

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 25 February 2020 at 2.00 pm**

**Members of the Committee present:**

Councillor Melissa Allen, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Kay Yule

**Officers present:**

Liz Beighton (Planning Development Manager), Laura Hack (Delivery Manager), Rachel Lambert (Planning Officer (Major Sites)), Matt Makin (Democratic Services Officer), Katherine Scott (Development Management Team Leader), Natalie Webb (Area Planning and Enforcement Officer), Ian Woodford (Building Surveyor / Project Manager)

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**Announcements**

The Chairman opened the meeting and announced that item 7 on the agenda, regarding planning application DC/19/4197/FUL, had been deferred and would not be heard at the meeting.

It was explained by the Chairman that the item had been deferred to allow Members to undertake a site visit prior to the application being presented to the Planning Committee at a future meeting. This had been deemed necessary in order to consider matters relating to street scene, parking and overlooking.

**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Bird declared a Local Non-Pecuniary Interest in item 9 of the agenda as both a member of Felixstowe Town Council and Vice-Chairman of its Planning and Environment Committee.

Councillor Deacon declared a Local Non-Pecuniary Interest in item 9 of the agenda as a member of Felixstowe Town Council.

Katherine Scott, the Development Management Team Leader (South) declared an interest in item 8 of the agenda as a near neighbour of the site was known to her. Ms Scott left the Conference Room for the duration of the item.

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

There were no declarations of lobbying.

### **4 Minutes**

#### **RESOLVED**

That the Minutes of the Meeting held on 28 January 2020 be confirmed as a correct record and signed by the Chairman.

### **5 Appeal Decisions at Pitfield, Butchers Road, Kelsale Cum Carlton, IP17 2PG**

The Committee received a verbal update from the Planning Development Manager regarding three appeal decisions made by the Planning Inspectorate (PINS), regarding applications linked to Pitfield, Butchers Road, Kelsale Cum Carlton.

The Planning Development Manager advised that further detail would be available in the appeals report that would be received by the Strategic Planning Committee at its meeting on 9 March 2020 and invited the Development Management Team Leader to provide a brief synopsis of the appeal decisions to the Committee.

It was confirmed that there had been three appeals related to the site that had been upheld by the Planning Inspectorate (PINS), relating to a legal agreement on the site and conditions on the use of the original holiday let and extension. The PINS had reached an opposite view to that of the Council (as Local Planning Authority) in terms of the site's connectivity to local settlements when reaching its decisions.

The Development Management Team Leader advised that, as a result of the appeal decisions, the legal agreement no longer applied and the two conditions on the use of the original holiday let and extension had been removed from the extant planning permission. When defending its original decision, the Council had argued that the removal of the legal agreement and conditions would impact on tourism and the local economy, and this was noted in the appeal decisions.

The Committee was informed that the emerging Local Plan for the Suffolk Coastal area of the District contained a policy that would seek to retain tourism accommodation and require marketing before holiday lets are converted to residential use.

The Committee also received a brief update on the appeal decision at the Former Council Offices, Melton Hill, Woodbridge. The appeal on the second scheme submitted by the applicant had been dismissed by the PINS as an extant consent was in place that the applicant agreed could be delivered. In its decision, the PINS had noted that Vacant Building Credit did not apply on this site but this was not given as the reason for its decision.

Full details on this appeal decision would be presented to the Strategic Planning Committee at its meeting on 9 March 2020.

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

The Committee received report **ES/0304** of the Head of Planning and Coastal Management.

The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 27 January 2020. The report detailed 18 such cases.

The Chairman confirmed with the Committee that the report be taken as read.

The Chairman invited questions to the officers.

There being no questions to officers it was

### **RESOLVED**

That the report concerning outstanding enforcement matters up to 27 January 2020 be received and noted.

## **7 DC/19/4197/FUL - Pinetrees, Purdis Farm Lane, Purdis Farm, IP3 8UF**

This application was **DEFERRED** in order for the Committee to undertake a site visit prior to determining the application. This was deemed necessary in order to consider matters relating to street scene, parking and overlooking.

*The Chairman advised that she was reordering the remainder of the agenda and that item 9 would be heard before item 8.*

## **9 DC/19/4811/FUL - Manor End, The Promenade, Felixstowe**

The Committee received report **ES/0307** of the Head of Planning and Coastal Management, which related to planning application DC/19/4811/FUL.

The application sought to reposition five existing beach huts from the Spa Pavilion area of the promenade along Felixstowe seafront to the end of an existing row of beach huts at Manor End.

The application had been referred directly to the Committee as the landowner and applicant was the Council.

The Committee received a presentation on the application from the Planning Officer (Major Sites). The site location was outlined, and the Committee received aerial photographs of the site area. It was noted that the site was located near to Martello Park, which contained facilities and amenities.

The site layout was displayed, along with the existing and proposed site levels and elevations.

The Committee was shown photographs which displayed views of the site from the Promenade and Martello Park.

The Planning Officer advised that there had been no objections to the application and that one letter of support had been received. The Flood Authority had not objected to the application and the site sat outside of the coastal change management area.

The Chairman invited questions to the officers.

In response to a question regarding the reasons for the relocation of the beach huts the Chairman invited the Delivery Manager, who was present at the meeting, to address the Committee.

The Delivery Manager confirmed that the beach huts were being relocated as due to issues at the current site the beach huts could not be put onto the beach, and owners had expressed a wish to move their huts to the new site.

It was confirmed that there were approximately 13 beach huts on the site; the beach huts being moved to the site were of a similar size.

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

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

On the proposition of Councillor Cooper, seconded by Councillor Deacon it was by unanimous 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 received on 13 December 2019:

- Site location plan;
- Site layout - ME/01 Rev. A; and
- Proposed site levels - ME/02 Rev. A.

*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 in writing with the local planning authority.

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

4. The hereby approved building shall be used as a beach hut and for no other purpose unless otherwise agreed by the local planning authority.

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

Informatives

1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

## **8 DC/19/4766/VOC - Home Farm, Wickham Market Road, Easton, IP13 0ET**

*The Development Management Team Leader left the Conference Room for the duration of this item.*

The Committee received report **ES/0306** of the Head of Planning and Coastal Management, which related to planning application DC/19/4766/VOC.

The application sought the variation of condition nos. 2 and 3 of DC/18/1506/FUL conversion of 5no. agricultural buildings to form seven residential dwellings, including change of use of land, new car ports, landscaping and driveways at Home Farm, Wickham Market Road, Easton, IP13 0ET.

The application was presented to the Referral Panel on 4 February 2020 as officers had been minded to refuse the application, contrary to the support received from the Parish Council. It was determined that the application could be determined under delegated powers as there were insufficient material planning considerations raised by consultees to justify taking the application to the Committee.

Following the meeting, amended plans were received which overcame the officer's reason for refusal (the subdivision of plot 7 to create an additional unit; contrary to the approved development). The Referral Panel was notified of the change in the officer's recommendation and subsequently requested that the application was presented to the Committee for determination.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. Members were advised that officers were now content with the proposals and that principle of development had been established by the extant planning permission.

The Chairman invited questions to the officers.

The Area Planning and Enforcement Officer confirmed that the amended plans had removed the subdivision of plot 7 to create an additional unit, which had addressed the officer's reason for refusal and the concerns of Easton Parish Council.

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

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

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

## **RESOLVED**

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

1. This permission is an amendment to the Full Planning Permission, reference DC/18/1506/FUL. The development hereby permitted shall be begun not later than the expiration of three years from the date of 4th July 2018.

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

2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings 311b, 321a, 322b, 331a, 332c received 10/12/19; 302e, 303d and 312d received 03/04/2020 and 300f, 342c and 341g received 04/02/2020.

*Reason: To secure a properly planned development.*

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*

4. The landscape details shall be implemented as approved by DC/19/0652/DRC on 11th March 2019 unless otherwise submitted to, and approved in writing by, the Local Planning Authority.

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

5. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Drawing Number 300f. Thereafter the access shall be retained in the specified form.

*Reason: To improve visibility at the existing access. Works to be carried out prior to commencement so that the construction phase will benefit from the improvements in highway safety due to increased visibility.*

6. The areas to be provided for storage of Refuse/Recycling bins shall be implemented as approved by DC/19/0585/DRC on 11th March 2019 unless otherwise submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.*

7. The use shall not commence until the area(s) within the site shown on Drawing Number 300f for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

*Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.*

8. The areas to be provided for cycle storage shall be implemented as approved by DC/19/0585/DRC on 11th March 2019 unless otherwise submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure the provision and long term maintenance of adequate on-site space for the storage cycles (garages/car ports need to be of a size suitable to accommodate both cycles and cars - dimensions yet to be provided by the applicant- else other cycle storage areas, additional fixed enclosed storage of minimum size 3m<sup>2</sup>, will be required).*

9. The development shall be implemented with the site investigation as approved by DC/19/0585/DRC on 23rd March 2019 unless otherwise 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.*

10. The development shall be implemented with the remediation method statement as approved by DC/19/0585/DRC on 23rd March 2019 unless otherwise 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.*

13. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be

produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

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

14. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

#### Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

Class G - provision of a chimney, flue, soil or vent pipe

Class H - installation, alteration or replacement of an antenna

#### Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

*Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general.*

15. No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.



*Reason: In the interests of visual amenity and biodiversity*

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

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

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

CIL forms can be downloaded direct from the planning portal: [https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

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

3. Note: 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's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

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.

The meeting concluded at 2.22 pm

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Chairman