



Planning Committee South

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 19 December 2023 at 2.00pm.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/Sgeoe0v5F8?feature=share>.

Members:

Councillor Mark Packard (Chair), Councillor John Fisher (Vice-Chair), Councillor Tom Daly, Councillor Mike Deacon, Councillor Katie Graham, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mike Ninnmey, Councillor Rosie Smithson.

An Agenda is set out below.

	Pages
Part One – Open to the Public	
1 Apologies for Absence and Substitutions	
2 Declarations of Interest Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3 Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4 Minutes To confirm as a correct record the minutes of the meeting held on 28 November 2023.	1 - 34
5 East Suffolk Enforcement Action - Case Update ES/1784 Report of the Head of Planning and Coastal Management.	35 - 50
6 DC/23/3110/FUL - 28 Saxon Way, Melton, Woodbridge, IP12 1LG ES/1785 Report of the Head of Planning and Coastal Management.	51 - 58

Part One – Open to the Public

Pages


- 7** **DC/23/2089/FUL - 14 Beach Huts, Undercliff Road West, Felixstowe, IP11 7ES
ES/1786** **59 - 84**
Report of the Head of Planning and Coastal Management.

Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close

A handwritten signature in black ink, appearing to read 'Chris Bally', with a stylized, cursive script.

Chris Bally, Chief Executive

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Speaking at Planning Committee Meetings

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

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

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

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

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

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Unconfirmed



Minutes of a meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 28 November 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 Debbie McCallum, Councillor Mike Ninnmey, Councillor Mark Packard

Other Members present:

Councillor Peter Byatt, Councillor Sally Noble

Officers present:

Louise Burns (Environmental Health Officer), Nick Clow (Assistant Planner), Matt Makin (Democratic Services Officer (Regulatory)), Agnes Ogundiran (Conservative Political Group Support Officer), Rachel Smith (Principal Planner (Development Management, Central Area Lead)), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Rosie Smithson; Councillor Peter Byatt attended as her substitute.

2 Declarations of Interest

No declarations of interest were made.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Ninnmey declared that he had been present at a meeting of Levington and Stratton Hall Parish Council on 27 November 2023, where the application being considered at item 9 of the agenda was discussed; Councillor Ninnmey advised that he did not take part in any discussions or respond to any comments on the application.

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 24 October 2023 be agreed as a correct record and signed by the Chair.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1745** of the Head of Planning and Coastal Management, which gave 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 26 October 2023. At that time there were 19 such cases.

The Chair invited the Assistant Enforcement Officer (Development Management) to comment on the report. The Committee was advised of two updates since the report's publication:

- case A.1 (141 Kirton Road, Trimley St Martin) - a site visit had confirmed that compliance was underway and a second site visit would be completed to ensure compliance was achieved.
- case A.3 (21 Mill View Close, Woodbridge) - a site visit had confirmed that compliance had been achieved and the case would be closed.

There were no questions to the officers.

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

RESOLVED

That the outstanding enforcement matters up to 26 October 2023 be noted.

6 DC/22/1351/FUL - Butley Priory, Abbey Road, Butley, IP12 3NR

The Committee received report **ES/1746** of the Head of Planning and Coastal Management, which related to planning application DC/22/1351/FUL. The application sought full planning permission for the continued use of Butley Priory as a wedding venue and holiday accommodation.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management given the scale of development cumulatively with proposals at Butley Abbey Farm. It was noted that applications relating to Butley Abbey Farm and in connection with the operation of the venue were also on the agenda to be considered by the Committee.

The Committee received a presentation from the Principal Planner (Development Management, Central Area Lead), who was the case officer for the application. The site's location was outlined and the Principal Planner highlighted that Butley Priory was a Grade I listed building which had previously benefitted from temporary planning permissions to operate as a wedding venue; the most recent permission had expired in 2018 and the site had continued to operate without consent.

The Principal Planner noted the proximity of a group of buildings, Butley Abbey Farm, to the south of the application site, also in the ownership of the applicant, which related to two other applications on the meeting agenda. The Committee was advised that the proposals of all three applications were linked. An aerial photograph of the site was displayed which demonstrated its relationship to the Butley Abbey Farm application site.

The Committee received photographs demonstrating views of Butley Priory from the front and rear. The Principal Planner highlighted the use of a marquee on the front lawn for events and outlined the objection from Environmental Health due to noise; the Committee was advised that on balance, Planning officers were in favour of the proposal.

The Principal Planner displayed a plan demonstrating land in the applicant's ownership in context to the application site; it was noted that the nearest residential properties not owned by the applicant were located 500 metres from the application site.

The Committee was advised that Environmental Health had responded to several noise complaints in the past and after investigation had concluded there was not a statutory noise nuisance, but that sound from the site was audible at the residential properties.

The material planning considerations and key issues were summarised as the principle of use, heritage, and noise and disturbance in relation to the tranquillity of the Area of Outstanding Natural Beauty (AONB) and residential amenity.

The recommendation to approve the application was set out and the Principal Planner summarised the proposed conditions; the Committee was informed that the seven-year restriction on the use of a marquee was proposed as it was the applicant's intention to relocate this element of events to the buildings at Butley Abbey Farm as part of the proposals for that site.

The Chair invited questions to the officers. Councillor Deacon made queries regarding the difference between the proposals and the temporary permissions, the employment that would be created, and the distance of the site from Butley village.

The Principal Planner advised that the site was south of the village by approximately one mile. The Committee was informed that the key difference from the temporary permissions was the restriction on marquee use, and that employment on the site was expected to be broadly similar as now, given Butley Priory had continued to operate as an events venue on the expiry of the most recent temporary permission in 2018.

Councillor Daly asked for an indication of the type of events held at the site. The Committee was advised that the majority of events were weddings and that the building could also be used as a holiday let. The Principal Planner explained that there was no limit on the types of events that could be hosted; wedding events included receptions and incorporated live entertainment.

The Chair invited Edward Greenwell, the applicant, to address the Committee. Mr Greenwell was accompanied by Phil Branton, architect, and Donna Stockley, the

General Manager of Butley Priory, who were present to assist with any questions from the Committee.

Mr Greenwell highlighted the historic significance of the site and explained that to afford the considerable expense to preserve Butley Priory, a revenue use of the building was required. Mr Greenwell said that this and the associated planning applications on the agenda were part of developing this revenue element.

Mr Greenwell acknowledged that the main concern was noise disturbance and said that since submitting the application, acoustic assessments had been carried out during live events to minimise this disturbance and noise limits had been agreed. Mr Greenwell advised the Committee that proposed conditions had been agreed to, including the General Manager monitoring sound levels on a defined route.

Mr Greenwell confirmed that should the barn conversion proposed in the associated applications be completed, this would remove the need for a marquee on the front lawn for wedding receptions. Mr Greenwell asked the Committee to support the recommendation of officers to approve the application.

The Chair invited questions to Mr Greenwell. In response to Councillor Daly's earlier question, Mr Greenwell advised that the majority of events at the site were weddings, but that the site had also hosted wakes, private parties, and charity events.

Councillor Byatt asked about the history of complaints in relation to events at the site. Mr Greenwell replied that he had taken over the site in 2020 when the previous operator had gone bust and had been assured that there had been no complaints before that time.

Mr Greenwell confirmed to the Committee that he intended to move the reception events from a marquee to the refectory barn if/when this was converted, and had agreed to the seven-year marquee condition as a result.

In response to Councillor Graham, Ms Stockley said that the venue communicated with residents when there would be live and/or amplified music outdoors and strove to ensure live elements concluded at 11pm. Ms Stockley said a noise management plan was in place and that sound levels were monitored in real time, with the manager driving a circular route around neighbouring properties to monitor at various points, taking action to reduce noise where necessary.

Councillor McCallum asked the officers if the noise issues were a material planning consideration or a licensing issue; the Principal Planner highlighted the concerns raised by Environmental Health in respect of noise and that the Committee needed to consider the impact of noise on disturbance to residential properties approximately 12 evenings a year.

Mr Greenwell confirmed to Councillor McCallum that Butley village was 1.2 miles north of the site and that the venue currently employed five full-time equivalent posts, plus caterers on an ad hoc basis. Mr Greenwell said that the business had paid out £200,000 in salaries in the last year and added that there was no immediate plan to expand employment at the site.

In response to Councillor Byatt, Ms Stockley advised that in most instances, guests would depart the site within 30 minutes of the end of an event. Councillor Ninnmey asked about the possibility of "silent discos" on the site and Ms Stockley said that this was something the venue would consider if clients wanted it.

The Chair invited the Committee to debate the application that was before it. Councillor Daly said he was very familiar with the site, living nearby and having attended events at the venue in the past, and considered the site was the perfect setting for the type of events it hosted. Councillor Daly was supportive of the application, highlighting the distance between the site and the nearest residential dwellings and noted existing noise disturbance from the arable farming activity in the area.

Several members of the Committee concurred with Councillor Daly's comments, highlighting the economic benefits of the site and commenting that noise issues could be addressed through Environmental Health. Councillor Deacon expressed that he had held misgivings about the application prior to the meeting but that information shared at the meeting had allayed his concerns and he was in support of the proposals.

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 Daly, seconded by Councillor McCallum, it was by a unanimous vote

RESOLVED

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

1. The development hereby permitted shall be carried out in all respects strictly in accordance with Site Plan LP_10A received 13 October 2023, Noise Report dated 14 June 2023, Noise Management Plan received 29 June 2023, Highways Technical Note received 22 December 2022 and floor plans received 5 April 2022 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.

2. There shall be no amplified music (live or recorded) and/or amplified speech (or singing) on the application site from outside of the Priory building itself after 9.00pm except for on a maximum of 12 occasions per calendar year.

There shall be no amplified music after 9.00pm from outside of the Priory building after seven years from the date of this permission.

Any amplified music from outside of the Priory building itself shall be limited to a maximum of 75dB at source with the exception of the aforementioned 12 occasions per calendar year when amplified music from outside of the Prior must not exceed 95dB.

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

3. No events and/or weddings shall be carried out on site other than between the hours of 0900 and 01.00 the following day.

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

4. There shall be no more than 200 persons attending any wedding and/or event on the application site for seven years from the date of this permission. After seven years from the date of this permission, there shall be no more than 100 persons attending any wedding and/or event on the application site.

Reason: In the interests of amenity and the protection of the local environment to also consider the cumulative impact of events at neighbouring Butley Abbey farm.

5. There shall be a maximum of one event marquee on the site at any one time for a maximum of 84 days in any calendar year. The site owners shall keep a log of all dates a marquee is erected on site which shall be made available to the local planning authority on request.

Reason: In the interests of amenity and the preservation of the setting of the Listed Building.

6. All event management to be carried out in accordance with the Noise Management Plan received 29 June 2023.

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

7. The only residential occupation of Butley Priory shall be 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 1987). The duration of occupation by any one person, or persons, of the holiday home 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 in the interests of residential amenity.

Informative:

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/20/5260/FUL - Butley Abbey Farm, Abbey Farm Lane, Butley, IP12 3NP

The Committee received report **ES/1747** of the Head of Planning and Coastal Management, which related to planning application DC/20/5260/FUL. The application sought full planning permission to convert a number of farm buildings at Butley Abbey Farm to be used as an events venue and holiday accommodation in connection with the existing venue at Butley Priory to the north of the application site.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management given the local interest in the application and the scale of the development relative to its location; Butley, Capel St Andrew and Wantisden Parish Council and the ward member had both objected to the application.

The Committee received a presentation from the Principal Planner (Development Management, Central Area Lead), who was the case officer for the application. It was noted that an associated listed building consent application for the development was also on the agenda to be considered by the Committee, and that an application relating to the use of Butley Priory as an events venue following the expiration of previous planning permissions had been considered and approved earlier in the meeting.

The site's location was outlined; the Principal Planner explained that the irregular "red line" for the site related to a footpath that links the site to the adjacent Butley Priory to the north. The farmhouse relating to Butley Abbey Farm was noted as being adjacent to the application site and outside the scope of the proposals.

The Committee was shown photographs of the site demonstrating views of the access from the highway, looking within the site towards existing farm buildings, looking back towards Butley Priory, the proposed car park location, towards the adjacent farmhouse, and modern farm buildings proposed to be demolished. The Committee also received photos demonstrating views of the proposed office location, the refectory barn, another barn proposed for demolition, and wider views of the site.

The Principal Planner explained that the Highways Authority had suggested a bus stop at the entrance to the site; officers had considered this was not a reasonable request given the likely timing of events of the site meant that using public transport would not be practical.

The proposed site layout and phasing plans were displayed to the Committee. The Principal Planner identified the buildings proposed to be demolished; these were modern farm buildings of no historic value and officers considered their removal would enhance the area.

The Committee received the demolition plan and images of the buildings proposed for demolition. The Principal Planner provided the proposed floor plans for the refectory barn, and the proposed elevations and floor plans for the holiday lets and the stables. The Committee was also shown computer-generated images of the

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

There being no questions to the officers, the Chair invited Edward Greenwell, the applicant, to address the Committee. Mr Greenwell was accompanied by Phil Branton, architect, and Donna Stockley, the General Manager of Butley Priory, who were on hand to assist with any questions from the Committee.

Mr Greenwell noted that the application site was originally the centre of a much larger farm and a lot of the modern farm buildings, previously used for pigs, were no longer in use. Mr Greenwell said the proposals would demolish half the buildings on the site, including all the modern buildings, and restore the historic ones.

Mr Greenwell acknowledged the concerns raised about the impact on heritage assets and increased traffic but was satisfied all issues had been sufficiently addressed; Mr Greenwell said that traffic would arrive at the site via Woodbridge Road where there was no housing for five kilometres.

Mr Greenwell noted that the refectory barn, which would be used for events, had very thick walls and would contain noise very well. The Committee was advised that archaeological surveys had been completed in 2021 and remains would be looked out for when any digging took place during development. Mr Greenwell reiterated his earlier comments about the venue's contribution to the local economy and sought the Committee's approval of the application.

The Chair invited questions to Mr Greenwell. In response to a query from Councillor Daly on the displacement of bats, Mr Branton advised that all relevant surveys had been undertaken and that the development would adhere to the proposed conditions to take appropriate mitigation measures.

Councillor Hedgley asked for Mr Greenwell to comment on the Highways Authority's concerns about tractor movements in relation to the site access. Mr Greenwell said that such movements would continue regardless and was of the impression that the Highways Authority had lifted its objection; the Principal Planner was able to confirm this was correct.

Councillor Ninnmey referred to the Parish Council's concerns about access to the site from The Clumps and sought clarity from Mr Greenwell on them. Mr Greenwell said that the recommendation for an increased width was within the site and highlighted that passing places were less important as vehicles would be all leaving and arriving in one direction.

In response to a further query from Councillor Ninnmey, regarding holiday let occupancy periods, Mr Greenwell said that holidaymakers would not be on the site when events were taking place and there would therefore be no traffic conflicts.

Councillor Byatt asked if the development would incorporate elements to move towards net zero; Mr Greenwell said a positive attitude would be taken to do this but noted the limitations on solutions such as solar panels when renovating listed buildings.

The Chair invited the Committee to debate the application that was before it. Members of the Committee expressed disappointment that representatives for objectors and the Parish Council had not attended and spoken at the meeting.

Councillor Byatt said his concerns had been addressed during the meeting and was in favour of the application, noting how it integrated with the application at Butley Priory approved by the Committee earlier in the meeting.

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 Byatt, seconded by Councillor McCallum, 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 be completed in all respects strictly in accordance with drawing nos. PA_21, PA_29, PA_41, PA_42, PA_44, PA_45, PA_46, 2001-421-001A and 8301-05, -06, -07, -08 and -09 received 24 December 2020, Ecological Report received 23 March 2021, PA_24B, PA_36A, PA_37A, PA_38A and noise report received 10 September 2021, 2001-421/TP01 received 24 January 2022, drawing nos. PA-23D, PA-26D, PA-40C, PA-43A, PA-47A and PA-50 received 5 April 2022 and highways technical note dated 13 December 2022 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. No work shall commence on each element referenced below until details of the following have been submitted to and approved in writing by the local planning authority:

- (i) manufacturer's details of the proposed external cladding and roofing materials
- (ii) proposed brick boundary walls and gates
- (iii) section and elevations of the proposed fenestration and doors
- (iv) section drawings through the proposed wall, roof and floor structure of the Refectory Barn and stables to include details of any proposed insulation and internal finishes.
- (v) details of measures incorporated into the design of the Refectory Barn to minimise light spillage
- (vi) detail section drawings through the eaves and verges of the new proposed holiday let building and cart lodge infill.

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 until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2021).

5. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2021).

6. No development shall take place until the role and responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works)

have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

7. The development shall not in any circumstances commence unless the local planning authority has been provided with either:

- a. a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead or demonstration that the appropriate Natural England Class Licence is in place to allow works to commence; or
- b. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development.

8. No development shall take place (including any demolition, ground works or site clearance) until a Biodiversity Method Statement for the development has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a. purpose and objectives for the proposed works;
- b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c. extent and location of proposed works shown on appropriate scale maps and plans;
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);
- g. disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved and shall be retained in that manner thereafter.

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

9. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants, or works to or demolition of buildings or structures that may be used by breeding birds 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.

10. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, March 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

11. Prior to first use, a "lighting design strategy for biodiversity" for the site shall be 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 and also to control lighting to protect the dark skies character of the AONB.

12. If phases 1 to 4 of the development (as per the submitted All Phases of Works drawing ref. PA_53 A) hereby approved do not commence (or, having commenced, are suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured through Conditions 6 to 11 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected and/or UK Priority species and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement or resumption of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that ecological mitigation measures are appropriately delivered based on up-to-date evidence.

13. Prior to use of the events centre hereby permitted, a noise management plan shall be submitted to and approved in writing by the local planning authority. The noise management plan should consider all aspects of noise on site including, where applicable, but not restricted to hours of use/noisy activities, frequency of events, indoor amplified music, outdoor music, fireworks and general use of/movement around and entering and leaving the site. Thereafter, the noise management plan shall be implemented no later than first use of the events centre and compliance with it continued thereafter.

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

14. Prior to the commencement of development, full details of all noise mitigation measures to be included within the development shall be submitted to and approved in writing by the local planning authority. All of the agreed mitigation measures shall be carried out in full and retained in their approved form thereafter.

Reason: The noise report suggests that an acceptable noise level at nearby receptors can be achieved with appropriate mitigation and design of the barn however at this stage, recommendations have been made but the exact measures to achieve this have not been included in the report. To ensure these are provided in the interest of amenity and protection of the local environment.

15. No other part of the development hereby permitted shall be occupied until the new access has been laid out and completed in all respects in accordance with drawing no. PA_51 within technical note 2001-421/TN01 dated 21 January 2022. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

16. The use shall not commence until the areas within the site shown on drawing no.PA_51 within technical note 2001-421/TN01 dated 21 January 2022 for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and thereafter the areas shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

17. Before the access is first used visibility splays shall be provided as shown on Drawing No.PA_51 within technical note 2001-421/TN01 dated 21 January 2022 and thereafter retained in the specified form. 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.

18. Within 3 months of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 along with a landscaping implementation phasing plan shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

19. The approved landscaping scheme shall be implemented in accordance with the approved landscaping phasing plan (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.

20. Prior to first use of any part of the development hereby permitted, a management plan for maintenance of all external parts of the site (to include, but not be limited to, the access drive, landscaped areas, car parking areas, courtyard spaces etc.) shall have been submitted to and approved in writing by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of at least 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.

21. 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:

As 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: BS 10175:2011+A1:2013 and CLR11.

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.

22. 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 CLR11.

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.

23. Prior to any occupation or use of the approved development the RMS approved under condition 22 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.

24. 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.

25. 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 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 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.

26. No events and/or weddings shall be carried out on site other than between the hours of 0900 and 01.00 the following day.

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

27. There shall be no more than 200 persons attending any wedding and/or event on the application site at any one time.

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

28. There shall be no amplified music (live or recorded) and/or amplified speech (or singing) on the application site other than within the events space within the Refectory barn.

Reason: To avoid noise pollution in the locality.

29. There shall be no more than 75 events per annum held within the Refectory barn continuing beyond 9.00pm.

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

30. The holiday letting units hereby permitted shall be used for holiday letting accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). 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.

31. The hereby permitted manager's accommodation shall be occupied by a site manager or employee only and shall not be sold or let separately from the wider use of the site as an events centre with holiday accommodation.

Reason: To help ensure effective management of the site and in the interest of amenity; the application does not indicate how adequate levels of residential amenity may be achieved if the accommodation was not linked to wider use of the site.

32. Prior to occupation of any of the residential accommodation hereby approved, evidence of water efficiency standards shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the finished dwellings comply with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwellings.

33. Prior to commencement of the hereby approved development, an Energy Statement shall be submitted to and approved in writing by the local planning authority. The identified measures shall be implemented in accordance with the

approved statement, and thereafter be retained and maintained in their approved form.

Reason: To ensure the finished development implements the approved sustainable measures to comply with Planning Policy SCLP9.2.

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 AONB team is working closely with Save Our Suffolk Swifts (SoS Swifts) project. SOS Swifts is a partnership project between the Suffolk Wildlife Trust and The Suffolk Bird group. It is requested that the SOS Swifts project is contacted for advice on the siting and installation of swift boxes and Swift callers which should also be installed to attract the swifts. The project can also advice on Barn Owl Boxes too. Further advice is available from <https://www.suffolkbirdgroup.org/sos-swifts>.

Note: Listed Building Consent may be required if fixing boxes to Listed Buildings.

8 DC/20/5261/LBC - Butley Abbey Farm, Abbey Farm Lane, Butley, IP12 3NP

The Committee received report **ES/1748** of the Head of Planning and Coastal Management, which related to planning application DC/20/5261/LBC. The application sought listed building consent for alterations to buildings at Butley Abbey Farm, including Grade II listed buildings.

The application was before the Committee for determination in connection with the accompanying application for full planning permission, which had been referred to the Committee by the Head of Planning and Coastal Management due to the scale of the proposed development relative to its location, and the level of interest.

The Committee received a presentation from the Principal Planner (Development Management, Central Area Lead), who was the case officer for the application. The Principal Planner highlighted that the application was for the listed building consent for the alterations approved by the Committee as part of the previous item, and displayed images of the applicable buildings. The recommendation to approve the application was outlined to the Committee.

There being no questions to the officers, the Chair invited Edward Greenwell, the applicant, to address the Committee. Mr Greenwell said he had nothing further to add to his statement for the previous application.

There being no debate on the application, 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 McCallum, seconded by Councillor Hedgley, 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 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos. PA_21, PA_29, PA_41, PA_42, PA_44, PA_45, PA_46, 2001-421-001A and 8301-05, -06, -07, -08 and -09 received 24 December 2020, PA_24B, PA_36A, PA_37A, PA_38A received 10 September 2021, drawing nos. PA-23D, PA-26D, PA-40C, PA-43A and PA-47A received 5 April 2022 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. Unless otherwise required or detailed within other conditions, the materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. No building work shall commence on each element referenced below until details of the following have been submitted to and approved in writing by the local planning authority:

- (i) manufacturer's details of the proposed external cladding and roofing materials
- (ii) proposed brick boundary walls and gates
- (iii) section and elevations of the proposed fenestration and doors
- (iv) drawings and a schedule of proposed repairs and strengthening works to the Refectory Barn
- (v) section drawings through the proposed wall, roof and floor structure of the Refectory Barn and stables to include details of any proposed insulation and internal finishes.
- (vi) detail section drawings through the eaves and verges of the new proposed holiday let building and cart lodge infill.

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.

5. Prior to the commencement of any works to the Refectory Barn, a detailed Historic Building Record shall be made and be deposited with the Suffolk County Council Historic Environment Record. Within one week of this being done, confirmation of this shall be sent, by email, to the local planning authority.

Reason: The significance of this building is considered to be of sufficient merit and quality to be recorded and form part of the public record.

Informative:

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.

NOTE: the meeting was adjourned following the conclusion of this item (3.08pm) for a short break and was reconvened at 3.15pm.

9 DC/23/1138/OUT - Red House Farm, Bridge Road, Levington, IP10 0LZ

The Committee received report **ES/1749** of the Head of Planning and Coastal Management, which related to planning application DC/23/1138/OUT. The application sought outline planning permission, with all matters reserved except for access, for the residential development of the site for 18 dwellings, including six affordable homes, and associated infrastructure.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management as he had considered it to be significant due to the level of public interest.

The Committee received a presentation from the Planning Manager (Development Management, Major Sites and Infrastructure) on behalf of the case officer for the application. The site's location was outlined and the Committee was made aware that the site was allocated for development under policy SCLP12.56 of the Suffolk Coastal Local Plan (the Local Plan). The Planning Manager highlighted the site's proximity to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (the AONB), residential settlements and an allocated employment site.

The Committee was shown an aerial photograph of the site; the Planning Manager noted the crescent layout of Red House Walk and the linear development surrounding it, along with agricultural structures adjacent to the application site.

The Planning Manager summarised policy SCLP3.2 of the Local Plan, related to settlement hierarchy, and outlined that the policy anticipated that 10% of housing growth between 2018 and 2036 would be delivered in small villages; Levington was designated as a small village as per the policy. The Planning Manager stated that the development represented less than 0.5% of housing growth for the district for the period set out in policy SCLP3.2.

The Planning Manager outlined policy SCLP12.56 of the Local Plan and it was noted that the policy allocated the site for the development of approximately 20 dwellings subject to criteria.

The Committee was shown photographs demonstrating views looking into the site from various angles and along adjacent public highways and a public right of way. The Planning Manager displayed the original and updated indicative site layout plans and outlined the changes made during the course of the application.

The Committee was reminded it that all matters were reserved except for access and that the indicative site layout plan demonstrated how the site could accommodate the development, with all matters except accessed to be determined separate under any reserved matters application.

The Committee was shown an excerpt of the definitive rights of way map, which demonstrated how the site connected to the public rights of way network. The parameters plan was also displayed.

The material planning considerations and key issues were summarised as the principle of development, access and highway matters, design and character of the area, housing mix, landscape character, trees, ecology, residential amenity, flood risk and drainage, land contamination, archaeology, and infrastructure requirements. The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application was outlined to the Committee.

The Chair invited questions to the officers. In response to a query on the non-linear aspect of the indicative site layout, the Planning Manager reiterated that this drawing was to indicate how the proposed development could be accommodated on the site and described it as being predominantly linear, although not uniformly so.

Councillor Ninnmey queried what the density of such a site should be in a rural setting. The Planning Manager advised that the site was allocated for approximately 20 dwellings and what was proposed was under that allocated density, which had been established during the making of the Local Plan. The Planning Manager said that the development was consistent with the character of its surroundings.

In response to a further question from Councillor Ninnmey regarding health provision, the Planning Manager informed the Committee this would be addressed via Community Infrastructure Levy (CIL), adding that officers regularly liaised with the relevant Integrated Care Boards on developments to identify when health facilities required expansion.

In response to questions on the number of self-build plots and vehicle movements, the Planning Manager confirmed that the size of the development did not meet policy criteria to require self-build plots. The Committee was advised that the number of vehicles anticipated was related to the size of the dwellings and that the Local Plan allocation identified that the site could sustain the proposed growth, including the associated traffic impact.

With regard to a query on plot sizes, the Committee was informed that similar size plots to existing dwellings would not be expected and that the proposed plot sizes would provide good garden amenity space for the proposed dwellings.

Councillor Daly questioned if there would be a biodiversity net gain from the site. The Planning Manager advised this was not a policy requirement at this stage but that the Council's ecologist had reviewed the application and was satisfied with it, subject to proposed recommendations for mitigation measures.

Councillor Hedgley asked if officers were content with the flood resilience of the area. The Planning Manager stated that a sustainable urban drainage system (SUDS) basin was proposed to ensure that water run-off was at green field levels. The Planning Manager confirmed to Councillor Deacon that the site's current use was equestrian, with the land divided into paddocks.

Councillor Graham referred to the Parish Council's comments regarding the nearest primary school being full and asked where the next nearest one was. The Planning Manager advised the Committee that officers worked closely with Suffolk County Council in respect of education provision for new developments and noted that two new primary schools in the nearby area, in Brightwell Lakes and Trimley St Martin, were planned for. The Committee was given assurance that officers would continue to regularly review the education provision in the area and look to expand it through development wherever possible.

In response to a follow-up question from Councillor Graham, the Planning Manager said that the school at Brightwell Lakes was anticipated to come online in five years' time and that work to expand existing facilities could happen sooner than that.

Regarding concerns on the local utilities infrastructure being able to absorb the proposed development, the Planning Manager advised that any developer was required to ensure that dwellings connected to the network and would be responsible for financing this. The Planning Manager said he was not aware of any concerns from consultees in that regard.

Councillor Daly asked if alternative fuel and power sources would be considered as part of the development. The Planning Manager summarised the requirements of the current building regulations, which came into effect in June 2023, and confirmed they would be applicable to any development commencing after that period. Officers anticipated that the Future Homes Standard would further raise requirements regarding sustainable construction; the Committee was advised that this particular development to whatever building regulations were in force at the time of commencement.

The Chair invited Councillor John Ross, representing Levington and Stratton Hall Parish Council, to address the Committee. Councillor Ross considered the presentation of the application by officers had been distorted to lead the Committee into approving it. Councillor Ross said that he had chaired a meeting of the Parish Council the previous evening and said that councillors and residents had been aghast that the application was recommended for approval. Councillor Ross advised the Committee

that 70 households in Levington had objected to the proposals, with no letters of support submitted.

Councillor Ross said that the Parish Council did not object to the principle of development on the site but was opposed to the density of homes. Councillor Ross was of the view that the indicative site layout plan demonstrated that the development would be out of character for Levington, an urban development in a rural setting. Councillor Ross suggested that the applicant had not wanted to build as many homes as proposed and had been encouraged to do so by officers. Councillor Ross considered that only the officers were fully supportive of the application.

Councillor Ross pointed out that residents of Levington were dependent on private vehicles to travel and the roads were too narrow for on-street parking, so any development would need to accommodate two cars per household and refuse vehicles accessing the site. Councillor Ross highlighted that the hedgerow proposed for retention no longer existed. The Committee was requested to consider the points of the objectors when determining the application.

The Chair invited questions to Councillor Ross. When asked by Councillor Hedgley what density the Parish Council expected on the site, Councillor Ross said that the layout should be linear of nature and the number of dwellings be fewer than proposed. In response to a follow-up question from Councillor McCallum, Councillor Ross suggested five to six dwellings would be more appropriate for the site.

Councillor Daly queried what the Parish Council's position had been on the allocation site when the Local Plan was being made. Councillor Ross said that the Parish Council had not objected to the principle of development but to the proposed density.

In response to a query from Councillor Ninnmey regarding speed limits, Councillor Ross said the Parish Council would like to see a 20mph speed limit in the area but said it would not be enforceable; he added that traffic calming measures had also been considered but would be impractical as a bus route passed through the area.

Councillor Deacon highlighted that a lower density would attract lower affordable housing and asked Councillor Ross to comment on this. Councillor Ross said that the Parish Council had worked with the former Suffolk Coastal District Council and Nacton in the past on affordable housing and considered that a development in Nacton had served the affordable housing needs of the area.

Councillor Hedgley questioned if Councillor Ross believed that officers would accept a lower density on the site than that which was allocated in the Local Plan. Councillor Ross replied that the views of the Parish Council were based on the proposed development and it considered the indicative information was that the development was too dense and not in keeping with Levington's character, and that existing infrastructure would not support it.

The Chair invited Martin Price, the applicant's agent, to address the Committee. Mr Price referred to the officer's comprehensive report and noted that the application had attracted significant public interest, hence it being presented to the Committee for determination. Mr Prince considered the planning matters to be straightforward and

stated that the planning system was plan-led and decisions must be taken in line with the authority's development plan, unless there were material planning considerations to the contrary.

Mr Price pointed out that the site was allocated in the Local Plan for approximately 20 dwellings and that the making of that plan had included a significant consultation process and a hearing chaired by a planning inspector; he noted that during this process, policy SCLP12.56 had been found to be sound. Mr Price outlined that the proposal was for 18 dwellings, 6 of which would be affordable housing, with all matters except access reserved.

Mr Price said it should be noted that there was an ongoing housing crisis and that national housing targets were regularly not met; he referred to claims that there was sufficient housing in the area and that the development was not needed and considered them to be untrue, citing that the Local Plan's housing targets were a minimum and not a maximum.

Mr Price said that despite the objections of the Parish Council and residents, no technical consultee had objected to the application on any elements that could not be mitigated through either CIL or a reserved matters planning application. Mr Price was confident that any demonstrable harm caused by the development could be satisfactorily mitigated. Mr Price concluded that the development was sustainable and therefore the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development should prevail; he urged the Committee to approve the application.

The Chair invited questions to Mr Price. Councillor McCallum sought clarity on if the applicant had ever sought a lower density on the site. Mr Price said that this was not the case; the applicant had considered a larger number of smaller dwellings however on the advice of officers had amended the scheme to the one before the Committee.

Councillor Ninnmey asked about the provision for private vehicles and residential amenity space. Mr Price said that the indicative layout plan did not necessarily represent the layout that would be proposed at the reserved matters stage and that any future reserved matters planning application would need to be compliant with policy on parking standards and the storage and presentation of bins. Mr Price highlighted that these matters would be determined at the reserved matters stage and were not considerations for this outline planning application.

Councillor Byatt asked that, given the local objections, what number of dwellings was the applicant willing to come down to. Mr Price said he had not discussed this with the applicant and that they did not intend to develop the site themselves but sell the site to a developer whose offer they were willing to accept. Mr Price reiterated that policy SCLP12.56 of the Local Plan demonstrated that the proposed number of houses could be accommodated on the site.

The Chair invited the Planning Manager to address points raised during questions to Mr Price. The Planning Manager explained that policy SCLP12.56 of the Local Plan allocated the site for the development of approximately 20 dwellings and the Committee was required to have regard to the development plan when making its

decisions. The Planning Manager referred to the NPPF's presumption in favour of sustainable development, particularly the efficient use of land and the refusal of proposals that do not efficiently develop land.

The Committee was advised that the density proposed by the Parish Council would be considered inefficient use of the site and the Planning Manager highlighted the current mix of density in Levington and how the indicative site layout related to it. The Planning Manager advised that the proposals related to a site allocated by policy and was considered to be proportionate and well designed, and further details would be addressed at the reserved matters stage.

The Chair invited the Committee to debate the application that was before it. Several members of the Committee spoke in support of the application, highlighting that the site was allocated for development in the Local Plan and that the application was compliant with the number of dwellings set out in the allocation. Members noted that technical consultees had not objected to the application, the need for more housing, and that further detail would be addressed at the reserved matters stage.

Councillor Byatt referenced comments made by Councillor Ross regarding the professionalism of officers and expressed his disappointment that such comments had been made. Councillor Byatt was confident that a suitable result could be achieved at the reserved matters stage and was in favour of the application, noting that villages across East Suffolk all needed to take their allocated proportion of new development.

Councillor Ninnmey spoke against the application, considering that Levington was being asked to increase its size by 15% and that the development would not be in keeping with Levington's character. Councillor Ninnmey referred to the level of development in Felixstowe, which he considered cramming, and was concerned this would become a similar issue in Levington and the surrounding area.

Councillor Deacon concluded the debate, citing his significant involvement in the making of the Local Plan; he said he was in favour of spreading development across the district rather than concentrating it in towns and was therefore supportive of the proposals. Councillor Deacon acknowledged the views of the Parish Council but highlighted the site's allocation in the Local Plan and was of the view that to refuse the application would result in an appeal which the Council was unlikely to be able to successfully defend.

There being no further debate the Chair sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report. On the proposition of Councillor McCallum, seconded by Councillor Hedgley it was by a majority vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to the agreement of conditions and the completion of a Section 106 legal agreement.

NOTE: Councillor Deacon left the meeting at the conclusion of this item (4.26pm).

10 DC/23/3492/FUL - Hungarian Lodge, High Street, Ufford, Woodbridge, IP13 6EL

The Committee received report **ES/1750** of the Head of Planning and Coastal Management, which related to planning application DC/23/3492/FUL. The application sought full planning permission for the erection of one dwelling on land at Hungarian Lodge, High Street, Ufford.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management given both the significant local interest and the recent application DC/22/4985/FUL that was also considered by the Committee at its meeting of 22 August 2023, where a resolution to refuse that application was made.

The Committee received a presentation from the Principal Planner (Development Management, Central Area Lead), who was the case officer for the application. The Committee was apprised of the planning history on the site; a previous application was deferred by the Committee at its meeting of 25 July 2023 to enable a site visit to be undertaken and following this, was considered again at its meeting of 22 August 2023 where planning permission was refused. The Principal Planner noted that prior to the formal refusal being issued, the applicant withdrew the application.

The Principal Planner referred to the update sheet that had been published on 27 November 2023 and contained additional comments on the application. The Committee was advised that some of these comments claimed that the consultation process had not been adhered to and the Principal Planner confirmed this had not been the case.

The site's location was outlined and the Committee was shown photographs demonstrating views from within the site towards 11 Lodge Road and neighbouring cottages, and from the interior of 11 Lodge Road towards the site.

The Committee received the proposed block plan, elevations, sections, and floor plans. The Principal Planner detailed that in response to comments made by the Committee on the previous application, the proposed dwelling was now located further away from 11 Lodge Road and there was a greater distance between the new building and the affected windows. The Committee was advised that the size and scale of the proposed dwelling was broadly the same as the previous application; the proposed eaves height was 2.4 metres and the proposed ridge height was 4.5 metres.

The key issues and material planning considerations were summarised as the principle of development, highways, the design and appearance of the proposed dwelling, and the impact on the neighbour's residential amenity particularly with regards to light and privacy for occupiers of the proposed dwelling, as well as neighbouring residents. The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined to the Committee.

The Chair invited questions to the officers. It was confirmed that the distance between the proposed and existing dwellings was 7 metres; 2.5 metres between 11 Lodge Road and the boundary fence and a further 4.5 metres from the fence to the proposed

proposed dwelling. In response to Councillor Daly, the Principal Planner said she was content with the proposed distances.

The Chair invited June Leigh, who objected to the application, to address the Committee. Ms Leigh noted that the Committee had overwhelmingly rejected the previous application and was surprised to see a revised application recommended for approval. Ms Leigh said the new proposals continued to give concerns in respect of low quality, unattractive design and being out of character for the area.

Ms Leigh considered that the grounds for refusal from the previous application remained relevant to the new application as it failed to respond to the local vernacular or enhance the special architectural character of the area. Ms Leigh considered the new dwelling would still overlook 11 Lodge Road and cause harm to its residential amenity.

Ms Leigh said that residents were concerned about the impact of losing open space and highlighted that the development did not meet the Suffolk Coastal Local Plan's (the Local Plan) requirement for high quality development demonstrating understanding of local character.

There being no questions to Ms Leigh, the Chair invited Councillor David Findley, representing Ufford Parish Council, to address the Committee. Councillor Findley referenced the application refused earlier in 2023 and said that the Parish Council, whilst acknowledging the relocation of the proposed dwelling within the site, retained concerns about the development.

Councillor Findley reminded the Committee that it had refused the previous application on the grounds of it having a detrimental impact on residential amenity, contrary to policy SCLP11.2 of the Local Plan. Councillor Findley said that although the relocation of the dwelling moved it further away from 11 Lodge Road it moved it nearer to neighbouring cottages, thus having a detrimental impact on the residential amenity of those properties.

Councillor Findley questioned the distances from 11 Lodge Road provided by officers and noted that paragraph 3.2 of the report stated there was only 1.5 metres between 11 Lodge Road and the boundary fence.

Councillor Findley expressed concern about the loss of green space and pointed out that despite Natural England recommending a Habitat Risk Assessment this had not been requested by either the Principal Planner nor the applicant, despite the site being referred to as mitigation for development at the former Crown Nursery. Councillor Findley described the proposed render as not being in keeping with the area and urged the Committee to refuse the application.

There being no questions to Councillor Findley, the Chair invited Mark Bedding, the applicant, to address the Committee. Mr Bedding summarised the journey to reach the proposals being considered by the Committee, noting that an application for an infill development keeping in the pattern of Lodge Road was originally submitted in December 2022. The original application was amended in April 2023 following consultation, before being considered and refused by the Committee in August 2023.

Mr Bedding confirmed that the previous application had been withdrawn before being refused to resubmit the current proposals, taking into consideration the Committee's comments regarding the positioning of the dwelling within the site. Mr Bedding highlighted that the relocation of the proposed dwelling meant that all of 11 Lodge Road's windows passed light tests and that the site plot's width had been reduced.

Mr Bedding considered that the scheme was policy compliant and stated that no objections had been received from statutory consultees. Mr Bedding said the principle of development had been accepted previously and the development had been amended in line with the Committee's comments on the previous application, which he considered had created an improved scheme. Mr Bedding sought the Committee's support to approve the application.

The Chair invited questions to Mr Bedding. Councillor Hedgley sought clarity on the distances between the site and 11 Lodge Road, bearing in mind Councillor Findley's comments regarding the information at paragraph 3.2 of the report. Mr Bedding confirmed that the figures given by the Principal Planner during her presentation were correct; the Principal Planner noted that there was a typographical error in paragraph 3.2 of the report and the distance should read 2.5 metres.

The Chair invited Councillor Noble, ward member for Ufford, to address the Committee. Councillor Noble endorsed the comments made by Ms Leigh and Councillor Findley and said she remained concerned about the lack of detail in the application, including what heating system would be used and where it would be located.

Councillor Noble expected an application of this nature to have more detailed surveys on ecological matters and provide a clear rationale for development; she was surprised that there was no design and access statement included with the application. Councillor Noble considered that the development was contrary to policy SCLP11.1 of the Local Plan in respect of design quality, suggesting it did not reflect a high quality design.

Councillor Noble was concerned about flood risks, noting recent heavy storms and highlighting significant hardstanding and a lack of soft landscaping to absorb water; she added that there was no apparent drainage provision for the site. Councillor Noble said this would cause flooding risk to both the proposed and surrounding properties, along with risk of damage to the heritage wall which in turn would be dangerous to the adjacent highway.

Councillor Noble concluded that the property would not be of use to the village as it would not be affordable housing and would be detrimental to the surrounding area. On the grounds set out in her address, Councillor Noble recommended the Committee refuse the application.

There being no questions to Councillor Noble, the Chair invited the Committee to debate the application that was before it. Councillor McCallum sought clarity on the resolution to refuse the previous application made at the Committee's meeting of August 2023. The Principal Planner quoted that the Committee resolved to refuse the

previous application on the grounds it was contrary to parts (a), (b), and (c) of policy SCLP11.2 of the Suffolk Coastal Local Plan as it would adversely impact the residential amenity of both 11 Lodge Road, Ufford and the proposed dwelling, and both the outlook and access to daylight/sunlight of 11 Lodge Road, Ufford.

Councillor Daly stated that the Committee needed to consider if there had been a material change from the previous application and if the relocation of the dwelling within the site was enough to overcome the reasons the original application had been refused by the Committee.

Councillor Byatt noted he had not attended the Committee's visit to the site earlier in the year and considered it would be appropriate for him to abstain from voting on the application.

There being no further debate, the Chair sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report. On the proposition of Councillor McCallum, seconded by Councillor Hedgley, it was by a majority vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to both no new issues being raised within the consultation period and 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 be completed in all respects strictly in accordance with drawing nos. 1400-01J, 1400-02J and 1400-03J received 8 September 2023 and 1400-04 K received 7 November 2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. 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.

5. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in broad accordance with Suffolk County Councils standard access drawing DM03 with a minimum entrance width of 3 metres for a single access. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

6. Prior to the development hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, and thereafter retained in that form.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

7. The use shall not commence until the area(s) within the site shown on Drawing No. 1400-02J 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.

8. Before the development is commenced, details of secure, lit and covered cycle storage and electric vehicle charging infrastructure 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 of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

9. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto 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.

10. Before the development is occupied 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.

11. Prior to occupation of the dwelling hereby permitted, precise details of all boundary treatments shall have been submitted to, and approved in writing by the local planning authority and subsequently installed on site. Thereafter, the approved boundary treatments shall be retained.

Reason: In the interests of visual amenity and residential amenity.

12. Within 3 months of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

13. The approved landscaping scheme shall be implemented not later than the first planting season following commencement 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.

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. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

NOTE: Councillor Ninnmey left the meeting at the conclusion of this item (4.58pm).

11 DC/23/3464/FUL - The Old Bakery, Helmingham Road, Otley, Ipswich, IP6 9NS

The Committee received report **ES/1751** of the Head of Planning and Coastal Management, which related to planning application DC/23/2464/FUL. The application sought full planning permission for the construction of a two-storey rear extension, front entrance porch and associated alterations at The Old Bakery, Helmingham Road, Otley.

As the minded-to recommendation of approval was contrary to Otley Parish's Council recommendation of refusal 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 16 October 2023 where it was recommended that the application be determined by the Committee.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location was outlined and the Committee was shown aerial photographs of the site. The Assistant Planner displayed photographs demonstrating views of the location of The Old Bakery.

The Committee received the existing and proposed block plan, elevations, and floor plans. The Assistant Planner also displayed the plans for a scheme previously approved on the site for a two storey rear extension, front entrance porch and associated alterations.

The Committee was shown photographs demonstrating likely views from the balcony towards Otley Cottage and Bramble Cottage. The Assistant Planner highlighted that there was a low fence of the boundary at Otley Cottage which did not provide existing privacy, and that an outbuilding screens views of the rear garden at Bramble

Cottage. The Committee also received photographs of these views demonstrating the proposed screening.

The material planning considerations and key issues were summarised as landscape character - development within the countryside, visual amenity, residential amenity, and householder extensions/alterations. The recommendation to approve the application was outlined to the Committee.

The Chair invited questions to the officers. Councillor Hedgley queried the concerns regarding overlooking; the Assistant Planner said there would be a certain degree of oblique overlooking but views would primarily be towards the landscape to the rear of the property. The Committee was advised that there was already a large degree of mutual overlooking.

The Chair invited Carly Clow, the applicant, to address the Committee. Ms Clow said that she and her family had spent a large amount of effort restoring The Old Bakery and making the most of the landscape views it offered and the extension had been designed to complement the host dwelling.

Ms Clow acknowledged that since the extension had been constructed it had become apparent there was a degree of mutual overlooking and that a balcony with opaque side would provide more privacy for all parties. Ms Clow highlighted that other properties in the immediate area benefitted from balconies at similar heights and considered that there would be a minimal impact from the balcony proposed for her home. Ms Clow pointed out that the two objections received were from dwellings in excess of 40 feet away from the application site.

The Chair invited questions to Ms Clow. In reply to Councillor Hedgley, Ms Clow confirmed that she had consulted neighbours before building the extension and there had been no objection to the existing Juliet balcony. Ms Clow said that following officer advice the size of the bedroom had been reduced and this had created the mutual overlooking; Ms Clow's architect had suggested the proposed balcony to obscure views.

The Chair invited the Committee to debate the application that was before it. Members expressed disappointment that the Parish Council had chosen not to attend or speak at the meeting despite objecting to the application.

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 Daly, 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 within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with the site location plan, plan numbers TOB.07.011/2021/04C, TOB.07.011/2021/05C and TOB.07.011/2021/03C received on 06.09.2023 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The hereby approved balcony shall be fitted with 1.7-metre-tall obscure glazed screens on both the north and south sides. These screens shall be obscured to a minimum of level 3 on the Pilkington glazing scale (or equivalent by alternative manufacturer). This obscured glazing/material shall be installed before the first use of the balcony. Thereafter the balcony screening shall be retained in that form unless otherwise approved in writing by the Local Planning Authority.

Reason: To limit overlooking of adjacent properties.

5. The two obscure glazed first floor side (north and south) windows, serving the bathrooms/En-suites shall be fitted with obscured glazing to a minimum of level 3 on the Pilkington glazing scale (or equivalent by alternative manufacturer). The windows shall also be fitted with brackets to prevent them opening more than 45 degrees. The windows shall be retained in that form unless otherwise approved in writing by the Local Planning Authority.

Reason: to limit overlooking of adjacent properties.

The meeting concluded at 5.09pm.

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Chair



Planning Committee South

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

19 December 2023

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 23 November 2023. At present there are 18 such cases.

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

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

The cases are organised into categories based upon current status:

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

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *6 current cases*

- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *1 current case*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *0 current cases*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *1 current case*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *4 current cases*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current case*

RECOMMENDATION

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

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

A.1

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u>	
19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
20/02/2023 – Extension of time agreed to 20/10/2023	
21/11/2023 -Site visited, partially complied, further visit to be undertaken.	
<u>Current Status/Position</u>	
Visit to be undertaken	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.2

LPA Enforcement Case Reference	ENF/22/0133/USE
Location / Address	Patience Acre, Chenerys Loke, Weston
North or South Area	North
Date of Report of Breach	22.04.2022

<u>Nature of Breach:</u> Residential occupation of holiday let	
<u>Summary timeline of actions on case</u> 28/03/2023 –Breach of Condition Notice served. Comes into effect on the 27/04/2023. There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given. 05/07/2023 - appeal against refusal of planning application refused.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	27/04/2024

A.3

LPA Enforcement Case Reference	ENF/21/0460/DEV
Location / Address	21 Mill View Close, Woodbridge
North or South Area	South
Date of Report of Breach	13.10.2021
<u>Nature of Breach:</u> Erection of large fence	
<u>Summary timeline of actions on case</u> 06/07/2023 -Enforcement Notices served. Comes into effect on the 06/08/2023 17/11/2023 -Case closed, notice complied with.	
<u>Current Status/Position</u> Case closed	
Date by which Compliance expected (or prosecution date)	Complied.

A.4

LPA Enforcement Case Reference	ENF/2018/0476/USE
Location / Address	Part Os 1028 Highgate Lane Dallinghoo
North or South Area	South
Date of Report of Breach	15.11.2018
<u>Nature of Breach:</u> Siting of a converted vehicle for residential use	
<u>Summary timeline of actions on case</u> 11/09/2023 –Enforcement Notice served. Comes into effect on the 11/10/2023	
<u>Current Status/Position</u> In compliance period.	

Date by which Compliance expected (or prosecution date)	11.04.2024
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A.5

LPA Enforcement Case Reference	ENF/23/0375/COND
Location / Address	Part Os 238 North Of Barley Mow Inn, Mow Hill, Witnesham
North or South Area	South
Date of Report of Breach	27.10.2023
Nature of Breach: Breach of condition 33 DC/23/2682/DRC, failure to implement surface water management.	
Summary timeline of actions on case	
<p>27/10/2023 – Temporary stop notice served.</p> <p>15/11/2023 – Notice withdrawn due to the Council being satisfied that the obligations within the signed Unilateral Undertaking address the reasons for serving the Temporary Stop Notice.</p>	
Current Status/Position	
Case closed	
Date by which Compliance expected (or prosecution date)	N/A

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

B.1

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

B.2

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

B.3

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

B.4

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

B.5

LPA Enforcement Case Reference	ENF/21/0006/DEV
Location / Address	Land at Garage Block North Of 2, Chepstow Road, Felixstowe, Suffolk
North or South Area	South
Date of Report of Breach	06.01.2021

<u>Nature of Breach:</u> Erection of large fence	
<u>Summary timeline of actions on case</u> 08/08/2023 –Enforcement Notice served. Comes into effect on the 08/09/2023 18/10/2023 - Appeal submitted, statements due 29 th November 2023.	
<u>Current Status/Position</u> Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.6

LPA Enforcement Case Reference	ENF/22/0247/USE
Location / Address	Part Land East Of Mariawood, Hulver Street, Henstead
North or South Area	North
Date of Report of Breach	15.11.2018
<u>Nature of Breach:</u> Siting of mobile home	
<u>Summary timeline of actions on case</u> 21/09/2023 –Enforcement Notice served. Comes into effect on the 21/10/2023 23/10/2023 - Appeal submitted, awaiting start letter.	
<u>Current Status/Position</u> Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

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

C.1

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due. 11/09/2023 - Appeal dismissed. 4 months for compliance.	
<u>Current Status/Position</u> In compliance period following appeal.	
Date by which Compliance expected (or prosecution date)	12/01/2024

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

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

E.1

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 26/06/2023 –Site visited, notice not complied with, case will be passed to the legal team for further action. 23/10/2023 - Court found defendant guilty and fined a total of £4400. 11/11/2023 - Further compliance date set for 11 th January 2024.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	11 th January 2024.

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

F.1

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

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

F.2

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

<p>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <p>13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use</p> <p>16/06/2020 – Submission of Appeal Statement</p> <p>11/08/2020 - Appeal dismissed with some amendments.</p> <p>11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action.</p> <p>25/03/2021 - Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p>2022 - Application for an Injunction has been made to the High Court.</p> <p>06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p>08/03/2023 - Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p> <p>30/03/2023 - appeal submitted to High Court against Injunction – awaiting decision from Court.</p> <p>10/07/2023 -Injunction appeal failed, 2 weeks given to comply with Injunction by 10am on 24th July.</p> <p>25/07/2023-Site Visit conducted; injunction not complied with. Information sent to legal team.</p>	
<p><u>Current Status/Position</u> With Legal Team</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>24th July 2023</p>

F.3

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<p><u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)</p>	
<p><u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance.</p>	

<p>25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action.</p> <p>19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30th January 2023.</p> <p>30/01/2023- Court over listed and therefore case relisted for 27th March 2023</p> <p>27/03/2023- Defendant did not attend, warrant issued, awaiting decision from court.</p> <p>31/07/2023- Defendant attended court, plead guilty to all charges and was fined £5134.78 in total.</p>	
<p><u>Current Status/Position</u> Considering legal options following court appearance</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Depending on legal advice</p>

F.4

<p>LPA Enforcement Case Reference</p>	<p>ENF/21/0441/SEC215</p>
<p>Location / Address</p>	<p>28 Brick Kiln Avenue, Beccles</p>
<p>North or South Area</p>	<p>North</p>
<p>Date of Report of Breach</p>	<p>29.09.2021</p>
<p><u>Nature of Breach:</u> Untidy site</p>	
<p><u>Summary timeline of actions on case</u> <p>07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p>17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action.</p> <p>21/11/2022– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24th February 2023 to comply with notice.</p> <p>10/03/2023- Site visit conducted, notice not complied with. Matter passed to Legal for further action.</p> <p>23/10/2023- Courts decided to adjourn the case for 3 months, to allow further time for compliance. Therefore, a further court date set for 15th January 2024.</p> </p>	
<p><u>Current Status/Position</u> In court compliance period</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>15th January 2024</p>

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

G.1

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

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

Planning Committee South – 19 December 2023

Application no DC/23/3110/FUL

Location

28 Saxon Way
Melton
Woodbridge
Suffolk
IP12 1LG

Expiry date 2 October 2023

Application type Full Application

Applicant Jane Goodayle

Parish Melton

Proposal Construction of a single storey side extension

Case Officer Nick Clow
07741 307312

nick.clow@eastsoffolk.gov.uk

1. Summary

- 1.1. This application seeks planning permission for a single storey side extension to 28 Saxon Way in Melton.
- 1.2. The application was presented to the Referral Panel on 14 November 2023 as the officer recommendation of approval is contrary to the Ward Member's objection to the scheme. The Panel decided that the application should be determined by the Planning Committee due to the relationship of the proposed development with adjacent protected trees.
- 1.3. The proposal is considered to comply with the Development Plan and the application is therefore recommended for approval.

2. Site Description

- 2.1. The application site is located within the settlement boundary of Melton. The site accommodates a two-storey detached dwelling set back from the road benefitting from off-road parking. The surrounding built environment is comprised of predominantly residential dwellings of a similar size, style and design.
- 2.2. The site is not located within a conservation area or within the Suffolk & Essex Coast and Heaths National Landscape. A Tree Preservation Order (TPO) affects the north-eastern to north-western part of the curtilage (TPO No 25).
- 2.3. Permitted development rights under Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 have been removed for extensions, enlargements or additions to the property via condition 2 of planning permission C/93/0825.

3. Proposal

- 3.1. The applicants propose to construct a single storey lean-to side extension. The extension measures approximately 6m in depth, 3.4m in width and 4.3m in height. A pedestrian door is to be located on the front elevation of the extension facing Saxon Way with patio doors along the rear elevation facing the garden and a rooflight proposed within the northern roofslope. The extension will provide a store, office and shower room. It is proposed to be finished in vertical larch cladding finishes with pantiles to the roof and upvc for the windows and doors.

4. Consultees

Third Party Representations

- 4.1. None received.

Parish/Town Council

Consultee	Date consulted	Date reply received
Melton Parish Council	17 August 2023	14 September 2023
Summary of comments: Melton Parish Council will consider this application once the arboreal report has been received.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	13 September 2023
Summary of comments: Councillor Smith-Lyte Regarding the above application and in line with Arboriculture Officer Falcon Saunder's lodged note dated 5th September, I share his concerns and for that reason and because I do not believe that any development in such close proximity to woodland protected under TPO No 25 would not have a detrimental effect on tree roots and therefore the wellbeing of those trees. We are in a climate and intrinsically related nature and biodiversity emergency and we must do everything possible to stop harms against it for the greater good.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	18 August 2023	5 September 2023
Summary of comments: There has been no arboricultural information submitted with the application despite the proposed extension being in close proximity to an area of woodland protected under TPO No 25 / 1953. I strongly recommend that a full BS 5837:2012 compliant arboricultural impact assessment is requested. Please consider this as a holding objection until this information is received.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team		12 October 2023
Summary of comments: I have reviewed the submitted AIA and can confirm that it is in accordance with best industry practice and considers all matters relevant to the planning application in terms of tree related impacts. It has been demonstrated that the development could be implemented without significant harm subject to relatively simple tree protection measures (contained in the report), however, future conflict between the structure and neighbouring trees has been rightly raised as a noteworthy factor. The affected trees are covered by a TPO and are all species which are		

relatively tolerant to pruning, I would therefore consider that any future conflicts could be managed in a manner which retains their amenity value and does not have a substantial detrimental impact on their longevity. I have no objections to the application but, if permission is to be granted, please include the tree protection measures and working methods contained in the AIA as part of the list of approved plans.

Consultee	Date consulted	Date reply received
Melton Parish Council	16 October 2023	19 October 2023

Summary of comments:
 Melton Parish Council considered this re-consultation at their meeting on the 18th October. The Arboricultural Officer's comments were noted and the Council asks that his recommendations for the tree protection measures and working methods as contained in the AIA to be part of the list of approved plans should be implemented.

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 August 2023

Expiry date: 14 September 2023

5. Planning policy

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

MEL13 – Protection of Trees and Rural Character (Melton Neighbourhood Plan 2016-2030, Adopted January 2018)

National Planning Policy Framework 2023

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

6. Planning Considerations

Design and visual impact

- 6.1. The proposed extension is single storey in scale and has a modest footprint when compared to the host property. Given its size it will appear subservient to the existing dwelling and read as a clearly ancillary addition. The proposed vertical larch cladding is different to the material finish on the main dwelling, however, it is a modern contemporary material that is harmonious with the surrounding woodland and timber porches of the surrounding dwellings. The pantiles to the roof are to match those on the existing dwelling. The extension respects the character of the main dwelling and the surrounding built environment.
- 6.2. The proposed side extension will be visible from Saxon Way, albeit only partially visible as the applicants intend to retain the close boarded fencing in front of the extension. Given however its acceptable scale, form and design, the extension would not have a harmful impact on the character and appearance of the streetscene.
- 6.3. This development complies with SCLP 11.1.

Residential amenity

- 6.4. The extension is proposed on the northern side of the dwelling and is single storey in scale. To the north of the dwelling is a wooded area, with the next dwelling along (No. 26) being beyond this area. The extension would therefore have no adverse impact on No. 26. No. 30 to the south of the site is so distant from the proposed extension that the occupiers will not be adversely impacted in terms of loss of light, overshadowing, or overbearing impacts. Properties to the rear are similarly of sufficient distance away to not be impacted by the development. This complies with SCLP 11.2.

Landscape impacts

- 6.5. The Council's Arboricultural Officer originally raised concerns regarding the potential impact of the proposed development on the protected trees to the north of the curtilage due to the lack of arboricultural information provided in the initial submission. This is also the basis for the Ward Member's comments.
- 6.6. An Arboricultural Impact Assessment and Method Statement was subsequently provided, and the Arboricultural Officer has confirmed that it is in accordance with best industry practice and considers all matters relevant to the planning application in terms of tree related impacts.
- 6.7. It has been demonstrated that the development could be implemented without significant harm, subject to relatively simple tree protection measures which are contained in the submitted report. Future conflict between the proposed extension and neighbouring trees has been rightly raised as a noteworthy factor, however, the Council's Arboricultural Officer advises that the affected trees are covered by a Tree Preservation Order and are all species which are relatively tolerant to pruning. It is therefore considered that any future conflicts could be managed in a manner which retains their amenity value and does not have a substantial detrimental impact on their longevity.

- 6.8. The Council's Arboricultural Officer has no objections to the proposal, and the Arboricultural Impact Assessment and Method Statement is included within the recommended condition 2 below to ensure that the development is carried out in accordance with the tree report.
- 6.9. Officers are satisfied that the application does not sit within the open landscape, and therefore any light spillage impacts will be minimal considering its location within an established residential area.
- 6.10. The proposal is considered to comply with SCLP 10.4.

7. Conclusion

- 7.1. This application complies with SCLP 10.4, 11.1, 11.2 and the Melton Neighbourhood Plan.

8. Recommendation

- 8.1. Approval.

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing numbers 64521RevA received on 07.08.2023 and Arboricultural Impact Assessment (AIA) received on 02.10.2023 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. No development shall commence, or any materials, plant or machinery be brought on to the site until the tree protection works as detailed within the 'Tree protection method statement' of the Arboricultural Impact Assessment (AIA) received on the 02.10.2023 have been carried out in full. The protective measures shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

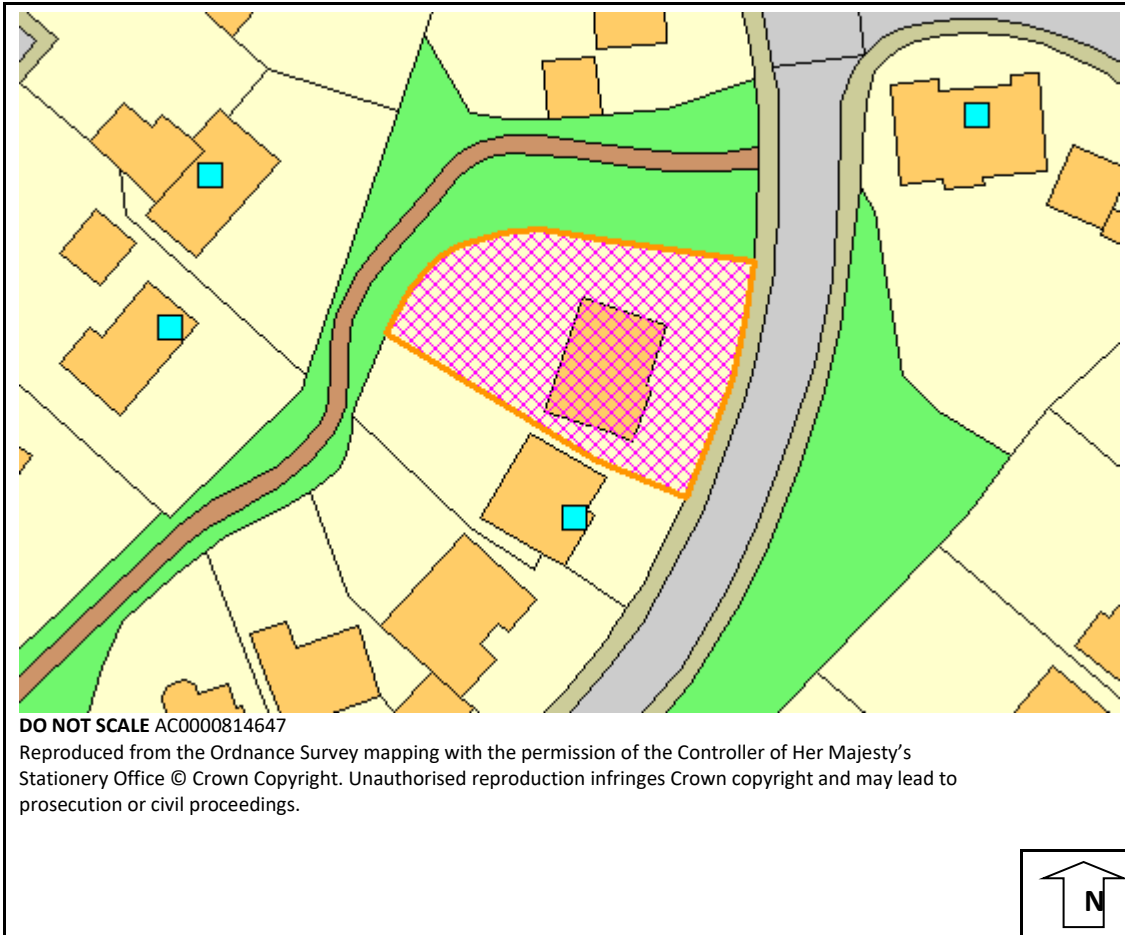
Informatives:

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





Background information

See application reference DC/23/3110/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 19 December 2023

Application no DC/23/2089/FUL

Location

14 Beach Huts
Undercliff Road West
Felixstowe
Suffolk
IP11 7ES

Expiry date 20 July 2023

Application type Full Application

Applicant Mr. Chris Strang

Parish Felixstowe

Proposal The reinstatement of 14 beach huts, previously sited on the promenade, and the erection of associated wooden platforms located on the beach between the shelter and Spa Pavilion.

Case Officer Rachel Lambert
07825 735356
rachel.lambert@eastsoffolk.gov.uk

1. Summary

- 1.1. The application proposes the reinstatement of 14 beach huts, previously sited on the promenade and beach, and the erection of associated wooden platforms for which the huts will be sited on. The platforms are to be constructed on beach material, located south west of the Spa Pavilion.
- 1.2. In accordance with the Scheme of Delegation, the proposal is to be determined at Planning Committee as the landowner is East Suffolk Council. The application has been made by a private individual/group of individuals, not the Council and the Council has played no part in the production of any plans submitted.
- 1.3. The placement of beach huts within this location complements the existing resort uses and makes a positive contribution to the significance of the Conservation Area, in respect of

the Registered Gardens and the Victorian and Edwardian architectural heritage of the resort. There will be no increased harm to visual amenity from nearby key viewpoints.

- 1.4. The application is recommended for approval subject to conditions.

2. Proposal

- 2.1. This application seeks permission for the placement of 14 beach huts (some of which are original 100+ year old structures previously sited on the promenade), and the erection of associated wooden platforms. They are to be split into three groups – seven, three, and four - sited south west of the Spa Pavilion.
- 2.2. As shown on the submitted floor plans and elevations, each beach hut will measure 2.4m (d) x 2.13m (w) x 3m (h) and will have an outside decked area measuring 2m (d) x 2.13m (w). There will be a 0.87m gap in-between each hut. They are uniformed in design terms and will be painted in a stipulated palette of soft, historically inspired heritage/Victorian colours. As noted within the proposed 'vision' document, a bold timeline will be shown across the back of all 14 beach huts, showing pertinent dates, starting with 1891 (visit of Empress of Prussia / beach huts first identified in spa area) right up to the present day. Additionally, each beach hut would be named for someone linked to Felixstowe e.g., Augusta, Wallace, John Betjeman etc.
- 2.3. Other than elevational drawings, no technical or mechanical detail has been submitted in terms of how the platforms will be constructed.

3. Site description

- 3.1. The site comprises three areas of beach totalling approximately 256 sq. m, located southwest of the Spa Pavilion and south of the western extent of 'Cliff Gardens' (Grade II Listed). Although sited within the settlement boundary, their positioning on the beach means it sits adjacent to the area of Felixstowe seafront defined in the local plan as 'Spa Pavilion to Manor End' (policy SCLP12.14), as well as Felixstowe Conservation Area.
- 3.2. The site is located within Flood Zone 3 and inside a 30-metre risk zone landward of an area where the intent of management is to Hold the Line (HTL); therefore, continued scheduled monitoring and maintenance of defences is expected. The location of the proposed beach huts is seaward side of the existing promenade, on the beach level, above the mean high-water mark (approximately 0.03m).

Site context/beach hut history

- 3.3. A number of beach huts were previously sited along the promenade, where huts were moved between the beach and the promenade at the start and end of the season (where beach levels allow). When huts were previously on the beach they only sat level on the sand. These huts are still in private ownership with an annual licence fee payable to the Council to site them in an agreed location.
- 3.4. For context, the East Suffolk Council Asset Management team has advised the following:

“8 [beach] huts were removed from their beach location following concerns from the [Felixstowe Beach Hut and Chalet] Association about flooding in July 2017 adjacent to the Spa Pavilion. The subsequent ‘Beast from the East’ and ‘Storm Emma’ (March 2018) seriously eroded the beach at this location, dropping levels by an average of three feet and required the removal of 44 huts in total to be stored temporarily on the Prom. The beach levels slowly improved over summer time periods, but not to previous levels of sand/shingle. Between 2017 and 2022, the Council worked with the [Felixstowe Beach Hut and Chalet] Association to find a solution to the displaced huts and two proposals (as well as a number elsewhere) were considered in more depth. This action was required because the beach in this area continues to be subject to tidal erosion.”

- 3.5. East Suffolk Council Asset Management team advised the local planning authority (in relation to DC/19/4811/FUL) that:

“...while beach levels continue to fluctuate, the sheer uncertainty of providing a long-lasting sustainable sand platform in this area means the Council believes that returning the majority of huts to sand platforms on the beach between the Pier and Cobbold Point each year is unsustainable.”

- 3.6. It is not economically viable for East Suffolk to provide platforms for hut owners nor would it likely be a liability the Council would want to take on.

- 3.7. Subsequently, all beach huts [44] that sat along the Spa Pavilion stretch of the promenade were removed and are due to be located to other areas of the coastline. Planning permission has since been granted for a total of 23 beach huts – as summarised below:

- **DC/21/5102/FUL:** Formation of 18 new beach hut sites for the proposed repositioning of existing beach huts from the spa area, to form a row of huts on the shingle material on the foreshore at Clifflands.
- **DC/19/4811/FUL:** Extension of existing row of beach huts to level the beach material and reposition 5 existing huts from the Spa Pavilion end.
- **DC/21/5479/FUL:** Beach platform repairs and extension and the provision of 6 new beach hut sites.

- 3.8. It is noted that an additional application for the siting of beach huts is still pending consideration. Summary details of this proposal is noted below.

- **DC/22/4418/FUL:** Placement of 14 beach huts seaward side of the tidal barrier southeast of Martello Park playground, with two areas of beach located seaward side of the tidal barrier east of Martello Tower P maintained for biodiversity mitigation. Felixstowe Sea Front Martello Park Felixstowe Suffolk IP11 2DY.

- 3.9. Overall, this equates to a total of 43 beach huts (subject to DC/22/4418/FUL being permitted). However, it is unclear whether the approved beach hut sites approved were for the purpose of resiting the displaced huts.

4. Consultations/comments

- 4.1. A total of 20 third-party responses were received, all of which were in support of the proposal.
- 4.2. Comments noted the following:
- Heritage importance of beach huts within this location; preserving character.
 - Beach huts have historical and cultural significance within the town.
 - Beach huts are an economic asset to the town.

5. Consultees

- 5.1. A number of re-consultations have occurred following receipt of updated material/plans; all dates and comments are collated per consultee.
- 5.2. Amended plans were received on 13 November 2023 and show a variation in the arrangement of huts, accounting for an identified 'spring water steam'. Given that this resulted in an alteration to the red line boundary, full reconsultation (21-days) was initiated – this ended on 4 December 2023.

Consultee	Date consulted	Date reply received
East Suffolk Head of Coastal Management	13 November 2023	-
	12 September 2023	19 September 2023
	17 July 2023	No response
	4 July 2023	4 July 2023
	2 June 2023	13 June 2023
Summary of comments: Internal consultee – comments incorporated/addressed within reporting.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	13 November 2023	21 November 2023
	17 July 2023	19 July 2023
	20 June 2023	10 July 2023
Summary of comments:		
<p><u>21 November 2023</u> “Thank you for your consultation dated 13 November 2023. We have reviewed the documents as submitted and we have no objection to this planning application. This application does not require a Flood Risk Activity Permit any defences in this area is maintained under the Coastal Protection Act 1949, and therefore is not considered a ‘sea defence’ under the terms of The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 1, Paragraph 3 (3).”</p>		
<p><u>19 July 2023</u> “We have reviewed the documents, please see our comments in letter ref AE/2023/128487/01 dated 10 July, for our up to date comments.”</p>		

10 July 2023

“This application does not require a Flood Risk Activity Permit as the defence in this area is maintained under the Coastal Protection Act 1949, and therefore is not considered a ‘sea defence’ under the terms of The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 1, Paragraph 3 (3).”

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	13 November 2023	No response
	17 July 2023	No response
	2 June 2023	2 June 2023
Summary of comments: Internal consultee – comments incorporated/addressed within reporting.		

Consultee	Date consulted	Date reply received
Felixstowe Town Council	13 November 2023	29 November 2023
	17 July 2023	17 July 2023
	2 June 2023	21 June 2023
Summary of comments: <u>29 November 2023</u> “Committee recommended APPROVAL. We are satisfied that this application is policy compliant, specifically in relation to SCLP 12.14 which supports tourist related uses in this location. This approval would be subject to East Suffolk Council granting the necessary licenses for these huts and their being satisfied as to the safety requirements of the installation of the huts.” <u>17 July 2023</u> “Committee recommended APPROVAL. We are satisfied that this application is policy compliant, specifically in relation to SCLP 12.14 which supports tourist related uses in this location. This approval would be subject to East Suffolk Council granting the necessary licenses for these huts and their being satisfied as to the safety requirements of the installation of the huts.” <u>21 June 2023</u> “Committee recommended APPROVAL. We are satisfied that this application is policy compliant, specifically in relation to SCLP 12.14 which supports tourist related uses in this location. This approval would be subject to East Suffolk Council granting the necessary licenses for these huts and their being satisfied as to the safety requirements of the installation of the huts.”		

Consultee	Date consulted	Date reply received
The Gardens Trust	13 November 2023 17 July 2023 20 June 2023	No response 25 July 2023 27 June 2023
Summary of comments:		
<p><u>25 July 2023</u> “Thank you for re-consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Cliff Gardens and Town Hall Garden, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. We have considered the information provided in support of the application and on the basis of have no further comments to add at this stage. If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.”</p> <p><u>27 June 2023</u> “Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Cliff Gardens and Town Hall Garden, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals. If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.”</p>		

Consultee	Date consulted	Date reply received
Marine Management Organisation	13 November 2023 17 July 2023 20 June 2023	14 November 2023 20 July 2023 21 June 2023
Summary of comments:		
<p><u>14 November 2023</u> See 21 June 2023 response.</p> <p><u>20 July 2023</u> See 21 June 2023 response.</p> <p><u>21 June 2023</u> “The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants. Marine Licensing Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to</p>		

the extent of the tidal influence. Applicants should be directed to the MMO's online portal to register for an application for marine licence <https://www.gov.uk/guidance/make-a-marine-licence-application> You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters. The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species. The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application: * local planning authority name, * planning officer name and contact details, * planning application reference. Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps. Environmental Impact Assessment With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR. In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable. If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link <https://www.gov.uk/guidance/make-a-marine-licence-application> Marine Planning Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes. Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service. Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness selfassessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page. Minerals and waste plans and local aggregate assessments”

Consultee	Date consulted	Date reply received
Council for British Archaeology (a national amenity society)	13 November 2023	No response
	17 July 2023	No response
	14 June 2023	14 June 2023

Summary of comments:

“Significance

Before their relocation, the Spa Pavilion beach huts would be considered as non-designated heritage assets which make a positive contribution towards the character and appearance of the Felixstowe Conservation Area. Assessment of the structures has revealed that at least 7 appear to conform to the original historic design of Felixstowe’s beach huts and are likely to date from the 1890s. These timber structures, at 130 years old, are remarkable survivals from Felixstowe’s heyday at the turn of the last century. It has been established by Dr Kathryn Ferry, a prominent seaside historian, that Felixstowe Spa is the first site for beach huts in Britain. This makes them an important part of Felixstowe’s heritage. The huts relate to Felixstowe’s development as a seaside and spa town in the Victorian and Edwardian period. The town’s historic character is greatly informed by buildings from this time that take a variety of architectural styles and represent a range of typologies from civic buildings to domestic and commercial buildings as well as the recreational accoutrements of the Victorian seaside – gardens and beach huts. The beach huts contribute to the group value of Felixstowe’s historic environment from this period in illustrating a remarkably intact record of the Victorian seaside. The Felixstowe Draft Conservation Area Appraisal (2019) describes this character area as “The raison d’être of the seaside and spa town.” These huts and their historic location are an intrinsic representation of this. The beach huts are in the setting of the Sea Front Gardens, a Registered Park and Garden (Grade II). The Town Hall Garden was established in 1897, making it contemporary in the town’s development as a seaside resort with the beach huts. Other original period structures have been lost from this character area including the arts and crafts cliff shelter (demolished 1980s) and the Long Shelter from the New Cliff Gardens, laid out in 1928. The survival of these early seaside structures makes them all the more significant.

Comments

The CBA wrote in support of retaining 44 beach huts in their original location on Undercliffe Road West in May 2022. We are sorry to see that the huts were removed with most of them relocated, but 14 left ‘homeless’. We very much welcome this application to return those 14 huts back to the Spa Pavilion area, on raised platforms on the beach next to the promenade, which would hopefully solve the previously identified issues with housing them in this area of the seafront. The beach huts had to be moved after a severe storm, ‘the beast from the east’, removed a substantial quantity of Felixstowe’s beach in 2018. They were temporarily located on the Promenade but were felt to be an obstruction. The decision making to date has necessarily been based on practical considerations in response to an unforeseen event. Under normal planning circumstances the CBA do not believe the huts would have been removed from the Spa Pavilion area due to their significant contribution to the character and appearance of the conservation area and Felixstowe’s identity as a British seaside resort, as set out above. This application proposes a solution to the issue, relocating the huts on the beach, but on raised platforms.

The CBA very much support these proposals as a mitigation of the harm caused to the character of the conservation area by the removal of 44 huts following the storm.

Recommendations

The CBA support this application and hope your LPA will work with the applicants to ensure these beach huts, an iconic feature of the seaside and as such an embodiment of Felixstowe’s historical identity as a popular seaside town can be put back where they belong. We recommend that in terms of legislation, this application should be supported due to the huts’ contribution to its late Victorian and Edwardian character and appearance of Felixstowe as an important and unusually complete coastal resort. This character is identified as central to the special historic interest of the conservation area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 Local Planning Authorities have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. I trust these comments are useful to you; please keep the CBA informed of any developments with this case.”

Consultee	Date consulted	Date reply received
SCC Flooding Authority	13 November 2023	20 November 2023
	17 July 2023	26 July 2023
	2 June 2023	20 June 2023

Summary of comments:

20 November 2023

“We have reviewed the latest submitted documents and have no further comments to add to our response dated 26-07-2023.”

26 July 2023

See 20 June 2023 response.

20 June 2023

“Suffolk County Council, as Lead Local Flood Authority (LLFA), is a statutory consultee under the Town and Country Planning Act for major applications and some minor applications where flooding has been identified. Therefore, as there is no significant surface water flooding identified in this location and the scale of the proposal is relatively minor we have no comment to make, and we would point the LPA and the applicant towards the following guidance:-

- Long Term Flood Risk - <https://flood-warning-information.service.gov.uk/long-term-flood-risk>
- Flood risk assessment: standing advice - <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>
- What is meant by “minor development” in relation to flood risk - <https://www.gov.uk/guidance/flood-risk-and-coastal-change#minordevelopment-to-flood-risk> The Local Planning Authority should be mindful that the application complies with national & local policy, best practise, and guidance in relation to flood risk and surface water drainage.

Relevant Policies in relation to Flood Risk & SuDS

National Legislation/Codes:

- National Planning Policy Framework
- Defra's Non-Statutory Technical Standards for SuDS
- Building Regulations: Approved Document H - Drainage and Waste Disposal (2015 edition)
- BS8582:2013 Code of Practice for Surface Water Management for Development Sites
- National Design Guide, Planning Practise Guidance for beautiful, enduring, and successful places

Local Policy:

- Suffolk Flood Risk Management Strategy and Appendices
- Suffolk Coastal Final Draft Local Plan Policies SCLP9.5 (Flood Risk) & SCLP 9.6 (Sustainable Drainage Systems)

Informatives:

- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any works within 8m of a main river or 16m of tidally influenced waters may require an environmental permit”

Consultee	Date consulted	Date reply received
SCC Highways Department	13 November 2023 17 July 2023 2 June 2023	14 November 2023 No response 13 June 2023

Summary of comments:

14 November 2023
 “Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.”

13 June 2023
 “Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.”

Consultee	Date consulted	Date reply received
Suffolk Resilience Forum	13 November 2023 17 July 2023 20 June 2023	No response No response No response

Summary of comments:
 No response.

Consultee	Date consulted	Date reply received
Victorian Society	13 November 2023 17 July 2023 19 June 2023	5 December 2023 No response 19 June 2023
<p>Summary of comments:</p> <p>5 December 2023 “Thank you for reconsulting the Victorian Society on this application. The amended documents do not alter our initial support for the application and we maintain our original submission.”</p> <p>19 Ju “...In December 2021 the Victorian Society wrote stating our concerns with application ref: DC/21/4756/FUL for the relocato[in] of historic beach huts from the Spa Pavilion area. Unfortunately, this application was successful and while most of the huts have been relocated, 14 are now without a future site. The Victorian Society supports this application which would see these beach huts located near their historic location. At the time of the previous application the beach huts were located within the Felixstowe Conservation Area and should have been considered non-designated heritage assets that made a positive contribution to the significance of the Conservation Area. The research of Dr Kathryn Ferry has established that Felixstowe Spa was the earliest location of beach huts in the United Kingdom, and subsequent analysis has established that some of the surviving beach huts date from the 1890s making them significant survivors. They play an important role in communicating Felixstowe’s history as a seaside and spa resort. This proposal would see 14 beach huts mounted on timber frames in the Spa Pavilion area, thus restoring something of the historic character of the Conservation Area whilst taking into account the requirements of changes to the coastal landscape. Therefore, the proposal would be in line with paragraph 190a of the NPPF and 206. ‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance...’”</p>		

Consultee	Date consulted	Date reply received
East Suffolk Economic Services – N. Rickard 50+ Dwellings	13 November 2023 17 July 2023 2 June 2023	No response No response No response
<p>Summary of comments: No response.</p>		

Consultee	Date consulted	Date reply received
Felixstowe Society	13 November 2023 17 July 2023 2 June 2023	No response No response 12 July 2023
<p>Summary of comments: “The Felixstowe Society fully supports this proposal.”</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design and Conservation	13 November 2023 17 July 2023 20 June 2023	- 19 July 2023 28 June 2023
Summary of comments: Internal consultee – comments incorporated/addressed within reporting.		

Consultee	Date consulted	Date reply received
East Suffolk Building Control	13 November 2023 6 November 2023	No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Asset Management	13 November 2023 - -	- 11 July 2023 21 July 2023
Summary of comments: <u>21 July 2023</u>		

East Suffolk Council (ESC) as landowner acts separately of the Council as a Local Planning Authority and, as such, understands that beach huts are considered in principle, water compatible developments, this however does not negate the responsibilities of ESC as landowner.

ESC, as landowner, in discussion with Felixstowe Beach Hut and Chalet Association (the Association) , have previously considered this location at the Spa for the reprovision of beach huts on manmade platforms and have discounted it on a number of grounds including amenity, safety and cost.

By way of context, 8 huts were removed from their beach location following concerns from the Association about flooding in July 2017 adjacent to the Spa Pavilion. The subsequent 'Beast from the East' and 'Storm Emma' (March 2018) seriously eroded the beach at this location, dropping levels by an average of 3 feet and required the removal of 44 huts in total to be stored temporarily on the Prom. The beach levels slowly improved over summertime periods, but not to previous levels of sand/shingle.

Between 2017 and 2022, the Council worked with the Association to find a solution to the displaced huts and two proposals (as well as a number elsewhere) were considered in more depth. This action was required because the beach in this area continues to be subject to tidal erosion.

The two remedial action proposals were the construction of a bay length wooden platform or the use of piles and concrete plinths which, at that time, were considered not only to meet planning requirements but also those of Building Control. The wooden platforms, after a robust business case was developed, were found to be significantly cost prohibitive, had a projected lifespan of less than 20 years, and were considered to be environmentally damaging, due to the amount of transportation for storage and donor sand required. A trial for the concrete platforms reached the stage of receiving a planning application just prior to COVID lockdowns, but again was rejected on sustainability and cost grounds (see below). In February 2021, the coast was hit by Storm Darcy, scouring the beachline of tens of thousands of tons on material and dropping beach levels by up to 5 ft. This devastating event, after discussion with the Environment Agency and Coastal Management officers, led the Council to drop proposals for both plinths and platforms and seek alternatives to the reinstatement of huts at this location.

Taking this background into consideration the Council, as landlord, has serious concerns with this proposal which does not address the issues that resulted in the removal of the huts from the beach in the first instance. This being the case the Council as landowner has not seen anything that suggests the beach huts could safely go back on to the beach, whether on platforms or not, on the following grounds:

1) Health and safety

Given the extensive history as outlined, the devastating effect of storms and the very changeable conditions and levels on the beach the Council, as landowner, does not consider

the site viable for such use in its current nor future condition and has a Duty of Care to highlight this.

2) Public amenity

With the loss of the beach material the beach available to the wider community will be very limited. The planning application states that the proposed beach hut structures will extend 6 m from the Prom, allowing one further metre for accesses to steps. The distances to the shoreline at high tide will be thus approximately 1 to 4 metres. Depending on the level of high tide, this will mean on average, over half the available beach space will be taken up by platforms, for use by 14 hut owners. It should be noted that the aforementioned approximations are based on tides of 3m . Tides can reach four metres plus and with storm and tidal surges even higher, easily reaching the sea wall behind the proposed huts.

3) Lack of detail

The plans submitted are schematic only, there is no detail in respect of materials to be used, size of timbers, depth of foundation, type of foundations etc and the design shows a lack of any cross supports. We appreciate these are a matter for building control but remain seriously concerned that these would mean substantial changes to the design, affecting any permission, if given. Depth and type of foundations are specific. Coastal Management, in giving advice on the construction of wooden platforms for the Council's proposals in 2018, were specific that single platforms were not appropriate to withstand the tide in this area and one continuous platform was required within each bay to stand any chance of longevity.

Depending on the actual design criteria further comment might be necessary , for example how huts are to be fixed and the effect of wave action against the face of the promenade sea wall from the proximity of the platforms.

4) Practicality and history

It is fully understood that the applicant considers this a historic site for the provision of beach huts, however location in itself, is not a protected asset and given the serious threats of flooding and associated risks, as landowner ESC believes that its Duty of Care must take priority over aesthetics.

5) Cost

Whilst not a direct planning consideration the Council is concerned that the cost implications to individuals for the provision and maintenance of platforms is prohibitive to some owners. Particularly, when taken in the context that the Council and the Associations have so far attempted to provide provision for all huts displaced though beach erosion storm effects. The Council is also concerned about the potential risk and cost that would come with having to clear damaged material and make the area safe in likely event that the structures (should they be allowed on the beach) are destroyed by a significant tidal event.

11 July 2023

“East Suffolk Council, as land owner, can find no evidence of formal (or informal) notification prior to the submission of DC/23/2089/FUL by the Felixstowe Beach Hut and Chalet Association. As there are agreed lines of communication between the Council and the Association we would have expected engagement and dialogue on the plans to submit through these routes. In this instance, we were made aware through a third party, who had been directly engaged with by the Association representatives, that the application was live. The FBHA are aware of the existing concerns from an estate management perspective which led to the agreed removal of the previous huts from the beach at this

location and are additionally aware of concerns aired about the use of raised timber platforms following extreme and varied beach erosion . The Council is fully engaged and in support of the Association’s planning application for Manor End.”

Consultee	Date consulted	Date reply received
Felixstowe Beach Hut & Chalet Association	-	4 August 2023

Summary of comments:

Felixstowe Beach Hut and Chalet Association (FBHCA) fully supports this planning application.

For context it is important that the Planning Committee are fully aware of our position. In our submission we pay particular attention when responding to the documents submitted by Asset Management dated 21/07/23, and ESC Asset Management dated 11/07/23, and also documents submitted by Coastal Management dated 04/07/23 and 13/06/23. We also give clarity and context to issues raised.

We have worked to support beach hut owners to be given the assurance that they would not have their licence revoked and be evicted. Even today after all they have been put through, that assurance has still not been given.

For reasons that we are still unaware of today, East Suffolk Council (ESC) made the decision to remove the beach huts from the Spa Pavilion area before ensuring, (and this is an important point) that **ALL** beach huts would be found a place. All interested parties affected by this situation know that there are adequate places for all beach huts. Indeed a number of options were offered to the owners and we have yet to exhaust that list. See our comments below.

For clarity concerning the document dated 21/07/23, FBHCA did have discussions with ESC regarding manmade platforms but we never discounted these. The proposal was made by Asset Management at a special meeting at Felixstowe Town Hall. It was put forward that wooden platforms could be employed at a cost of £10,000.00 per hut and if an owner couldn't afford the cost then terms would be offered to spread the payments. This scheme was subsequently withdrawn by the Council. We understand today that the application includes details of the costs which are acceptable to the owners, and the structures are supported by ESC's Coastal Management team from their document dated 04/07/23 we agree, and endorse this position.

The Association did agree that the beach huts should be removed off the beach onto the promenade due to safety. This was for huts affected that were on wooden bearers directly on the beach, not for a proposal for robust platforms. However we asked for all 44 huts to remain on the promenade under a 'Tenancy At Will' until suitable locations were found. This would have allowed the Council to have an income during this time, and find alternative sites if needed. This proposal was rejected by the Council. The owners were canvassed by the Council with 7 potential options

in December 2018. The response by the owners was an 86% majority for their preferred option being, The Spa Area on wooden platforms. The Association supported this. Other options are still available which again make our important point that owners should be reassured that a place will be found for them without the need to revoke their licence. We urge ESC to give this assurance.

With Reference to **Point 1) Health and Safety** – Our comments were about huts on bearers directly on the beach. We understand that the issue of Health and Safety for wooden platforms are covered in the application.

With Reference to **Point 2) Public Amenity** - Our comments would be an opinion. This does not seem to be an issue at the Fludyers where these platforms already exist.

With Reference to **Point 3) Lack of detail** – We have not been involved in this aspect.

With Reference to **Point 4) Practicality and History** - The Association feels that the Council have not taken full account of this historic site. We fully endorse the view of the Victorian Society, The Felixstowe Society, Historical England, English Heritage and The Council for British Archaeology. This is a valuable Heritage Asset for Felixstowe where England's first beach huts were sited and it would be a travesty not to embrace this and tantamount to cultural vandalism.

With Reference to **point 5) Cost** - We do not accept that the council have so far attempted to provide provision for all huts displaced through beach erosion storm affects as stated under of this document. Options are still available and assurances have still not been given to displaced hut owners. We have tried on numerous occasions to encourage ESC with good suggestions of available sites, spending many hours working on solutions. We feel that our efforts were ignored through a bullish attitude of senior councillors, and senior officers. However we look forward to an excellent working relationship moving forward. We also understand that hut owners have covered any cost implications in their submission.

To answer the points raised by ESC Asset Management's document dated 11/07/23, **We are not the applicant of this planning application.** The applicant is Chris Strang on behalf of the 14 hut owners. FBHCA supports this application, as indeed we will support any of the options offered to the hut owners should they wish to proceed with an application.

With reference to the document submitted by Coastal Management dated 13/06/23 we are not liable for any expense as stated, as this expense, should it occur, will be the responsibility of affected hut owners, which we understand has been agreed. As a result we request reference to FBHCA now be removed.

It may be worth reading the excellent presentation submitted to ESC dated 25th May 2022 produced by members of the 14 owners affected with this application. It gives a Win-Win-Win proposal for Felixstowe Town, East Suffolk Council, and Beach Hut Owners. This proposal seems to have been ignored by the previous administration.

In conclusion FHBCA fully supports this application and we urge ESC to finally bring this unfortunate process to an end by accepting this application. Put our beach huts, along with their families, who have been hut owners for generations, back where they belong. We believe that our beach huts are a national treasure as the oldest beach huts in England. They should be treasured by ESC as they are by FHBCA and your constituents.

6. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	8 June 2023	29 June 2023	East Anglian Daily Times

7. Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 22 June 2023 Expiry date: 13 July 2023
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8. Planning policy

8.1. The National Planning Policy Framework (2023) (NPPF) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant.

8.2. Development plan policies are material to an application for planning permission, and a decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance, the development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan [adopted 23 September 2020] (“local plan”). Relevant policies from the local plan are listed in the section below and will be considered in the assessment to follow:

- SCLP3.2 – Settlement Hierarchy (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP3.3 – Settlement Boundaries (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP9.3 – Coastal Change Management Area (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP9.5 – Flood Risk (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.1 – Design Quality (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.3 – Historic Environment (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.5 – Conservation Areas (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.8 – Parks and Gardens of Historic or Landscape Interest (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP12.2 – Strategy for Felixstowe (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)

- SCLP12.14 – Spa Pavilion to Manor End (East Suffolk Council – Suffolk Coastal Local Plan, Adopted September 2020)

8.3. Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) provide additional guidance on matters covered by the local plan and are material considerations in decision making. Those that are relevant to this application are listed below and will be considered in the assessment to follow:

- Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)
- Coastal Adaptation Supplementary Planning Document (East Suffolk Council, Adopted September 2023)

8.4. Other guidance documents relevant to decision making are listed below:

- Felixstowe Conservation Area Appraisal (February 2020)
- Shoreline Management Plan 7

9. Planning considerations

Principle of development

9.1. Felixstowe's sea front location is attractive and appeals to a wide variety of residents and visitors, with contrasting activities and attractions catering for all sectors of the tourism industry which is of great benefit to the town and the rest of the district. As guided by policy SCLP12.2 (Strategy for Felixstowe), the strategy for the town seeks to ensure the rich built heritage is maintained, and measures are introduced to enhance the Conservation Areas, whilst also ensuring the risk of flooding and coastal erosion is carefully overseen through partnership working, mitigation and management.

9.2. The subject site sits adjacent to an area defined by policy SCLP12.14 as 'Spa Pavilion to Manor End', which states that additional beach huts in this area will be limited to locations which complement the existing resort uses and do not fill the important gaps between huts. Whilst the site sits outside the defined policy limits, the purpose of the areas was to protect the distinct character of various parts of the Felixstowe frontage (Felixstowe Ferry – Landguard). With this in mind, the siting of beach huts in this stretch of coastline aligns with the spatial strategy for this area and is therefore supported in principle. Nonetheless, given the proximity of the proposed 'platforms' to the Grade II Listed 'Cliff Gardens and Town Hall Garden', and its location within the Felixstowe Conservation Area, heritage and design matters are to be fully considered.

Heritage and conservation

9.3. The application site falls outside the Grade II Registered Cliff Gardens however it could be argued that the site falls within its setting. As indicated by policy SCLP11.8 (Parks and Gardens of Historic or Landscape Interest), the Council encourages the preservation and enhancement of the historic gardens and their surroundings, and applications for planning permission will only be permitted where the development proposal will not have a

materially adverse impact on the character, features or immediate setting of the designated heritage asset.

- 9.4. The site is also located within Felixstowe Conservation Area, within the ‘Sea Front Gardens and Promenade’ character area, which identifies a number of character features such as: the Spa Pavilion as a positive unlisted building; the importance of the sea wall; and important views from the top of Hamilton Gardens looking south. Due regard must therefore be given to the conserving and enhancing the historic environment policy considerations outlined within the NPPF and local plan, with additional advice and guidance available in the Council’s Historic Environment Supplementary Planning Document (June 2021).
- 9.5. The submitted Heritage Impact Assessment (June 2023) meets the requirements of paragraph 194 NPPF (2023), and the conclusion that there will be no adverse impacts arising from the proposals on the significance of identified heritage assets is agreed.

Assessment of significance

- 9.6. The Registered gardens have a comprehensive list description which sets out the factors that contribute importantly to their significance, including historic development, landform, setting, buildings and structures, and the gardens and pleasure grounds. These were developed as municipal gardens in the early 20th century and were extensively restored in 2015.
- 9.7. The Felixstowe Conservation Area was originally designated in 1975 and has been extended on two occasions. The area covers much of the town centre and the seafront. The Council’s adopted Conservation Area Appraisal summarises its significance (special interest) as including:
- A purpose-built Victorian and Edwardian fashionable spa and seaside town.
 - Major open spaces and views on or near the sea front, notably the promenade, sea wall and public gardens with terraces and paths with seats, shelters, enclosed gardens and long vistas.
 - The town’s wider coastal setting as a marine defence – since the sixteenth century Landguard Fort has guarded the estuaries of the Stour and Orwell and it was at Felixstowe in 1667 that the last attempt was made at a foreign invasion of England.
- 9.8. The importance of the sea front of the town to its history as a spa and resort is highlighted here, of which the beach is a key component.

Impacts and effects arising

- 9.9. As the amenity societies have already noted, the proposal will partly reinstate the lost contribution of the beach huts removed following a storm event, amongst which were considered to be huts of potential historic interest. This interest was derived from their age and also their early use in Felixstowe. They form part of the history of Felixstowe as a seaside resort which developed rapidly in the later 19th century and peaked in the interwar period.
- 9.10. Beach huts are characteristic of the town and add a functional and picturesque quality that complements the resort’s frontage – which includes the promenade (within the

Conservation Area) and the Seafront Gardens. On this basis, it is considered that this proposal will make a positive contribution to the setting and significance of the Conservation Area and Registered gardens and enhance the ability to appreciate them.

Application of statutory and NPPF tests

- 9.11. There is no statutory protection of the Conservation Area's setting or that to the Registered gardens; and the Conservation Area test of preserve or enhance within the Planning (Listed Buildings and Conservation Areas) Act 1990 is not applicable to development outside of it. The relevant tests of the NPPF at paragraphs 201 and 202 are not here engaged, as no arising harm is identified; however, paragraph 206 is hereby applicable:

“Local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- 9.12. As the beach forms part of the setting of the Conservation Area, which positively contributes to it, the addition of beach huts will better reveal its significance. This is further supported by a number of heritage focussed consultees. On this basis, the NPPF requires that this application should be treated favourably.
- 9.13. The application is therefore deemed in accordance with the relevant paragraphs of the NPPF as well as local plan policies SCLP11.3, SCLP11.5 and SCLP11.8.

Landscape and visual amenity

- 9.14. The proposed design of the beach huts is considered to be in keeping with the general aesthetic of their location, in terms of a seaside resort. Sited at beach level, their overall scale would not adversely impact neighbouring uses, are sufficiently set back from any nearby residential properties, and are considered no more intrusive in the wider protected landscape compared with the existing development. Moreover, the important views from the top of Hamilton Gardens looking south, as identified within the Conservation Area Appraisal, are maintained.
- 9.15. Subject to the agreement of proposed materials, including a specific colour palette, no concerns relating to wider landscape or visual amenity impacts are identified. The proposal is therefore deemed in accordance with policy SCLP11.1 and SCLP11.2.

Coastal management

- 9.16. As per para. 170 of the NPPF, planning decisions relating to development within coastal areas should take account of the UK Marine Policy Statement and marine plans. The Marine Policy Statement and Marine Plans are managed in an integrated and holistic way, in line with the principles of ICZM. The Marine Plans relevant to this area are: East Inshore and Offshore Marine Plans (2014) – covering Flamborough Head to Felixstowe; and South East Inshore Marine Plan (2021) – covering Felixstowe to West of Dover.
- 9.17. The relevant Shoreline Management Plan is [SMP7](#) (Lowestoft Ness to Felixstowe Landguard Point), which forms the evidence base for the identification of the Coastal Change Management Area (CCMA). The associated [action plan](#) identifies the stretch of

coastline relating to the application as 'FEL19.2 Felixstowe Beach', where the policy for the area is to Hold the Line (use of hard engineering solutions to protect the coastline from further erosion [FEL19.2: Concrete seawall with rock groynes, concrete splash wall, mass concrete seawall with promenade, timber groynes with concrete cladding / secondary flood wall]). However, in this case the development is seaward side of the existing defences and are therefore not afforded protection from coastal changes.

- 9.18. As the proposal is for works on the beach where they would be the subject of coastal forces and could affect coastal processes, the application is accompanied by a Coastal Erosion Vulnerability Assessment (CEVA) in accordance with the approach within policy SCLP9.3 (Coastal Change Management Area). The applicant has submitted a Level B CEVA which has subsequently been reviewed by the Coastal Partnership East team.
- 9.19. The Coastal Partnership East team has advised that the applicant has been in communication with them from early in the application process. Discussions and changes addressing concerns have been made to satisfy future inspection and maintenance requirements. As a result, the following conditions (discussed and agreed with the applicant) would need to be applied if the application is granted:
- The new platforms will be free standing of the existing coastal management structure/wall.
 - The new platforms will allow for the visual inspection of the coastal management structure/wall by the teams T98 inspectors at all times.
 - Should any maintenance or repairs be required to the coastal management asset/wall the applicant will be liable for the partial or complete removal and reinstatement of the platforms.
 - Should any major capital repairs or rebuilding of the coastal management asset/wall or foreshore area be required the applicant will be liable for the complete removal and reinstatement of the platforms.
 - East Suffolk Council are not responsible for maintaining the beach/foreshore levels.
 - In and around the new platforms East Suffolk Council are not liable for any stability or access issues associated with the changing beach/foreshore levels.
 - The applicant is responsible for ensuring public safety in and around the new beach hut platforms at all times.
 - The applicant is responsible for all the regular inspection, maintenance and upkeep of the beach hut platforms.
 - The applicant is responsible for the complete removal of the Platforms at the end of their design life.
- 9.20. No objection has been raised by the Environment Agency, the Lead Local Flood Authority or Marine Management Organisation.
- 9.21. Reference has been made to the Environment Agency's Advice Note 2, whereby conditions will apply restricting development to a non-habitable use and requiring a flood response plan. The applicant has advised that the beach huts would be moved to the Promenade during the winter months, although no further detail was provided in terms of defined timescales or means of removal. Additional detail relating to proposed mitigation measures will be secured via condition.

9.22. Overall, subject to the aforementioned conditions, there are no concerns from a coastal management perspective, and the application is therefore deemed in accordance with policy SCLP9.3.

Land ownership

9.23. The applicant is not the owner of the land for which the application relates and has therefore served notice on the landowner (East Suffolk Council). However, land ownership itself is not a material consideration. Therefore, whilst the proposal may be deemed supportable from a planning policy perspective, there may be limitations to its implementation should the landowner deny development on their land.

9.24. The landowner has raised a number of concerns relating to the development:

1. The site is not an appropriate location for beach huts given vulnerabilities to flooding and storm events.
2. Lack of technical detail in respect of size of timbers, depth of foundation, type of foundations etc and the design shows a lack of any cross supports.
3. The siting of the beach huts on the beach material would result in a loss of beach space for wider public use and subsequent depletion of public amenity.
4. Concerns regarding cost implications relating to any clearance of damaged material, or financial requirements on individual hut owners in relation to ongoing maintenance.

9.25. Points 1 – 2 are considered to have been suitably addressed via comments received from the Council's coastal engineers. Details relating to further structural information, along with management and maintenance requirements are secured via pre-commencement conditions, and will be reviewed further by coastal engineers and building control officers. This consideration will be critical at that stage to ensure that robust, resilient and safe structures are constructed in this public space which is heavily exposed to the sea.

9.26. The loss of beach amenity space (Point 3) is unfortunate through the platforms being permanent installations but it is minimal when considering the total proposed land take (approximately 256 sq. m) in the context of the wider Felixstowe seafront. Any future proposal similar to these for further platforms must be considered carefully and could present a cumulative unacceptable loss of beach amenity space which could be enjoyed by all, not just the private owners of the huts.

9.27. Financial/cost matters (Point 4) is not a material planning consideration and falls with the applicant in terms of accepting such implications. Likewise, should subsequent financial responsibilities unfold, it falls to the landowner and applicant to resolve these outside of the planning system.

10. Conclusion

10.1. The proposal for the reinstatement of 14 beach huts within proximity to the Spa Pavilion has the potential to enhance and better reveal the significance of the historic character of the Conservation Area whilst taking into account the requirements of changes to the coastal landscape. The beach huts are seen as 'iconic features' of the seaside resort and as such an embodiment of Felixstowe's historical identity, a character identified as central to the special historic interest of the Conservation Area. The placement of beach huts within this location complements the existing resort uses and makes a positive contribution to

the significance of the Conservation Area, in respect of the Registered Gardens and the Victorian and Edwardian architectural heritage of the resort.

- 10.2. The huts would be positioned as to allow for suitable sightlines from the promenade to the sea, and there will be no increased harm to visual amenity from nearby key viewpoints.
- 10.3. The installation of platform within beach material may also play a part in alleviating coastal erosion; however, continued oversight through partnership working, mitigation and management with the Coastal Management team is required. Through details secured by condition, robust, resilient and safe structures must be constructed in this public space which is heavily exposed to the sea.
- 10.4. Overall, the application is considered acceptable in principle subject to accordance with a number of planning conditions relating to design/engineering details, restricted use, flood risk, and coastal management monitoring.

11. Recommendation

- 11.1. Authority to approve subject to conditions.

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 drawings and details agreed by Conditions 3 and 4 of this consent:

- 050 - Site location plan (received 13 November 2023)
- 101 – Site layout proposed (received 13 November 2023)
- 102 – Site layout proposed (received 13 November 2023)
- 109 – Floor plans (received 13 November 2023)
- 110 – Elevations (received 13 November 2023)

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

3. No development shall commence until details of all materials and finishes to be used have been submitted to and approved by the local planning authority.

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

4. No development shall commence until detailed engineering drawings have been submitted to and approved local planning authority. The new platforms must be free standing of the existing coastal management structure/wall and constructed in accordance with the approved plans.

Reason: To ensure that the proposed development is appropriate having regard to coastal management and building control requirements.

5. No development shall commence until a management and maintenance plan has been submitted to and approved local planning authority.

The plan shall set out the following:

- Responsibilities for regular inspection, maintenance and upkeep of the beach hut platforms.
- Responsibilities for the complete removal of the Platforms at the end of their design life.
- Responsibilities for ensuring public safety in and around the new beach hut platforms at all times (including at any time when the hut has to be removed).
- Allowance for the visual inspection of the coastal management structure/wall by the Coastal Partnership East T98 inspectors at all times.
- Liability for the complete removal and reinstatement of the platforms should any major capital repairs or rebuilding of the coastal management asset/wall or foreshore area be required.
- Liability for the complete removal and reinstatement of the platforms should any maintenance or repairs to the coastal management asset/wall be required.

Reason: To ensure that the proposed development is appropriate having regard to coastal management.

6. The hereby approved non-habitable beach huts shall not be used for sleeping accommodation or any other habitable use.

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

7. The development shall be carried out in accordance with the approved Level B Coastal Erosion Vulnerability Assessment (by Enzygo, dated September 2023), unless otherwise agreed by the local planning authority.

Reason: In the interests of coastal change management and to ensure that access to coastal defences is not inhibited by new and/or replacement development.

8. Prior to use, a flood response plan shall be submitted to and approved by the local planning authority in consultation with the emergency planning department.

Reason: To ensure that owners and occupiers of the property are aware that the land is at risk of flooding and the appropriate course of action to be taken in the event of a flood.

9. Prior to use, and every 12 months thereafter, a risk level assessment and occupation plan shall be submitted to and approved by the local planning authority.

Reason: To ensure that owners and occupiers of the property are aware that the land is at risk of flooding and the appropriate course of action to be taken in the event of a flood.

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. 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.
3. East Suffolk Council are not liable for any stability or access issues associated with the changing beach/foreshore levels in and around the platform structures.
4. East Suffolk Council are not responsible for maintaining the beach/foreshore levels.
5. The Environmental Permitting (England and Wales) Regulations 2016 may require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river)

For further guidance please visit www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits or contact their National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

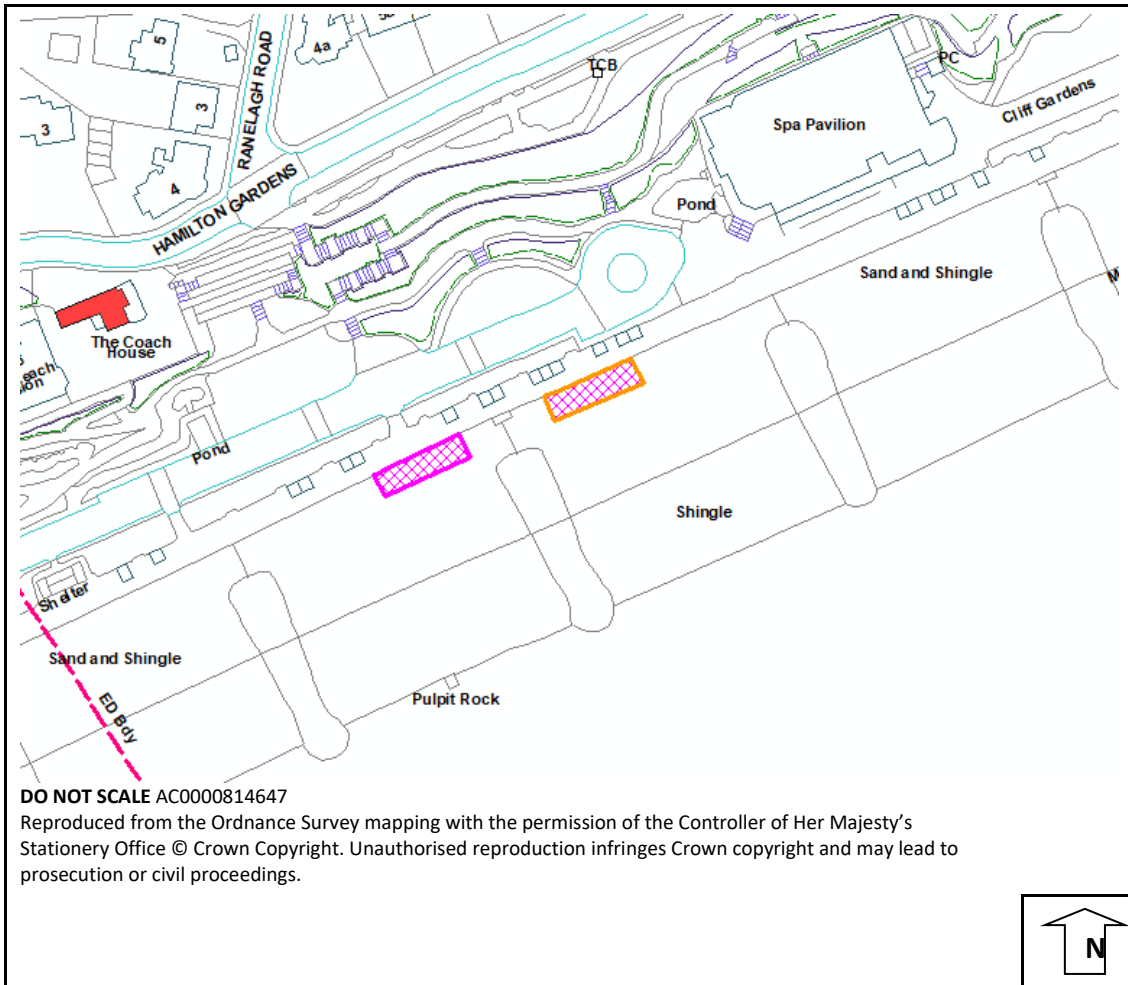
6. Works activities taking place below the mean high-water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants are directed to the Marine Management Organisation's (MMO) online portal to register for an application for marine licence: www.gov.uk/guidance/make-a-marine-licence-application





Background information

See application reference DC/23/2089/FUL on [Public Access](#)

Map



Key

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