

Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, on **Tuesday, 27 August 2019 at 2:00 pm**

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum

Other Members present:

Councillor David Ritchie

Officers present:

Jamie Behling (Trainee Planner), Rachel Lambert (Area Planning and Enforcement Officer), Matt Makin (Democratic Services Officer), Philip Perkin (Development Management Team Leader), Philip Ridley (Head of Planning and Coastal Management), Jane Rodens (Assistant Planning and Enforcement Officer), Katherine Scott (Development Management Team Leader)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Allen and Councillor Yule.

Councillor Smith-Lyte acted as Substitute for Councillor Yule.

2 Declarations of Interest

No declaration of interests were made.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Fryatt declared that he had received several letters regarding item 8 of the agenda.

Councillor Deacon declared that he had been lobbied by individuals objecting to item 8 of the agenda and had responded to say that he had noted their comments.

Councillor Hedgley declared that he had received emails objecting to item 8 of the agenda and had acknowledged receipt of these emails.

Councillor Cooper declared that he had received emails objecting to item 8 of the agenda and had acknowledged receipt of these emails.

Councillor Blundell declared that he had received emails objecting to item 8 of the agenda.

Councillor McCallum declared that she had received emails objecting to item 8 of the agenda and had acknowledged receipt of some of these emails, but not all of them.

4 Minutes

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

RESOLVED

That the Minutes of the Meeting held on 23 July 2019 be agreed as a correct record and signed by the Chairman, subject to the following amendments:

a) Agenda Item 5, resolution, opening paragraph to be amended to read:

"**AUTHORITY TO APPROVE** subject to the consideration by the Head of Planning and Coastal Management of any comments by Natural England and SWT on the additional ecological reports, clarification from Historic England on the wording of the condition to secure the landscape improvements identified in the revised Landscape Strategy and subject to the following controlling conditions:"

b) Agenda Item 5, resolution, condition 3 to be amended to read:

"3. Not more than 80 participants shall use the lake at any one time, reduced to 60 participants on Saturdays and 50 participants on Sundays. Reason: In the interests of protecting the amenity of nearby residents"

c) Agenda Item 5, resolution, condition 4 to be amended to read:

"4. The lake shall not be used between 14th November and 10th February the following year, with all equipment removed from the edge of the lake during this time. At all other times of the year the lake shall not be used for activities before 9am and after 5.30pm. Reason: In the interests of residential amenity."

d) Agenda Item 5, resolution, condition 9 to be amended to read:

"9. The following ecological mitigation and enhancement measures, recommended by the Council's ecologist, shall be implemented in full:

- provision and approval of a Construction and Environmental Management Plan (CEMP). This should detail all required ecological mitigation measures (including for protected species and species for which nearby sites are designated). It should also include a Materials Management Plan in relation to spoil transport and disposal/spreading. Works must be undertaken in accordance with the agreed CEMP.
- provision and approval of a Landscape and Ecology Management Plan (LEMP). This should include details of the long term habitat management measures to be implemented both on the lake and spoil disposal/spreading area, and across the wider estate. These measures should seek to maintain and enhance the biodiversity value of the whole estate in the long term. Management of the estate should be in accordance with the agreed plan.

Reason: To protect and enhance the biodiversity and geodiversity value of the site."

e) Agenda Item 5, resolution, conditions to be amended to include:

"18. There shall be no use of any form of loud speakers, megaphones, sirens, or any other equipment providing amplified sound, at the lake." and

"19. The submitted Noise Management Plan shall be implemented and its annual review be submitted to the Council."

5 Appointments to the Local Plan Working Group

The Committee received report **ES/0112** of the Leader of the Council. The report was to consider appointments to the membership of the Local Plan Working Group for the 2019/20 Municipal Year.

The report was introduced by the Democratic Services Officer, who explained that the Council appointed to a number of Working Groups each year as part of its corporate governance framework in support of the democratic process and decision-making arrangements. At the meeting of Full Council held on 24 July 2019, the Council agreed and appointed to a number of working groups, including the Local Plan Working Group.

The Democratic Services Officer stated that at the Full Council meeting on 24 July 2019 it was suggested by the Leader of the Council that the two appointees to the Local Plan Group from the Planning Committee, as outlined in Working Group's terms of reference at Appendix A of the report, that these appointments be delegated to Planning Committee North and Planning Committee South. This approach was duly agreed by Council, with the expectation that each Committee would nominate one Member each to the Local Plan Working Group.

On the proposition of Councillor McCallum, seconded by Councillor Hedgley it was unanimously

RESOLVED

That Councillor Tony Cooper be appointed to the Local Plan Working Group for the remainder of the 2019/20 Municipal Year.

6 Enforcement Performance Report - April to June 2019

The Committee received report **ES/0110** of the Head of Planning and Coastal Management. The report provided information on the performance of the Council's Enforcement Section between April and June 2019.

The report was presented by the Development Management Team Leader, who summarised the performance information contained within the report.

RESOLVED

That the contents of the report be received and noted.

7 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0111** of the Head of Planning and Coastal Management. The report was a summary of all outstanding enforcement cases for the

Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 30 July 2019.

The report was presented by the Development Management Team Leader, who summarised the details of the outstanding enforcement cases contained within the report.

The Chairman invited questions to the Officer.

It was confirmed that this update report would continue to be presented to the Committee and would not be transferred to the Strategic Planning Committee.

RESOLVED

That the contents of the report be received and noted.

At this point in the meeting, the Chairman re-ordered the agenda and advised that item 10 would be heard after item 8 and before item 9.

8 DC/19/1999/FUL - Battery Storage, The Street, Hacheston

The Committee received report **ES/0113** of the Head of Planning and Coastal Management. Planning permission was sought for a revised scheme to an already approved fast response embedded power plant to be sited adjacent to an existing substation in the countryside between Hacheston and Parham.

The application site was no different in size and location to the previously consented scheme DC/17/3742/FUL. The proposed changes related to the structures solely located within the proposed compound.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. The site's location was outlined and aerial photographs of the site were displayed, along with an Ordnance Survey map showing the proposed change in levels.

Photographs that demonstrated various views in and out of the site were displayed, and the Committee was shown the proposed internal layout of the site.

The Area Planning and Enforcement Officer outlined the extant planning permission for the site.

The key issues were summarised as noise, landscape, and the impact on the nearby listed building.

There being no questions to the Officer, the Chairman invited Mr Goring, who objected to the application, to address the Committee.

Mr Goring said he was not against the principle of the facility but had expected a comprehensive noise survey to have been completed, in accordance with statutory requirements. He highlighted his experience as a noise consultant and the reasons

such a survey was required to see if noise would have a negative impact on residential amenity.

It was the opinion of Mr Goring that the noise survey completed, the results of which were contained on page 13 of the report, was not of the standard required; it provided some information but he did not consider this sufficient and should have been declined by the officers.

Mr Goring said that he was not asking the Committee to refuse the application, but to ensure that a comprehensive noise survey was carried out and protect local residents through conditions on noise.

The Chairman invited questions to Mr Goring.

Mr Goring confirmed that he had raised concerns about the noise survey that was completed for the extant planning permission on the site and noted that the new application included changes in equipment which would make noise more noticeable.

A member of the Committee asked for more information on the comparison between current noise levels at the site and what was there. Mr Goring explained that previous noise reports established the current background noise levels and was concerned that the noise survey had not included accurate noise data for the equipment that was proposed to be installed.

Mr Goring considered that several residential dwellings could be affected by noise from the site, in addition to Parham Old Hall. He stated that a higher fence would possibly mitigate noise pollution but said that accurate source levels were needed to be certain.

The Chairman invited Mr Revill, Chairman of Hacheston Parish Council, to address the Committee.

Mr Revill stated that Hacheston Parish Council objected to the application and had also objected to the previous application, where planning permission had been granted. He advised that a number of local residents had contacted officers and Members with their concerns and hoped that the Committee appreciated the position of those residents.

It was Mr Revill's opinion that the electrical equipment proposed would create noise that was alien to the area. He said that there had already been noise nuisance from an existing transformer on the site which had not been predicted and had resulted in additional cost from the applicant to resolve, having caused problems for one family in particular.

Mr Revill sought assurance that the development proposed would not cause industrial noise pollution and wanted to know what action, if any, would be taken if any planning permission on the site was breached.

It was noted by Mr Revill that local residents were concerned about the noise that would be generated by the site and said that they were dependent on the Committee

to enforce any conditions over the life of the scheme. He concluded by stating his concerns that the site, if built, would damage quality of life in the area.

The Chairman invited questions to Mr Revill.

Mr Revill was unable to say if the new layout would result in more noise than that in the extant planning permission, but noted that there was noise reduction in some areas and increases in others.

A member of the Committee asked Mr Revill if he accepted that the site owner needed to adhere to conditions of planning permission. Mr Revill said that he did and acknowledged that it would be a breach of consent if noise was above levels conditioned. He said he wanted assurances on what action would be taken by the Council if this happened.

At this point, the Chairman invited the Head of Planning and Coastal Management to address issues that had been raised. He read from a statement received from the Head of the Environmental Protection Team on the application, highlighting five key points from the statement:

- It was predicted noise levels and background levels would be low in terms of annoyance
- Environmental Protection did not consider it sensible to impose conditions of -5dB or -10dB
- Compared with noise requirements for restful sleep, the levels in the noise survey conclusion did not represent a significant possibility of causing disturbance
- It was suggested that condition 10 of the recommendation, regarding noise not exceeding background levels, be strengthened to include measurement locations and other conditions to make this more easily verifiable and thus enforceable
- It was suggested that an additional condition be included stating that tonal noise was not to rise at any time

The Head of Planning and Coastal Management noted that it may be prudent for the Committee to resolve to delegate authority to approve the application to him, subject to the issues above being resolved.

The Chairman invited Mr Thomas, the applicant, to address the Committee.

Mr Thomas explained that the revised proposals for the site were proposed to change the detailed engineering of the facility and increase its ability. It was the intention to expand the use of the site and support the deployment of new technology.

The proposed changes to what had already been approved would not be visible from outside the site. Mr Thomas did not consider that these changes would affect local amenity any more than what had been approved on the site. He said that noise concerns had been taken seriously and accepted the stringent noise conditions proposed.

Mr Thomas noted the canopy attenuators proposed to meet low noise requirements at nighttime; he said that this was a substantial design margin and had been included at a significant additional cost, which would also ensure the long-term use of the site.

The site was considered necessary by Mr Thomas, who highlighted the need to install more battery stations in order to move away from coal fired power. He said that the amendments made incremental and sustainable improvements to the site.

The Chairman invited questions to Mr Thomas.

Mr Thomas confirmed that the batteries would take one to one and a half hours to discharge and it was expected this would happen at peak times.

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

The Vice-Chairman opened the debate and noted that noise concerns appeared to be the dominant issue and considered that they had been addressed sufficiently.

A member of the Committee sought clarification on the noise concerns, in relation to the extant planning permission on the site. The Head of Planning and Coastal Management advised that if the Committee was of the view that the changes increased the impact of the site on the surrounding area, it was able to come to a different conclusion than the one made on the previous application. He noted that the officer recommendation highlighted marginal changes to what was approved.

Several members of the Committee spoke on the noise concerns that had been highlighted. One member of the Committee noted that the report contained expert information which concluded that noise would not be a significant issue. Another member of the Committee differentiated between the power level of noise and how it was heard and did not see any reasons to refuse the application.

The Chairman highlighted that the applicant was spending considerably to mitigate noise impact and did not have an issue with the application. She suggested that the Committee resolve to delegate authority to approve to the Head of Planning and Coastal Management as suggested.

Two members of the Committee noted their concerns about noise levels but were assured by the advice received from officers in the meeting. It was noted that such installations were required for the future in order to maintain a good power supply.

There being no further debate, the Chairman moved to the recommendation. It was considered by the Committee that it would be prudent to delegate authority to approve the application to the Head of Planning and Coastal Management as suggested.

On the proposition of Councillor Hedgley, seconded by Councillor Blundell it was unanimously

RESOLVED

That **AUTHORITY TO APPROVE** be delegated to the Head of Planning and Coastal Management subject to the following conditions (the prior to commencement conditions where agreed on the 31 July 2019):

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

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing WM1004BS, PLANNING PLAN, 01WICK-EDA-EGN-400, 01WIC-NOR-Planning_elevation, Eds 07-0102.25 A, DNOCTBL-140227-r00, Parham, Woodbridge, Power Plant: Environmental noise assessment, Planning Statement received 16th May 2019 and 01WICK-EDA-EGN-300 and 01WICK-EDA-EGN-300 received 17th May 2019. Drawing WICK-NOR-Blocklayout-006 and WICK-NOR-Siteplan-006 received 24th May 2019 and LANDSCAPE AND VISUAL IMPACT TECHNICAL ADDENDUM NOTE received 16th July 2019

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

3. The planning permission hereby granted is for a period of 30 years from the date of the first use of the site for the storage of and/or export of electricity after which the development hereby permitted shall be removed. Written notification of the first use of the site shall be given to the local planning authority no later than 21 days after the event.

Reason: To ensure that the impact of the development exists only for the lifetime of the development.

4. Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the local planning authority. The DMS shall include details of the removal of all plant and equipment, fencing, hardstanding and buildings from the site and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned, buildings, plant, hardstanding and fencing removed and restoration completed in accordance with the approved DMS and timetable.

Reason: To ensure that the impact of the development exists only for the lifetime of the development and in the interests of the amenity of the area.

5. If the development hereby permitted ceases to import or export electricity to the grid for a continuous period of 6 months, then a scheme of restoration shall be submitted to the local planning authority for its written approval for the removal of the plant and associated equipment, fencing and hardstanding and the restoration of the site to agricultural use. The approved scheme of restoration shall be fully implemented within 6 months of the date of its written approval by the local planning authority.

Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.

6. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall be carried out in accordance with the approved CMS. The CMS shall include:

- a) Details of a temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- b) Dust Management and cleaning of vehicle wheels;
- c) Pollution control measures in respect of Water courses and ground water; bunding and storage areas; foul sewerage and construction noise mitigation measures.
- d) Temporary site illumination during the construction period;
- e) Details of HGV movements/deliveries;
- f) Details of surface treatments and the construction of any hard surfaces and tracks;
- g) A Site Construction Environmental Management Plan to include details of measures to be taken during construction period to protect wildlife and habitats including nesting birds;
- h) Details of how any construction compound and associated works will be reinstated, including timetable for completion of post construction restoration works.

Reason: To protect amenities of the area during construction process.

7. Development shall not commence until an ecological management and mitigation scheme (EMMS) for the site is submitted to and approved by the local planning authority. This shall include details of enhancement measures proposed encompassing but not limited to the recommendations contained within the ecological appraisal dated March 2017.

Reason: To preserve and enhance the biodiversity of the site and its surrounds.

8. No development shall commence until precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks and other operations as appropriate) at a scale not less than 1:200 have been submitted to and approved in writing by the local planning authority.

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

9. Development shall not commence until a landscape management plan (LMP) for the site is submitted to and approved by the local planning authority. The LMP shall include all planting proposals and mitigation measures. The planting shall be completed in the first planting season following commencement of the development, unless otherwise agreed in writing by the local planning authority. Any trees or plants which die during the first five years shall be replaced by plants of the same species during the next planting season.

Thereafter the LMP shall be retained and planting maintained for the period the power plant is operational.

Reason: To ensure screening planting is put in place and maintained.

10. Operational noise levels, including tonal noise, shall not exceed background noise levels at any nearby noise sensitive properties. Background noise levels shall be measured from specific measuring points without any operational noise emanating from the site.

Reason: In the interests of the amenity of residents of surrounding property.

11. No development shall take place until details of the acoustic performance of the acoustic fencing has been provided to and approved by the local planning authority. The approved fence shall be installed before the site is operational and shall be retained and maintained for the period the development is operational.

Reason: In the interests of amenity.

12. No work shall commence on the elements of the proposed development listed below, until precise details/detailed drawings of those matters have been submitted to and approved by the Local Planning Authority. Thereafter, these elements shall only be constructed in accordance with the approved details:

- i. proposed finish of acoustic fencing;
- ii. siting and specification of CCTV cameras, including any support posts;
- iii. siting and specification of exterior lighting, including and support posts.

Reason: In the interests of amenity and the character of the SLA.

13. Prior to the commencement of development, details shall be provided to the local planning authority of a UK based nominated representative for the development to act as a point of contact for local residents, together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with local residents and the local planning authority and dealing with any noise complaints made during construction, operation and decommissioning of the development.

Reason: In the interests of local amenity.

14. No diesel generators shall be installed at the site.

Reason: In the interests of amenity and for the avoidance of doubt as to what has been considered and approved.

15. An additional condition regarding the monitoring of noise levels shall be included.

Following the conclusion of this item, the Head of Planning and Coastal Management left the meeting.

10 DC/19/1863/FUL - 1 Church Road, Felixstowe

The Committee received report **ES/0115** of the Head of Planning and Coastal Management. The proposal sought to construct a single storey side and rear extension

and had come before the Committee via the referral process to allow the concerns regarding the impact on the neighbouring residential property to be debated.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer.

The site's location was outlined along with the proposed site layout. The Committee was shown drawings of the proposed elevations and floor plans.

Photographs of the site were displayed, showing various views in and out of the site.

The key issues were summarised as the principle of development, permitted development rights (pdrs), aesthetics, and residential amenity.

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

The Chairman invited questions to the Officer.

A member of the Committee, who was also a member of Felixstowe Town Council, said that it was his understanding that the Town Council had submitted a recommendation, but that this was not included within the report. The Area Planning and Enforcement Officer clarified that this recommendation was contained within the update sheet.

In response to a question regarding the width of the passageway, the Development Management Team Leader noted that this area of the development could be completed under pdrs and officers therefore could not object to the proposed width of the passageway.

The Chairman invited Ms White, the applicant, to address the Committee.

Ms White explained that she was addressing the Committee as her agent was on holiday. She noted that she was unfamiliar with the Local Plan policies and was therefore confused by the response from Felixstowe Town Council.

It was noted that the application before the Committee was the third drawing submitted; the scheme had originally proposed a double-storey extension in order to provide additional bedrooms for all family members.

Ms White considered the bay windows originally proposed had been in keeping with other houses in the area and considered there was a lot of diversity in the house designs in Church Road.

Two other houses in the road had double-storey extensions and Ms White had been disappointed about having to reduce the size of her proposals. She explained that the extension would be within the large rear garden of the property and provide additional space for her family, negating the need to move house again.

Ms White highlighted the considerable work to restore the house that had already been completed.

The Chairman invited questions to Ms White.

When asked if she would consider the widening of the proposed passageway, Ms White noted that access was being provided where it had not been before.

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

A member of the Committee, who was also Ward Member for Western Felixstowe, concurred with the recommendations made by Felixstowe Town Council on the initial and revised applications. He considered that the proposal was too large for the site and referred to policies DM21 and DM23 of the Local Plan, stating that it was overdevelopment in relation to neighbouring properties.

It was confirmed in debate that the vast majority of the development would be allowed under permitted development rights.

It was acknowledged by members of the Committee that the development would be cramped, but he considered it suitable.

There being no further debate, the Chairman moved to the recommendation.

On the proposition of Councillor McCallum, seconded by Councillor Fryatt it was by a majority vote

RESOLVED

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

- Site plan – received on 25 June 2019; and
- Block plan, floor plans and elevations (drawing number: TMW/02/19 – Rev D) - received on 04 July 2019.

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 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.

9 DC/19/2048/FUL - 28 Haughley Drive, Rushmere St Andrew

The Committee received report **ES/0114** of the Head of Planning and Coastal Management. Planning permission was sought for the extension to the curtilage of a residential dwelling through the purchase of a piece of open space currently owned by East Suffolk Council.

The item was before the Committee due to the land being owned by the Council and thus triggering the need of the application to be decided by Members.

The Committee received a presentation on the application from the Trainee Planner.

The site's location was outlined and it was denoted what land was owned by the Council and where the public footpath was. The proposed relocation of the boundary fence and replacement planting was highlighted.

The Committee was shown photographs of the site in its current state. It was noted that similar planting had been completed to what was proposed, and the proposed planting would cover the new fence.

The key issues were summarised as the impact on public amenity and public safety. This had been raised by Rushmere St Andrew Parish Council, but officers considered that the development would be an improvement that what was on the site currently.

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

The Chairman invited questions to the Officer.

It was confirmed that the footpath would remain as it was and that new planting would result in a tidier hedge bordering it. The Trainee Planner stated that safety concerns had been raised by Rushmere St Andrew Parish Council as it was concerned the path would be further encroached upon.

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

It was reiterated that the new planting would not encroach on to the footpath. The scheme had been reviewed positively by the Council's Arboricultural and Landscape Manager.

A member of the Committee considered that the current hedge was not being maintained and that the proposals would improve access and amenity.

There being no further debate, the Chairman moved to the recommendation.

On the proposition of Councillor Deacon, seconded by Councillor Blundell it was unanimously

RESOLVED

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

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

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with: Block Plan, Site Location Plan and supporting photographs; received 06 June 2019; for which permission is hereby granted and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. The western site boundary (adjacent the hereby approved new fence) shall be planted as a *Griselinia littoralis* not later than the first planting season following the commencement of the development; and any plants which die during the first three years shall be replaced in the next planting season.

Reason: In the interests of amenity and the appearance of the locality.

4. Within 3 months of the fence being erection, the timber sections of the hereby approved fence shall be stained in a dark colour, and be retained in that colour thereafter.

Reason: In the interest of visual amenity.

The meeting concluded at 3:21 pm

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Chairman