

**Confirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 24 August 2021 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

**Other Members present:**

Councillor Paul Ashdown, Councillor Linda Coulam, Councillor David Ritchie

**Officers present:**

Sarah Carter (Democratic Services Officer), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Steve Milligan (Planner), Katherine Scott (Principal Planner), Ben Woolnough (Planning Development Manager), Nicola Wotton (Deputy Democratic Services Manager)

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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 both items 6 and 7 of the agenda as the Suffolk County Councillor for Trimley St Martin.
- Local Non-Pecuniary Interests in both items 8 and 9 of the agenda as a member of Felixstowe Town Council and Chairman of that authority's Planning & Environment Committee.

Councillor Mike Deacon declared:

- Local Non-Pecuniary Interests in items 6 and 7 of the agenda as the applicant was a near neighbour to him.
- Local Non-Pecuniary Interests in items 8 and 9 of the agenda as a member of Felixstowe Town Council.

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

Councillor Debbie McCallum declared that she had been lobbied on items 6 and 7 of the agenda; she had been contacted by one of the objectors to the application, who had been a fellow East Suffolk Councillor at the time of the discussion. Councillor McCallum declared that she remained of an open mind on the application.

Councillor Stuart Bird declared that he had been lobbied on items 6 and 7 of the agenda; he had been contacted by an objector to discuss their concerns about the application and had made it clear that he could not comment on any possible determination of the application.

**4 Minutes**  
**RESOLVED**

That the Minutes of the Meeting held on 27 July 2021 be agreed as a correct record and signed by the Chairman.

**5 East Suffolk Enforcement Action - Case Update**

The Committee received report **ES/0856** of the Head of Planning and Coastal Management, which provided 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 23 July 2021. At that time there were nine such cases.

The Chairman invited questions to the officers.

The Planning Manager advised that no further information was available on the case at Top Street, Martlesham and that officers were awaiting the issue of court summons for the scheduled hearing on 15 October 2021.

Councillor Cooper sought clarity around the status of the enforcement case at Park Farm, Bucklesham, as he considered the report to be unclear on the matter. The Planning Manager said he would seek a further update from the Enforcement team and update Councillor Cooper outside the meeting.

Councillor Hedgley asked if the Council's Legal team had progressed the enforcement case relating to Homeland House, Swiland. The Planning Manager advised that no further information was available on the case and that officers were awaiting the issue of court summons for the scheduled hearing on 15 October 2021.

It was confirmed that a site visit had taken place to Load n Go at Sandy Lane, Martlesham and that further information would be available from the case officer in due course, who was currently determining an appropriate course of action. Councillor Blundell asked for an update on this case outside of the meeting.

The Planning Manager noted that the cases he had discussed previously with Councillor Deacon, located within his Ward, had not yet progressed to the point where an enforcement notice was required.

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

**RESOLVED**

That the outstanding enforcement matters up to 23 July 2021 be noted.

**6 DC/20/4179/VOC - Alston Barns, Grimston Lane, Trimley St Martin, IP11 OSD**

The Committee received report **ES/0858** of the Head of Planning and Coastal Management, which related to planning application DC/20/4179/VOC.

The application sought to vary Condition 2 of DC/19/1967/COU (change of use of Alston Barns from agriculture to B1(c) use). Changes included the alteration to previously approved drawings - including variation in positioning of fenestrations, a raised platform addition, installation of air-conditioning units, repositioning of bin storage area and installation of screening.

This application was partially retrospective; all of the works proposed had been implemented with the exception of the proposed raised platform along the north-west elevation.

The application was considered by the Planning Referral Panel at its meeting of 3 August 2021 at the request of the Chairman of the Committee, due to the ongoing concerns raised by the neighbour (a former East Suffolk Councillor) and the short time that there had been from the Member leaving the Council. The application was referred to the Committee for determination due to the history of the site and concerns raised by the neighbour.

The Committee received a presentation from the Planner, who was the case officer for the application.

The context of the site and its location in the Area of Outstanding Natural Beauty (AONB) was outlined; the Committee was also shown an aerial view of the site which detailed the application site's relationship with Alston Hall and its annexe building. The site location plan was displayed to the Committee.

The Committee was shown both the approved and proposed elevations; the Planner highlighted the proposed changes to what had been approved. The Committee was also shown the proposed floorplan.

The Committee was shown the following photographs of the site:

- The window along the south-east elevation and willow fencing along the boundary, and trees along the boundary.
- The north-east elevation; air conditioning units screened by willow fencing.
- The south-west elevation; changes to the fenestration.
- The south-west elevations; changes to the fenestration, willow fencing and with Alston Hall to the rear.
- The raised access along the north-west elevation (it was noted that the fencing in this photograph had since been reduced to single height).
- The willow fencing along the north-west elevation, from Grimston Lane.
- The relationship between the application site and Alston Hall.
- Photographs taken by a neighbour from the corner of their garden, showing the delivery area and the bin store.

The material planning considerations were summarised as the impact on residential amenity, landscape impacts, the design aesthetics and visual amenity.

The recommendation to approve the application, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the officers.

In response to concerns raised in respect of the retrospective nature of the application, the Planning Manager advised that the application needed to be considered on merit, regardless of works already having been undertaken and that the Committee was required to consider if the changes from the approved planning permission were materially different to the impact of the development.

The Planner considered that the fenestration on the south-east elevation would not cause overlooking or a loss of privacy, given the screening from trees and fencing on the opposite boundary. The Committee was advised that the objectors had expressed concern about the overlooking from the raised access for deliveries but that the impact of this was, in officers' opinion, minimal due to the operational restrictions imposed on the site.

The Planner confirmed that an environmental noise assessment had been undertaken and reviewed by the Council's Environmental Health team, who had considered the impact on neighbouring dwellings to be low. The assessment had concluded that the air conditioning units were not audible from the adjacent property.

The Chairman invited Mr Terence Purnell, who objected to the application, to address the Committee. Mr Purnell was accompanied by Mrs Melissa Purnell, who was present to answer any questions from the Committee.

Mr Purnell noted that he and Mrs Purnell had lived in the area for 17 years; he was very concerned about the raised access and highlighted that since planning permission was granted on the site, the applicant had undertaken several alterations without consent. Mr Purnell considered that the situation was causing his family stress and upset, and was impacting on their daily lives.

It was Mr Purnell's view that the number of vehicle movements on the site was considerably higher than what had been consented and that heavy goods vehicles had been accessing the site. Mr Purnell said that the removal of fencing by the applicant had exposed the bin store and considered that the remaining fencing would deteriorate further. Mr Purnell said it was not unusual for him to be woken up by bin lorries accessing the site in the early hours of a Friday morning.

Mr Purnell was of the view that the willow fencing and trees did not screen his home from the new raised access and that this access was now level with his garden, and when this was levelled down to the same level as his summerhouse, there would be overlooking from the raised access. Mr Purnell considered that additional screening at the access would prevent overlooking and loss of privacy.

Mr Purnell queried why the application had been recommended for approval and noted that it was not very different from a previous application that had been refused in February 2020. Mr Purnell urged the Committee to make the right decision and asked that should the application be approved additional screening be placed at the raised access.

The Chairman invited questions to Mr and Mrs Purnell.

It was confirmed that bin lorries accessed the site on Friday mornings.

The Chairman invited Ms Louise Newton, agent for the applicant, to address the Committee. Ms Newton was accompanied by Ms Laura Dix, the applicant, who was present to answer any questions from the Committee.

Ms Newton considered that the application proposed only minor alterations to the approved planning permission and would not have a negative impact on the site's neighbours or the general public. Ms Newton said that the changes would improve working conditions for employees and provide a boost to the site's economic outlook. Ms Newton noted that the site employed local people and was restricted in its hours of operation.

It was highlighted by Ms Newton that the changes to the fenestration resulted in fewer openings facing Alston Hall and was of the view that the objectors' chief concern was the raised access, used for receiving deliveries. Ms Newton considered that the application was in accordance with planning policies and that the raised access was important for receiving deliveries in a safe way.

Ms Newton stated that should the application be refused, this would have a negative economic impact to the applicant's business. Alternatives to the raised access had been explored and it had been concluded that the proposed access was the best option.

Ms Newton highlighted that the air conditioning units had been screened from view and that the completed noise assessment had concluded that they had no impact on the neighbours' residential amenity. Ms Newton added that the bin store would be being moved as part of a separate change of use application that had been approved.

Ms Newton confirmed that a log of vehicle movements on the site had been kept, which did not reflect the number of movements on the site alleged by the objectors. Ms Newton sought the Committee's support for the application.

The Chairman invited questions to Ms Newton and Ms Dix.

Ms Dix was able to confirm that she employed seven people; one person worked from home and the other six worked on site, one part time and the other five full time.

Ms Newton noted that the approved planning permission had included a condition requiring a log of vehicle movements on the site be kept. This record noted staff movements on and off the site along with deliveries received.

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

Councillor Hedgley said he was not convinced that overlooking was a significant issue and considered that the early bin collections were a fact of life; he indicated that he was in support of the application.

Councillor Blundell suggested that the applicant could be asked to provide additional screening to prevent overlooking to Alston Hall. The Chairman sought advice if such a condition could be added; the Planner highlighted that this issue had been discussed with the applicant and had been refused as they considered it would have a negative impact on the landscape. It was noted that an additional condition could be included to specify a more substantial form of fencing.

Councillor Deacon considered that the application had been sensitive to the site's neighbours and highlighted that this business had relocated to the site from his Ward; he stated that when it was located in his Ward the business had been a responsible company that took care of the area it was in. Councillor Deacon said it was regrettable that alterations had been made without consent but highlighted the seven jobs the site provided.

Councillor Cooper highlighted the informatives around fire safety; the Planning Manager advised the Committee that informatives could not be discharged as planning conditions and that the relevant authority would be responsible for enforcing fire safety on the site.

Councillor Bird supported adding a condition regarding fencing and landscaping, and suggested adding another condition that the access on the north-west elevation be used only for deliveries.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report and including the two additional conditions proposed during the debate.

On the proposition of Councillor Hedgley, seconded by Councillor Deacon it was by a 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 the original permission DC/19/1967/COU (9 August 2019).

*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 location plan (drawing number 4580-0101 Rev. P04);

- Block plan (plan number TQRQM19065151430088);
- Proposed floorplan (refer to elevations for fenestration materials);
- Proposed elevations; and
- Fencing plan (drawing number A.50.935a).

*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.*

4. The external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels) shall implemented as per the approved details under DC/19/3855/DRC. The scheme shall thereafter be implemented and no additional external lighting shall be installed.

*Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.*

5. The development shall be carried out in accordance with the mitigation measures outlined in the Preliminary Ecological Appraisal Report (by Denny Ecology - dated 27 June 2019), previously approved by DC/19/1967/COU and shall be implemented in their entirety.

*Reason: To safeguard biodiversity and protected species in accordance with Policy SP14 and Policy DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2019).*

6. The building shall remain soundproofed in accordance with the approved scheme under DC/19/3855/DRC.

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

7. No activities (including operation of external plant and deliveries) shall be carried out on the site other than between the following hours, unless otherwise agreed in writing with the local planning authority:

- Monday to Friday (07h00 - 17h00);
- Saturday (08h00 - 17h00); and
- Sunday/Bank Holiday (no use).

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

8. Arrangements for the storage and collection of refuse shall fully accord with the scheme approved under DC/20/4177/DRC.

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

9. The approved construction statement under DC/19/3855/DRC shall be adhered to throughout the construction of the development.

*Reason: To reduce the potential impacts of noise pollution and additional vehicular movements during the construction phase of the development.*

10. Additional condition regarding landscaping and fencing (final wording to be drafted).

11. Additional condition regarding use of access on the north-west elevation (final wording to be drafted).

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. 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 fire fighting, 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.

3. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose (i.e. avoiding obstructions). However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

4. 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. (Please see sprinkler information enclosed with this letter). Consultation should be made with the Water Authorities to determine flow rates in all cases. Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX.



5. The applicant is advised that the proposed development will require approval under Building Regulations (2010). Any amendments to the hereby permitted scheme that may be necessary to comply with Building Regulations (2010) must also be approved in writing by the local planning authority in order that any planning implications arising from those amendments may be properly considered.

**7 DC/20/4916/FUL - Alston Barns, Grimston Lane, Trimley St Martin, IP11 0SD**

The Committee received report **ES/0859** of the Head of Planning and Coastal Management, which related to planning application DC/20/4916/FUL.

The application sought the change of use and conversion of an existing agricultural building to B8 (storage) use, including the installation of cladding over three bays on the south east elevation.

The application was referred to the Committee for determination by the Chairman of the South Planning Committee during the Planning Referral Panel meeting held on 3 August 2021, when addressing the adjacent application (DC/20/4916/VOC). Members requested that both items be determined by the Committee due to the history of the site and concerns raised by the neighbour - allowing the proposed/retrospectives works to be assessed as one 'masterplan'.

The Committee received a presentation from the Planner, who was the case officer for the application.

The context of the site and its location in the Area of Outstanding Natural Beauty (AONB) was outlined; the Committee was also shown an aerial view of the site which detailed the application site's relationship with Alston Hall and its annexe building. The site location plan was displayed to the Committee.

The Committee was shown both the existing and proposed elevations and floorplans.

The Committee was shown photographs of the site displaying views of the barn both from Grimston Lane and within the site.

The material planning considerations were summarised as the business use in the countryside, impact on residential amenity, landscape impacts within the AONB, ecological impacts, design aesthetics and visual amenity, and highway impacts relating to traffic/parking provision.

The recommendation to approve the application, subject to conditions, was outlined to the Committee.

There being no questions to the officers, the Chairman invited Ms Newton, agent for the applicant, to address the Committee. Ms Newton was accompanied by Ms Laura Dix, the applicant, who was present to answer any questions from the Committee.

Ms Newton said the application was fully policy compliant and there was only a single objection from neighbours of the site. Ms Newton considered the application would benefit the rural economy and noted that the Council's own planning policies supported converting redundant agricultural buildings for business use.

Ms Newton advised that the proposed cladding would restrict views in and out of the storage area and noted that the barn was a significant distance from Alston Hall. Ms Newton was of the view that the proposed development was in keeping with the rural character of the area and would not negatively impact on the AONB.

Ms Newton stated that the conversion of the barn would not result in an increase of vehicle movements on the site and in fact would allow for larger, and therefore fewer, deliveries to be accommodated. Ms Newton said that there had been no objection from Suffolk County Council as the Highways Authority and the change of use would be an improvement over the number of agricultural vehicle movements that the site could generate.

The Committee was advised that no statutory consultee had objected to the application and Ms Newton considered the application to be for a sustainable form of development. Ms Newton urged the Committee to consider the visual and economic benefits the development would bring, in line with planning policies.

The Chairman invited questions to Ms Newton and Ms Dix.

Ms Newton confirmed that the barn had originally been used for temporary storage during construction work; it later became apparent to the applicant that there was insufficient storage on the site and the barn had been used for storage since the current planning permission had been granted.

Ms Dix confirmed that the original barn owl box on the site remained in place and that two bat boxes had been installed. The installation of other barn owl boxes had been delayed pending the outcome of this application so their location could be determined.

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

Councillor Yule considered it regrettable that works had been carried out without consent but did not object to the application in principle.

Councillor Bird reminded the Committee that the application should be considered on merit and should not be prejudiced by any retrospective elements.

Councillor Deacon said he was very familiar with the site and considered the improvements would be very welcome.

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 Hedgley, seconded by Councillor Deacon it was by a 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:

- Site location plan (A.54.788);
- Proposed floor plan (PS1611-01 Rev.03); and
- Proposed elevation plan (PS1611-02 Rev.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 (to match the existing) 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. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Denny Ecology, February 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

5. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before work is started and has 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.*

6. Prior to commencement, details of barn owl mitigation measures, including the provision of new and relocated nest boxes, shall be submitted to and approved in writing by the local planning authority. The measures will be delivered and retained in accordance with the approved details.

*Reason: To ensure that the development does not result in an adverse impact on barn owls.*

7. Details of any external lighting (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels) shall be submitted to and approved by the local planning authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed.

*Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.*

8. No activities shall be carried out on the site other than between the following hours, unless otherwise agreed in writing with the local planning authority:

- Monday to Friday (07h00 - 17h00);
- Saturday (08h00 - 17h00); and
- Sunday/Bank Holiday (no use).

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

9. Within three month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

10. The approved landscaping scheme (as per Condition 9) 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.*

11. The premises herein referred to, shall be used for B8 (storage) in association with the adjoining business (Labelcraft Signs Ltd) and for no other purpose (including any other purpose in the Schedule to the Town and Country Planning [Use Classes] Order 1987) (or any Order revoking or re-enacting the said Order).

*Reasons: In order that the local planning authority may retain control over this development/site 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.

2. Protected species may be present at the site (bats, slow worms, newts). It is an offence to deliberately capture, injure or kill any such creature or to damage or destroy a breeding or resting place. A licence may need to be obtained from Natural England before any work is commenced, including demolition work, site clearance, timber treatment etc.

3. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, 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, 2019 Edition.

Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 660 metres from the proposed build site and we therefore recommend 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. (Please see sprinkler information enclosed with this letter). Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control or appoint Approved Inspector in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

## **8 DC/21/1868/FUL - South Seafront and North East of Pier, Undercliff Road West, Felixstowe**

The Committee received report **ES/0860** of the Head of Planning and Coastal Management, which related to planning application DC/21/1868/FUL.

The application sought full planning permission for the provision of two new beach huts both positioned seaward side of the promenade: one to the north-east of the pier (a tourist information kiosk); and the other along the south seafront positioned centrally between the Arwela and Manwick beach shelters (a concession kiosk).

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

The Committee received a presentation from the Planner, who was the case officer for the application.

The site's context was outlined and the Planner identified the locations of the two kiosks in relation to the wider area. The Committee was also shown the site location plan.

The Committee received the proposed elevations and floor plans.

The Committee was shown site photos of the areas at the south seafront and land east of Felixstowe Pier where the kiosks would be located.

The material planning considerations were summarised as the new retail development outside of the town centre, tourism development, the conservation area and visual amenity, and coastal environment and flood risk.

The recommendation to delegate authority to approve the application, subject to conditions, to the Head of Planning and Coastal Management was outlined to the Committee. The Planner highlighted that confirmation had been received from East Suffolk Council Coastal Management team that the submitted CEVA satisfied its requirements and that this element of the recommendation was no longer required.

The Chairman invited questions to the officers.

It was confirmed that the concession kiosk would be removed from the beach during the winter months but that the information kiosk would remain situated on the beach all year round.

In response to an enquiry regarding utility supplies, the Planner said she was not aware if the kiosks would have running water; she was able to confirm that the concession kiosk would have an electrical hookup.

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

Councillor Cooper supported the application; he suggested that the concession kiosk would need access to running water in order to maintain health and hygiene standards, and considered this to be particularly important due to COVID-19. The Planning Manager noted that this was beyond what could be controlled through planning legislation and that this would be controlled by Environmental Health.

Councillor Blundell highlighted that toiletry facilities were located adjacent to the site and considered the proposals to be an excellent idea.

Councillor Deacon noted that several other concession kiosks operated on Felixstowe seafront and considered that they would have access to means to maintain health and hygiene standards.

There being no further debate the Chairman moved to the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report and removing the condition that this would be subject to receiving confirmation from East Suffolk Council Coastal Management team that the submitted CEVA satisfied its requirements, as this had already been received.

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

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application, subject to the following conditions, be delegated to the Head of Planning and Coastal Management:

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 16 April 2021:

### East of the pier

- Site location plan (drawing number 2111 1)
- Proposed plans and elevations (drawing number 2111 2 D)

### South seafront

- Site location plan (drawing number 2111 4)
- Proposed plans and elevations (drawing number 2111 3 A)

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

3. The hereby approved tourist information kiosk, as shown on drawing numbers 2111 1 and 2111 2 D, shall be used solely for providing tourist information (e.g., through information boards, exhibits, leaflets etc.) and for no other purpose unless otherwise approved by the local planning authority.

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

4. The hereby approved concession kiosk, as shown on drawing numbers 2111 4 and 2111 3 A, shall be used for the sale of ice creams, drinks, food items that are not cooked on the premises (i.e. items such as cakes made elsewhere, crisps, sandwiches can be sold, but hot food cannot be cooked on the premises) and beach associated products (e.g. buckets, spades, windbreaks and similar items). No other purpose is permitted unless otherwise approved by the local planning authority.

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

5. 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.*

6. The development shall be carried out in accordance with the approved level A' 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.*

7. Prior to use, a Flood Response 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.*

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-activities-environmental-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.

## **9 DC/21/2701/FUL - Martello Ramp (adjacent New Cafe), Corner Sea Road Orford Road, Felixstowe**

The Committee received report **ES/0861** of the Head of Planning and Coastal Management, which related to planning application DC/21/2701/FUL.

The application sought full planning permission for the provision of a new replacement beach access ramp over the existing sea defence wall, located to the south of the newly constructed Martello Café.

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

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

The Committee received an overview of the proposed scheme and the Planner demonstrated the site's context and location.

There being no public speaking on the application and no debate, the Chairman moved to 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 Newton, seconded by Councillor Blundell it was by a unanimous vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application (subject to the conditions below) be delegated to the Head of Planning and Coastal Management, subject to the consideration of any formal comments received from the Environment Agency and confirmation from East Suffolk Council Coastal Management team that the submitted Coastal Erosion Vulnerability Assessment 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 3 June 2021:

- Site location plan (drawing number: 20215 7);
- Block plan (drawing number: 20215 5 A); and
- Proposed elevations (drawing number: 20215 2 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 by the local planning authority.

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

4. Prior to commencement, details of an agreement with East Suffolk Council - Coastal Management Team, regarding liability for future potential modification of the works (including temporary part removal) as required, should this be necessary to carry out works to the adjacent existing defences that the planned works will adjoin and/or take support from.

*Reason: In order to ensure the proposed works will not affect future maintenance of pre-existing sea defences.*

5. The development shall be carried out in accordance with the approved 'level A' 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.*

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. 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](http://www.gov.uk/guidance/make-a-marine-licenceapplication).

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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.

The meeting concluded at 3:10pm.

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Chairman