

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft on **Tuesday, 18 April 2017 at 6.00pm**

Members Present:

P Ashdown (Chairman), N Brooks, J Ceresa, G Elliott, J Ford, I Graham, J Groom, M Ladd, T Mortimer M Pitchers, C Rivett and N Webb.

Officers Present:

R Amor (Principal Planning Officer), P Rowson (Planning Development Manager), H Smith (Development Management Team Leader – Central Area), B Woolnough (Major Projects Advisor) and S Carter (Democratic Services Officer).

In attendance:

Councillors S Barker, L Gooch, P Light and J Murray.

**1 APOLOGIES / SUBSTITUTES**

Apologies for absence were received from Councillors Allen and Cackett.

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

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

**2 MINUTES**

**(a) Planning Committee meeting on 14 March 2017**

**RESOLVED**

That the Minutes of the meeting held on 14 March 2017 confirmed as a correct record and signed by the Chairman.

**(b) Extraordinary Planning Committee meeting on 28 March 2017**

**RESOLVED**

That, subject to Victoria Road being amended to read Victoria Street in the final paragraph on page 35 of the Agenda, the Minutes of the extraordinary meeting held on 28 March 2017 be confirmed as a correct record and signed by the Chairman.

**3 DECLARATIONS OF INTEREST**

Councillor Ashdown declared a Local Non Pecuniary Interest in Item 6 – DC/16/5286/COU – 40, 42, 44, 62 Long Road, Lowestoft, as being a customer of Mitchells Garage and Item 8 – DC/17/0023/FUL – Post Office, The Street, Somerleyton, as being Ward Member.

## **PLANNING COMMITTEE – 18/04/2017**

Councillor Brooks declared a Local Non Pecuniary Interest in Agenda Item 13 – DC/17/0788/FUL – Mill House, Mill Lane, Barnby, as being Ward Member. This declaration was made just prior to the application being discussed.

Councillor Ceresa declared a Local Non Pecuniary Interest in Item 7 – DC/17/0462/FUL – Adjacent 1 Short Lane, Carlton Colville, as being Ward Member.

Councillor Graham declared a Local Non Pecuniary Interest in Item 6 – DC/16/5286/COU – 40, 42, 44, 62 Long Road, Lowestoft, as being Ward Member.

Councillor Pitchers declared a Local Non Pecuniary Interest in Item 6 – DC/16/5286/COU – 40, 42, 44, 62 Long Road, Lowestoft, as having attended the same church as the applicant.

Councillor Rivett declared a Local Non Pecuniary Interest in Item 10 – DC/17/0522/VOC – Part Land south of The Old Vicarage, Southwold Road, Stoven, as being Ward Member.

The Principal Planning Officer declared an interest in Item 6 – DC/16/5286/COU – 40, 42, 44, 62 Long Road, Lowestoft, as being a customer of Mitchells Garage. He advised he would leave the meeting during the discussion of the item.

### **4 DECLARATIONS OF LOBBYING**

Councillor Ashdown declared that he had received communications in relation to Item 7 – DC/17/0462/FUL – Adjacent 1 Short Lane, Carlton Colville and Item 13 – DC/17/0788/FUL – Mill House, Mill Lane, Barnby.

Councillor Ceresa declared that she had received communications in relation to Item 13 – DC/17/0788/FUL – Mill House, Mill Lane, Barnby.

Councillor Elliott declared that he had received communications in relation to Item 7 – Adjacent 1 Short Lane, Carlton Colville and Item 13 – DC/17/0788/FUL – Mill House, Mill Lane, Barnby.

Councillor Ford declared that she had received communications in relation to Item 6 – DC/16/5286/COU – 40, 42, 44, 62 Long Road, Lowestoft and Item 7 – DC/17/0462/FUL – Adjacent 1 Short Lane, Carlton Colville.

Councillor T Mortimer declared that she had received communications in relation to Item 7 – Adjacent 1 Short Lane, Carlton Colville.

Councillor Pitchers declared that he had received communications in relation to Item 6 – DC/16/5286/COU – 40, 42, 44, 62 Long Road, Lowestoft and Item 7 – DC/17/0462/FUL – Adjacent 1 Short Lane, Carlton Colville.

Councillor Rivett declared that he had received communications in relation to Item 10 – DC/17/0522/VOC – Part Land south of The Old Vicarage, Southwold Road, Stoven.

**5 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 31 March 2017. There were currently three cases.

**RESOLVED**

That the report detailing the outstanding Enforcement Matters up to 31 March 2017 be received.

Having declared an interest in Item 6 on the Agenda, the Principal Planning Officer left the Conference Room at this point in the meeting.

**6 DC/16/5286/COU – 40, 42, 44, 62 LONG ROAD, LOWESTOFT**

The Major Projects Advisor presented the application which sought approval for a change of use from residential gardens to parking areas for commercial vehicles, both new and second hand, including new surfacing and erection of 2m high timber fences.

The Major Projects Advisor explained that the proposal by Mitchells Garage would reduce the size of four adjacent gardens serving Nos. 40, 42, 44 and 62 Long Road and provide additional land in which to expand the vehicle parking area. The properties were in the ownership of the applicant / director of the garage business. The purpose of the application was to expand the existing rear parking area which the applicant had stated was at capacity. It would be resurfaced with permeable gravel and 2m high timber fences would be provided on the boundaries with the adjacent residential properties. The areas for change of use would not be used for workshop, servicing or valet services currently provided from the remainder of the site. The garden areas left over from the change of use proposal would, as a result, be shorter in depth than existing adjoining gardens but be a minimum of 23m for Nos. 40, 42 and 44 and 15.5m for the rear garden of No. 62.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views from Long Road, access to the site, the close boarded fence that would be used and the existing parking. In addition, photographs of the rear garden of No. 40 indicated an example of the section of garden to be retained. That had been fully explained to the resident of No. 64.

A number of neighbour objections had been received. Statutory consultees had not objected subject to any permission including certain conditions.

In conclusion, whilst it was acknowledged that there were perceived impacts on the local area and highway, they would not be significantly intensified by the proposed additional parking which represented a suitable solution to improve the efficient use of the car showroom and garage. Some of the existing issues which were of concern to local residents did not relate to the proposal and should not influence the determination of the application. The level of intensification resulting from the additional parking was judged not to adversely affect the highway or residential amenity and the application was recommended for approval subject to appropriate conditions.

Ward Member Councillor S Barker

Councillor Barker advised that she was speaking on behalf of the residents in Long Road and wished to draw particular attention to flooding concerns and the need for permeable surfaces. In rain storms, water would be soaked up and not drain away and a suitable conduit would be required to ensure there was no flooding in the neighbour's property at No. 64. That resident had had to replace their conservatory floor twice in the last several years. The level of the land was raised at No. 62 allowing flooding into No. 64, so a trough would be required to take the water into Kirkley stream and not into the neighbour's gardens. In addition, space for the car transporters would be needed. High sided vehicles should not be parked against the 2m high fence. All concerns including the loss of habitat should be taken into consideration when making a decision. The issues had to be balanced in order to allow for the business to expand whilst taking into account the neighbours' concerns.

Mr M Huke-Jenner - Applicant

Mr Huke-Jenner thanked Members for giving him the opportunity to address the Committee. He explained that he had started some 30 years ago in the business and was now the dealer/owner. He considered he had loyal staff and a good customer base. They employed 30 staff in Lowestoft and five in Great Yarmouth, offered technicians training and had achieved the UK Dealer of the Year award in 2016. Mr Huke-Jenner explained that he had been genuinely shocked at some of the comments made, as the business had always made the best effort to accommodate residents. His garage found they had the need to be constantly moving cars and the proposed extra space would result in less movement of cars and therefore less noise. The properties in question were rented with overgrown gardens and they would do all they could to minimise the risk of flooding. There had been a garage on the site for a good number of years which was beneficial in providing the opportunity to give skills to and employ local people. They had always tried to work alongside the community and he requested the Committee support the request.

Questions to the Applicant

Members raised specific questions relating to:

- The fence height after land raising.
- Delivery of vehicles into the site.
- Flooding into adjoining neighbours.

Mr Huke-Jenner advised that the fence would be 2m high; he was not aware that any land would need to be raised. The delivery of vehicles would remain as now, that was on the road. There would be no increase in deliveries as the purpose of the application was to allow the parking of vehicles in a controlled manner. At the present time, there had been no issues with water run off into No. 62, therefore it was unlikely to occur into No. 64.

Questions

In response to Members' questions, the Major Projects Adviser explained that there was little difference in the levels of the application site and No. 62. The level at No. 62 would in fact drop to allow for the hardcore. The flooding issues at No. 64 and into that neighbour's

conservatory had been as a result of water running off Long Road. The gravel board of the proposed new fence was not likely to impede water flowing off the site and into Kirkley stream, particularly as the surfacing of the site would be entirely permeable. Drainage was perfectly adequate and accepted by the County Council's drainage officers. The garden trees on the site were apple and conifers and nothing significant to warrant preserving.

### Debate

Members were prepared to accept the recommendation. The garage had been in situ for a good number of years, was well run and employed a number of local people. It was understood that there would be no increase in the number of cars; the proposal was to allow the premises to operate more efficiently. 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 strictly in accordance with the site location plan (received 15/12/16) and strategy for the disposal of surface water (dated 06/03/17) 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 areas outlined in red on the site location plan (received 15/12/16) shall be used for the manoeuvring of vehicles and the parking of cars only and no works to vehicles shall be undertaken in those areas.
4. Vehicles shall only be moved within the area outlined in red on the site location plan (received 15/12/16) between 8am and 7pm.
5. Prior to the use of the area outlined in red on the site location plan (received 15/12/16) first commencing, 2 metre high close boarded timber fencing shall be erected on the entirety of all boundaries with residential gardens. It shall thereafter be retained.
6. The strategy for the disposal of surface water (dated 06/03/2017) shall be implemented as approved. The strategy shall thereafter be managed and maintained in accordance with CIRIA C753 guidelines.

The Principal Planning Officer returned to the Conference Room at 6.33pm.

### **7 DC/17/0462/FUL – ADJACENT 1 SHORT LANE, CARLTON COLVILLE**

The Principal Planning Officer presented the application which sought approval for a two storey house on a vacant area of land on Short Lane, a single width cul-de-sac off The Street, and which currently served eight properties. The site was within the physical limits for

Carlton Colville but there were issues of access, the size of the site and the impact on the amenities of the surrounding dwellings.

A site visit had taken place on 10 April 2017, the notes of which had been circulated to Members and a copy was tabled at the meeting.

The Principal Planning Officer explained that it was understood that the site had originally been part of the garden of 43 The Street but was in separate ownership and had been for some time. The proposal was to construct a two storey dwelling on the eastern half of the site, adjacent to but in front of the existing terrace, with the main outlook facing onto Short Lane. The western half of the site would provide a small garden and two parking spaces.

The proposed elevations which showed a ground floor kitchen window facing the terrace, secondary windows for the lounge and the bathroom and landing windows on the rear elevation. Representations had been received particularly with regard to the first floor bedroom window which faced the rear of the existing properties. Revised plans had been received and showed changes to the side elevation in that the first floor window had been removed and would be replaced with a roof light.

Neighbour representations had been received generally raising objections and the Town Council was recommending refusal.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along Short Lane, the properties adjoining and backing onto the application site, plans and elevations of the proposed dwelling.

The Principal Planning Officer cited two issues that had been raised at the site visit; the height of existing dwellings and previous applications for the site. He confirmed that the height of the existing dwellings was 7m to the ridge and there was no record of any previous planning applications for development on the site.

In conclusion, the objections were understandable given the size of the site and restricted width of Short Lane. However, Suffolk County Highways had not objected. It was marginal but other matters raised were not so significant as to warrant refusal; the application was therefore being recommended for approval.

Mr P Radforth - Carlton Colville Town Council

Mr Radforth explained that the Town Council had considered the application and requested refusal on the following grounds – the rear access had been deleted from the plan submitted, the right of access was protected by a restrictive covenant, loss of privacy, neighbours being overlooked and over shadowing. The proposed car parking obstructed the access to 41 and 39 The Street and would cause difficulty with placing wheely bins out on the street. Short Lane was a single track with no footpath resulting in further hazardous conditions for residents. Access to Short Lane via The Street which was a busy road and although there were double yellow lines in short Lane, people continued to park there.

Ward Member Councillor P Light

Councillor Light stated that Members should heed what had been said.

There were numerous reasons why the site should not be built on. There was insufficient space, with a single track being the only access to the eight Council properties. The requested remediation scheme had not been done. The application should not have been made and the proposed two car parking spaces resulted in the right of access for existing residents being obstructed. The area for developing was smaller than that shown on the plans due to the installation of posts. The site did not need infilling. Any new development would affect the egress and access. The proposed new build would block out the light and the design was not in keeping with the existing 1930s dwellings. Previous uses had been stated as not known; that was not the case. There was a covenant on the pathway which was always in regular use. The loss of privacy should be taken into account and the proposal was nothing more than an overdevelopment in the area.

#### Mr D Castleton - Objector

Mr Castleton thanked the Committee for allowing him to speak on the derisive application. The residents and Carlton Colville Town Council had raised objections. The proposal was misleading and inaccurate. There were adverse impacts including the loss of a right of way for Nos. 39 and 41 which was designated as a safe and unimpeded access; the proposal would breach that covenant. Short Lane was a single carriageway with one street light. The impact of extra cars would result in greater danger for the residents. The lane contained distinct dwellings and the proposal was not in keeping with the street scene resulting in an alien dwelling. There would be overshadowing and loss of privacy for the neighbours. The site itself was part of the original garden of 43 The Street and through garden grab it had been annexed in 2008 and sold to the current owner in 2016. It was an exploited application built on greed not need and he respectfully requested the Committee reject the application.

#### Questions

Members raised specific questions relating to:

- The restrictive covenant.
- Contaminated land.

The Principal Planning Officer explained that the restrictive covenant was not a material planning consideration and not a reason for refusal. If the application was approved and the access disappeared, it would be the responsibility of the applicant to deal with it by other means. The dwelling was proposed to be located at the opposite end of the plot and that would allow the parking spaces to be moved if necessary. History of the site with regard to contaminated land had not yet been received, but that could be dealt with by way of conditions attached to any approval.

#### Debate

Members expressed concern over the proposed dwelling for what could be considered to be a small site and the extremely restrictive access road. There were no footpaths and very limited parking. The site might be suitable for development but not this development. The proposal for a two bedroomed dwelling was considered excessive and it might be more appropriate to put a one bedroomed property with one parking space on the site.

The Principal Planning Officer explained that if approval was granted a condition relating to a construction management plan could be included. However, if Members were considering refusal, access could not be used as grounds for that refusal as County Highways had no objection to the application. The Planning Development Manager further advised that the applicant had confirmed he owned the site area specified in the application; however, if ownership of the area was different to that specified, it could be open to legal challenge and any planning permission would not be valid.

Members acknowledged that refusal was against officer's recommendation; however consensus of opinion was that the proposed dwelling was too big for the site and, following which, it was unanimously

**RESOLVED**

That permission be refused for the following reasons:

The proposed dwelling would be constructed on a very restricted plot, requiring it to be sited in front of the existing terrace of four dwellings located to the south east of the site, and so being out of keeping with the established character of development on Short Lane. In addition the proposed dwelling would have very limited private amenity space, to the detriment of the amenities of future occupiers.

**8 DC/17/0023/FUL – POST OFFICE, THE STREET, SOMERLEYTON**

The Principal Planning Officer presented the application which sought approval for alterations to the shop front, parking area to include the installation of a dividing fence and laying of grass areas to the front of the property, together with the relocation of the telephone box to the former Forge Garage site. The proposal was partly retrospective in that the forecourt work had been carried out and partly reflected alterations to the frontage and changes to relocate retail floor space.

It was understood that the Post Office premises had been in place since 1884; it was a locally listed building within the Conservation Area.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including its setting in the village. According to dated photographs displayed, the historic shop sign appeared after 2005 but before 2011; the lych gate had been built between 2005 and 2011 without planning permission and had recently been removed. In 2011, the frontage showed a semi circular drive but in 2017, a domestic element had been introduced, the frontage laid to grass with footpaths with private car parking on the side. An amended plan had been received which showed a door on the single storey side extension which was being proposed for commercial use. The business proposed to be run from the premises was cycle hire. The telephone box had now been moved.

The Principal Planning Officer explained that the proposal was for regularisation of boundary treatment, landscaping to the forecourt and physical changes to the front of the former Post Office to enable access to the revised shop location within the building. Local concerns had been expressed that the retail function was to cease but that had not been cited in the current application. However, as the premises had recently changed hands, it



was unreasonable to conclude that the retail activity had ceased as the re-establishment of commercial activity might take some time.

Members were advised that the relocation of the retail floor space did not require planning permission when the balance of retail to domestic use remained the same; in this case, it was considered the balance was being maintained. There was no breach of planning control and A1 use applied to both use as a post office and use as a cycle hire shop.

The proposal was recommended for approval because many of the objections centred on concerns not yet established.

#### Ms S Read – Somerleyton Parish Council

As Clerk to the Council, Ms Read spoke on behalf of the Parish Council. The Parish Council believed the proposal did not comply with policies CS10 and DM15 in that neighbourhood shops needed to be protected for the locals and the Parish Council contended that that meant class A1 would be protected. The proposed cycle shop in the old village store would not meet the needs of the community. DM15 was not satisfied unless a shop was put in place in the Forge Garage site. Apart from two hours per week providing the services of a post office, there was no retail business. A village shop function might never commence and therefore nothing was being provided to meet the needs of the community. The application should therefore be refused.

#### Mr R Wild - Objector

As a long term resident, Mr Wild expressed his objection to the request for retrospective permission for the alteration already made. The loss of the amenity of the post office and shop would be missed by the village as a whole. Forge Garage, as proposed, was not a village store. The post office had been used by neighbouring villages and had been open all week; now the outreach service was provided on only part of one afternoon each week. The post office had gone, the shop had gone, alterations had been made without consent, the proposals to replace the shop were inadequate, and there was also a breach of conditions. The views he had expressed were shared by the majority of residents. The applicant's total disregard of planning regulations should not be ignored but be addressed.

#### Questions

Members raised specific questions relating to:

- The protection of local services under policy CS10.
- The garage site.

The Principal Planning Officer advised there was no breach of policy; change of use from post office to cycle ship would not need planning consent as they were both within the A1 use class. The application related to the operation of the post office building only; the garage site was not part of this application. Planning permission for that site had been granted in June 2016 but not yet implemented.

The Planning Development Manager reiterated that the application before Members was not a change of use. It related to minor operational changes within A1 retail. The post

office had already closed and Members did not have the power to ensure it re-opened. There was no dispute over the loss of the post office but that was not a planning consideration that would allow planning permission to be refused. The issues for consideration were in the report.

### Debate

Members expressed their concern over the retrospective application and the disregard for planning laws. The Planning Development Manager explained that planning law included specific provision for retrospective applications and Members should not be prejudicial on such applications. Although there was considered to be an impact on the Conservation Area and the lych gate had improved the appearance, it would not result in the post office reopening. As Ward Member, Councillor Ashdown stated that he agreed with the views of the village and Parish Council. There was still a letterbox in the wall of the property and he questioned if that would continue to be available for use. He requested the officers to speak to the applicant for the garage site to ascertain when the proposals for that site would be coming forward. The Planning Development Manager confirmed the officers could speak to the applicant to offer planning advice and assistance if necessary.

The Planning Development Manager understood Members wished to try and protect the facilities but, in his opinion, it was likely there would be an appeal against refusal and enforcement action. Although Members wished to preserve the existing services in Somerleyton so as not to be detrimental to the village, it was agreed to support the officer's recommendation and

### **RESOLVED**

That permission be granted subject to the following conditions:

1. The parts of the development that are not retrospective (so already in place on site) that are hereby permitted shall be constructed in all respects strictly in accordance with the drawing filename: [1] 7776\_01A\_Old Post Office Survey-A0, title block 01 A; received 29th March 2017, 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.
2. 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:
  - The replacement front shop door, frame and lintel treatment.
  - Alterations if any to the retained shop window.
  - The details for the bricking up of the original window, including type, size and bond of brickwork and the type, aggregate type and mix and finish of pointing to the new brick to match seamlessly with the existing brickwork.

### **9 DC/17/0704/VOC – 3 HALL LANE, OULTON, LOWESTOFT**

The Principal Planning Officer presented the application which sought approval to materially alter the approved scheme DC/16/0699/ARM, in that the southern rear plot 2 would be amended to incorporate an attic roof without roof changes and add a sun room to the rear.

The proposed changes to the northern front plot 1 would result in a roof ridge increase compensated for by a reduction in the footprint. The changes to the proposed dwelling on plot 2 were considered to be of no material impact and the dwelling was nearing completion. In addition, it was proposed to replace the shared drive with a separate driveway.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the street scene, the boundary adjoining the neighbour's garage at 1A, the existing dwelling to be demolished which showed rooms in the roof, and both the frontage and rear gardens. The views along Gorleston Road gave an indication of highway visibility and the County Highways had no objection to the proposal.

A further amended plan for plot 2 had been received and that indicated patio doors. The amendments to the front plot 1 had received objections from the adjoining neighbour and Parish Council. However, the changes to plot 1 were considered neutral in impact and the variation was recommended for approval.

Mr G Nourse - Objector

Mr Nourse explained that he represented his clients at 1A Hall Lane who were objecting the proposed dwellings. He made particular reference to paragraphs 6.2 and 6.3 in the report which related to the roof height and windows in the revised plans for a chalet and the close proximity. The revised scheme was now proposing significant two storey dwellings not bungalows. The plot 1 property would now be 1m from the boundary and in front of his clients' dwelling. The significant changes impacted on their bungalow resulting in reduction in sunlight, loss of privacy with the dormer windows which, even being obscure glazed, would still open and have direct views into their back garden. The separate driveways reduced the width of the plot and as a result, if granted, permitted development rights should be removed. However, the significant changes to the scheme should result in refusal because of the overbearing nature, loss of privacy and outlook and overdevelopment of the site.

Ward Member Councillor J Murray

Councillor Murray spoke as Ward Member on behalf of Mr and Mrs Casson. She referred to Oulton Parish Council's comments in the report objecting to the proposal and advised that the council had been unable to attend. Councillor Murray had looked at the plans and visited the site and was in full agreement with Mr Nourse. There was a significant change to the nature of the scheme and the proposed development would result in loss of privacy and outlook. The variation would result in a cramped development to the detriment of the area and permission should not be granted.

Mr V Douglas - Agent

Mr Douglas advised the Committee that he was the applicant's architect. With regard to the design, the neighbouring properties had been considered and that had resulted in the rear windows being obscured glazed and hinged away from the property. It was considered there was no loss of outlook as the building on plot 1 would be in line with the existing bungalow. Any loss of light and increase in shadow would only affect the neighbour's garage. There was nothing to prohibit first floor development other than applying for

permission. It was considered there would be no affect on the street scene and Mr Douglas requested Members support the officer's recommendation to approve.

#### Questions to the Agent

Members raised specific questions relating to:

- The loss of light and privacy.
- Compliance with the 45° angle for shadow.
- The height of the proposed chalet compared to the existing building.

Mr Douglas advised that the 45° angle applied to an extension projecting off a back wall. This new dwelling was in line and therefore would not protrude over the garage in the late evening. The original building had not been surveyed; the roof of the chalet now being proposed was higher than the original bungalow.

#### Question to Objector

A Member asked if the neighbour had objected to the original application. Mr Casson confirmed they had not objected to the reserved matters for the original bungalow.

#### Questions

In response to a Member's question relating to the height of the existing dwelling compared to the proposed chalet bungalow, the Principal Planning Officer advised that there were no plans of the existing building, therefore the height was not known. With regard to the 45° angle, having looked at the windows in the property, the shadow line would not be cut.

#### Debate

Member expressed the view that there appeared to be no real difference in the height of the newly proposed chalet compared to the original dwelling on the site which was to be demolished. The difference was the footprint. However, the positioning was located much nearer to the adjoining property and it could be seen as overdevelopment. The Principal Planning Officer explained that the proposed chalet on plot 1 was closer than the original dwelling but no closed than the approved bungalow.

It was proposed and duly seconded that the application be approved and it was

#### **RESOLVED**

That permission be granted subject to the following conditions:

1. The varied and amended development hereby permitted shall be constructed in all respects strictly in accordance with drawings reference 6770 SL02, PL05 and WD03; received 21st February 2017; 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.

2. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01; and with an entrance width of 3m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.
3. 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.
4. Before the development is commenced details of the areas to be provided for the 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.
5. The use shall not commence until the area within the site shown on Dwg No SL02 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 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 on plot 1 without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.
7. 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 Class A (extensions or alterations) on the side elevations (but allowing rear extension) or B (changes to the roof) within the curtilage of the dwelling) of Schedule 2 Part 1 of the Order shall be erected on plot 2 without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.
8. 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 windows, roof lights, roof windows or dormers; [other than those expressly authorised by this permission] shall be constructed on any elevation of either plot 1 or plot 2.
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, 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.

10. The bathroom dormer side hung windows on the south elevation to plot 1 at first floor level shall be glazed with opaque glass, or other appropriate screening and shall be either fixed shut or fixed on restrictors preventing an opening of more than 100mm. Alternatively a window of a type where the opening portion is set above 1.7m above finished floor level at first floor and the window is obscured glazed shall be employed. The window shall be retained in either of the conditions listed, unless otherwise agreed in writing by the Local Planning Authority.

**10 DC/17/0522/VOC – PART LAND SOUTH OF THE OLD VICARAGE, SOUTHWOLD ROAD, STOVEN**

The Principal Planning Officer presented the application for a variation to previously approved drawings with regard to condition 2 of DC/16/2366/FUL, erection of agricultural pig finishing building.

The Principal Planning Officer reminded the Committee that planning permission had been granted in August 2016 for a pig finishing building with associated feed silo, both at the same height of approximately 6m. He advised that the development had been undertaken with a larger feed silo approximately 9m in height which projected just less than 3m above the ridge. The application now before Members sought to regularise the situation and retain the silo at its present size.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views across the site using both normal and telephoto lens from both access angles, the hedge screening and the revised elevations.

The Principal Planning Officer stated that, as the development had not been carried out in accordance with the approved plans, the Committee had the following options:

- 1) To approve the application as submitted.
- 2) To approved the application with supplementary landscaping.
- 3) To refuse the application and authorise enforcement action, if necessary, to ensure the removal of the existing silo and its replacement with the approved model.

There had been objections, details of which were outlined in the report. However, the nearest dwelling was 350m distant and, although the silo had a greater visual impact, it was not considered so significant as to warrant refusal and option 2 was recommended.

Mr R King-Davies - Objector

Mr King-Davies explained he was representing his father who lived at the Old Vicarage, the dwelling closest to the development. The photographs in the officer's presentation gave only a two dimensional perspective of the feed silo and building. Due to the land levels, his father's property looked down on the development and there was no doubt whatsoever that the taller feed silo had a detrimental impact on the amenities of the area. The original plan had the feed silo at roof height of the agricultural building which was mainly hidden by the natural undulation of the land. However, the height of the feed silo was excessive,

advertised the building and its prominence and was not in accordance with the approved plans. When planning permission was granted, it was in accordance with respecting the landscape in policy DM02. What had been erected did not fall within that category and any landscaping would take 7+ years to provide adequate screening and hide the buildings.

#### Mr H Lampp - Agent

Mr Lampp advised that he was planning agent with Durrants, representing the applicant. He explained that the height of the approved silo was 6.4m and the one erected was 8.4m high. The installation of the taller silo had resulted from a decision made during the project, which was to reduce the number of lorries visiting the site by having capacity to take up to 15 ton lorries instead of 5 ton vehicles. He had not been advised of that, otherwise it would have been contained in the original application. The silo could only just be seen from the footpaths and was not stand alone but adjoining the pig finishing building in an agricultural setting. Mr Lampp believed that the landscaping of 44 trees having been planted which would reach a height of 15m at maturity was adequate and he requested Members approve the variation.

#### Questions to the Agent

Members raised specific questions relating to:

- The reduction in lorry movement at the time of the original application.
- Additional landscaping.

Mr Lampp explained that increasing the size of the silo in order to result in less lorry movements had only been mentioned during construction. Additional landscaping had already been provided; the trees were deciduous but it would be possible to consider some evergreen planting to supplement what was already in situ.

#### Questions

In response to Members' questions, the Principal Planning Officer explained that the silo was dark in colour and would blend well with the significant amount of green planting. He confirmed that the landscaping plan had been agreed and the odour management plan was in its final stages. It would be difficult to enforce any provision relating to the height of the landscaping because of the time needed for trees to grow to maturity. Whilst leylandii grew, they would look out of place in the landscape. The silo could not be set 2m lower into the ground because it was gravity fed and the feed was released through the bottom of the silo.

#### Debate

Members expressed their disappointment that permission had been granted for an application and now, a different silo had been installed on the site. The silo was not in accordance with the approved plans, resulting in a variation before the Committee for retrospective approval. It should be refused because of the effect on the landscape; however, there was a balance fine between that and the agricultural business. It was agreed to take the pragmatic approach, approve the application ensuring that the additional planting was undertaken as quickly as possible to ensure the impact was rapidly reduced.

**RESOLVED**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with approved drawing references: 302054 -001, 10169-07 revision A, 002 and 145 received 7 June 2016 and 10169-06 received 9 February 2017.
2. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.
3. The landscaping scheme shall be completed within 6 months from the completion of the building, 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.
4. Before any development is commenced, an Odour Management Plan detailing the measures to be taken to minimise odour from the pig operation shall be submitted to and approved in writing by the local planning authority. The pig enterprise shall be operated and managed in accordance with the approved Odour Management Plan.
5. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.



- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
6. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.
7. The ecological enhancements outlined in paragraph 4.7 and table 4.1 of the ecological report submitted with application DC/16/2366/FUL shall be implemented within six months of the completion of the building hereby approved.

**11 DC/17/0531/FUL – HARBOUR CAR PARK ADJACENT MUSEUM, FERRY ROAD, SOUTHWOLD**

The Development Management Team Leader presented the application which sought approval for the construction of a single storey front extension to the Alfred Corry Museum to provide an additional exhibition and learning area. The proposal included the repositioning of the main entrance doors to the south eastern sea-ward facing elevation. The application was before Committee as the site was within the ownership of the Council.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the views along Ferry Road, the current museum building, relocation of the entrance doors and the various elevations showing the extension to match. Disabled access would also be provided.

There had been no objections and two letters of support received.

The Committee was advised that the proposed development would provide much needed internal space in which the Alfred Corry Museum Trust could present the exhibits and deliver tours and educational activities to visitors in a safe and comfortable environment. The proposal was considered to be a beneficial tourism development within a sustainable location and in accordance with policy CS13. The development had been designed in accordance with policy DM02 and would not result in any material harm to the existing locally listed structure or the wider Southwold Harbour Conservation Area. The applicant had acknowledged the possible risks as a result of erosion and flooding and suitable mitigation was being proposed.

The Development Management Team Leader explained that the comprehensive heritage statement submitted with the application indicated that the proposed extension blended well. The repositioning of the door would be beneficial and the flood risk assessment was satisfactory. The application was recommended for approval.

Mr M Dixon – Agent

Mr Dixon thanked Members for giving him the opportunity to speak and for the officer's support in the application. The conclusion in the report summed up the merits of the scheme and which would also result in educational benefits for school parties. He respectively requested the Committee to support the recommendation and grant approval.

Questions to the Applicant

Members raised specific questions relating to previous extensions to the museum. Mr Dixon explained that the previously approved application to the site of the building had not been taken forward due to certain impracticalities. This new proposal would be attractive and weatherproof and would provide a more practical layout with educational facilities. He confirmed the Trustees intended to take this scheme forward as it was deliverable.

Questions

In response to a question relating to previous applications, the Development Management Team Leader explained that one application had been implemented so it could continue at any time. However, it was not the officers' duty to identify what had or had not been implemented.

Debate

A local Member explained that this was one of the best visitor attractions in Southwold; the building had originally been the lifeboat shed on Cromer pier and the Alfred Corry being housed in the building was Southwold's first lifeboat. 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 references: Alfred Corry Museum Location Plan, ACM\_extension\_10 Rev C; ACM\_extension\_08 Rec C; ACM\_extension\_07 Rev C; ACM\_extension\_04 Rev C; ACM\_extension\_03 Rev C; ACM\_extension\_02 Rev C; and ACM\_extension\_01 Rec C received 8 February 2017 for which permission is hereby granted.
3. 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.
4. Before any works are commenced, details of the following shall be submitted to and agreed, in writing, by the Local Planning Authority:
  - Detailed joinery sections for all new windows and external doors at 1:2 and 1:10 as appropriate; and
  - Detailed section of eaves at 1:10

5. The approved extension shall not be brought into use until the developer has fully implemented the Water Entry Strategy and Flood Resilience and Evacuation Measures set out within the approved Flood Risk Assessment prepared by Evans Rivers and Coastal, the detail of which shall be first submitted to and agreed in writing by the Local Planning Authority.

## **12 CHANGE IN THE ORDER OF BUSINESS**

The Chairman of the Committee advised that, in view of the public speakers waiting to speak, there would be a change in the order of business and Item 13 – DC/17/0788/FUL – Mill House, Mill Lane, Barnby, would be considered prior to Item 12 – DC/17/0371/FUL – Gun Hill Kiosk, Promenade, Southwold.

## **13 DC/17/0788/FUL – MILL HOUSE, MILL LANE, BARNBY**

The Principal Planning Officer presented the application which sought approval for the construction of an extension and a replacement garage. The site was on raised land above and set back from Mill Lane and served by a narrow unsurfaced track with substantial trees to the west. The proposal itself was of such a scale that it represented a considerable departure from policy DM21 with regard to rural extensions and, as a result, was being reported to Committee.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along the access lane from Mill Road, the levels of land, the existing buildings on site and their elevations, views from the application site towards neighbouring properties, and views from Millway towards the site which gave an indication of the landscape context. There were no proposals to remove any trees from the site.

The Principal Planning Officer explained that the original dwelling on the site appeared to have been a two storey building around 6m x 3m in plan. The original dwelling had been extended by a two storey flat roofed extension doubling its size in the 20<sup>th</sup> century and a kitchen extension had also been added. The proposal was to enlarge the original property to a residence measuring around 10.2m by 9.9m on two storeys and provide a double garage with room over.

Two further comments had been received from neighbours that day; the residents of a bungalow in Millway supporting the proposals for a family home and which would respect their privacy and Ashbrook's residents welcomed the retention of the trees and the proposal would get rid of what they considered to be an eyesore.

The property was outside the physical limits of Barnby village and the site was constrained by policy DM21 and the requirement to restrict enlargement to 35% by volume over the 1948 condition. It was thought that the flat roofed extensions pre-dated local government reorganisation in 1974 but probably not 1948 and combined, they represented an 80% increase over the original building. On that basis, the proposal would represent a near trebling in size over the 1974 condition and six times increase over the size of the property in 1948.

Policy DM21 sought to preserve rural landscapes and the garage itself created a further two storey building as large as that currently on site. The second determining policy was DM02

which addressed amenity impacts on adjoining dwellings. It was, therefore, considered that the proposal was of such a scale that it represented a considerable departure from policy with regard to rural extensions and was recommended for refusal.

Mr C Jones - Applicant

Mr Jones explained that they had purchased the house in order to convert it into a family home for decades to come. The dwelling was currently unsafe and in disrepair resulting in renovation of the existing footprint being unviable. The dwelling was not environmentally friendly, F rated for energy efficiency and it would be necessary to extend the property to make it habitable. Even though not previously sold for the last 50 years, it could never be classed as an affordable property, particularly in view of the works needed to make it habitable. Although the 1926 ordnance survey map excluded the property, the driveway itself did fall within the village boundary. Mr Jones considered it was a sustainable development and no objections had been received. Other properties in the area had been extended extensively and he considered the proposal would not only blend into the surrounding area but enhance the landscape and improve the views from the village.

Questions to the Applicant

Members raised specific questions relating to the possible purchase of the land adjoining the site. Mr Jones explained that the farmer, who had just inherited the land from his father, had agreed to the sale of the land and that was currently under negotiation. His intention was to retain the land as meadowland.

Questions

In response to Members' questions relating to the removal of permitted development rights particularly with regard to converting the garage, the Principal Planning Officer agreed that it could be appropriate to do that.

Debate

Members commented that the scheme could only improve the visual aspect of the existing dwelling and welcomed the proposal to provide a family home. The property had been neglected and was barely outside the physical limits of the village. There were no neighbour objections and the Parish Council supported the application. The Principal Planning Officer explained that if the adjoining land purchase proceeded and was to increase the property's garden, a further planning application would be required for change of use from farmland.

There being no further discussion, it was proposed and duly seconded that the application be approved and 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 references: 2132.16.1 received 24 February 2017 and 2132.16.2F received 31 March 2017 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.
3. 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.

Note: Councillor Elliott left the meeting at 8.57pm.

#### **14 CONTINUATION OF MEETING**

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.

#### **15 DC/17/0371/FUL – GUN HILL KIOSK, PROMENADE, SOUTHWOLD**

The Development Management Team Leader presented the application which proposed an extension to the rear of the beach kiosk in order to provide additional secure storage. The application was before Committee as the application site was located on land within the ownership of the Council.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the precise location of the kiosk and the separation distance which had been increased to 500mm between the extension and the land at the rear.

The Development Management Team Leader explained that, due to a commercial need for the works to be undertaken and for the kiosk to open for Easter, the proposed development had commenced following submission and validation of the planning application. The application was therefore to be considered as a retrospective application. The extension was modest in scale and related well in terms of form, appearance and choice of materials and was being proposed in order to satisfy the requirements of the applicant's insurance provider. The continued viable use of the kiosk would provide benefits to the local tourism economy and the extension would not result in any material harm to the significance of the Southwold Conservation Area or the character and appearance of the Suffolk Coast and Heaths Area of Outstanding natural Beauty and Heritage Coast.

The applicant had acknowledged the risk posed to the development by coastal erosion and the decision to invest in the kiosk had been made in full knowledge of that risk. The extension would not increase the extent of the non-permeable surface area and, as a result, there would be no increase in the risk of flooding elsewhere. The development was considered to be sustainable and beneficial.

Debate

Comment was made that the gap between the kiosk and the bank to allow sufficient room for maintenance and, if necessary, litter clearance was sensible and welcomed. There being no further debate, it was

**RESOLVED**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with approved drawing reference: 1726 -01 B received 7 March 2017 for which permission is hereby granted.
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

The meeting concluded at 9.05pm.

Chairman

At the close of the meeting, the Chairman advised the Committee that Hannah Smith, Development Management Team Leader (Central Area), would be leaving the Council at the end of May having taken up another job opportunity. He wishes her well and Members agreed she would be missed.