

**Unconfirmed**



Minutes of an Extraordinary Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Monday, 7 March 2022 at 2.00pm**

**Members of the Committee present:**

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

**Officers present:**

Karen Cook (Democratic Services Manager), Laura Hack (Delivery Manager), Marianna Hall (Principal Planner), Phil Harris (Strategic Communications and Marketing Manager), Andy Jarvis (Strategic Director), Rachel Lambert (Planner (Major Sites)), Matt Makin (Democratic Services Officer), James Meyer (Senior Ecologist), Nicholas Newton (Principal Landscape and Arboricultural Officer), Katherine Scott (Principal Planner), Ben Woolnough (Planning Manager (Development Management))

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**1 Apologies for Absence and Substitutions**

No apologies for absence were received.

**2 Declarations of Interest**

Councillor Stuart Bird declared Local Non-Pecuniary Interests in items 4, 5, 6, 7 and 8 of the agenda as 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 items 4, 5, 6, 7 and 8 of the agenda as a member of Felixstowe Town Council.

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

Councillor Stuart Bird declared that he had been lobbied on items 4, 5, 6, 7 and 8 of the agenda and had not responded to any correspondence.

Councillor Chris Blundell declared that he had been lobbied on item 8 of the agenda by letter and email.

Councillor Tony Cooper declared that he had been lobbied on items 5, 6, 7 and 8 of the agenda and had not responded to any correspondence.

Councillor Tom Daly declared that he had been lobbied on item 8 of the agenda and had not responded to any correspondence.

Councillor Mike Deacon declared that he had been lobbied on items 4, 5, 6, 7 and 8 of the agenda and had only responded to correspondence to acknowledge receipt.

Councillor Colin Hedgley declared that he had been lobbied on item 8 of the agenda by letter and email and had not responded to any correspondence.

Councillor Debbie McCallum declared that she had been lobbied by Felixstowe Town Council on item 8 of the agenda and had not responded to this correspondence.

Councillor Mark Newton declared that he had been lobbied on item 8 of the agenda by letter and email.

Councillor Kay Yule declared that she had been lobbied on items 5, 6, 7 and 8 of the agenda by letter and email.

### **Announcements**

The Chairman advised that she had re-ordered the agenda and that item 8 would be heard before item 4.

## **8 DC/21/1322/ARM - Land North of Walton High Street, Felixstowe**

The Committee received report **ES/1070** of the Head of Planning and Coastal Management, which related to planning application DC/21/1322/ARM.

The application was a reserved matters submission which presented scheme details relating to layout, scale, appearance and landscaping, in respect of an outline aspect of an approved hybrid application - DC/16/2778/OUT – for the demolition of existing buildings and the phased construction of up to 385 dwellings, including associated infrastructure, new public open space and a new link road and linear park between Walton High Street and Candlet Road.

In accordance with the Scheme of Delegation, set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the decision be made by the Committee due to the significance of public interest in the proposal.

The Committee received a presentation from the Planner, who was the case officer for the application. The site's location was outlined, and the Committee was advised on how the application site related to its surroundings and its topography.

The Planner outlined that a number of listed buildings were located along the southern extent of the site including the Grade II\* Walton Hall. A public footpath (Footpath 28) crossed the site in a north/south direction between Walton High Street and Candlet Road, continuing north and connecting with the wider public rights of way network.

The Committee was shown photographs of the site detailing views of the site from Walton High Street to the north, views along Walton High Street at the site boundary, the site's relationship with the A14 (Dock Spur Road), views west towards the site, access to the former rifle range that comprised part of the site, and views to the south towards open space opposite the site.

The Planner outlined the planning history on the application site, including the outline planning permission granted and the relevant applications to discharge planning conditions. The Committee was advised that the applicant had made a duplicate reserved matters application, which they had confirmed would be withdrawn upon approval of the application before the Committee.

The material planning considerations were summarised as:

- The principle of development established at the outline stage
- The design quality, residential amenity and heritage
- The housing provision and mix (including affordable housing)
- Highways: parking provision and standards
- Sustainable construction
- Flood risk and sustainable drainage
- Landscape and open space
- Environmental quality: air quality, noise, land contamination

The Planner noted that the current Suffolk Coastal Local Plan (2020) had been adopted between the approval of the outline planning permission and the application before the Committee; she advised that whilst the adopted Local Plan was entirely relevant to the determination of the application it needed to be acknowledged that there were parameters and limitations in the scope of what could be achieved, based on elements consented or fixed within the outline planning permission.

The Committee was shown the indicative masterplan that had been submitted as part of the application for outline planning permission.

The Planner summarised the history of the design brief and the progression of the design iterations, in consultation with the Council's Design & Conservation Officer. The Planner advised that the submitted information illustrated that the proposed development would come forward with a high-quality design, which would accord with the NPPF and policy SCLP11.1 of the Local Plan. Conditions were included in the recommendation to secure layout and design features.

The Committee was shown an image of the proposed layout for the site along with the materials plan, boundary treatment plan, hard surfaces plan, residential height and massing plan, and character area plan.

The Planner displayed drawings of the street scenes which outlined the different areas in the character area plan, showing how these areas would fit together across the site. The Committee was also shown computer-generated images of the proposed development.

The Committee was advised that the Council's Housing Officer had reviewed the application and had confirmed that the proposed housing mix and affordable housing provision met policy requirements, and that M4(2) requirements would be secured by condition.

The Planner summarised the issues relating to parking provision and standards and confirmed that the site layout had been reviewed and redesigned, as per the request of the Highways Authority, to ensure that the development provided sufficient parking levels and highway design.

The Committee was shown the movement and accessibility plan and the parking and cycling strategy.

The Committee was provided details of the Energy Strategy Statements and Water Use Calculator submitted as part of the application, which incorporated a range of measures to meet the requirements of policy SCLP9.2 of the Local Plan; the applicant had advised officers that this would contribute to the development achieving a 31% reduction in carbon emissions and energy demand. The Planner confirmed that these measures would be secured by condition.

The Planner stated that following extensive consultation with the lead local flood authority and subsequent site-wide revisions, the site wide drainage strategy was considered acceptable.

It was noted that the landscape and open space proposed built upon the indicative landscaping detail set out in the hybrid planning permission and would deliver a range of green infrastructure and publicly open space, including a green gap on the frontage to the site to preserve the setting of existing buildings, together with new planning. The Planner advised that Natural England had not objected to the application subject to the adequate mitigation measures being secured.

The Landscape Elements Plan and Open Spaces Plan were displayed to the Committee and the Planner highlighted key information within the documents.

The Planner summarised that the Council's Environmental Protection Officer was satisfied that the original transport assessment that accompanied the outlined planning consent (dated 2016) could still be relied upon in terms of future road traffic predictions and that a new assessment was not needed. The Planner outlined the mitigation measures proposed, which would be secured by conditions.

It was confirmed that the air quality concerns regarding assessment of air quality associated with development had been resolved and the previously accepted air quality assessment remained valid. The Planner said that should future concerns arise regarding air quality in the area, the Council's Environmental Protection Team may monitor and assess air quality under other statutory provisions and duties related to local air quality management.

The Planner noted that, unfortunately, land contamination had not been captured in the outline planning consent in the form of any conditions but that the applicant and their consultants had worked closely with officers to meet expected procedures/steps

of the investigation of the site and the development of a Remediation Method Statement with a view to ensuring that the site would be suitable for development.

The Committee was advised that as set out and incorporated in the Section 106 Agreement a pre-school land plan was required to be submitted to and approved by Suffolk County Council before the commencement of development. Suffolk County Council had confirmed acceptance of the siting of area secured for an early years facility subject to a condition that secured pre-development works. The Committee was also shown a drawing outlining the site allocated for the early years facility within the wider application site.

The Planner summarised the conclusion of her presentation and outlined the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, subject to the agreement of conditions and an upfront payment of RAMS.

The Chairman invited questions to the officers.

The Committee was shown the location of affordable housing units within the site; the units were to be located within the northern quarter of the site, along with clusters of units in the southern section of the site. Other affordable units would be located in the flat schemes along the linear road.

The Planner confirmed that the consultation response from Anglian Water stated that the site would be connected to the existing sewer network.

The Planner reiterated that the Council's Environmental Protection Team may monitor and assess air quality under other statutory provisions and duties related to local air quality management. The Planning Manager (Development Management) added that the principle of development had been established by the outline planning consent and that the effects and mitigation would have been considered at this stage, and that it was not necessary for them to be considered as part of the current application. The Planning Manager noted that a cumulative assessment would be needed for the area and any future developments would need to consider the impact on this development, if approved.

The Planner stated that officers had been assured by the Council's Environmental Protection Team that through planned remediation, the early years facility could be delivered satisfactorily without land contamination issues on the site of the former rifle range.

The location of the footpath from Candlet Road to Walton High Street was confirmed.

The Planner confirmed that the current application was to be determined against the current Suffolk Coastal Local Plan, adopted in 2020, and that the outline planning consent had been determined against the former Suffolk Coastal Local Plan that had been in place at that time.

The total amount of open space was stated to be 2.28 hectares.

The Planner highlighted the spread of open space across the application site and confirmed the area at the south of the site had been indicated in the outline application.

In response to a question on the size of the clusters of affordable housing, the Planner suggested that this question could be best answered by the applicant and their representatives. The Planner stated that the Council's Housing Officer was satisfied with the spread of affordable housing units across the site.

The Chairman invited Ms Haseman, who objected to the application, to address the Committee.

Ms Haseman expressed concern that highway changes were required to accommodate the proposed housing and outlined the significant loss of parking on Walton High Street as a result of the various crossings and bus stops that would form part of these changes.

Ms Haseman considered that the crossings and bus stops were either not located in the right places or not required due to existing provision and that it appeared the changes resulted in either a change or a loss of the existing cycle routes both towards Ipswich and Felixstowe. Ms Haseman stated that the majority of pedestrian traffic was on the south footpath of Walton High Street. Ms Haseman was also concerned about the impact on privacy by double-decker buses stopping at the new bus stops.

Ms Haseman said that the scheme did not accord with the Local Plan's policies on sustainable transport and would create conflict with the existing transport network in an area already chaotic with school traffic.

The Chairman invited questions to Ms Haseman.

Ms Haseman concurred with a member of the Committee that parking was already an acute issue in the area, especially during peak times for school traffic.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee.

Councillor Smith confirmed that the communication he had circulated to members of the Committee ahead of the meeting reflected the views of Felixstowe Town Council.

Councillor Smith noted that despite several meetings with the landowner and developer Felixstowe Town Council remained opposed to the application, acknowledging that some of the mitigation proposed did address some of its previous concerns. Councillor Smith said that the Town Council was not opposed to new housing but was of the view that development should be considered in a more holistic way.

Councillor Smith expressed concerns about the proposed open space, particularly in relation to the proposed linear park, which would result in less usable open space. Councillor Smith said that the Town Council considered this to be contrary to Local Plan policies on open space and was concerned about the proximity of some

parcels of open space, including those containing trim trails and a play area, to the spine road within the site and a strategic cycleway.

Councillor Smith said that the Town Council was of the view that there should be more one and two-bedroom properties to allow for downsizing and that the affordable housing should be fully integrated with the site and tenure blind. Councillor Smith cited the comments of the Council's Housing Officer about the positioning of the affordable housing not being policy compliant.

Councillor Smith noted that although Felixstowe Town Council welcomed the cycling and walking linkage to Walton High Street, this should be of greater width.

Councillor Smith concluded that Felixstowe Town Council considered there to be sufficient material planning reasons for the application to be refused by the Committee.

The Chairman invited questions to Councillor Smith.

Councillor Smith confirmed that Felixstowe Town Council was recommending refusal of the application as it was contrary to planning policies regarding both open space and the clustering of affordable housing.

The Chairman invited Mr Clarke, representing Bloor Homes (the applicant), to address the Committee. Mr Clarke was accompanied by Mr Lee (Technical Manager, Bloor Homes) and Mr Bailey (agent for the applicant).

Mr Clarke noted that the outline planning consent had established the principle of development on the site and that the design brief for the size and location of the open space had been agreed. Mr Clarke highlighted that the application was for 19 units fewer than what had been approved at the outline stage.

Mr Clarke outlined that the design brief set out the different character areas within the site, including details on height and massing and construction materials. Mr Clarke said that the approach across the site had been agreed by officers, noting that the application had been submitted in April 2021 and that significant work had been undertaken to reach the proposals now in front of the Committee for determination.

Mr Clarke confirmed that the technical approvals and legal agreements were in place for the proposed southern roundabout, which although not the preferred option had been considered by officers to be an acceptable approach. Mr Clarke considered that the numerous meetings between Bloor Homes and officers showed the former's willingness to address issues on the site.

The Chairman invited questions to Mr Clarke, Mr Lee and Mr Bailey.

In response to a question on if it had been necessary to completely remove the trees at the site's border with Candlet Road, Mr Clarke explained that the trees had been removed as part of the works secured by the Section 278 Agreement and had been located within land owned by the Highways Authority; Mr Clarke confirmed that once

the works were completed replanting would take place as it was important that the entrance to the site was as good as it could be.

Mr Clarke confirmed that the Section 106 Agreement contained triggers that the Candlet Road entrance will not be used until the first 100 houses were occupied and that the link road would be opened when 150 houses had been occupied. Mr Clarke said it was intended to begin development at the southern end of the site where highways works could already be undertaken, noting issues with agreements at the northern end of the site with another developer.

Mr Clarke detailed the number of affordable housing units in each cluster and confirmed that Bloor Homes was comfortable with the spread proposed.

In response to question on a lack of a specific recreation area, Mr Clarke explained that the linear park proposed was broadly in excess of the open space indicated in the outline application and provided a variety of spaces. Mr Clarke said that this approach had been encouraged by Natural England and other consultees to provide a linear/walking route type of facility. Mr Clarke acknowledged that this resulted in a lack of a dedicated recreation/sports space but considered there would be transport links to other such sites in the local area.

Mr Clarke confirmed that the land reclaimed as a result of fewer dwellings had become part of the open space proposed on the site.

Mr Clarke advised that a pre-application enquiry had been made to Anglian Water in June 2020 which had concluded there was capacity in the existing sewer network to accommodate the development, based on 385 dwellings.

Mr Clarke advised that electric vehicle (EV) charging points would be provided as part of the upcoming changes to Part S of the Building Regulations; Mr Clarke noted the upcoming changes to Part L of the Building Regulations relating heating and considered that there would be a mixture of air source heat pumps and natural gas, with the latter being provided with hydrogen conversion kits.

The Planning Manager noted that the outline planning consent fixed certain parameters, such as the open space, which this application had to adhere to. The Planning Manager highlighted that other developments in the area would provide considerable open space for sports.

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

Several members of the Committee highlighted concerns about access to the site, the location of affordable housing units and the diffusion of open space through the linear park concept. Councillor Blundell considered that there should be a larger area of open space for recreational activities on the site, stating that parents were unlikely to want to travel the significant distance to recreational areas north of Candlet Road. Councillor Blundell was also concerned about the installation of another roundabout so close to the Dock Spur roundabout.

Councillor Deacon spoke at length on the application, noting his previous opposition to its development on Grade 1 agricultural land. Councillor Deacon accepted that the site would be developed but wanted the best outcome for residents, which he considered that the proposed development would not achieve. Councillor Deacon expressed concern about the construction access arrangements being through Walton High Street, next to a busy school and routing construction traffic through Walton or the Trimley villages which would cause maximum disruption to road users and residents.

Councillor Deacon was also disappointed with the apparent clustering of affordable housing units in the noisiest area of the site and said that he hoped their design would be tenure blind. Councillor Deacon added that there was a need for more smaller units, like bungalows, on the site and not the quantity of three-bedroom homes proposed. Councillor Deacon was surprised that given the greenfield nature of the site there was not a greater push for sustainable heating solutions, noting that a local housing association had retrofitted its properties to benefit from a community ground source heat pump system.

Councillor Deacon also raised concerns about road safety, parking and air quality, and questioned if there was sufficient capacity in the existing sewer network to accommodate the development; he cited that it was an older system that already suffered from several issues, including a pump on the junction of Walton High Street and King Street which regularly failed. Councillor Deacon noted other areas were prone to flooding at an increasing rate. Councillor Deacon said he could not support the application.

Councillor Yule was unhappy with the design and proposed character features and was of the view that the site would look dated; she said she would be voting against approving the application.

Councillor Cooper urged caution on refusing the application without material planning considerations; he said that he was unable to see there were any such reasons to refuse this application and that should the Committee refuse the application it needed to provide planning reasons for doing so.

The Planning Manager reiterated to the Committee that certain parameters of the development were controlled by the outline planning consent and could not be altered by this application. In response to the concerns raised about the location of affordable housing units, particularly those located in the north-west of the site, the Planning Manager explained that the units had been designed as identifiable but cohesive groups, which provided two blocks that a housing association could take on and manage successfully. The blocks had been designed as inward facing cul-de-sacs surrounded by open market housing.

Councillor Bird stated that despite his concerns over public space and housing mix, he considered that the benefits of the scheme outweighed the harm it would cause. Councillor Bird highlighted that the principle of development had been established by the outline consent and that various Council officers were confident that the various aspects of the scheme discussed during debate were policy compliant. Councillor Bird was of the view that there were no material planning

grounds sufficient to refuse the application and said he would be supporting its approval.

Councillor Newton echoed comments made during debate regarding the provision of open space but concurred with Councillor Bird's view that there were no material planning grounds sufficient to refuse the application.

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, as set out in the report.

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

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to agreement of conditions with the applicant (this may be confirmed in the committee update sheet) and an upfront payment of RAMS under Section 111 of the Local Government Act 1972.

Conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with the following:

- P20-0602\_01-11 Site Location Plan
  - P20-0602\_09S Planning Layout
  - P20-0602\_01-03C Site Masterplan
  - P20-0602\_01-02E Character Areas Plan
  - P20-0602\_01-04H Residential Heights and Massing Plan
  - P20-0602\_01-05D Urban Design Principles Plan
  - P20-0602\_04C Design brief compliance statement
  - P20-0602\_05K Materials Plan
  - P20-0602\_06B Ancillary Buildings
  - P20-0602\_07C Boundary Treatment Details
  - P20-0602\_10C Parking & Cycle Strategy
  - P20-0602\_11C Refuse Strategy
  - P20-0602\_12E Boundary Treatments Plan
  - P20-0602-02\_01 REV L Streetscenes
  - P20-0602-02\_02 REV L Streetscenes
  - P20-0602-02\_03 Rev L Streetscenes
  - P20-0602-02\_04 Streetscenes
  - P20-0602\_13D Affordable Tenure
  - P20-0602\_15C Hard Surfaces Plan
  - P20-0602\_16C Open Space Areas
  - P20-0602\_17B Movement & Accessibility Plan
  - P20-0602\_18A CGI Streetscene
  - P20-0602\_19A Residential Offsets
  - P20-0602\_08B Proposed Sections 1 of 2
  - P20-0602\_08B Proposed Sections 2 of 2

- P20-0602 House Type Pack - Part 1 Nov 21
- P20-0602 House Type Pack - Part 2 Nov 21
- P20-0602 House Type Pack - Part 3 Nov 21
- P20-0602 House Type Pack - Part 4 Nov 21
- Energy Strategy Statement (Briary Energy, February 2021)
- Water Use Calculator (Bloor Homes, February 2021)
- EA165-LS-001h (Site Landscaping)
- EA165-LS-002f (Site Landscaping)
- EA165-LS-003i (Site Landscaping)
- EA165-LS-004e (Site Landscaping)
- EA165-LS-005g (Site Landscaping)
- EA165-LS-006h (Site Landscaping)
- EA165-LS-007f (Site Landscaping)
- EA165-LS-008f (Site Landscaping)
- EA165-LS-009h (Site Landscaping)
- EA165-LS-010b (Landscape Elements Plan)
- 60724-C-005 - Lighting layout
- 60724-C-006 – Fire tending tracking
- 60724-C-007 – Refuse tracking
- EA 165-PD-905 Early Years Location Dimension Plan
- R9230-1 Rev 0 - Noise Assessment (24 Acoustics, 27 September 2021)
- R9230-2 Rev 0 – Noise Assessment Memorandum (24 Acoustics, 10 December 2021)
- R9230-3 Rev 0 – Noise Assessment Addendum Early Years Facility
- Addendum Ground Investigation Report (ref. 60724 - Richard Jackson, 15 October 2020)
- Infiltration Technical Note Rev A (ref. 60724 - Richard Jackson, 23 December 2021)
  - GreenBlue Urban Hydraulic Modelling Guidance
  - Drainage Strategy Statement Rev B (ref. 60724 - Richard Jackson, 4 January 2022)
  - MicroDrainage Calculations for Northwest + Early Years (Richard Jackson)
  - MicroDrainage Calculations for Early Years Site + Porous Paving (Richard Jackson)
  - 60724/C/001 Rev E - Section 38 Agreement Plan (Richard Jackson, 22 December 2021)
  - 60724/C/002 Rev C - Preliminary FFL (Richard Jackson, 7 December 2021)
  - 60724/C/003 Rev E - Drainage Strategy (Richard Jackson, 22 December 2021)
  - 60724/C/004 Rev C - Exceedance Flow Routes (Richard Jackson, 7 December 2021)
  - 60724/C/008 Rev A - Preliminary Site Levels for Early Years Site (Richard Jackson, 23 November 2021)
  - 60724/C/009 Rev B - Infiltration Strategy (Richard Jackson, 22 December 2021)
  - 60724/C/010 Rev A - Infiltration Test Locations (Richard Jackson, 7 December 2021)
  - 60724/C/011 - Preliminary Drainage Strategy for Early Years Site Richard Jackson)
  - 60724/C/012 - Impermeable Areas Plan (Richard Jackson, December 2021)
  - 60724/C/013 - Preliminary Drainage Strategy for Early Years Site Alternative Option No

Infiltration (Richard Jackson, January 2022)

- EA60724-EN-070 Rev B - Adoptable Highway Construction Details Sheet 1 (Richard Jackson, 9 December 2021)
- EA60724-EN-071 Rev B - Adoptable Highway Construction Details Sheet 2 (Richard Jackson, 4 January 2021)
- EA60724-EN-072 Rev C - Adoptable Highway Construction Details Sheet 3 (Richard Jackson, 4 January 2021)
- EA60724-EN-075 Rev B - Private External Works Construction Details Sheet 1 (Richard Jackson, 22 December 2021)
- EA60724-EN-076 Rev B - Private External Works Construction Details Sheet 2 (Richard Jackson, 22 December 2021)

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

2. The materials and finishes shall be as indicated within the submitted application (P20-0602\_05K Materials Plan) and thereafter retained as such, unless otherwise agreed by the local planning authority.

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

3. A formal crossing point in the broad location as indicated on plan 60724-C-002 C shall be submitted to and approved in writing by the local planning authority. This crossing may be in the form of a toucan or tiger crossing whichever is deemed suitable and safe for this location by SCC as the local highway authority.

*Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public to encourage sustainable transport links.*

4. No other part of the development hereby permitted shall be occupied until the new accesses onto the primary road has been laid out and completed in all respects in accordance with drawing no. 60724-C-001 E (s38 Agreement Plan) specifically including the cycleway provision at the accesses in accordance with the emerging Suffolk Streets Guide. Thereafter it shall be retained in its approved form.

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

5. Before the main road accesses (secondary to secondary and secondary to primary road) are first used visibility splays shall be provided as shown on drawing number 60724-C-001 E (s38 Agreement Plan) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected,

constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

6. Before the main spine road (Primary Road) is first used forward visibility splays shall be provided as shown on drawing number 60724-C-001 E (s38 Agreement Plan) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

7. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension) [or tangential to the nearside edge of the metalled carriageway, whichever is the more onerous]. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

8. Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose (or) the approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose.

*Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.*

9. The use shall not commence until the area(s) within the site shown on drawing no. 60724-C-001 E (s38 Agreement Plan) for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

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

10. The use shall not commence until the area(s) within the site shown on drawing no. P20- 0602\_10C (Parking & Cycle Strategy) for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

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

11. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the local planning authority.

*Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard.*

12. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

*Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.*

13. No development shall commence until an estate road phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road phasing and completion plan shall set out the development phases and the standards of construction that the estate roads serving each phase of the development will be completed to and maintained at. Development shall only take place in accordance with the approved estate road phasing and completion plan.

*Reason: In the interests of highway safety, to ensure that the estate roads serving the development are completed and thereafter maintained during the construction phase to an acceptable standard.*

14. Prior to commencement, a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. Construction of the development shall not be carried out other than in accordance with the approved plan.

The Construction Management Plan shall include the following matters:

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

*Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.*

15. All HGV delivery traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan, which shall be submitted to the local planning authority for approval a minimum of 56 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. [The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.]

*Reason: In the interests of highway safety, to reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.*

16. Before the development is commenced details of the infrastructure to be provided for electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

*Reason: In the interests of sustainable travel provision and compliance with local plan sustainable transport policies.*

17. Prior to any occupation or use, the residential noise mitigation measures (window and ventilation systems) recommended by the Noise Assessment (ref. R9230-1 Rev 0 –

dated 27 September 2021) should be validated to ensure compliance with the internal guideline noise values within BS 8233:2014.

A validation report should therefore 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 surveying and/or monitoring carried out to demonstrate that the measures in the agreed noise assessment report have been implemented and any agreed noise levels achieved.
- Results of surveying to at least one dwelling in each of the Noise Zones A, B & C as identified in the 24 Acoustics noise assessment report.

The validation methodology (including numbers and locations of selected dwellings) should be agreed with the LPA prior to the assessment being undertaken.

*Reason: To ensure that risks from noise pollution to the future users of the land are minimised to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

18. Prior to any occupation or use of the approved development, the Remediation Method Statement Rev. A (21 January 2021) must be completed in its entirety. The local planning authority must be given two weeks written notification prior to the commencement of the remedial works.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

19. A validation report must be submitted to and approved in writing by the local planning authority prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

20. In the event that contamination which has not already been identified to the local planning authority is found or suspected on the site it must be reported in writing immediately to the local planning authority. 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 must be prepared and is subject to the approval in writing of the local planning authority. The remediation method statement must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved remediation method statement 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 local planning authority.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

21. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Appraisal (Aspect Ecology, April 2016 updated September 2021) and the Report to Inform a Habitats Regulations Assessment (HRA) (Aspect Ecology, December 2020) 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.*

22. Prior to any works above slab level an Ecological Enhancement Strategy, based on the measures set out in the submitted Ecological Appraisal (Aspect Ecology, April 2016 updated September 2021) and addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority.

Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

*Reason: To ensure that the development delivers ecological enhancements.*

23. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.

- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being
- g. rolled forward over a five-year period).
- h. Details of the body or organisation responsible for implementation of the plan.
- i. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.*

24. 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.*

25. If any phase of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within three years from the date of the planning consent, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to establish if there have been any changes in the presence and/or abundance of protected and/or UK Priority species present on the site and identify any likely new ecological impacts that might arise from any changes.

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

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

26. No removal of hedgerows, trees, shrubs or habitats suitable for ground nesting 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.*

27. The strategy for the disposal of surface water (referenced in Condition 1) 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.*

28. Within 28 days of practical completion of the last dwelling of each phase (as agreed under Condition 3 of DC/16/2778/OUT), surface water drainage verification report shall be submitted to the local planning authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and 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 required under 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>.*

29. No development other than site clearance and site establishment 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 in writing 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 shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include: temporary drainage systems; measures for managing pollution / water quality and protecting controlled; waters and watercourses; and 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 [https://www.suffolk.gov.uk/roads-and-](https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister)*

[transport/floodingand- rainage/guidance-on-development-and-flood-risk/construction-surface-watermanagement-plan.](#)

30. Prior to occupation of the hereby approved development, details of all measures that have been completed as stated in the Energy Strategy Statement (by Briary Energy, dated February 2021) and Water Use Calculator (by Bloor Homes, dated February 2021), shall be submitted to and approved in writing by the local planning authority.

The updated sustainability strategy should demonstrate how the development shall achieve higher energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the 2013 Building Regulations; and include a table providing a concise summary of the results of the calculations for each dwelling and the percentage improvement on Building Regulations Part L 2013. The calculations shall be carried out in accordance with the Building Regulations Part L 2013.

*Reason: To ensure the finished development implements the approved sustainable measures to comply with Policy SCLP9.2 of the East Suffolk Council – Suffolk Coastal Local Plan (2020).*

31. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in its entirety prior to the occupation of the building. It shall thereafter be retained and maintained in its improved form.

*Reason: In the interests of the safety of the future occupants of the hereby approved development.*

32. Arrangements for the storage and collection of refuse shall fully accord with a scheme which shall have been submitted to and approved in writing by the local planning authority, before the use is commenced.

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

33. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part(s) 1; 2 & 3 of Schedule 2 of the said Order shall be carried out unless otherwise agreed 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 amenity and the protection of the local environment and the amenity of adjoining residents.*

34. All windows serving WC's and bathrooms shall be fitted and remain fitted with patterned/obscured glass, details of which shall be submitted to and approved in writing by the local planning authority before the glazing is installed.

*Reason: In the interest of residential amenity.*

35. The hereby approved development shall include provision for 50% of all dwellings to meet the requirements of M4(2) (or M4(3) of Part M of the Building Regulations, where applicable) for accessible and adaptable dwellings. Drawings and/or documents shall list which units/plots meet the M4(2) (or M4(3) standards) and shall be submitted to and approved in writing by the local planning authority prior to development of each phase.

*Reason: To ensure the development complies with Planning Policy SCLP5.8. An additional condition is to be agreed with the applicant and Suffolk County Council that secures pre-development works to the early years facility location (i.e., erection of acoustic fencing and future maintenance, minimum level of topsoil etc.).*

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 (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act (1981). It is therefore recommended that any works take place outside the nesting season. If birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.

3. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the local planning authority in order that any planning implications arising from those amendments may be properly considered.

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

Please note: the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development.

Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy>.

5. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property

to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.

6. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.

7. This consent is the subject of a Section 106 legal agreement which must be adhered to.

8. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant conditions(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

9. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council must be contacted on Tel: 0345 606 6171. A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit:

<https://www.suffolk.gov.uk/planning-wasteand-environment/planning-and-development-advice/application-for-works-licence>.

11. The local planning authority recommends that developers of housing estates should enter into formal agreements with the Highway Authority under Section 38 of the Highways Act 1980 in the interests of securing the satisfactory delivery, and long-

term maintenance, of the new streets. For further information please visit:  
<https://www.suffolk.gov.uk/planningwaste-and-environment/planning-and-development-advice/application-for-works-licence>.

Please note that this development may be subject to the Advance Payment Code and the addition of non-statutory undertakers plant may render the land unadoptable by SCC Highways for example flogas and LPG.

12. Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption criteria: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-developmentadvice>.

13. A cycle link is required to link the eastern side of the development to Treetops, Gulpher Road and beyond, to enable sustainable access to local facilities. The cost for supplying a 3m wide unbound surface suitable for cycling and walking will cost with design fees £22,000. If preferred I would condition this route to be provided by the applicant and would need to agree appropriate wording for such a condition. This route is required under NPPF 110a, c & d, 112a & c.

14. Public utility apparatus may be affected by this proposal; the appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.

15. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment may be is subject to payment of a surface water developer contribution.

16. Any works to a main river may require an environmental permit.

17. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

18. 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.

19. The applicant is advised that a public right of way crosses the application site or adjoins the application site (Footpath 28) and nothing in this permission shall authorise the stopping up, diversion or obstruction of that right of way. The applicants should apply to Suffolk County Council if they want the public right of way to be diverted or stopped up. It is an offence under the Highways Act 1980 to obstruct the route or damage/alter the surface of the right of way without the prior written consent of the highway authority, either during the construction of the development or beyond. If any development work conflicts with the safe passage of pedestrians or other users of the right of way, the applicants will need to apply to the highway authority for a temporary closure of the right of way.

*Following the conclusion of this item the Chairman adjourned the meeting for a short break; the meeting adjourned at 3.32pm and reconvened at 3.45pm.*

#### **4 DC/21/5479/FUL - Beach Platform, South Beach, Felixstowe**

The Committee received report **ES/1066** of the Head of Planning and Coastal Management, which related to planning application DC/215479/FUL.

The application was for the repair and extension of an existing beach platform to the south-west of Felixstowe Pier to provide six additional beach hut sites. As the applicant and landowner was East Suffolk Council the application was before the Committee for determination, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation on the application from the Planning Manager (Development Management). The Planning Manager explained that he would be presenting this application along with the applications at items 5, 6 and 7 of the agenda on behalf of the various case officers in order to provide a consistent approach, as the applications were linked.

The Planning Manager gave an overview of the linked applications stating that although each application was to provide new beach hut sites and should be considered as such, they all related to accommodating the relocation of existing beach huts at the Spa Pavilion, which could no longer be sited on the beach due to beach erosion and could no longer remain sited on the adjacent area of the promenade.

The site's location was outlined; the Planning Manager explained that the site had been subject to a previous application determined by the Committee for the repair of the existing platform. The Committee was shown drawings demonstrating the extension of the platform to accommodate the six additional beach hut sites.

The Planning Manager explained that the beach huts currently on the site were moved to the promenade for the winter to avoid storm impacts. The Committee was advised that policy SCLP12.14 of the Local Plan applied to this section of Felixstowe seafront,

which stated that additional beach huts in the area would be limited to locations which complement the existing resort uses and did not fill the important gaps between huts.

The site's relationship to the neighbouring conservation area was demonstrated; the Planning Manager noted that the storage area on the promenade fell within this conservation area.

The Committee was shown photographs of the site demonstrating views looking south from the promenade towards the platform, looking north towards the beach platform, looking north from the beach platform, and looking north towards the winter storage area.

The Planning Manager displayed the existing and proposed block plans, along with the proposed elevations for the beach huts both on the platform and on the promenade. The Committee was also shown a comparison of the existing and proposed elevations.

The material planning considerations and key issues were summarised as the visual impact, the impact on the conservation area, coastal management, contamination, and ecology.

The recommendation to approve the application was set out.

The Chairman invited questions to the officers.

The Principal Planner, who was the case officer for the application, confirmed that an incorrect policy had been quoted in the flood risk assessment but that this did not impact the conclusions of the assessment itself. The Planning Manager advised that as the beach huts were not intended for habitation, the flood risk was of less concern.

The Planning Manager confirmed that the larger central gap of 1.8 metres stated in the report was incorrect and referred to the update sheet which confirmed that there would be regular spacings of 870 millimetres between each hut and no larger separate gap.

The Planning Manager clarified that the interpretation of policy SCLP12.14 was that regular spacings between huts were not considered to be 'important gaps'.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee.

Councillor Smith spoke of his role in the evolution of the current Suffolk Coastal Local Plan and acknowledged that beach huts were a valuable resource; he said that Felixstowe Town Council considered that for walking users of the promenade, long rows of beach huts had a detrimental impact. Councillor Smith said the intention of policy SCLP12.14 was to avoid linking up existing rows of beach huts by filling the gaps between them.

Councillor Smith said the Town Council considered the increase from 12 to 16 beach huts to be intrusive and that the extension of a platform that had been formed from

the remains of a wartime gun emplacement was not a good idea. Councillor Smith suggested that the proposed development did not fit the characteristic of being part of the scenery.

There being no questions to Councillor Smith the Chairman invited the Council's Delivery Manager, representing the Council as the applicant, to address the Committee. The Delivery Manager was supported by the Council's Strategic Director.

The Delivery Manager noted the importance of beach huts to Felixstowe and highlighted that there were 900 sites in the town on three-yearly licences. The Delivery Manager explained that some of the huts sited on the beach itself were relocated to the promenade and the beach huts located at the Spa Pavilion had been stuck on the promenade for the last four years due to beach erosion at that location.

The Delivery Manager said that the Council had explored a number of ways to return these huts to the beach at this location, as it was not practical to leave the huts on the promenade all year round, especially during the summer season, but this had not been possible. The Delivery Manager explained that the four linked applications sought to relocate these huts to other sites in Felixstowe and should they be refused, the Council would, reluctantly, have to terminate these licences as there would be no safe beach area to return the huts to.

The Delivery Manager confirmed that the platform would be lengthened and strengthened; a previous application to do so in 2019 had been refused but since that time the current Suffolk Coastal Local Plan had been adopted and the application was policy compliant.

The Delivery Manager advised that hut owners bore the cost of relocating the huts on and off the beach platform but stated that the Council would pay the one-off costs of relocating the huts from the Spa Pavilion to their new home. The Delivery Manager was of the opinion that the development would not impede the views of the beach.

The Chairman invited questions to the Delivery Manager and the Strategic Director.

The Delivery Manager, in response to a question regarding the interpretation of policy SCLP12.14, said that although all efforts were made to evenly space the huts when relocated each summer, they were not always put down in a precise way. The Delivery Manager said that no larger 'important' gap existed within the current row of huts but that ample space was provided to move freely between the huts.

It was confirmed that the beach platform was wheelchair accessible.

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

Councillor Yule opened debate by proposing to move to the recommendation to approve, as set out in the report, and this was seconded by Councillor McCallum and 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 following plans, 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:

Drawing no. SR353-1002-B

Drawing no. SR353-1003-B

Drawing no. SR353-1004

Drawing no. SR353-1000-A

All received on 6 December 2021.

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

3. No development shall commence until a management plan for the maintenance of the beach huts and associated beach maintenance has been submitted to and approved in writing by the local planning authority. The plan shall include long term design objectives, management responsibilities and a scheme of maintenance for the promenade and beach areas for a period of 20 years. The plan shall also 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 areas occupied by the beach huts are properly maintained in the interests of amenity and coastal management.*

4. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to respective beach hut(s) shall have been submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

*Reason: To ensure the design and layout of the development provides and maintains safe and convenient access for people with disabilities.*

5. The source of 'local' beach material to fill / refill the platform is to be agreed with the Coastal Management team on every occasion that filling is required.

*Reason: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the coastal environment.*

6. 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.*

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.

**5 DC/21/5102/FUL - Area on beach materials seawards in front of the prom and steps at Clifflands, Cliff Road, Felixstowe, IP11 9SA**

The Committee received report **ES/1067** of the Head of Planning and Coastal Management, which related to planning application DC/21/5102/FUL.

The application sought full planning permission for the formation of 18 new beach hut sites for the proposed repositioning of existing beach huts from the spa area, to form a row of huts on the shingle material on the foreshore at Clifflands. As the applicant and landowner was East Suffolk Council the application was before the Committee for determination, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Manager (Development Management) on behalf of the case officer.

The site's location was outlined, and the Committee was shown the proximity of existing beach huts to the application site. The Planner advised that the development would provide a stable platform for the planned repositioning of existing beach huts currently located at the Spa Pavilion. The Committee was also shown aerial images of the site.

The Planning Manager advised the Committee that this area was subject to policy SCLP12.12 of the Local Plan, which required the beach huts concentrated in this location to be kept below the level of the cliff to avoid obstruction of the sea view from Cliff Road.

The Committee received the block plan and elevations for the development.

The Committee was shown photographs demonstrating views from the Cliff Road carpark and green towards the existing beach huts, access steps and Martello Tower T, from the access steps looking south-east, from the promenade looking south-west, from the application site on the beach, and from the beach looking north-east.

The material planning considerations were summarised as landscape and visual amenity, ecology and coastal environment & flood risk.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined.

The Chairman invited questions to the officers.

The Planner advised that the third-party responses had been received from a mixture of locations, predominantly focusing on the impact of relocating beach huts from the Spa Pavilion and less amenity facilities in this location by comparison.

In response to a question on third-party responses relating to access, the Planner was of the view these were regarding to the beach location proposed, as the existing huts were currently on the promenade at the Spa Pavilion. The Planner was not aware of any significant vandalism in the area.

The Planner confirmed that the huts would be located on the beach all year round; the Planning Manager added that the significant depth of the beach meant that storm impacts would be unlikely.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee.

Councillor Smith highlighted the significant difference in the beach area compared to the current location of the huts at the Spa Pavilion and that it had been gradually replenished having receded, resulting in the shingle being fresh and not vegetated. Councillor Smith said that the area would be at risk of semi-flooded or wave action in the event of a serious storm and considered that beach hut users should be aware of this, acknowledging that the risk was small and that the site was relatively stable.

There being no questions to Councillor Smith the Chairman invited the Council's Delivery Manager, representing the Council as the applicant, to address the Committee. The Delivery Manager was supported by the Council's Strategic Director.

The Delivery Manager advised that this application was part of the relocation proposals discussed earlier in the meeting and highlighted that the owners of the huts at the Spa Pavilion had stressed the importance of a beach siting for their huts. The Delivery Manager said that the proposals would relocate the huts to other clusters but would be low down enough not to impede on sea views from Cliff Road. The Delivery Manager noted that anecdotal evidence suggested that the site had not been subject to flooding in recent years.

The Delivery Manager explained that the huts would sit on sleepers and not impact on wildlife and stated that the huts would be only a few hundred metres away from public facilities, with further amenity facilities being brought forward by the redevelopment of the nearby Felixstowe Ferry Golf Club. The Delivery Manager considered that the lack of seasonal movement would be of benefit to hut users and the area would be fully managed, including a flood risk assessment.

The Chairman invited questions to the Delivery Manager and Strategic Director.

In response to a question on disability access, the Delivery Manager pointed out that the four relocation sites each had a range of pros and cons and acknowledged that this site did not benefit from disabled access. The Delivery Manager said that site identification had been driven by a need to be able to place huts on the beach.

The Delivery Manager noted that the stabilisation of the beach at the Spa Pavilion had been managed by the Coastal Management team and that although the area was suitable for general amenity use, there was not enough material to safely maintain a platform for beach huts. The Strategic Director added that this planning application was not an admission that the work to stabilise this area of beach had failed but was a reaction to changing circumstances.

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

Councillor Cooper opened debate by proposing to move to the recommendation to approve, as set out in the report, and this was seconded by Councillor Newton and it was by a unanimous vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** be delegated to the Head of Planning and Coastal Management subject to confirmation from East Suffolk Council Coastal Management team that the submitted 'Level B CEVA' satisfies their requirements.

Conditions:

1. The development hereby permitted shall begin no later than three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings, received on 10 November 2021:  
Site location plan (drawing number 15-12-58 01)  
Block plan (drawing number 15-12-58 02)  
Proposed elevations (drawing number 15-12-58 03)

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

3. The materials and finishes shall be as indicated within the submitted application (colourscheme as per licence and constructed from wood with ash felt roof coverings) and thereafter retained as such, 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 non-habitable beach huts shall not be used for sleeping accommodation or any other habitable use.

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

5. The development shall be carried out in accordance with the approved Level B Coastal Erosion Vulnerability Assessment, unless otherwise agreed by the local planning authority.

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

6. Prior to use, a Flood Response Plan shall be submitted to and approved by the local planning authority in consultation with the emergency planning department.

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

7. Prior to use, and every 12 months thereafter, a Risk Level Assessment and Occupation Plan shall be submitted to and approved by the local planning authority.

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

8. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (by SWT Trading Ltd, dated October 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.*

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 (2021) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3. Marine Licensing

Works activities taking place below the mean high-water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the Marine Management Organisation's (MMO) online portal to register for an application for marine licence:

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

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- \* local planning authority name,
- \* planning officer name and contact details,
- \* planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

## **6 DC/21/5174/FUL - Area between Front Row of Beach Huts at Golf Road Car Park, Golf Road, Felixstowe, IP11 1NG**

The Committee received report **ES/1068** of the Head of Planning and Coastal Management, which related to planning application DC/21/5174/FUL.

The application sought full planning permission for the formation of 18 new beach hut sites for the proposed repositioning of four existing beach huts at land to the northeast of Golf Road carpark. As the applicant and landowner was East Suffolk Council the application was before the Committee for determination, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Manager (Development Management), on behalf of the case officer.

The site location was outlined, and the proximity and arrangement of the existing beach huts was outlined. The Committee was shown the proposed block plan and aerial images of the site.

The Committee was shown photographs demonstrating views from Golf Road carpark looking east, looking south from the cliff top, looking north towards the four huts to be repositioned, looking east towards the promenade and further beach huts below the cliff, towards the beach huts from the green, of the woodland to the rear of the beach huts, of the woodland from the green, looking south-west towards the woodland, looking west towards Golf Road, looking north towards Cliff Road and the coast, and of the green.

The Planning Manager advised the Committee that this area was subject to policy SCLP12.12 of the Local Plan, which required the beach huts concentrated in this

location to be kept below the level of the cliff to avoid obstruction of the sea view from Cliff Road.

The elevations and proposed block plan were displayed. The Planning Manager outlined that between seven and 16 trees would need to be felled to accommodate the new beach hut sites.

The material planning considerations were summarised as landscape and visual amenity, ecology and coastal environment & flood risk.

The Chairman invited questions to the officers.

The Principal Landscape and Arboricultural Officer explained that a precise number of trees to be felled had not been given as due to the nature of the development a degree of micro-siting would be possible, which allowed for the possibility of some trees being avoided during development.

The Committee was advised that the application was for 18 new beach hut sites and that matters such as future beach hut sites in this location and the relocation of existing beach huts from the Spa Pavilion were not material planning considerations when determining this application.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee.

Councillor Smith said that Felixstowe Town Council had significant concerns about the application which had been heightened by the attitude towards the felling of trees expressed at the meeting. Councillor Smith suggested that replacing felled trees with shrubs was not acceptable and highlighted the history of the open space, with the woodland having been planted in the 1980s. Councillor Smith said it did not make sense to remove trees from the site.

There being no questions to Councillor Smith the Chairman invited the Council's Strategic Director, representing the Council as the applicant, to address the Committee.

The Strategic Director noted that the application formed part of the proposed solution for relocating existing beach huts currently located at the Spa Pavilion; he said that the application would create a second row of beach huts, staggered to avoid the impact on the open characteristic of the green.

The Strategic Director considered that the application was policy compliant and would add to the unique character of the area, as well as bring forward improvements through the re-siting of four existing huts.

The Strategic Director confirmed that it was the Council's intention to limit the removal of trees and improve the overall biodiversity of the site and that it took its stewardship of the land seriously, having taken advice from relevant officers and developed a site mitigation strategy to protect what was considered a depleted woodland. The

Strategic Director drew attention to the Council's plans to plant thousands of trees across the district.

The Chairman invited questions to the Strategic Director.

The Committee was advised that the application was for 18 new beach hut sites and that it was the Council's intention to use these pitches to relocate existing beach huts currently at the Spa Pavilion.

The Chairman invited the Committee to debate the application that was before, noting the significant objection to the removal of trees, including from students at a local primary school and Felixstowe Town Council.

*Councillor Cooper left the meeting at this point (4.57pm).*

Several members of the Committee expressed concern about the removal of trees to accommodate the development; Councillor Bird considered that the benefits of the application did not outweigh the loss of biodiversity on the site that would be caused by the loss of trees, considering that the proposed replanting of shrubs was not sufficient and noting that the root systems of the trees contributed to the stability of the cliff. Councillor Daly added that the development would effectively privatise the green and remove it from general public use.

*Councillor Blundell left the meeting at this point (4.59pm).*

Councillor Hedgley said he would understand the concerns about tree removal if the trees in question were prime trees, but did not object to the removal of minor trees as proposed.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application the Head of Planning and Coastal Management, as set out in the report. The recommendation was proposed but not seconded and therefore **FAILED**.

The Chairman sought an alternative recommendation for refusal and on the proposition of Councillor Bird, seconded by Councillor Deacon it was by a majority vote

## **RESOLVED**

That the application be **REFUSED** on the grounds that it is contrary to paragraphs 174 and 179 of the National Planning Policy Framework and policy SCLP10.1 of the Suffolk Coastal Local Plan.

## **7 DC/21/4756/FUL - Beach Hut Area, South Seafront, Langer Road, Felixstowe**

The Committee received report **ES/1069** of the Head of Planning and Coastal Management, which related to planning application DC/21/4756/FUL.

The application sought full planning permission for the re-siting of 16 existing beach huts from their current location at the Spa Pavilion to a permanent site at Manor End

on an area between the sea wall and the promenade. As the applicant and landowner was East Suffolk Council the application was before the Committee for determination, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Manager (Development Management), on behalf of the case officer. The Planning Manager summarised the reasons for the recommendation of refusal.

The site's location was outlined, and the Committee was shown aerial images of the site.

The Committee was shown photographs demonstrating views west, north-west and south-west from the promenade and from the walkway in Martello Park to both the north and south.

The Committee was advised that policy SCLP12.14 of the Local Plan applied to this section of Felixstowe seafront, which stated that additional beach huts in the area would be limited to locations which promoted high intensity tourist uses in the area and required new beach huts to complement the existing resort uses and not fill the important gaps between huts.

The proposed elevations were displayed to the Committee.

The Planning Manager drew attention to policy SCLP10.1 of the Local Plan which stated that application having a direct or indirect impact on locally designated sites of biodiversity would not be supported unless it could be evidence that the benefits of the development outweighed the biodiversity loss. It was the view of officers that the benefits of the application did not outweigh the biodiversity loss of priority habitat.

The material planning considerations were summarised as landscape and visual amenity, ecology and coastal environment & flood risk.

The Chairman invited questions to the officers.

The Planning Manager considered that despite the recommendation of refusal, the determination of the application by the Committee provided transparency.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee.

Councillor Smith said that the Town Council was content with the application and did not consider it impinged on Martello Park. Councillor Smith said that the vegetation on the site was sparse and came and went with the tide; he noted that the Town Council considered the flood risk was acceptable and that the ecological value of the site had been overplayed in contrast to the neighbouring Site of Special Scientific Interest (SSSI).

There being no questions to Councillor Smith the Chairman invited the Council's Strategic Director, representing the Council as the applicant, to address the Committee.

The Strategic Director considered that the development would add to the general beach scene in the area and noted that it would be located near to amenities with easy access to the promenade and the beach, providing similar facilities as those enjoyed by the beach huts at the Spa Pavilion.

The Strategic Director confirmed that an independent ecology assessment had been completed by Suffolk Wildlife Trust which had concluded that the application site was not within the neighbouring SSSI. The Strategic Director stated that the ecosystem in the area would benefit from footfall traffic and highlighted that the beach huts would be sited on wooden sleepers, suggesting the site was suitable for beach huts and that the development would provide an ecological benefit.

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

Councillor Hedgley said he was familiar with the area and considered it a suitable location for beach huts and would not be supporting the recommendation to refuse.

The Planning Manager noted that the Council's Senior Ecologist was present should the Committee have any questions for him. In response to a question from Councillor Bird the Senior Ecologist confirmed that the application site had been identified as a priority habitat by the independent ecology assessment and that the Council had a duty to protect such habitats.

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

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

## **RESOLVED**

That the application be **REFUSED** for the reason below.

Reason:

1. The proposal would result in the loss of coastal vegetated shingle priority habitat, for which Section 40 of the Natural Environment and Rural Communities Act places the duty on the Local Planning Authority to have regard for biodiversity, and sets the framework for what are priority habitats under Section 41. Accordingly Local Policy SCLP10.1 of the Suffolk Coastal Local Plan seeks to protect such areas setting out that all development should follow a hierarchy of seeking of first to avoid impacts. There are further protections for priority habitat whereby proposals that have direct and indirect adverse impacts will not be supported unless it can be demonstrated with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss. In this case it has not been demonstrated with comprehensive evidence that the benefits of the proposal in this location would outweigh the biodiversity loss, the proposal is therefore contrary to the aforementioned policy considerations.

Informatives:

1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

2. In determining this application, the local planning authority has considered the following documentation submitted in association with the application:

- Application form - received 18 October 2021
- Heritage statement - received 18 October 2021
- Topographical plan PLS-NP-FT-TS-00 - received 18 October 2021
- Proposed site plan 15-12-57-02 - received 18 October 2021
- Proposed elevations 15-12-57-03 - received 18 October 2021
- Coastal Erosion Vulnerability Assessment - received 19 October 2021
- Preliminary Ecological Appraisal - received 24 November 2021

The meeting concluded at 5.21pm

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Chairman