

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 21 July 2020 at 2:00 pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor Peter Byatt, Councillor Ray Herring, Councillor David Ritchie, Councillor Rachel Smith-Lyte

**Officers present:**

Liz Beighton (Planning Manager), Sarah Carter (Democratic Services Officer), Sarah Davis (Democratic Services Officer), Grant Heal (Planner), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner)

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**1 Announcements**

When opening the meeting, the Chairman advised that she had requested for item 7 of the agenda relating to application DC/20/1033/FUL at Easton Farm Park to be deferred, and that it would not be considered at the meeting.

The Chairman explained that this was in order for the Committee to undertake a site visit prior to determining the application; it was considered that a site visit was required so that the Committee could fully understand the potential landscape impact of the proposed development on the site.

**2 Apologies for Absence and Substitutions**

There were no apologies for absence.

**3 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 the Chairman of its 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.

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

There were no declarations of lobbying.

#### **5 Minutes**

##### **RESOLVED**

That the Minutes of the Meeting held on 30 June 2020 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0437** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 30 June 2020.

The Planning Manager provided an update on the enforcement case at 98 Tangham Cottages, Tangham; she advised that both appeals had been dismissed and the enforcement notices upheld, with the timescale for compliance extended from three to six months.

The Chairman invited questions to the officers.

The Planning Manager stated that the enforcement case at Pine Lodge, Hinton, was currently with the Council's legal team to ascertain if compliance had been achieved on the site. The Committee was advised that the campervan was not present on the site when officers last visited the site.

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

##### **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 30 June 2020 be received and noted.

#### **7 DC/20/1035/FUL - Former Rendlesham Sports Centre Site, Walnut Tree Avenue, Rendlesham, IP12 2GF**

The Committee received report **ES/0438** of the Head of Planning and Coastal Management, which related to planning application DC/20/1035/FUL.

The application site was located within the Rendlesham District Centre and comprised of an area of open land. Previously, Rendlesham Sports Centre had been located on the site. The application proposed the erection of 11 affordable homes and three retail units with associated access and parking.

The application had been presented to the Referral Panel on 23 June 2020 as the Officer's 'minded to' recommendation of approval was contrary to the Parish Council's objection on the

basis that the application was contrary to policy. The Referral Panel commented on the effort that had gone into the production of the Rendlesham Neighbourhood Plan and therefore considered that the application should be presented to the Committee for full consideration.

The Committee received a presentation on the application from the Senior Planner acting as the case officer. The site's location in the centre of Rendlesham was outlined, and its relationship to surrounding buildings was demonstrated.

Photographs of the site detailing the proposed shop access, views in and out of the site and the site's relationship with Sycamore Drive and Rendlesham Primary School were displayed.

The Senior Planner outlined the proposed site layout; the housing element of the development was to be allocated to the north and west of the site, facing on to Sycamore Drive, and the access to the commercial element of the site would be from Walnut Tree Avenue to the south. The Committee was in receipt of detailed layouts of the residential and commercial layouts.

The Committee was provided with the elevations and floor plans for both the proposed residential and commercial units.

The main consideration was outlined as the principle of the development of residential units on the District Centre site and therefore whether the proposal complied with policy RNPP1 of the Rendlesham Neighbourhood Plan.

The Senior Planner stated that whilst the aspirations of Rendlesham Parish Council and the community had been recognised, officers did not consider that the proposal was contrary to policy and therefore the mix of uses proposed for the site including retail and residential was considered an acceptable solution.

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

There being no questions to the officers, the Chairman invited Ms Heelis, representing Rendlesham Parish Council, to address the Committee.

Ms Heelis stated that the Rendlesham Neighbourhood Plan was a solid and community led strategy that would provide a sustainable future for Rendlesham. Ms Heelis noted that the former Suffolk Coastal District Council had voted unanimously to adopt the Rendlesham Neighbourhood Plan in 2015.

Policy RNPP1 of the Rendlesham Neighbourhood Plan was said to have been designed to create a thriving centre for community cohesion and to provide the required infrastructure. Ms Heelis highlighted the Planning Inspectorate appeal decision in 2014 regarding proposals for a housing development, in which RNPP1 was said to have been central to the Inspector's decision to dismiss the appeal; Ms Heelis quoted the comments of the Secretary of State for Housing, Communities and Local Government on policy RNPP1.

Reference was made to the 50 affordable houses that would be provided as part of housing developments elsewhere in Rendlesham; Ms Heelis said that further affordable housing was not needed in the centre of Rendlesham and that the addition of another convenience store was not necessary as the existing shop in the centre sufficiently served residents' needs.

Ms Heelis said that Rendlesham needed a centre fit for purpose for both the present and the future, to serve the expected growth in population that would be caused by other housing developments in the area, and asked the Committee to uphold the policies of the Rendlesham Neighbourhood Plan.

The Chairman invited questions to Ms Heelis.

Ms Heelis confirmed that both Rendlesham Parish Council and the former Suffolk Coastal District Council had offered to purchase the site but that the landowner had not wanted to sell.

A member of the Committee asked Ms Heelis how the provision of additional retail units and affordable housing would not provide a sustainable future for the local community. Ms Heelis replied that 50 affordable housing units would be provided by developments elsewhere in Rendlesham and that this would meet the needs of young people in the town looking to get on the property ladder. Ms Heelis considered that important infrastructure space should not be filled with housing.

In response to a question regarding the prospect of a social centre being developed, Ms Heelis said that the Parish Council had been limited on what it could do as it did not own the site, but wanted to carry through the type of centre proposed in the Rendlesham Neighbourhood Plan. At this point in the meeting, the Chairman reminded the Committee that it was determining the application that was before it on its own merits and not on alternative possibilities for the site.

A member of the Committee asked officers how this application differed from the application refused in December 2019. The Senior Planner explained that the application was broadly the same but that the reasons for refusal, namely the details of the housing mix and surface water drainage issues, had been resolved in the current application.

The Chairman invited Mr Tuck, agent for the applicant, to address the Committee. Also present was Mr Hart, the architect, who was at the meeting to answer any questions the Committee had.

Mr Tuck detailed the reasons given for the refusal of the application on the site in December 2019 and confirmed that these issues had been resolved with the new application, and that the Council and statutory consultees were now satisfied with the application. A RAMS payment had also been made in relation to the application.

Mr Tuck acknowledged the objections raised and explained that the primary drive of the application was its commercial element, which fell within one of the preferred uses for the district centre identified in the Rendlesham Neighbourhood Plan. He considered that if there was an identified demand for the retail units, they would be taken up by businesses.

It was explained by Mr Tuck that the site could not be fully developed for commercial use due to the configuration of underground utility supplies. A marketing assessment had been submitted and there had been a lack of commercial interest on the site; Mr Tuck advised that the site owner had not received any offers.

Mr Tuck confirmed that a registered provider for the affordable housing had been identified and that the Co-Op was the proposed occupier for retail unit A. Mr Tuck added that the Council's Economic Development team were supportive of the application as it would create additional jobs in the area. Changes had also been made to bin store arrangements.

Mr Tuck said that if the application were approved it would be of benefit to the community and hoped that the Committee could support it.

There being no questions to Mr Tuck, the Chairman invited Councillor Ray Herring, Ward Member for Rendlesham, to address the Committee.

Councillor Herring considered the reasons for approval in the Officer's report to be weak and said that the report mostly concentrated on the objections to the application and the details of the scheme. He was of the view that the proposals would not meet the needs of Rendlesham.

Councillor Herring said that this was a new district centre and should be developed in accordance with a defined plan. He considered that the application did not support the needs identified in the Rendlesham Neighbourhood Plan; he wanted the centre to be sustainable, include open space and be within the context of Rendlesham's requirements.

It was the opinion of Councillor Herring that the Committee should not accept a scheme that did not meet the needs of the area. He said the centre should be planned as a whole and noted that the application site did not cover the whole of the site identified for the town centre. Councillor Herring acknowledged that the centre needed to be developed but should be done in the right way and that there would not be a second chance to get it right. Councillor Herring stated that he supported Rendlesham Parish Council's aspirations and position.

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

A member of the Committee spoke at length in favour of the application. He said he understood Rendlesham Parish Council's aspirations and related the situation to a similar one in his own Ward, where a compromise had been accepted that included housing. He considered the site to be brownfield and that the affordable housing would be a windfall for Rendlesham, and also considered that an additional shop would provide competition and improve the retail offer of the town in addition to improving a currently redundant site.

Another member of the Committee agreed with the previous statement but expressed concern that the application did not appear to accord with the Rendlesham Neighbourhood Plan and therefore what the local community wanted to see on the site, and highlighted that Rendlesham Parish Council had not been able to progress its aspirations as it had not been able to buy the land. He advised that for these reasons, he would be voting against the application.

Several other members of the Committee referred to the Rendlesham Neighbourhood Plan during debate and stated that they could not support the application as it went against what the people of the town wanted to see on the site.

The Chairman stated that she sympathised with the views of the objectors; she invited the Head of Planning and Coastal Management to advise the Committee what weight could be given to the Rendlesham Neighbourhood Plan when determining the application.

The Head of Planning and Coastal Management confirmed that the Rendlesham Neighbourhood Plan had been "made" and should be given significant weight as it was part of the suite of documents that formed the Council's Development Plan. He noted that the Senior Planner's presentation had made it clear that Planning officers considered that the scheme was in accordance with the Rendlesham Neighbourhood Plan.

The Committee was advised that policy RNPP1 of the Rendlesham Neighbourhood Plan did not provide any requirement for the centre to be developed comprehensively and as a whole; the Head of Planning and Coastal Management acknowledged that there had been ongoing issues with this site and the site of the former Angel Theatre for a number of years and that the former Suffolk Coastal District Council, at one stage, had been interested in acquiring the site, but that negotiations had not resulted in a purchase.

The Head of Planning and Coastal Management confirmed that the application was in accordance with RNPP1 and the scheme would positively address matters outlined in the Rendlesham Neighbourhood Plan. He also advised that should the Committee be minded to refuse the application, officers would find it difficult to advise on specific material planning reasons for refusal that could be successfully defended at appeal.

A member of the Committee referred to objections not received from immediate neighbours of the site and considered that it could be assumed they are in favour of the application. The Senior Planner highlighted the map at page 75 of the report that detailed consultation responses; she advised that there had been a mixture of objections and no responses and said that a lack of response could not be seen as implicit support of the application.

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

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

## **RESOLVED**

That the application be **APPROVED** subject to no objections being received in relation to the Air Quality Assessment being carried out, controlling conditions as detailed below and the completion of a S106 Agreement to secure the affordable housing and secure £15,000 for works to the Highway.

### Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing Nos. 7641 24B and 7641 25, Planning Statement, Design and Access Statement and Preliminary Ecological Appraisal received 3 March 2020, Ground Investigation Reports received 17 March 2020, Flood Risk Assessment received 16 April 2020 and Drawing

Nos. 7641 200, 21B, 23D and SLSP/15/0002 Rev 2 received 22 May 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 construction of Plots 1 to 5 shall not be commenced until the new Sycamore Drive vehicular access, located to the east of Plots 1 to 5, has been laid out and completed in all respects in accordance with the Site Access Strategy Drawing No.SLS P/15/0002 Rev 2; with clear visibility at a height of 0.6 metres above the carriageway level cleared and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 41.4 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y1 dimension), and with clear visibility at a height of 0.6 metres above the footway/cycle track level cleared and thereafter permanently maintained in that area between the back of the footway/cycle track and a line 2.4 metres from the back of the footway/cycle track at the centre line of the access point (X2 dimension) and a distance of 15.8 metres in each direction along the back edging of the footway/cycle track from the centre of the access (Y2 dimension). Thereafter the access shall be retained in the specified form.

*Reason: To ensure that the access is designed and constructed to an appropriate specification.*

*Site Specific Reason: Due to the locational relationship between the building line, the access centreline, the curved kerb and edging lines and the HV cable easement areas, this condition is required to ensure that the building frontage of Plots 1 to 5 does not conflict with the required minimum visibility splays that are to be formed with Y dimensions measured along the relatively tight radius carriageway and back of cycle track edge lines.*

5. Within 3 months of the commencement of development, details of the areas to be provided for residents and employees', secure covered cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

*Reason: To ensure the provision of long term cycle storage in accordance with Suffolk Guidance for Parking (2019).*

6. Within 3 months of the commencement of development, details of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

*Reason: To ensure the provision of electric vehicle charging points in accordance with Suffolk Guidance for Parking (2019).*

7. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

*Reason: To prevent hazards caused by flowing water or ice on the highway.*

8. The use shall not commence until the area(s) within the site on 14th May 2020 revision of Drawing Number 7641-20-REV-O for the purposes of Loading, Unloading, manoeuvring and parking of vehicles, and retail element visitor cycle parking, has been provided and thereafter that area(s) shall be retained and used for no other purposes.

*Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, and retail visitor cycle parking, in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.*

9. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 7641-20-REV-O 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.*

10. Before the development is commenced, a Service Management Plan (SMP) regarding the retail units shall be submitted to and approved in writing by the Local Planning Authority. The Service Management Plan (SMP) shall describe the means of servicing and times of deliveries and means provision for servicing/delivery vehicles. The SMP should identify exactly how and what types of vehicles are anticipated for the retail uses and their delivery times should also be detailed to demonstrate that the proposed system would work. Any measures described in the SMP shall be implemented within the time period identified and adhered to thereafter.

*Reason: In the interests of highway safety, the SMP is required to ensure that the impact from retail unit service and delivery traffic operations on existing users of Walnut Tree Avenue is minimised.*

11. Prior to commencement of development a Traffic Regulation Order shall be progressed that seeks to extend the existing on street waiting prohibition to prevent parking on the inside bend of Sycamore Drive obstructing the western visibility splay of the new access east of Plots 1-5.

*Reason: In line with MfS guidance, any on-street parking should ideally be located outside of visibility splays.*



12. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.*

13. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

*Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

14. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.*

15. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) by a qualified principle site contractor, detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority.

The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-

i. Temporary drainage systems

ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses

iii. Measures for managing any on or offsite flood risk associated with construction

*Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life.*

16. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Practical Ecology, January 2020).

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

17. Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All 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.*

18. 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 enhancements measures will be delivered in accordance with the approved Strategy.

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

19. 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) A desk study and site reconnaissance, including:
  - a detailed appraisal of the history of the site;
  - an inspection and assessment of current site conditions;
  - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
  - a conceptual site model indicating sources, pathways and receptors; and
  - a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).
- b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:
  - the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
  - an explanation and justification for the analytical strategy;
  - a revised conceptual site model; and

- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

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

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

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

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

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

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

21. Prior to any occupation or use of the approved development the RMS approved under condition 20 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.*

22. 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.*

23. 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 BS10175:2011+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.*

24. Prior to commencement of development, a noise survey shall be undertaken and a report submitted. The survey shall be undertaken by a competent person and shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on BS8233-Guidance on sound insulation and noise reduction for buildings, given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in daytime: 50 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm<sub>ax</sub>)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm<sub>ax</sub>)

The report shall also consider noise from existing and proposed fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level

cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. This shall be based on BS4142:2014 Methods for rating and assessing industrial and commercial sound. All detail and appropriate consequential noise mitigation measures shall have been agreed, in writing, by the Local Planning Authority and shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

*Reason: To ensure that noise from the commercial development is not detrimental to the residential amenity of neighbouring residents.*

25. No piling operations shall be undertaken unless the details and method of piling is previously agreed in writing with the Local Planning Authority.

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

26. Prior to the commencement of development, a Construction Management Plan, to identify how the potential for nuisance from demolition/construction site dust, noise and light will be controlled, shall be submitted to and approved in writing by the local planning authority. This should include site working times and should be agreed and approved by the LPA prior to any work on site taking place. All construction works shall be carried out in accordance with the approved Construction Management Plan.

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

27. There shall be no burning of any material on site.

*Reason: In the interest of residential amenity.*

28. Prior to occupation of any of the properties (residential or commercial) hereby permitted, a management plan for maintenance of the communal areas to include, but not limited to, the access road, parking and turning areas and the landscaped areas shall have been submitted to and approved in writing by the local planning authority. The maintenance plan should include long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of at least 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

*Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.*

29. Within 3 months 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.*

30. The approved landscaping scheme 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 5 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.*

31. Within 6 months of the commencement of development, precise details of all of the means of enclosure (i.e. hedgerows, fences, gates, walls etc.) shall have been submitted to and approved by the Local Planning Authority. Prior to occupation of any of the dwellings or commercial units hereby approved, all boundary treatments shall have been planted or erected. The approved means of enclosure shall thereafter be retained in their approved form.

*Reason: In the interests of visual and residential amenity.*

32. Prior to occupation of the 5th dwelling hereby permitted, all three of the commercial units shall have been completed and be made ready for occupation.

*Reason: To ensure that the commercial units are delivered in a timely manner ensuring the supply of community infrastructure within the District Centre.*

33. Prior to the use commencing, details of an external lighting scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and retained in its approved form.

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

34. Prior to the commencement of development, the developer shall deposit a sum of £15,000.00 to cover Suffolk County Council's costs and fees associated with progressing and implementing Traffic Regulation Orders (TRO). Five years after the development's formal completion date, any balance of the £15,000.00 remaining shall be returned to the developer.

Reason: The development is such that a TRO is required to ensure that parked vehicles would not interrupt visibility splays in order to make the application acceptable.

#### 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. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)

4. In relation to Condition 5, details of cycle storage sheds are not yet provided. Sheds are usually located in private secure gardens. Residential Long term Cycle Storage in Communal Areas needs appropriate security measures Sheffield stands are suitable for short term customer/visitor parking but not for longer term employee cycle parking.

5. In relation to Condition 10, the Transport Statement has suggested timings of delivery windows and maximum service vehicle types and sizes (Rigid 10.5m or 12m length).

6. In relation to Condition 11, visibility splay parking on the inside of a bend is more problematic than parking on the outside of a bend. The parking obstruction issue is therefore considered to be primarily to the west of the new access location. SCC as LHA's associated costs and fees to be covered by a S106 obligation.

7. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

8. The infiltration rate used for design purposes is (21.39mm/hr), a figure obtained through a soakage test undertaken at Trial Pit Number SA05. The soakage test was undertaken at a depth of 5.0mBGL, whereas the invert level of the soakaway is proposed at 4.1mBGL, presenting concerns as to whether the proposed infiltration rate is a realistic representation of the actual infiltration rate at the depth of the soakaway. It is noted that the proposed 4.1mBGL invert level is situated on the border of the clay and sand layers identified within the borehole associated with SA05.

It is recommended that further infiltration testing, in accordance with BRE 365, is undertaken at the location of the proposed soakaway. The depth of the soakage test should be in accordance with the invert level of the proposed soakaway to provide an accurate representation of the infiltration capacity at the proposed soakaway location. The additional soakaway tests would also demonstrate whether the clay layer close to the proposed invert level would have an adverse impact on the achievable infiltration rate. The half empty time of the soakaway design is 13,634 minutes (227.23 hours), significantly above the maximum 24 hours requirement. The design should ensure there is sufficient storage for both the 1:100 +40% and 1:10 +40% event combined as the half drain times are insufficient. It would be useful to understand where the pollution mitigation incidences associated with the proposed Polypipe Permaceptor Diffuser derive from as this information does not appear to be present within table 26.4 of the CIRIA SuDs Manual as suggested within the Drainage Strategy.

10. 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.

11. The applicant's attention is drawn to the comments from the Designing Out Crime Officer and it is encouraged that as many of these suggestions are incorporated into the scheme to help achieve a safe environment.

#### **8 DC/20/1033/FUL - Easton Farm Park, Sanctuary Bridge Road, Easton, IP13 0EQ**

This item was **DEFERRED** in order for a site visit to be held prior to the Committee determining the application; it was considered that a site visit was required so that the Committee could fully understand the potential landscape impact of the proposed development on the site.

#### **9 DC/20/1603/FUL - Seaton Recreation Ground, Seaton Road, Felixstowe, IP11 9BS**

The Committee received report **ES/0440** of the Head of Planning and Coastal Management, which related to planning application DC/20/1603/FUL.

The application sought full planning permission for a new welfare hub (including three units positioned on paving slabs to accommodate storage, W/C's and coffee hut), security fencing and security lighting at Seaton Recreation Ground, Seaton Road, Felixstowe. There were no objections from statutory consultees, however, the applicant was East Suffolk Council and the land was owned by East Suffolk Council. In accordance with the Council's adopted scheme of delegation, this application was therefore referred to the Committee for determination.

The Committee received a presentation on the application from the Planner acting as case officer. The site's location was outlined; an aerial view of the site was displayed, and it was noted that the site was accessible from Cornwall Road.



The Committee was shown photographs of site demonstrating views across the Recreation Ground towards the application site and from the site looking out onto the surrounding area.

The proposed block plan was displayed, demonstrating the arrangement of three units on the site. The fencing was specified as being 2.4 metres in height. The compound would be accessed via two double gates.

The proposed floor plans and elevations of the units (east and west) were shown to the Committee. Photographs of the proposed type of units, lighting and fencing to be used were also displayed.

The main considerations were outlined as benefits to community health and social wellbeing, the increased offer of recreational activities and events at Seaton Recreation Ground, improvements to the existing pedestrian entrance, and encroachment on a small area of recreation ground.

The recommendation to delegate authority to approve, as set out in the report, was highlighted to the Committee.

The Chairman invited questions to the officers.

The Planner stated that due to the scale of the development the applicant had originally intended to install two toilet stalls, but this had been changed to one fully accessible toilet. The Planner confirmed that the toilet had been designed to be fully accessible.

A member of the Committee asked for specifics on the lighting that would be used and what impact it would have on neighbouring properties. The Planner said he did not have the lighting specifications but confirmed that the lighting would only be used when the site was in operation and would not be in use outside of those times. Further information would need to be submitted for any additional lighting on the site.

It was confirmed that the site would be operated on evenings and weekends but that specific hours had not been fixed.

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

Two members of the Committee, who were both Ward Members for Western Felixstowe, opened the debate and spoke in favour of the application. They noted that the use of this site by the Trimley Red Devils football team would have a positive knock-on effect for sporting provision in Felixstowe that would be of benefit for several clubs and organisations in the town. It was highlighted that there had previously been a changing area on the site that had been demolished some time ago, and that this development could be seen as a replacement of sorts.

A member of the Committee sought clarification on use of the site. The Planning Manager confirmed that Seaton Recreation Ground would still be primarily used as a recreation ground and that the proposed facilities would allow the site to be used as an overspill by Trimley Red Devils which in turn would improve and diversify the sports offer in Felixstowe. The Member

expressed some concern about the use of the site for football, given the impact it would have on the land, and the provision of changing rooms for male and female players.

Several other members of the Committee spoke in support of the application and considered that it would be of benefit to the local area in terms of sporting provision.

One member of the Committee, who was in support of the application, asked for the Council to be mindful for future opportunities to expand the site for the use the site for other sports.

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

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

## **RESOLVED**

That **AUTHORITY TO APPROVE** be delegated to the Head of Planning and Coastal Management subject to no additional material planning considerations being raised during the remaining consultation period (expires 9 July 2020) and subject to the conditions set out below.

### Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s):

- 170 01 Rev F (Proposed site plan) received 18 May 2020;
- 170 03 Rev F (Proposed plan) received 18 May 2020;
- 170 00 (Existing site plan) received 28 April 2020;
- 170 02 Rev A (Proposed elevations) received 28 April 2020;
- and
- 170 04 (Proposed location plan) received 28 April 2020.

*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. No additional floodlighting or other means of external lighting shall be installed at the site unless submitted to, and approved by the local planning authority. The details submitted shall include position, operating times, details of luminaires, aiming angles and

vertical and horizontal illuminance on areas outside the site. Thereafter the lighting scheme shall be implemented and maintained in accordance with the approved scheme.

*Reason: In the interests of amenity, and 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 and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

The meeting concluded at 3:23 pm

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Chairman