

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft  
on **Wednesday, 24 August 2016 at 6.00pm**

**2b**

Members Present:

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

Officers Present:

P Perkin (Principal Planning Officer), P Ridley (Head of Planning and Coastal Management), P Rowson (Planning Development Manager) and N Wotton (Democratic Services Manager).

**1 APOLOGIES / SUBSTITUTES**

Apologies for absence were received from Councillor N Brooks.

Councillor C Rivett attended the meeting as a Substitute for Councillor N Brooks.

**2 DECLARATIONS OF INTEREST**

Councillor S Allen declared a Local Non Pecuniary Interest in Item 6 – DC/16/2157/FUL – Former HM Blundeston Site, Lakeside Rise, Blundeston as she had been involved in the initial meetings between the Ministry of Justice and the Village to look at future uses for the site.

Councillor P Ashdown declared a Local Non Pecuniary Interest in Item 6 – DC/16/2157/FUL – Former HM Blundeston Site, Lakeside Rise, Blundeston as being the Ward Councillor for Blundeston. Councillor Ashdown had also been involved in the initial meetings between the Ministry of Justice and the Village to look at future uses for the site. However, Councillor Ashdown had not been involved in the design of the development submitted to this meeting.

**3 DECLARATIONS OF LOBBYING**

No declarations of lobbying were made.

**4 APPEAL DECISIONS REPORT**

The report of the Head of Planning and Coastal Management advised the Committee four appeals had been determined in July 2016 and all had been dismissed.

**RESOLVED**

That the report concerning Appeal Decisions in July 2016 be noted.

**5 DELEGATED CHIEF OFFICER DECISIONS**

The report of the Head of Planning and Coastal Management informed Members of all the Chief Officer delegated planning decisions made during July 2016.

**RESOLVED**

That the report concerning the Chief Officer Delegated Planning Decisions made during 2016 be noted.

**6 DC/16/2157/FUL – FORMER HM BLUNDESTON PRISON, LAKESIDE RISE, BLUNDESTON, LOWESTOFT**

N.B. Councillors J Ceresa and M Pitchers arrived at the beginning of this item.

The Head of Planning and Coastal Management presented the application which proposed the redevelopment of the former HM Prison site, for primarily residential development, as well as two shop units and 3 office buildings to provide some employment uses. Members noted that the application had been submitted in hybrid form. Full planning permission was sought for the buildings located outside the main prison complex, namely the shops with flats above, the office buildings and a block of 16 affordable dwellings. It was reported that an early start on this development was anticipated, as only limited demolition of existing buildings was required. Outline permission was sought for the development of the larger area of the site, including the demolition of all the prison buildings, and redevelopment for 130 dwellings and a care home. A Members site visit had taken place on Monday, 8 August 2016 and the notes were attached as Appendix A to the report.

Members noted that there had been significant collaboration between Waveney District Council, Blundeston Parish Council and the developers in designing the development. It was reported that there had been some updates in relation to the recommendations, which had been included within the update report, which was circulated prior to the meeting and these would be explained in more detail, later in the meeting.

Members were shown an aerial view, photographs and location plans of the site and its surrounds. It was noted that the site was accessed from Hall Road, from which there were currently three accesses. To the west there were a number of former prison officer's dwellings which are in separate ownership and were not included in the application site. There was also a lake to the south of the site. The site was beyond the physical limits for Blundeston and the lake and surrounding woodland were identified as a County Wildlife Site.

Phase one of the development comprised of full planning permission for two shops with 4 x one bedroom flats above on the site of an existing building adjacent to the former prison officer's dwellings, with 10 parking spaces adjacent to Lakeside Rise, four of which would be parking spaces for the flats. There would also be 3 office buildings in a location close to the current main entrance to the site, each with two floors with a total floor space of 332.4 square metres. There would also be 14 starter homes, which were proposed in the form of a terraced block adjacent to the existing housing area, which would be part two storey with a central element of three storeys with an archway through to a rear parking yard. The accommodation would comprise of six two bedroom houses, three in each two storey 'wing' and eight one bedroom flats, two on the ground floor and three each on the first and second floors. Parking was proposed in the rear yard for 20 spaces. In addition there would be two buildings in the rear yard, each including three garages with one flat above.

Phase two of the development was an outline application, which primarily related to the 'secure' area of the site. This was for 130 dwellings and a care home, the latter located on what was currently the artificial sports pitch. It was noted that an illustrative masterplan and some indicative dwelling types had been submitted. Members noted that if the application was approved, further full planning applications would be submitted in due course, containing the detailed plans.

Members noted the buildings which were due to be demolished and the building which had been refurbished for use by Blundeston pre-school. It was reported that the office buildings would be for B1 office use. It was intended that these would only be built when demand existed. Marketing of the potential offices would be undertaken in due course.

Members were advised that mixed use of the site was encouraged and Members viewed a number of drawings including elevations of the proposed office blocks, shops, starter units,

garages and affordable housing. Members viewed a number of photographs of the site, including the former farm house, which was of poor quality and was due to be demolished.

The Head of Planning and Coastal Management advised Members that the application needed to be approved by the end of August 2016, otherwise the development would become liable for the Community Infrastructure Levy (CIL), which would cost the developer in the order of £600-£700k and would make the proposed development economically unviable. Due to the exceptional circumstances around this proposed development, it was noted that in order to facilitate a timely issuing of consent, if Members were to Approve the application, the developer would be required to enter into a S106 Agreement via the requirements of a negatively worded Grampian Condition. Discussions between Waveney District Council, Suffolk County Council and the developer had taken place and suitably worded Grampian conditions had been drafted, which covered travel plan obligations, footpath and highway improvements, suitable bus stop provision as well as affordable housing and open space provision including future maintenance, via this mechanism.

Regrettably, there had been some disagreement regarding the legality of the requirements for the monitoring of the travel plan to be funded by the S106 Agreement as well as the necessity of a bond all as required by Suffolk County Council. A recent legal case involving Oxford County Council and Others (2015) EWHC 186 (Admin) had made a judgement that a contribution to administrative and monitoring costs was not 'necessary' to make the development in that case acceptable in planning terms. Waveney District Council officers were therefore of the opinion, having discussed with the Head of Legal and Democratic Services that the requirement for a travel plan monitoring fee as proposed by Suffolk County Council was not justified or lawful and therefore should not be included within the conditions. It was noted that there was no objection to the principle of delivering travel plan enhancements to the scheme but these need to be agreed between the parties.

The Head of Planning and Coastal Management took the opportunity to explain the detailed conditions contained within the report and the update report and circulated a further document which provided greater clarification of the changes. Members noted that the application was recommended for approval, subject to the conditions as explained.

#### Mr Nicholls – Blundeston Parish Council

Mr Nicholls took the opportunity to commend the work undertaken by Badger Builders to engage with the Parish Council and villagers to seek their views regarding the development. It was noted that the issues regarding public open space and the children's play area had been addressed satisfactorily, however assurances were required regarding the future maintenance of the equipment.

The demolition process would take approximately 12 – 18 months and the properties nearby would be significantly affected by the disruption, which would include noise, dust and increased traffic. It was hoped that the demolition would be undertaken in a considerate manner, to reduce the disruption as much as possible.

Residents were keen to preserve as many of the mature trees on the site as possible and for any diseased trees to be replaced. The cycle path and footpath would be a positive contribution for the village and overall the Parish Council welcomed the development.

#### Ms Wright – on behalf of Blundeston Village

Although villagers were generally in favour of the site being developed, there were a number of concerns which still needed to be addressed.

Hall Road would provide direct access to the site and had suffered from a lack of maintenance in recent years. There was no kerbing and therefore the road was getting overgrown and narrower. This would cause problems for the increased traffic which would be

using the road to access the site. It was already difficult for two cars to pass on this road and with the increase in lorries going to and from the site, these difficulties would only increase.

The villagers also requested that any trees which were removed, were to be replaced, in order to maintain the appearance of the area.

The proposed development would increase the size of Blundeston by approximately 30%. The village only had limited amenities and therefore such a large development would have a significant impact and residents would need to have time to settle down and adjust to this change. It was therefore hoped that there would be no further significant developments in the village for the next 20 to 30 years.

#### Mr George and Mr Gilder – The Applicant and Agent

Mr Gilder advised that the former HM Prison at Blundeston was an unusual site, which was currently empty. The proposal would be a complex re-development and would require significant site clearance.

Badger Builders had met with Waveney District Council and the Parish Council at an early stage in order to find a joint way forward. The proposed plans had been displayed and there had been a thorough consultation process and engagement with the local residents. The developers had worked with the local pre-school to find them new facilities, which had ensured their long term future and met all of the Ofsted requirements. Blundeston Primary School had been consulted and they could cope with any additional pupils which the new development brought to the area.

The development compromised an unusual mix of shops, offices, variety of dwellings and a care home. It was noted that part of the application under consideration by the Planning Committee was an outline application only, therefore a number of more detailed planning applications would need to be considered in due course.

The demolition on the site would be undertaken safely and securely. The existing fencing would be retained whilst the demolition was underway to preserve the security of the site.

Mr Gilder took the opportunity to thank officers for their support and partnership working, which had produced a good proposal for an unusual site. Badger Building had delivered a number of sites throughout the area and would ensure that this development was an asset to the village.

#### Questions

A Member queried which type of businesses would move into the 2 shop units, which were proposed. It was reported that the premises would be advertised for rent when they were completed, however no expressions of interest had been received as yet.

With regard to the footpath around the entire site, it was confirmed that the footpath circuit would remain unbroken.

In respect of Footpath 13, there were concerns that it would not connect fully with the infrastructure on the site. It was reported that discussions would be undertaken with the Highways Department in this respect regarding the road crossing details and every effort would be made to ensure that the footpath would be fully integrated and make the best use of the site. There would also be improvements made to the path surface.

A Member requested further information about the children's play area and who would be responsible for the ongoing maintenance and repair of the area. It was confirmed that there

would be a mechanism in place to ensure there would be ongoing funding for the repair and maintenance of the equipment. It was likely that a management company, rather than Waveney District Council, would take on this responsibility and ensure that the repairs took place.

A Member queried whether there would be any criteria for the allocation of housing, to ensure that local people were able to benefit from the development. It was reported that there had been no detailed discussions in this respect so far, however Housing Services would be contacted in due course, to ensure that the needs of the local community would be met.

A Member requested further clarification regarding the Community Infrastructure Levy (CIL) funding in relation to this development. It was reported that if the development was approved by the 31 August 2016, no CIL payment would be required. The full CIL payment would be due if the development was approved on 1 September 2016 or later. The CIL Regulations allow for a deduction in the levy required where buildings on a site are to be demolished and they have been in lawful use for at least six months within the previous three years. The prison ceased to operate in early 2014 with the prisoners moving out during 2013.

It was anticipated that the CIL contribution would be £600,000 to £700,000, which would significantly affect the financial viability of the whole project. The site had been left empty for almost 3 years and the Head of Planning and Coastal Management explained that it was his view, as set out in the report, that the benefit of this site being developed now, accepting there would be no CIL, would be beneficial when compared to the site remaining vacant and not contributing in any way to the local community. It was therefore his advice that in the planning balance it was important that this development took place.

The Member queried whether Suffolk County Council were aware that they would not be receiving the amount of S106 funding that they had been expecting. It was confirmed that there had been several discussions with Suffolk County Council in this respect and they were aware of the Grampian condition. They were also aware and accepting of the specific circumstances surrounding this case.

A Member queried whether the Council would contact Suffolk County Council regarding the issues which had been raised about the condition of Hall Road and also clarify what the S106 funding had been spent on. The Head of Planning and Coastal Management reported that as this was a notable and important development that Members of the Committee may wish to receive regular updates on the progress of the development including S106 funding commitments. It was also noted that an officer from Suffolk County Council was in attendance at the meeting and they would take the comments made about Hall Road back to their colleagues for consideration.

With regards to the demolition process, reassurance was provided that Environmental Health officers and Planning Officers would be monitoring the whole process, to ensure that local residents were not unduly disturbed. This would be a challenging demolition project, however the officers had recently managed other similar, complex projects within the District.

The Head of Planning and Coastal Management provided some clarification regarding future developments in the Blundeston area. It was noted that no assurances could be provided that additional development would not take place in Blundeston in future years as part of the Waveney Local plan review. Suitable future development would be considered by the Local Plan Working Group and although it was acknowledged that Blundeston would need time to settle down after the completion of this development, there could be other smaller developments elsewhere in the village in the future.

Debate

Members were supportive of the development and commended the partnership working which had taken place throughout the whole process. A Member commented that it would have been helpful and useful to have one sheet with the final detailed conditions to consider, rather than a number of separate supporting documents. Officers acknowledged this request but confirmed that, due to the time critical nature of ensuring this application was presented to the Committee meeting, that it had to be presented this way. The Head of Planning and Coastal Management made it clear that if any Member had any queries regarding the recommendation and the particular conditions recommended, they should ask questions to seek that clarification. It was reported that the decision was time critical and officers had spent considerable time and effort in researching these issues and had sought additional advice as appropriate.

**RESOLVED**

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

1. Receipt of consultation responses from the Environment Agency, Suffolk Floods Management and Suffolk highways, and any additional conditions arising therefrom.
2. Completion of a section 106 obligation covering
  - Provision of affordable housing
  - Provision and future management of on-site open space and play equipment, and
  - Marketing of the proposed office buildings.

And the following conditions:

**In relation to Phase 1 of the development (as identified on drawing number 6845-Ph01 received 24 May 2016):**

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 references: 6845-EX01, 6845-MP01, 6845-PL01, 6845-PL02, 6845-PL03, 6845-PL04, 6845-PL05, 6845-SP01 and BBBP1/1 received 24 May 2016, for which permission is hereby granted.

Reason: To secure a properly planned development.

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.

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

4. 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:

The programme and methodology of site investigation and recording

The programme for post investigation assessment

Provision to be made for analysis of the site investigation and recording

Provision to be made for publication and dissemination of the analysis and records of the site investigation

Provision to be made for archive deposition of the analysis and records of the site investigation

Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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).

5. 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 4 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).

6. Before the shops hereby approved are first brought into use the parking areas shown on drawing number 6845-SP01 received 24 May 2016 shall be available for use, and shall be so maintained thereafter.

Reason: to ensure that adequate parking provision is available for the shops.

7. 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.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

8. Before the development hereby permitted is first brought into use, a Management Plan for the trees and the public realm to be retained on the site shall be submitted to and approved in writing by the local planning authority. The trees shall be managed in accordance with the approved Management Plan.

Reason: In the interests of the visual amenity and character of the area.

9. The Mitigation measures outlined in section 8 of the submitted Biodiversity and Protected Species Report (namely provision of bat boxes (8.1), time limits for work to trees and provision of bird boxes (8.2), measures for amphibians and reptiles during construction (8.5) incorporation of native wildlife species in landscaping (8.10) and lighting (8.11)) shall be provided within six months of the development being brought into use.

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

10. No burning of waste materials (including green waste) should be take place on site during construction and demolition.

Reason: to protect the amenities of nearby residents

11. No demolition and construction works shall take place until a site specific Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the affects of noise, vibration, dust and lighting. The plan should include, but not be limited to:

- \* Procedures for maintaining good public relations including complaint management, public consultation and liaison

- \* Arrangements for liaison with the Council's Environmental Protection Team

- \* All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the LPA, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- \* Deliveries of materials to and removal of plant and equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

- \* Mitigation measures as defined in BS 5228: Parts 1 and 2: Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from the demolition and construction works.

- \* Procedures for the emergency deviation of the agreed working hours.

- \* Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air – borne pollutants.

Please note that Best Practicable Means (BPM) to reduce the noise impact upon the local community should include the following:

- All demolition and construction plant and equipment should comply with EU noise emission limits:

- Proper use of plant with respect to minimising noise emissions and regular maintenance. All vehicles and mechanical plant used for the purpose of the works should be fitted with effective exhaust silencers and should be maintained in good efficient working order,;

- Selection of inherently quiet plant where appropriate. All major compressors should be 'sound reduced' models fitted with properly lined and sealed acoustic covers which should be kept closed whenever the machines are in use and all ancillary pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufacturers:

- Machines is intermittent use should be shut down in the intervening periods between work or throttled down to a minimum:

- Plant and equipment such as flatbed Lorries, skips and chutes should be lined with noise attenuating materials. Materials should be handled with care and placed, not dropped.

Reason: to protect the amenities of nearby residents



12. Add in Environment Agency condition her about raising the floor level 2.5 metres – correct wording and reason needed here.
13. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.
- Reason: to ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.
14. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
- Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.
15. No development shall commence until details of a contamination report for the site has been submitted to and approved in writing by the local planning authority.
- Reason: to determine whether infiltration can be used as a drainage strategy and to assess the risk of pollution to surface water runoff from the site.
16. The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the local planning authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register.
17. 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. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.
- Reason: to ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.
18. 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.
19. Before the development is commenced, details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

20. Prior to the commencement of the development for which full planning permission is granted, a scheme for the provision of affordable housing shall be submitted to and approved by the local planning authority. The affordable housing shall be provided entirely in accordance with the approved scheme. The scheme shall include 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.

Reason: to ensure an adequate provision of affordable housing to meet local need.

**In relation to Phase 2 of the development (as identified on drawing number 6845-Ph01 received 24 May 2016):**

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. Plans and particulars showing the detailed proposals for all the following aspects of the development ("the reserved matters") shall be submitted to the Local Planning Authority and development shall not be commenced before these details have been approved:
- a) The layout including the positions and widths of roads, footpaths and cycleways including levels, gradients and means of surface water drainage.
  - b) The siting of all buildings and the means of access thereto from an existing or proposed highway
  - c) The design of all buildings, including the colour and texture of facing and roofing materials
  - d) An accurate plan showing the position, type and spread of all trees on the site and a schedule detailing the size and physical condition of each tree and where appropriate, the steps to be taken to bring the tree to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree.
  - e) A landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels
  - f) Measures to minimise water and energy consumption and to provide for recycling of waste
  - g) The layout of foul sewers and surface water drains
  - h) The provision to be made for the parking, loading and unloading of vehicles
  - i) The alignment, height and materials of all walls and fences and other means of enclosure
  - j) The provision to be made for the storage and disposal of refuse

Reason: To secure a properly planned development.

3. 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:

The programme and methodology of site investigation and recording

The programme for post investigation assessment

Provision to be made for analysis of the site investigation and recording

Provision to be made for publication and dissemination of the analysis and records of the site investigation

Provision to be made for archive deposition of the analysis and records of the site investigation

Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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).

4. 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 4 and the provision made for analysis, publication and dissemination of results and archive deposition.

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5. 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.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

6. Before the development hereby permitted is first brought into use a Management Plan for the trees to be retained on the site shall be submitted to and approved in writing by the local planning authority. The trees shall be managed in accordance with the approved Management Plan.

Reason: In the interests of the visual amenity and character of the area.

7. The Mitigation measures outlined in section 8 of the submitted Biodiversity and Protected Species Report (namely provision of bat boxes (8.1), time limits for work to trees and provision of bird boxes (8.2), measures for amphibians and reptiles during construction (8.5) incorporation of native wildlife species in landscaping (8.10) and lighting (8.11)) shall be provided within six months of the development being brought into use.

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

8. No burning of waste materials (including green waste) should be take place on site during construction and demolition.

Reason: to protect the amenities of nearby residents

9. No demolition and construction works shall take place until a site specific Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the affects of noise, vibration, dust and lighting. The plan should include, but not be limited to:

- \* Procedures for maintaining good public relations including complaint management, public consultation and liaison

- \* Arrangements for liaison with the Council's Environmental Protection Team

- \* All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the LPA, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

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- \* Mitigation measures as defined in BS 5228: Parts 1 and 2: Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from the demolition and construction works.

- \* Procedures for the emergency deviation of the agreed working hours.

- \* Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air – borne pollutants.

Please note that Best Practicable Means (BPM) to reduce the noise impact upon the local community should include the following:

- All demolition and construction plant and equipment should comply with EU noise emission limits:

- Proper use of plant with respect to minimising noise emissions and regular maintenance. All vehicles and mechanical plant used for the purpose of the works should be fitted with effective exhaust silencers and should be maintained in good efficient working order,;

- Selection of inherently quiet plant where appropriate. All major compressors should be 'sound reduced' models fitted with properly lined and sealed acoustic covers which should be kept closed whenever the machines are in use and all ancillary pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufacturers:

- Machines is intermittent use should be shut down in the intervening periods between work or throttled down to a minimum:

- Plant and equipment such as flatbed Lorries, skips and chutes should be lined with noise attenuating materials. Materials should be handled with care and placed, not dropped.

Reason: to protect the amenities of nearby residents.

10. Add in Environment Agency condition her about raising the floor level 2.5 metres – correct wording and reason needed here.
11. Concurrent with the first reserved matters application a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:
- a) Dimensioned plans and drawings of the surface water drainage scheme.
  - b) Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and ground water levels show it to be possible.
  - c) If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA.
  - d) Modelling of the surface water drainage scheme to show that the attenuation/infiltration figures will contain the 1 in 100 year rainfall event including climate change.
  - e) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows.
  - f) Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system.
  - g) Details of who will maintain each element of the surface water system for the life. The scheme shall be fully implemented as approved.

Reason: to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

12. Concurrent with the first reserved matters application details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

13. No development shall commence until details of a contamination report for the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To determine whether infiltration can be used as a drainage strategy and to assess the risk of pollution to surface water runoff from the site.

14. The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the local planning authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: to ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register.

15. 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. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: to ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.

16. No part of the development shall be commenced until details of the proposed footway and pedestrian crossing improvement scheme (to connect the site to Footpath 13) has been submitted to and approved in writing by the local planning authority. The scheme shall be laid out and constructed in its entirety prior to occupation.

Reason: to ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

17. No other part of the development hereby permitted shall be commenced until the existing vehicular accesses has been improved, laid out and completed in all respects in accordance with details to be submitted to and approved in writing by the local planning authority. 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.

18. 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.

19. Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing by the local planning authority 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 meters 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 vehicles emerging to take avoiding action.

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

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

21. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the local planning authority.

Reason: to ensure that roads/footpaths are constructed to an acceptable standard.

22. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base course level or better in accordance with the approved details except with the written agreement of the local planning authority.

Reason: to ensure that satisfactory access is provided for the safety of residents and the public.

23. The new estate road junction(s) with Hall Road inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials.

Reason: to ensure a safe access to the site is provided before any other works and to facilitate off street parking for site workers in the interests of highway safety.

24. Prior to the submission of reserved matters for the development for which outline planning permission is granted, a scheme for the provision of the affordable housing, to meet adopted local plan policy requirements shall be submitted to and approved by the local planning authority. The affordable housing shall be provided entirely in accordance with the approved scheme. The scheme shall include 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.

Reason: to ensure that adequate provision of affordable housing to meet local housing needs as required by planning policy.

25. No development of the part of the site for which outline permission is granted shall commence until a s106 agreement (made under s106 of the Town and Country Planning Act 1990, or any successor provision) between the developer, Suffolk County Council and any other party necessary to secure the agreement's enforceability, has been entered into providing for the infrastructure detailed in the attached heads of terms/annex which make the Site's development acceptable in planning terms.

Reason: to ensure an adequate provision of infrastructure to ameliorate the impacts of the development proposals.

#### Heads of Terms

- 1) A scheme of affordable housing to comply with local plan policy.
- 2) Travel Plan Obligations
- 3) Contribution towards Public footpath improvements to FP13.
- 4) Contribution towards highway infrastructure improvements.
- 5) Contribution towards bus stop provision.
- 6) A scheme of public open space and play equipment provision and maintenance.

#### **7 DC/16/2784/RG3 – FORMER COUNCIL OFFICES, MARINERS STREET, LOWESTOFT CHANGE OF USE**

The Principal Planning Officer presented the application which proposed the change of use from B1 office and ancillary car parking to allow the construction and operation of an A3 drive-thru restaurant, with ancillary A5 takeaway, on Council owned land to the rear of the Town Hall. The site formed part of a larger area that was allocated for redevelopment under Policy Low 3. Some new affordable housing had already been built in the area and this application provided an opportunity to realise some of the commercial elements of Policy

Low 3. Members noted that there were also 2 other linked applications for consideration at the meeting, regarding illuminated signage and the demolition of buildings.

Members were advised that the Town Hall was a Grade II listed building and the site was adjacent to the North Lowestoft Conservation Area. Adjacent to the Town Hall were single storey and two storey flat roofed prefabricated office buildings, which dated from the 1970's. In the south western part of the site, to the corner of Compass Street and Jubilee Way, was a two storey building dating from 1873, known as the Coopers Building, which was a non-designated heritage asset. Another two storey building fronting onto Mariners Street was of mid to late nineteenth century construction was likely used in conjunction with the Coopers building. Both buildings were converted to offices when the single and two storey office buildings were constructed around them in the 1980's. To the south of the site was a block of 12 flats at Market House on Crown Street and a terrace of 11 recently built houses on Compass Street. At the western end of Compass Street, 8 terraced houses were currently under construction. To the north of the site was a terrace of 4 houses on Mariners Street and the former Council car park.

Members were shown an aerial view, photographs and location plans of the site and its surrounds and noted the proposed design of the modular single storey drive-thru restaurant, which was of the standard Burger King design. There would be 19 parking spaces and access would be via a vehicular one way system, which would use the existing access points on Compass Street and Mariners Street.

It was noted that there would be a 2 metre high wall around the northern and southern corners of the site, flanking a railing on a brickwork plinth, facing the A12. The walls would be built of materials which matched those used in the Town Hall building. There would also be recesses which could be used as advertising panels.

The development would attract more people to the area, which would benefit the nearby shops and businesses. The development would create 25 FTE jobs. The proposed demolition of the 1970's prefabricated buildings would significantly enhance the appearance of the area and would increase the feeling of space behind the Town Hall building. Members were advised that in accordance with the National Planning Policy Framework, a balanced judgement was required regarding the proposed demolition of the Coopers Building and any loss would be regrettable. However, it was noted that many of the original features of the building had been lost during previous conversions of the building. The Principal Planning Officer advised that on balance and after careful consideration, the recommendation was to approve the application, subject to conditions as outlined in the report and update report.

Mr Le Grys – Agent

Following the opening statement of the agent the Head of Planning and Coastal Management took the opportunity to clarify that the application was being presented to the Planning Committee in its role as local planning authority, not as the land owner and the application would be considered fairly on its planning merits.

Mr Le Grys reported that there had been significant discussions and consultation with a wide range of consultees, which had resulted in the application for consideration. The proposal would support the Council's East Suffolk Business Plan and its aim for long term economic growth and improved productivity, which would support everyone from micro and small businesses to resident multi nationals.

It was noted that there had been considerable debate regarding future of the Coopers Building, which dated back to 1873. Although the building was a non-designated heritage asset, it was reported that there were very few original features left due to the building having undergone a number of conversions and adaptations over the years. The National Planning Policy Framework was clear that a balanced judgement must be taken when



considering the scale of any harm or loss of a significant heritage asset. On balance, it was felt that the impact of the loss of the Coopers building would not be so significant as to warrant the refusal of the scheme, given the wider benefits that the proposal would bring to the area and local community.

At the site visit which took place on 22 August 2016, it had been queried whether the wording on the side of the building could be retained in some form, in order to preserve the heritage of the area. It was confirmed that the wording could be saved and used within the proposed wall facing the A12, which would enhance the appearance of the area.

Landscaping was included within the application and it was intended that semi-mature planting would be used, which would be of a significant height to help enhance the appearance of the whole site and it was proposed that some additional wording would be added to the landscaping condition that ‘...such detail should include semi-mature tree planting.’

Mr Le Grys reported that there had been some archaeological test excavations undertaken at the site, which had not yielded results, however until the larger buildings were demolished, it would not be possible to know if there were any historical finds beneath the site. Members were reassured that should any artefacts be discovered, there was a proposed condition which would ensure that the site would be thoroughly investigated prior to any further building work on the site.

The development had been thoroughly researched and Burger King were confident of their business plan and the financial sustainability of the development. It was hoped that the development would help to enrich the area and encourage other businesses to locate nearby.

### Questions

Clarification was requested in terms of the number of parking spaces which would be available on the site, as the report stated that there would be 19 and there were 21 shown on the plan. It was reported that the total number of parking spaces would be 20, which included 2 spaces for the disabled and 2 for staff.

A Member reported that the Lowestoft Civic Society and the Suffolk Preservation Society had been very concerned about the loss of the Coopers building and it was queried whether it would be possible to incorporate the old building into the development. It was reported that this had been attempted at the early design stage of the development, however it was impractical to do and it had proven impossible to get a suitable road layout for the drive-thru.

A Member raised concerns that if the wording from Coopers building was preserved in the external wall facing the A12, that it could become covered by advertising which would obscure the view. Reassurance was provided that an additional condition would be added to ensure that the wording was saved and would not be covered by advertising.

A Member sought reassurance that the footpath and cycle path along Compass Street would not be altered, as it was important to maintain the link to the rear of the Town Hall. Members were informed that the pedestrian and cycle paths would not be altered as a result of this development.

Concerns were raised that 16 Parking spaces was not enough for the public, and this could lead to additional parking on nearby roads, causing congestion. It was reported that the restaurant would have 50 covers, and it was anticipated that it would be mainly used by families. 16 parking spaces was felt to be sufficient and was in keeping with the provision at other similar sized drive-thru restaurants across the country. The restaurant aimed to have a high turn around and it was not anticipated that customers would stay very long, therefore there would be enough parking spaces. A Member stated that they thought that there would

be more couples and single people using the restaurant rather than families, which would lead to additional parking requirements. Members were advised that the landscaping would have been lost if additional parking spaces were provided and on balance it was felt that this was the best option available for the site. The Head of Planning Coastal and Coastal Management advised that the Highways Department had not raised any concerns regarding the amount of parking spaces on the site.

A Member commented that Burger King would be relying on passing trade from the A12 and queried whether the business would still be viable when the third crossing had been built, as some traffic would be diverted from this part of the town. Members were advised that the business case for the development was viable and Burger King were committed to the site. They had taken on board all of the concerns raised by the Council and had developed a non-standard design for the restaurant, making a number of changes.

A Member queried where customers who were waiting for their drive-thru orders would be expected to wait. It was reported that there would be a quick turnaround and orders, even large family orders, would be filled speedily, therefore customers could wait in the car park and staff would bring their orders to them. This worked well in all drive-thru establishments and it was not anticipated that it would cause any difficulties at this site.

In response to a query from a Member, reassurance was provided that if the business was to fail at some point in the future, the Council still owned the land and would be able to demolish the building and use the site for other purposes, as appropriate. The site would be leased to Burger King on a 20 year lease and there were strict conditions to ensure that the building and grounds were maintained to a high standard. There would be severe repercussions should those conditions not be met. The lease had been carefully drafted to protect the Council's best interests and the Council would retain the ownership of the site.

With regard to the 1970's prefabricated building on Mariners Street, it was confirmed that once the building had been demolished, the land would be cleared and treated sympathetically to enhance the Town Hall. The cleared land would be used for car parking spaces for the Town Hall and there would also be some landscaping undertaken, which would be a significant improvement. It was confirmed that there would not be unsightly hoardings around the site.

In respect of the demolition, Members were advised that the costs involved and company which would undertake demolition was not a material planning consideration for this meeting.

### Debate

Members had a lengthy and robust debate about the application which had been presented.

Concerns were raised that the design of the building was out of keeping, detrimental to and inappropriate for the area, particularly due to its close proximity to the Grade II listed Town Hall and nearby Conservation Area. It was noted that Members were not opposed to the site being used for a drive-thru restaurant, it was purely the modular design of the building which they were opposed to.

The Head of Planning and Coastal Management clarified that there had been significant consultation regarding the proposed development and the site had been marketed widely, however there had been no interested parties, except for Burger King. The development would enhance the area and would prevent further deterioration of the site. It was a challenging time for High Streets across the country and this investment in the North of Lowestoft would hopefully stimulate the local economy and encourage more footfall for local shops and possible investment in the area. The Policy LOW 3 stated that a mixture of residential and commercial use would be appropriate for this area and this application would

serve to increase the commercial use. The modular building, with the positive landscaping scheme including fencing and a carefully designed wall was overall on balance the best opportunity for the site and that if unsuccessful commercially could be easily demolished in the future, if required. The single storey building would also open up the views to the rear of the Town Hall and in particular the stained glass window.

Members still felt that the design of the restaurant was inappropriate and unsuitable for this particular site. A Member stated that other Towns would not allow such a building next to an historic Grade II listed building. During discussions, it was suggested that the design was contrary to Policy DM30, as it did not protect or enhance the setting of the listed building.

Councillor Pitchers moved that the application be refused and there followed some prolonged discussion in this respect. Some Councillors voiced the opposing view that many vibrant cities such as London had many Listed Buildings in close proximity to very contemporarily designed buildings, such as St Pauls Cathedral and the Shard. It was felt that in many cases the mix of old and contemporary buildings could enhance an area. It was also noted that new buildings built in a historic style or design did not often sit well with the original historic dwellings and a contemporary design would be more appropriate, on many occasions.

Confirmation was provided that the Planning Officers had worked closely with Burger King regarding the design of the building, which had been carefully balanced against the unique setting. It was noted that the site was currently deteriorating quite rapidly and would only get worse over time.

A Member queried whether there had been many objections received from local residents in respect of the application. It was confirmed that 2 objections had been received, one of which was included within the report and the other was received after the report had been published.

As the debate had been continuing for some time, the Chairman of the Planning Committee drew discussions to a close and asked if any Member would like to propose the recommendation and conditions, as outlined in the report. Members requested clarification in this respect as they felt that the Motion to refuse the application had been moved and seconded and ought to be put to the vote as this stage of the proceedings. The Democratic Services Manager provided clarification that at the present time, the Motion to refuse the application had only been moved, it had not been seconded and therefore there was not a valid Motion on the table to vote upon at this time. Councillor Graham immediately took the opportunity to second the Motion to refuse the application. The Motion was then duly put to the vote and it was therefore

## **RESOLVED**

The site is adjacent to both Lowestoft Town Hall, a Grade II listed building, and the Lowestoft North Conservation area. Policy CS02 of the adopted Core Strategy (January 2009) requires all development proposals to demonstrate high quality design that positively improves the character, appearance and environmental qualities of an area and Policy CS17 states that proposals are expected to conserve or enhance the character and setting of the Lowestoft North Conservation Area. Policy DM30 of the adopted Development Management Policies (January 2011) states that development proposals should protect the architectural or historic interest including the setting of listed buildings and their settings through high quality sensitive design. The design of the proposed building is not considered appropriate or of sufficiently high enough quality in terms of the elevational details to respect the sensitive location of the site within the setting of the Town Hall. It is therefore considered that the proposal would be contrary to the aims of policies CS02, CS17 and DM30. Furthermore it is considered that the harm to the setting of the Town Hall is not outweighed by the public benefit, contrary to paragraph 134 of the National Planning Policy Framework.

**8 DC/16/2787/RG3 – FORMER COUNCIL OFFICES, MARINERS STREET, LOWESTOFT ILLUMINATED ADVERTISEMENT CONSENT**

The Principal Planning Officer presented the application which proposed the illuminated signage in respect of an A3 drive-thru restaurant with ancillary A5 take away. The signage would include illuminated fascia and free standing signs and non-illuminated corner post display panels. The site was in a prominent and sensitive location, being adjacent to the Town Hall, which was a Grade II listed building and the North Lowestoft Conservation Area.

A Member queried why it was necessary to consider this application, as the previous application for the drive-thru restaurant had been refused. The Planning Development Manager reported that the Planning Committee had a duty to consider the applications which had been brought for determination, regardless of the previous decision of this Committee.

There followed some discussion in this respect and it was moved, seconded and upon being put to the vote it was

**RESOLVED**

That the application be deferred to a future meeting of the Planning Committee.

**9 DC/16/2733/DEM – FORMER COUNCIL OFFICES, MARINERS STREET, LOWESTOFT PRIOR NOTIFICATION - DEMOLITION**

The Principal Planning Officer presented the application which proposed the demolition of buildings to the rear of the Town Hall in Lowestoft, which included one single storey and one two storey flat roofed prefabricated office buildings dating from the 1970's and one large complex of three adjoined buildings, as well as the boundary wall to Mariners Street car park.

Members were advised that two representations had been received objecting to the demolition of the Coopers building, on the grounds of historical importance. However after consideration, it was felt that on balance, the demolition of the building was acceptable as there were very few historical features left and the wording on the outside of the building would be retained for display nearby.

**RESOLVED**

That authority be granted to officers to grant prior approval, subject to the submission of an acceptable Demolition Management Plan.

The meeting concluded at 8.35 pm.

Chairman