

**Unconfirmed**



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

**Members of the Committee present:**

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

**Other Members present:**

Councillor Seamus Bennett, Councillor Amanda Folley, Councillor Stephen Molyneux

**Officers present:**

Sarah Davis (Democratic Services Officer (Scrutiny and Member Development)), Marianna Hall (Principal Planner (Development Management, South Area Lead)), Rachel Lambert (Principal Planner (Major Sites)), Matt Makin (Democratic Services Officer (Regulatory)), Falcon Saunders (Arboricultural and Landscape Officer), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

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**1 Apologies for Absence and Substitutions**

Apologies were received from Councillors Mark Packard and Mike Deacon. Councillor Stephen Molyneux attended as substitute for Councillor Packard, and Councillor Amanda Folley attended as substitute for Councillor Deacon.

Councillor John Fisher, as Vice-Chair of the Committee, chaired the meeting in Councillor Packard's absence.

**2 Declarations of Interest**

Councillor Folley declared an Other Registerable Interest in respect of the planning application at item 7 of the agenda, as a member of Felixstowe Town Council; Councillor Folley added that she was also a member of that authority's Planning and Environment Committee.

Councillor Mike Ninnmey declared a personal interest in respect of the planning application at item 7 of the agenda; he advised that prior to being elected to the Council he had covered the issue of beach huts in Felixstowe for a local media outlet.

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

Councillors Tom Daly, John Fisher, Katie Graham, Colin Hedgley, Mike Ninnmey, and Rosie Smithson all declared that they had been lobbied in respect of the planning application at item 7 of the agenda, by post and email, and had not responded to any correspondence.

### **4 Minutes**

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

#### **RESOLVED**

That the minutes of the meeting held on 28 November 2023 be agreed as a correct record and signed by the Vice-Chair.

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

The Committee received report **ES/1784** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 23 November 2023. At that time there were 18 such cases.

The Vice-Chair invited the Assistant Enforcement Officer (Development Management) to provide any updates to the Committee. The Assistant Enforcement Officer advised that since the report had been published, a site visit had been undertaken to 141 Kirton Road, Trimley St Martin (case A.1) which had shown that compliance had been achieved.

The Vice-Chair invited questions to the officers. In response to Councillor Hedgley, the Assistant Enforcement Officer advised that there was no precise address for the site at Highgate Lane, Dallinghoo (case A.4) as this was a field; the site was located on the left-hand side of the farm track from Highgate Lane.

There being no further questions, on the proposition of Councillor Hedgley, seconded by Councillor Smithson, it was by a unanimous vote

#### **RESOLVED**

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

### **6 DC/23/3110/FUL - 28 Saxon Way, Melton, Woodbridge, IP12 1LG**

The Committee received report **ES/1785** of the Head of Planning and Coastal Management, which related to planning application DC/23/3110/FUL. The application sought planning permission for a single storey side extension to 28 Saxon Way, Melton.

As the case officer's recommendation of approval was contrary to the ward member's objection to the scheme, the application was considered by the Planning Referral Panel at its meeting on 14 November 2023. The Referral Panel recommended that the application be presented to the Committee for determination due to the relationship of the proposed development with adjacent protected trees.

The Committee received a presentation from the Principal Planner (Development Management, South Area Lead), on behalf of the case officer for the application. The site's location was set out and the Committee was shown an aerial photograph. The Committee received the proposed block plan, along with the existing and proposed elevations and ground floor plans.

The Committee was shown photographs demonstrating views looking north and south along Saxon Way, looking towards the site from Saxon Way, and the proposed location of the extension.

The Principal Planner displayed an extract from the arboricultural impact assessment, which highlighted the impact on the adjacent protection trees; the Committee was advised that there was limited impact, with the root protection area of only one tree affected.

The material planning considerations and key issues were summarised as landscape impacts, design and visual amenity, and residential amenity. The recommendation to approve the application was outlined to the Committee.

The Vice-Chair invited questions to the officers. It was confirmed to Councillor Hedgley that the application had been presented to the Committee owing to the ward member's objections being contrary to the recommendation to approve the application.

In response to a question from the Vice-Chair, the Principal Planner explained that Melton Parish Council had reserved its comments until the conclusion of the arboricultural impact assessment and following this had not objected to the application. The Principal Planner advised that the ward member had maintained her objection following the conclusion of this assessment.

Councillor Ninmeyer sought confirmation that there were conditions proposed to keep root damage to a minimum; the Principal Planner highlighted the conditions proposed within the report to achieve this.

The Chair invited Mr Andrew Caton, the applicant's representative, to address the Committee. Mr Caton explained that the purpose of the extension was to create office and home gym space, along with storage for work items. Mr Caton said his partner, the applicant, had recently been diagnosed with a chronic medical condition and having a home gym would be very beneficial.

Mr Caton noted that the arboricultural impact assessment had shown there would be minimal impact on the adjacent protected trees and said there was no intention to build near to the tree line or the tree roots. Mr Caton said he and his partner loved the outlook from their home and would not want to damage the trees.

The Chair invited questions to Mr Caton. In response to a question from Councillor Ninnmey regarding support from neighbours, the Principal Planner clarified that the map included in the report indicated where neighbours had been consulted; no responses had been received.

The Vice-Chair opened debate by highlighting that he had been part of the Referral Panel that had recommended the application be determined by the Committee, as the arboricultural impact assessment had not been completed at that time. The Vice-Chair said he had walked past the site earlier in the day and was comfortable that the proposals were acceptable.

Councillor Hedgley proposed the recommendation to approve the application, which was seconded by Councillor Ninnmey. By a unanimous vote it was

## **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 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.

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/23/2089/FUL - 14 Beach Huts, Undercliff Road West, Felixstowe, IP11 7ES**

The Committee received report **ES/1786** of the Head of Planning and Coastal Management, which related to planning application DC/23/2089/FUL. The application proposed the reinstatement of 14 beach huts, previously sited on Felixstowe promenade and beach, and the erection of associated wooden platforms for which the huts will be sited on. The platforms were proposed to be constructed on beach material located south-west of the Spa Pavilion.

The application was presented to the Committee for determination, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, as the Council was the landowner. It was noted in the report that the application had been made by a private individual/group of individuals and the Council had played no part in the production of any plans submitted.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The Committee was shown an aerial photograph of the site which highlighted the site's proximity to a Grade II listed asset (Cliff Gardens) and the Spa Pavilion to the north.

The Principal Planner explained that the application site was within the settlement boundary and adjacent to the area of Felixstowe seafront defined in the Suffolk Coastal Local Plan (the Local Plan) as "Spa Pavilion to Manor End" (policy SCLP12.14), as well as the Felixstowe Conservation Area.

The Committee was shown photographs demonstrating views of the site looking south-west towards Felixstowe Pier, and looking north-east, south, and south-west from the promenade.

The Principal Planner displayed a floor plan extract, which indicated the positioning of the proposed beach huts, along with the proposed elevations from the side, the beach and the promenade, and computer-generated images of the proposed development.

The material planning considerations were summarised as the principle of development, heritage and conservation, landscape and visual amenity and coastal management. The Principal Planner explained that land ownership was not a material consideration however a number of concerns that were raised had been addressed in the report and conditions were recommended to address these. The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined to the Committee.

The Vice-Chair invited questions to the officers. Councillor Ninnmey queried how the construction and maintenance of the platforms would be financed, noting that when a previous application on the site was considered in 2022 it had been stated this would be prohibitive. The Principal Planner said the costs had not formed part of the application and was under the impression that the costs would be borne by the beach hut owners.

The Planning Manager (Development Management, Major Sites and Infrastructure) added that the previous application referred to by Councillor Ninnmey was one made by the Council, whereas the application being considered was being made privately by beach hut owners.

In response to a further question from Councillor Ninnmey, regarding coastal erosion, the Principal Planner noted that the Council's Coastal Management team had commented that the installation of platforms may assist in retaining beach material.

In response to questions from members of the Committee about responsibility for maintenance, the Planning Manager stated this would be the responsibility of the beach hut owners and highlighted a proposed condition for final construction details to be submitted and agreed; the Committee was advised that part of this process would include consultation with the Council's Assets, Building Control and Coastal Management teams and that there would need to be an agreement between the owners and the Council on the expectation to maintain private structures on Council owned land.

The Vice-Chair invited Mrs Ruth Dugdall-Marshall and Mr Will Crisp, beach hut owners representing the applicant, to address the Committee. Mrs Dugdall-Marshall and Mr Crisp were accompanied by Mr Chris Strang, the applicant, and Mr Andrew Dugdall-Marshall, a beach hut owner, to answer any questions of the Committee.

Mrs Dugdall-Marshall explained that a team of beach hut owners were working to restore 14 beach huts to the site and wanted to outline the importance of this and the vision of the project; she noted that there was a historic precedent of beach huts being located on the site and confirmed that all costs would be covered by the beach hut owners.

Mr Crisp said that there was lots of evidence to support approval of the application and explained that Felixstowe had adopted beach huts in advance of other towns in the United Kingdom and some of the beach huts in the town were some of the oldest in the country.

Mr Crisp highlighted that there had been beach huts on the site for 135 years and their removal had been negative, and referred to paragraph 200 of the National Planning Policy Framework, regarding opportunities to enhance conservations areas and heritage settings.

Mrs Dugdall-Marshall said the proposed vision would enrich the experience of living in Felixstowe and would protect the site of the United Kingdom's first beach huts, preserving rare examples of surviving Victorian-era beach huts. The Committee was advised that the beach huts would be painted in traditional colours and named after

local historical figures, with a timeline of history added to the site. Mrs Dugdall-Marshall said the proposals would restore the beach huts to their rightful home.

The Vice-Chair invited questions to the speakers and their supporters. Councillor Hedgley asked what expectations would the beach hut owners have of the Council should any of the development be lost to a major storm. Mr Dugdall-Marshall said that the beach hut owners would take full responsibility for any assets on the site, as per the terms of their existing licence conditions; he reiterated that the Coastal Management team had suggested that the proposed structures would help retain beach material.

Councillor Ninmey asked if the footings for the platforms would be put down as far as the depth of the sea wall. Mr Dugdall-Marshall said that the development would be fully compliant with building regulations and licence constraints, and would have foundations of a suitable depth.

Councillor Graham queried what the community benefits of the scheme would be. Mr Crisp said the proposals provided an opportunity to develop a "living history" on Felixstowe seafront and the beach hut owners group would actively engage with local schools and community groups to gather memories of beach huts on the site. Mr Crisp noted that 5,000 people had supported the restoration of beach huts on the site.

Councillor Molyneux asked if there could be provision for solar panels on the site. Mr Strang said this was a good point and that he would look into the possibility of this.

The Vice-Chair invited Councillor Seamus Bennett, ward member for Eastern Felixstowe, to address the Committee. Councillor Bennett concurred with the previous speakers and highlighted that in his other role as the current Mayor of Felixstowe, the significant historical nature of the site had become clear when celebrating the anniversaries of Felixstowe's rail link and the opening of the Orwell Hotel; he highlighted that both coincided with the introduction of beach huts to the seafront.

Councillor Bennett said that beach huts were part of a wider history of the East Suffolk coastline and the proposed scheme would improve the tourist offer of Felixstowe. Councillor Bennett commended the community for standing up for the site and developing the proposals.

Councillor Bennett noted that Felixstowe Town Council had recommended the application for approval; he was of the view that the scheme would enhance the appeal of Felixstowe as a seaside resort by restoring the historic presence of beach huts on the site. Councillor Bennett cited the significant community support for the proposals and considered the application to be a satisfactory conclusion to a long process.

Councillor Bennett described the plans as exciting and realistic and said the siting of 14 beach huts on the promenade during the winter represented an acceptable level of usage, compared to the 44 located there previously.

Councillor Bennett concluded that the Council's approach to this application represented the ethos of an authority he was proud to be part of, that was listening to

the community. Councillor Bennett suggested that there were lessons to be learned about positive engagement and accepting elements of risk, and was fully supportive of the application.

The Vice-Chair invited questions to Councillor Bennett. Councillor Ninnmey sought Councillor Bennett's views on the provision of beach hut sites in general; Councillor Bennett said he would support a bigger provision of beach hut sites and spoke of his advocacy for a more open approach to the beach huts constructed as part of the "seashore village" built in Felixstowe in terms of lease/hire options. The Planning Manager added that the Council was working to explore additional beach hut site locations in Felixstowe and that planners and asset officers had been working together to address issues with possible sitings in line with the supportive policies in the development plan.

The Vice-Chair invited the Committee to debate the application that was before it. Councillor Daly welcomed the application, describing it as a positive scheme. Councillor Daly noted the history on the site and said it was positive that a home for displaced beach huts was being found. Councillor Daly commented on the historic element of the development and how the history of the site was being linked to the future and the seafront's regeneration. Councillor Daly said the development would be a boost to Felixstowe's economy and tourism offer.

Councillor Folley concurred with Councillor Daly's statement and was of the view that the Council should support the application, considering the scheme to be of high quality. Councillor Ninnmey added that the scheme represented a good use of seafront space and that the provision of more beach huts would be positive.

Councillor Ninnmey proposed that authority to approve the application be delegated to the Head of Planning and Coastal Management, as set out in the report, and this was seconded by Councillor Hedgley. On being put to a vote it was unanimously

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following 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 <https://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:

<https://www.gov.uk/guidance/make-a-marine-licence-application>.

The meeting concluded at 3.07pm.

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Chair