

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft  
on **Tuesday, 16 January 2018** at **6.00pm**

Members Present:

J Groom (Chairman), P Ashdown, J Ceresa, M Cherry, G Elliott, T Goldson, I Graham, M Pitchers, C Rivett and J Smith.

Officers Present:

C Green (Senior Planning and Enforcement Officer), P Perkin (Development Management Team Leader), P Rowson (Planning Development Manager) and S Carter (Democratic Services Officer).

In attendance:

Councillor J Murray

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**1 APOLOGIES / SUBSTITUTES**

Apologies for absence were received from Councillors Allen, Brooks and Neil.

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

**2 MINUTES**

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

**RESOLVED**

That the Minutes of the meeting held on 14 November 2017 be approved as a correct record and signed by the Chairman.

**(b) Planning Committee meeting on 12 December 2017**

**RESOLVED**

That the Minutes of the meeting held on 12 December 2017 be approved as a correct record and signed by the Chairman.

**3 DECLARATIONS OF INTEREST**

Councillor Graham declared a Local Non Pecuniary Interest in Item 8 – DC/17/4635/VOC – 43 Seaview Holiday Estate, Green Lane, Kessingland, as he owned a chalet on the estate. As there were no financial implications with regard to this declared interest, he would remain in the meeting and participate in the consideration of the item.

Councillor Ladd declared a Local Non Pecuniary Interest in Item 8 – DC/17/4635/VOC – 43 Seaview Holiday Estate, Green Lane, Kessingland, as being Cabinet Member for Tourism and Economic Development and County Councillor for Kessingland.

**4 DECLARATIONS OF LOBBYING**

No declarations of lobbying were made.

*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 appeal decisions had been made in October and November 2017.

**RESOLVED**

That the report concerning Appeal Decisions in October and November 2017 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 October and November 2017.

**RESOLVED**

That the report concerning the Chief Officer Delegated Planning Decisions made during October and November 2017 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 2 January 2018. There were currently four cases.

**RESOLVED**

That the report detailing the outstanding Enforcement Matters up to 2 January 2018 be received.

**8 DC/17/4635/VOC – 43 SEAVIEW HOLIDAY ESTATE, GREEN LANE, KESSINGLAND**

The Planning Development Manager presented the application which sought approval for a variation of Condition 2 of W2194/6-43, to change 10 month holiday occupancy to 12 months holiday occupancy. The application had been referred to Committee due to the view of Kessingland Parish Council that the proposal conflicted with its tourism policy in the Neighbourhood Plan. Officers did not share that view and believed that tourism would not be unduly harmed as a result of offering the opportunity to holiday at any time of the year. In some respects, it could be argued that a more flexible condition might enhance tourism.

Members were shown an aerial view and plan of the site, and photographs of the chalets which gave an indication that they were not suitable for permanent residency.

The application site comprised 120 holiday chalets located within an enclosed and managed holiday complex and Chalet 43 was centrally positioned within the Seaview Holiday Estate. The Planning Development Manager advised that there had been an increasing trend for people to take holidays during all months of the year and the Council had previously agreed to substitute the date restriction for a “sole or main residence” restrictive condition on a number of chalets within the district in a bid to promote annual tourism, and in line with local and national good practice. In this instance, the original planning permission had been granted in 1964 and included a condition restricting occupation to the period 1 March to 6 January each year. The proposal before Members sought to vary the holiday occupancy condition which currently prohibited holidaying during January and February.

The Planning Development Manager drew attention to paragraph 4 in the report which set out the Parish Council’s comments and the one objection to the application. The applicant wished to increase the holiday period to any time of the year to enable them to take full advantage of school holidays. Paragraph 7.3 explained the reasoning behind this request and confirmed that the applicant’s primary residence was in London, with their chalet being a second home for holiday use. There were currently 36 chalets on site that had been allowed a variation giving 12 month occupancy and it was the officers’ opinion that the proposal complied with national guidance, policy T01 of the Neighbourhood Plan and other local policies.

In addition to the recommendation in the report, the update report as circulated to Members proposed an additional condition requiring a log book to be maintained detailing names and duration of stay of all visitors to the chalet and that such a log book would be made available for inspection by the Council.

### Questions

Members raised questions with regard to:

- Conditions applied to the 36 chalets with 12 months occupancy.
- A restriction being placed on length of occupancy, for example 56 days.
- Sub-letting.
- Practicality of the maintaining a log book and compliance with an occupancy condition.

The Planning Development Manger explained that the proposed conditions were contained in the original report and update report. The applicant would be entitled to sub-let their chalet as holiday accommodation if they so wished. The proposed log book would need to contain the names and addresses and duration of stay of all visitors to the chalet. Compliance would be monitored by the Council on an ad hoc basis and/or as a result of any complaints that might be received. A Member advised that there was no site reception to hold the log book; that being the case, the Committee noted it could be maintained and retained by the applicant and such a log book would include all visitors’ primary addresses.

Debate

Members noted the reasoning made by the applicant to extend the use of their chalet and that the stipulation for a log book, which could be inspected at any time, should remove the ability for anyone to stay permanently in the chalet and also give reassurance to the nearby residents and Parish Council. Out of season tourism and the resulting the benefits to the local economy should be welcomed. There being no further discussion, it was unanimously

**RESOLVED**

1. Condition 2 of W2194/6-43 shall be substituted with the following wording in respect of chalet no. 43:

The holiday unit shall be occupied solely as holiday accommodation and for no other purpose whatsoever including residential use as the sole or main residence of the occupiers.

2. The owners of the holiday unit shall maintain an up-to-date Register of all lettings and transactions, which shall include the names and addresses of all those persons occupying the unit during each individual letting or the dates and period of occupation undertaken by the owners. The said Register shall be made available at all reasonable times to the Local Planning Authority, upon request, and may be kept in an electronic form.

**9 DC/17/4995/RG3 – 23 ELLOUGH ROAD, BECCLES**

The Senior Planning and Enforcement Officer presented the application which sought approval for the construction of a single storey rear extension and proposed driveway using existing drop kerb. The report was before Committee as the land was in the Council's ownership.

The existing dropped kerb dated back to 2001 and the neighbouring property also benefitted from a rear extension. The site itself was part of the Council estate along Ellough Road and it was common with that type of social housing to have very generous rear gardens providing a plot depth of around 60m. There were some outbuildings and sheds contemporary with the houses themselves and some had been removed resulting in rear extensions to the living accommodation having been constructed.

The proposal before Members was to extend at single storey level with a flat roof by around 8.5m from the rear of the existing main dwelling. That would mean that, at the boundary with No. 21, the extension would be 2.4m beyond the rear wall of that property.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the drop kerb, rear view of the properties, the separation distance and drawings of the proposal.

The Senior Planning and Enforcement Officer explained that the application caused no material harm as the size of the extension was considered acceptable and approval was, therefore, being recommended.

Debate

Comment was made that modifications to properties to the benefit of residents should be supported and 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 constructed in all respects strictly in accordance with drawing 2236.17.1B received 22nd November 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.
3. The materials to be used in the construction of the brickwork of the extension hereby permitted shall match those used in the existing building.

**10 UPDATE REPORT UPDATE REPORT FOR DC/17/1680/ARM, APPROVAL OF RESERVED MATTERS OF DC/01/0977/OUT (W17802) – OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING OF RESIDENTIAL, NEIGHBOURHOOD SHOPPING CENTRE, COMMUNITY HALL, PRIMARY SCHOOL, PLAY AREAS AND COUNTRY PARK – CONSTRUCTION OF 220 DWELLINGS INCLUDING ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE. LAND SOUTH OF HALL LANE, OULTON**

The Development Management Team Leader presented the report, the purpose of which was to provide an update on progress with regard to the delivery of the country park.

The Committee was reminded that, at its meeting on 14 November 2017, it had agreed to defer making a decision on the reserved matters application for Phase 2 of the Woods Meadow development following concerns that had been raised over the lack of progress and timescales for the delivery of the country park, as required by a Section 106 Agreement. Obligations in that agreement included requirements for the developer to:

- Submit a specification for the country park upon occupation of the first dwelling.
- Agree a mitigation strategy for the remediation of any known contamination within the country park prior to occupation of the first dwelling.
- Transfer the country park land to the District Council prior to the occupation of the first dwelling.

The Development Management Team Leader explained the red line on the plan displayed at the meeting showed the location of Phase 2 and the land to the north was for the 50 acre country park. The transfer of the land for the country park had been due upon occupation of the first dwelling but the development had progressed beyond that point.

Officers had previously agreed an extension of time. However, the outstanding issues had not been resolved particularly with regard to potential contamination, the required mitigation measures and infrastructure to enable the development to be acceptable in planning terms with regard to access to open space. The breach of the Section 106 needed to be remedied and whilst the proposed layout for the current Phase 2 application was considered acceptable, the non availability of the required country park for residents made the scheme unacceptable.

The Development Management Team Leader explained that the officers needed to be satisfied that all contamination issues had been addressed and the information received to date was not considered to be satisfactory. Environmental Health agreed that the groundwater monitoring report was not satisfactory and the developer should undertake consultation with the Environment Agency, full details of which were contained in the report.

The Phase 2 application also included access to the primary school which was currently under construction but, because of the delay in determining the application, the developer had been advised to submit a separate application for the access road so that part of the proposal within Phase 2 could proceed. The Development Management Team Leader reported that that application had been received the previous day and would be processed accordingly.

### Questions

Members asked questions relating to:

- Who was constructing and paying for the school.
- Timescale for processing the new application for the access road to ensure the school's opening was not delayed.
- The developers proposal to grant permission for Phase 2 subject to no further dwellings being built prior to the transfer of the country park.

The Development Management Team Leader understood that another developer was building the school and financial contributions would be made by Persimmon Homes and Suffolk County Council. The new application for the access road would be progressed immediately; the statutory 21 day consultation period would be required. The update report previously circulated and tabled at the meeting further explained recent correspondence with regard to the planning obligations.

Members supported the officers' recommendation and unanimously

### **RESOLVED**

1. That the content of the report be noted, and
2. That, unless the matters relating to the Country Park transfer have been resolved thus enabling the Planning Committee to fully reconsider Application Ref DC/17/1680/ARM, an update report be presented to the March 2018 meeting of the Planning Committee.

**11 EXEMPT/CONFIDENTIAL ITEMS**

**RESOLVED**

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

**12 CONFIDENTIAL MINUTES**

**RESOLVED**

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

The meeting concluded at 6.31pm.

Chairman