

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft
on **Wednesday, 19 October 2016** at **6.00pm**

Members Present:

P Ashdown (Chairman), S Allen, J Ceresa, G Elliott, J Ford, T Goldson, I Graham, J Groom, M Ladd, T Mortimer, M Pitchers, J Smith and N Webb.

Officers Present:

R Amor (Development Management Team Leader), P Perkin (Principal Planning Officer), P Rowson (Planning Development Manager), M van de Pieterman (Area Planning and Enforcement Officer) and A Stapleton (Democratic Services Officer).

1 CHANGE IN THE ORDER OF BUSINESS

Prior to commencement of the Agenda, the Chairman advised that the order of business would be changed to enable Item 8 – “DC/16/2683/FUL – Kessingland Community Playing Field, Francis Road, Kessingland”, to be considered following Item 4 – “DC/16/2868/FUL – Manor Farm, Church Road, Kessingland”.

2 APOLOGIES / SUBSTITUTES

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

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

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

Councillor J Smith attended the meeting as a Substitute for Councillor M Cherry.

3 DECLARATIONS OF INTEREST

Councillor Elliott declared a Local Non Pecuniary Interest in Item 5 on the Agenda – “DC/16/3475/FUL – Berry Farm, Clarkes Lane, Ilketshall St Andrew” – as he owned a piece of land adjacent to the site.

Councillor Goldson declared a Local Non Pecuniary Interest during the debate on Item 4 on the Agenda - “DC/16/2868/FUL – Manor Farm, Church Road, Kessingland” – as Suffolk County Council Cabinet Member for Health, as the County Council contracted to this care provider.

Councillor Goldson declared a Local Non Pecuniary Interest during the debate on Item 9 on the Agenda – “DC/16/3806/RG3 – 2 Canning Road, Lowestoft” - as his portfolio as Suffolk County Council Cabinet Member for Health included the Registrars Team.

Councillor Ladd declared a Local Non Pecuniary Interest during the debate on Item 4 on the Agenda - “DC/16/2868/FUL – Manor Farm, Church Road, Kessingland” - as a Suffolk County Councillor, as the County Council contracted to this care provider.

4 DECLARATIONS OF LOBBYING

Councillor Elliott declared that he had had correspondence with the Applicant in relation to Item 5 on the Agenda – “DC/16/3475/FUL – Berry Farm, Clarkes Lane, Ilketshall St Andrew”.

5 DC/16/2868/FUL – MANOR FARM, CHURCH ROAD, KESSINGLAND

The Development Management Team Leader presented the application which was for the construction of a 60-bed care home with associated car parking, refuse and external

landscaping. The application was on the site of a much smaller existing 21-bed care home. The site was outside the physical limits for Kessingland, but was allocated for this use in the draft Kessingland Neighbourhood Plan.

The Development Management Team Leader explained that the site was on the southern side of Church Road. The northern side was developed with a mix of bungalows and houses, but the southern side was more sparsely developed. There were fields to the west and south, with agricultural buildings and the grade 1 listed Kessingland Church to the east. The site included Manor Farm House (which was no longer in the same ownership as the agricultural buildings) and some more modern single storey buildings which were used as a care home.

Members were shown an aerial view, photographs and location plans of the site and its surroundings, including the proximity of the next door agricultural buildings and Kessingland Church. Coopers Lane to the west of the site had a sign saying “public footpath”, however this was not shown as such on the Council’s mapping system. The existing entrance to the site had a substantial tree belt, and photographs of the visibility from the east and west of the site entrance were shown. Amended plans showed a revised access position further to the east, with improved visibility. The Highway Authority had no objections. The nearest properties to the site were on the southern side of Church Road. Photographs were shown of the view of the church tower from the site. One large tree had been felled on the site, due to fungus infection.

Plans showed the location of the planned new 2-storey building. The existing buildings would remain, and would be used in connection with the care home but would not house residents. The application would have an impact on the setting of Kessingland Church, and a slide showed the area from which the view of the church would be affected, primarily from Coopers Lane.

The Development Management Team Leader concluded his presentation by summarising three issues: 1) that the site was outside the physical limits for Kessingland, but that it was designated as a care home in the draft Kessingland Neighbourhood Plan, which had been through the inspection stage. There was shortly to be a referendum on adoption of the Plan, following which, if adopted, it would have equal status to the District’s Development Plan. 2) the issue of access had been raised by residents, but the Highway Authority had no objection in terms of parking provision and visibility from the amended access. 3) the impact on the setting of the grade 1 listed Kessingland Church needed to be weighed against the public benefits accruing from the provision of care for the elderly, and local employment. He concluded that the benefits outweighed the harm, and that therefore the application was recommended for approval.

Consultation comments were outlined in the report. The surface water drainage strategy for the site had yet to be resolved, and authority was therefore sought for officers to grant permission subject to the resolution of this issue.

At this point in the proceedings, Councillor Goldson declared a Local Non Pecuniary Interest as Suffolk County Council Cabinet Member for Health, and Councillor Ladd declared a Local Non Pecuniary Interest as a Suffolk County Councillor, as the County Council contracted to this care provider.

Questions

In response to a question, the Development Management Team Leader confirmed that the existing buildings would be used in conjunction with the operation of the care home, for example for staff training and other facilities, but would not house residents.

A further question was raised with regard to Coopers Lane's designation as a public footpath. The Development Management Team Leader advised that whilst there was a sign in place, this did not appear on the Council's mapping system. Coopers Lane was, however, likely to be a public highway, as it was possible to drive along it. This made no difference to the officers' recommendations with regard to the application. Additionally, a further track off of Coopers Lane was clearly used by residents, even though it was not a designated footpath or highway.

A Member asked officers to clarify the weight which should be given to a Neighbourhood Plan prior to referendum. The Development Management Team Leader replied that, both for Neighbourhood Plans and Local Plans, the guidance was that the weight increased as the Plan went through the various adoption stages. A consultation draft would carry little weight, as it could still be changed at that point. However, the Kessingland Neighbourhood Plan had been through consultation and the scrutiny of an Inspector. Whilst the referendum could still vote against its adoption, indications were that it would be given support. Therefore, whilst the Plan could not be given the same weight as a fully adopted Plan, it should be given reasonable weight.

The Police Designing Out Crime Officer had suggested that the whole boundary of the site be enclosed with a 2.0m high fence. Members felt this may give an unpleasant, fortress-like appearance to the site. The Development Management Team Leader advised that the applicant had agreed that a fence of that height would be necessary on the site, however, this would not be a close boarded fence, but rather a thick transparent mesh. It was also noted that Members would like the fence to be hedgehog friendly.

A Member asked how many additional parking spaces the application would provide, and whether service vehicles would use the same entrance. The Development Management Team Leader advised that there was no separate service entrance to the site, however service vehicles would continue along the access road to the end of the site where the buildings' delivery entrance was located. Concerning parking provision, whilst Suffolk County Council had originally felt this was not sufficient, the applicant had provided comparisons with c. 8-10 other similar care homes which had less parking provision, and the County Council no longer had concerns. It was also anticipated that the majority of staff would come from Kessingland, and therefore not necessarily drive to the site. Another Member asked whether a separate entrance and exit could be provided to the site, but was advised that this would mean the loss of substantial trees, and the two accesses would be close together, so this was not appropriate.

Mr L Martin, Chairman, Kessingland Parish Council

Mr Martin commenced his presentation to Members with some statistics on the number of people with dementia, and the cost of caring for them, including the predicted rise in these numbers. He stated that the 2011 Census showed 1,654 people in Kessingland aged over 60, which was 38% of the population, and no doubt these figures had increased since that date. The Kessingland Neighbourhood Planning Team had been approached by Manor Farm, and since the proposed extended care home would provide 60% of its accommodation for people living with dementia, it had been included in the draft Neighbourhood Plan. This had been well received by both the community and the local GP practice. The facility would be well screened, with conditions protecting the frontage trees. This was a much needed facility for Kessingland, which had the full support of the Parish Council, the community and the Neighbourhood Planning Team.

Questions to Parish Council

Members asked Mr Martin about the ability of the existing GP practice to deal with increased demand. Mr Martin advised that he had spoken to the practice many times about the proposal, and that it supported this much needed provision for Kessingland.

Debate

Members felt that it was important to deliver care in the community and closer to home, and this was the view of NHS England. Members were also pleased to see that the Parish Council was in favour of the application and that it was included in the draft Neighbourhood Plan. There was also clearly strong community support for the application. Members felt that the impact on the setting of the church would not be significant.

One Member still had concerns regarding parking, access and traffic, but could see that conditions would be in place to deal with some of these issues. Ideally he would like to see more parking on the site, and was concerned that the application may lead to parking along Church Road.

There being no further discussion, it was

RESOLVED

That authority be given to officers to grant permission, subject to the resolution of the surface water drainage system, and 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.

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

2. The development hereby permitted shall be carried out in accordance with approved drawing reference: A-673 02 rev A, A-673 03 rev A, A-673 04 rev A, E15900-TLP-PA01, E15900-TLP-PA04 and 15367ea-01 received 11 July 2016 and drawing number A-673 01 rev B received 8 September 2016, for which permission is hereby granted.

Reason: To secure a properly planned development.

3. Before the development is first occupied visibility splays shall be improved in accordance with details shown on drawing number A-673 01 rev B received 8 September 2016 and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

4. 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 drawing number A-673 01 rev B received 8 September 2016. Thereafter the access shall be retained in the specified form.

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

5. The vehicular access hereby permitted shall be a minimum width of 4.5m metres for a distance of 10 metres measured from the nearby edge of the carriageway.

Reason: To ensure vehicles can enter and leave the site in a safe manner.

6. The areas shown on drawing number A-673 01 rev B received 8 September 2016 to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be completed in their entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

7. Prior to the commencement of the development, a workplace Travel Plan should be submitted for approval by the Local Planning Authority. Thereafter, it shall be implemented in full prior to the development being first brought into use and reviewed and revised on an annual basis, unless otherwise agreed in writing by the Local Planning Authority. An annual Travel Plan Review, to be undertaken in accordance with the approved Travel Plan must also be submitted to the Local Planning Authority for written approval until further notice.

Reason: In the interest of sustainable development.

8. 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.

REASON: to safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS 17 of Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

9. 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 81 and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON: to safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS 17 of Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

10. 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.

Reason: To ensure the satisfactory external appearance of the development.

11. 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'.

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

12. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. 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.

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

14. In the event that contamination 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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

15. 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.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

16. The landscaping scheme shall be completed within six 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 5 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

17. Before any development is commenced details of external lighting including footpaths and roads shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first brought into use.

Reason: In the interests of the amenity of the area.

18. 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".

Reason: to protect the amenities of neighbouring residents

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

Reason: In the interests of neighbour amenity and in order to enhance the appearance of the locality.

6 DC/16/2683/FUL – KESSINGLAND COMMUNITY PLAYING FIELD, FRANCIS ROAD, KESSINGLAND

The Development Management Team Leader presented the application which proposed a building for use as a children's nursery. The site was within the strategic gap between Lowestoft and Kessingland, and was before the Committee because of that designation. The site formed part of the Kessingland playing field and included an area of tarmac (possibly a former games court) with an access off the main driveway. Also on the site were the Kessingland Sports and Social Club Hall, changing rooms, toilets, a games area, play equipment and a recently approved skate park.

The proposal was to construct a flat roofed single storey building for a children's nursery, located approximately 4m from the site boundary with Francis Road. The existing access would be used, and 10 parking spaces provided. The rear of the site would be enclosed by a 1.8m high fence. The service would initially cater for children aged 3 months – 2 years, and 2-5 year olds, in two sessions per day for three hours. The intention was to accommodate up to 32 children per session.

Members were shown an aerial photograph showing the playing field, existing access from Francis Road, pedestrian access, driveway, parking, social club, games area and skateboard park. Whilst within the strategic gap between Lowestoft and Kessingland, the site had been allocated for a children's nursery within the draft Kessingland Neighbourhood Plan. The existing social club was a larger building than that proposed for the nursery. A

photograph showed the vehicular access and driveway, with the application site to the right. Further photographs showed the view from the rear of the site, and towards the nearest dwellings. Some concerns had been raised by Environmental Health with regard to potential noise nuisance, however these had been satisfied with some amendments to the application.

The building would be of a low design and a temporary type construction to reduce impact, and enclosed by an acoustic fence. An enclosed area for children's play would be on the further end of the site from the boundary with dwellings. Conditions would limit the number of children on site to 32, as well as opening hours, so any extension of these would require a further application. It was felt that the building would have no great impact on the openness of the area, which was what the strategic gap policy sought to support, and officers therefore recommended approval of the application.

Questions

A Member asked why Environmental Health had originally been concerned about potential noise nuisance, when a nursery would presumably create less noise than the existing social club and football space, and was advised that this had been due to the proximity of residential properties to the site.

Another Member asked whether a condition should be included that should the building fall out of use as a nursery, it should be removed. The Development Management Team Leader advised that a more appropriate condition might be to limit the use of the building to that of a nursery, so that any future change of use would require further planning permission. However, later in the debate a statement from the Parish Council dealt with any concerns about the future use of the building, and no additional condition was therefore required.

A Member was concerned that the application was not for a nursery, but for an early years centre, and would provide significant financial gain for East Coast Community Healthcare. The Development Management Team Leader advised that both uses fell under the same use class and would have the same planning considerations.

Mr L Martin, Chairman, Kessingland Parish Council

Mr Martin advised that East Coast Community Health (ECCH) had approached the Parish Council and Neighbourhood Planning Team in 2014 with its proposals for an early years centre on this site, and the project had been included in the draft Kessingland Neighbourhood Plan. Representatives from ECCH had attended community consultation days on the draft Plan. The application would provide services underpinned by ECCH providing wrap-around pre-school and after-school clubs, as well as providing employment opportunities. Parking provision was appropriate, and should not impact on Francis Road residents. The facility was needed for the future sustainability of Kessingland, both in terms of improved children's services and jobs for local people. The application had the full support of the Neighbourhood Planning Team, the Parish Council and the community.

With regard to any future disposal of the building, if permission was granted the Parish Council, as land owner, would take out a legal licence with ECCH and that document could include the proviso that if the building fell out of use as a nursery, it should be removed.

Debate

Members felt that the support of Kessingland Parish Council, the local community and the draft Neighbourhood Plan should be backed by the Committee, and that this was encouraging for the development of other Neighbourhood Plans. Additionally, whilst part of the strategic gap, the site was not open countryside, but a playing field, and any impact would be minimal.

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.

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

2. The development hereby permitted shall be carried out in accordance with approved drawing reference: 1953.15.1B received 19 September 2016 for which permission is hereby granted.

Reason: To secure a properly planned development.

3. The use shall not commence until the area within the site shown on 1953.15.1B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4. The nursery hereby permitted shall not be open to customers outside of the following times: Monday to Friday 08:00 to 18:00

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance by noise.

5. Before the nursery is first occupied a 2.0 m high noise attenuation fencing shall be erected in the position should on drawing number 1953-15-1B, in accordance with details to be submitted to and approved in writing by the local planning authority. The noise attenuation fencing shall provide a reduction of potential noise levels of up to 12 dB in relation to EN-1793

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance by noise.

6. No more that 32 children shall be accommodated in the nursery at any one time.

Reason: To limit the noise and disturbance from the proposed nursery.

7 DC/16/3475/FUL – BERRY FARM, CLARKES LANE, ILKETSHALL ST ANDREW, BECCLES

The Area Planning and Enforcement Officer presented the application for retention and extension of an agricultural eco-dwelling on a permanent basis, including construction of a garage. It was before the Committee as it was for the retention of a dwelling that had been given temporary consent in the open countryside, and constituted a permanent residential dwelling for agricultural purposes.

Berry Farm formed a “co-operative” farm with a number of local stakeholders who worked the land and tended the animals. It also supported educational visits and had students both

British and from abroad. The land was accessed off Clarkes Lane and surrounded by hedgerows and trees. The farm was self sufficient with no sewerage and had a reservoir for water and a reed bed for drainage. There were also a number of poly tunnels and outside vegetable beds, fruit bushes and trees, and the co-operative provided a veg box scheme and was now providing ethically produced meat. There was a small temporary wooden structure on the site which provided accommodation for the primary caretakers of Berry Farm.

Photographs were shown of the existing temporary structures, including a gypsy van type caravan which was proposed to be removed and replaced with a 1.5 storey structure. Layout plans were shown of the existing dwelling and the proposed extension, including the internal layouts of both. Further photographs showing general views around the site were also shown. This was a relatively small scale development of a community facility, and was recommended for approval, subject to the additional of a further condition to remove permitted development rights.

Miss H Chitty – Applicant

Miss Chitty advised Members that a vegetable box scheme was run from the site, and livestock was raised for organic meat. Educational visits were made to the site. Lambing had taken place on the site for the past three years. There was an on-site presence in order to deal with emergencies such as escaped animals and structural damage, and to ensure security of the site. The site's habitat management had led to an increase in wildlife on and around the site, including birds of prey and more species of bat than other areas. Many products were sold by the co-operative, which was well known locally, including high welfare meat. The co-operative had received no grant income since 2015 but was financially stable, and continued to seek funding. The site included an orchard which was not yet mature.

Debate

A Member stated that he had been familiar with the site for years, and that whilst at first there had been objections to its use as a co-operative, it was now accepted by the local community. Other Members stated that they supported the proposal, and wished the farm well for the future.

There being no further debate, 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.

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

2. The development hereby permitted shall be carried out in accordance with the plans received by the local planning authority on 19th August 2016 unless otherwise agreed in writing

Reason: For the avoidance of doubt and to ensure the development is carried out in the manner considered by the local planning authority.

3. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990 or in forestry (including any dependants of such person residing with him/her) or a widow or widower of such a person.

Reason: The site is in an area where dwellings would not normally be permitted unless special circumstances have been demonstrated which would justify an exception to policy.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (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), C (any other alterations to the roof) or E (buildings or enclosures within the curtilage of the house) or F (hardstandings) 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.

Reason: To secure a properly planned development.

8 DC/16/3147/ARM – LAND AT FOXBOROUGH ROAD, LOWESTOFT

The Principal Planning Officer presented the application which sought approval of reserved matters of DC/13/0649/OUT – Phases 5 and 6 – Construction of 50 dwellings including design of dwellings, layout, access, hard and soft landscaping and bin storage.

The application sought consent for a total of 50 dwellings comprising the last two phases of the College Farm estate, the development of which dated back to the 1980s. The layout of the development and design of the dwellings was in keeping with recent housing development adjacent to the site and was considered acceptable. The application was referred to Committee for determination as it was a major application.

Members were shown an aerial view showing the school to the north of the site, development from previous phases underway, the Crestview Medical Centre and Aldi, thus the site was well located in terms of facilities and services. A plan of the site showed how it straddled Foxborough Road, and photographs of the site showed a tree belt which was the boundary with the school and Aldi. The types of dwelling proposed would be similar to those in earlier phases of the development. The layout plan showed no direct overlooking of existing dwellings by new dwellings, as they would be adjacent to bungalows, with 2-storey houses elsewhere on the site. Overall the site would provide approximately one third affordable housing.

This would be the final phase of the estate. The proposed layout was conventional and similar to what had gone before. It was a straightforward application with no significant issues raised. The Highway Authority had raised a small point with regard to the size of parking spaces, but an amended plan had addressed these concerns and the Highway Authority no longer had any objection, and an additional condition would refer to the revised layout. Approval was recommended subject to that additional condition and those set out in the report.

Questions

A Member asked whether all the affordable properties were to be houses rather than bungalows and was advised that this was the case, as this was what was needed most, ie 2/3 bedroom houses. The Housing Team had been consulted on the application, however the Member would ask them why there had been no specific requirement raised for affordable bungalows.

Another Member asked whether fencing on the site would be hedgehog friendly, and was advised that this issue was likely to have been dealt with as a condition on the outline planning consent. Tonight's application was only concerned with design and layout.

Nevertheless, the Principal Planning Officer would investigate and do what he could to achieve this.

Debate

Members were in favour of the application, and there being no further debate it was

RESOLVED

That permission be granted subject to the following conditions:

1. The development hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawing numbers 119-350, 119-351, 119-600, 119-601, 119-602, 119-603, 119-604, 119-605, 119-606, 119-607, 119-608, 119-609, 119-610, 119-611, 119-612, 119-613, 119-614, 119-615, 119-616, 119-617, 119-618, 119-650, 119-651, 119-652, 119-653, 119-654, 119-655, 119-656, 119-657, 119-658, 119-659, 119-660, 119-661, 119-664, 119-665, 119-675, 119-676, 119-677, 119-678, 119-679, 119-680, 119-681, 119-700, 119-701, 119-702, 119-703 and materials schedule and boundary treatment details received 29 July 2016, drawing numbers 119-353 Rev A, 119-662 Rev A, 119-663 Rev A and 119 704 received 19 September 2016 and Arboricultural Impact Assessment received 24 August 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.

Reason: To secure a properly planned development.

3. Prior to the commencement of development full details of fire hydrant provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To secure a properly planned development.

4. The use shall not commence until the area(s) within the site shown on Drawing No.119-352 Rev A for the purposes of cycle storage and bin presentation has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of cycles is provided and maintained in order to ensure the provision of adequate on-site space for the parking of cycles and to ensure that refuse recycling bins are not stored on the highway causing an obstruction and danger to other users.

9 DC/16/2940/OUT – PAKEFIELD HALL, LONDON ROAD, GISLEHAM

The Development Management Team Leader presented the outline application for extension and alterations to existing buildings to create 14 holiday cottages and associated facilities on a site located on the eastern side of the A12, just to the north of the Pontins holiday park. The site had a range of buildings, and was currently used as a “pet hotel”. A previous application for conversion of the buildings to 20 dwellings had been refused in 2015 and dismissed on appeal, but the Inspector’s decision letter had opened the way for more acceptable uses.

An aerial photograph showed the location of the site in relation to the South Lowestoft Industrial Estate and nearby roundabout, and southerly along the A12 to the nearby Pontins holiday park. The application site currently included a range of buildings set out in a u-shape used as a boarding kennels. Photographs of the buildings and the application site were shown, from which Pakefield Hall could be seen, which was the applicant's dwelling but not part of the site. The site was also adjacent to a veterinary practice which was now in separate ownership. The proposal would raise the current single storey u-shaped buildings to be two storeys in height.

Further photographs showed the view back from the site to the A12 entrance, and that from the A12 into the site. A site plan showed a nearby barn and paddock. Parking for the veterinary surgery was in the paddock area.

An application on this site approximately 1 year ago for conversion to housing had been refused and dismissed on appeal, the reasons for refusal being development in the countryside and outside the physical limits of Lowestoft and Kessingland and therefore not a suitable place for housing, with which the Appeal Inspector had agreed, and impact on the openness of the strategic gap, with which the Inspector had not agreed, as she felt the site being unsuitable for housing was sufficient reason for refusal.

The proposed holiday use allowed for development close to towns and villages, and it was hard to argue that the site was not close to both Kessingland and Lowestoft. As the proposed increase in size of the buildings was similar to that accepted by the Appeal Inspector, officers recommended the application for approval. Suffolk County Council Flood and Water Management required a surface water drainage strategy to be submitted in accordance with the Suffolk Flood Risk Management Strategy, and authority was therefore sought for officers to grant permission subject to the resolution of the surface water drainage system.

Questions

A Member asked how easy it would be to convert the planned holiday cottages/flats into residential use. The Development Management Team Leader advised that a condition on permission would ensure the units would be occupied solely as holiday accommodation and that no unit would be occupied for more than 28 consecutive days in any year by the same person(s). The owner would be required to keep a register of lettings available for inspection.

Another Member asked whether Anglian Water had made comment with regard to sewerage problems and was advised that that organisation had statutory powers to deal with such issues, and if there was insufficient capacity it could refuse connection, and the planning permission would therefore not be operable. The Development Management Team Leader added that the applicant had stated that it was the intention to take all new foul water drainage to a new small sewage treatment plant within the site boundaries, so there would be no impact on the existing drains/sewers.

A Member asked for reassurance that the units would be let for no more than 28 consecutive days to any one hirer, and was advised that, whilst there could be no guarantees, there was a suitable condition to be added to the permission. An application in Kessingland referred to by the Member had been operated as second homes, however this application was for holiday accommodation. The condition to be applied went as far as possible to control the use of the accommodation.

Debate

Whilst the application was an encroachment into the strategic gap, it was on the edge, and suitable conditions would be applied to control the use of the site. A Member asked whether it was possible to remove the permitted development rights for the site, and was advised that officers would investigate this, and if possible, would add a suitable condition. It was

RESOLVED

That authority be given to officers to grant permission subject to the resolution of the surface water drainage system, and to the addition of a condition removing permitted development rights on the site, and to the following conditions:

1. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then

b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

Reason: To comply with section 92 of the Town and Country Planning Act 1990.

2. Details relating to the layout, scale, appearance, access and landscaping of the site (the "reserved matters"), and measures to minimise water and energy consumption and to provide for recycling waste shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: To comply with Sections 91 and 92 of the 1990 Act.

3. Before the development is commenced details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including 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.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4m from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 120m in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

5. Prior to the dwellings hereby permitted being first occupied, the vehicle access onto the A12 shall be properly surfaced with a bound material for a minimum distance of

10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

6. 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'.

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

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.

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

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.

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

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.

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

10. Prior to the commencement of development a written report must be submitted to, and approved by, the Local Planning Authority which must:
 - identify all mechanical services noise sources associated with the development, including (but not limited to): heating plant, air conditioning and mechanical ventilation;
 - detail the type and models of the proposed mechanical equipment / plant, installation locations, and predicted acoustic performance; and
 - assess the predicted noise emissions from the identified equipment / plant in accordance with BS4142 (or a methodology agreed by the Local Planning Authority) and demonstrate, with detailed proposals for noise control and mitigation measures if necessary, that noise emissions will not have an adverse impact on existing dwellings.

Thereafter the retail units must be developed in accordance with the approved report.

Reason: In the interests of the amenity of nearby residents

11. The approved holiday unit(s) shall be occupied solely as holiday accommodation and for no other purpose whatsoever including residential use. No unit shall be occupied for more than 28 consecutive days in any calendar year by the same person or persons. The owner shall maintain, and keep available for inspection at all reasonable times, an up-to-date register of lettings

Reason: the proposed units are suitable for holiday accommodation but not suitable for residential use.

12. 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 extensions to the holiday units (other than those approved under this permission) shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

10 DC/16/3806 – 2 CANNING ROAD, LOWESTOFT

The Principal Planning Officer presented the application which was for the extension of an existing visitor car park area for Riverside and 2 Canning Road to gain an additional 13 spaces. It was also proposed to resurface the loose gravel area with a plastic grid system filled with gravel, and to mark out the car parking spaces. Planting of a similar mix to that used at Riverside was proposed. The application raised no issues of concern, and was recommended for approval. The site was owned by the Council, and therefore the application was referred to the Committee for determination.

An additional condition had been proposed by the Highway Authority, which otherwise had no objection to the proposal.

Councillor Goldson declared a Local Non Pecuniary Interest at this point of the proceedings, as his portfolio as Suffolk County Council Cabinet Member for Health included the Registrars Team.

Questions

A Member asked how the Council would ensure that only visitors to the site used the visitors' car park, and not staff. The Principal Planning Officer advised that this would be down to both signage, and management of the site.

Debate

A Member was concerned that the proposal was not compatible with the Green Travel Plan adopted for the Riverside complex, which put driving low down in a hierarchy of travel options. The Travel Plain aimed to both limit and charge for car parking, in order to both disincentivise driving, and to help pay for more public transport. Other Members felt that the proposal would both tidy up the site, and provide a safer route for pedestrians walking between Riverside and 2 Canning Road.

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.

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

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with Drwg. No. 02 received 12 September 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.

Reason: To secure a properly planned development.

3. The use shall not commence until the area within the site shown on submitted drawing 02 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

11 DC/16/3491/RG3 – JUBILEE PARADE, THE ESPLANADE, LOWESTOFT

The Development Management Team Leader presented the application which was for temporary permission for the construction of 50 beach huts to the front of the existing concrete chalets at Jubilee Parade, Lowestoft. The Council was the applicant, and for this reason the application had been brought to the Committee.

A plan was shown to Members showing the location of a number of concrete block chalets built almost into the cliff sea defences behind. These were in a poor condition, and had been fenced off. The proposal was to provide timber structures to replace the existing concrete chalets pending a decision as to their future. An aerial photo showed the location of the nearby café, lifeguard station, toilets and steps. These were not affected by the same issues as the concrete chalets, as they were brick buildings. Photographs were shown of the fenced-off chalets.

A 3-year temporary permission was requested for the replacement timber chalets, in order to give time for investigation as to whether it would be possible to repair the existing chalets, whilst at the same time providing an alternative for users of the chalets.

An application earlier in 2016 for beach huts further south of this site had requested 0.5m spacing between the huts, however at the meeting the Committee had granted permission subject to 1m separation, due to concerns about conflict between vehicles and promenade users, the small proposed space being more likely to result in the accretion of sand/rubbish which may be difficult to remove, and the potential for spread of fire between huts. For this reason the applicant had been asked to consider providing greater separation between the proposed beach huts. The applicant had responded that it was not believed that conflict between vehicles and promenade users had been an issue in the location site, that long established huts to the north and south of the site had gaps of approximately 0.5m and did not appear to be particularly prone to the accumulation of rubbish, and that if a hut was affected by fire it was unlikely that a 1m gap would prove to be a significantly greater fire barrier than a 0.5m gap.

Questions

A Member advised that the Southwold Beach Hut Owners' Association made it clear that the responsibility for clearing rubbish between huts was with the hut owners, and asked whose responsibility this would be on the application site. The Development Management Team Leader advised that the leases for the huts could include a management and maintenance condition to the effect that lessees were responsible for clearing the area to one or other side of their hut.

A question was raised as to whether the huts would be removed during the winter months, and Members were advised that they would not be. A question as to how long each hut was to be let for, eg weekly, seasonally etc, could not be answered and would be investigated by officers.

Debate

Members were happy that a suitable condition added to the leases for the huts would deal with the Committee's concerns regarding the build-up of rubbish. This should be approved by the Chairman and Vice Chairman prior to permission being granted.

There being no further discussion, it was

RESOLVED

That permission be granted for a temporary, three year period, subject to the Chairman and Vice Chairman of the Planning Committee approving a suitable management and maintenance condition to clarify responsibilities for clearing rubbish and sand in the vicinity of the huts, and to the following planning conditions:

1. The development hereby permitted shall be for a maximum period of 3 years from the date of this permission, after which time the structure shall be removed to the satisfaction of the Local Planning Authority and the land reinstated to its former condition.

Reason: Having regard to the non-permanent nature of the structure.

2. The development hereby permitted shall be carried out in accordance with approved drawing reference: BH/001, G40-PBH-004 and BH 005 v1 received 18 August 2016 and for which permission is hereby granted.

Reason: To secure a properly planned development.

3. Prior to the installation of the first beach hut hereby approved a colour pallet to be used in the external decorating of the huts shall first be submitted to and approved in writing with the Local Planning Authority. The approved chalets shall thereafter be decorated in the approved colour pallet.

Reason: to protect the character and appearance of the conservation area.

The meeting concluded at 7.55pm.

Chairman

Prior to the close of the meeting, the Chairman advised Members that a second meeting of the Committee was likely to be required on 29 November 2016, with either a 6.00pm or a 6.30pm start time, and Members were asked to note this date. The Chairman also reminded Members that a site visit would take place at The Kings Head, High Street, Kessingland on Monday, 7 November 2016 at 2.30pm.