

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft
on **Tuesday, 16 October 2018** at **6.00pm**

Members Present:

P Ashdown (Chairman), N Brooks, J Ceresa, G Elliott, J Ford, T Goldson, I Graham, J Groom, M Ladd, R Neil, M Pitchers and C Rivett.

Officers Present:

L Beighton (Interim Planning Development Manager), C Buck (Senior Planning Enforcement Officer), C Green (Senior Planning and Enforcement Officer) and S Carter (Democratic Services Officer).

In attendance:

Councillors J Murray and D Ritchie.

1 APOLOGIES / SUBSTITUTES

An apology for absence was received from Councillor M Cherry.

2 MINUTES

RESOLVED

That the Minutes of the meeting held on 18 September 2018 be approved as a correct record and signed by the Chairman.

3 DECLARATIONS OF INTEREST

Councillor Ceresa declared a Local Non Pecuniary Interest in Item 10 – DC/18/2641/FUL – Shaftesbury Court, Rectory Road, Lowestoft, as being a County Councillor.

Councillor Ford declared a Local Non Pecuniary Interest in Item 10 – DC/18/2641/FUL – Shaftesbury Court, Rectory Road, Lowestoft, as being Ward Member.

Councillor Graham declared a Local Non Pecuniary Interest in Item 10 – DC/18/2641/FUL – Shaftesbury Court, Rectory Road, Lowestoft, as being a Town County Councillor.

Councillor Pitchers declared a Local Non Pecuniary Interest in Item 10 – DC/18/2641/FUL – Shaftesbury Court, Rectory Road, Lowestoft, as being Ward Member.

4 DECLARATIONS OF LOBBYING

Councillor Ashdown declared that he had received communications in relation to Item 8 – DC/18/3413/COU – Wind Acres, Mutfordwood Lane, Mutford.

All Councillors present at the meeting declared they had received communications in relation to Item 10 – DC/18/2641/FUL – Shaftesbury Court, Rectory Road, Lowestoft.

5 APPEAL DECISIONS REPORT

The report of the Interim Planning Development Manager advised the Committee that no decisions had been made in September 2018.

RESOLVED

That the report concerning Appeal Decisions in September 2018 be noted.

6 DELEGATED CHIEF OFFICER DECISIONS

The reports of the Interim Planning Development Manager informed Members of all the Chief Officer delegated planning decisions made during September 2018.

RESOLVED

That the reports concerning the Chief Officer Delegated Planning Decisions made during September 2018 be noted.

7 ENFORCEMENT ACTION – CASE UPDATE

The report of the Interim Planning Development Manager provided Members with a summary of all outstanding enforcement cases sanctioned under delegated powers or through the Committee up until 27 September 2018. There were currently five cases.

The Interim Planning Development Manager provided Members with an update with regard to Maisebrooke Farm, Shipmeadow, in that they had met with Highways that day to resolve the access issues. It was reported that the second access was now closed and a hedge would be planted in its place. A planning application for the surfacing was due to be submitted and the unauthorised buildings would be addressed at a later date. She thanked Councillor Elliott for his assistance at their meeting.

RESOLVED

That the report concerning Outstanding Enforcement matters up to 27 September 2018 be received.

8 DC/18/3413/COU – WINDY ACRES, MUTFORDWOOD LANE, MUTFORD

The Senior Planning Enforcement Officer presented the application which was for a change of use of land from named occupiers to general gypsy and traveller use for five pitches. The proposal was to be considered within the context of current national and local planning policy and was recommended for approval.

Members were shown an aerial view, photographs and location plans of the site and surrounds including the access, a site plan showing the positioning of the mobile homes and the location of the site 1km distant from Mutford and its proximity to Carlton Colville. The Committee was reminded that, in April 2018, it considered an application for extra pitches for family members; the proposal was for those pitches to now be available as general

pitches. In April, the site had been surrounded by large close boarded fence; since that time, the majority of the fencing had been removed.

The Senior Planning Enforcement Officer explained the key issues relating to the site's location, the visual impact and housing need. Policy CS12 related to sites being accessible by foot or public transport; with the fence being removed, there would be extra planting and landscaping; and the proposal for the site to be available for anyone complied with the Planning Policy for Travellers' Sites document.

The Committee was advised that there was an identified under supply of pitches for Gypsy and Traveller housing needs in the district and the Gypsy, Traveller, Travelling Showpeople and Boat Dwellers Accommodation Needs Assessment (ANA) had identified eight further pitches were required to meet the current shortfall. The proposal before Members would create five pitches and those pitches would enable the district wide shortfall to be reduced. As a result, approval was being recommended with appropriate conditions.

Mr J Armstrong – Parish Council

As Clerk to Mutford Parish Council, Mr Armstrong explained that the Parish Council had recommended refusal on the basis that Mr Rooney had made no statement with regard to dependent relatives the subject of another application, in that those desperate relatives no longer needed the site. It was disappointing to note that the officer's report had not made any reference to the previous report and application. The previous application was for named occupants only in relation to Mr Rooney and his family; therefore, the proposals required a change of condition not a change of use. He also pointed out that as Waveney already provided gypsy and traveller sites and Suffolk Coastal provided no pitches, the imbalance should be addressed as no clear demand for extra sites in Waveney area had been proven.

Questions

Members asked specific questions relating to:

- Designation of the site.
- Who would be able to use the site.
- Family members being resident on the site.
- Comments from the Gypsy Liaison Officer and Private Sector Housing.
- Calculation of shortage of sites.
- Ownership of the site.
- Future sharing of utility facilities.
- Existing sites not actually reducing any shortfall.

The Senior Planning Enforcement Officer explained that the designation of the site was not being changes to a transit site and the proposal would be conditioned to ensure the site could only be occupied by gypsy/traveller families; such occupation would be monitored. Currently, it was the Applicant and his family members occupying the site and the Applicant now wished to have the option to use the site as a general gypsy site. She confirmed no

comment had been received from the County's Gypsy Liaison Officer or the Private Sector Housing Team. Responsibility for who stayed on the site was two fold; the owner of the land and the right of people to stay on the site was defined in legislation in the Government's Planning Policy for Travellers Sites document.

Members queried the figures relating to the shortage of sites. If the Mutford site currently provided five pitches, they were not new pitches so it was questionable that that figure could be used to reduce the shortfall of eight pitches. Comment was made that the five pitches were not new, additional sites being provided to address the shortfall as they were already in existence and currently used.

The Interim Planning Development Manager confirmed that the application was to retain the existing five caravans with the day block for existing needs being shared by those on site. No further structures were being proposed; a separate application would be required for any additional utility facilities. If the application before Members was approved, then the shortfall of sites would reduce from eight to five but if the application was refused, the shortfall identified in the ANA would revert to eight.

Members sought clarification as to why the reasons for Mr Rooney and his family to reside on the site on health grounds were no longer relevant as, in April, the major health issues were an important factor in the Committee reaching its decision. The Interim Planning Development Manager explained that the previous permission had granted a personal permission, the application now before Members sought to remove the condition so that the site could be occupied by anyone not just named persons.

In his role as County Councillor attending Mutford Parish Council meetings, Councillor Ritchie addressed the Committee and gave some additional background information as to the previous owner of the site and his relationship with Mr Rooney. The Parish Council needed assurance that a named family would be entitled to live on site and not have the site opened up to any gypsy/traveller who might wish to use the site and could possibly be refused access by Mr Rooney and/or the landowner. If that was allowed, he could foresee problems occurring in the future.

Debate

Members supported the view that the site being for named persons only should continue and if there was a shortage of traveller sites, these could be provided in the Suffolk Coastal district. The representations made in April and again by Mutford and Carlton Colville, as detailed in the report, should be given great weight. The confidential information contained in the medical records previously submitted had not changed and it was the Committee's opinion that the accommodation was still required for Mr Rooney and his family members. Comment was made that this was not a general or unregistered site and the application was not appropriate. Transit sites might be required but this one should not be used as such. On balance, the proposal was weighted against the community and the application should be rejected.

There being no further discussion, it was unanimously

RESOLVED

That the application be refused and the officers, in consultation with the Chairman and Vice-Chairman, be requested to formulate appropriate reasons for refusal.

Note: Councillor Ritchie left the meeting at 6.56pm.

9 DC/18/2231/FUL – LAND AT FALLOWFIELDS, OULTON

The Senior Planning and Enforcement Officer presented the application which was for the construction of 30 dwellings and a new access road. The report was before Committee following deferral in September 2018 due to the issues that had been raised over the proposed open space, ongoing maintenance and access to the area identified as public open space.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including access to the site, existing properties in the area, design and elevations of the proposed dwellings and the site plan which had been updated on 2 October 2018. The proposed ecology and highway conditions were as set out in the update report.

The Senior Planning and Enforcement Officer outlined the key issues in that the site was no longer needed for school provision, the design of the proposal was acceptable, and there would be no impact on the listed building or the wall near to the site. It was being proposed that some planting be transferred to open space to support ecology including, for example, butterflies and the condition relating to the ecology survey would be reworded appropriately. A Section 106 Agreement would cover the open space being maintained by a Management Company. In conclusion, approval was being recommended with delegated powers being returned to officers so that the Habitat Regulations Assessment could be assessed by Natural England and appropriate mitigation secured.

Questions for Officers

Members sought clarification on the number of years the Management Company would be retained and that such a Company should be set up prior to any building works commencing. It was confirmed that the Management Company would be in place in perpetuity and the Section 106 Agreement would cover the affordable housing, Management Company, Habitat Regulations screening and include relevant contributions.

Councillor J Murray – Ward Member

Councillor Murray stated that the Council should have been aware of the ecological survey that had previously been undertaken. Who gave permission for the large machines on site, when advice had been received that core sampling only was to have been undertaken? It was hardly surprising that no orchids remained on site after the soil had been removed. If it was recommended that the soil was moved to a public area, who would ensure that such a task was actually carried out?

Mr E Gilder - Agent

Mr Gilder advised that, following the last meeting, Oulton Parish Council had been contacted with a request for them to take over the open space. No response had been received, so they were proposing to set up a Management Company that would remain in perpetuity. However, there was some doubt over certain residents maintaining the site and others having access to play on the land. Top soil could be retained; however, the only way it would be preserved as an area for nature would be to fence it off and keep out the public.

Questions to Agent

Members raise questions relating to:

- Responsibility for the land, for example a management company, the internal drainage board, or a contractor's service where fees could be collected.
- Large vehicles that undertook site clearance.
- Japanese knotweed.

Mr Gilder suggested that the site might not fall within the internal drainage board's remit and he believed that the local authority was the best body to maintain the land. He confirmed that quotes from contractors including Waveney Norse had been obtained but problems would exist with all housing on the site paying for the service. The site had to be cleared to enable a level survey to be conducted and for the core samples to be taken; all such works had been agreed by the County Council. Any Japanese knotweed would be dug up, removed from the land by an approved contractor and disposed of at an approved site.

Debate

Comment was made that the speed humps should be removed not repositioned. At the previous meeting, the only issue had related to the green area/open space to be provided. That had been resolved and a Section 106 Agreement could be negotiated with a Management Company being set up. It was recognised that the Council's policy of not taking over the land as open space was causing problems; however, as the Committee was generally in favour of the development, approval was proposed and duly seconded with conditions and the Section 106 being in place prior to works commencing. It was proposed to include an informative with regard to internal drainage boards to take over responsibility if applicable.

There being no further discussion, it was

RESOLVED

That the officers be given delegated authority to grant planning permission, subject to a legal agreement being entered into to deal with Natural England mitigation, within six months of the date of resolution, and the following conditions. If no agreement is entered into within this timescale then permission be refused due to the harm to the protected landscape.

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

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawings (plot numbers in brackets): job ref 7020, numbers PL01 (1/24), PL02 (2), PL03 (4), PL04A (3/7), PL05A (23), PL06 (5), PL07 (22), PL08A (27/26), PL09 (6), PL10 (8/9), PL11 (20/21), PL12A (18/19), PL13 (10-15 inclusive), PL14 (16/17), PL15 (25/28), PL16 (30/29) all received 25th May 2018 and site layout 7020 SL01C; received 3rd August 2018, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
3. Samples of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before elements of the development that require those external facings to be incorporated are built. Development shall be carried out in accordance with the approved samples.
4. The surface water aspects of the development hereby permitted shall not be constructed in all respects strictly in accordance with the following submitted documents and/or with other information as requested in conditions
 1. Rossi Long Consulting, Flood Risk Assessment and Surface Water Drainage Strategy, 181018, June 2018
 2. Anglian Water, pre-planning assessment report, 29/06/2018
 3. Comments from Emma Kerrison at Rossi Long Consulting dated 04/07/2018 at 10:42
5. 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.
6. 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.
7. The dwellings hereby permitted shall not be occupied until details of all Sustainable Urban 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.
8. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) 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:
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
9. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
10. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.
11. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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 scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

12. Prior to the occupation of the dwellings hereby permitted full details of the future management and maintenance of the open space, car parking common courts and other space not within the curtilage of dwelling houses or adopted highway, shall be submitted to and agreed in writing by the local planning authority. Thereafter the future management and maintenance of the open space shall be undertaken in accordance with the approved details.
13. The northern vehicular access/estate road junction shall be completed in all respects in accordance with Drawing No. 7020-SL01-D "Proposed Site Layout"; and be available for use before occupation. Thereafter it shall be retained in its approved form. At this time the existing northern access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.
14. No part of the development hereby permitted shall be occupied until the existing vehicular access/estate road junction has been improved, laid out and completed in all respects in accordance with 7020-SL01-D "Proposed Site Layout". Thereafter the access shall be retained in the specified form.
15. The use shall not commence until the area(s) within the site shown on 7020-SL01-D 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.
16. Before the development is commenced details of the areas to be provided for secure 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.

Note: It appears that all the properties, even those with garages, will require 3m² area secure garden sheds, or similar, to be provided for the storage of cycles. The garages shown on the drawings are nominally 6m by 3m. The Suffolk Parking Guidance (2015) states:
Garages of size 7.0m x 3.0m are considered large enough for the average sized family car and cycles, as well as some storage space, and will be considered a parking space. Any smaller and the garage could not be considered a car parking space or count towards the parking space allocation. However, reduced minimum internal garage dimensions of 6.0m x 3.0m (internal dimension) will be deemed to count as a parking space provided that additional fixed enclosed storage of minimum size 3m² is provided.
17. Before the development is commenced details of the areas to be provided for storage, and presentation of, of Refuse/Recycling bins 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 for no other purpose.

18. 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.
19. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
20. Before the development is commenced, details of the alterations to the existing estate roads and footpaths, as indicatively shown on Drawing Number 7020-SL01-D (alterations include remove/relocate existing traffic humps; install new speed table/pedestrian crossing; install new speed table/cycle track crossing; and alter and extend existing cycle track) shall be submitted to and approved in writing by the Local Planning Authority.
21. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.
22. 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.
23. The recommendations regarding mitigation planting to support the Common Blue butterflies on Black Medick plants as currently observed in the site survey report received 28th July 2018 from Aurum Ecology following a resurvey of the site shall be incorporated into a mitigation proposal for the whole site to be submitted in writing to the Local Planning Authority before work progresses beyond the completion of the first building beyond damp-proof course level. This plan shall include proposal for the timing of the mitigation measures. The mitigation plan shall be approved by the Local Planning Authority in writing before work proceeds further. Work to mitigate wildlife harms shall then proceed in accordance with the report.

Reason: To ensure harms to wildlife are mitigated.

Note: Councillor Murray left the meeting at 7.17pm.

10 DC/18/2641/FUL – SHAFTESBURY COURT, RECTORY ROAD, LOWESTOFT

The Senior Planning and Enforcement Officer presented the application which was for the demolition of an existing care home building and the construction of 30 retirement

apartments with associated car parking. The application was a re-application following the withdrawal of DC/17/4139/FUL for flats for the over 55 age group replacing the existing special needs care home, where facilities had been transferred by the development on the former Waveney District Council housing office at Gordon Road. It was a sustainable location and the amended proposal was considered a high quality response to the site context. A confidential document was handed to members of the Committee which contained an appraisal that had been undertaken.

Members were shown an aerial view, photographs and location plans of the site and surrounds including specific details of the proposal.

The Senior Planning and Enforcement Officer explained the key issues which included the specific location of the development, design and townscape, density, parking, residential amenity, crime and safeguarding and affordable housing. He further outlined specific details with regard to ecology, coastal protection issues and landscaping. The initial parking survey had been undertaken outside the main tourist season and parking provision of 20 spaces for 30 units was considered to be a problem. The County Council had indicated refusal but a formal response was still awaited.

Given the low quality of the existing buildings on the site, the proposal as amended was considered to offer enhancement and the loss of open-ness of vista along Rectory Road was not considered to be an extreme impact or harmful in that part of the Conservation Area. However, as the application resulted in a substantial shortfall on parking provision requiring further adjustments, and the high density was considered to be over-development of the site, refusal was being recommended. As a result of the content of the viability appraisal, the lack of provision of affordable housing could not be considered a reason for refusal.

Questions

Members asked questions relating to the provision of parking and different standards that applied, charging points for mobility scooters and if the site was liable for Community Infrastructure Levy (CIL). The Senior Planning and Enforcement Officer explained the County Council's minimum parking standards; however, he would need to make investigations as to how many parking spaces had been provided on the original site. There would be a small area for mobility scooters but it was unclear if that area was being provided with charging points. Even taking into consideration the lowest site value, there would still be a deficit and the viability of development was not sufficient to deliver affordable housing. Refusal on the lack of provision of affordable housing was no longer considered acceptable. The Senior Planning and Enforcement Officer confirmed CIL was applicable.

There being no further debate, it was

RESOLVED

That permission be refused over under-provision of parking to a significant extent, not supported by County Guidance and insufficiently mitigated by proximity to services in a location of high traffic stress and possibly over the lack of justification for the failure to provide affordable housing:

1. The proposal under-provides parking to a significant extent, not supported by County Guidance and insufficiently mitigated by proximity to services in a location of high traffic stress and therefore considered contrary to policy DM02 of the Waveney Adopted Development Management Policy: where "adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with Suffolk County Council's Advisory Parking Standards, including parking for people with disabilities". The local highway authority is not satisfied that the likely impact of additional on road parking in the vicinity would not cause inconsiderate and unsafe obstructions to the surrounding road network.

The meeting concluded at 7.35pm.

Chairman