

Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton on **Tuesday, 22 February 2022 at 2.00pm**

Members of the Committee present:

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

Other Members present:

Councillor David Beavan, Councillor Linda Coulam, Councillor Rachel Smith-Lyte

Officers present:

Mark Brands (Planning Officer (Development Management)), Sarah Carter (Democratic Services Officer), Maxine Green (Administration Support Officer (Democratic Services)), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner), Ben Woolnough (Planning Manager (Development Management))

1 Apologies for Absence and Substitutions

Apologies were received from Councillors Tony Cooper and Kay Yule. Councillor Linda Coulam attended the meeting as Councillor Cooper's substitute and Councillor David Beavan attended the meeting as Councillor Yule's substitute.

2 Declarations of Interest

Councillor Stuart Bird declared Local Non-Pecuniary Interests in both items 7 and 8 of the agenda as both a member of Felixstowe Town Council and the Chairman of that authority's Planning and Environment Committee.

Councillor Mike Deacon declared Local Non-Pecuniary Interests in both items 7 and 8 of the agenda as a member of Felixstowe Town Council.

Councillor Mark Newton declared a Local Non-Pecuniary Interest in item 6 of the agenda as a member of the British Horse Society.

Katherine Scott, Principal Planner, declared a personal interest in item 6 of the agenda and advised the Chairman that she would leave the meeting for the duration of that item.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Debbie McCallum and Mark Newton both declared that they had been lobbied on item 6 of the agenda and had not responded to any correspondence received.

There was a discussion on whether members of the Committee needed to declare any lobbying received prior to the application under item 6 of the agenda first being considered at the Committee's meeting of 30 March 2021. The Democratic Services Officer advised that any such lobbying would be recorded in the declarations of the minutes of that meeting.

4 Minutes

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

RESOLVED

That the Minutes of the Meeting held on 25 January 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1054** 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 20 January 2022. At the time of the report's publication there were nine such cases.

The report was taken as read and the Chairman invited questions to the officers.

The Planning Manager advised that there had been a successful outcome in the court case related to the enforcement action at Top Street, Martlesham; all three parties had pleaded guilty to breaching an enforcement notice and had been instructed to permanently remove structures and cease the use of the site. All three parties (landowners and occupants) had also been fined and charged court costs.

The Planning Manager, in response to a question on possible enforcement action at Sandy Lane, Martlesham, stated that he would follow up on this site and update the Member outside of the Committee. The Committee was reminded that only sites with active enforcement notices were included in the report.

A member of the Committee queried if the removal of gypsy/traveller housing at Pine Lodge Caravan Park, Hazels Lane, Hinton had resulted in any homelessness. The Head of Planning and Coastal Management advised that this was a longstanding enforcement case and that officers were liaising with colleagues in Housing throughout the process. The Head of Planning and Coastal Management confirmed he could provide the Member with a more detailed update outside of the meeting.

In response to a question on the enforcement action at Houseboat Friendship, New Quay Lane, Melton, the Head of Planning and Coastal Management noted the complex situation in this case and said he would provide the Member with a full case history after the meeting.

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

RESOLVED

That the outstanding enforcement matters up to 17 December 2021 be received.

6 DC/20/1831/OUT - Land Off St Andrews Place and Waterhead Lane, St Andrews Place, Melton

Note: Katherine Scott left the meeting at the beginning of this item.

The Committee received report **ES/1055** of the Head of Planning and Coastal Management, which related to planning application DC/20/1831/OUT.

The application had been made in outline form with all matters reserved except for access. Access was proposed off the northern end of St Andrews Place and an indicative layout plan showing 55 dwellings has been submitted with the application. The application also included an area of open space between the proposed housing and the remainder of the allocated site to the south.

The application had previously been considered by the Committee on 30 March 2021. At that meeting the Committee resolved to approve the application in line with the officer recommendation. The application had been returned to the Committee for determination as in May 2021, prior to the decision notice being issue, the Council received a letter from Birketts LLP on behalf of objectors to the application, indicating that they considered the decision, when issued, would be amenable to a successful Judicial Review Challenge as the Committee had been advised incorrectly by officers.

Following correspondence between Birketts LLP and the Council, where the Council maintained a position that the Committee had been properly advised, it was agreed to remit the application to the Committee for its re-consideration.

The Committee received a presentation from the Senior Planner, who was the case officer for the application.

The site's location was outlined; it was noted that the Committee had visited the site earlier that day. The Senior Planner outlined the site's location in relation to the site allocation in policy MEL20 of the Melton Neighbourhood Plan (the Neighbourhood Plan). The Committee was shown an indicative masterplan of the site.

The Senior Planner detailed the proposed off-site highway improvements that would be made on St Andrews Place. The Chairman confirmed that this plan had been made available to Members during the site visit. The Senior Planner summarised the

comments of the Highways Authority, set out in the report, regarding the off-site highway improvements having been taken as far as was feasible. The Senior Planner also summarised the position of the Highways Authority, who recommended refusal in relation to concerns on construction access, traffic impact and sustainable access.

The Committee was advised that a direct route through the wider MEL20 allocated site was not currently possible as the site was in multiple ownership and an agreement had not been reached between the different landowners; it was noted that this access could come forward in the future. Officers considered that despite this the site was in a sustainable location for travel and infrastructure.

The Senior Planner referred to the second proposed claim ground two, relating to the Planning Officer advising Members on an inaccurate assessment of adverse appeal costs; the Senior Planner highlighted that the response to this was covered in detail in paragraphs 7.28 to 7.31 of the report.

The Senior Planner outlined that the recommendation to approve the application as set out in the report had been revised to instead delegate authority to approve the application to the Head of Planning and Coastal Management, subject to both the proposed planning conditions set out in the report and some minor changes to the Section 106 Agreement being agreed with the applicant.

The Chairman invited questions to the officers.

It was confirmed that one of the three reasons that the Highways Authority recommended refusal was due to concerns in respect of construction traffic.

The Senior Planner outlined that the footway/cycle link would run from east to west towards St Andrews Place.

A member of the Committee referred to the comments of the Highways Authority on the siting of pedestrian crossings in St Andrews Place and sought the Senior Planner's views on them. The Senior Planner noted that since the comments had been submitted, the applicant had revised the off-site highways improvements to what had been presented to the Committee at the site visit and the meeting.

Another member of the Committee asked about the biodiversity of the development, noting that trees on the site had already been lost. The Senior Planner highlighted the ecological enhancement conditions proposed in the recommendation and reiterated that all other matters were reserved for this application and would be addressed at the approval of reserved matters stage. The Head of Planning and Coastal Management added that the requirement for biodiversity gain was brought in after the Neighbourhood Plan had been made.

The Senior Planner confirmed that since the revision of the off-site highways improvements the Highways Authority had not submitted any further comments.

The Chairman invited Richard Chalmers, who objected to the application, to address the Committee.

Mr Chalmers said that he objected to the application in the strongest possible terms and hoped that the site visit had demonstrated to Members that St Andrews Place was an inappropriate access for the site. Mr Chalmers described St Andrews Place as winding and having a lot of on-street parking and said that its use as access to the site would pose a clear risk to residents' safety. Mr Chalmers considered that construction workers arriving at and leaving the site would create health and safety and congestion issues.

Mr Chalmers highlighted that the Highways Authority had consistently objected to the application despite the changes made by the applicant and had expressed a desire for a more direct site access; he said he was therefore surprised that the committee report downplayed the concerns of the Highways Authority. Mr Chalmers noted other issues with the report relating to a pedestrian connection to Wilford Bridge Road, which he considered vital to the development. Mr Chalmers reminded the Committee the masterplan supplied was only indicative.

Mr Chalmers said that public confidence in the planning system was low and highlighted that the Highways Authority was a statutory consultee. Mr Chalmers referred to an application determined by the Committee at its previous meeting, where a Member had stated that great stock should be placed in the views of the Highways Authority.

There being no questions to Mr Chalmers the Chairman invited Councillor Nigel Brown, representing Melton Parish Council, to address the Committee.

Councillor Brown outlined that Melton Parish Council had submitted detailed objections to the application and recommended the application be refused as what was proposed was not what had been put to the Parish Council by the developer when making the Neighbourhood Plan.

Councillor Brown said that the Parish Council had been assured that there were arrangements between the landowners for a comprehensive development of the site allocated by MEL20 which would have direct access to travel links and would preserve green space; he added that an illustrative document provided by the developer had shown access to the site through Riduna Park and not via St Andrews Place.

Councillor Brown suggested that the application represented piecemeal development of the allocated site which have a negative impact on the wider area, noting that residents had expressed concerns about the use of St Andrews Place to access the site, including for construction. Councillor Brown highlighted that the site visit should have demonstrated to the Committee these concerns and considered that the use of St Andrews Place to access the site would lead to conflict and risk.

It was noted by Councillor Brown that the site did not have direct cycle access and was of the view that the development would result in a net biodiversity loss on the site. Councillor Brown also expressed concern about the suitability of the proposed drainage given flooding in the area.

Councillor Brown highlighted that the Parish Council and planners had met with the applicant, who had been asked to address a range of issues and to work with the Parish

Council and the other landowners to create a better plan for the site; he considered that this had not occurred and therefore the application fell short of what was required. Councillor Brown urged the Committee to refuse the application and stated that although the site was allocated for mixed use including housing, a second-rate development should not be accepted.

The Chairman invited questions to Councillor Brown.

Councillor Brown confirmed that the Parish Council was not opposed to the principle of development on the site and reiterated that the application did not marry up with what had been suggested by the developer when making the Neighbourhood Plan.

In response to a question regarding agreements with the landowner, Councillor Brown said that the developer had assured both the Parish Council and the Planning Inspector that they had agreements with the other landowners to develop the site as had been suggested at the time.

The Head of Planning and Coastal Management highlighted that MEL20 allocated land off Wilford Bridge Road for mixed use development subject to certain criteria, including that access options were explored to ensure there was not only a single point of access to the site. The Head of Planning and Coastal Management noted that this was the only reference in the policy to access arrangements.

Councillor Brown confirmed to a member of the Committee that the proposals only provided a single point of access and reiterated that the proposed access was unsuitable for the site.

The Chairman invited Councillor Rachel Smith-Lyte, Ward Member for Melton, to address the Committee.

Councillor Smith-Lyte said that there was an argument the application should be approved as the site was allocated for development in the Neighbourhood Plan but suggested that this plan had been made under great duress which had caused splits in the Parish Council. Councillor Smith-Lyte considered that there should be an opportunity to reassess the situation.

Councillor Smith-Lyte queried if the Committee had been made aware of the restocking notice issued on the site by the Forestry Commission which meant that legal action could be pursued after the site's development. Councillor Smith-Lyte noted that the Highways Authority maintained its objections to the application despite the changes made by the applicant, expressing that a more direct access was required.

Councillor Smith-Lyte was of the view that the site's proximity to Melton rail station should maximise sustainable travel but considered that the proposed access did not allow for this. Councillor Smith-Lyte said that Melton could not accommodate the additional traffic which would be generated by the development, noting that residents did not want to live in an over-urbanised environment and that Melton did not have the infrastructure needed to cope with the increase in population.

Councillor Smith-Lyte noted that there was no Habitat Regulations Assessment and that there would be a net loss of biodiversity. Councillor Smith-Lyte considered the drainage proposals to be insufficient due to the flood risk in the area and said that the development should not be allowed simply to allow the developer to make more money.

Councillor Smith-Lyte said that climate change needed to be actioned at a local level and that the development would not support combating climate change. Councillor Smith-Lyte said that if the application was approved it was show residents that democracy, if not dead, was dying. Councillor Smith-Lyte asked the Committee to do the right thing and refuse the application.

The Chairman invited questions to Councillor Smith-Lyte.

Councillor Smith-Lyte clarified that although she was not a councillor at the time the Neighbourhood Plan was made, she was aware that Melton Parish Council had been under pressure to make it.

Councillor Smith-Lyte noted that her views on the application did not completely align with the views of the Parish Council expressed by Councillor Brown.

The Chairman invited the Committee to debate the application that was before it.

Several members of the Committee referenced what they had seen during the site visit and concurred with the concerns of the Highways Authority about the suitability of using St Andrews Place to access the site, noting the significant on-street parking in the area. These members of the Committee considered that the proposed access to the site was not suitable and suggested that the comments of the Highways Authority be given appropriate weight.

Councillor Beavan acknowledged that the site was allocated for development but was of the view that the access to the site through Riduna Park should have been secured by the developer before making the application.

Councillor Daly was concerned that the access to the site was being agreed before the other matters on the site and said he could not vote to approve only one element of the site's development.

Councillor Coulam sought clarification that the off-site highway improvements would be completed before the site was developed; she added that if on-street parking was addressed on St Andrews Place this would assist the situation and said she remained open-minded on the application. Councillor Blundell concurred with this view, noting he had seen several empty drives during the site visit, and said that any construction traffic using St Andrews Place would be temporary.

Councillor Bird highlighted that an outline application did not deal with the detailed matters that would be addressed at the approval of reserved matters stage and that the granting of outline planning permission did not mean that development could take place before the reserved matters were also approved.

Councillor Bird stated that the Committee needed to concern itself with what had been applied for and considered that the scheme was no different to the one approved by the Committee in March 2021 and saw no material change to cause him to vote against approving the application. Councillor Bird said it needed to be accepted that the site was allocated for mixed-use development by MEL20 and that the Neighbourhood Plan had been made by the community and voted on in a referendum, becoming part of the development plan.

Councillor Bird said that construction traffic would be managed via condition and was not a reason to refuse the application and said that the concerns raised suggested that St Andrews Place was unsuitable for its current use, which would have a bearing on future applications in the area. Councillor Bird welcomed the additional safety measures provided by the off-street highways improvements which would alleviate on-street parking in the area. Councillor Bird highlighted that officers were of the view that the concerns of the Highways Authority did not meet the criteria for refusal and said he would be supporting the application.

Councillor McCallum considered the site to be a great space but the proposed access to be awful. Councillor McCallum said that problems would remain on St Andrews Place after construction traffic stopped and did not consider it the right access for the site, stating that she could not support the application.

Councillor Hedgley said that empty drives seen on the site visit could have been due to people not being at home at that time and that households with more than one vehicle could not all park on one drive. Councillor Hedgley said he had to support the comments of the Highways Authority and could not support the application.

Councillor Daly acknowledged the application was for outline planning permission but was for only one part of a larger allocated site and therefore did not provide for that site's holistic needs. Councillor Deacon highlighted the additional impact of the new residents the development would bring to traffic on St Andrews Place.

The Head of Planning and Coastal Management referred to the concerns of the Highways Authority summarised in the Senior Planner's presentation and advised the Committee that officers were of the view that, notwithstanding these concerns, the impact was not so severe to warrant refusing the application on highways grounds.

The Head of Planning and Coastal Management referenced that should the application be refused and an appeal be made, a Planning Inspector would need to test the application against the National Planning Policy Framework and there would need to be evidence that the impact from construction traffic was so unacceptable it would depart from the advice of the officers in the committee report to approve the application and was uncertain if the Highways Authority would choose to defend the appeal from their perspective.

The Head of Planning and Coastal Management said it was unfortunate that a more direct access had not been obtained by the developer but considered the proposed access still provided a link to sustainable travel options. The Head of Planning and Coastal Management said the information presented in the report was finely balanced and reminded the Committee that the application was for outline planning permission

with all matters reserved apart from the site access, noting that despite understanding the concerns raised he did not consider there were sufficient grounds for refusal on highways safety grounds.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management. The recommendation was proposed by Councillor Bird, seconded by Councillor Coulam and by a majority vote **FAILED**.

The Chairman sought an alternative recommendation. Following further debate, a proposal to refuse the application on the grounds of highway safety as per the comments of the Highways Authority was made by Councillor Deacon and seconded by Councillor Hedgley and it was by a majority vote

RESOLVED

That the application be **REFUSED** on the grounds of highway safety as per the comments of the Highways Authority.

Note: Katherine Scott returned to the meeting following the conclusion of this item.

7 DC/21/4908/VOC - Felixstowe Ferry Golf Club, Ferry Road, Felixstowe, IP11 9RY

The Committee received report **ES/1056** of the Head of Planning and Coastal Management, which related to planning application DC/21/4908/VOC.

The application sought to vary condition 2 of planning permission DC/19/5049/FUL. The approval related to a scheme which involves the redevelopment of Felixstowe Ferry Golf Club to provide a new and improved clubhouse facility with public cafe, toilets, holiday letting rooms, an extended car park area and five new dwellings. The application sought to vary the approved design of the new dwellings.

The application was before the Committee as part of the application sites on land within the Council's ownership, namely the Clifflands car park, and therefore was required to be determined by the Committee in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Senior Planner, who was the case officer for the application.

The site's location was outlined, and the Committee was shown photographs of the site from Cliff Road looking towards the existing clubhouse, as well as photographs of the existing clubhouse including the car park and the existing pro golf shop.

The Senior Planner compared the existing layout of the site with the approved layout under the extant planning permission. The Committee was also shown the proposed block plan for the residential dwellings and was advised that the main change to the design of the residential dwellings related to elevational changes.

The Committee received the approved and proposed elevations for the residential dwellings. The changes were summarised as:

- Plots 1 and 2 - minor variation in the roof form, the pattern of fenestration and a revised balcony and balustrade design.
- Plot 3 - some alterations to the size and location of openings, a different design and form of the balcony. The second-floor accommodation would move to the north-western corner of the property (when previous it was located centrally), creating a larger balcony area to the east.
- Plot 4 - minor changes to the openings and balcony design. The second-floor accommodation would also be reduced slightly and positioned in the north-western corner creating a larger balcony area to the east. Loss of a small balcony off the first-floor dining room. The highest part of the dwelling would be 0.5 metres lower.
- Plot 5 - changes to the fenestration pattern and balcony balustrade design. Second-floor accommodation slightly reduced and situated in the south-western corner of the dwelling with the wrap-around balcony replaced with larger spaces to the north and east elevations only.

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

There being no questions to the officers, public speaking or debate the Chairman sought a proposer and a seconder for the recommendation to approve the application, as set out in the report.

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

RESOLVED

That the application be **APPROVED** subject to all conditions imposed on the original approval but with necessary amendments as proposed.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of the original planning permission (20 May 2020).

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. 5353_PA102B, 201I, 202H, 203A, 300, 301B, 302A, 303, 401, 402, 403, 404, 5353 PB, 2019 34 02,

Design and Access Statement
Environmental Report
Transport Statement
Landscape and Visual Appraisal
Flood Risk Assessment

Coastal Erosion Vulnerability Assessment
Bat Roost Survey
Ecological Appraisal and Bat Scoping Survey
Business Plan and Viability Statement
Noise Assessment
Tree Survey Report
Archaeological and Heritage Assessment
Planning Statement
Needs Statement
Landscape Masterplan
Statement of Community Involvement

All received 24 December 2019

5353_PA 200 received 30 January 2020
Coastal Erosion Vulnerability Assessment Revision C received 7 February 2020
Report Number 4664,EC/SHRA/JB,RF,KL/05-03-20/V3 dated 5 March 2020
Drawing nos. 5353_PA_103AA and 104P received 23 February 2021 in
relation to DC/21/0894/AME
5353_PA_209A received 15 April 2020
5353_PA_005A received 16 April 2020
5353_PA_106I, 107B, 210D, 220E, 230D, 240D, 250B, 310D, 320E, 330D, 340D
and 350B received 27 October 2021.

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. Prior to commencement of construction on the roof of the clubhouse hereby
permitted, details of the construction of the roof including eaves and verges details and
planting shall be submitted to and approved in writing by the local planning authority.
Only the approved scheme shall be constructed and it shall be retained in its approved
form.

*Reason: In order to fully understand the construction and appearance of the roof. This
detail was not included in the application.*

5. Prior to occupation of the fifth dwelling hereby permitted, the café, public toilets,
putting green and viewing platform shall be completed in their entirety and be made
available for use.

Reason: In order to ensure that the public benefits of the scheme are provided in a timely manner.

6. Prior to construction of the fourth dwelling hereby permitted above slab level, an Operating Scheme detailing the opening hours of the café, public toilets, putting green and viewing platform shall be submitted to and approved by the local planning authority. The Operating Scheme shall include details of the minimum opening hours of the public facilities and shall be effective from prior to the occupation of the fifth dwelling hereby permitted. The opening hours set out in the agreed Operating Scheme shall thereafter be adhered to.

Reason: In order to ensure that the public benefits of the scheme are provided and made available.

7. Prior to demolition of the existing clubhouse building, a record of the building, to Historic England's Level 2 Recording standard, shall be undertaken. This record shall be submitted to the Suffolk County Council Historic Environment Record with confirmation to be provided to the local planning authority that this has happened prior to the completion of the project's construction. (The phasing plan and historic photograph included in the submitted Heritage Statement should also be included for submission to the HER as they provide valuable analysis and a useful visual record.)

Reason: In order that this historical building can be properly recorded to assist in historical understanding.

8. No development above slab level shall commence until details of a hard and soft landscaping scheme including boundary treatments should be submitted and approved, in writing, by the Local Planning Authority. The soft landscaping plan should include plant species, number, location and sizes of the proposed planting. The plans should clearly show the position of new fencing in relation to existing and proposed planting.

Reason: In the interest of visual amenity and the character and appearance of the area.

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

10. No development above slab level shall commence until details of a lighting strategy, including a "lighting design strategy for biodiversity" for the development 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.
- c) show that light spillage will be minimal and not adversely affect the character or appearance of the AONB or Heritage Coast landscape.

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 that light spillage into the landscape is minimised.

11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Geosphere Environmental, December 2019), bat survey report (Geosphere Environmental, September 2019) and Shadow Habitats Regulations Assessment by Geo Environmental dated 5 March 2020

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

12. No removal of hedgerows, trees or shrubs 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.

13. No development, demolition, site clearance (including clearance of vegetation) or earth moving shall take place, or material or machinery be brought onto the site, until a plan detailing Reasonable Avoidance Measures (RAMS) for how ecological receptors (particularly protected and UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))) will be protected during site clearance has been submitted to and approved in writing by the local planning authority. All site clearance (including clearance of vegetation) shall be undertaken in accordance with the approved plan.

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

14. Prior to commencement of development above slab level, an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, shall be submitted to and approved in writing by the local planning authority. All enhancements as agreed in the Strategy shall be incorporated into the scheme prior to use of the clubhouse and shall be retained in their approved form thereafter.

Reason: To ensure that the development delivers ecological enhancements.

15. As stated in the Noise Assessment by Sharps Redmore dated 16th December 2019, the new residential properties shall be constructed in accordance with the noise insulation requirements of BS8233:2014. The internal and external noise levels must achieve standards as per BS8233:2014 and listed below:

- Daytime noise levels for indoor living spaces of 35dB LAeq 16 hour (between the hours of 07:00 - 23:00 hours)
- Daytime noise levels for outdoor areas; garden and amenity space of 50dB LAeq 16 hour (between the hours of 07:00 - 23:00 hours)
- Night-time noise levels for bedrooms of 30dB LAeq and 45 dB LAmax 8 hour (between the hours of 23:00 - 07:00 hours)

Reason: To ensure that the new residential dwellings will benefit from an appropriate level of residential amenity with respect to noise.

16. Prior to the installation of any fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant), a noise assessment should be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Only the approved plant and/or machinery shall be installed along with any mitigation as necessary and be retained in its approved form thereafter.

Reason: To ensure that noise from fixed plant or machinery does not result in unacceptable levels of noise for neighbouring residents.

17. All extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises. Before the installation of such a system, details shall be submitted to the Local Planning Authority. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business and be retained thereafter.

Reason: In order that the residential amenity of neighbouring residents is not adversely affected.

18. With the exception of the six holiday letting rooms, the clubhouse building shall only be open to the public between 07:00 and 00:00 with the exception of six nights in any calendar year when the clubhouse can be open to the public until 01:00 only in accordance with the relevant event license.

Reason: In order to control the impact of the use on neighbouring residents' amenity.

19. Prior to the commencement of development, a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. This should contain information on how noise, dust, and light will be controlled. The approved scheme shall be implemented in full throughout the duration of the construction phase.

Reason: In order to reduce nuisance to the occupiers of neighbouring properties.

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

a) As deemed necessary following the desk study, site reconnaissance and intrusive investigation,

Further intrusive investigation 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.

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 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.

22. Prior to any occupation or use of the approved development the RMS approved under condition 21 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.

23. 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.
- 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.

24. 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.

Unless agreed in writing by the LPA 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.

25. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 18/12/2019, ref: 1906-360 Rev A) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

26. The development hereby permitted shall not be occupied until details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

27. Drainage shall be by pumped system discharging to the manhole identified on page 21 of part 2 of the FRA/Drainage Strategy

Reason: In order to ensure that there is an appropriate method of drainage on site.

28. Prior to occupation of the fifth dwelling hereby permitted, the existing golf club house and pro-shop building shall be demolished. All material from the demolition shall be removed from site and disposed of at an appropriate location.

Reason: In order to achieve a properly planned development in the interest of protecting and enhancing the landscape.

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

30. Prior to first use, the visitor signage in relation to the Deben Estuary, as detailed in the Shadow Habitats Regulations Assessment (sHRA) report (Geosphere Environmental, March 2020), shall be installed. The content of the signage will be approved in writing by the local planning authority prior to installation.

Reason: To ensure that increased recreational disturbance impacts on the Deben Estuary are adequately mitigated.

31. Prior to the occupation of the new residential dwellings, the new access to serve each residential development should be laid out in accordance with SCC DM drawing number DM03 and located as shown on submitted drawing numbers PA_104 Rev P and 1906-36--_005A. The approved accesses shall be laid out and constructed in its entirety prior to the occupation of the property. Thereafter the accesses shall be retained in the approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

32. The existing pedestrian crossing (to the east of plot 5) south side and the new access on the north side of Ferry Road shall be upgraded and laid out in accordance with submitted drawing numbers PA_104 Rev P and 1906-36--_005A. The approved crossing shall be available for use prior to completion of the development. Thereafter the crossing shall be retained in the approved form.

Reason: To ensure that the existing crossing is improved to an appropriate specification and the new crossing is constructed to an appropriate specification and both are made available for use at an appropriate time in the interests of highway safety.

33. Before any new access is first used ALL visibility splays shall be provided as shown on submitted drawing numbers PA_104 Rev P and 1906-36--_005A (this includes pedestrian crossing visibility splays) and thereafter all 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 over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

34. The use shall not commence until the area within the site shown on submitted drawing number PA_104 Rev P for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area 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 in order 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.

35. Prior to the creation of any new access hereby permitted, 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. 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.

36. Prior to occupation of any of the dwellings hereby permitted, details of the areas to be provided for storage of Refuse/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 refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

37. Before the residential part of the development is occupied, a footway shall be provided in accordance with footways shown on submitted drawing numbers PA_104 Rev P and 1906- 36--_005A details of which shall be submitted to and approved in writing by the Local Planning Authority. The approved footway scheme shall be carried out in its entirety and shall be retained thereafter in its approved form.

Reason: To provide a safe access to the site for pedestrians.

38. Before the residential part of the development is occupied a gateway entrance scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved gateway entrance scheme shall be carried out in its entirety and shall be retained thereafter in its approved form.

Reason: In the interests of highway safety

39. Prior to occupation of any of the dwellings hereby permitted, evidence of the water efficiency standards shall be submitted to, and approved in writing by, the local planning authority. The dwellings within the hereby approved development must achieve the optional technical standard in terms of water efficiency of 110 litres/person/day in Policy SCLP9.2 or any future document/policy replacing this, as measured in accordance with a methodology approved by Building Regulations Approved Document G.

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.

40. Prior to first use of the clubhouse facility hereby permitted, a British Research Establishment Environmental Assessment Method New Build Post Construction Stage (PCS) final rating and certificate of assessment demonstrating the development achieved the 'Very Good' standard or equivalent shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies 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 applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website

<https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email llpg@eastsuffolk.gov.uk.

3. It is noted that the applicant intends to discharge surface water to a watercourse within the IDD (directly or indirectly), with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in

line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. (https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such it is strongly recommended that the required consent is sought prior to determination of the planning application.

4. 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.

Consultation should be made with the Water Authorities to determine flow rates in all cases. Suffolk Fire and Rescue Service currently has a fire hydrant located at one of the entrances to this site. Please ensure that this is identified and protected whilst the work is being carried out and is easily accessible for inspection and work after the build is complete. Failure to protect the fire hydrant could incur repair or replacement costs.

8 DC/21/4083/FUL - Car Park, Garrison Lane, Felixstowe, IP11 7SH

The Committee received report **ES/1057** of the Head of Planning and Coastal Management, which related to planning application DC/21/4083/FUL.

The application sought full planning permission for the siting of a demountable workshop and three, 40ft containers for storage. Parking for the Lions Club van and parking for 6 cars within the fenced area was also proposed.

The application was before the Committee as the development proposal would take place on land owned by East Suffolk Council and therefore was required to be determined by the Committee in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer, who was the case officer for the application.

The site's location was outlined, and the Committee was shown an aerial photograph of the site, detailing its relationship with the surrounding area. The proposed block plan, 3D visuals and plans for the containers and demountable unit were also displayed.

Photographs of the site looking from the north and south were displayed, along with a photograph of the site's relation to the existing FACTS building. A photograph of the demountable unit, currently located on the former Deben High School site, was also shown to the Committee.

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

The Chairman invited questions to the officers.

The Planning Officer confirmed that the site would be fenced off from the car park with a perimeter fence.

There being no public speaking or debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

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

RESOLVED

That the application be **APPROVED** subject to conditions.

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 application form and drawings Lions 01, Lions 02, Lions 03, Lions 04, Lions 05 received 31 August 2021 and drawings Lions 06, Lions 07 received 17 September 2021 and correspondence received 7 January 2022.

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

Informatives:

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

The meeting concluded at 3.40pm.

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Chairman