

Minutes of an extraordinary Meeting held in the Conference Room, Riverside, Lowestoft on **Tuesday, 29 November 2016 at 6.30pm**

Members Present:

P Ashdown (Chairman), N Brooks, A Cackett, M Cherry, J Ford, I Graham, J Groom, R Neil, M Pitchers and C Rivett.

Officers Present:

R Amor (Principal Planning Officer), P Perkin (Principal Planning Officer), I Robertson (Area Planning and Enforcement Officer), P Rowson (Planning Development Manager) and S Carter (Democratic Services Officer).

Prior to the commencement of the meeting, the Chairman announced the staff changes that had taken place in the Planning Department. He advised that an email confirming the details would be sent to all Members and the parishes too.

1 APOLOGIES / SUBSTITUTES

Apologies for absence were received from Councillors Allen, Ceresa, Elliott and T Mortimer.

Councillor Neil attended the meeting as a Substitute for Councillor Elliott.

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

2 DECLARATIONS OF INTEREST

Councillor Cackett declared a Local Non Pecuniary Interest in Item 7 – DC/16/3840/COU – The Lord Nelson Inn, Mill Road, Holton and Item 8 – DC/16/4222/OUT – Wangford Farm Mardle Road, Wangford, as being Ward Member.

Councillor M Cherry declared a Local Non Pecuniary Interest in Item 10 – DC/16/4270/VOC – Aldi Store, Millennium Way, Lowestoft, as being Ward Member.

Councillor Graham declared a Local Non-Pecuniary Interest in Item 9 – DC/16/4075/FUL – 26 High Street, Wrentham, as he believed he knew the resident at No. 22. This declaration was made during the discussion of the item.

Councillor Rivett declared a Local Non Pecuniary Interest in Item 9 – DC/16/4075/FUL – 26 High Street, Wrentham, as being Ward Member.

3 DECLARATIONS OF LOBBYING

Councillor Ashdown declared that he had received communications in relation to Item 6 – DC/16/3381/FUL – Swan Hotel, Market Place, Southwold and Item 9 – DC/16/4075/FUL – 26 High Street, Wrentham.

Councillor Brooks declared that he had received email communications in relation to Item 6 – DC/16/3381/FUL – Swan Hotel, Market Place, Southwold.

Councillor Cackett declared that she had received communications in relation to Item 6 – DC/16/3381/FUL – Swan Hotel, Market Place, Southwold, Item 7 – DC/16/3840/COU – The Lord Nelson Inn, Mill Road, Holton and Item 8 – DC/16/4222/OUT – Wangford Farm Mardle Road, Wangford.

Councillor Ford declared that she had received email communications in relation to Item 6 – DC/16/3381/FUL – Swan Hotel, Market Place, Southwold.

Councillor Graham declared that he had received email communications in relation to Item 6 – DC/16/3381/FUL – Swan Hotel, Market Place, Southwold.

Councillor Groom declared that he had received email communications in relation to Item 6 – DC/16/3381/FUL – Swan Hotel, Market Place, Southwold.

Councillor Pitchers declared that he had received communications in relation to Item 6 – DC/16/3381/FUL – Swan Hotel, Market Place, Southwold.

Councillor Rivett declared that he had received communications in relation to Item 6 – DC/16/3381/FUL – Swan Hotel, Market Place, Southwold and Item 9 – DC/16/4075/FUL – 26 High Street, Wrentham.

4 APPEAL DECISIONS REPORT

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

RESOLVED

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

5 DELEGATED CHIEF OFFICER DECISIONS

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

In response to a Member's question relating to DC/16/4046/CLP – 8 Chestnut Avenue, Lowestoft, and the withdrawal of the application for a certificate of lawful development, the Principal Planning Officer advised he would investigate and report back.

RESOLVED

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

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

The Principal Planning Officer presented the application which proposed the creation of a new two-way vehicular access/exit to the hotel car park on to Victoria Street, which would replace the existing substandard access from Market Place. The proposal also involved the demolition of four bedrooms and revised parking layout and landscaping.

There were issues of impact on the Conservation Area and increased traffic on Victoria Street and the application was before the Committee due to the level of neighbour objections. A site visit had taken place on 7 November, the notes of which has been circulated to the Committee.

The Principal Planning Officer explained that the Swan Hotel was listed Grade II and faced onto the Market Place within the Southwold Conservation Area. The parking area at the rear of the hotel was accessed via a single track width archway between the hotel and the Town Hall. There were single storey hotel accommodation annex buildings between the parking area and the rear boundary with Victoria Street. The existing gated vehicular access to Victoria Street was not currently used. It was proposed that the existing access onto Market Place would be closed to vehicular traffic by a bollard but retained for pedestrian access only and the new access to be provided onto Victoria Street would be used for both access and egress.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views of and along Victoria Road, the existing gates, the interior of the site and proposed screening. An artist's impression of the result of the proposals showed an improvement to the street scene. Revised plans showed that drop down bollards would be installed in the access instead of the originally proposed barrier.

The Principal Planning Officer explained that there had been four additional representations since the publication of the Agenda, all similar to those contained in the report. He explained the benefits of the scheme including the appearance itself and likely reduction of accidents in Market Place. Although concerns over noise and traffic had been expressed by some objectors, the noise assessment had shown there would be no significant increase in noise. Since reviewing the additional information contained in the noise assessment documents, the Environmental Health Officer confirmed he had no objection to the proposal on the grounds of noise. County Highways had commented on the design and construction of the access but had made no additional comments on the traffic report. The access would not be used by delivery vehicles; all deliveries would be via the brewery entrance.

Mr J Hedges - Objector

Mr Hedges stated that he was speaking on behalf of residents in Victoria Street who were against the proposal. It had not been mentioned that there were some 60+ listed buildings in the street and no pictures had been shown to the Committee in relation to the access showing tarmac and cars and the impact on the Conservation Area. There were serious errors in the traffic report; in fact, there had been an accident in 2015. The views gave a false impression of the building line. Mr Hedges stated there had been no discussion on the impact of traffic in Victoria Street which was a quiet residential road. The material

presented to Committee was flawed; there would be extra traffic causing damage and danger to residents and additional noise from the car park barrier and intercom at night. It would be extremely unwise for the Council to grant approval on the information provided.

Mr A Wood – Agent/Applicant

Mr Wood thanked the Committee for giving him the opportunity to speak. Adnams had been in Southwold since 1872 and it was inconceivable that the company would do harm to the town or its residents. It was a growing business in the town with 61% of its employees coming from the area, rising to 94% in the Swan Hotel. The business was providing jobs and a growing economy and its concern was for natural development in the town. Mr Wood also drew attention to the work of the Charitable Trust which supported Adnams' commitment to the town. They had met with the Town Council and objectors and had addressed their concerns. Mr Wood pointed out that 72% of objectors were from 10+ miles from Southwold and the organiser of the campaign against the application had a St Albans telephone number. Adnams was concerned about the issues that had been raised but pointed out that some of the proposed parking area was already a car park and some 9m distant from Victoria Street.

In response to a Member's question relating to the existing access, Mr Wood confirmed that the current access onto Market Place would be for pedestrians only. At the present time, there were some 15,000 visitors to the brewery and 2,000 visitors to the distillery; therefore, it was clear that safer access was being provided.

Questions

Members asked specific questions relating to:

- Use of the gated access in its present form.
- Traffic in Victoria Street.

The Principal Planning Officer confirmed that, although visibility was not particularly good, the present access onto Victoria Street could be used without any changes being made or planning permission being granted. Victoria Street currently took two way traffic.

Debate

Members accepted that there had been many representations on the proposals. It was noted that if the gate from the site into Victoria Road was opened up, that access could be used immediately. Having attended the site visit, Members expressed surprise that there had not been more serious accidents with vehicles and pedestrians using the current tiny access. The Committee was of the opinion that Adnams had attempted to address all issues and the proposals were a great improvement compared to the Market Place access. It was noted that the Town Council supported the proposals as it would bring positive benefits and resolve many issues. There being no further discussion, it was unanimously

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: PL-002, PL-006, PL-030, PL-031 and PL-032 received 11th August 2016 and PL-130 rev B, PL-131 rev B and PL-132 rev B received 23rd November 2016 for which permission is hereby granted.
3. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. PL130 rev B; and with an entrance width of 7 metres. Thereafter the access shall be retained in the specified form.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme. The landscaping scheme shall be completed within 3 months from the access hereby approved being brought into use, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.
5. Before any development is commenced full details of external lighting of the access roads, car parking areas and pedestrian walkways 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 access hereby approved is first brought into use.
6. The access hereby approved shall be used by guests at the hotel only and the hotel and not by any delivery or other commercial vehicles.
7. Before any development is commenced, full details of proposed car park barrier shall be submitted to and approved in writing by the local planning authority. The barrier shall be installed in accordance with the approved details before the car park is first brought into use.
8. Before any development is commenced, details of signage shall be submitted to and approved in writing by the local planning authority.
9. Before any development is commenced, full details of proposed bollard at the entrance to Market Place shall be submitted to and approved in writing by the local planning authority. The bollard shall be installed in accordance with the approved details before the car park is first brought into use.

7 DC/16/3840/COU – THE LORD NELSON INN, MILL ROAD, HOLTON

The Principal Planning Officer presented the application which proposed a change of use from Public House (A4) to Residential and Bed and Breakfast (C3).

The Lord Nelson public house in Holton had closed between 2008 and 2013. It reopened in 2013 following works to extend the premises including the provision of three bed and breakfast rooms. The pub then closed again in 2015, although the bed and breakfast accommodation remained open. The application now before the Committee sought to convert part of the pub to residential accommodation, whilst retaining the bed and breakfast business. The owners intended to use the former restaurant as their lounge, the remaining pub facilities would remain unaltered and be available to B&B guests, and the bar/snug would become the guests' dining room.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the existing building, side and rear extensions, entrance to the rear car park and a plan of the building showing the room layout.

The Principal Planning Officer referred to policy DM15 relating to village facilities being taken out of community use. The pub had been marketed for a year and no firm offers had been carried through. With regard to offering the premises to the community, the Agent had advised that the Parish Council were aware of the public house being for sale but it had expressed no interest. Therefore, the current owners had complied with 95% of policy requirements.

Mr M Hart – Holton Parish Council

Mr Hart explained that the unanimous view of the Parish Council was to be rather worried about what had gone on. The Parish Council had previously supported a large extension to enable the re-opening of the public house. In this case, an application being presented was for residential and Bed and Breakfast. If the current owner was unable to make the public house a going concern it would be due to a faulty business plan. There was great concern about the loss of the public house and the resulting detriment to the village, parishioners and visitors to Holton. Mr Hart referred to policy DM15 which stated that proposals for a change of use should be rejected unless alternative facilities were provided. The public house was supposedly not a going concern and the remaining small car park might deter people from wanting to buy it. He requested Members to refuse the request.

Ms H Mynott – Applicant's Partner

Ms Mynott explained that public house businesses suffered through supermarkets selling cheap alcohol. There was a decline in middle aged drinkers as a result of job insecurity and youngsters no longer frequented pubs. They had spent a lot of time and money undergoing improvements and renovations and providing a 30 seater restaurant. Their plan for that had been based on 150 covers per week (£24 for evening meal and £8 for lunch) but the support expected and resulting customers had not met that criteria. Throughout the country, pubs were closing weekly and even the large breweries were shutting some of their premises. Although they had tried hard to get people through the doors of the Lord Nelson with

special events, the projected spend had not been achieved. They wished to retain the premises and continue with a viable business in the form of a Bed and Breakfast.

Questions to Agent

Members asked questions relating to:

- Interest in the property.
- Licence for the bar.
- Selling the premises.

Ms Mynott advised that interest in the public house was via the sale agent. Mr and Mrs Prime had not approached them to buy the property. They did wish to keep the premises and operate as a Bed and Breakfast. The licence fee had increased to such an extent that they had suspended the licence; alcohol would not be available to sell to Bed and Breakfast clients.

Question to Parish Council

A Member questioned why the Parish Council had not taken over the pub if it was considered to be a valuable asset to the village. Mr Hart advised that the Council had been involved with SALC and stated it took a large Committee run such premises and staff to provide the service. The Parish Council comprised seven councillors which, it was understood, was insufficient to be able to run a community pub.

Questions

Members raised issues with regard to the applicant's attempts to dispose of the property and if a change of use was allowed whether or not a pub could re-open at the premises.

The Principal Planning Officer confirmed that he was satisfied that the property had been on the market with a specialist company for an appropriate amount of time. There would be no reason for the premises not to operate as a public house at some future date.

Debate

Comment was made by a Ward Councillor that the village hall was currently operating a pub out of its premises; that had only started up since the public house had been shut. It was doubtful that, once a change of use had been allowed, the Lord Nelson would ever revert back to a public house. Members appreciated the difficulties experienced by village pubs to remain viable particularly if they were not supported by the local community.

In response to a request for clarification, the Principal Planning Officer explained that the previous extensions were part of a refurbishment programme and those extensions were for providing Bed and Breakfast accommodation. The applicant could close the public house and run the Bed and breakfast as it stood without planning permission. The application before Members was for conversion of the pub premises to residential use. He further explained the room layout on the ground floor plan and the location of the three letting rooms and landlord's accommodation.

Members questioned the viability of the premises but were also of the opinion that by shutting the pub the applicant was cutting off a revenue stream and therefore the demand. The loss of amenity to the village was considered an important factor. It was proposed and duly seconded and

RESOLVED

That permission be refused for the following reason:

Development Management policy DM15 seeks to retain village or neighbourhood shops, pubs, community centres and similar facilities and it only allows the loss of such facilities in exceptional circumstances. The Council is not convinced in this case that the facility is unviable or cannot be made viable in the foreseeable future. In particular there is no evidence that the site has been offered to the local community for community management and the Council is not convinced from the evidence submitted that the pub has been the subject of a comprehensive marketing exercise.

8 DC/16/4222/OUT – WANGFORD FARM, MARDLE ROAD, WANGFORD

The Area Planning and Enforcement Officer presented the application which proposed the construction of single storey dwelling on the site of an existing farm building. The applicant was seeking outline planning permission for a dwelling in the countryside based on the justification of ‘essential need’ and personal circumstances for a full time worker to be accommodated at their place of work to manage the family holiday lettings business of three self-catering units.

The site was situated approximately one mile from the centre of Wangford and situated within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The farm complex comprised the former farmhouse and associated former agricultural buildings, three of which had been converted into holiday lets. Members were reminded that planning permission had been refused in 2015 for a single storey dwelling primarily due to the principle of development in an unsustainable location as it had not fulfilled any of the exceptions highlighted in the National Planning Policy Framework or Local Plan. The application was before Committee as a result of Member call-in.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including access to the farmhouse and the three holiday lets.

The Area Planning and Enforcement Officer explained the relevant policies and planning considerations in that the proposal represented a development in an unsustainable location outside of the development limits of Wangford contrary to policy. It was considered that the applicant had not demonstrated the essential need nor that the business could not operate successfully without an employee being accommodated on site.

It was proposed that the officer’s recommendation be accepted and there being no further debate, it was

RESOLVED

That permission be refused for the following reason:

The applicant has failed to demonstrate that there is an essential need for a manager of the holiday letting business to be situated on the site and that this accommodation could not be fulfilled by an existing dwelling in the vicinity, furthermore it has not been demonstrated that the business can financially sustain a residential property of undetermined size; justification cannot therefore be made for an exception to policy for a dwelling in the countryside and is contrary to Policies CS01 "Spatial Strategy" and CS11 "Housing" of the Core Strategy (Adopted January 2009) and policies DM01 "Physical Limits" and DM22 "Housing Development in the Countryside" of the Development Management Policies (Adopted January 2011) and paragraph 55 of the NPPF.

9 DC/16/4075/FUL – 26 HIGH STREET, WRENTHAM

The Principal Planning Officer presented the application which proposed the partial demolition of an existing property and re-building for two dwellings and the construction of three additional dwellings. The proposal included the retention of the locally listed façade and demolition of the remaining buildings on site.

The locally listed building on the site was in the centre of Wrentham included a shop which had been closed for at least seven years and was in poor condition. A workshop was located at the rear of the site. The site itself was within the Wrentham Conservation area; there were dwellings on either side of the site with some commercial properties in the vicinity.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the street scene, existing entrance to the site, location of nearby dwellings, trees on the eastern boundary, a 1920s photograph of the frontage of the property and plans and elevations of the proposed properties.

The Principal Planning Officer explained the proposal for two dwellings using the saved, locally listed frontage, which would comprise two bedrooms and a garage, an outside terrace but no garden. Three further dwellings, two two-storey and one single storey, all with parking, would be constructed on rear of the site. Although this might be considered backland development, a precedent had been set with Palmers Lane and Old Bank Mews and village centre dwellings usually had smaller gardens. Issues raised by the Conservation Officer had been addressed by Benacre, details of which were contained in the Late Representations report. It was considered to be an appropriate opportunity for the benefit of the village to tidy the site, bring back into use a derelict property and provide much needed housing.

Mr I Watson – Wrentham Parish Council

As Chairman of Wrentham Parish Council, Mr Watson was representing the people of the village and made comment on the numerous people and vehicles that passed the site every day. The village was delighted with the proposal to improve the site but did not like the retention of the façade. There were some 35 Grade II listed properties in the area and no-

one could understand how the façade had been locally listed as it was not attractive and did not fit in with the street scene. Mr Watson referred to various DM policies including design principles and protecting and enhancing buildings that made a contribution to the area. The development plans were supported but the façade was not sustainable; it should be demolished.

Mr M Buxton – Objector

Mr Buxton explained that he had lived in Wrentham for some 20 years and along with a large number of villagers, they were shocked that the façade was to be retained; it was an eyesore. Once built, Benacre was likely to sell the properties and buyers would need to maintain the façade which would be a costly burden. No-one liked the façade and it should not be retained.

Ms R Metcalfe - Agent

On behalf on Benacre, Ms Metcalfe asked the Committee to support approval and give permission for the five dwellings on a brownfield site. Considerable time and had been spent to improve the site so that it fitted in with the village and not detract from the Conservation Area. The application had not received objections from the statutory consultees and would provide much needed one and two-bedroomed dwellings in the village. The proposal would retain the locally listed façade which had been in situ for 100 years; the remainder of the buildings would be demolished. The proposed design was considered to be acceptable and the street scene would be greatly improved. Ms Metcalf asked that the officer's recommendation be supported.

Questions to Agent

Members sought clarification on aspects of removing the frontage from the design and provision of wheely bin storage. Ms Metcalf explained that she personally did not deal with the design; they were trying to progress the development and that included the retention of the locally listed frontage. The height of the façade was two-storey and would be appropriately supported. There was adequate space for wheely bin storage, possibly within the garages.

Questions

Members asked specific questions relating to:

- Local listing of buildings.
- Future maintenance of the frontage.

The Principal Planning Officer explained that building could be locally listed as a result of a Conservation Area appraisal which was then formally adopted by the Council. The unusual design and age of the façade had a bearing on its listing. The height was between 6m and 10m and the future management could be maintained by Benacre Estates and not the property owners. A Member proposed that a scheme of management and maintenance be imposed by way of condition and that it should be agreed prior to first occupation. This was supported by the Committee

Note: At this point in the meeting, Councillor Graham declared a Local Non-Pecuniary Interest as he believed he knew the resident at No. 22 High Street.

Debate

Some Members expressed the view that whilst supporting the development, the façade should not be retained. Wrentham was a country village and the development should be sympathetic to the street scene. There was some debate on the restoration of the art deco frontage and the site itself. Comment was made that the application could not be refused just because the façade was disliked. 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: site plan, block plan, 15.600.5, 15.601.4, 15.602.4, 15.610.4, 15,611.4, 15.620.4, 15.621.4, 15.630.4, 5048ea-01, 5048ea-02 received 28 September 2016 for which permission is hereby granted.
3. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - 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.
4. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition.

5. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
6. The use shall not commence until the area within the site shown on 15.600.5 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.
7. 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 8 to 11 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 11 has been complied with in relation to that contamination.
8. 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,
 - 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'.
9. 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.

10. 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.
11. 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 8 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9 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 10.
12. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work is begun. The work shall be carried out in accordance with such approved details:
 - Samples of external materials
 - Details of hard landscaping
 - Details of proposed windows and similar features
13. 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.
14. Dwellings 1 and 2 as identified on drawing number 15.600.5 shall not be occupied until a scheme for the management and maintenance of the building façade and internal shared circulation area has been submitted to and approved in writing by the local planning authority. The plan shall include proposals for the repair and future maintenance of the locally listed retained building, including responsibilities for carrying out the work and how it is to be funded.”

10 DC/16/4270/VOC – ALDI STORE, MILLENNIUM WAY, LOWESTOFT

The Principal Planning Officer presented the application which proposed a variation of condition to extend the permitted delivery hours in order to allow delivery of goods to the store and collection of waste from the store from 06:00 hours to 23:00 hours Monday to

Saturday and 07:00 hours to 19:00 hours on Sundays and bank holidays to be made permanent.

The Committee was reminded that, in November 2015, temporary planning permission had been granted to vary a condition on the permission for this Aldi supermarket to allow extended delivery hours for a trial period of one year only. An acoustic fence had been installed. No noise complaints had been received during that time and the application now before Members sought to make the extended hours permanent.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along Grassmere Drive and the access for cars and delivery vehicles.

The Principal Planning Officer explained that the application was for approval subject to an amendment to condition 1 in that Sunday opening was to 7.00pm.

Mr T Davies - Agent

Mr Davies thanked Members for being given the opportunity to address the Committee. The application under consideration followed the temporary consent that had been granted to extend the hours as detailed in the officer's report. He explained that Aldi had had significant growth over the last year and their intention was always to try and stock shelves without customers being in the store. It was a relatively small store and less intensive with only three to four deliveries each week. The application had not been taken lightly and all conditions in the noise statement had been met. The Environmental Protection Team had confirmed that no noise complaints had been received during the trial which confirmed the noise management plan had worked. Mr Davies thanked the officers for their assistance and respectfully requested that the Committee accept the proposal.

Questions to Agent

Members noted in the report that reference had been made to milk deliveries being made at 4.00am. Mr Davies confirmed that milk was delivered by Wiseman Dairies and not their own drivers who came from Chelmsford within the agreed operating times. He confirmed that Wiseman could be advised not to deliver before a certain time.

Debate

The Committee noted that all conditions had been met and subject to all deliveries being made within the specified times, it was

RESOLVED

That permission be granted subject to the following conditions:

1. Deliveries of goods to the foodstore or collection of packaging, waste or other items shall take place only between the hours of 6:00am to 11:00pm Monday to Saturday and 7:00am to 7:00pm on Sundays and Bank Holidays; unless otherwise agreed in writing by the Local Planning Authority.

2. The foodstore shall open only during the hours of 8:00am to 10:00pm Monday to Saturday and 10:00am to 4:00pm on Sunday; unless otherwise agreed in writing by the Local Planning Authority.
3. The acoustic fence approved under planning permission DC/15/3156/VOC shall not be removed or altered without the prior written consent of the local planning authority. For the avoidance of doubt the fence's acoustic attenuation performance must achieve a noise reduction of at least 11dB.
4. The noise levels arising from Aldi delivery activities shall not exceed a Peak LAmax of 60dB (Free-field) and LAeq 1hour of 45 dB(Free-field) measured at the first floor level of the façade of 6 Ailmar Close at any time during the 11.00pm - 07.00am period of night time hours on any day of the week. For the avoidance of doubt these measurements shall be made according to BS 4142:2014.
5. The store shall be operated in full accordance with the Noise Management Plan approved under planning permission DC/15/3156/VOC at all times and the plan shall not be amended without the written approval of the Local Planning Authority.
6. No pharmacy or dispensing chemist shall be provided at any time within the proposed retail store unless approved in writing by the Local Planning Authority.
7. The retail store shall be operated solely as a local convenience store selling food and other everyday household consumable products. It shall not sell non-food items except within this context and food and drink items shall predominate and not fall below 80% by volume. The net retail area shall not at any time exceed 1125 square metres.
8. The development shall at all times be operated in accordance within the terms of the Green Travel Plan, submitted as part of the planning application, unless otherwise agreed in writing by the Local Planning Authority.

11 DC/16/2354/FUL – THE BUNGALOW, THE AVENUE, KESSINGLAND

The Principal Planning Officer presented the application which proposed the construction of a detached bungalow and detached garage.

The Committee was advised that the site comprised a bungalow set in large grounds. Permission had previously been refused for four additional dwellings on the site on highway grounds but permission had been granted for one additional dwelling. The application now submitted sought permission for a second additional dwelling resulting in a total of three. The application was before the Committee as a result of Member call-in.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along The Avenue, the track serving the dwelling(s) and a plan showing the location of the proposed three dwellings.

The Principal Planning Officer explained that the existing dwelling would be demolished and rebuilt and outlined the part of the site under consideration. The application had been

deferred in August due to a late objection from the Suffolk Rights of Way in that there would be insufficient width for walkers and vehicles to pass safely along the footpath. There were limitations in that the applicant could not widen or put in a passing bay on the access as he did not own the land. However, there was sufficient space for passing a refuse vehicle and cars could pull over in order to pass another vehicle. The proposal was outside the physical limits of Kessingland and contrary to policy but Members needed to take into account the lost appeal over the Heritage Green site nearby. Traffic would be limited from small bungalows and subject to an additional condition removing permitted development rights, the application was for approval.

Questions

Members asked specific questions relating to:

- The provision of a turning head.
- Previous refusal for four extra bungalows.
- Width of the access track.
- The service road.

The Principal Planning Officer explained that vehicle turning point was located within the site. The refusal in 2014 for four additional dwellings was based on highways grounds; County Highways had no objection to the current proposal. The track itself was between 5m at the narrowest point up to 9m, sufficiently wide for emergency vehicles. The service road was not used by any other properties.

Members were generally of the opinion that there were no planning grounds to refuse the application and it was

RESOLVED

That permission be granted, subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with approved drawing references: 6644-PL02, 6644-G01 and 6644-LOC02 received 7 June 2016 for which permission is hereby granted.
3. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.
4. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

5. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
6. The use shall not commence until the area within the site shown on Dwg no.PL02 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.
7. 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 9 to 12 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 12 has been complied with in relation to that contamination.
8. 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,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
9. 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.

10. 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.
11. 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11.
12. Before any development is commenced a "Construction Management Plan" shall be submitted to and approved by the local planning authority. The Construction Management Plan shall include:
 - details of proposals to control construction noise
 - details of provision for parking of construction vehicles within or near the site and specify the size of vehicles involved;
 - proposals for deliveries including loading and unloading of plant and materials
 - storage of plant and materials during construction,
 - times and routes of delivery and construction vehicles
 - measures to minimize damage to the access road, and reinstate any damage which should occur.Construction shall be carried out strictly in accordance with the approved "Construction Management Plan".
13. 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.

12 DC/16/3051/FUL – CAR PARK, 1 ALBANY ROAD, LOWESTOFT

The Principal Planning Officer presented the application which proposed 18 affordable dwellings on a prominent corner plot adjacent to the A12 and to the rear of the High Street in Lowestoft. The site was currently used as a free Council owned car park.

The Principal Planning Officer explained that the principle of the development on the site was acceptable in a sustainable location. Local residents and businesses had objected to the loss of the car park due to the limited alternative parking opportunities in the area. However, the submitted Car Park Assessment concluded that the impact of removing the free car park would not be significant. The scheme itself achieved the minimum number of off road car parking spaces recommended by the Highway Authority and it was considered that the significant benefits in meeting an identified housing need in a highly sustainable location outweighed the loss of the car park. The application by Orwell Housing Association would provide 12 one-bedroomed units and six two-bedroomed units.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the mixture of commercial and residential properties along the High Street, Albany Road junction with Mariners Street, views from inside the site and the prominent location of the site from the A12 on the main approach into the town.

The Principal Planning Officer explained that the revised plan showed 18 car parking spaces which was one per flat and in accordance with the County Highway's recommendations. The computer generated images displayed at the meeting showed the elevations facing the interior courtyard, a variety of materials, roof heights and fenestrates all of which would improve the street scene. The main issues had been addressed:

Planning Policy

The proposal was within the physical limits of Lowestoft and in a highly sustainable location, therefore, the principle was acceptable.

Loss of Car Park and Residential Amenity

Representations had been received from local residents and businesses objecting to the loss of the free car park. However, the application had been supported by an assessment of car parking in the area and the duration of vehicles stay ranged from all day to a short period. There were alternative car parks in the vicinity and it was considered that the loss of the car park would not result in any significant impact.

Additional representations had been received from a local Member and had been included in the Late Representations report circulated in advance and at the meeting.

Design

The proposed materials and design created an attractive appearance, considered to be appropriate for the site. There had been objections to the height of the four storey building but that was not considerably higher than buildings in the High Street. There was also sufficient separation between the proposed dwellings and existing properties.

Benefits

The Head of Housing had previously confirmed there was a high demand for affordable homes and the development would deliver 18 much needed affordable dwellings. It was considered that such demand outweighed the loss of the car park.

Ms S Shepherd - Objector

Ms Shepherd reminded members that it was not just the loss of free parking, the site was their only parking and a valuable amenity area in a neighbourhood of high density properties and businesses. The site was used by all residents and visitors to the area. Traffic Wardens restricted the use of on-street parking. In her opinion, the parking report had been carefully composed in favour of the development and had been based on only two days use. The car park was used at all times of the day and it allowed people to park all day without having to move their vehicle as would be the case in time limited areas. The old staff car park at the rear of the Town Hall had been used but that was going to be sold off. The loss of the site would be detrimental to the area and the development should not be given approval until alternative parking was provided.

Mr I Hill - Agent

On behalf of the applicant, Mr Hill thanked the Committee for giving him the opportunity to speak. The need for affordable housing in Lowestoft had already been identified and there were many names on the list waiting for accommodation such as that being proposed. The loss of car park facilities had been given consideration but Mr Hill pointed out that there was plenty of alternative parking within five minutes walk. The County Council had no objection. The proposal would significantly improve the brownfield site and careful consideration had been given to the impact, if any, on surrounding properties. As a result of pre-application discussions and a collaborative approach, it had been agreed there was adequate separation and no overlooking. Whilst acknowledging the objections, Mr Hill confirmed that the development was sustainable and he believed there were no planning reasons for refusal. He respectfully requested the Committee to approve the application.

Questions

Members sought clarification as to the letting of the properties. Mr Dodds from Orwell Housing Association was in attendance and he confirmed that the properties would be let to residents on the Council's housing register. The lettings would be in accordance with housing needs ratings and any people with disabilities would be classed as high ranking. The flats would be wheelchair accessible.

With regard to Mariner Street car park, the Planning Development Manager confirmed that there was no planning application for that site at the present time.

Members further questioned the content of the parking survey and if it was satisfactory as the survey covered two days in a week only and not at night. The Principal Planning Officer advised that the survey undertaken was a spot check and had been carried out by professionals. It was believed to be a reasonable survey, carried out over a weekend and during the week. The Planning Development Manager further advised that the unofficial off-road parking leading into the site was land owned by the Council but it was not part of the development application.

Debate

Members were of the opinion that the Council was trying to regenerate the High Street and had approved the recent Burger King application. Now, this proposal was removing all the

parking and would not be encouraging visitors to the area. Comment was made that the Albany Road car park was exceptionally well used and even with that site, some cars had to park on the pavement. The outcome of the parking survey was questioned and it was felt it had not included the evening economy. It appeared that people had difficulty in finding sufficient parking now and, as a result, the Committee was not satisfied that such issues had been fully addressed. It was therefore

RESOLVED

That the application be deferred to allow for a more detailed parking survey to be undertaken, including an analysis of parking on more than two days in a week, evenings, on-street parking, safe pedestrian access to car parks across Jubilee Way and an analysis of reasonable walking time to alternative car parking facilities.

13 CONTINUATION OF MEETING

During the discussion of Item 12 - DC/16/3051/FUL – Car Park, 1 Albany Road, Lowestoft, and in accordance with Paragraph 9 of Part 3 of the Constitution, as the meeting had been in session for three hours, the Chairman asked the Committee if they wished to continue or adjourn the meeting. It was proposed, seconded and unanimously

RESOLVED

That the meeting continue over three hours duration.

The meeting concluded at 9.40pm.

Chairman

Prior to the close of the meeting, the Chairman reminded Members of the forthcoming site visits in Beccles and Bungay to be held on the afternoon of Tuesday, 6 December 2016.