: following the conclusion of Mr Price's address, the Chairman adjourned the meeting for a short period to allow officers to resolve a technical issue which had interrupted the live broadcast of the meeting.**

The Chair invited questions to Mr Price. Mr Price reiterated that a wildflower meadow had been planted at the southern end of the field hosting the site and the planting was beginning to flower. Mr Price confirmed that the properties would be sold on the open market and would be designed to comply with Part M of the Building Regulations to make them accessible properties. Mr Price outlined the wildflower meadow's proximity to the application site, using the aerial image provided by the Planner.

The Chair invited the Committee to debate the application that was before it. Councillor Hedgley, whose ward the application site was located in, said he had written to the Parish Meeting for comments but had not received a response prior to the meeting. Councillor Hedgley considered that the landscape in Burgh should be

valued; he acknowledged the scheme's compliance with SCLP5.4 but considered it was contrary to Chapter 15 of the National Planning Policy Framework (NPPF), which required development to preserve and enhance the natural environment. Councillor Hedgley was of the view that the development would neither preserve nor enhance the area and was not supportive of it.

Several members of the Committee highlighted that the development would provide a biodiversity gain as the site was currently an arable field with little biodiversity value, and were encouraged by the planting of the wildflower meadow adjacent to the site. Councillor Daly considered that the dwellings would provide gardens which, if made to be wildlife friendly, would provide a further biodiversity gain. Councillor Deacon expressed that he had been concerned about a possible spread of the cluster but was assured by the officers' responses during questioning.

Councillor Fisher said that he had visited the site on 26 June 2023 by bicycle; he said he shared Councillor Hedgley's concerns to an extent, noting that the development would impact the views of the landscape when approaching the site from the north, but considered that in time the development could look reasonable and would be of benefit to wildlife.

In response to a suggestion from Councillor Fisher to add a condition regarding boundary hedgerow planting, the Planning Manager advised that any reserved matters application would be better placed to control planting, as a landscape plan and details of boundary treatments and planting could be required by condition.

Councillor Ninnmey asked if the need for accessible housing in Burgh was known. The Planning Manager advised that data on this need was only collected when looking at affordable housing.

There being no further debate, the Chair 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 majority vote

## **RESOLVED**

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

1. This is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010). Before work on the development is begun, approval of the details of access, appearance, landscaping, layout and scale [herein called the "reserved matters"] shall be obtained from the Local Planning Authority by application(s) submitted not later than the expiration of three years beginning with the date of this outline permission.

Reason: As provided for in the Town and Country Planning (General Development Procedure Order 2010) and in accordance with Section 92 of the Town and Country Planning Act 1990.

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

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

3. This Outline Planning Permission relates to the land outlined red (only) on drawing no. '0597-PL001' (Site location plan) received by application on 2 March 2023.

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

4. The layout proposed through the Reserved Matters application should be broadly in accordance with the indicative layout submitted as part of this Outline Consent, including positioning the three dwellings so that they face towards Seven Gardens Road, and utilising the full frontage width of the application site to accommodate the three dwellings and their curtilages (and any access arrangements to serve those dwellings).

Reason: To ensure the development remains compliant with the Local Plan 'Cluster' Policy SCLP5.4, and to ensure an appropriate layout that would be in character with the locality, in the interests of visual amenity.

5. 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.

6. Proposed access arrangements submitted as part of subsequent reserved matters applications shall include the means by which the discharge of surface water from the development shall be prevented from entering the highway, including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

7. Proposed layout arrangements submitted as part of subsequent reserved matters applications shall include details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation 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.

8. Proposed layout arrangements submitted as part of subsequent reserved matters applications shall include details of the areas and infrastructure to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure/covered/lit cycle parking and electric vehicle charging points. The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.

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 manoeuvring would be detrimental to highway safety, and to promote sustainable transport choices.

9. Proposed access arrangements submitted as part of subsequent reserved matters applications shall include clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

10. Proposed material submitted as part of subsequent reserved matters application(s) shall include a Construction Management Plan which shall provide sufficient detail on the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) piling techniques (if applicable);
- d) storage of plant and materials;
- e) provision and use of wheel washing facilities;
- f) a programme of site and all associated works, such as those relating to utilities, including details of traffic management necessary to undertake these works;
- g) site working and delivery times;
- h) a communications plan to inform local residents of the program of works;
- i) provision of boundary hoarding and lighting;
- j) details of proposed means of dust suppression;
- k) details of measures to prevent mud on the highway from vehicles leaving the site during construction;
- l) haul routes for construction traffic on the highway network;
- m) monitoring and review mechanisms; and
- n) details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid hazards caused by construction activities and to minimise adverse impacts on the public highway and neighbouring properties during the construction phase.

11. Proposed material submitted as part of subsequent reserved matters application(s) shall include a photographic condition survey of the highway fronting and near to the site.

Reason: In the interest of highway safety, to ensure that damage to the highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public.

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.

## **7 DC/23/0234/FUL - The Walled Garden, High Street, Wickham Market, IP13 0QS**

The Committee received report **ES/1562** of the Head of Planning and Coastal Management, which related to planning application DC/23/0234/FUL.



The application sought full planning permission for the replacement of an existing outbuilding with a single-storey market dwelling at The Walled Garden, High Street, Wickham Market.

As the Council controlled the access between the proposed parking area and publicly adopted highway at High Street, the application was before the Committee for determination in accordance with the scheme of delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planner, who was the case officer for the application. The site's location was outlined and the Committee was shown an aerial image of the site. The Planner displayed the proximity of the Council-operated car park and surrounding development to the application site.

The Committee received photographs of the site demonstrating views of the public car park entrance, the site boundaries, views into the site, the existing outbuilding to be replaced, the existing site access and from within the site towards the site access.

The Planner displayed the block plan, elevations and roof and floor plans, along with computer-generated visualisations of the development.

The material considerations and key planning issues were summarised as design, heritage and access.

The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chair invited questions to the officers. In response to a question on archaeological investigation of the site prior to development, the Planner confirmed this was not a recommended condition. The Planning Manager (Development Management, Major Sites and Infrastructure) explained that the Suffolk County Council Archaeological Service regularly monitored planning applications and provided comments on those with archaeological potential, making it known when it considered a condition for investigation was required. The Planning Manager confirmed that officers consult Archaeological Services when there is an archaeological constraint.

The Planner confirmed that the existing access would be required to be pedestrian only and this would be controlled via condition, noting that this would only apply to the new dwelling and not to existing dwellings where a right of vehicular access applied.

There being no public speaking on the application, the Chair invited the Committee to debate the application before it. Councillor Ninnmey noted that the Council's Design team had encouraged the applicant to relate to the host site and given the planning history on the site was confident the development was appropriate. The Chair added that it was positive to see the site being put to good use.

There being no further debate, the Chair sought a proposer and seconder for the recommendation to approve the application as set out in the report. On the

proposition of Councillor Hedgley, seconded by Councillor Ninnmey, 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 the following approved drawings:

- 22-021-PL-01D (Proposed layout and elevations);
- 22-021-PL-02E (Existing and proposed site plans, location plan).

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Full specification of all external materials.
- (ii) A methodology statement confirming how existing historic fabric will be salvaged following demolition of the existing wall/ attached structures and reused in the construction of the approved development.
- (iii) Large scale details of all windows, glazed panels and external doors, including materials and finishes.
- (iv) Large scale details of parapet, eaves, verges, external flue, rainwater pipes and rainwater goods, including materials and finishes.
- (v) A layout for the approved PV panels, including relationship with surrounding parapet.
- (vi) Full specification of gates to north boundary wall and east entrance to site.
- (vii) A photographic record of existing wall and existing structures prior to demolition.

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 as the application does not include the necessary details for consideration.

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

- 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.

5. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved by the Local Planning Authority. 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.

6. Prior to any occupation or use of the approved development the RMS approved under condition 5 must be completed in its entirety. The Local Planning Authority 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.

7. A validation report must be submitted to and approved by the Local Planning Authority 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.

8. In the event that contamination which has not already been identified to the Local Planning Authority is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed by 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 BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved by the Local Planning Authority.

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. The use shall not commence until the area(s) within the site shown on Drawing No. 22-021-PL-02E for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

10. The use shall not commence until the area(s) within the site shown on Drawing No. 22-021-PL-02E for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2019) to promote sustainable travel.

11. Before the development is occupied the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be made available for use and shall be retained thereafter and used 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.

12. Prior to commencement an Ecological Enhancement Strategy demonstrating how ecological enhancements will be achieved on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved measures will be delivered prior to first use and retained in accordance with the approved strategy.

Reason: To ensure that the development delivers ecological enhancements.

13. Prior to the commencement of development, a detailed Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), produced in accordance with BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority.

The TPP shall show the extent of root protection areas, details of ground protection measures and fencing to be erected around retained trees, including the type and position of these.

The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed.

The AMS shall include details of all construction measures within the root protection areas of those trees on and adjacent to the application site which are to be retained, including the position, depth, and method of construction/installation/excavation of any hard landscaping, service routes and drainage systems.

The TPP and AMS shall include a schedule of monitoring and a programme of arboricultural supervision by a suitably qualified arboriculturalist.

Thereafter, the development shall be carried out strictly in accordance with the approved TPP and AMS unless otherwise agreed by the Local Planning Authority.

Reason: Required to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Local Plan Policy SCLP10.4.

14. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the Local Planning Authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

15. The approved hard and soft landscaping and planting works shall be implemented not later than the first planting season following occupation of the development (or within such extended period as the Local planning Authority may allow) and shall thereafter be retained and maintained for a period of 5 years.

Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

16. The existing site entrance off High Street shall be used for pedestrian access only as shown on approved drawing no.22-021-PL-02E and at no time shall this access be used by vehicles for purposes associated with the hereby approved development.

Reason: In the interest of highway safety and the protection of the local environment.

17. No development shall commence until a detailed Construction Management Plan has been submitted to and approved by the Local Planning Authority. This statement shall be agreed in consultation with the County Council Highway Authority and shall include the following:

- Site operating hours, including hours of construction/activity and deliveries to and from the site;
- Measures to ensure public safety and site security informed by a detailed risk assessment of the entire construction phase;
- A detailed methodology and programme for all construction works;
- Measures to limit noise and vibration;
- Measures to manage air, dust, stormwater and site drainage/sediment;
- Measures to manage site waste;
- Measures to manage, store and re-use materials;
- Measures to manage traffic, including all access routes to and from the site;
- The means and frequency of engagement with adjacent owners throughout the entire construction phase;
- The location of parking areas for construction and commercial vehicles.

Thereafter the approved Construction Management Plan shall be adhered to throughout the entire construction phase of the development, unless otherwise agreed by the Local Planning Authority.

Reason: To reduce the potential impacts of construction, including additional vehicular movements in the area during the construction phase of the development.

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.

## **8 DC/22/0103/FUL - The Promenade, Sea Road, Felixstowe, IP11 2QN**

The Committee received report **ES/1563** of the Head of Planning and Coastal Management, which related to planning application DC/22/01013/FUL.

The application sought full planning permission to use the land to site an observation wheel attraction (the wheel) for a temporary period of six months. As the Council was the landowner the application was before the Committee for determination, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The Committee was advised that a temporary period of six months was sought to ascertain the impact of the wheel in respect of noise, anti-social

behaviour and other disturbances. The Principal Planner explained that the applicant had agreed heads of terms for a six-month licence, which would require them to fully reinstate the site to its original condition at the end of the period.

The site's location was outlined and the Committee was shown photographs of the site demonstrating views looking into the site and looking both south and north along Sea Road. The Principal Planner stated that the nearest dwelling was almost 100 metres away from the application site.

The Committee was shown the existing and proposed block plans; the Principal Planner confirmed the wheel was a mobile attraction which would be installed on a platform and had 24 pods, which could accommodate six persons each. The Committee was shown the areas of the wall bordering Sea Road that would need to be removed for access to the attraction.

The Principal Planner displayed the existing and proposed promenade elevations and noted the comments of Felixstowe Town Council of the function of the wall bordering Sea Road; a condition was proposed that any extended closure period of the attraction would require the applicant to temporarily close the access points with boarding.

The elevations for the wheel were displayed and the Principal Planner noted the prominence of the structure. The Committee was shown photographs and a short video clip of the wheel in operation at night.

The material considerations and key planning issues were summarised as the visual impact, tourism, the impact on residential amenity, highways and parking, and flood risk.

The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chair invited questions to the officers. The Principal Planner confirmed that any further applications after the six-month period would be determined by the Committee as the site was on Council owned land. The Committee was advised that the proposed noise measurement would be in relation to any noise resulting from the operation of the wheel.

In response to a further query, the Principal Planner noted that the licence issued to the applicant by the Council as landowner required a full reinstatement of the site to the original block plan at the end of the licence period.

Officers were satisfied that the development would not result in an unacceptable loss of privacy, given the distances between the wheel and residential developments. It was confirmed that no sections of the coastal defence wall would be removed and that given the width of the construction, there would not be a direct route through the garden for pedestrians.

In response to questions regarding masterplanning for Felixstowe Seafront, the Planning Manager (Development Management, Major Sites and Infrastructure) explained that the Council's regeneration team continued to identify opportunities for



masterplanning and this section of the seafront presented a significant opportunity to improve the tourism offer and regenerate the gardens; the Committee was advised that the time-limited nature of this application fitted with any different vision for this space in the long term.

The Principal Planner advised that the majority of representations had come from individuals.

The Chair invited Mr Hedges, the applicant, to address the Committee. Mr Hedges said he had nothing further to add and was present to answer the Committee's questions.

The Chair invited questions to Mr Hedges. Mr Hedges advised that should permission be granted he was looking to complete the groundworks and implement the operation by mid-July 2023. Mr Hedges said it was his intention to continue the operation until the October 2023 half-term holiday then cease it, reinstate the site and assess the impact of the operation.

Mr Hedges confirmed that the wheel could accommodate a maximum of 144 persons but he did not expect that the wheel would operate at full capacity, based on practical experience. Mr Hedges said he expected peak and off-peak times of operation to occur. Mr Hedges stated that the operation would be stewarded, including the management of queues.

In response to a query about the mobility of the wheel, Mr Hedges explained that it was a well designed and monitored construction, last used at Easter 2023. Mr Hedges confirmed that an inspector was already booked to stress-test the wheel before its erection and it will be signed off before it is operated on the site.

The Chair invited the Committee to debate the application that was before it. Members considered the proposals to be positive; Councillor Deacon said that Felixstowe was a resort "on the up" and the wheel would enhance the tourism offer, noting that the trial period was a sensible way to address any issues.

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

## **RESOLVED**

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

1. The development hereby permitted shall cease within six months of the date of this permission. Within one month of the expiry of this permission, the site shall have been returned to its current form and appearance with the raised grass beds, central walkway and prom boundary wall reinstated in accordance with drawing 5896/02.

Reason: For the avoidance of doubt as to what has been considered and approved - a temporary permission is considered necessary to properly assess the impacts of the development when operational.

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos. 01 and 02, received 11 January 2022, 04a, 04b rev. B, 04c rev. B, 05 rev. A, 06 rev. C and Landscape Statement, Flood Risk Assessment, Planning Statement rev. A, Technical Document, Risk Assessment and Method Statement all received 2 June 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. If the observation wheel hereby permitted is not operational for a period in excess of 24 hours, the gaps created within the promenade facing boundary wall for access and egress shall be infilled as indicated on drawing 04c rev. B.

Reason: To minimise the impact of sand and/or shingle entering the grassed areas and to ensure some visual continuity of the existing promenade wall when the wheel is not operational and prior to its reinstatement.

4. Prior to operation of the observation wheel hereby permitted, the site owner/manager shall subscribe to the Flood Warning Service area. Upon receipt of a Flood Warning or extreme weather warning, the site should be closed and evacuated, and remain so until the Flood Warning is lifted.

Reason: In the interest of minimising risk to users and staff of the site.

5. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be carried out while the wheel is operational (to include while powered by the back-up generator) and submitted to the local planning authority prior to the expiry of this planning permission. This should include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

Reason: In order that an accurate noise assessment of the attraction can be considered in the interest of amenity and protection of the local environment.

6. All noisy construction and deconstruction activities (i.e. those audible beyond the site boundary) shall be restricted to the following hours:

Monday - Friday: 7.30-18.00

Saturday : 8 - 13.00

Sundays/Bank Holidays: No noisy working.

The observation wheel shall only operate during the following times:

Monday - Friday 10.00 - 21.00

Saturday 10.00 - 22.00

Sundays and Bank Holidays 10.00 - 21.00

Construction and de-construction of the wheel and wheel operation shall be carried out entirely in accordance with the Method Statement, Technical Documentation and Risk Assessment submitted with the application.

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

7. There shall be no floodlighting on the site at any time. When the wheel is not operational, there shall be no external lighting except for low level security lighting that shall not be positioned above one metre above the proposed platform.

Reason: In the interest 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.

2. The applicant's attention is drawn to the comments from the Environment Agency regarding the need for a Flood Risk Activity Permit.

3. The applicant is advised that this planning permission does not 'trump' any lease or license granted by the Council as landowner (or vice versa) and that all necessary permissions must be in place and complied with in full for the operation to be lawful.

4. The applicant's attention is drawn to the comments received from the Council's Environmental Protection Team with regards to the noise survey. Given the temporary nature of this permission, it is considered appropriate to ensure a noise assessment is carried out while the site is operational to obtain accurate readings of the wheel in situ. This does not alleviate the applicant of their responsibility in relation to noise nuisance and the Council will investigate any complaints of statutory noise nuisance.

The meeting concluded at 3.33pm.

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Chair