

Confirmed



Minutes of a Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 24 November 2020** at **2:00pm**

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, Councillor Kay Yule

Other Members present:

Councillor David Ritchie

Officers present:

Liz Beighton (Planning Manager), Sarah Carter (Democratic Services Officer), Rachel Lambert (Planner), Matt Makin (Democratic Services Officer), Katherine Scott (Principal Planner), Natalie Webb (Senior Planner)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Melissa Allen; Councillor Paul Ashdown attended as her substitute.

2 Declarations of Interest

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in item 7 of the agenda as a member of Felixstowe Town Council and the Chairman of its Planning and Environment Committee.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in item 7 of the agenda as a member of Felixstowe Town Council.

3 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying received.

4 Minutes

RESOLVED

That the Minutes of the Meeting held on 27 October 2020 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0566** 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. As of 26 October 2020, there were 15 such cases.

The Chairman invited questions to the officers.

A member of the Committee asked if the enforcement case at Pine Lodge Caravan Park, Hazels Lane, Hinton would be concluded before the end of the year. The Planning Manager advised that it was likely the case would be closed before 2021 and that discussions were ongoing between the Council's Planning Enforcement and Legal teams in this regard. The Planning Manager noted that the last visit to the site confirmed that it was not being occupied for residential use but that further site visits were required to confirm this.

There being no further questions the Chairman moved to the recommendation to receive and note the report.

On the proposition of Councillor Cooper, seconded by Councillor Ashdown it was by unanimous vote

RESOLVED

That the report concerning Outstanding Enforcement matters up to 26 October 2020 be received and noted.

6 DC/20/2976/FUL - Manor Farm, Hall Road, Stratford St Andrew, IP17 1LQ

The Committee received report **ES/0567** of the Head of Planning and Coastal Management, which related to planning application DC/20/2976/FUL.

The application sought the demolition of the existing playbarn and playbarn annex outbuildings which would be replaced with a new build unit of tourist accommodation, including minor renovation of existing outbuildings to house a home gym and ancillary storage spaces for the farmhouse at Manor Farm, Hall Road, Stratford St Andrew.

The application was before the Committee as the it as a departure to the Development Plan as Suffolk Coastal Local Plan Policy SCLP6.5 states that new tourist accommodation comprising permanent buildings will only be permitted within settlement boundaries, and the application site was not located within any settlement boundary and was therefore identified as being in the countryside for planning purposes (policies SCLP3.2 and SCLP3.3).

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

The site's location was outlined to the Committee. A Google Earth image of the site was displayed, which highlighted the buildings to be replaced and the application's relationship with existing buildings in the area.

The existing and proposed block plans were shown; the Senior Planner noted that the proposed plan would create more of a courtyard space.

The Committee received the existing and proposed floor plans and north and south elevations.

A proposed cross-section of the site was displayed, which demonstrated how the proposed building would be contained within the wider site.

Photographs of the existing playbarn and annexe were displayed.

The Committee received computer generated visualisations of the view from the private front meadow looking west, the south elevation from the courtyard (the corrugated barn door shown open), and the east elevation.

The Senior Planner outlined the extant planning consent on the site, approved under planning application DC/19/3965/FUL.

The Senior Planner considered that the proposed design was of a high quality and would have a limited impact on the surrounding area. It was highlighted that the Highways Authority had not raised any concerns with the application and that a RAMS mitigation payment had been made by the applicant. The Senior Planner confirmed that a condition on holiday occupation would be included in any planning permission issued.

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

The Chairman invited questions to the officers.

The Planning Manager was able to confirm that Farnham with Stratford St Andrew Parish Council had not objected to the previous application on the site. The Planning Manager read out the comments received from the Parish Clerk on 12 November 2019, which stated that the Parish Council did not have any material objections to the principle of converting the outbuildings to holiday lets. The comments shared concerns held by the Parish Council about the noise and traffic during the construction phase.

The Senior Planner confirmed that the new building would have two bathrooms. The replacement building would have a similar footprint to the building it was replacing and would be two storeys high.

The Committee was advised that the development would not have any impact on the barn, a non-designated heritage asset, beyond what had been implemented under the extant planning consent to make the barn a usable space.

The Senior Planner explained that the granary continued to act as an annexe building to the host dwelling, as permitted.

In response to a question regarding disabled access, the Senior Planner displayed again the proposed floor plans and highlighted the accessibility of the new building.

The Chairman invited Mr Elvin, agent for the applicant, to address the Committee.

Mr Elvin thanked the Senior Planner for a comprehensive report and for taking a logical approach to the application. Mr Elvin considered that the proposed development brought a

number of benefits over the previous scheme and acknowledged that the application was before the Committee as it was contrary to policy SCLP6.5 of the Suffolk Coastal Local Plan.

Mr Elvin advised that the applicant had engaged with officers throughout the process of both applications including making formal pre-app submissions and revisions to the schemes. Mr Elvin highlighted that the pre-app guidance identified a replacement building as acceptable in principle; he detailed the comparison between the footprints of the existing and proposed buildings and considered the comments of Farnham with Stratford St Andrew Parish Council to be misleading.

The change in the location of the replacement dwelling was described by Mr Elvin as being to change the perception of the building when the site was viewed from the path and Low Road. Mr Elvin compared policy SCLP6.5 against the benefits of the fallback position of the site, the extant planning consent, the significant benefits the development would bring to the character and appearance of the site, the accessibility of the building and that the proposals accorded with all other local and national planning policies.

Mr Elvin concluded that the site was capable of accommodating the development, the proposals met the aims of the National Planning Policy Framework and would deliver high quality holiday accommodation in a contemporary architectural style. Mr Elvin considered that less weight should be given to policy SCLP6.5 given the benefits the development would bring.

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

Members of the Committee considered the proposals to be an improvement on the extant planning consent on the site and were in favour of the application.

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

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

RESOLVED

That the application be **APPROVED**, subject to conditions as outlined below.

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 1808-A3000 and 1818-A3001 received 29/09/2020, 1808- L0101-PP01, 1808-E-001-PP01, 1808-A- 000-PP01 and 1808-A-1001-PP01 received 06/08/2020.

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

3. The construction of the new building shall not commence until details of the roof and wall materials to be used for the new holiday let, have been submitted to and approved by the local planning authority.

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, September 2019) 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.

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

The strategy shall:

a. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Any external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

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

a) details of a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead;

or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

7. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2020). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.

8. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation ORMK004 consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

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

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

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

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

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

9. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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

10. Prior to any occupation or use of the approved development the RMS approved under condition 2 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

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

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

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.

12. 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.

Informatives:

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

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

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

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

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

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

7 DC/20/2441/FUL - The Spa Beach, The Promenade, Felixstowe

The Committee received report **ES/0568** of the Head of Planning and Coastal Management, which related to planning application DC/20/2441/FUL.

The application proposed to undertake an engineering trial using two of the existing bays that beach huts at the Spa area are usually placed on. Following discussion and detailed feedback from the Coastal Management team, the two bays most appropriate for the trial had been identified as Bay C and Bay D.

As the applicant and landowner was East Suffolk Council, the proposal was required to be determined by the Committee in accordance with the Scheme of Delegation set out in the Council's Constitution.

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

The site's location was outlined, and the Committee was shown the site plan and an aerial view of the site; the proposed site plan outlined that Bay C would have a sand platform to act as a baseline and that Bay D would have an experimental design of a concrete retaining wall infilled with sand.

Photographs of views of the site looking north and northeast from Bay C, looking north and northeast from Bay D, and looking west from Bay D.

The Committee was shown proposed plans and sections.

The Planner explained that the proposals were in line with the overall strategy for Felixstowe and would play a part in alleviating coastal erosion, which would be carefully overseen through partnership working, mitigation and management with the Coastal Management team.

The proposed works would be temporary in nature and further planning permission would be sought should the trialled solution be deemed appropriate. The proposal would not result in an increase in beach hut provision and would not cause increased harm to visual amenity.

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

There being no questions to the officers, nor any public speaking on the application, the Chairman invited the Committee to debate the application that was before it.

Members of the Committee expressed support for the application and it was noted that beach huts were an important part of Felixstowe's tourist offer and provided a source of income for the Council. Members considered that the site was a suitable location for the trial.

One member of the Committee, who was also Ward Member for Western Felixstowe, expressed some concern about the beach huts being placed in front of the Spa Pavilion and impacting on the views from its cafe. The Planner advised that the Council would be working with the various stakeholders involved in the project, including the Spa Pavilion.

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

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

RESOLVED

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

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be for a maximum period of one year from the date that works commence on site, after which time the structure shall be removed to the satisfaction of the local planning authority and the land reinstated to its former condition.

Reason: Having regard to the non-permanent nature of the structure, and that it is being granted as a trial to investigate the suitability of the platform and its impacts upon coastal processes.

3. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings received on 02 July 2020:

- Site location plan;
- Location plan (drawing number: 669225-S2-Rev. P08); and
- Alternative platform solution (drawing number: 669225-S2-Rev. P05).

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

4. 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.

5. No development shall commence until details of the strategy for the beach material extraction have been submitted to and approved in writing by the local planning authority. This shall specify the location(s) from where material is to be extracted, and include

a Ecological Method Statement to ensure that ecological impacts are avoided or adequately mitigated. Thereafter the extraction works shall be undertaken in accordance with the approved strategy.

Reason: To safeguard biodiversity and protected species in accordance with Policy SP14 and Policy DM27 of the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework.

6. No development shall commence under full details of the proposed monitoring plan have been submitted to and agreed by the Local Planning Authority. This monitoring plan should relate to both the demountable wall installation and the sand platform, together with identification what impacts or outcomes would constitute a pass and lead to a proposal for works for permanent beach hut placement. This plan should include means/methods to collect data including beach profile data at both fill and donor sites, dip measurements taken from top of block to beach at fixed points at four-week intervals and after storms or persistent winds, and photographs from agreed fixed points.

Reason: The hereby permitted scheme is being permitted on a temporary basis to enable investigation of how the coastal processes would be affected by the creation of such a platform. Therefore means to monitor its effectiveness and impacts upon coastal processes need to be identified, so that it can be determined if the scheme is appropriate in terms of longer term coastal change processes, in accordance with Local Plan Policy SCLP9.3 (Coastal Change Management Area), paragraphs 166 to 169 of the NPPF and paragraph 069 of the NPPG.

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. 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 are directed to the MMO's online portal to register for an application for marine licence: www.gov.uk/guidance/make-a-marine-licenceapplication

3. The applicant is hereby advised that, if a further application is submitted for a more permanent platform solution, it should include a monitoring report containing the data collected in accordance with the monitoring plan required under condition 6 during the trial period, an assessment of the results of the collected data and conclusions/ recommendations, identified as a result of the data collected during the trial works hereby granted.

The meeting concluded at 2.33 pm

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Chairman