

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft on **Tuesday, 17 January 2017** at **6.00pm**

Members Present:

P Ashdown (Chairman), S Allen, N Brooks, J Ceresa, M Cherry, G Elliott, J Ford, I Graham, J Groom, M Pitchers, C Rivett and N Webb.

Officers Present:

C Green (Area Planning and Enforcement Officer), P Rowson (Planning Development Manager), H Smith (Development Management Team Leader – Central Area), M van de Pieterman (Area Planning and Enforcement Officer) and S Carter (Democratic Services Officer).

1 CHANGE IN THE ORDER OF BUSINESS

The Chairman of the Committee advised that, in view of the public interest, there would be a change in the order of business and Item 10 – DC/16/4494/FUL – 8 The Street, Wissett, would be the first planning application to be considered.

2 URGENT ITEM OF BUSINESS

The Chairman of the Committee advised that he agreed to accept an urgent item of business at the meeting. It related to DC/16/3381/FUL – Swan Hotel, Market Place, Southwold and would be taken as an Exempt Item. The officers would be providing an oral report.

3 APOLOGIES / SUBSTITUTES

Apologies for absence were received from Councillors Cackett and T Mortimer.

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

4 MINUTES

(a) Planning Committee meeting on 15 November 2016

RESOLVED

That the Minutes of the meeting held on 15 November 2016 be confirmed as a correct record and signed by the Chairman.

(b) Extraordinary Planning Committee meeting on 29 November 2016

RESOLVED

That the Minutes of the extraordinary meeting held on 29 November 2016 be confirmed as a correct record and signed by the Chairman.

(c) Planning Committee meeting on 13 December 2016

RESOLVED

That the Minutes of the meeting held on 13 December 2016 be confirmed as a correct record and signed by the Chairman.

5 DECLARATIONS OF INTEREST

Councillor Allen declared a Local Non Pecuniary Interest in Item 8 – DC/16/4137/FUL – Land at Kirkley Rise, Lowestoft, as being Cabinet Member for Housing.

Councillor Allen further declared an interest in the urgent Exempt Item DC/16/3381/FUL – The Swan Hotel, Southwold, as she had written in personally. She advised that she would not take part in any discussion on this item.

Councillor Ashdown declared a Local Non Pecuniary Interest in Item 11 – Proposed Enforcement Action : Unauthorised Fencing, Three Rivers, Beccles. In view of his previous knowledge of this case, he advised that he would leave the meeting during the consideration of this item and take no part in the discussion or voting thereon.

Councillor Brooks declared a Local Non Pecuniary Interest in Item 9 – DC/16/4467/FUL – Biocow AD Plant, Copland Way, Worlingham, as being Ward Member.

Councillor Ford declared a Local Non Pecuniary Interest in Item 8 – DC/16/4137/FUL – Land at Kirkley Rise, Lowestoft, as being Ward Member.

Councillor Pitchers declared a Local Non Pecuniary Interest in Item 8 – DC/16/4137/FUL – Land at Kirkley Rise, Lowestoft, as being Ward Member.

6 DECLARATIONS OF LOBBYING

Councillor Allen declared that she had received communications in relation to the urgent Exempt Item DC/16/3381/FUL – The Swan Hotel, Southwold.

Councillor Brooks declared that he had received communications in relation to Item 9 – DC/16/4467/FUL – Biocow AD Plant, Copland Way, Worlingham, as being Ward Member.

Councillor Elliott declared that he had received communications in relation to Item 9 – Biocow AD Plant, Copland Way, Worlingham and the urgent Exempt Item DC/16/3381/FUL – The Swan Hotel, Southwold.

Councillor Ford declared that she had received communications in relation to Item 8 – DC/16/4137/FUL – Land at Kirkley Rise, Lowestoft.

Councillor Pitchers declared that he had received communications in relation to the urgent Exempt Item DC/16/3381/FUL – The Swan Hotel, Southwold.

With the agreement of the Chairman, Items 5, 6 and 7 on the Agenda [*now Minutes 7, 8 and 9*] were considered together, although Members were given the opportunity to ask questions and comment on each report separately.

7 APPEAL DECISIONS REPORT

The report of the Head of Planning and Coastal Management advised the Committee that one appeal had been determined in December 2016 and that was dismissed.

RESOLVED

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

8 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 December 2016.

RESOLVED

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

9 ENFORCEMENT ACTION – CASE UPDATE

The report of the Head of Planning and Coastal Management provided Members with a summary of all outstanding enforcement cases sanctioned under delegated powers or through the Committee up until 3 January 2017. There were currently five cases.

RESOLVED

That the report detailing the outstanding Enforcement Matters up to 3 January 2017 be received.

NOTE: The Chairman allowed a short adjournment in the proceedings to allow the microphones to be adjusted.

10 DC/16/4494/FUL – 8 THE STREET, WISSETT

The Area Planning and Enforcement Officer presented the application which sought approval for a change of use to caravan park for three static caravans for tourist use, with associated parking and services, on land to the rear of The Plough Public House.

Members were reminded that the application has been presented to Committee in December 2016; however, it was being brought back to Committee due to the Parish Council being unaware that the application was being considered and as a request of the Ward Member. The application should be considered afresh.

The Area Planning and Enforcement Officer reported that there had been a late representation from a Mr Sadler who had commented that the pub could not be operated

successfully with or without the caravans, an alternative use should be sought, housing could be provided on the pub's car park and the site was both unsuitable and in a Conservation Area. An additional letter from Mr Ball had been posted on the Friday but that had not yet been received. She also drew Members' attention to the additional condition being recommended relating to the management of the caravan site.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the street scene and entrance to the public house's car park. The application site, which was in a Conservation Area, had a long thin garden and the caravans would be located at the very end of the garden below the fence line. A modest shop was being proposed to the rear and there would be improvements to the entrance and access. Both the caravans and the shop would help support the public house which had been closed for some time. The applicant had advised that the public house was not viable in its current form. The proposal was to diversify the business and support the public house with another income which would give back great local amenities to the village, in the form of a pub and village shop. The proposal would also help to promote tourism in the area and the local fishing lakes.

The Area Planning and Enforcement Officer explained that, although there had been a number of objections, the application would not have a significant impact on the Conservation Area, the proposed native species hedging would improve the ecology and conditions had been included to mitigate any light pollution. It was fully appreciated that the site was rather unusual but the relatively minor nature of the proposal and the conditions now being proposed would result in a much lesser impact on local residents. The nearest property was some 30m distant to the boundary; that was considered adequate separation. County Highways had no objection. The erection of the large gates for security and removal of leylandii were not relevant to the application before Members; those issues came under other areas of planning control.

Members were reminded that, if granted, the planning permission was for a temporary period of up to five years and a site licence for the caravans would be required from the Council's Licensing Team. Approval was being recommended subject to an additional condition relating to a management plan and a condition preventing the sale or lease of the site independent of the public house.

NOTE: Councillor Brooks arrived at 6.22pm during the discussion of this item.

Ms H Pretty – Wissett Parish Council

On behalf of the parish council, Ms Pretty objected to the development in a designated Conservation Area and in view of the date of the response from the heritage people they had not really considered the issues. Two trees had been felled without prior notice. There were existing holiday lets in the village which were not fully occupied and therefore additional holiday accommodation was not needed. There had been no full assessment of the impact of the proposal and a heritage assessment had not been undertaken. It had not met the test of Policy DM30. If temporary permission was granted for five years, the site would not be returned to its current state after that period of time. Who would enforce the holiday use of the caravans? The land to be used for siting the caravans was not contained in the title deeds of the pub. There were no footpath links or public transport and no

consideration had been given to the impact, disturbances, affects on wildlife, Conservation Area and flooding. Residents felt their views and the impact on them and the whole village were being ignored.

Mr R Tomkin and Mrs J Ball - Objectors

Mr Tomkin explained that the access was an issue; access was at a narrow point in the street and there was limited visibility. Cars in the road breached the speed limit and an accident was waiting to happen. The proposal would bring no benefits to the village and cause more dislocation in the street. There was a need to enforce condition 1 and who would ensure that happened. It was most disturbing that site preparation had already commenced when the application had not been determined.

Mrs Ball stated that the application linked the caravans with the public house. In her opinion the future of The Plough should be considered separately and negate the value of the caravans. The affects on the Conservation Area not been properly addressed. She also made comment on behalf of Mr S Clark who was concerned about the planning grounds and any future application to make this permanent.

Questions to the Applicant

Members raised specific questions relating to:

- The linking of the two businesses.
- The caravan club and its acceptance of the site.
- Ownership of the land.
- Surfacing.

Mr Jordan explained that the public house had closed prior to his purchase and, at that time, an application for the siting caravans was already in. His proposal was for quality caravans and landscaping and their positioning was perfectly located near to the fishing lakes. He planned to use the profit from renting the caravans to subsidise the public house, enabling him to offer the premises at a low rent to get a new tenant in. That would ensure the pub was open and continue to be an asset to the village. Also, the living accommodation in the pub was below standard and needed refurbishment. The caravans were essential to get the pub up and running and the proposed village shop would also offer bike rental. If 12 people were staying in the caravans, that would be 12 new customers for the public house.

The site would be classed as residential, therefore, there would be no application to the touring caravan club. County Highways had no issues and a new road and soakaways would be in place. Tar and chip would be used for the pub's car park and access road to the caravans with a permeable surface being installed for the caravan pitches. Mr Jordan explained that there were two separate titles for the public house and the land; both were in his ownership. He had no intention to separate the two businesses.

The Planning Development Manager clarified that the Conservation Officer's reply was received on 16 December 2016 and did not date back to 2005. He explained that there was no documented refusal from the caravan club for accepting this site and the Environmental Health Section confirm the site was suitable for an appropriate licence.

Questions

In response to Members' questions, the Planning Development Manager confirmed that a condition relating to the two sites not being sold off separately could be applied. To address concerns, a management condition could be put in place prior to any occupancy of the caravans. If permission was granted for a temporary period of five years, the conditions would be in place for that period of time. If either site was sold off separately within that time, there would be a breach of planning consent.

Debate

It was agreed that the proposed conditions should allay any worries including the future ownership of the sites. Members agreed that many village pubs had closed which was a serious loss to the communities they served. They welcomed the proposal before them and hoped that it would make the public house financially viable. Whilst appreciating the residents concerns and the location of the premises in a Conservation Area, there were no planning grounds to refuse the application and it was

RESOLVED

That permission be granted for a temporary period of five years subject to the following conditions:

1. The development hereby permitted shall be for a maximum period of five years from the date of this permission, after which time the caravans shall be removed to the satisfaction of the Local Planning Authority and the land reinstated to its former condition.
2. 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
3. Details of the colours and finishes of the caravans hereby permitted shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.
4. Details of any lighting shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of development. Development shall be carried out in accordance with the approved details.
5. The use shall not commence until the areas within the site shown on AWC / 15/ 583 - 103 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that areas shall be retained and used for no other purposes.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, species, sizes and mix of hedging plants to be erected along the eastern boundary. The boundary treatment shall be completed before the first occupation of the caravans. Development shall be carried out in accordance with the approved details. This shall apply notwithstanding the details submitted
7. Prior to the commencement of development full details of the siting and levels of the caravans hereby permitted shall be submitted to and agreed in writing the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as agreed thereafter.
8. Prior to the first occupation of the caravans hereby permitted a scheme for the management of the site during its operation shall be submitted to and agreed in writing with the Local Planning Authority and shall include:
 - Site Manager's contact details including emergency contact
 - a maintenance plan (including methods for managing site landscaping, drainage, lighting and structural maintenance
 - the means by which to maintain a log of bookings including dates of 'check-in' and 'check-out'.
9. The caravan site hereby permitted shall not be sold or leased independently of the property known as 'The Plough Public House', 8 The Street, Wissett.
10. Prior to the commencement of development the materials to be used for the caravan standings shall be submitted to and agreed in writing with the Local Planning Authority.

11 DC/16/4137/FUL – LAND AT KIRKLEY RISE, LOWESTOFT

The Development Management Team Leader – Central Area presented the application which sought approval for the comprehensive regeneration of the former petrol filling station site and associate land located at the junction of Mill Road and Kirkley Rise, Lowestoft. The application proposed the demolition of existing buildings and the erection of mixed-use development for retail including drive-thru (Use Class A3/A5) and residential (Use Class C3) with associated access, car parking, landscaping and associated infrastructure. The application was considered a major proposal and that was the reason it was before Committee.

The Development Management Team Leader – Central Area explained that the proposed development would bring back into vital and viable use a prominent and largely redundant brownfield site within the defined development limits of South Lowestoft. The proposals would also bring about the physical upgrade of the site to deliver a mix of residential and employment generating uses, which were in general compliance with the site's allocation within the Lake Lothing and Outer Harbour Area Action Plan. The proposed town centre uses had been sequentially tested and no preferred sites had been identified as being suitable or available and capable of accommodating the proposed development.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along Mill Road and from the Marston's premises, the existing site entrance, the footpath and Kirkley Rise.

The site plan showed that the proposed development would be divided into distinct units:

Unit 1

Class A3 restaurant use to be located adjacent to the Mill Road frontage.

Unit 2

Class A3/A5 drive thru café use, located within the centre of the site.

Although the occupiers for the commercial single storey units had not been confirmed, the development had been designed to accommodate the operational requirements of a Frankie and Benny's family restaurant and a drive-thru Starbucks. The existing vehicle access into the site from Mill Road would be closed off and a new access to these two units would be off Kirkley Rise. The 56 car parking spaces included four dedicated accessible spaces and 16 covered bicycle parking spaces were proposed for the commercial units.

Building 3

21 affordable one-bedroom residential apartments to be located to the far south west of the site.

The residential accommodation would be constructed above a private undercroft car park providing 21 dedicated parking spaces. A further nine spaces to the south of the residential block along the access road were being proposed. The existing vehicle access from Kirkley Rise would be retained and used as private access to the proposed residential building. In addition, 22 covered bicycle parking spaces were proposed for the occupants of the residential apartments.

The separation of the residential accommodation and commercial units would be by low growing landscaping and a paved footway providing private pedestrian access between the residential apartments and Kirkley Rise. Additional areas of soft landscaping were proposed to the west of the apartment block.

The Development Management Team Leader – Central Area reported that there were no outstanding objections from statutory consultees and no comments had been received from members of the public. She explained the principle of the development on such a strategic site and having undergone the sequential test, the location was deemed appropriate. Although the site was in part vulnerable to coastal flooding, the residential accommodation was to be raised above the modelled flood level. The environmental impacts of the development were not considered significant and were capable of being controlled to an acceptable level through the proposed mitigation.

In conclusion, the proposed development would bring back into use a prominent and largely redundant brownfield site within the defined development limits of South Lowestoft. The regeneration and environmental upgrade of the site would deliver a mix of residential and employment generating uses which were in general compliance with the AAP site specific policy SSP5. The proposal would deliver a development that made effective use of the site's

prominent road frontages and the environmental impacts of the development were capable of being controlled to an acceptable level through relevant mitigation and planning conditions.

Ms S Page - Agent

Ms Page explained she was the agent for the application and had very little to add to a thorough report and presentation. They had worked closely with the Planners and all parties and she was pleased the application was recommended for approval. There had been no objections from the statutory consultees or neighbours. The proposal offered affordable housing and employment opportunities resulting in beneficial uses for a redundant site. It complied with the development plan and Ms Page requested the Committee support the advice of the officers and approve the application.

Questions to Agent

Members raised questions relating to:

- Covered cycle parking.
- Linking access to the cycle path directly from the residential accommodation.
- Widening the footpath for shared use, reducing the need to cross Kirkley Rise twice.

Ms Page confirmed that the cycle parking would be in the basement near to the stairwell. At the present time, there was substantial planting between the proposed development and the pathway. There had been no previous comments relating to joint use of the footpath but that could be investigated.

Questions

Members asked specific questions on:

- Land ownership.
- Kirkley Poors Land Estate.
- Access points if there were issues of flooding.

The Development Management Team Leader – Central Area explained that it was understood that any land required for access was in the ownership of the applicant and no highways improvements would be necessary. Any land ownership issues would be classed as a civil matter between the applicant and the land owner. She confirmed the commercial elements were within Flood Zone 1 and explained the drop in site levels. Should any flooding occur, there were two access/exit points from the residential part of the site.

Debate

Members welcomed the proposed development and considered it suitable for such a derelict site. The early provision of affordable housing available for rent in perpetuity would be beneficial and the residents might use and help support the local Kirkley shops. There being no further discussion, it was

RESOLVED

That permission be granted, subject to the finalisation and signing of a Section 106 Agreement for securing the proposed affordable residential apartments and the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings for which permission is hereby granted:

Location Plan 13374-170

Tree Removal and Demolition Plan Reference: 13374-173

Proposed Site Plan – Lower Ground Floor Reference: 13374-175 Rev E

Proposed Site Plan – Upper Ground Floor Reference: 13374-176 Rev E

Proposed GA and Roof Plan Unit 1 Reference: 13374-177 Rev A

Proposed Elevations - Unit 1 Reference 13374-178 Rev A

Proposed GA and Roof Plan – Unit 2 Reference 13374-179

Proposed Elevations – Unit 2 Reference 13374-180 Rev A

Proposed Plans and Elevations – Unit 3 Reference: 13374-181 Rev B

Proposed Refuse Store Reference: 13374-182

Proposed Cycle Shelter Reference: 13374-183

Waste Management Plan Reference: 13374-184 Rev B

Proposed Elevations – Substation Reference 13374-185 Rev A

Proposed Street Scene Elevations Reference: 13374-186 Rev A

Proposed Street Scene Comparison Reference: 13374-187 Rev A

Landscape Plan Reference: V13374LO1 Rev K

Schedule of Materials and Finishes Rev A

3. Notwithstanding the provisions of the Town and Country General Permitted Development Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) Unit 2 hereby approved shall be used as a drive thru café only and for no other use falling within either Class A3 or Class A5 of the Order(s).
4. The finished floor levels of the approved units and substation shall be no less than 4.19m AoD.
5. Prior to the occupation of the first residential apartment hereby approved, the relevant housing provider shall submit written evidence to the Local Planning Authority to demonstrate that the Environment Agency Flood Warning system has been made available to occupants of the approved residential apartments. The provider shall obtain the Council's written approval of the submitted evidence prior to the occupation of the first residential apartment.
6. Prior to the commencement of each relevant unit hereby approved samples of the surfaces and materials relevant to that unit shall first be submitted to and agreed in writing with the Local Planning Authority.

7. 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.
8. 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.
9. 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.
10. The site access shall be constructed in accordance with Drawing No.13374-175 175 Rev E and be available for use before commencing development of the approved units. Thereafter it shall be retained in its approved form. At this time all other means of access on Mill Road within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.
11. Prior to the occupation of the relevant units hereby approved the area(s) within the site shown on Drawing No. 13374-175 Rev E for the purposes of loading, unloading and manoeuvring and parking of vehicles to each relevant unit has been provided and thereafter that area(s) shall be retained and used for no other purposes.
12. The areas to be provided for storage of Refuse/Recycling bins for each relevant unit hereby approved as shown on drawing number 13374-175 Rev E shall be provided in their entirety before that relevant unit is brought into use and shall be retained thereafter for no other purpose.
13. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
14. Prior to the occupation of each relevant commercial unit the Interim Workplace Travel Plan Statement dated September 2016 must be implemented. This must also include the provision of an employee welcome pack by the occupier of the relevant commercial unit, on the first occupation, that shall include information and incentives to discourage single-occupancy vehicle travel, in favour of sustainable alternatives. The Travel Plan shall be implemented for a minimum of five years following the occupation of each relevant commercial unit.
15. Prior to the occupation of the first residential apartment the Interim Residential Travel Plan Statement, dated September 2016 must be implemented in full. This

must also include the provision of a resident welcome pack to each resident on their first occupation, that shall include information and incentives to discourage single-occupancy vehicle travel, in favour of sustainable alternatives. The Travel Plan shall be implemented for a minimum of five years following the occupation of the last residential apartment.

16. Prior to the commencement of the approved residential apartments hereby approved the applicant must submit to the local planning authority a detailed written report setting out the specific acoustic mitigation measures (including glazing and ventilation) that will be installed in each dwelling. The report must demonstrate and evidence how the noise levels specified by the World Health Organisation (WHO) and BS8233:2014 (as detailed in table 2.1 on page 5 of the applicant's Environmental Noise Assessment from Sharps Redmore dated 27th September 2016) will be met in each dwelling. The report is subject to the written approval of the local planning authority. Thereafter the dwellings shall be developed in accordance with the approved report.
17. Prior to the occupation of each relevant commercial unit hereby approved 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 relevant commercial unit, including (but not limited to): refrigeration units, 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 the existing and approved dwellings.

Thereafter each relevant commercial unit must be developed in accordance with the approved report(s).

18. Deliveries to the commercial units or collection of packaging, waste or other items shall not take place outside the hours of 8am and 6pm Monday to Saturday and outside the hours of 10am and 4pm on Sundays and bank holidays.
19. Development other than the demolition of the existing buildings and removal of the below ground tanks and any works required to be carried out as part of an approved scheme of remediation must not commence until Conditions 20 to 23 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 19 has been complied with in relation to that contamination.

20. 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'.
21. 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.
22. 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.
23. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 19.

24. All hard and soft landscape works shall be carried out in accordance with the approved details set out on drawing V13374-L01 Rev K. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.
25. No development shall take place until the existing trees on and adjacent to the site, hereby agreed with the Local Planning Authority to be retained, 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.
26. Prior to the commencement of each relevant unit hereby approved a construction method statement relevant to that unit shall first be submitted to and agreed in writing with the Local Planning Authority. The statement shall include:
 - A timetable for the construction works including those times of the day to which construction activity will be limited
 - A methodology for the recycling of waste material resulting from the demolition of the existing buildings and hardstanding
 - Measures to control dust and soil from leaving the site including wheel washing facilities
 - Measures for securing the site during construction
27. The mitigation measures outlined in the hereby approved Extended Phase 1 habitat Survey for protecting protected species during the construction of the approved development shall be implemented in their entirety in accordance with the timeframes outline within the Survey.
28. Prior to the occupation of the approved development a Lighting Scheme shall first be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the proposed development.

29. Prior to the commencement of the relevant commercial units hereby approved a scheme setting out the methodologies for reducing energy consumption within each relevant unit shall first be provided and agreed in writing with the Local Planning Authority.

12 DC/16/4467/FUL – BIOCOW AD PLANT, COPLAND WAY, WORLINGHAM

The Area Planning and Enforcement Officer presented the application which sought approval for the erection of storage clamps. The proposal would add on site storage for the mixing of crops before the gas producing digestion process began and arose from yield improvements noticed in particular preparation methods. It would not increase the quantity of feedstock stored or the number of vehicle movements outside the site, resulting in no additional off-site impacts in terms of traffic, noise or smell.

The two storage clamps, each measuring 120x30m, would be made from standard precast concrete modules, match the existing three clamps on the site and be located on previously unused land within the site identified for the digester.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views across the site, boundary bunding and a plan of how the proposal would work.

The Area Planning and Enforcement Officer made reference to the update report which had been circulated to Members, a copy of which was tabled at them meeting. Environmental Health had no issues with regard to vehicle movements to and from this low carbon plant and monitoring over a period of time had shown there was no odour nuisance from the site. The four nearby parishes had been consulted and comment had been made on tree screening to enhance the development. The Environment Agency had requested an extra condition for the control of water run-off. It was further proposed that the previous methodology for archaeological assessment be used.

In conclusion, the Area Planning and Enforcement Officer explained that the proposal enabled a more efficient, higher yield operation of the approved digester plant which met the objectives of the relevant policies. The application was recommended for approval subject to archaeological and ground water protection conditions. He understood that all planting would take place at the same time.

Mr S Bainbridge - Agent

Mr Bainbridge explained that they had remained planning agents for the site since the change of ownership and had fully engaged in the local plan process. He supported the officer's report and had responded to the late letters. Officers from the Council had attended the plant's recent open day and putting things into context, there had been few concerns. Referring to paragraphs 6.14 to 6.16 in the report, he gave assurances that odour would not be a problem. The traffic spike before Christmas had been unrelated to this site. The proposal was to increase efficiency of the process in terms of methane production from each tonne of existing feedstock. Mr Bainbridge explained the new process to be used, which in fact operated like a cow's stomach, and asked for Members to approve the application.

Questions to Agent

Members raised specific questions relating to:

- The tonnage of raw material.
- Complaints against traffic movements.
- Odour arising from the plant.
- Use of clamps.
- Temporary storage facilities in, for example, Barsham.
- Outstanding landscaping from the original application.

Mr Bainbridge explained that the plant processed in the region of 30,000 tonnes of raw material, and that same figure was for both in and out of the plant. The tractor/trailers took about 16 ton and the HGVs carried 23 tonnes. It was not economic to travel long distance and materials were supplied from farms in a distance of 5-15 miles. The traffic assessment in 2011 had shown there were no issues with traffic movements. He confirmed that Environmental Health had been called out 51 times and found no instances of smell being a statutory nuisance. The proposed extra clamps would reduce off site storage and double handling. The issue of landscaping had been raised with the applicant and the issue had been pushed up the priority list for attention. Mr Bainbridge confirmed that he would raise the matter again with the site operator.

Questions

Members also raised questions relating to the storage of feed on external sites and the need for planning consent; in some cases, the stock piles had been in place for over a year.

The Planning Development Manager explained that the storage was as a result of crops being grown on the land and therefore the crop could be stored on that land as an agricultural use without the need for planning permission.

It was confirmed that the extra clamps would be used for processing and not extra storage. The season for transporting the raw material for processing was September to November.

Debate

The Committee understood that the proposal would allow for better efficiency in the processing of the material to produce more methane gas and would result in less off site storage. The Planning Development Manager explained that consideration could be given to some form of legal agreement with the applicant to restrict off-site clamping. Members understood there would be no increase in traffic movements and the proposal would ensure the sugar beet produced locally would not be transported to Bury St Edmunds or Cantley. However, one Member was of the opinion that 8,000 traffic movements over a three month period for transporting the raw materials was unacceptable. The Committee was reminded that the application was for the erection of storage clamps and with no planning grounds to refuse the application, it was

RESOLVED

That permission be granted, subject to the officers confirming that the pre-commencement Archaeological condition need not be applied if the previous methodology was acceptable and a legal agreement to limit traffic movements from off site storage 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.
2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings reference 2400/01 received 21st October 2016, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
3. The development shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme should determine how foul water from the silage clamps will be separated from surface water. No discharge of surface water run off shall be made into the surface water drainage system without our prior approval. The scheme shall be implemented as approved.
4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
5. 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.

6. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

Having declared a Local Non Pecuniary Interest in item 11 on the Agenda, Councillor Ashdown left the Conference Room at this point in the meeting.

Councillor Groom, as Vice-Chairman, took the chair.

13 PROPOSED ENFORCEMENT ACTION: UNAUTHORISED FENCING THREE RIVERS, ST MARY'S ROAD, BECCLES

The Development Management Team Leader – Central Area presented the report which related to proposed enforcement action with regard to an alleged breach of planning control in respect of unauthorised fencing at Three Rivers, St Mary's Road, Beccles.

Members were advised that the site was located at a prominent location on St Mary's Road close to the junction with London Road and Pedars Lane. The site was within the Conservation Area and prominent in the townscape. The fence enclosed the front garden of the property which not only provided private amenity space but also screened the habitable rooms of the dwelling from passing traffic. In addition, it provided a barrier between the garden and the road and ameliorated the ingress of fumes and noise to the dwelling.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views of the street scene. An updated photograph showed the fence fully constructed and treated. A plan of the site showed this property and the neighbouring property, The Lodge, which had been the subject of a report to Committee in 2016.

The Development Management Team Leader – Central Area advised that the fence was unauthorised development and therefore contrary to the provisions of the General Permitted Development Order 2015 (as amended) whereby a fence up to 1m in height could be erected without obtaining planning permission. The site did have undulating topography and, from case law perspective, the height of the fence should be measured from the highest point of relief. Although the fence had varying heights, at no point could the fence be considered to be less than 1m in height. Therefore, the fence was considered to be in excess of the permitted development height for fencing and required planning permission.

Having met with the contravener, the officers explained the breach of planning control and provided four options for rectifying the matter, details of which were contained in paragraph 3 of the report. The main issues for consideration were the impact on public safety and amenity, highway safety, and the impact of the fence on the Conservation Area.

The Development Management Team Leader – Central Area referred to late comments from the owner who had advised that they never intended to breach the planning laws being unaware of the regulations. They wished to protect their children from harm and pollution and it allowed the front garden to be used as a play area because there was no rear garden

to the property. She further reported that the complainant had expressed disappointment with the recommendation in the report.

Questions

In response to Members' questions, the Development Management Team Leader – Central Area advised that the height of the fence was measured from the highest ground level on the inside of the property's boundary.

In view of Members' previous decision to demure from taking action and the lack of significant fencing issues in this particular location, it was

RESOLVED

That formal enforcement action be not taken.

Councillor Ashdown returned to the Conference Room at 8.10pm and took the chair.

14 EXEMPT/CONFIDENTIAL ITEM

RESOLVED

That, under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

15 DC/16/3381/FUL – SWAN HOTEL, MARKET PLACE, SOUTHWOLD

The Planning Development Manager provided the Committee with an update relating to the application for the Swan Hotel, Southwold, that Members had considered at their meeting on 29 November 2016.

RESOLVED

That the update report relating to the planning application made by the Swan Hotel in Southwold be received and noted.

The meeting concluded at 8.16pm.

Chairman