

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft  
on **Tuesday, 15 November 2016** at **6.00pm**

**2(a)**

Members Present:

P Ashdown (Chairman), S Allen, N Brooks, A Cackett, J Ceresa, M Cherry, G Elliott, J Ford, I Graham, T Mortimer, M Pitchers, N Webb and S Woods.

Officers Present:

R Amor (Principal Planning Officer), C Green (Area Planning and Enforcement Officer), P Rowson (Planning Development Manager), M van de Pieterman (Area Planning and Enforcement Officer) and S Carter (Democratic Services Officer).

In Attendance:

Councillors S Barker, L Gooch, A Green and J Murray.  
K Blair (Head of Operations) and D Howson (Principal Services Manager).

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**1 APOLOGIES / SUBSTITUTES**

An apology for absence was received from Councillor J Groom.

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

**2 MINUTES**

**(a) Planning Committee meeting on 11 October 2016**

**RESOLVED**

That the Minutes of the meeting held on 11 October 2016 be confirmed as a correct record and signed by the Chairman.

**(b) Extraordinary Planning Committee meeting on 19 October 2016**

**RESOLVED**

That the Minutes of the extraordinary meeting held on 19 October 2016 be confirmed as a correct record and signed by the Chairman.

**3 DECLARATIONS OF INTEREST**

Councillor Allen declared a Local Non Pecuniary Interest in Item 10 – DC/16/3662/FUL – Land adjacent to 18 Banham Road, Beccles, Item 11 – DC/16/4017/FUL – Garage Block adjacent 38/44 Clerks Piece, Beccles and Item 12 – DC/16/4018/FUL – Garage Block adjacent 12-13 Garden Close, Bungay, as being Cabinet Member for Housing.

**4 DECLARATIONS OF LOBBYING**

Councillor Ashdown declared that he had received communications in relation to Item 8 – DC/16/2896/FUL – The Kings Head, 66 High Street, Kessingland, Item 11 – DC/16/4017/FUL

– Garage Block adjacent 38/44 Clerks Piece, Beccles and Item 15 – Objection to Tree Preservation Order No. 016 – 9 Garden Lane, Worlingham, Beccles.

Councillor Brooks declared that he had received communications in relation to Item 8 – DC/16/2896/FUL – The Kings Head, 66 High Street, Kessingland, Item 9 – DC/16/0590/VOC – Lower Promenade, Pakefield, Lowestoft, Item 11 – DC/16/4017/FUL – Garage Block adjacent 38/44 Clerks Piece, Beccles and Item 15 – Objection to Tree Preservation Order No. 016 – 9 Garden Lane, Worlingham, Beccles.

## **5 APPEAL DECISIONS REPORT**

The report of the Head of Planning and Coastal Management advised the Committee that no appeal decisions had been made in September 2016.

### **RESOLVED**

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

## **6 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 September 2016.

### **RESOLVED**

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

## **7 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 1 November 2016. There were currently five cases.

The Planning Officers provided Members with updates as follows:

### 318 London Road South, Lowestoft

The owners and their solicitor had been met on site. It was noted that the only habitable part was the basement flat and works were being undertaken in the remainder of the building. Therefore, at the present time, there was no breach of building control. A further update report would follow.

### 73 High Street, Lowestoft

An application for two flats at the premises was awaited. It would be possible for the owner to enact the plans that had already received permission; however, there was the issue of the rear fire escape which had previously been condemned.

Woodlands Lodge

The building was no longer being occupied, therefore the enforcement issue was now closed.

**RESOLVED**

That the report detailing the outstanding Enforcement Matters up to 1 September 2016 be received.

**8 CHANGE TO THE ORDER OF BUSINESS**

At this point in the meeting, the Chairman advised that the order of business would be changed to accommodate public speakers and Item 11 – DC/16/4017/FUL – Garage Block adjacent 38/44 Clerks Piece, Beccles, would be considered prior to Item 10 – DC/16/3662/FUL – Land adjacent to 81 Banham Road, Beccles.

**9 DC/16/2896/FUL – THE KINGS HEAD, 66 HIGH STREET, KESSINGLAND**

The Principal Planning Officer presented the application which sought approval for the conversion of the former Kings Head public house to three dwellings and the erection of five additional dwellings. It was proposed to retain the front part of the building and convert to three dwellings but the single storey element at the rear would be demolished.

Members were reminded that the Kings Head was considered to be a non-designated heritage asset and a previous application for its demolition and replacement by nine houses had been refused in 2015 and an appeal dismissed. The application was before the Committee as a result of Member call-in and also because of the previous application and appeal decision. A site visit had been undertaken on 7 November 2016, the notes of which had been circulated to Members.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the frontage, views along the High Street in both directions and the side elevations from Church Lane and the former car park. In addition, the elevation plans displayed at the meeting indicated the layout and style of the proposed dwellings.

The Principal Planning Officer referred to the heritage assessment which had previously been circulated to Members and made particular reference to the internal divisions and older part of the building. The previous application had been refused for two reasons, the loss of a public house as the site was within the local shopping area and the loss of the non-designated heritage asset. However, although the scheme would see the loss of the public house, it was not viable to re-convert the premises back into a pub. There was no objection to residential on the site and the proposal would have a positive effect on the street scene. As a result of the interior conversion of the rear wing to a function room, the majority of the heritage interest of this part of the building has been lost. It was possible that the rear flint wall could be the remains of an older building but that was unproven. In conclusion, the application provided a positive and practical solution for the building and would enhance its prominent location in the village. It was considered that the proposals did strike a positive planning balance and approval was being recommended.

Mr L Martin, Kessingland Parish Council

Mr Martin drew attention to the fact that this application was a re-submission by Badgers following refusal and the Planning Inspector's report which referred to the whole site. The application had not fully explored the financial viability of all options and conversion not demolition would be preferable. The building was a local heritage asset and this was not contested by Badgers, however they had not taken into account the historic investigation report. The single storey building at the rear of the Kings Head could have been a blacksmiths and stabling and in the Inspector's view, there was no difference between the buildings on the site. The Neighbourhood Plan confirmed the former public house should be protected and the application should therefore be refused.

Councillor A Green – Ward Member

Councillor Green stated that while there was a need for housing, affordable homes needed to be in keeping with the area. The Kings Head was a heritage asset and he drew attention to paragraph 9 in the Inspector's decision made in February which referred to the whole site and the street scene. He pointed out that there had been only one objection to the current application, the reason being was that people were satisfied with the decision of the Planning Inspector. Comment had been made that the application would have a negative effect on the area; that was questionable as the area was improving. The building fronting the High Street should be retained and the rear single storey extension should be further investigated in order to review its retention.

Mr E Guilder - Applicant

Mr Guilder commented on the Inspector's report and he confirmed that evidence had been submitted that keeping the single storey buildings was not financially viable. If the rear extensions were retained, it would not be possible to convert the original public house into a terrace of three as windows could not be incorporated into the middle part of the conversion. There would be no garden space for the properties and no outlook. He proposed that the compromise was a satisfactory solution. Mr Guilder reminded Members that their site visit had shown the state of the building and that nothing of any historical interest had been left internally. He also made reference to another empty pub in the same road and the nearby social club selling cheap alcohol; the premises as they stood could not be a viable public house. The Council's Planning Officers considered the scheme appropriate for the site.

Questions

Members raised specific questions relating to:

- The financial assessment with regard to retaining the rear of the premises.
- Change of use.
- The proposed rear elevation and rear doors.
- The Inspector's report.
- Impact on the area.

- Flint wall at the rear of the single storey extension.
- Design of the Badger's buildings.

The Principal Planning Officer explained that he had no issues with the costs of the development and the viability, bearing in mind the premises had been empty for some three years and a large amount of work would be needed to bring it back into use. The proposal was considered to be an appropriate use for the site. So much re-building had occurred over the years that it was difficult to ascertain the age or history of the flint wall at the end of the single storey extension. Members noted that the front doors on two of the terrace properties were on each side of the building. In response to their concern over the access to the middle dwelling in the terrace, Mr Gilder confirmed a door could be incorporated into the rear elevation so as to provide direct access into the back garden. If the single storey rear extension was retained, it would restrict the use of the middle section of the Kings Head as it would remove the opportunity for providing ground floor windows and a rear garden, resulting in two large properties.

The Principal Planning Officer confirmed that although there was some harm, it was considered on balance the benefits of the scheme outweighed the harm.

Comment was made on the proposed design fronting the High Street and Members requested consideration be given to reviewing the design and softening the elevation frontage.

#### Debate

Members accepted that the premises would not reopen as a public house and generally believed that the application would retain the character of the frontage. Having viewed the interior of the building on the site visit, it was accepted that the premises had been altered to such an extent that there was little in the interior that had to historical interest. It was agreed the proposal was a good compromise in a varied street scene and the development of a derelict site would result in the provision of much needed housing.

#### **RESOLVED**

That permission be granted subject to giving delegated authority to the officers to approve minor changes including the provision of a rear door on the middle property numbered Plot 5, style of canopies, the design of the façade, and the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with approved drawing references: 1505/1 and 1505/2 received 12 July 2016 for which permission is hereby granted.
3. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of

the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

4. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

7. Samples of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved samples.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.
9. The access shall be completed in all respects in accordance with Drawing No. DM03; with an entrance width minimum of 5 metres and be available for use before the dwellings are first occupied. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.
10. Prior to the new dwellings hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
11. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
12. The use shall not commence until the areas within the site shown on drawing number 1505/1 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.
13. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 1505/1 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
14. Before the development is commenced details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before

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

Comment: In accordance with Suffolk Guidance for Parking a minimum of 2 secure covered cycle spaces are required per dwelling.

15. 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.

**10 DC/16/0590/VOC – LOWER PROMENADE, PAKEFIELD, LOWESTOFT**

The Principal Planning Officer presented the application which was a variation of Condition No. 2 of DC/14/2576/RG3 – Erection of 72 beach huts, variation of size of previously approved huts.

Members were reminded that the application had been considered by the Planning Committee in March 2016 and had proposed a variation of an earlier permission to incorporate larger beach huts and to vary the space between them. The officers were authorised to grant permission subject to the receipt of an amended plan showing a minimum separation distance between the huts of one metre. No amended plan was received and therefore no decision had been issued. The applicant now wished the application to be determined as submitted.

Permission had been granted in 2014 for 72 beach huts measuring 2m x 2m on the lower promenade at Pakefield with a 2m gap. The changes proposed were to include larger beach huts measuring 3m x 2m resulting the gap being reduced to 0.5m. The northern area of the promenade would continue with 2m wide huts with a 2m gap.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along the promenade in both directions, the existing beach huts provided under a different application and the spacing between the huts.

The Principal Planning Officer explained that the applicant, Sentinel Leisure, was unhappy with the proposed amendments and was seeking approval for the application as it stood. The applicant did not believe it was necessary to have 1m gap between each hut. The Principal Planning Officer drew attention to the comments in paragraph 6 in the report relating to fire risk, litter and the aesthetics. The issue of the Management Plan was addressed by way of a condition.

Councillor S Barker – Ward Member

Councillor Barker expressed the view that Members should undertake a site visit to see the beach huts and gaps between. Having previously spoken on the matter, the issues related to the bigger beach huts, the provision of toilets, cycle spaces and the RNLI lifeguards. Beach huts started to appear earlier in the year, some 1m apart, others less. The provision of a container like building for the toilets, aesthetic it was not, and once they eventually opened with signage and steps, there was not disabled access. There were fewer huts

because of the space it had taken and the incorrectly placed huts were still in situ. There had been agreement for CCTV to be in place but although there was a pole, there was no camera. Fire safety and CCTV issues should be adhered to in accordance with the Committee's decision.

Mr W Nixon – Sentinel Leisure

Mr Nixon confirmed he had no additional comments but was available for any questions.

Questions

In response to Members' questions, it was confirmed that any concerns over fire risk could not be classed as a planning reason. Mr Nixon explained that the current regulations gave guidance that beach huts could not be used for sleeping overnight and, as with garden sheds, there were no regulations with regard to spacing. Mr Nixon confirmed they were continuing to work closely with the Council with regard to beach hut provision and their knowledge was valuable at the present time. The spacing between the huts was wider or narrower according to the width of the promenade; that would allow users to sit at the side of or in front of their huts. Adequate space was available for emergency vehicles. Historically, reported fires were rare with one occurrence being a case of arson. The beach hut owners were proud of their assets and each hut was well looked after and insured in accordance with the lease.

The Principal Planning Officer clarified that there were 61 huts; the original permission had been for 72 but that number was reduced because of the larger huts. He referred to the full details of an objector's letter which was set out in the update report. Members were reminded that the Council was not the responsible fire authority and it was further confirmed that fire risk was not a material planning consideration.

Debate

Some Members believed that they had made their decision and that it should stand. It was a seaside town and beach huts were being provided. Owners were extremely careful and in other Waveney towns there were no issues. However, some Members were still of the opinion that there was an insufficient gaps between the huts and there was still no CCTV.

The Planning Development Manager reminded the Committee that it had to determine the application it; the applicant was satisfied with 0.5m spacing. It was proposed that approval be given subject to the agreeing spacing with the applicant and the submission of a new plan. This was supported and it was

**RESOLVED**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before 30 October 2017.
2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawing numbers 01/LT/PK/BH revision 0, 01/LT/BH/2 revision 0, 01/LT/BH/3-1 revision 0 and 01/LT/BH/3 revision

0 received 10 February 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. Prior to the first beach hut hereby permitted being brought into use the measures included in the Crime and Anti-social Behaviour Plan approved under application DC/16/0808/DRC shall be implemented in full.
4. Prior to the first beach hut hereby approved being brought into use, the provision and management for facilities of toilets and fresh water approved under application DC/16/0808/DRC shall be implemented in full.
5. Prior to the first beach hut hereby approved being brought into use, the cycle parking provision approved under application DC/16/0808/DRC shall be implemented in full.
6. Before any of the beach huts hereby approved are first occupied a management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include:
  - Details of measures to be taken to remove any build up of rubbish between and to the rear of the huts
  - Details of proposals for the removal of any build up of sand, around the huts, particularly during the winter months
7. Not more than 61 beach huts shall be installed on the site.
8. Before any development is commenced a plan to a scale of not less than 1:500 showing the size and position of each beach hut shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.

**11 DC/16/4017/FUL – GARAGE BLOCK ADJACENT 38/44 CLERKS PIECE, BECCLES**

The Area Planning and Enforcement Officer presented the application which proposed the demolition of three garage blocks and replacement with 11 car parking bays and the construction of two two-bedroomed semi-detached bungalows, associated works and five off-street parking spaces.

Following a survey which had shown that many of the garages were unused or underused, it was proposed to demolish the garages on the west part of the small estate. Although there would be a net loss of parking within the scheme, the Highway Authority had no objection. Disabled bays were to be incorporated into the scheme. One objection had been received from the Police as it was considered the parking layout was too hidden; however, some improvements could be secured by condition without the need for a fundamental review.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views looking towards Coney Hill, the existing street scene and elevations of the proposed properties. Although there was in fact a net loss of parking, it

was considered the proposal would provide adequate parking and some new disabled parking spaces.

Neighbour consultations had resulted in a petition and objections and there were additional comments from the Police Liaison Officer, full details of which were contained in the report. The Area Planning and Enforcement Officer explained that although the properties did not have an over 55s age restriction, the majority of residents were elderly. It was not for the Council to provide sheds for electric mobility buggies. He confirmed that the communal area behind No. 44 would remain as it was not part of the proposal. It could be possible to provide off road parking as indicated and the applicant had agreed to the Grampian style conditions outlined in the update report relating to those parking spaces and storage for mobility buggies. The properties would be affordable housing.

Councillor G Catchpole – Ward Member

Councillor Catchpole stated that in order to properly consider the application the Committee should make a site visit to address the issues involved. There was a knock on effect on residents where the 32 garages were occupied and the resulting income to the Council. The majority of residents in the detached dwellings were over 60, some nearing age 80, and a number were registered as disabled and blue badge holders. There was a severe problem with parking at the present time with residents, nursing carers, visitors and ambulance staff whereby their wheeled stretchers could not be used. It was felt that the estate was already inadequate compared to today's standards and the proposal added nothing to the street scene. The application should be refused as over development and not in keeping with the street scene, particularly as the road and parking areas indicated were not a true reflection of the situation.

Mr E Howell - Tenants' Representative

Mr Howell explained that he was speaking for himself and on behalf of residents. Many residents were over 80; some were housebound and came within the older vulnerable category of people. There were difficulties with access for wheeled scooters as some parts of Clerks Piece were too narrow to accommodate them. There was little room for bins and no parking bays on the east side of the road. Ambulances could not always gain access. The proposal was upsetting 100 residents and all it was providing was just two new properties. It was felt that the whole of Clerks Piece needed to be redeveloped.

Mr M Dixon - Agent

Mr Dixon thanked the Committee for being given the opportunity to speak on behalf of Orwell Housing Association. Paul Pitchers from Wellington Construction was present to answer any questions. The application was for 100% affordable housing and funding was in place to proceed with the development. The proposal would provide small units which had been identified as a housing need on a site that was under-used. In his opinion, the solution was an attractive design to provide much needed homes. Mr Dixon particularly referred to Condition 5 which should be revision G and commented on Condition 11 and the low level boundary to the rear of the car park. Housing Services had advised that 29 garages were occupied by people who did not live on the site and there was lack of evidence to support the need for scooter storage. The proposed development was a good use of a brownfield site, complied with local and national planning policy and should be approved.

### Questions

In response to a question relating to the garages and car parking spaces used by residents and maintenance costs, Mr Dixon confirmed that 29 out of the 52 were unoccupied and 12 garages were rented by people living off site, eight of whom were over half a mile distant. The Principal Service Manager explained that the cost of maintaining the area including sweeping was limited. He did not have specific costs with him but it was not viable to undertake the major works necessary to refurbish the garages. Rent was currently £7 per week. Comments had been made that seven residents had mobility scooters but he believed it was five.

A Member commented that if the Council had been maintaining the garages, then they would not be in a poor state of repair. The Principal Service Manager advised that in reality garages were expensive to maintain. The Council's primary responsibility was to provide housing and parking spaces. The proposed application did provide a great deal of parking.

After listening to the local views and debate, the Chairman identified the need for a site visit and following this proposal being duly seconded, it was

### **RESOLVED**

That the application be deferred pending a site visit, date to be confirmed.

The Chairman proposed that this be held on the afternoon of Monday, 5 December 2016.

*Note: Subsequent to the meeting, it was confirmed that the site visit would be held at 2.00pm on Tuesday, 6 December 2016.*

### **12 DC/16/3662/FUL – LAND ADJACENT TO 81 BANHAM ROAD, BECCLES**

The Area Planning and Enforcement Officer presented the application which was for the change of use of side garden to residential involving the construction of two one-bedroomed self contained flats, associated works and car parking. The proposed two flats on the side garden of 81 Banham Road would be made available on an affordable basis. The application was before Committee as the land was owned by the District Council and the dwellings would be managed and let by the Council.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the street scene in Banham Road and John Leman Road. Both the side and front elevations gave the impression of a house and showed there was a good separation between the existing and new properties. The proposed boundary line gave adequate visibility.

The Area Planning and Enforcement Officer explained that the porch to the two flats would project slightly forward of the general line of the terrace on Banham Road by around 2m, however, the two storey element was in line with the main frontage. The application as submitted was recommended for approval.

Mr M Dixon - Agent

Mr Dixon thanked the Committee for being given the opportunity to speak on behalf of Orwell Housing Association and Paul Pitchers from Wellington Construction was present for any questions. The scheme as proposed was for 100% affordable homes and the funding was already in place to ensure deliverability. The site was a large somewhat unkempt garden area and the development would make efficient use of the land and provide valuable housing. The proposal was in accordance with planning policies and the Committee was requested to support the application.

In response to a Member's question, Mr Dixon believed that the next door property had two bedrooms. There being no further debate, it was

**RESOLVED**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawing 3892 PL01 revision A received 1st September 2016 and amended site layout drawing 3892 SL01 revision H received 7th 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 new vehicular access onto Banham Road shall be laid out and completed in all respects in accordance with Drawing No. DM02; and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
4. The new vehicular access onto Sir John Leman Road shall be laid out and completed in all respects in accordance with Drawing No. DM02; and with an entrance width of 3 metres.  
Thereafter the access shall be retained in the specified form.
5. The use shall not commence until the area within the site shown on SL01 Rev G for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.
6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no means of frontage enclosure shall exceed 0.9 metres in height above the level of the carriageway of the adjacent highway.
7. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination

on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

8. The 1.5m high fence running at right angles to Sir John Leman Road either side of the area dedicated for parking shall be reduced to 900mm above the level of the carriageway for a distance of 2m from the highway boundary in a northerly direction unless otherwise agreed in writing by the local planning authority.  
The 1.5m high fence running at right angles to Banham Road, next to the bin presentation space shown on the revised drawing and adjacent to the area dedicated for parking shall be reduced to 900mm above the level of the carriageway for a distance of 2m from the highway boundary in a easterly direction unless otherwise agreed in writing by the local planning authority.
9. No development shall take place until a scheme for the provision of the proposed affordable housing has been submitted to and approved by the District Planning Authority. The affordable housing shall be provided entirely in accordance with the approved scheme. Amongst others 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.

### **13 DC/16/4018/FUL – GARAGE BLOCK ADJACENT 12-13 GARDEN CLOSE, BUNGAY**

The Area Planning and Enforcement Officer presented the application which proposed the demolition of two derelict garage blocks and the erection of dwellings, associated works and car parking. The dwellings would comprise two, two storey two-bedroomed semi detached dwellings and two, two storey one-bedroomed self contained flats. The application was before Committee as the land was owned by the Council and the application had been submitted by Orwell Housing Association on behalf of the Council. The application formed part of an ongoing commitment by the Council to create new housing in the District and was the sixth such application within Bungay on former garage sites.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the street scene, general views of Garden Close, the derelict garages and elevations of the proposed dwellings.

The Area Planning and Enforcement Officer stated that it was considered that the proposed development constituted an acceptable form of development that would provide housing within the town and further the Council's development programme. Although concern had been expressed by an objector with regard to any possible asbestos, it was confirmed that would be addressed at the time of the demolition. The site was derelict and had been vacant for some time and it was therefore considered that there would be no additional pressures on car parking in the area created by the loss of the garages.

Mr M Dixon - Agent

Mr Dixon thanked the Committee for being given the opportunity to speak on behalf of Orwell Housing Association. The proposal was for affordable rented homes being provided by Waveney and the funding was already in place for the scheme. The unused car parking area had been secured in February as the site was in such a poor condition. The design of the dwellings was in keeping with the area and in accordance with national and local planning policies. Members were requested to support the application.

Debate

Members noted that the garage area was somewhat dilapidated and a comment was made that if the Council did not maintain the site, then it would become derelict. Although no policy was in place, a Member did state that the provision of homes for people came first and foremost before garages and their use. There being no further discussion, it was

**RESOLVED**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the plans numbered 4899-6 Rev B, 4899-8 and 4899-9 unless otherwise submitted to and agreed in writing with the local planning authority.
3. No development or building works shall take place outside the following hours:

08:00 to 17:00 hours Monday to Friday  
09:00 to 13:30 hours Saturday

No works shall take place on Sundays or Bank Holidays .

4. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5 to 8 (below) 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 4 has been complied with in relation to that contamination.

5. Site Characterisation. 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,
    - groundwater's 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'.
6. Submission of Remediation Scheme. 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.
7. Implementation of Approved Remediation Scheme. 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.

8. Reporting of Unexpected Contamination. 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 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 7.
9. Prior to the commencement of the development hereby permitted details of the landscaping scheme to be implemented shall be submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented as approved, prior to the first occupation of the dwellings and thereby maintained. If within a period of 5 years of the date of planting and plant dies, is destroyed or uprooted/destroyed, then a plant of the same type and size shall be replanted, unless otherwise agreed in writing with the local planning authority.
10. No development shall take place until a scheme for the provision of the proposed affordable housing has been submitted to and approved by the District Planning Authority. The affordable housing shall be provided entirely in accordance with the approved scheme. Amongst others 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.

**14 DC/16/3525/COU – CHURCH FARM, SOUTHWOLD ROAD, SOUTH COVE**

The Principal Planning Officer presented the application which sought permission for the change of use of a permanent pasture agricultural field to a camping site for six 6m x 6m luxury bell tents with their own individual small toilet/shower huts from Easter to October half term.

The site was situated approximately 400m from Church Farm on the edge of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and within the Flood Zone 2/3. The site did rise up from that area and the siting of the tents would be within Flood Zone 1. The site was well screened and further planting was being proposed. The applicant's intention was to use the camping as a means to diversify their farming business which, in addition to the arable and livestock, had a livery yard with 22 horses. The application was before Members as it was considered to be a major application based on the size of the site being over one hectare.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the entrance to the site looking north, the view from the road, the screening provided by trees and the interior of the proposed tents. The tents would be mounted on platform, each having their own composting toilet and shower facility. The facility would be similar to the glamping site at Mettingham.

Mr R Strachen - Applicant

Mr Strachen thanked the officer for a detailed description of the application and explained that he was a third generation farmer. Over the years, farming had changed a great deal and the reason for the application was to diversify to ensure a viable future for the farm and also provide a good holiday for people who would bring in spend into the area. The camping proposal was for only part of the year. The toilets and tents were situated on pallet type decking and once the holiday season was over, they would be stored on the farm. The field would be grazed by sheep in the winter. Mr Strachen considered that the field was adequately screened by trees and could not be seen from the footpath or road.

Questions

Members asked specific questions relating to:

- Comments from the AONB.
- Lighting.
- Distance to the nearest bus stop.

The Principal Planning Officer confirmed that the type of lighting could be approved by way of a condition. An additional condition could specify no more than six tents. It was understood that the site was one mile from facilities at Wrentham.

Debate

Comment was made that although contrary to policy and the lack of connectivity, the general view of Members was that it was similar to other recent applications which had been based on cycling distance. This was no different. The Planning Development Manager referred to the 1961 Act relating to caravans and confirmed that planning permission would not be necessary if tents were on site for 28 days only. There being no further discussion, it was

**RESOLVED**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with approved drawing reference: Plan 2 and the details within the application received on 23<sup>rd</sup> August 2016 and Plan 1 received on 17<sup>th</sup> October 2016 for which permission is hereby granted.
3. The Eastern boundary as shown on Plan 2 shall be planted as a native species hedge prior to the commencement of the use in accordance with planting specification detailed on the email of the 4th October, any plants which die during the first 3 years shall be replaced in the next planting season.

4. The tents shall be light brown in colour as specified within the details of the application and thereafter the tents shall be retained in that colour unless otherwise agreed in writing by the Local Planning Authority.
5. The use hereby permitted shall not operate between 31<sup>st</sup> October and Easter, during which time the structures associated with this use shall be removed from the site.
6. The parking of vehicles shall take place within the area shown on Plan 1 received on 17th October 2016, this area shall be made available for the parking of vehicles prior to the commencement of the use and thereafter it shall be retained and used for no other purposes.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no areas of hard standing, walls, fences or other means of enclosure and any kind of structures shall be constructed without the prior written consent of the Local Planning Authority.
8. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the works are carried out. Development shall be carried out in accordance with the approved details.
9. No more than six tents shall be sited on the land at any one time.

**15 DC/16/3714/FUL – GATE FARM, HULVER STREET, HENSTEAD**

The Principal Planning Officer presented the application which was for the construction of a two storey rear extension and internal alterations.

The application related to a detached house on a large plot in Hulver. The property had been extended in 1986 including a porch and at the rear a utility room and two storey extension. The proposal was for a further rear extension which would increase the property to five bedrooms. The application was before Committee because the volume increase significantly exceeded that permitted under policy DM21.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views from the northern side and rear, the size of the plot and its setting in the countryside. The proposed extension would not be visible from the road. The property was set on a large plot and it was not considered to be an affordable dwelling having recently sold for in excess of £300,000. Although in excess of the 35% increase in policy DM21, the application was being recommended for approval.

Questions

In response to Members' questions, the Principal Planning Officer advised that there had been no response from the Parish Council and no comment from the Area of Outstanding Natural Beauty.

Debate

Members agreed that, although this proposal was contrary to policy DM21, the property having already been extended was no longer a small dwelling in the countryside and there was no reason to refuse the application. It was therefore

**RESOLVED**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with approved drawing references: 2061.16.1 and 2061.16.2B received 6 September 2016 for which permission is hereby granted.
3. The external materials to be used shall match as closely as possible in type, colour and texture those on the existing house.

**16 OBJECTION TO TREE PRESERVATION ORDER NO. 016 – 19 GARDEN LANE, WORLINGHAM, BECCLES**

The Planning Development Manager represented the report, the purpose of which was to advise the Committee of an objection in respect of a proposed Tree Preservation Order (TPO).

The Planning Development Manager advised that the tree in question, a sweet chestnut tree, had a broad spread and was in the region of 100 years old. It was in good condition, healthy, provided good amenity value and expected to have another 100 years of life having scored 193 on the relevant scale. As a result, it was appropriate to have a TPO confirmed.

Members viewed photographs of the site, adjoining properties and structural damage and the tree itself.

The Planning Development Manager explained the relevant factors with regard to comments from Building Control, the structure damage, dispersal of water, the old clay pipes, and the fact that the structure of the dwelling which dated to the 1930s was not to modern day standards. The faults could not be proved to be caused by the tree. The site developer, who wished to demolish the existing bungalow and build two new dwellings, had objected to the TPO. However, on balance at the present time, it was considered that the tree was not at fault and the TPO should stand.

Mr G Stone – Applicant

Mr Stone thanked the Committee for allowing him to speak; he was accompanied by the property's neighbour, John, who lived at No. 7. He had submitted a planning application to demolish the current bungalow and build two dwellings on the site but the tree was in the way. Although not an expert on trees, he referred to professional reports from architects

and on the root formation of sweet chestnut trees. The tree in question would be draining out the water from the site and no buildings should be built under the canopy area. It was the tree that was affecting the current bungalow which was now considered to be unstable. Mr Stone explained that he had asked for the TPO to be considered at the same time as his planning application.

### Questions

Members asked specific questions relating to:

- Consideration being given to the planning application for the site.
- Protecting the tree.

The Planning Development Manager explained that there was a period of up to six months in which to confirm a TPO. At the present time, it was considered that the tree was under threat and it was therefore appropriate to protect the tree and impose a TPO.

### Debate

A Member commented that, with regard to drainage issues, the old clay pipes on the site were not sealed and it would be possible for tree roots to grow through. The Committee generally agreed the importance of protecting the tree in order to ensure it was not felled at the present time. Members agreed that the live planning application should be submitted to Committee for consideration and it was then

### **RESOLVED**

That Tree Preservation Order No. 016 at 19 Garden Lane, Worlingham, Beccles, be confirmed.

The meeting concluded at 8.46pm.

Chairman