

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton on **Tuesday, 25 May 2021 at 2:00pm**

**Members of the Committee present:**

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Kay Yule

**Other Members present:**

Councillor Paul Ashdown, Councillor Linda Coulam, Councillor Tracey Green, Councillor Richard Kerry, Councillor Steve Wiles

**Officers present:**

Liz Beighton (Planning Manager), Karen Cook (Democratic Services Manager), Sarah Davis (Democratic Services Officer), Laura Hack (Delivery Manager), Grant Heal (Planner), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner), Ben Woolnough (Major Sites & Infrastructure Manager)

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**1 Apologies for Absence and Substitutions**

Apologies were received from Councillor Colin Hedgley. Councillor Linda Coulam acted as his substitute.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in items 6 and 7 on the agenda as both a member of Felixstowe Town Council and as Chairman of that authority's Planning and Environment Committee.

Councillor Chris Blundell declared a Local Non-Pecuniary Interest in item 5 on the agenda as both the Ward Member for Martlesham and as a member of Martlesham Parish Council.

Councillor Tony Cooper declared a Local Non-Pecuniary Interest in item 6 of the agenda as the Assistant Cabinet Member for Planning and Coastal Management.

Councillor Mike Deacon declared:

- A Local Non-Pecuniary Interest in item 6 on the agenda as both a member of Felixstowe Town Council and as Chairman of the Felixstowe Sports Trust.
- A Local Non-Pecuniary Interest in item 7 on the agenda as a member of Felixstowe Town Council.

Councillor Mark Newton declared a Local Non-Pecuniary Interest in item 8 on the agenda as a member of Rushmere St Andrew Parish Council.

Councillor Kay Yule declared an interest in item 5 on the agenda as her son lived near to the application site.

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

Councillors Stuart Bird, Chris Blundell, Tony Cooper, Tony Fryatt and Debbie McCallum all declared that they had been lobbied on items 5 and 6 of the agenda and had not responded to any correspondence received.

Councillor Linda Coulam declared that he had been lobbied on item 6 on the agenda and had not responded to any correspondence received.

Councillor Mike Deacon declared that he had been lobbied on item 6 on the agenda and had responded only to acknowledge correspondence received.

Councillor Mark Newton declared that he had been lobbied on items 6 and 8 of the agenda; he had not responded to lobbying on item 6 and had responded only to provide factual information on item 8.

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

The Committee received report **ES/0765** 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 22 April 2021. At that time there were 13 such cases.

The Chairman invited questions to the officers.

The Planning Manager commented that the enforcement case at Swilland had been removed from the list as compliance had been achieved and that the final two buses were to be removed from the site by the end of May 2021. It was confirmed that officers would be visiting the site after that time to ensure that full compliance had been achieved, and the enforcement notice would be reissued.

The Planning Manager confirmed that the appeal for the land at North Denes Caravan Park had been dismissed and costs had been awarded in favour of the Council. The appellant had been given a three-month compliance period.

The Committee was advised that the enforcement case at Pine Lodge, Hinton, was with the Council's Legal team regarding placing a charge on the land to recoup costs. There was no breach on site at last visit.

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

### **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 22 April 2021 be received and noted.

**5 DC/20/1036/FUL - Land east and south of The Square, Martlesham Heath, Martlesham**

The Committee received report **ES/0766** of the Head of Planning and Coastal Management, which related to planning application DC/20/1036/FUL.

The application sought approval for the construction of retirement apartments for the elderly, a new public car park, access, landscaping and ancillary development at land east and south of The Square, Martlesham Heath.

The application was first considered at the Committee's meeting of Tuesday 27 April 2021 and had been referred to the Committee for determination by the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation as set out in the East Suffolk Council Constitution, due to the significance of the public interest in the proposal.

At that meeting, the application was deferred to allow members of the Committee to undertake a site visit prior to determining the application. A site visit was deemed necessary in order to view the site in terms of its context with particular reference to the former runway area and parking. A site visit was undertaken on Thursday 13 May 2021, in accordance with Covid-19 government guidelines.

The Committee received a presentation on the application from the Planner, who was acting as the case officer. The presentation began with the Planner detailing the route taken by Members during the recent site visit. The Planner noted that the presentation was broadly similar to the one made to the Committee at its previous meeting on Tuesday 27 April 2021.

The site location was outlined; the site was accessed off Eagle Way and measured 0.74 hectares. The site was located to the eastern extent of the village centre and the core of the site currently served as a car park, with green space to the east and area of hardstanding (a former runway) to the south west. The site was located within close proximity to the existing commercial and community services within The Square.

The Planner noted that the existing car park within the application site had approximately 69 spaces and that two other car parks were located to the north and the west of the village centre. The area to be protected from development, as set out in the Martlesham Neighbourhood Plan, was located to the east of the site.

The Committee was shown the site layout plan and the proposed floor plans. The floor plans demonstrated the mix of housing units proposed.

The proposed elevations were displayed to the Committee.

The Planner demonstrated that 25 car parking spaces would be associated with the development and highlighted that Suffolk County Council, as the Highways Authority, had raised no concerns with this level of provision.

Secure private amenity space would be provided for residents and a number of the units would benefit from balconies.

A cycleway was proposed along Eagle Way, which would link into the wider cycle network in the area.

The Planner confirmed that the majority of the protected area, as well as all associated protected trees, would be retained.

An indicative layout of the former runway, which would be used for car parking, was displayed. The Committee was advised that the applicant had made significant changes to this layout following consultation. The former runway was noted to be a Non-Designated Heritage Asset.

The Planner highlighted the indicative formation of parking spaces in this area to allow for larger areas of free space for pedestrians and to not interrupt views south from the village centre towards the green. The Committee was advised that the runway surface would be retained and incorporated into the development.

The Planner confirmed that the applicant intended to transfer the former runway land to Martlesham Parish Council, to manage in perpetuity, at no charge. Ownership by the parish council would ensure that the former runway was utilised as a community asset and used multifunctionally for free-of-charge parking and community events.

Various photos looking in and out of the site, and its surroundings, were shown to the Committee.

The Planner displayed images submitted by Martlesham Parish Council to highlight the importance of allowing for access onto and across the green. The Planner explained that wider pedestrian improvements could be delivered through the Neighbourhood Community Infrastructure Levy (CIL) that would be received from the development; if planning permission was granted Martlesham Parish Council would receive approximately £98,328.21 in CIL funding.

The main planning considerations were summarised as:

- Principle of development
- The area to be protected from development
- Housing mix
- Design quality and residential amenity
- The non-designated heritage asset
- Connectivity/accessibility (including highway safety)
- Parking provision for the development
- Loss of car parking
- Flood risk, sustainable drainage and holistic water management
- Landscaping
- Biodiversity and geodiversity
- Environmental quality
- Sustainable construction
- Unexploded Ordnance
- Impact on key facility - GP surgery

The Planner considered that the benefits of the proposal were:

- The provision of sheltered housing in a sustainable location, on brownfield land
- The transfer of land ownership to Martlesham Parish Council
- The provision of a cycleway along Eagle Way, connecting to the wider strategic cycle network

The Committee was advised that overall, the proposal was considered by officers to be a sustainable form of development that would meet the growing needs of an ageing population. The Planner stated that policy MAR5 of the Martlesham Neighbourhood Plan identified a need for such properties and this was supported by national planning policy guidance.

It was considered by officers that a number of significant concerns previously raised by statutory consultees had since been adequately addressed by the applicant through design changes and any respective concerns could be mitigated by a number of the conditions proposed in the recommendation.

The Planner said that the prominence of the proposed design and the reconfiguration of the immediate area would not cause any adverse impacts to the character of the area, residential amenity, non-designated heritage assets, or result in subsequent pressure on the local healthcare facility. The Committee was advised that potential impacts upon facilities and public services could be suitably mitigated through CIL funding.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

The Planner confirmed that there would be a net loss of 26 parking spaces and that there had been a number of discussions between the applicant, Martlesham Parish Council and officers about the boundary treatment between the former runway and the green; a condition would be required to work through the design details.

It was confirmed that a very small portion of green space would be lost as a result of the cycleway, but this would be within the extent of the highway. Safety issues had been raised in relation to where the cycleway would cross pedestrian areas and these design details would need to be agreed.

The Planner referred members of the Committee to the update sheet for information on how the cycleway would link into the wider cycle network.

The Chairman invited William Barton, who objected to the application, to address the Committee.

Mr Barton attended the meeting remotely and lost connection to the meeting room at the start of his address. Mr Matt Makin, Democratic Services Officer and Clerk to the Committee, read out the written statement below, submitted by Mr Barton ahead of the meeting in the event that he was not able to connect to the meeting.

*"My name is Will Barton and I represent Fordley Land Company and Suffolk Life Annuities LTD as owners of the adjoining property to this application, known as The Square, Martlesham.*

*The proposed development of the largest car park that surrounds and supports The Square and the wider community and the loss of capacity and issues that creates is a major concern of the landowner and the businesses that operate from The Square.*

*The car park is an integral car park which was created to support the businesses and houses created as part of the original Martlesham Heath Development.*

*We are concerned not only for the efficient operation of the existing businesses and community that survives from The Square but also the future expansion of the doctors surgery – and I refer you to the Adastal Park development for up to 2,000 houses, and in particular the likely requirement to expand the doctors surgery at The Square to support that development.*

*The doctors surgery is an integral part of The Square and what makes it work and why people move to Martlesham Heath and therefore we need reassurances from the Council and the applicant that this application will not prejudice the future expansion of the doctors' surgery, which if it is not expanded could result in it being lost to The Square, which would have a major impact on The Square, and also the reason why the applicant believes an over 55 scheme in such a location is a viable and sustainable option.*

*The timing of the development and the installation of the car park, and the future ownership, management and cost of the car park is also a concern. The proposed conditions within the Planning Officer's report do not go far enough to firstly ensure that the new car park is installed or is operational before the existing car park is closed for development.*

*Secondly, we need reassurance that the new car park will be installed to a standard to ensure longevity of use, such as has been achieved in the existing car park.*

*Thirdly, the cost of creating a management plan for the new and existing car park needs to be properly funded by the applicant by way of a bond, and this should cover the cost of future maintenance. The preparation of the management plan needs to include input from the owners of the Square and the Parish Council.*

*It is imperative that the new car park is installed or made available as a first stage of the development because the loss of the car park altogether could be catastrophic for the businesses and users of The Square, who have all suffered significantly during the Covid pandemic. For those of you that visit The Square you will already have seen the loss of Memories Card Shop, one of the original tenants, and a further year or more of disruption which could be caused by not having proper and adequate car parking facilities from day one may also result in other losses to The Square, which could undermine what is a viable economic and social centre.*

*Whilst we would like to support the application, we urge the Council and the Ward members to consider carefully the conditions and the S106 agreement and ensure these*

*points are addressed.*

*Thank you for listening."*

Mr Barton was able to reconnect to the meeting room as Mr Makin concluded reading the written statement. When questioned by the Chairman, Mr Barton advised that he had been able to follow the live stream of the meeting on the Council's YouTube channel whilst attempting to reconnect, and was content that Mr Makin had read out his statement accurately.

There being no other questions to Mr Barton the Chairman invited Councillor Stephen Denton, representing Martlesham Parish Council, to address the Committee.

Councillor Denton acknowledged the changes made to the scheme following consultation and stated that Martlesham Parish Council was content to support the development in principle and welcome new residents to the village.

Councillor Denton expressed concern about the loss of the existing car park and the risk it posed to the viability of businesses in The Square as well as the planned expansion of the GP surgery, which he considered made the area so attractive for the development. Councillor Denton noted that the Parish Council had asked to be involved with the formation of car park management plans but this had not happened.

Councillor Denton referred to MAR3 of the Martlesham Neighbourhood Plan, regarding development enhancing the setting, and highlighted that the Parish Council had requested for a bund to be built on the boundary between the former runway and the green, along with locked vehicle access to the green. Councillor Denton expressed concern about the proposed access to the green as proposed in the application.

Councillor Denton outlined the walking route from The Square to the green and considered that any mitigation for this needed to be in place before the car park was opened for use.

Councillor Denton concluded that the development was an example of something the Parish Council should be involved with, as it would affect the village centre, and that discussions between the Parish Council and the applicant had yet to happen in a meaningful way.

The Chairman invited questions to Councillor Denton.

Councillor Denton confirmed that the Parish Council had originally objected to the application but considered that the situation had progressed; he said that the application was supported in principle but that the issue around car parking remained a cause for concern. Councillor Denton stated that some of the proposed conditions needed to be strengthened to allay concerns.

In response to a question from a member of the Committee who was also a member of Martlesham Parish Council, Councillor Denton confirmed that the Parish Council's official position was a recommendation of refusal, but that it would be content to support the application in principle if the previously mentioned conditions were

strengthened.

The Chairman invited Emily Bishop, agent for the applicant, to address the Committee.

Ms Bishop advised that the applicant had worked closely with officers when developing the application; she described the proposed scheme as being highly sustainable and noted that it would provide much needed housing for over 55s. Ms Bishop provided details of the electric vehicle charging points, internal communal spaces and landscaped gardens that would be provided by the scheme.

Ms Bishop highlighted that the development would deliver 43 public parking spaces that would be transferred to Martlesham Parish Council as part of a Section 106 agreement, for the Parish Council to use as it wished. Ms Bishop added that a new cycleway would be delivered, which would be of significant benefit to the wider area.

It was Ms Bishop's view that the scheme had evolved extensively following consultation with various groups and noted that the former runway had been incorporated into the development. Ms Bishop considered that the development would address the need for retirement accommodation in the area.

There being no questions to Ms Bishop the Chairman invited Councillor Chris Blundell, Ward Member for Martlesham, to address the Committee.

Councillor Blundell considered the loss of amenity space at the former runway to be a contentious issue. Councillor Blundell was not opposed to the provision of retirement accommodation in the village, noting that this was set out in the Martlesham Neighbourhood Plan, but stressed that what was being proposed were apartments and not a care home, and was therefore housing being proposed in a sustainable location.

It was highlighted by Councillor Blundell that residents would need to travel outside of the village for some retail shopping needs, most likely to the Martlesham Heath Retail Park. Councillor Blundell considered that travel from the village to that site could be hazardous and would need to be by private transport, as older people would not carrying shopping long distances on foot and public transport to and from the site was insufficient.

Councillor Blundell stated that the parking areas surrounding The Square had been created for the benefit of the whole community and considered that the application removed the largest of these areas and replaced it with a smaller provision that would be mostly used by the residents of the proposed development.

Councillor Blundell was also concerned that the former runway, a non-designated heritage asset, would be turned into a car park and noted that it was currently used as public amenity space, linked to the green.

Councillor Blundell highlighted that vehicular access to the green was restricted and was of the view that there should be a hard barrier between the green and any car park built on the former runway. Councillor Blundell queried if the car park on the former runway would be for public use and concluded that the application was not acceptable to him.



There being no questions to Councillor Blundell, the Chairman invited the Committee to debate the application that was before it.

Several members of the Committee concurred with the comments made by Councillor Blundell. It was noted that the existing car park appeared to be well used and Members had witnessed both The Square and the former runway site as 'bustling'. Members were concerned about the reduction in parking provision, the potential negative impact of the development on parking and the viability of the village centre and the lack of detail for the parking that would be created on the former runway site.

The Chairman stated that planning balance was key for this application and acknowledged the sustainability of the site that would be achieved by having more residents. The Chairman remained concerned about the lack of clarity around the proposed car parking.

Another member of the Committee, having heard the comments of other Members, considered the loss of open spaces to be significant; he was also concerned about the need for residents to travel outside the village to access some services. The Member, having weighed the proposed benefits and concerns, considered he could not support the application.

The Chairman invited the Head of Planning and Coastal Management to address the Committee.

The Head of Planning and Coastal Manager noted the comments of Martlesham Parish Council stating that it considered the application would be in accordance with the Martlesham Neighbourhood Plan if certain conditions were clarified and strengthened; he highlighted the need for this type of accommodation in the area, as set out in the Suffolk Coastal Local Plan.

The Head of Planning and Coastal Management referred the Committee to its refusal of a similar application in Melton on the grounds that it was an unsustainable location and said that he considered the location of this application to be very sustainable. The Committee was advised that various consultees were broadly in support of the application and was concerned that it may be refused if all that was needed was further work to address concerns around parking that had been highlighted.

The Head of Planning and Coastal Management suggested that the Committee could delegate authority to approve the application to him in order to allow officers to address any concerns with the applicant, prior to seeking discharge of consent from the Chairman and Vice-Chairman of the Committee.

A member of the Committee noted that she had not attended the site visit and was of the opinion that the type of accommodation proposed was desperately needed in Martlesham; she was concerned that such a scheme could be lost based on parking issues. The Member noted that older people had come to use grocery delivery services due to the pandemic and highlighted that the applicant had created similar positive sites elsewhere in the district.

A member of the Committee considered that a more detailed application was required so that Members could vote on it in confidence. Another member of the Committee cautioned against letting enthusiasm ride roughshod of fundamental planning concerns.

Councillor Coulam proposed that authority to approve the application be delegated to the Head of Planning and Coastal Management, subject to conditions. This was seconded by Councillor Cooper and by a majority vote **FAILED**.

The Head of Planning and Coastal Management advised that the Committee, if it so wished, could defer the application with instructions to address the issues raised during the meeting.

Councillor Cooper proposed that the application be deferred to allow concerns raised at the meeting to be addressed prior to its determination. This was seconded by Councillor McCallum and by a majority vote **FAILED**.

The Chairman then moved to the recommendation to approve the application, as set out in the officer's report. There being no proposer this **FAILED**.

Councillor Bird suggested that the application be refused on the grounds of inadequate parking and the net loss of parking provision. The Planning Manager advised the Committee that such a refusal would relate to policy SCLP7.2 of the Suffolk Coastal Local Plan and policy MAR15 of the Martlesham Neighbourhood Plan.

The Head of Planning and Coastal Management advised against including the impact on the vitality of the village centre and impact on the non-designated heritage asset in the reasons for refusal, as he considered this would be difficult to defend should the decision be appealed.

On the proposition of Councillor Bird, seconded by Councillor Yule it was by a majority vote

#### **RESOLVED**

That the application be **REFUSED** on the grounds that the net loss of parking and the loss of public amenity and open space is contrary to policy SCLP7.2 of the Suffolk Coastal Local Plan and policy MAR15 of the Martlesham Neighbourhood Plan.

*Following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 3:30pm and was reconvened at 3:36pm.*

- 6 DC/21/0541/FUL - Former Deben High School, Garrison Lane, Felixstowe, IP11 7RF**  
The Committee received report **ES/0767** of the Head of Planning and Coastal Management, which related to planning application DC/21/0541/FUL.

The proposal was a hybrid planning application for the redevelopment of the former Deben High School on Garrison Lane in Felixstowe. The application had been made in two parts; the full aspect dealt with the residential element of the proposal and the outline submission related to the sports provision.

The application was before the Committee as East Suffolk Council was both the applicant and landowner and therefore in accordance with the Scheme of Delegation, as set out in the East Suffolk Council Constitution, there was a requirement for this application to be determined by Elected Members.

The Committee received a presentation on the application from the Planning Manager, who was acting as the case officer.

The site's location was outlined and the Planning Manager detailed the history of the site; most recently it had been used by Felixstowe International College and prior to that was the former Deben High School site. The site had initially been vacated when Deben High School and Orwell High School became Felixstowe Academy (now Felixstowe School) and relocated to a new site.

A map was displayed outlining the areas of the site subject to full and outline permission; it was proposed that the existing access from Garrison Lane be retained.

The site was described as being approximately a six minute walk from Felixstowe town centre and was served by bus stops directly in front of the site on Garrison Lane.

The Planning Manager confirmed that the open amenity space would be open to the public and create an additional benefit to the wider area.

The Committee was shown photographs of the site from Garrison Lane detailing the site entrance, the existing school buildings and looking to the north of the site.

The existing school building was 11 metres in height; the proposed housing that would front onto Garrison Lane would be 7.3 metres high and the proposed apartment blocks 10.4 metres in height.

The Committee was shown photographs of the site from Newry Avenue, which demonstrated the gaps between the dwellings bordering the application site.

The photographs from the design and access statement were displayed; these images retained the existing school hall that would be retained as part of the development.

The Committee was shown video footage of the site taken from a drone, which highlighted the following aspects:

- The existing school hall to be retained
- The site's relationship with dwellings on Newry Avenue
- The site's relationship with Garrison Lane
- The site access
- The existing sports hall to be converted
- The expanse of open space
- The site's relationship with the properties fronting to Garrison Lane

The existing block plan was displayed.

The material planning considerations and key issues were summarised as the principle

of development, mix of housing and density, open space, community and sports provision, sustainability, highways and access, parking provision, design and appearance, and residential amenity.

The site was described as being in a sustainable location and on a brownfield site. The mix of housing would be tenure neutral and increase affordable housing in Felixstowe; the percentage of affordable housing unit proposed exceeded the minimum required and it was highlighted that over 400 people with a relationship to the town were on the housing waiting list.

The development was stated to open the site to the public through the open space and the community and sports provision that would be provided. The existing school hall would be retained for community use and play streets would be created. The Planning Manager displayed examples and concept images of play streets and a community garden.

The Planning Manager stated that the housing units would be built to the passivhaus standard and sustainability would be incorporated in a holistic way.

It was highlighted that the site was within walking distance of Felixstowe town centre and an existing bus provision existed. The site was also noted to be located in close proximity to Felixstowe railway station.

Parking would be allocated on a 1:1 basis for residential units and the Planning Manager confirmed that cycle parking would be provided. The site was intended to be a pedestrian led environment, with vehicular movements being kept to a minimum. The Planning Manager considered that this would create long-term sustainability and carbon reduction throughout the life of the development and that the site was a sustainable location with access to shops and other amenities.

The Committee was provided data from the 2011 census that supported the 1:1 parking provision proposed. The Planning Manager highlighted the number of vehicular movements associated with the site when used as a school and noted that what was proposed would be a lower use than what could be reverted to on the site.

The Committee was shown concept images of the site displaying aerial views, looking out to the open site, through the site, the frontage facing Garrison Lane, and the community garden.

The Planning Manager highlighted that the fenestration arrangements for blocks H02 and D had been amended to remove overlooking to properties on Newry Avenue. A level of separation and boundary vegetation was considered significant to mitigate any overlooking from roofs and balconies. The Planning Manager considered that there would be no significant shadowing caused to existing properties and considered the impact of the development on residential amenity in the area to be acceptable.

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

The Chairman invited questions to the officers.

The Planning Manager confirmed that Suffolk County Council, as the Highways Authority, were content with the existing access being retained for the site and had considered it would be used less frequently than it was when the site operated as a school.

The Committee was advised that the roof of the apartment block would be used for solar panels; each dwelling would have two windows and although it was considered the balconies would not negatively impact residential amenity, it could be conditioned that opaque screening be used to minimise overlooking.

The Planning Manager stated that no noise objections had been received in relation to the ground source heat pumps and that a management company would be formed to maintain the public open spaces.

It was confirmed that the sports hall would not be extended in height.

It was the Planning Manager's understanding that the open space at the rear of the development would remain under the ownership of East Suffolk Council. It was proposed that this area be retained as an open space and would be both open to the public and used by Felixstowe Cricket Club. The Planning Manager advised that any future development of the open space would need to be subject to a separate application.

In response to a question on access to the sports provision on the site, the Planning Manager advised the Committee that these details were in outline form and would be confirmed by a future reserved matters application. The Committee was assured that there would be sufficient parking on the site for the sports provision.

The Planning Manager reiterated that officers considered the 1:1 parking provision proposed to be acceptable.

It was confirmed that significant attention was being paid to disabled access of the properties; the Planning Manager suggested that the applicant could provide more detail about this.

The Chairman invited Steven Wiggins, who objected to the application, to address the Committee.

Mr Wiggins advised that he was a resident of Newry Avenue and wanted to talk about the height and location of the existing and new buildings. Mr Wiggins contended that the height of the existing buildings stated in the officer's report included the roof form and that the buildings themselves were only 7.5 metres high at their nearest point to neighbouring properties.

Mr Wiggins noted that only one property boundary was 10.5 metres away from the existing buildings and the remainder were 11.2 metres away, due to the indentation of the building. Mr Wiggins highlighted that the majority of properties on Newry Avenue bordering the site were overlooked by flat roof extensions to the school building and were approximately 7.2 and 8.6 metres away from the boundary, respectively. Mr

Wiggins highlighted that the proposed Block D would be 10.9 metres high and only 7.5 metres from the boundary.

Mr Wiggins pointed out the comments made by Felixstowe Town Council in respect of the application and considered that the Committee should pay them due regard as the comments of the elected representatives of Felixstowe.

There being no questions to Mr Wiggins the Chairman invited Bridget Law, Housing Programme Manager and representing the Council as the applicant, to address the Committee.

Ms Law described the application as an exciting, mixed use scheme, that would retain and refurbish two existing buildings and provide 61 homes built to passivhaus standards. Ms Law noted that East Suffolk Council had declared a climate emergency and was looking to address this through this application.

Ms Law explained that the provision of homes would reduce running costs for residents. The development had been designed to be pedestrian led, keeping vehicular movements to a minimum, whilst providing designated parking for residents. Ms Law considered that this would create safe spaces for residents to walk and socialise.

The Committee was advised that the housing proposed did not exceed the height of the existing school building on the site and that the boundary would be broken up by the balconies proposed for the apartment block. Ms Law confirmed that the development would be tenure neutral and there would be a consistent design across the site.

Ms Law reiterated that over 400 people linked to Felixstowe were on the housing waiting list, with several of those people being in housing need. Ms Law concluded by asking the Committee to consider the ecological benefits of the proposal and considered that approving the application would be testament to East Suffolk Council's innovative future plans.

There being no questions to Ms Law the Chairman invited Councillor Tracey Green, Ward Member for Western Felixstowe, to address the Committee.

Councillor Green advised that she had been in regular contact with residents of Newry Avenue regarding the application. Councillor Green highlighted comments she had received from the residents at 10 Newry Avenue, who supported the development in principle but had concerns about the overlooking from block D, given its height and proximity to the site boundary.

These residents had also noted the comments of Felixstowe Town Council and had advised Councillor Green that they considered the information on similar heights to be misleading, and had asked her to advise the Committee that the school occupancy was not 24/7 and had suggested the height of block D be reduced.

Councillor Green considered that the people of Felixstowe wanted to see this site be award winning and exemplary, but was concerned that the four-bedroom properties would park additional vehicles elsewhere in the community and considered the

provision of cycle parking had been overestimated.

Councillor Green sought assurances that satellite dishes on the apartment block would be limited and that the maintenance of the community garden be in residents' occupancy agreements. Councillor Green also asked the Committee to consider the proposed height of block D.

There being no questions to Councillor Green, the Chairman stated she wished to ask questions of the Planning Manager relating to the management of the community garden and the installation of satellite dishes on the apartment block.

The Planning Manager confirmed that the contracts and deeds for each dwelling would contain conditions for managing private amenity space and that that a management plan would also be conditioned to ensure that community areas were appropriately managed. With regard to satellite dishes, the Committee was advised that this would be controlled under covenant rather than planning condition.

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

A member of the Committee, who was also Ward Member for Western Felixstowe, welcomed the use of a brownfield site and the provision of housing, describing the ecological and sustainable aspects as laudable, but noted the number of concerns raised about the development.

The Member was concerned about the provision of parking for residents proposed and noted that this was a material planning consideration and highlighted that the Highways Authority had objected to the reduction in the required number of spaces on this site. The Member considered that, in reality, residences would need to access other services in the area and did not consider that residents would consider using public transport as an alternative option to having multiple cars per household, and that this would have a negative impact on nearby roads.

The Member also noted that the site had been used previously for educational purposes, which was a less intense kind of use than what was being proposed; he added that the height comparisons between the existing and proposed buildings was not a like for like situation. The Member added that he was concerned that overlooking from balconies, although mitigated, would still have a negative impact on residential amenity, and also create noise issues for neighbouring residents.

The Member welcomed the principle of development said that the valid material planning concerns could not outweigh the benefits offered by the development and urged the Committee to refuse it.

Another member of the Committee, who was also Ward Member for Western Felixstowe, spoke in support of the application. The Member considered there was a demonstrable need in the area for housing and that the site was unique in that it was owned by the Council and could be used to be provided ecologically friendly and affordable housing, on the footprint of the former Deben High School, as well as provide amenity space and sports provision, such as for the local bowls club who would be displaced when the new leisure centre was built.

The Member understood the concerns of neighbours but was satisfied that, in planning terms, the distance between the site and neighbouring properties meant that impact would be minimal on residential amenity. The Member highlighted that the design had been praised by the Suffolk Preservation Society and considered the 1:1 parking provision was satisfactory, highlighting that only 50% of the Council's housing stock had allocated parking and the low percentage of affordable housing tenants that had access to one or two private vehicles.

The Member concluded by saying he made no apologies for supporting the application and stated that the Council had a duty of care to provide affordable housing for its residents. The Member considered that the benefits of the application outweighed the harm that would be caused, but suggested that opaque screening be used for the balconies of the apartment block to mitigate any overlooking.

A member of the Committee considered that the application met the bold aspirations of the Council and was a brilliant use of the site; she noted the concerns over certain issues but was confident these could be controlled through covenants and was not concerned that any overlooking would be intrusive. The Member commended the application and considered that it was well worth supporting.

It was noted by a member of the Committee that the Highways Authority had not been consistent in its approach to this application and the one considered previously by the Committee.

The Chairman concluded the debate, stating she was in favour of what she considered to be an innovative application, agreeing that its benefits outweighed the harm.

The Chairman moved to the recommendation to approve the application, as set out in the report, plus the inclusion of an additional condition for opaque screening to be used on the block D balconies to minimise overlooking.

On the proposition of Councillor Cooper, seconded by Councillor Yule it was by a majority vote

## **RESOLVED**

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

1. The development hereby permitted through the full application 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 subject of the outline planning permission hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.

*Reason: In accordance with the Town and Country Planning (Development*



*Management Procedure) (England) Order 2010 (as amended)*

3. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

*Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, and as amended by the Planning and Compulsory Purchase Act 2004 (applicable since 24th August 2005)*

4. Samples of all external facing and roofing materials of the dwellings hereby approved shall be submitted to the Local Planning Authority before development commences. The development shall be carried out in its entirety in accordance with the approved samples.

*Reason: To ensure the satisfactory external appearance of the development.*

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and reenacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

*Reason: To secure a properly planned development.*

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), no building, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.

*Reason: To secure the properly planned nature of the development.*

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and reenacting that Order) (with or without modification), no windows shall be constructed at first floor level or above in any of the dwellings hereby approved.

*Reason: to preserve the amenity of existing and proposed residential properties and in the interests of preserving the quality of the design.*

8. The windows serving bathrooms or en-suites at first floor or above on all the dwellings hereby approved shall be fitted with obscure glazing [glazed with opaque glass, or other appropriate screening] and shall be retained in that condition and retained as such in perpetuity.

*Reason: To preserve the amenity of existing and proposed residential properties.*

9. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with the following plans received on the 2 February 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.

15410-A-PL-X-(03)-001 - Site Existing Plan  
15410-A-PL-X-(03)-002 - Site Ground Floor Plan  
15410-A-PL-X-(03)-003 - Site First Floor Plan  
15410-A-PL-X-(03)-004 - Site Second Floor Plan  
15410-A-PL-X-(03)-005 - Site Roof Plan  
15410-A-PL-X-(05)-006 - Existing Site Elevations  
15410-A-PL-X-(05)-007 - Site Elevations  
15410-A-PL-X-(05)-008 - Site Sections  
15410-A-PL-X-(03)-100 - Block A - ground and first floor plans  
15410-A-PL-X-(03)-101 - Block A - second floor plan and roof plan  
15410-A-PL-X-(05)-102 - Block A - sections  
15410-A-PL-X-(05)-103 - Block A - Bay Sections and Elevations  
15410-A-PL-X-(03)-104 - Block B&C A - ground floor plans  
15410-A-PL-X-(03)-105 - Block B&C - first floor plans  
15410-A-PL-X-(03)-106 - Block B&C - second floor plans  
15410-A-PL-X-(03)-107 - Block B&C - roof plan  
15410-A-PL-X-(05)-108 - Block B elevations  
15410-A-PL-X-(05)-109 - Block Belevations  
15410-A-PL-X-(05)-110 - Block Bbay sections and elevations  
15410-A-PL-X-(05)-111 - Block Cbay sections and elevations  
15410-A-PL-X-(03)-112 - Block D ground and first floor plans  
15410-A-PL-X-(03)-113 - Block D second floor plan and roof plan  
15410-A-PL-X-(05)-114 - Block D elevations  
15410-A-PL-X-(05)-115 - Block D sections  
15410-A-PL-X-(05)-116 - Housetype bay elevations  
15410-A-PL-X-(03)-117 - Housetype 1 floor plans  
15410-A-PL-X-(05)-118 - Housetype 1 elevations  
15410-A-PL-X-(03)-119 - Housetype 2 ground floor plans  
15410-A-PL-X-(03)-120 - Housetype 2 first floor plan  
15410-A-PL-X-(03)-121 - Housetype 2 roof plan  
15410-A-PL-X-(05)-122 - Housetype 2 elevations  
15410-A-PL-X-(03)-123 - Housetype 3 floor plans  
15410-A-PL-X-(03)-124 - Housetype 3 elevations  
15410-A-PL-X-(03)-125 - Housetype 4 roof plan  
15410-A-PL-X-(03)-126 - Housetype 4 elevations  
15410-A-PL-X-(03)-130 - Assembly Hall Plans  
15410-A-PL-X-(03)-131 - Assembly Hall sections and elevations  
15410-A-PL-X-(03)-133 - Site Location Plan - outline  
15410-A-PL-X-(03)-134 - Site Location Plan - full planning application  
15410-A-PL-X-(03)-135 - Parameter Plan - Land Use  
15410-A-PL-X-(03)-136 - Parameter Plan - Heights  
15410-A-PL-X-(03)-137 - Parameter Plan - Access  
774-FH-XX-00-DP-L-201 - General arrangement

774-FH-XX-00-DP-L-301 - Edges and boundaries

774-FH-XX-00-DP-L-401 - Softworks

*Reason: To secure a properly planned development*

10. The areas to be provided for storage of Refuse/Recycling bins as shown the approved plans shall be provided in their 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.*

11. The areas to be provided for storage of Refuse/Recycling bins as shown the approved plans shall be provided in their entirety before the development to which they are associated 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.*

12. The full application 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 <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>.*

13. No development of the full application hereby approved shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction

*Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater*

14. No development of the full application hereby approved shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

*Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

15. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 42 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing,
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*Reason: In accordance with Policy SCLLP5.10 of the Suffolk Coastal Local Plan (2020) to secure the appropriate provision of affordable housing on the site*

16. No external lighting shall be installed within the site unless details have first been submitted to the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

*Reason: To ensure any external lighting is designed in a manner having regard to visual amenity and residential amenity in accordance with Policy SCLP11.1 of the Local Plan.*

17. No external lighting shall be installed within the site unless details have first been submitted to the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

*Reason: To ensure any external lighting is designed in a manner having regard to*

*visual amenity and residential amenity in accordance with Policy SCLP11.1 of the Local Plan and in the interest of protecting biodiversity*

18. The hours of operation for all construction activities on site shall be limited to - Monday to Friday 07:30 until 18:00 Saturday 08:00 until 13:00 Sunday & Bank Holidays none Unless otherwise agreed in writing with the Local Planning Authority. Deliveries to and collection from the construction site shall be undertaken between - Monday to Friday 07:30 until 18:00 Saturday 08:00 until 13:00 Sunday & Bank Holidays.

*Reason: In the interest of residential amenity*

19. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

*Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.*

20. Within three months of the commencement of development, a noise assessment should be submitted to consider the likely impact of noise from the development both on existing residential properties in the area and on properties to be built as part of the development.

This should consider all potential sources of noise including but not restricted to use of the community hall and sports facilities and any plant to be installed as part of the development. This assessment should be carried out by a competent person.

*Reason: In the interest of residential amenity*

21. Prior to commencement of the development hereby approved through the full application, an air quality assessment is required. The assessment shall be in accordance with the following document: 'EPUK & IAQM Land-Use Planning & Development Control: Planning for Air Quality January 2017'. The assessment should be proportionate to the nature and scale of development proposed and the level of concern about air quality. The scope and content of supporting information is therefore best discussed and agreed between the local planning authority and applicant before it is commissioned.

*Reason: To ensure air quality is appropriately controlled*

22. Prior to first operational use of the site, at least 5% of car parking spaces shall be

equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter.

*Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraphs 105 and 110.*

23. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at safe, accessible and convenient locations. Prior to first occupation, at least 10% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be retained thereafter.

*Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraphs 105 and 110.*

24. 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 the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: 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.*

25. 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 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.*

2.6 Prior to any occupation or use of the approved development the RMS approved under condition 25 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.*

27. A validation report must be submitted to 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.*

28. Within three month(s) 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.*

29. No development shall commence until there has been a management plan for maintenance of all the communal areas within the approved application site. 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 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.*

30. 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 five 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.*

31. The development shall not begin until a scheme for provision improvements to pre-school and primary school education has been submitted to the local planning authority.

*Reason: To ensure that sufficient provision is made for education facilities as a direct result of additional residential development.*

32. Within three months of the date of the development hereby approved a biodiversity enhancement scheme shall be submitted to the local planning authority and implemented in accordance with this strategy before the beneficial occupation of the dwellings hereby approved. This strategy shall include the provision of integral swift nest bricks with the buildings hereby approved. The improvements shall be retained in perpetuity.

*Reason: In the interest of providing enhanced biodiversity across the site.*

33. The eastern most balconies at first and second floors on the apartment block D, on the eastern boundary of the site, shall be fitted with an obscured glazed privacy panel on their eastern elevation to a height of 1.7m from balcony floor and shall be retained as such in perpetuity.

*Reason: To reduce overlooking to the rear gardens of properties in Newry Avenue.*



Informatives:

1. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority. The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsoffolk.gov.uk](mailto:CIL@eastsoffolk.gov.uk).

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5).

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

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](mailto:llpg@eastsuffolk.gov.uk).

3. 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.

4. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be 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.

*Following the conclusion of this item the Chairman adjourned the meeting for a short break. The meeting was adjourned at 4:55pm and was reconvened at 5:05pm.*

**7 DC/21/0808/FUL - Land East Of Bent Hill, Undercliff Road West, Felixstowe**

The Committee received report **ES/0768** of the Head of Planning and Coastal Management, which related to planning application DC/21/0808/FUL.

Full planning permission was sought for the temporary use (one calendar year) of public recreation land for purposes associated with adjacent hospitality businesses on land adjacent Bent Hill, Undercliff Road West, Felixstowe.

The application had been referred to the Committee for determination under the Scheme of Delegation, as set out in the East Suffolk Council Constitution, as East Suffolk Council was both the applicant and the landowner.

The Committee received a presentation from the Planner, who was acting as the case officer.

The site's location was outlined; the land was adjacent to the premises who would make use of it - The Alex, Bar 147, The Cork, Steak and Lobster Co, and The Grand.

The Committee was shown photos of the site from the east and west, from Bent Hill towards the site, and from the site towards the neighbouring premises.

The Planner detailed the responses to the consultation undertaken following the temporary use of the site in 2020, outlining the significant support for the proposals.

The potential benefits were outlined as supporting local business recovery, contributing to town centre and resort viability, providing opportunity for safe social interaction, and promoting public wellbeing. The potential impacts were outlined as noise, litter and anti-social behaviour.

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

The Chairman invited questions to the officers.

The Planner confirmed that the hours of use would be controlled under licensing conditions and that chairs and tables would be removed from the site at the end of each day.

In response to a question on the safety of workers crossing the highway to the site, the Chairman reminded the Committee that this was a health and safety issue to be considered by each premises using the site and not a material planning consideration.

The Planner confirmed that premises using the site would need to apply to vary their premises licences.

There being no public speaking on the item, the Chairman invited the Committee to debate the application that was before it.

The Chairman opened the debate by stating that the provision had been essential to

businesses in 2020 to allow them to trade outside during the first lockdown and considered that such an application should be supported by the Council.

Another member of the Committee concurred with this statement and noted the positive impact the provision had been in 2020; he was of the view that he would like to see permanent use on the site in this way in the future.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report.

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

## **RESOLVED**

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

1. The hereby permitted use shall expire on the first day following one calendar year from the date of this consent, following which the land shall be reinstated to its former condition unless prior to that date planning permission is renewed.

*Reason: The development is unsuitable for permanent consent by virtue of its character/impact upon the locality.*

2. The development hereby permitted relates to the land identified within the submitted 'Site location plan' received by application on 22 February 2021.

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

3. The hereby approved development permits the use of the subject land for the siting of chairs, tables and parasols associated with adjacent hospitality business only. No other furniture or apparatus shall be placed or erected on the site at any time unless otherwise agreed by the Local Planning Authority.

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

4. The hereby approved development site shall at all times be maintained in a clean and tidy state as free from litter and waste.

*Reason: In the interest of public health and visual amenity.*

5. At no time shall there be allowed any display of recorded or live music or performances on the hereby approved development site.

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

6. The hereby approved development site shall only be open to the public for dining and drinking purposes between the hours of 09:00 and 23:00 Monday to Sunday.

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

Informatives:

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

**8 DC/21/0615/FUL - Water Tower, Tuddenham Lane, Rushmere St Andrew**

The Committee received report **ES/0769** of the Head of Planning and Coastal Management, which related to application DC/21/0615/FUL.

The application proposed the conversion and extension of a redundant water tower in Rushmere St Andrew to a residential dwelling. The site was located in the countryside where the principle of new residential accommodation was not normally permitted other than in exceptional circumstances.

While the proposal was considered to be contrary to Policy SCLP5.5 of the Suffolk Coastal Local Plan, in that the proposed size of extension was considered to result in more than just a conversion, in this case the proposed design quality and the retention of the building, which was a non-designated heritage asset, was considered to be justification to depart from the policy in this case. The application had therefore been referred to the Committee as a departure from the Local Plan.

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

The site's location was outlined; the Senior Planner detailed the site's relationship with the district boundary and the access details.

The site location plan was displayed and it was noted that a more modern water tower was in close proximity to the application site.

The Committee was shown an aerial photograph of the site and the Senior Planner outlined the vegetation screening the site.

Photographs displaying the access to the site, views of the site from the highway, the structure, and the view of the site from Humber Doucy Lane.

The existing and proposed block plans, proposed floors plans, and proposed elevations were displayed.

The Senior Planner detailed the proposed materials and finish, including the proposed cladding and brickworks.

The material planning considerations and key issues were summarised as the principle of development, design and heritage, residential amenity, highway safety, habitats/off-site ecology, and on-site ecology.

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

It was confirmed that permitted development rights would remain on the site, but could be removed by condition if the Committee resolved to do so.

The Chairman invited Ben Willis, agent for the applicant, to address the Committee.

Mr Willis said that the strong heritage value of the site had been identified early on and the applicant had engaged with the Council's Design and Conservation team who had assessed the structure as being a non-designated heritage asset.

The applicant had subsequently worked closely with officers to come up with a suitable design for the site, as well as working with all consultees and attending a meeting of Rushmere St Andrew Parish Council to outline the proposed development.

Mr Willis considered that the proposal had been borne out of careful thought and consideration and hoped that, on completion, would become a valuable community asset.

The Chairman invited questions to Mr Willis.

In response to a question about footings, Mr Willis said further details would follow and that the design had been based on existing structural elements.

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

Members of the Committee spoke in support of the application and considered it a good use of a redundant building in the countryside. One Member, who was familiar with the area, was of the view that the design was a sympathetic conversion.

One member of the Committee suggested that permitted development rights on the site be removed.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report, with an additional condition to remove permitted development rights.

On the proposition of Councillor Cooper, seconded by Councillor Blundell, it was by 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. 20-061A-PL01, PL02, PL03 and Arboriculture Method Statement and Arboriculture Impact Assessment received 10 February 2021, Design and Access and Heritage Statement, Preliminary Ecological Appraisal and Bat Survey received 8 February 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 development shall commence until a comprehensive schedule of all repairs to the fabric of the water tower has been submitted to and approved in writing by the local planning authority. The conversion to residential use shall not begin until all repairs have been completed in full accordance with the approved schedule and all amendments to the schedule must first be agreed in writing with the local planning authority before that work takes place.

*Reason: In the interests of the conservation of the historic structure and fabric of the building.*

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

- (i) full specification of all external materials for the new build addition and extension to the tower,
- (ii) details of the junction of the newbuild elements with the existing tower,
- (iii) landscaping, surfacing and boundary treatment.

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. Within three months of the commencement of development, a copy of the Heritage Impact Assessment shall 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: In order that the Historic Environment Record can be updated to identify the tower and its site as of historic interest.*

6. The actions as set out in the Phase 1 Report reference: IE21/024/report from JPC Environmental Services shall be undertaken in full as per the Recommendations contained within the report.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.*

7. 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.*

8. All works shall be carried out entirely in accordance with the phasing plan and protection measures as set out in the Arboricultural Method Statement.

*Reason: To protect the remaining trees on the site and the rural character of the area.*

9. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Practical Ecology, February 2021) and the Bat Survey Report (Practical Ecology, February 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.*

10. No removal of hedgerows, trees, shrubs, brambles, ivy or 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.*

11. No external lighting shall be installed unless a "lighting design strategy for biodiversity" for the site has been submitted to and approved in writing by the local planning authority. The strategy shall:

- 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
- 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.*

12. No development shall take place (including any demolition, ground works, site clearance) until a method statement for great crested newts and for barn owls has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

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

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



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

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

- 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
- 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.*

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A-H inclusive and Part 2, Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed in writing with the local planning authority.

*Reason: In order that the local planning authority may retain control over this particular form of development in the interests of protecting the character, appearance and setting of the non-designated heritage asset and the amenity of adjoining residents.*

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. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority. The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsoffolk.gov.uk](mailto:CIL@eastsoffolk.gov.uk).

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5).

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. 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 [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk).

The meeting concluded at 5:34pm

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Chairman