

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Zoom, on **Tuesday, 22 December 2020 at 2:00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor Peter Byatt, Councillor James Mallinder, Councillor David Ritchie

**Officers present:** Martin Baker (Project Manager/Business Analyst), Jamie Behling (Trainee Planner), Joe Blackmore (Principal Planner), Sarah Davis (Democratic Services Officer), Kathryn Hurlock (Asset and Investment Manager), Matt Makin (Democratic Services Officer), Danielle Miller (Senior Planner), Katherine Scott (Principal Planner), Steve Thacker (Project Manager/Business Analyst)

---

**Announcements**

Before moving to the first item of the agenda, the Chairman thanked both members of the Committee and officers for their hard work during 2020. The Chairman acknowledged that everyone had worked hard to adapt to an unusual situation in the COVID-19 pandemic and ensure that the planning process had continued during this time. The Chairman wished everyone a very merry Christmas and a heartfelt New Year.

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Chris Blundell; Councillor Paul Ashdown attended as his substitute.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in item 8 of the agenda as a member of Felixstowe Town Council and as Chairman of that authority's Planning and Environment Committee.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in item 8 of the agenda as a member of Felixstowe Town Council.

Councillor Kay Yule declared a Local Non-Pecuniary Interest in item 6 of the agenda as two of the responders to the application were known to her.

### **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 24 November 2020 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0601** 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 23 November 2020; at that time, there were 15 such cases.

The Chairman invited questions to the officers.

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

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

#### **RESOLVED**

That the report concerning outstanding enforcement matters up to 23 November 2020 be received and noted.

### **6 DC/20/3685/FUL - Gault House, 3A Thoroughfare, Woodbridge, IP12 1AA**

The Committee received report **ES/0604** of the Head of Planning and Coastal Management, which related to planning application DC/20/3685/FUL.

The application sought the demolition of an existing six-bedroomed dwelling and proposed replacement dwelling.

The application was heard by the Referral Panel on 8 December 2020 as a result of the Town Council's objections; the Referral Panel considered that the proposals should be heard by the Committee in order for the issues raised in relation to impact on the conservation area and residential amenity to be considered.

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, and the Committee was in receipt of an aerial view of the site which demonstrated its relationship with the surrounding area. The Senior Planner noted the proximity of several listed buildings; these buildings would not be affected by the proposal.

The Senior Planner outlined the objections received from neighbouring properties, as detailed in the report.

The Senior Planner outlined the recent approval of planning permission, DC/19/2290/FUL, which was adjacent to the current application site.

The Committee was shown photos of the site from The Thoroughfare, from inside the site, and from Lanyard Place.

The proposed block plan was displayed; this drawing compared the current application to the planning permission granted in 2010, C/10/2452, which had expired.

The Committee received the proposed plans, elevations and sections for the proposal. The Senior Planner provided details on the materials and finishing proposed to be used and detailed the comments of the Design and Conservation Officer, at paragraph 6.8 of the report, which stated that the increase in height would not be detrimental to the character of the Conservation Area.

The planning considerations were summarised as being the principle of development, impact on the Conservation Area and the impact on residential amenity.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee.

There being no questions to the officers the Chairman invited Mr Barker, agent for the applicant, to address the Committee.

Mr Barker explained that the application would replace an unattractive 1960s style house in the centre of Woodbridge with a traditionally designed family home. Mr Barker noted that the proposed dwelling had been designed as an attractive new home for his clients, who occupied the property currently on the site, and had been designed to be sensitive to the area, in both detailing and scale and sensitive to neighbouring properties.

Mr Barker highlighted the planning approval that had been granted on the site for a new house in 2010 and stated that the design from this expired approval had guided the design of the current proposal. Mr Barker confirmed that the new house would be no taller than what was approved in 2010 and the additional storeys in the current design were a result of internal space in the house being used more efficiently. The two storey part of the house would be further away from neighbouring homes in Lanyard Place and the roof would be shallower than that approved in 2010.

Mr Barker addressed concerns about the impact on the conservation area; he noted that the proposal had been subject to a pre-application consultation with planning officers and that an application for the same design was submitted earlier in 2020 and later withdrawn to complete a bat survey. Mr Barker highlighted that both the withdrawn and current applications had been supported by different design and conservation officers from the Council and considered that the impact on the conservation area had therefore been carefully considered and found to be acceptable.

In regard to overlooking to Lanyard Place, Mr Barker noted that the current house had a first floor window that overlooked the Lanyard Place rear windows and that this would not be the case for the new dwelling. Mr Barker highlighted concerns about overlooking of Church Street

and New Street properties; he considered that the densely developed areas around the site were already overlooked and not private. Mr Barker was of the view that the design limited overlooking.

Mr Barker said the surrounding area had buildings of a similar to height of the one proposed by the application and that the application site, which was half an acre in size, would be developed at a very low density compared to the surrounding area. Mr Barker noted that the size of the surrounding buildings meant that there would be no views of the site from public areas.

Mr Barker considered that the design of the dwelling would fit in with the varied architecture in the immediate area. Mr Barker explained that his clients wanted to keep this dwelling as a family home and noted that the application placed one house on one plot. Mr Barker sought the Committee's support for the application.

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

A member of the Committee, who was also Ward Member for Woodbridge, stated that she had requested the application come before the Committee as she was concerned it was contrary to policy SCLP11.2 of the Suffolk Coastal Local Plan regarding its impact on the residential amenity of neighbouring properties, particularly those properties in Lanyard Place. The Member's chief concern was the impact of the height of the building on Lanyard Place; she acknowledged the building was no higher than what was approved in 2010 but was concerned by the impact of the style of design.

Another member of the Committee noted that Woodbridge was an ancient town and its centre should not be changed lightly. The Member had some concerns about the application but considered there was no reason to protect the existing house and that the proposal would be an improvement on what was currently on the site. The Member stated he would vote in favour of the application and sought protection of the residential amenity for those residents at Lanyard Place.

It was noted by a member of the Committee that the Referral Panel had directed this application to the Committee, and that the report and information heard at the meeting had confirmed that overlooking was no longer an issue. He proposed that authority to approve the application be delegated to the Head of Planning and Coastal Management.

The Vice-Chairman expressed concern about the impact on the Conservation Area and sought clarity around the finish that would be used. The Senior Planner confirmed that the finish would be render and that there were examples of this type of finish in the locality. The Vice-Chairman concluded his remarks by stating that this was not necessarily a reason to permit further finishes of this type in the area.

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.

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

## RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management in accordance with local and national policy subject to controlling conditions.

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

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following drawings

received 17th November 2020  
8035-PA.20.03 REV E  
8035-PA.20.04 REVE  
8035-PA.20.02 REV G

received on 18th September 2020  
8035-PA.20.01 REV C  
8035-PA.20.04 REV D  
8256-D-AIA

Tree Survey Arboricultural assessment

Preliminary Roost Assessment

Bat Survey Report

Design and Access Statement for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

*Reason: For the 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. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Bat Survey Report (Abrehart Ecology, September 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

5. 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.*

6. The use shall not commence until the area within the site shown on Drawing No.8035- PA/20/03 Rev E for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area 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.*

7. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 8035-PA/20/03 Rev E shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

8. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials

commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

*Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.*

#### 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@eastsuffolk.gov.uk](mailto:CIL@eastsuffolk.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. BS 3998: 2010 The applicant should note that the work hereby permitted should be carried out in accordance with good practice as set out in the 'British Standard Recommendation for Tree Work' BS 3998: 2010, or arboricultural techniques where it can be demonstrated to be in the interests of good arboricultural practice.

#### Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed. Likewise, badgers are protected under the Badgers Act 1992 and if disturbance is likely, a licence may be undertaken from the Ministry of Agriculture and Food before any work is undertaken.

#### Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land, or entering land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before the work starts.

#### 2 Year Time Limit:

The applicant should note that the work hereby granted consent shall be carried out and completed within a two-year period from the date of this consent unless otherwise agreed in writing by the local planning authority. This is to enable the local planning authority to reassess the acceptability of the work in light of changed circumstances if it has not been completed within this period.

### **7 DC/20/2913/FUL - Home Farm, Hollesley Road, Capel St Andrew**

The Committee received report **ES/0602** of the Head of Planning and Coastal Management, which related to planning application DC/20/2913/FUL.

*Note: during the determination of this item, Members highlighted typographical errors in the report at paragraphs 4.1 and 6.24. It was agreed that the case officer would amend the report after the meeting and supply an amended copy to the Democratic Services Officer, who would add it to the meeting documents published on the Council's Committee Management Information System (CMIS).*

The application sought to convert an existing farmstead into seven residential properties.

The application had been considered by the Referral Panel as Councillor Mallinder, the Ward Member, had raised concerns over the sites development in terms of the impact it would have on the Area of Outstanding Natural Beauty (AONB) and the Royal Society for the Protection of Birds (RSPB) centre; Councillor Mallinder had also raised concerns over the loss of unique habit and biodiversity and the units becoming short term holiday lets. Councillor Mallinder had considered that seven units to be overdevelopment and would have a detrimental impact on highway safety. The Referral Panel had therefore referred the application to the Committee for determination.

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, and the Committee was in receipt of an aerial view of the site; the Senior Planner highlighted on the image the steel-framed barns that would be removed as part of the development. Another aerial image of the site was displayed which outlined the application site's relationship with Capel St Andrew and other nearby areas.

Photographs of the site from the surrounding highways, barns 1, 2, 3, 4 and the stables, and the elements to be demolished, were shown to the Committee.

The proposed block plan was shown to the Committee.

Drawings of the access visibility splays were displayed. Following concern raised regarding access and highway safety, a speed survey was carried out by the applicant and submitted to



the Highways Authority. The Council had received a formal response from the Highways Authority removing the holding objection and requesting conditions. This information was contained within the update sheet circulated on 21 December 2020.

The proposed plans and elevations for all the plots on the site were displayed to the Committee. The Senior Planner noted that the proposed designs would retain the agricultural heritage of the site.

The material planning considerations and key issues were summarised as the principle of development in relation to conversion of redundant buildings in the countryside, the impact on the Area of Outstanding Natural Beauty (AONB), design and amenity, access, and ecological considerations.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

The Senior Planner confirmed the proposed doors on the front elevations of plots two and three had been removed.

A water supply to the site had not been finalised; the Senior Planner advised the Committee that this was not a material planning consideration.

A member of the Committee considered that the proposed development was contrary to policies on buildings in the countryside as there was no identified need and asked if there was any way to prevent the dwellings being used as holiday lets. The Senior Planner explained that the proposed development was in accordance with policy SCLP5.5 of the Suffolk Coastal Local Plan regarding the conversion of redundant buildings in the countryside; the Committee was advised that it would not be possible to add a condition preventing the use of the dwellings as holiday lets.

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

Mr Wells said he was very familiar with the site and stated that the proposed conversion had been carefully considered. Mr Wells considered that the development was in accordance with policy SCLP5.5 of the Suffolk Coastal Local Plan and policy DM13 of the former Suffolk Coastal Local Plan that had preceded it.

Mr Wells was grateful for the support the application had received from both planning officers and Butley, Wantisden & Capel St Andrew Parish Council.

Mr Wells noted that the Highways Authority was now content with the proposals; in response to the concerns of the Highways Authority the applicant had removed the access to plot three and had undertaken a speed survey and volume traffic survey. The surveys had identified that the average speed past the site was 25mph and that the number of traffic movements was very minimal, and this had justified the reduction of the visibility splays.

Mr Wells considered the proposed conversion scheme to be positive.

There being no questions to Mr Wells the Chairman invited Councillor James Mallinder, Ward Member for Capel St Andrew, to address the Committee.

Councillor Mallinder considered the updated Highways Authority response to be misleading; he outlined the issues with road flooding in the area due to differing levels between the roads and the surrounding fields, with a severe near-miss incident having recently occurred.

Councillor Mallinder pointed out that soil and sand was often spread onto local roads by agricultural vehicles operating in the area and noted that the application site was also close to the RSPB Boyton Reserve.

It was highlighted by Councillor Mallinder that the development would double the size of Capel St Andrew and could bring up to 14 new cars to the area. Councillor Mallinder said he struggled to see what the development would contribute to the community, considering it to be a high density development that did not provide any affordable housing and would impact negatively on the environment and the local community.

The Chairman invited questions to Councillor Mallinder.

Councillor Mallinder reiterated his concerns about the concentration of dwellings provided by the application, as well as concerns about a lack of local public transport links for the area. Councillor Mallinder said that the increase in population that would be caused would make a fundamental difference to the area.

Councillor Mallinder advised that the population of Capel St Andrew was between 10 and 20 people.

In response to a question from the Vice-Chairman, the Senior Planner advised that surface water drainage would be dealt with by soakaways and confirmed that the issue could be controlled by condition.

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

Several members of the Committee spoke in support of the application, noting that the issues relating to access and highways safety had been resolved.

One member of the Committee noted that the application was not creating new buildings but would be converting redundant agricultural buildings; he said this would put the buildings to good use and highlighted that such a scheme was supported by national and local planning policies.

Another member of the Committee acknowledged that the development would be an attractive one but was concerned about its impact on the AONB and the local community.

It was noted by a member of the Committee that although the access and highways safety issues had been resolved, there still appeared to be an issue regarding flooding on the roads; she highlighted that the Council had declared a climate emergency and should be taking this seriously. The Member asked the Senior Planner what investigations had taken place in respect of surface water drainage.

In response to this, officers advised the Committee that as the application proposed to develop existing buildings and not construct new buildings, there would be no change to surface water drainage on the site. The Principal Planner explained that existing issues could not be resolved through the planning process and this issue would need to be addressed by the Highways Authority and local landowners.

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.

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

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management for approval in accordance with local and national policy subject to controlling conditions.

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

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

2. The development hereby permitted shall be completed in all respects strictly in accordance with the documents listed below:

Received 19th October 2020

PW1083\_PL\_08RevB

PW1083\_PL\_10RevB

PW1083\_PL\_09RevB

PW1083\_PL\_12RevA

Received 8th October 2020

PW1083\_PL\_16RevA

Received 11th Aug 2020

Ecological impact assessment

Received 4th Aug 2020

Design and Access Statement

Heritage Assess Assessment

Heritage Impact Assessment

Structural inspection report

Preliminary Ecological Assessment

PW1083\_PL\_15

PW1083\_PL\_14

PW1083\_PL\_13

PW1083\_PL\_11

PW1083\_PL\_07  
PW1083\_PL\_06  
PW1083\_PL\_05  
PW1083\_PL\_04  
PW1083\_PL\_03  
PW1083\_PL\_02  
PW1083\_PL\_01

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

*Reason: For the 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. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (EclA) (Liz Lord Ecology, August 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

5. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

*Reason: To ensure that nesting birds are protected.*

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.

- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

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

- a. a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified 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 development will require a licence.

*Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development*

8. Prior to commencement an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

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

9. No external lighting shall be installed on site unless a "lighting design strategy for biodiversity" has been submitted to and approved 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.*

10. 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 consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) 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.*

11. 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 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.*

12. 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.*

13. 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.*

14. 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.*

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said

Order] no development of any kind specified in Part[s] [1], Class[es] [A;B;C;D;E] of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

*Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents.*

16. 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 DM01 and with an entrance width of 4.5m.

Thereafter the access shall be retained in the specified form.

*Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.*

17. The use shall not commence until the area(s) within the site shown on Drawing No. PW1083\_PL08 Rev. B 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.*

18. Before the access is first used visibility splays shall be provided as shown on Drawing No. PW1083\_SLK01 Rev. / and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: In the interests of Highway Safety to ensure there a suitable visibility splays for the proposed 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 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](mailto: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](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. It is unclear whether the development will involve a connection to the mains, or a private water supply. If the development involves connecting to an existing private water supply, or the creation of a new private water supply advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended).

#### **8 DC/20/4028/FUL - Public Conveniences, The Ferry, Felixstowe, IP11 9RZ**

The Committee received report **ES/0603** of the Head of Planning and Coastal Management, which related to planning application DC/20/4028/FUL.

The application sought permission to make improvements to the public toilets, which included the construction of an annex building for a sewage treatment plant to the rear and the reconfiguration of the public toilet building.

As the applicant was East Suffolk Council, the application was before the Committee for determination, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

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

The site's location was outlined, and the Committee was shown photographs of aerial views of the site and views of the site from the road.

The proposed block plan was outlined to the Committee.

The proposed elevations and floor plans were displayed, as well as a section of the proposed development which highlighted the size of the septic tank required and the reason for the height of the building.

The Trainee Planner outlined the alternative solutions for sewage removal that had been considered; it had been determined by applicant that the solution selected was the only feasible one for the site.

The material planning considerations and key issues were summarised as noise/odour pollution, design (scale, overbearing), fire/access hazard, the Area of Outstanding Natural Beauty (AONB), the re-siting of a container, misjudgement of calculations, common land, and not 21-day notice being erected.

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

The Chairman invited questions to the officers.

The Trainee Planner confirmed that there was sufficient space for a tanker to access the site to drain the septic tank.

The Chairman invited Kathryn Hurlock, the Council's Asset and Investment Manager and speaking on behalf of the applicant, to address the Committee.

Ms Hurlock confirmed that the Council was currently providing public conveniences at The Ferry and the existing facility had been operating for a number of years. The conveniences were the only ones in the area, with the next nearest facilities being at The Dip; Ms Hurlock explained that as a result the public conveniences were used extensively as The Ferry was a popular area and that a long-term solution was required for them, in order to meet current regulations on the removal of sewage waste.

Ms Hurlock confirmed that expert advice had been sought to ascertain the solution proposed and highlighted the issues on the site regarding flooding. During development of the proposal consideration had been given to flooding, fire risk and noise pollution.

Ms Hurlock confirmed that the solution proposed was the best possible for the site; it was designed to assimilate into the local landscape and would give an overall update to the facilities available. Ms Hurlock advised that a noise assessment was completed.

Ms Hurlock concluded that the Council was committed to ensuring that the updated conveniences could be used by both tourists and local businesses in the area.

The Chairman invited questions to Ms Hurlock.

Ms Hurlock advised that several local businesses at The Ferry were reliant on the public conveniences as they did not have toilet facilities of their own, explaining that the size of proposed substantial sewage plant was to accommodate this level of use.

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

The Chairman opened the debate by stating that the public conveniences at The Ferry were long overdue for an overhaul. The Chairman was in support of the proposals, acknowledging the increased height and noting the increased use of the facilities at peak periods.

Another member of the Committee, who was also Ward Member for Western Felixstowe, also supported the application and agreed that the existing facilities needed to be refreshed, noting that Felixstowe Town Council had been lobbied by local businesses in the past to improve the facilities.

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

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

## **RESOLVED**

That the application be **APPROVED** subject to the conditions detailed below.

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

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

2. The development hereby permitted shall be completed in all respects strictly in accordance with 15-12-52/02, 03B, 04A, 05 and 10 received 09/10/2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

*Reason: For the 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 development will be completed in accordance with the Noise Assessment Report which includes all proposed plant, machinery and noise mitigation recommendations based on BS4142:2014. The noise mitigation measures recommended should be implemented in full prior to the operations on the site and retained thereafter.

*Reason: To protect the amenity of surrounding residential properties, as noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or generators,) can be annoying and disruptive.*

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.

The meeting concluded at 3:12 pm

.....  
Chairman