

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft  
on **Tuesday, 17 July 2018 at 6.00pm**

Members Present:

P Ashdown (Chairman), N Brooks, A Cackett, J Ceresa, M Cherry, G Elliott, J Ford, T Goldson, I Graham, M Ladd, R Neil, M Pitchers and C Rivett.

Officers Present:

L Beighton (Development Management Team Leader), M Gee (Planning Officer), C Green (Senior Planning and Enforcement Officer), P Perkin (Development Management Team Leader), P Rowson (Planning Development Manager), M van de Pieterman (Area Planning and Enforcement Officer) and S Carter (Democratic Services Officer).

In attendance:

Councillor Y Cherry

Prior to the commencement of the meeting, the Chairman announced that this was the last meeting Phillip Rowson, Planning Development Manager, would be attending as he was taking over as Head of Planning at North Norfolk District Council. On behalf of all Members of the Committee, the Chairman expressed thanks to Phill for his work and support and wished him well in his new post.

**1 APOLOGIES / SUBSTITUTES**

An apology for absence was received from Councillor Groom.

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

**2 MINUTES**

**(a) Planning Committee meeting on 29 May 2018**

**RESOLVED**

That the Minutes of the meeting held on 29 May 2018 be approved as a correct record and signed by the Chairman.

**(b) Planning Committee meeting on 12 June 2018**

**RESOLVED**

That the Minutes of the meeting held on 12 June 2018 be approved as a correct record and signed by the Chairman.

**3 DECLARATIONS OF INTEREST**

Councillor Brooks declared a Local Non Pecuniary Interest in Item 10 – DC/18/1465/FUL – 9 Garden Lane, Worlingham, as the objector had been a customer during the time he had been a licensee.

Councillor Ford declared a Local Non Pecuniary Interest in Item 13 – DC/18/1761/FUL – Former Lifeguard Station, The Esplanade, Lowestoft, as being Ward Member.

Councillor Goldson declared a Local Non Pecuniary Interest in Item 9 – DC/18/0696/ARM – Land Rear of 34-48 Old Station Road, Halesworth, as being County Councillor for the area.

Councillor Graham declared a Local Non Pecuniary Interest in Item 11 – DC/18/1703/FUL – 16 Grayson Drive, Lowestoft and Item 13 – DC/18/1761/FUL – Former Lifeguard Station, The Esplanade, Lowestoft, as being a Lowestoft Town Councillor.

Councillor Ladd declared a Local Non Pecuniary Interest in Item 13 – DC/18/1761/FUL – Former Lifeguard Station, The Esplanade, Lowestoft, as being Cabinet Member for Tourism and Economic Development.

Councillor Pitchers declared a Local Non Pecuniary Interest in Item 13 – DC/18/1761/FUL – Former Lifeguard Station, The Esplanade, Lowestoft, as being Ward Member.

Councillor Rivett declared a Local Non Pecuniary Interest in Item 13 – DC/18/1761/FUL – Former Lifeguard Station, The Esplanade, Lowestoft, as being a Cabinet Member.

**4 DECLARATIONS OF LOBBYING**

Councillor Ashdown declared that he had received communications in relation to Item 10 – DC/18/1465/FUL – 9 Garden Lane, Worlingham.

Councillor Brooks declared that he had received communications in relation to Item 10 – DC/18/1465/FUL – 9 Garden Lane, Worlingham.

Councillor Ceresa declared that she had received communications in relation to Item 8 – DC/18/1728/ARM – Brooke Peninsula and Jeld Wen Site, Waveney Drive, Lowestoft.

Councillor Ford declared that she had received communications in relation to Item 8 – DC/18/1728/ARM – Brooke Peninsula and Jeld Wen Site, Waveney Drive, Lowestoft.

Councillor Goldson declared he had received communications in relation to Item 9 – DC/18/0696/ARM – Land Rear of 34-48 Old Station Road, Halesworth.

**Note:** Councillor Brooks arrived at 6.07pm during the declarations of lobbying.

With the agreement of the Chairman, Items 5, 6 and 7 on the Agenda were considered together, although Members were given the opportunity to ask questions and comment upon each report separately.

**5 APPEAL DECISIONS REPORT**

The report of the Head of Planning and Coastal Management advised the Committee that no decisions had been made in May and June 2018.

**RESOLVED**

That the report concerning Appeal Decisions in May and June 2018 be noted.

**6 DELEGATED CHIEF OFFICER DECISIONS**

The reports of the Head of Planning and Coastal Management informed Members of all the Chief Officer delegated planning decisions made during May and June 2018.

**RESOLVED**

That the reports concerning the Chief Officer Delegated Planning Decisions made during May and June 2018 be noted.

**7 ENFORCEMENT ACTION**

The report of the Head of Planning and Coastal Management provided Members with a summary of all outstanding enforcement cases sanctioned under delegated powers or through the Committee up until 3 July 2018. There were currently five cases.

In response to a question relating to the clearance of the site at Common Lane North, Beccles, by the end of June as stated on page 57, the Senior Planning and Enforcement Officer advised that there were now fewer vehicles than previously on the site. There still remained other scrap and the clearance was continuing in order to reduce levels.

**RESOLVED**

That the report detailing the outstanding Enforcement Matters up to 3 July 2018 be received.

**8 DC/18/1728/ARM – BROOKE PENINSULA AND JELD WEN SITE, WAVENEY DRIVE, LOWESTOFT**

The Development Management Team Leader presented the application which sought approval of Reserved Matters for Phase 1 of DC/13/3482/OUT - Planning application for the demolition of the existing industrial units and residential-led mixed use redevelopment for residential use (use class C3) of up to 850 dwellings or 950,000sqft (whichever is the greater) up to 1774sqm commercial (use classes A1-A5), marina building (sui generis), 1.5 form entry primary school, together with associated infrastructure including a new spine road access and open space (as amended) - Reserved matters relating to conditions 4, 5, 16, 31, 36 and 44 of DC/13/3482/OUT (details of the appearance, layout and scale of the buildings, the means of access thereto, and the hard and soft landscaping).

Members were reminded that outline planning permission had been granted on 17 August 2015 for up to 850 dwellings and a primary school together with associated infrastructure

on the Brooke Peninsula site and part of the former Held Wen site. The application now before the Committee related to Phase 1 of the development comprising 69 houses and related to the appearance, layout and scale of the buildings, the access and the hard and soft landscaping.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along Waveney Drive, views across the existing field and towards the Jeld Wen factory, and an illustrative master plan developed following the Design Code and the objectives in the Area Action Plan (AAP). The Sustainable Development Brief was to achieve a high quality development including a tree lined boulevard. A slide gave an indication of the site layout as amended following County Highways comments.

The Development Management Team Leader stated that the proposed dwellings would comprise one-bedroomed flats, and two, three and four-bedroomed houses, in two and three storey buildings. This Phase 1 would provide the gateway to the new development including key frontages leading to the heart of Brooke Peninsula. Seven different house types were being proposed, full details of which were contained in paragraph 3.3 of the report. Materials would range from a mixture of knapped flint, buff brick walls and timber cladding, gull nesting areas would be provided on the roof of house type H4, and the separation distances between the dwellings were now acceptable. The main avenue allowed for parallel parking and segregated cycle and footpaths would be alongside the landscaped area. Members were shown the elevations and layout plans of the flats and different house types and an artist's impression of the quality of the build including the gateway properties. The Development Management Team Leader also displayed the layout superimposed on the application site and explained that the proposals were driven by the Sustainable Urban Neighbourhood Plan which met the objectives of the development brief.

The Committee was advised that the objection made by Sport England related to the discharge of condition 46 which was not part of this reserved matters application. Sentinel Leisure had advised that the football club was able to relocate to alternative sites and the Applicant had submitted a noise report which had allayed most of the concerns of the Environmental Health Officer. In seeking approval, it was proposed that delegated authority be granted to the officers, details of which were contained in the Alterations and Additions report, a copy of which had been previously circulated to Members and was tabled at the meeting.

#### Questions to Agent

Members asked specific questions relating to:

- The number of dwelling being provided.
- Recreational area.
- Playing field facilities.
- Time span for site development.
- Provision for children.
- Provision of cycle facilities.
- Commencement of building works.

Mr Kuenzi explained that the approval of reserved matters was for Phase 1 which was for 69 houses out of a total of 850 dwellings. There was no open space provision within this phase which was to use the Jeld Wen site. Leisure areas would be provided within Phase 2 which would be on the former Sanyo site. Mr Kuenzi further explained that Phase 1 would provide access into the whole site up to the waterfront; if this phase did not progress then nothing would happen with regard to development under the later phases. Phase 1 was an insufficient build to get the provision of a bus stop and bus services; that would not likely come into place until the end of Phase 2. There would be a small step divide between the 1.6m wide footpath/cycle lanes and cyclists would have priority along the main route. It was unlikely that there would be blind spots: the proposed junction was acceptable to the Highway Authority and the planting would consist of low shrubbery and the trees would not block a motorist's vision because the lower branches would be cut.

The time span for the development for the whole site was 15 years but it was hoped to move quickly with the first phase. Mr Kuenzi advised that if the application received approval, and subject to the Environmental Health issues being resolved, it was hope to commence on site in three weeks.

### Questions to Officers

Members asked further questions relating to:

- Provision of gull nesting sites.
- The AAP and County Wildlife site.
- Conditions relating to gull prevention measures.
- Environmental Health concerns outlined in the update report.
- Access.
- Sporting facilities.
- Lack of condition for a play area.
- Allocation of monies.
- Garages and parking bays.
- Adoption of roads and street lighting.

The Planning Development Manager explained that there was a requirement in the AAP to incorporate gull nesting sites in the design process and the proximity of the county wildlife site also played a part in that design process. If that requirement was removed, the proposal would not be in accordance with the AAP and there would be a knock on effect on the ecology balance. It was noted that, over the last 30 years whilst working on the Jeld Wen site, employees were subjected to being attacked by nesting gulls. Whilst understanding Members' concerns, the Planning Development Manager explained that the development was by the coast and if buyers were interested in the house type H4 with the nesting area on the roof, they would know what they were buying. It would be difficult to condition gull prevention measures such as netting or spikes, as such a condition if ignored would result in enforcement action and such issues would be difficult to enforce. Paragraph 7.20 dealt with playing field provision in the outline consent which was considered to be

satisfactory. An informative could be added onto the approval for condition 46 to be discharged as early as possible.

The Development Management Team Leader advised that, as a result of subsequent information, the Environmental Health Officer no longer objected to the layout, although additional information on outdoor noise levels was recommended. Minor changes had been made to the access relating to the radius of the junction and the main access being widened; these were considered to be acceptable. The Development Management Team Leader clarified that, as part of the outline consent, it was not the Applicant's responsibility to replace the playing field. In the long term, the aim and objective was for re-provision to be on the Sanyo part of the site. The football team using the playing field had already secured alternative sites in Kessingland and at Uplands.

The Planning Development Manager advised that there was no requirement for play provision for this development of 69 homes within the overall strategy and Development Brief for the Sustainable Urban Neighbourhood. This Phase 1 was for a small number of homes compared to the whole. The detail remained to be settled and it would take time for the whole site to be delivered. The football club must be satisfied with the alternatives, otherwise they would have made an objection. It was considered that the dwellings were of contemporary design which worked well in the location and the roof terraces would offer views of Lake Lothing.

It was confirmed that County Highways had not raised an objection to there being sufficient parking provision. Any lighting that was not adopted by the County Council would be the responsibility of a management company and the residents. The adoption of roads would depend on standards and be in accordance with the Highways Act. If any of the roads were not adopted, then they would be classed as private roads and again be the responsibility of a management company and the residents.

### Debate

Whilst concerns had been expressed over the lack of play and sports facilities, Members acknowledged that they needed to look at the overall picture and this application would kick start the development of the whole site. Car ports could conceivably be preferable to garages as a garage could just become a storage area and not be used for car parking. It was agreed that the concerns over lack of playing fields should not be ignored. The master plan would need to come to fruition but, in the meantime, these 69 dwellings might be housing some 30 children with nowhere to play. However, it was considered that approval should be granted to ensure that this progressive development would get things moving in order to improve and transform the whole area.

The Chairman asked for specific Informative Notes with regard to play facilities for young children and provision of those facilities in this locality. This was Phase 1 of a large development and this needed to take place for Phases 2 and 3 to follow. The Planning Development Manager offered to circulate the Section 106 agreement to the Committee as that document would explain the delivery of both open space and play areas. Approval, as amended, was proposed and duly seconded and it was

**RESOLVED**

That the officers be given delegated authority to grant planning permission, subject to the Applicant providing an assessment of outdoor noise to the satisfaction of the Environmental Health Officer and to the following conditions:

1. The development hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.
2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with Plans 12542-SPR-AR-05-00 3\_7, 12542-SPR-AR-F1-60-00 3\_3, 12542-SPR-AR-F1-60-01 3\_3, 12542-SPR-AR-F1-60-02 3\_3, 12542-SPR-AR-F1-60-03 3\_4, 12542-SPR-AR-H1-60-00 3\_3, 12542-SPR-AR-H1-60-01 3\_4, 12542-SPR-AR-H2-60-00 3\_3, 12542-SPR-AR-H2-60-01 3\_4, 12542-SPR-AR-H3-60-00 3\_4, 12542-SPR-AR-H3a-60-00 3\_3, 12542-SPR-AR-H3a-60-01 3\_4, 12542-SPR-AR-H3b-60-00 3\_4, 12542-SPR-AR-H4-60-00 3\_3, 12542-SPR-AR-H4-60-01 3\_5, 12542-SPR-AR-H6-60-00 3\_3, 12542-SPR-AR-H6-60-01 3\_4, 12542-SPR-AR-H7-60-00 3\_4, 12542-SPR-AR-SUB-60-00 3\_2, 12542-SPR-AR-20-01 3\_4, 12542-SPR-AR-30-01 3\_4, 12542-SPR-AR-30-02 3\_4, 12542-SPR-AR-30-03 3\_4, 12542-SPR-AR-30-04 3\_4, 12542-SPR-AR-30-05 3\_4, 12542-SPR-AR-90-01 3\_3, 12542-SPR-AR-90-02 3\_1, 2017-013-L01 D, 2017-013-L03 B, 2017-013-L04 A, 2018-03-14, 12814-CRH-XX-XX-DR-C-5051 P1, 12814-CRH-X1-00-DR-6180 P2 and the Design and Access Statement 12542 3\_3 received 23 April 2018 and 29 June 2018 for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
3. Prior to the commencement of development full details of soft landscape details shall be submitted to and approved in writing by the Local Planning Authority. These details shall include shall include planting plans at a scale of 1:500 indicating the proposed location, number, species, variety, stock size of planting and density of new planting. Details shall include written specifications of planting operations including ground preparation, subsoiling, topsoiling, cultivation, soil improvement, mulching, aftercare and detail sections at a minimum scale of 1:20 to explain tree planting pit proposals. The development shall proceed strictly in accordance with the approved scheme.

All planting, seeding and turfing shall be carried out in the first planting seasons following commencement of development.

**9 DC/18/0696/ARM – LAND REAR OF 34-48 OLD STATION ROAD, HALESWORTH**

The Senior Planning and Enforcement Officer presented the application which sought approval of Reserved Matters of DC/15/3221/OUT - Outline Application - Construction of 15 Self/Custom Built Dwellings together with Estate Road Access; Plot Subdivision; Provision of Open Space and Landscaping - Phase 1 Infrastructure, Landscaping and Open Space, and details required by Conditions; Archaeology - Condition 3, Surface Water and Foul Drainage - Condition 5, 12 and 13, Estate Road Access and Footpaths - Condition 6 and 9.

The application was effectively a partial discharge of reserved matters regarding access, highway, drainage, design and landscaping so as to put in place basic site infrastructure so that the self build plots could be brought forward with individual bespoke designs for the end user. 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 a topographic plan and site levels, views of the site entrance and the site itself and the boundary of leylandii. The 15 units would have access and egress at the same point in Old Station Road and the County Highways were satisfied with both access and layout.

The Senior Planning and Enforcement Officer explained that the existing hedge boundary would be removed. There would be a 2m high fence suitable to deal with any privacy issues and new hedge planting in the vicinity of the area of common land. The removal of the leylandii would have no effect on the water run off. Approval of reserved matters with conditions was being recommended but in view of the lack of response from the County Archaeological Unit, delegated authority to the officers was now being proposed subject to that response.

Mr K Greenberg – Halesworth Town Council

Mr Greenberg advised that he was Chairman of the Town Council's Planning Committee. He explained that whilst they supported the principle of self and custom build project, the guidance and regulations were clear and excluded certain schemes. If the developer was to deliver speculative units, they fell outside the criteria and would avoid Community Infrastructure Levy (CIL) payments. The process should be subject to a formal review and the developer be required to provide evidence of genuine purchasers. The Town Council was concerned that a precedence might be set and the local Councils would pick up the infrastructure costs. Mr Greenberg also advised of the concerns relating to the impact of the scheme on water and sewage systems, the lack of credibility of the responses from the water companies and he made reference to the information received from the flood authority. The application should be put on hold until all matters had been fully discussed.

Ms M Shelley – Agent

Ms Shelley advised that the proposal had been fully discussed and granted outline planning permission after two years of negotiation on the Section 106 agreement. The design code had been written in and included the provision of monies from five plots for affordable housing and open space which would be maintained by a management company and residents. Outline permission had been granted for 15 dwellings and the reserved matters for consideration included drainage and open space which needed to be agreed. They were compliant with CIL regulations; full details were in the report. The surface water attenuation would cover all likely water and there would be no discharge into local ditches. The local Flood Authority had approved the proposals, Highways had agreed the roads and Suffolk Wildlife agreed with the ecology aspects.

Questions to Agent

Members asked specific questions relating to:

- Water run-off and clay on the site.



- Adequacy of drainage crates.
- Upkeep of outdoor gym.
- Plans for self-build.
- Designs and interior fittings.
- CIL liability.

Ms Shelley explained that water infiltration would comply with all drainage calculations and the proposals had been accepted by the Local Lead Flood Authority. They were satisfied with the proposals and the work that would be undertaken. The outdoor gym would be maintained by a management company and all infrastructure, including the gym, would be put in place prior to any house building. In accordance with the Section 106 agreement, various layouts were being proposed for the custom build; however, it was not prescribed, the purchaser would have the choice of dwelling. Ms Shelley clarified that it was not a club based developer promoting custom build. Under the Self-build and Custom Housebuilding Act 2015, individuals could design their own house or build to a custom design. She confirmed that there was some exception of CIL; however, there were a number of conditions that had to be complied with and submitted to both the Government and Local Authority.

#### Questions to Officers

Members asked further questions relating to:

- Anglia Water being a consultee.
- Halesworth Town Council challenging the legality.

The Senior Planning and Enforcement Officer explained that, on the outline application, Anglia Water had indicated that there was suitable capacity in both the public sewer and treatment works. The Planning Development Manager advised that any challenge would be through judicial review; there had been none. It was the officers' view that the proposal complied with custom build requirements.

#### Debate

A local Member, knowing the site and topography, expressed concern over the serious flooding that already existed and was of the opinion that soakaway boxes would not be adequate. Building on the site would only exacerbate the situation. The Committee welcomed the proposed development and was generally in agreement that the planned measures should deal with surface water, rain and drainage, and that condition 4 would ensure that surface water drainage would be effective. The Planning Development Manager advised that any issues that might arise would be the responsibility of the Suffolk County SuDS (Sustainable Drainage Systems) Team. A proposal for approval with all conditions was duly seconded and it was

#### **RESOLVED**

That the officers be given delegated authority to grant planning permission, subject to a satisfactory response from the County Archaeologist and to the following conditions:

1. The development hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.
2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings.  
As relating to highway detailed design (all prefixed 16N0372):  
C030, 01 Manhole details  
C014, 01 Manhole details  
C013, 01 Manhole invert and cover schedule  
C005, 02 Crossover and manhole details, all received 15th February 2018.  
and  
C021, 01 Highway sections  
C020, 01 Highway Junction details  
C001, 06 Highway to west end of site including outdoor gym  
C002-06 Highway to East side of the site  
C003, 03 Longitudinal gradient sections all received 8th May 2018,  
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. Before the commencement of any construction works on the first of the individual "self build" plots (where the term means "self build" in the context of the current legislation governing this definition), the applicant shall submit in written form proposals for the ongoing maintenance of landscaping and ecological mitigation measures within the site to the local planning Authority. The authority shall subsequently approve the proposals, also before commencement of the individual plots and the agreed plan shall be retained in operation for the lifetime of the development.
4. The surface water drainage related to the development hereby permitted shall be constructed in all respects strictly in accordance with drawings listed below, 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:  
Permeable paving design details, received 11/04/18  
Plot Type A Rev 04 soakaway calcs, received 11/04/18  
SuDS Features Management & Maintenance Plan, 16N0372-CA-01-MMP01, received 21/03/18  
Surface water exceedance flows, 16N0372-C050-01, received 09/02/2018  
Email from Craig Armstrong dated 14/03/19, received 16/03/18  
Armstrong Elliott, Highways & Drainage GA, Sheet 01 of 02, 16N0372-C001-05, received 09/02/18  
Armstrong Elliott, Highways & Drainage GA, Sheet 02 of 02, 16N0372-C002-05, received 09/02/18  
A F Howland Associates, Ground investigation report, MSH/15.266, received 13/09/16 (relating to outline application)  
Infiltration basin calculations, 10 and 100 year events, received 16/03/18  
Pipe network 'surcharge' calculations, received 16/03/18 (4 documents)

Armstrong Elliott, SuDS Construction Surface Water Management Plan, 16N0372-CA-01-CSWMP01, received 10/05/2018.

**10 DC/18/1465/FUL – 9 GARDEN LANE, WORLINGHAM**

The Senior Planning and Enforcement Officer presented the application which sought approval for the demolition of an existing 1950s bungalow and replacement with two bungalows with garaging.

The proposal was a variation on a scheme reported to committee in February 2017 (DC/16/4457/FUL). Whilst it was considered broadly acceptable and retained an attractive tree on the site, the application was before Committee as a result of a Member call-in due to an objection from a neighbour whose land was set below the level of the proposed site.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including pictures of the existing site including the tree to be retained, the street scene, the relationship with the neighbouring properties, a cross section plan, elevation drawings and the proposed floor plans for the two bungalows and garages.

The Senior Planning and Enforcement Officer explained that the objection related to loss of light to solar panels which was considered to be material in planning terms because of the classification of renewable energy; however, the proposed hipped roof would result in minimum loss of light and the neighbour's front room was lit by a second window. The neighbour was opposed to the retention of the tree due to issues with falling branches. The tree was a fine example of a horse chestnut but not the subject of a Tree Preservation Order. Various conditions were being recommended and although a 1m high fence has been recommended, the proposed 1400mm high fence was considered to be a trade off between light and privacy

Mr J Corbett - Objector

Mr Corbett explained that he had been resident at No. 7 since 1991 and having received relevant documentation, he wished to object to the proposed development. He had no objection to the builder wishing to develop the site but it was the type and location of the proposed development. The site was nearly 6' higher on the southern boundary than his land and the proposed dwelling would be minimal distance from the boundary. A very low wall 5½m from the boundary had previously been agreed as well as the removal of the chestnut tree. Mr Corbett advised that his objection to Plot 2 was because it was very close to his property and all he would be able to see was a wall over 15' high which was no distance from his property and it would also block sun from the south. The tree was causing problems and could be dangerous. He suggested that the Committee might wish to physically look at the site and all would become clear.

Questions

Members asked questions relating to:

- Relocating the buildings.
- 3.7m separation distance.
- Case law relating to over-shadowing solar panels.

The Senior Planning and Enforcement Officer explained that the siting of the buildings had been moved from 5.5m to 3.7m from the boundary. This was considered to be an acceptable distance. There appeared to be no case law with regard to solar panels and overshadowing as the relevance of right to light under common law was, on this occasion, not clear.

Debate

In his view, a local Member suggested there was no reason why the proposed dwelling could not be moved back to the original distance of 5.5m from the boundary; the current proposal looked very close to the adjoining neighbour. Members noted that planning consent was already in place; however, it was their opinion that the scheme was not better than the previous scheme other than it retained the tree. Comment was made that it could be considered to be overdevelopment and lowering the land levels might be sympathetic with the neighbour's issues.

The Planning Development Manager explained that Members had various considerations; they could approve the application, refuse it or request the officers negotiate on the scheme. It was proposed, and duly seconded, that consideration be given to negotiation and

**RESOLVED**

That determination be deferred and the officers be requested to negotiate with the developer on the position of the proposed dwellings with specific regard to the separation distance with the adjoining neighbour at No. 7.

**11 DC/18/1703/FUL – 16 GRAYSON DRIVE, LOWESTOFT**

The Planning Officer presented the application which sought approval for the construction of a two storey extension and conversion of garage to studio for physiotherapy (to be used around full time employment). The application was before Committee as it had been submitted by a member of staff.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including specific views of the street scene, the garage to be converted and the neighbouring property. The block plans showed a simple two storey design and elevations.

The Planning Officer explained that the neighbour's window looking towards the extension. It was a window that served a bathroom; that was not considered to be a habitable room therefore there would be less impact with regard to loss of light. In conclusion, the principle and detail of the development was considered to be acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework. The Planning Officer advised that it was therefore recommended for approval, subject to an additional condition that a management plan relating to the number of client visits be submitted prior to first use.

Miss A Smith - Objector

Miss Smith stated that the proposed extension would not be in keeping with the road and would not comply with policy DM02. The site being covered by the proposed extension was vast and the relationship between the buildings and the building line would both be affected. It would block out light. Most properties in the vicinity were a driveway or more apart and here it would be 1m distant as stated in paragraph 7.6 of the report and the comment in paragraph 7.3 related to corner plots that were not imposing. The Town Council suggested approval as long as it was in keeping – that it was not. The Committee should visit the site to see how the proposal would affect the street scene. There would be noise from visitors and there were already parking issues particularly with the nearby school. The extension would block out light from the bathroom and that light was also used to light the hallway. It was overdevelopment and Miss Smith recommended a site visit.

Mr G Mortishire - Applicant

Mr Mortishire explained that he had not prepared himself to speak. However, the proposed render was to make the extension bright but he was willing to change to brick. He was happy to accept the proposal for a hip roof. With regard to the physiotherapy studio in the garage, the proposal had been recommended by the architect and the planned area was for acupuncture and the space to be used would address the issue of sharps. His wife was licensed and insured and it was likely there would be three patients a month. Mr Mortishire confirmed that there would be two parking spaces beside each other and one additional space.

Question to Applicant

In response to a question relating to access on the site between the extension and the garage studio, Mr Mortishire explained that there would be a footpath between the two.

Question to Officers

With regard to the neighbour's bathroom window, the Planning Development Manager explained that, in case law, a bathroom was not classed as a habitable room therefore light was not affected. The operation of the studio could be subject to a management plan.

Debate

Comment was made that the application could be deferred to allow negotiation on the hipped roof and render or condition approval with the requirements for those two aspects. The Planning Development Manager reminded the Committee that, although changes were being proposed with regard to using matching materials and a hip roof, Members were to consider the application before them. However, the Committee could agree to defer or agree with the proposed changes and give delegated authority to the officers to negotiate on those changes.

Following a proposal to recommend acceptance with the proviso that officers be given delegated authority to address the hipped roof and red bricks, it was duly seconded and

**RESOLVED**

That the officers be given delegated authority to grant planning permission subject satisfactory negotiations with regard to hip roof and brick finish and to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed in all respects strictly in accordance with existing and proposed plans, ref. 2290.18.1F received 23/07/2018, 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 Physiotherapy Studio, for which permission is hereby granted, shall only be used between the hours of 08:00 and 20:00.
4. Prior to the first use of the Physiotherapy Studio, hereby approved, a management plan shall be submitted to and approved in writing, and the Physiotherapy Studio shall be used in full accordance with the approved plan unless otherwise agreed by the Authority.

**12 DC/18/1291/COU – 84 ST MARGARETS ROAD, LOWESTOFT**

The Area Planning and Enforcement Officer presented the application which sought approval for a change of use of a domestic dwelling to a small House in Multiple Occupation (HMO).

The Committee was advised that the property had been in use as an HMO for approximately one year and had only been brought to the attention of the Council in January 2018. The application was before Members for regularisation and because of the nature of the application.

Members were shown views and photographs of the location of the site, the property and its surrounds.

The Area Planning and Enforcement Officer explained that Private Sector Housing and Environmental Health had no issues and there were tenants residing in the property. Whilst the application was finely balanced, there were legitimate concerns regarding the possible displacement of the existing tenants. In this particular instance, the application was being recommended for approval contrary to policy DM19 of the adopted Waveney Local Plan, with a condition to ensure that the future use of the dwelling was controlled by the Council. As an HMO, the property would be subject to licensing in October when new regulations came into force.

If Members were minded to approve the application, it was proposed that the use would be tied to the current owner and landlord.

### Questions

Members asked questions relating to:

- Exceptions to policy DM19.
- Compliance with new regulations.
- Changes to the property's footprint.

The Area Planning and Enforcement Officer explained that the Council would not wish to make the sitting tenants homeless and, in this instance, it was considered to be an acceptable use. The property did comply with the new regulations and the footprint had not been increased as the landlord was utilising the existing rooms.

### Debate

A Member commented on the mandatory licensing for all HMOs due to commence in October 2018 and the cost per year for the some 200 HMO properties in the Waveney area. There being no further discussion, it was

#### **RESOLVED**

That permission be granted, subject to the following condition:

1. When the premises cease to be owned by the applicant (Mr Ramunas Lukosius) the use hereby permitted shall cease and the property known as 84 St Margaret's Road shall return to a single residential dwelling.

### **13 DC/18/1761/FUL – FORMER LIFEGUARD STATION, THE ESPLANADE, LOWESTOFT**

The Planning Officer presented the application which sought approval for improvement works to the former Lifeguard Station along the seafront promenade. The proposal would involve the demolition of the existing timber enclosure and the existing concrete enclosure would be refurbished, glazing reinstated, fitted with shutters and a timber access ramp.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the building itself, views of the street scene and pictures from the past. Seating and a guide rail would be put in. The roller shutters were necessary; that was regrettable, but it was a sign of the times.

The Planning Officer explained that the proposed alterations and improvements were considered acceptable and approval was being recommended.

### Questions

Members asked questions relating to:

- Business use.
- Information boards on the current building.
- Type of works and end appearance.

The Planning Officer explained that if, going forward, the building was to be used as a business unit, planning permission would be needed. He was not aware of any proposal to relocate the information boards; he would need to speak to the Asset Management Team. The lifeguard station would not be returned to its former glory; it would be refurbished in accordance with the plans.

Debate

The Committee was advised that the information board facing north outlined the history of Sir Samuel Morton Peto and the southern board displayed past historic photographs. It was proposed that these should be retained and if not re-erected on the same site, they should be displayed elsewhere. That proposal was agreed and the permission should be conditioned accordingly. So, it was

**RESOLVED**

That permission be granted, subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawing nos. 01/LGS REV A and 01/LGS REV A received 25/04/2018, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
3. Prior to their installation on site, full details of the proposed lighting for the structure shall be submitted to and approved in writing by the Local Planning Authority.
4. The two information boards, currently on the side of the former lifeguard hut, shall be retained, or alternatively the information contained on the boards shall be incorporated into the final design of structure.

**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 hour's duration.



**15 REPORT CONCERNING MATERIALS AND OTHER COMPLAINTS AT CHURCH GREEN, LOWESTOFT**

The Area Planning and Enforcement Officer presented the report which reminded the Committee of the 2013 application for sheltered housing and a warden's house and the further application in 2014 for the discharge of conditions.

Issues and concerns had been raised by members of the public with regard to fencing and lighting and the siting of the warden's house.

Members were shown photographs of the site and its surrounds including the warden's house and similar brickwork in the vicinity.

The Area Planning and Enforcement Officer explained that the warden's house, fencing and lighting had been erected in the correct place and in accordance with the approved plans; as such, no further consideration was necessary. However, the materials used for the brickwork were being questioned. Whilst the precise pattern was not clearly agreed by the Committee, the original plans had identified 'patterned brickwork' which had been subsequently authorised via a discharge of conditions application under delegated powers. Whilst the brickwork was considered to be incredibly bold, the particular type that had been used already existed in the vicinity and weathering would likely result in it toning down. It was the officers' opinion that there was no breach of planning control and therefore no further action would be necessary in this instance.

**Note:** At this point in the meeting, Councillor Cherry declared that, as he sat on the Charity Board responsible for the sheltered accommodation, he would not take part in the voting on this item.

Members noted the opinion of the officers that it was considered there was no breach of planning approval and it was

**RESOLVED**

That no further action be taken and the case closed.

The meeting concluded at 9.04pm.

Chairman