

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft on **Tuesday, 12 July 2016 at 6.00pm**

Members Present:

P Ashdown (Chairman), S Allen, A Cackett, J Ceresa, G Elliott J Ford, I Graham, L Harris-Logan, M Ladd, T Mortimer, M Pitchers and S Woods.

Officers Present:

R Amor (Principal Planning Officer), P Perkin (Principal Planning Officer), M van de Pieterman (Area Planning and Enforcement Officer), I Robertson (Area Planning and Enforcement Officer), P Rowson (Planning Development Manager), H Smith (Senior Planning and Enforcement Officer) and S Carter (Democratic Services Officer).

In Attendance:

Ward Councillors T Goldson, T Reynolds and M Rudd.

Prior to the commencement of the meeting, the Chairman announced that the following items had been withdrawn from the Agenda:

Item 10 - DC/16/0533/FUL – Land adjacent Hall Cottage, Church Road, Henstead, Beccles.

Item 18 - Proposed Enforcement Action – Unauthorised Fencing, The Lodge, London Road, Beccles.

Item 19 - Demolition of Existing Buildings and Structures and Redevelopment to provide 4 Retail Units, 1 Café Unit and 1 Flexible Retail/Restaurant Unit with Associated Car Parking, Servicing, Landscaping, Public Realm and Pedestrian and Vehicular Access, Land at Tower Road, Gisleham.

**1 APOLOGIES / SUBSTITUTES**

Apologies for absence were received from Councillors Brooks, M Cherry and Groom.

Councillor Ladd attended the meeting as a Substitute for Councillor Brooks.

Councillor Woods attended the meeting as a Substitute for Councillor Groom.

**2 MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 14 June 2016 be confirmed as a correct record and signed by the Chairman.

**3 DECLARATIONS OF INTEREST**

Councillor Allen declared a Local Non Pecuniary Interest in Item 6 – DC/16/1581/RG3 – Unit 20 Southwold Business Centre, St Edmunds Road, Southwold, as being Cabinet Member for Housing and local Ward Member. She advised she would be leaving the meeting during the consideration of this item and take no part in the discussion or voting thereon.

Councillor Allen also declared a Local Non Pecuniary Interest in Item 8 – DC/16/1269/FUL – Land Rear of 346 to 356 Long Road, Lowestoft and Item 15 – DC/16/0892/FUL – Waveney Works, Stanley Road, Lowestoft, as being Cabinet Member for Housing.

**4 DECLARATIONS OF LOBBYING**

Councillor Cackett declared that she had received verbal communications in relation to Item 13 – DC/16/0223/FUL – Pappas Pizza, 11 Bridge Street, Halesworth.

Councillor Elliott declared that he had received email communications in relation to Item 7 – DC/15/4855/FUL – Land to Rear of 100 Corton Long Lane, Lowestoft

**5 ENFORCEMENT ACTION – CASE UPDATE**

The report of the Head of Planning and Coastal Management provided Members with a summary of all outstanding enforcement cases sanctioned under delegated powers or through the Committee up until 28 June 2016. There were currently six cases.

The Chairman advised that updates, if any, would be reported at the next meeting.

**RESOLVED**

That the report detailing the outstanding Enforcement Matters up to 28 June 2016 be received.

Note: Having declared a Local Non-Pecuniary Interest in Item 6, Councillor Allen left the Conference Room at this point in the meeting prior to any consideration of the application.

**6 DC/16/1581/RG3 – UNIT 20 SOUTHWOLD BUSINESS CENTRE, ST EDMUNDS ROAD, SOUTHWOLD**

The Area Planning and Enforcement Officer presented the application which proposed the construction of 10 houses and 10 flats with associated external works, including demolition of existing buildings. The site was situated adjacent to the Southwold Conservation Area, within the physical limits, and formed part of the Southwold Business Centre.

The Area Planning and Enforcement Officer explained that the proposal was a unique opportunity to develop a site in order to provide 20 affordable rented properties on a brownfield site, centrally located within Southwold. The Council was working with Orwell Housing Association; Orwell would be managing delivery of the project and the Council had secured Homes and Communities Agency grant funding within the National Affordable Homes Programme 2015-2018.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the buildings currently on site, the existing unmade track, views to and from neighbouring properties, and the proposed floor plans and elevations, some of which were designed with inset porches. There were questions over the materials to be used and an artist's impressions of the development with buff bricks, compared to red brick, were shown.

The application proposed a provision of 100% affordable housing, comprising 10 houses within two terraces of four properties and a pair of semi detached dwellings and a 2/3 storey block to accommodate the 10 flats. The application also included a proposal to upgrade the unmade track providing access to the site and the remainder of the business centre. 27 on-site parking spaces and cycle storage would be provided together with a footpath. There would also be more formal parking on both sides of the access track.

In summary, the Area Planning and Enforcement Officer explained that the proposal would go towards satisfying an identified need for affordable housing in an area where there was the largest disparity between income and house prices in the District. The site was well

located in terms of its proximity to Southwold, on a previously developed site offering access to local services, facilities and local public transport.

The main concerns with the proposal was the quality of the design, the scale and amount of development, and any adverse impact on the closest neighbours. However, it was a rare opportunity to purchase land for a viable 100% affordable housing scheme and, on balance, it was considered that the proposal outweighed concerns raised in relation to the design and impact.

Mr W Windell – Southwold Town Council

Mr Windell expressed thanks to the Planning and Design Officers for their work in seeking improvements; the proposal was not the best design but the development was an opportunity not to be missed. The local community did not want a social housing enclave and it was important to address the lack of green space to make it a more pleasant place for families to live. This could be provided by reducing the number of parking spaces; less parking would give more play space. In his opinion, any car parking problems were created as a result of the number of visitors to the town. The Town Council supported the proposed development, subject to the use of red bricks and a greater reduction in car parking.

Question

In response to a Member's question relating to the car parking spaces being reduced from 32 to 27, Mr Windell stated that they were proposing a further reduction down to one space per property.

Mr M Last - Agent

Mr Last, as Agent for the applicant, stated that the application was a unique opportunity to provide affordable rented homes for people in Southwold, currently in an area where 80 families were in need of housing. A government grant had been secured for the scheme and that money was available until March 2018. The provision of all rented homes, as opposed to shared ownership, would meet housing needs and each property would be let to local people. The Town Council and local people supported the application and the proposed development was far better than the poor quality buildings currently on the site. The footpath link would remain, bins were catered for and the low levels of contamination would be dealt with. Rain water butts, energy efficient light fittings and insulation, etc., would all be provided. It was hoped that the development would have its own design identify and Mr Last asked the Committee to support this much needed housing.

Questions

In response to questions relating to the possibility of a further reduction in parking spaces, Mr Last explained that the 32 spaces complied with the County Councils requirements but that number had been reduced to 27. The additional eight spaces on the private drive were for visitors or existing local residents; those spaces would be on a first come first served basis. Due to the town centre location, the Committee noted that the Town Council was asking for fewer spaces, say one per property, and Mr Last confirmed he would discuss that with the Planning Officer.

Debate

Following the Members' site visit, comment was made that the provision of residential properties would greatly improve the area but consideration needed to be given to a reduction in car parking and the materials to be used, that is red brick. The Committee welcomed the provision of affordable housing which was much needed in the town and unanimously

**RESOLVED**

That permission be granted subject to the following conditions and delegated authority to negotiate improvement to material palette.

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 amended drawings 4853-18 D, 21B and 22B received on 22<sup>nd</sup> June 2016 and amended drainage details received on 16<sup>th</sup> June 2016, 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. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates 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. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
4. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.
8. The landscaping scheme shall be completed within 3 months from the completion of the last building shell, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.
9. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.
11. 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 Drg No. 4853 18 Rev. D. Thereafter the access shall be retained in the specified form.
12. Prior to the development hereby permitted being first occupied, the new access onto St Edmunds Road shall be properly surfaced with a bound material for a minimum distance of 50 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
13. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number Drg No. 4853 18 Rev. D shall be provided in its entirety before the

development is brought into use and shall be retained thereafter for no other purpose.

14. 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.
15. The use shall not commence until the area within the site shown on Drg No. 4853 18 Rev. D 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.
16. No building shall be occupied until the surface water drainage strategy for the site has been completed in accordance with the approved details. The strategy shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan
17. No development shall take place until details of the implementation, maintenance and management of the surface water drainage strategy 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.
18. No development shall commence until the flood risk asset register template has been submitted, in the required form, to and agreed in writing by the local planning authority.
19. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority.
20. Notwithstanding the details shown on the proposed Site Layout plan Drg no. 4853 18 Rev E, prior to the commencement of development an amended drawing shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Southwold Town Council, showing a reduced car parking provision, occupation of the properties shall not take place until the area within the site shown on the approved drawing 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.

Note: Councillor Woods arrived at 6.12pm during the discussion of this item.

Note: Councillor Allen returned to the Conference Room at 6.30pm.

## **7 DC/15/4855/FUL – LAND TO REAR OF 100 CORTON LONG LANE, LOWESTOFT**

The Principal Planning Officer presented the application which proposed the construction of eight dwellings on a site forming part of the curtilage of a detached house situated on the southern side of Corton Long Lane. Although the site was outside the physical limits of Lowestoft and Corton, it was well screen by mature trees and was considered that the development would have little impact on the wider environment.

The proposal was for the construction of three three-bedroomed bungalows, two five-bedroomed houses and three four-bedroomed houses and a new access road would be constructed along the line of an existing track. The bungalows would gain access directly

from the new road and face existing dwellings; four of the houses would gain access from a road off the new road and the fifth house would share an access with the existing house. There would be no alteration to the existing house; the existing garage was to be demolished to allow for the development and a new one built.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the proximity of the rugby club, the street views and nearby bridge over the railway line, existing screening, boundary with Pleasurewood Hills, and the elevations and floor plans of the proposed dwellings.

If the principle of the development was accepted, there were still a number of issues to be addressed including density, retention of trees, impact on wildlife, and Environmental Health raised concerns about noise from the Pleasurewood Hills Theme Park. These could all be addressed. The Principal Planning Officer explained that, although the site was outside the physical limits and contrary to policy, the adjacent screening would result in little impact on the countryside and previous appeals had indicated that an Inspector would consider the development to be acceptable.

Subject to additional conditions relating to noise insulation, details of construction of the new access and comments from Suffolk County Council Highways, the application was for approval.

#### Ward Councillor M Rudd

Councillor Rudd expressed her surprise that the application was before Committee for approval as it was contrary to policy being outside Corton the development boundary. To allow eight dwellings and 16+ cars turning into the site would be nothing short of an accident waiting to happen because there were issues with the humped bridge and vision along the road was obstructed. Most drivers did not keep to the 30mph limit. In the past, there had been complaints about noise from Pleasurewood Hills. Nearby residents had expressed their concerns and they should be taken seriously.

#### Mr E Gilder – Applicant

Mr Gilder stated that if Members were minded to refuse the application, they had to demonstrate harm to the countryside. The trees and screening was vast and as a result the countryside views would not be affected. The site owned the access so that could, if necessary, be further improved. Some trees were covered by TPOs; some trees in poor condition were to be removed. He had no objection to the noise condition and the proposal for wildlife mitigation would be accommodated, even though there were no protected species on the site. The location of the application site was near to a site of similar development, it was in keeping with the overall area and would not cause harm.

#### Questions to Applicant

Members raised questions on:

- Trees.
- Access.
- Provision of a footpath.
- Access to bins.

Mr Gilder explained that some six poor quality trees had been removed; one oak was to be removed and the crown lifted on two. The site owned the access, with the three existing properties having a right of way to pass over. The existing house would be served by a new, upgraded access. The proposed new access road would not be made up until completion of the works because of lorry damage; base course level could be provided before construction

commenced. The scheme would serve 11 properties and for that reason, there was no need for a footpath to be provided. The access would be sufficiently wide for two cars to pass. Mr Gilder had been advised that refuse collection vehicles would enter the site to collect bins; if not, a bin storage area would be provided at the road side. The proposed visibility splays were 2.5m for the unadopted road and, if needed, hedges and trees could be trimmed. It was very frustrating that the County Highways had again not responded in the statutory consultation period.

### Questions

In response to further questions relating to possible issues with Pleasurewood Hills and concerns relating to noise and formal assessment, the Planning Development Manager reminded Members of the expiry date of the application and the agreed extension to July. County Highways were chased for their comments on planning applications. The principle of the application needed to be determined that day; visibility splays could be subject to a Grampian style condition and a noise attenuation condition could also be imposed. The Committee was asked to note that no statutory nuisance complaints from existing residents had been registered and any prospective purchasers would be aware the properties were located in the vicinity of Pleasurewood Hills.

### Debate

Members generally agreed that the site was well screened and subject to any comments from the Highways Authority, there appeared to be no legal grounds for refusal. However, some concerns were expressed in that the site was outside the physical limits and there were questions over the size of the properties, which comprised three, four and five bedrooms, were actually needed. The Principal Planning Officer explained that a contribution towards affordable housing could be sought as the threshold was 10 or more dwellings or 1,000m floor space and the size of the proposed dwellings fell within that category.

The Planning Development Manager advised that, although the five year land supply had been identified, that was just a floor and it was necessary to establish other sites for sustainable development. Planning policies were important, however planning balance was significant and unless harm could be demonstrated, the application should be approved.

Although the need for housing was accepted, some Members questioned the proposed development and size of properties on the application. However, a proposal was made and duly seconded that the application be approved subject to additional conditions relating to access, visibility and noise insulation, together with a construction management plan.

### **RESOLVED**

That permission be granted subject to the receipt of comments from Suffolk County Council Highways, the completion of a S106 agreement covering affordable housing and the following conditions:

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 be carried out in accordance with approved drawing numbers: 1504/1b, 1504/4a, 1504/5, received 1 March 2016 and 1504/2a and 1504/3 received 2 December 2015, 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. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.
4. 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.
5. 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.
6. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.
7. No development shall take place until a scheme of noise mitigation concerning noise from the adjacent theme park has been submitted to and approved in writing, and no dwelling shall be occupied until the approved mitigation has been completed in its entirety in relation to that dwelling.
8. The measures outlined in the “Mitigation” section of the Aurum Ecology report submitted with the application shall be completed in full before the first occupation of the dwelling. These measures are:
  - No changes to the roof of the existing house to take place.
  - Site clearance work to take place outside the bird nesting season
  - 10 bird nesting boxes to be added to the site
  - Some wildlife friendly planting to take place on the site.
  - Any lighting to be low wattage “downlighting”.
9. No development shall take place until a scheme of noise mitigation concerning noise from the adjoining theme park has been submitted to and approved in writing, and no dwelling shall be occupied until the approved mitigation has been completed in its entirety in relation to that dwelling.

10. No development shall be commenced until full details of the proposed new access, including width, construction and materials has been submitted to and approved in writing by the local planning authority.
11. Base course leave: The proposed new access shall be completed to base course level before any further development is commenced.
12. Before any development is commenced a "Construction Management Plan" shall be submitted to and approved by the local planning authority. The Construction Management Plan shall include:
  - details of proposals to control construction noise
  - details of provision for parking of construction vehicles within or near the site
  - proposals for deliveries including loading and unloading of plant and materials
  - storage of plant and materials during construction and
  - times and routes of delivery and construction vehicles.Construction shall be carried out strictly in accordance with the approved "Construction Management Plan".

**8 DC/16/1269/FUL – LAND REAR OF 346 TO 356 LONG ROAD, LOWESTOFT**

The Senior Planning and Enforcement Officer presented the application which was for the construction of six dwellings, associated works and parking provision. The application was for 100% affordable housing on a brownfield site, currently used as a car park. The application was before Committee as the site was within the ownership of the Council.

The Senior Planning and Enforcement Officer explained that the proposed development would bring an under-utilised, brownfield site back into use. The site was sustainably located and its redevelopment for residential use accorded with the Council's Spatial Strategy for the location of new development. In addition, there were benefits to be gained through the provision of affordable housing in an area of local need. Although there was the potential for the development to impact on the amenity of existing residents, such impact was considered to be limited and not of such significance as to outweigh the benefits.

The application made by Orwell Housing was for the development of five two-bedroomed town houses and a one-bedroomed self contained flat; Orwell proposed to take ownership of the site and manage the affordable units following construction. The two-bedroomed properties would benefit from private rear gardens and two allocated parking spaces and the flat, a single parking space. Sole vehicular access into the site was from Longbrook Close and enhancements including the provision of a new passing place were proposed to the existing access road. The pedestrian access into the site would be unaffected.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the boundary of the site, Long View Close, the pedestrian access which would remain unaltered, the unaffected vegetation leading towards Kirkley Drain, the elevations and proposed floor plans of the dwellings.

Four objections had been received relating to the impact on the amenity and flooding in the area. However, it was a brownfield site within the limits of a residential area. There would be little impact as a result of the loss of a car park as it had proven to be underused. The measured distance of 43m from the nearest existing properties would not result in overlooking. A 1.8m high fence would be erected and an appropriate bin collection point was to be provided. The housing needs survey had shown that such properties were required. Taking into account the size and shape of the site, it would be very difficult to propose an alternative development. The proposal demonstrated a better run off with less risk of flooding, full details of which were contained in paragraphs 9.27 to 9.40 in the report.

The main issues for consideration were the principle of the development, its design and impact on the amenity, access and flood risk and drainage. However, the proposed development was considered to be beneficial and any adverse impacts could be mitigated so that the residual effects would not outweigh the scheme's benefits.

Mr M Dixon and Mr P Pitchers – Agent / Wellington Construction

Mr Dixon thanked the Committee for giving him the opportunity to speak and accompanying him that evening was Paul Pitchers from Wellington Construction, Greg Dodds from Orwell Housing Association and Mark Bullen, the drainage consultant. The scheme, which had been amended following officers' comments, was for 100% rented affordable housing and there would be few future grants on such schemes. The application would regenerate the area and provide much needed affordable housing. The design was considered suitable and fitted well within the surrounding area and the attenuation schemes would, in fact, help with flooding in the area. The proposal was in accordance with planning policy and the Committee's support was requested.

Mr Pitchers confirmed that the concerns raised by the Environment Agency and the Floods Authority had been addressed satisfactorily. He had visited the area earlier in the day and there had been no standing water on site. If approval was granted, it was hoped to commence works in the Autumn and hand over the housing in 2017. The development would provide much needed homes and address the District's housing needs.

Questions

Members asked specific questions relating to:

- Comments from Carlton Colville Town Council.
- Development measures to address flooding on the site.
- Undergrowth on Kirkley Drain.
- Fly tipping.
- Length of Kirkley Drain.

Mr Bullen confirmed that the proposals for the site would improve drainage and reduce flood risks on the site.

Members were advised that the owners themselves were responsible for any upkeep and maintenance of Kirkley Drain, which continued down to the main roundabout.

Debate

There was some discussion about the lack of response from the Town Council and Members debated whether the site was within Pakefield or Carlton Colville. The Planning Development Manager confirmed that all statutory consultees had been consulted in accordance with their records; if the Committee was minded to approval the application, that decision could be subject to consultation with Carlton Colville Town Council if Members so wished.

**RESOLVED**

That, subject to Carlton Colville Town Council raising no additional matters material to the determination of the planning application during a further period of consultation, permission be granted subject to the following conditions:

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 be carried out in accordance with approved drawing references: SL01G received 9 May 2016 and PL01 D received 23 May 2016 for which permission is hereby granted.
3. Samples of all external facing and roofing materials detailed on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved samples.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. This shall include a 1.8m high close boarded fence to the northern, western and southern boundaries of the site. The boundary treatment shall be completed prior to the occupation of the first residential dwelling hereby approved and in accordance with the approved details.
6. No development including any site clearance or demolition works shall take place until a method statement for the demolition and construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. The method statement, shall provide details for wheel cleaning facilities and the method for securing and screening the site during the demolition, excavation, site preparation and construction stages of the development, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
7. No development shall take place to construct the affordable housing units until a mechanism for the retention in perpetuity of the affordable units has been submitted to and approved in writing by the Local Planning Authority.

The affordable housing shall be provided entirely in accordance with the approved scheme. The mechanism shall include the following details:

- The numbers, type and location of the site of the affordable housing provision to be made;
- The timing of the construction of the affordable housing;
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers for the affordable housing, and the means by which such occupancy shall be enforced.

8. The use shall not commence until the area within the site shown on drawing reference: SL01G; for the purposes of manoeuvring and parking of vehicles has been provided and thereafter it shall be retained and used for no other purposes.
9. The passing place approved to the west of Longbrook Close as shown on approved plan reference: SL01 G shall be provided in accordance with the approved details prior to the occupation of the first residential dwelling.
10. The area identified on the drawing reference: SL01G for the presentation of refuse bins must be provided in accordance with the agreed details prior to the occupation of the first residential dwelling.
11. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 12 to 15 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 15 has been complied with in relation to that contamination.
12. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates 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. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

13. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to the Local Planning Authority for their written approval. 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.
14. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.
16. No development shall take place until a surface water drainage strategy capable of delivering a surface water run off rate of 0.7l/s for up to and including the 1 in 100 year +40% climate change together with the details of how the proposed infrastructure will be maintained and managed has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented in accordance with the approved details prior to the first residential property being brought into use and thereafter managed and maintained in accordance with the approved details.
17. No development shall commence until the flood risk asset register template has been submitted and agreed in writing by the local planning authority.
18. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority.
19. The finished floor levels of each residential dwelling hereby approved shall be set at a minimum level of 3.0m AOD.

**9 DC/16/2161/FUL – 28 GUNTON ST PETERS AVENUE, LOWESTOFT**

The Area Planning and Enforcement Officer presented the application which proposed construction of a new bungalow in the rear garden of the existing property.

The application before Members was a revised scheme of an earlier refused scheme presented to Committee on 17 May 2016. The revised scheme had resulted in the removal of some elements and an increase in the size of the rear garden of the original dwelling. The application was before the Committee as a result of a Member call-in.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including plans of the reduced footprint and new elevations, the driveway and new fencing. The amended plans showed a modified gable end to reduce any impact, the windows had been removed on the southern aspect and the chimney had also been removed from the proposal.

The Area Planning and Enforcement Officer explained that the application was very finely balanced and had created objections within the local area. The type of proposal was not uncommon in the District and the development would broadly comply with policy for a residential dwelling within a residential area of the town. Whilst the comments and concerns of local residents had been thoroughly considered, in planning terms the proposed dwelling constituted an acceptable form of development.

Ward Councillor M Rudd

Councillor Rudd expressed thanks for again allowing the call-in, particularly in view of the 40 or so objections to the development. It was a greenfield site and although new housing was required in Lowestoft sufficient brownfield sites had already be identified. The application would leave two properties with small gardens with no proper amenities and set a precedent for large plots to be built on. The proposal would result in the local community not being protected, overshadowing and loss of light, loss of privacy and the distinctive character of the area would be lost forever. Buildings needed to be sympathetic and contributed towards the area; this did not.

Mrs J Turrell - Objector

Mrs Turrell was speaking not only for herself but also on behalf of neighbours against the application as it was an inappropriate development in a back garden. The proposed dwelling was larger than surrounding properties and only 5½ foot (less than 2m) from her garden boundary which would result in noise and disturbance. The sub-division of this rear garden would adversely affect the amenity of the area, destroy the neighbourhood and was contrary to the Council's policies. The Council was currently consulting on the Local Plan and here neighbours were objecting. In Parliament, Greg Clark MP confirmed that Councils would be allowed to prevent back garden development and protect neighbourhoods. The developer was the only person to gain from this proposal and the application should be refused.

Mr M Dixon - Agent

Mr Dixon thanked the Committee for giving him the opportunity to speak; his client and the architect were present at the meeting for any questions. He also thanked the Planners for their help with the application which was considered to provide a windfall development. It should be noted that the same objectors had cited the same refusal reasons for the revised scheme. He drew Members attention to section 5 which confirmed it was policy compliant, the objections had been addressed as detailed in paragraph 6.1, and without setting a precedent, it was an acceptable form of development which was confirmed in paragraph 7.1. There were other similar developments in the area. All concerns had been addressed and the Committee was asked to support the proposal and give approval, thus avoiding the need for an appeal.

Questions

Members asked specific questions relating to:

- Overshadowing.
- Exceptional circumstances referred to in CS11.

The Committee was advised that the single storey development was adjacent to the footpath and resulted in little overlooking. The Planning Development Manager explained that policy CS11 should be read alongside the National Planning Policy Framework and the three tests of environmental harm, scale and noise. The report showed that there was no social or economic harm and it provided the benefit of a new home. There was no demonstrable harm to make the application unacceptable.

Debate

Although some Members were of the opinion that there were no reasons for refusing the revised proposal, particularly as the various issues previously raised had been addressed, it was proposed that the development was not in keeping with the character and scale of the surrounds. Having been duly proposed and seconded, it was

**RESOLVED**

That permission be refused for the following reasons:

This proposal represents overdevelopment of the site, both with regard to the area of open garden land available within the proposal site to serve the amenity needs of the larger dwelling created and the area of garden retained for the existing dwelling. The proposal will have adverse impact on neighbours by virtue of the scale and massing of the dwelling created. There is also considered to be noise and disturbance to residents of the existing dwelling on the site, from traffic passing and repassing on the driveway to the larger property to the rear. These amenity shortcomings conflict with policy DM02 design of the Adopted Waveney Development Management Policy where amenity for existing and proposed dwellings shall be sufficient for the needs of those dwellings.

Note: The meeting was adjourned from 8.19pm to 8.23pm to allow for a comfort break.

**10 DC/16/0533/FUL – LAND ADJACENT HALL COTTAGE, CHURCH ROAD, HENSTEAD, BECCLES**

The Chairman announced that this item had been withdrawn from the Agenda.

**11 DC/16/0223/FUL – LAND REAR OF 52 SUSSEX ROAD, LOWESTOFT**

The Principal Planning Officer presented the application which proposed the construction of three three-bedroomed houses and included the demolition of existing garages. The application was before Committee as a result of a Member call-in.

The Principal Planning Officer stated that it was proposed to demolish the existing 22 lock-up garages which the applicant had stated were not well used and replace them with three dwellings. Neighbour objections had been received; however, in his opinion, the layout and design of the proposed dwellings was considered acceptable and the dwellings could be accommodated on the site without causing harm to the privacy and outlook of the existing dwellings surrounding the site.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the garages, alleyway and back wall, the proximity to the three Garden Villas properties. The amended site layout was considered acceptable and the revised parking arrangements gave direct access to the nearest road.

The Principal Planning Officer outlined the two issues for consideration. The proposal would lead to the loss of garages in an area of high density residential development where there was little off-road parking. However, the garages were old, some of which did not meet the County Council's minimum dimensions and would be too small for today's average family sized car. As such, objection on highway grounds could not be justified. Due to the orientation of the proposed dwellings and the fact that there was no direct overlooking, it was considered that the proposed dwellings could be satisfactorily accommodated within the site and there would be no significant detrimental impact on adjoining residential properties.

Ward Councillor T Reynolds

Councillor Reynolds explained that he had tried to withdraw his objection and call-in but that had not been possible. He was present at the meeting to now supporting the applicant and her application. Members' attention was particularly drawn to the major issue of endemic fly tipping on this little used site and the cost to the owner of clearance and damage sustained



to the buildings. The plans spoke for themselves on quality and much needed housing would be provided.

### Questions

In response to a question relating to action being taken to stop fly tipping on a new development, Councillor Reynolds explained there was a difference between fly tipping on a vacant site compared to fly tipping on an occupied site with houses.

### Debate

The Committee acknowledged the fact that the garages did not meet current requirements and, although not everyone might wish to live on the site, the application would be providing much needed housing. There being no further discussion, it was

### **RESOLVED**

That permission be granted subject to the following conditions:

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 Dwg. Nos 2015 - GSSR/2 and 2015 - GSSR/3 received 19th Jan 2016 and amended plan 2016 - GSSRL/10, 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. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.
4. The use shall not commence until the area within the site shown on 2016-GSSRL/10 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.
5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 6 to 9 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 9 has been complied with in relation to that contamination.
6. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates 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. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
7. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.
8. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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.
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

**12 DC/16/1272/OUT – HARMONY HALL, LONDON ROAD, WESTON, BECCLES**

The Principal Planning Officer presented the application which was an outline application (all matters reserved) for the construction of a dwelling live/work unit in the countryside with access from the A145. The work part of the proposal related to the re-establishment of a pottery business which had previously been carried on from the adjacent site.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the access, neighbouring properties, views across the fields and site. The applicant had previously owned Harmony Hall and retained some land when he sold that building. The kiln permission originated in the 1970s and the proposal before the Committee was to continue pottery activities and live on site.

The Principal Planning Officer explained the history to the site and outlined the details in the applicant's statement. However, the proposal was in open countryside and not in a

sustainable location. It might be possible to make a case for a pottery on the site on the basis that the previous outbuilding used for many years was no longer available to the applicant, but the case for residential development was very weak as the site was in open countryside where there was a presumption against new residential development. It was therefore recommended for refusal.

The Principal Planning Officer advised that other activities were taking place on the site and they would need to be regularised following the decision on this application.

Mr S Smeeton - Agent

Mr Smeeton, as Architect acting for the applicant, explained that the intention was to build an eco house and his client's situation was different in that he simply wished to retain a rural property and continue with his pottery business on his land. The proposal was not for a dwelling but for a work/live property based on a model used successfully in urban areas, so why not here? Appropriate conditions would address the issues and consent given would result in the tidying of the site. There was no doubt the site was in the countryside, the track was shared with other dwellings and the site had also been used as a campsite. The nature of the firing process for pottery was that, once started it had to continue, so it was important for his client to be on site for the whole process. As a rural artisan, his client was unique and had been in the business for over 40 years.

Questions

Members asked specific questions relating to:

- The site being in a rural area.
- The definition of a sustainable location.
- The proposal being an outline application.
- A legal agreement to control occupancy.

The Principal Planning Officer advised that the site was in a rural area and a sustainable location was not specifically defined in planning policy other than being "close to" and probably within 5km cycling distance. The proposal before the Committee was an outline application and the detailed application could come back to Members if they so wished. He explained the details of the sites and agreements in place in Reydon which were classed as live/work units, otherwise there was little similar in the District. Permission was still in place for camping on the land.

Debate

Having considered the application, Members agreed that it was a proposal that could work in the area. Within the operation of a pottery business, it was not always possible to leave a kiln and live/work premises allowed the operator to be located close to the place of work. It was significant that there were no neighbour objections and no comments from the parish council.

The Planning Development Manager explained that a Section 106 agreement would ensure robustness and include materials, drainage, highways matters, boundary and height of buildings. There being no further discussion, approval with conditions was unanimously supported and it was

**RESOLVED**

That permission be granted with appropriate conditions in consultation with the Chairman and Vice-Chairman of the Committee.

**13 CONTINUATION OF MEETING**

In accordance with Paragraph 9 of Part 3 of the Constitution, as the meeting had been in session for three hours, the Chairman asked the Committee if they wished to continue or adjourn the meeting. It was proposed, seconded and unanimously

**RESOLVED**

That the meeting continue over three hours duration.

Note: Councillors Elliott, Graham, Harris-Logan and Pitchers left the meeting at 9.00pm.

**14 DC/16/2220/COU – PAPPAS PIZZA, 11 BRIDGE STREET, HALESWORTH**

The Principal Planning Officer presented the application which proposed a change of use of a partitioned section of a pizza takeaway restaurant from A5 to A4 use into a 'micro pub' to be called The Ship. The application was before Committee as a result of a Member call-in.

The site itself formed part of a locally listed building within the Halesworth Conservation Area and was currently used for a takeaway pizza restaurant. The application was for a change of use and related to one ground floor room at the southern end of the building, with opening hours of 12 noon to 22:00 hours. No external alterations were proposed. Such changes were permitted by policy DM10.

It was confirmed that a licence application was due to be considered by Licensing.

Members were shown various views and photographs of the site and its surrounds including the street scene, the flats over shops and a plan of the premises.

The Principal Planning Officer gave an oral report relating to a further representation received from Mr Corbett asking that the application be rejected because of the impact on freedom of life, exposure of a micro pub on residents' homes, blocked driveways, the size of room to be used, access for the disabled and clientele drinking and smoking outside the premises.

He explained that, although objections had been received and mainly related to environmental impacts, the application complied with the Council's policies for the location of such development.

Ward Councillor T Goldson

On the relevant planning slide, Councillor Goldson pointed out the benches in front on the premises just out of shot on the photograph. He had called in the application because the size of the space inside the premises was restrictive and would likely hold only a handful of users. Part of that space was used by the residents upstairs. To allow a micro brewery in a partially residential area was inappropriate; the area outside the premises would likely be used by drinkers resulting in boisterous behaviour, noise, inappropriate language and an increase in the use of motorised vehicles. The restricted access into The Thoroughfare was already abused and there was no means of policing the area. The impact on the health of residents and their concerns should be considered. Halesworth Town Council had recommended refusal and that should be supported.

Mr T Corbett - Objector

Mr Corbett referred to his objection commented on by the Planning Officer and wished to reinforce what had been said. What was unrepresented on the pictures on the presentation

was the premises were located only 40 foot from his front door and bedroom window; damage had been caused already and noise and disturbance would increase. The benches in front of the premises provided a very attractive area in the town and this would be spoilt. Although everyone locally were proud of the town and business was welcomed, the proposal could not be supported; customers at the pub would not be able to stay inside the premises and smokers and drinkers would end up outside on the street. Mr Corbett asked Members to protect families and children in the area and refuse the proposal.

### Questions

In response to Members' questions, the Principal Planning Officer confirmed that no physical alterations were being proposed so there were no issues with the proposal being in a Conservation Area. Although Stonefield Investments had submitted the application, it was unlikely that that company would actually run the pub.

### Debate

Members expressed concern over the proposal in that the building was already split into several units, the premises were small, there was limited access which was already abused and the premises would be harmful to the character of The Thoroughfare. It was important to consider the loss of amenity to the local residents and the proposal would be detrimental to the area.

### **RESOLVED**

That, subject to the officers agreeing the appropriate reasons with the Chairman and Vice-Chairman of the Committee, permission be refused on the following grounds:

1. The impact on the character of the area.
2. Scale and appropriateness.
3. Overdevelopment.
4. Impact on the amenity of the area.
5. Parking and servicing provision.

*Note: Subsequent to the meeting, the precise wording of the reason for refusal was agreed with the Chairman and Vice-Chairman of the Planning Committee as follows:*

*The proposal would represent an inappropriate subdivision of the building, with the likelihood of customers spilling out onto Thoroughfare/Bridge Street, with the resulting noise and disturbance being detrimental to the amenities of nearby local residents. It would also result in further pressure on parking and servicing on Thoroughfare. As such the proposal would be contrary to Development Management policy DM02, which among other things requires development proposals to protect the amenity of the area and neighbouring occupiers.*

Note: In view of the presence of public speakers, the Chairman sought the Committee's agreement to take Item 15 on the Agenda before item 14. This was agreed.

### **15 DC/16/0892/FUL – WAVENEY WORKS, STANLEY ROAD, LOWESTOFT**

The Principal Planning Officer presented the application which proposed the redevelopment of an existing factory for residential purposes, comprising 31 dwellings 25 of which would be affordable dwellings which the Council intended to acquire. The application raised issues of design and contamination and was before Committee as a major development.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the street scene of Stanley Road and Victoria Road, views of the factory site and the current rear access.

The Principal Planning Officer explained the revised plans including the street view elevations, the bin storage area, on-site parking of 40 spaces, porch canopies and confirmed that the new estate road met County Highway's standards. The proposal comprised 10 three storey houses, 13 two storey houses, two bungalows and six flats, and the dwellings ranged from one to three-bedroomed properties. Although the site was zero rated for Community Infrastructure Levy, it was proposed to complete a Section 106 agreement; however, the viability study indicated that a full contribution might not be possible. The Principal Planning Officer explained the planning considerations and, on balance, the proposal would provide 25 affordable dwellings in Lowestoft on a site that had not previously been developed. The application had originally been submitted for a Housing Association but the Council was now intending to retain the dwellings as Council houses.

Mr M Dixon - Agent

Mr Dixon explained that Craig Atkinson, the applicant, and Rupert Evans, drainage expert, were present at the meeting for any questions. He thanked Members for giving him the opportunity to speak and also the Planning officers for their help in getting the application before the Committee. The scheme and layout was supported by the officers and was in accordance with the Area Action Plan. The proposal would provide significant benefits including the protection jobs and, if approved, would secure the early delivery of much needed housing. All points in paragraph 4 had been agreed including the emergency flood plan, SUDS measures attenuation and surface water drainage. The development complied with planning policy and the design of the affordable housing was functional and fitted well in the area.

Question

In response to a question relating to timescale, Mr Dixon confirmed that if approved, work would start immediately.

The Principal Planning Officer drew Members' attention to the late representations report, in that the Emergency Flood Plan had been received and could therefore be deleted from the recommendation.

The Committee noted that most issues had been satisfactorily resolved and there being no further discussion, it was

**RESOLVED**

That authority be granted to officers to grant permission subject to:

- Further discussions on viability leading to a Section 106 obligation covering developer contributions for education, the pedestrian/cycle footbridge and open space, including an overage clause,
- Receipt of comments from SCC Floods, and any associated conditions,

and the following conditions:

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 be carried out in accordance with approved drawing numbers: 15013 001 rev. J, 15013 002 rev. J, 15013 003 rev. A, 15013 004 rev. A, 15013 005 rev. A, 15013 006 rev. C, 15013 007 rev A, 15013 008 rev. A, 15013 009 rev. A, 15013 010 rev. C, 15013 011 rev. A, 15013 012 rev. C, 15013 013 rev. C, 15013 014 rev A, 15013 015 rev. A, 15013 016 rev. A and 1:1250 scale site plan, received 11 April 2016, 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 development commences. Development shall be carried out in accordance with the approved samples.
4. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates 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. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
5. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.
6. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

8. Appropriate drainage systems. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
9. Piling. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
10. The access shall be completed in all respects in accordance with Drawing No. 15103-001 Rev. J; with an entrance width of 5.5m and be available for use before occupation. Thereafter it shall be retained in its approved form. At this time all other means of 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.
11. Prior to plots 18,19 & 20 hereby permitted being first occupied, the existing access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
12. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number Drawing No. 15103-001 Rev. J shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
13. 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.
14. Before the access is first used visibility splays shall be provided as shown on Drawing No. 15103-001 Rev. J with an X dimension of 2.4m and a Y dimension of 25m 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.
15. The use shall not commence until the areas within the site shown on Drawing No. 15103-001 Rev. J 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.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted



by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

17. Before the development begins, details of the siting, height and type of screen walls and fences shall be submitted to and approved by the Local Planning Authority.

**16 DC/16/2500/VOC – LIDL, NORTH QUAY RETAIL PARK, PETO WAY, LOWESTOFT**

The Principal Planning Officer presented the application which sought permission to allow longer opening hours during the week and to ensure bank holiday opening hours were consistent with weekday opening hours.

Members were reminded that planning permission had been granted in April for a replacement supermarket on the existing site. Development had commenced and the new store was due to open in early 2017. The application now before the Committee sought a variation to the opening hours and was classed as a major application. The hours being sought were opening from 07:00 hours to 23:00 hours Monday to Saturday (one hour earlier in the morning and two hours later in the evening) and 07:00 hours to 2300 hours on Bank Holidays (opening three hours earlier and closing seven hours later). The Sunday opening hours of 10:00 hours to 16:00 hours were to remain unchanged.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the location of the nearest residential properties.

The Principal Planning Officer outlined the planning considerations in that given the absence of any dwellings in the immediate vicinity of the site, it was difficult to see how the development could have a significant impact on residential amenity. Also, it appeared that other commercial premises in the vicinity did not have hours of opening conditions. Therefore, given the particular circumstances of the site, it was proposed that the variation be granted.

The proposal was supported by the Committee and it was

**RESOLVED**

That permission be granted subject to the following conditions:

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 Drawing No's 7221L/15 Rev L, 7221L/17 Rev C, 7221L/16 Rev F and application form details; received 9th March 2016, 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. 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.

4. 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."
5. No drainage works serving the development shall commence until a surface water management strategy and sustainable drainage system design has been submitted to and approved in writing by the Local Planning Authority. The strategy shall accord with the principles set out in the Flood Risk Assessment prepared by CSG Consulting Engineers Ltd, Report No.358 dated November 2015, unless otherwise agreed in writing by the Local Planning Authority. No hard-standing areas within the development shall be constructed until the required works have been carried out in accordance with the approved surface water strategy unless otherwise agreed in writing by the Local Planning Authority.
6. The development hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; refuse storage units and storage areas and car park lighting design. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.
7. No development shall commence on site until full details of the siting and design of secure covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to first occupation of the development hereby permitted and shall be retained for use at all times thereafter.
8. The use shall not commence until the area(s) within the site shown on drawing number 7221L/15 Rev L for manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes
9. The foodstore shall open only during the hours of 7:00am to 11:00pm Monday to Saturday and bank holidays and 10:00am to 4:00pm on Sundays; unless otherwise agreed in writing by the Local Planning Authority.
10. No mezzanine floors other than those approved shall be constructed unless approved by the Local Planning Authority.
11. Upon commencement of the operation of the foodstore, the approved Travel Plan's measures, methods and timescales shall be fully implemented and shall thereafter

be maintained and any variation subsequently approved in writing by the Local Planning Authority. For the avoidance of doubt, the approved Travel Plan is that prepared by Water Infrastructure and Environment Ltd, dated 25th November 2015.

12. The retail store shall be operated solely as a local convenience store selling food and other everyday household consumable products. It shall not sell non-food items except within this context and food and drink items shall predominate and not fall below 80% by area. The net retail area shall not at any time exceed 1424 square metres.
13. The foodstore building shall be constructed with a minimum finished floor level of 3.87m AOD.
14. The development hereby permitted shall not be occupied until details have been submitted to and approved in writing by the local planning authority of measures to ensure that delivery vehicles can reverse through the site to the loading and unloading bay without conflict with other vehicles and pedestrians.

## **17 SECTION 106 UPDATE**

The Committee received a report which provided an update relating to Section 106 Agreements. There had been a total of 19 agreements in 2013/14, four in 2014/15 and a further four agreements in 2015/16.

The report set out the obligations secured, contributions received, contributions spent, contributions refunded due to reaching the time limit and monitoring fees. The Planning Development Manager referred to Appendix A to the report which gave explicit details and full information for Members' perusal.

### **RESOLVED**

That the Section 106 Agreements update report be received and noted.

## **18 COMMUNITY INFRASTRUCTURE LEVY (CIL) UPDATE**

The Committee received a report which provided an update relating to Community Infrastructure Levy (CIL) for 2013/14, 2014/15 and 2015/16. The report explained that liability notices were sent upon the granting of a CIL liable planning permission and more than one notice might be issued for the same development if there were any changes.

Full details of the amount of CIL required by Liability Notices, the number of CIL Demand Notices issued, the amount invoiced, payments received and amount paid out. Appendix A contained the town/parish council reports submitted in 2015/16.

The Planning Development Manager reminded Members the information was for their deliberations and should be brought to the attention of town and parish councils.

### **RESOLVED**

That the Community Infrastructure Levy update report be received and noted.

## **19 PROPOSED ENFORCEMENT ACTION – UNAUTHORISED FENCING, THE LODGE, LONDON ROAD, BECCLES**

The Chairman announced that this item had been withdrawn from the Agenda.

**20 DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND REDEVELOPMENT TO PROVIDE 4 RETAIL UNITS, 1 CAFÉ UNIT AND 1 FLEXIBLE RETAIL/RESTAURANT UNIT WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING, PUBLIC REALM AND PEDESTRIAN AND VEHICULAR ACCESS, LAND AT TOWER ROAD, GISLEHAM**

The Chairman announced that this item had been withdrawn from the Agenda.

In view of the fact that agreement had been reached on the proposed conditions, it was not necessary for the report to be considered by the Committee.

**21 EXEMPT/CONFIDENTIAL ITEM**

**RESOLVED**

That under Section 100(A) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act.

**22 MINUTES**

**RESOLVED**

That the Exempt Minutes of the meeting held on 14 June 2016 be confirmed as a correct record and signed by the Chairman.

The meeting concluded at 9.55pm.

Chairman