2(b)

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft
on **Tuesday, 13 February 2018** at **6.00pm**

Members Present:
J Groom (Chairman), S Allen, P Ashdown, N Brooks, J Ceresa, M Cherry, Y Cherry, T Goldson, I Graham, M Pitchers and C Rivett.

Officers Present:
P Rowson (Planning Development Manager), M Van De Pieterman (Area Planning & Enforcement Officer) and S Carter (Democratic Services Officer).

In attendance:
Councillor P Light

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1 APOLOGIES / SUBSTITUTES

Apologies for absence were received from Councillors Elliott, Neil and J Smith.

Councillor Y Cherry attended the meeting a Substitute for Councillor J Smith.

2 DECLARATIONS OF INTEREST

Councillor Ceresa declared a Local Non Pecuniary Interest in Item 5 – DC/17/3519/OUT – Land at Church Lane, Carlton Colville, Lowestoft and Item 6 – DC/17/5454/FUL – Land adjacent 1 Short Lane, Carlton Colville, as being Ward Member.

Councillor Graham declared a Local Non Pecuniary Interest in Item 7 – DC/19/0004/RG3 – Former part of Multi-Storey Car Park, Battery Green Road, Lowestoft, as being Ward Member and a Lowestoft Town Councillor.

Councillor Rivett declared a Local Non Pecuniary Interest in Item 5 – DC/17/3519/OUT – Land at Church Lane, Carlton Colville, Lowestoft and Item 6 DC/17/5454/FUL – Land adjacent 1 Short Lane, Carlton Colville, as being County Councillor for the area.

3 DECLARATIONS OF LOBBYING

Councillor Ashdown declared that he had received communications in relation to Item 5 – DC/17/3519/OUT – Land at Church Lane, Carlton Colville, Lowestoft and Item 6 – DC/17/5454/FUL – Land adjacent 1 Short Lane, Carlton Colville.

Councillor Ceresa declared that she had received communications in relation to Item 6 – DC/17/5454/FUL – Land adjacent 1 Short Lane, Carlton Colville.

4 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 30 January 2018. There were currently three cases.

Members were referred to the update report, previously circulated and tabled at the meeting, which provided additional information with regard to 73 High Street, Lowestoft.

RESOLVED

That the report detailing the outstanding Enforcement Matters up to 30 January 2018 be received.

5 DC/17/3519/OUT – LAND AT CHURCH LANE, CARLTON COLVILLE, LOWESTOFT

The Planning Development Manager presented the application which sought approval for outline planning permission for residential development including access roads. The application was for up to 78 dwellings, including 35% affordable housing, open space, a car parking area for the church, and improvements to the local roads and footpath network.

The application site was a triangular shaped area of agricultural land extending to around 3.5 hectares situated on the eastern side of Carlton Colville. With the exception of the access roads, all subsequent matters were reserved for subsequent approval; however the application had been accompanied by an indicative master plan which showed how development might take place. The application was supported by a combined Planning, Design and Access Statement, a combined Flood Risk Assessment and Drainage Strategy, an Affordable Housing Statement, Energy Statement, Stage 1 Contamination Assessment and a Heritage Statement.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along Church Lane and Chapel Road, the boundaries, the setting of Carlton Hall and the Church of St Peter, views opposite the former primary school and towards the church. The existing road network separated the site from the rural setting of the church. In addition, Members viewed the applicant's red line plan and a draft sketch overview of the site if developed, and drone pictures provided by Carlton Colville Town Council.

A number of objections had been received and the Carlton Colville Town Council was recommending refusal. The County Highways had no objection subject to conditions and there were no objections with regard to drainage. The proposed open space area would be adjacent to St Peter's Church.

The Planning Development Manager reminded Members of the planning issues and that the impact of the development could be mitigated by conditions and financial contributions. However, the site was within the setting of the Grade II* listed Church of St Peter and it was considered that the proposed development would have a negative impact on the setting of the church. Whilst there would be some benefits, notably the provision of affordable housing, employment and jobs for the building works and Community Infrastructure Levy (CIL) contributions, those benefits were not considered to outweigh the harm that would be caused to the setting of the church as a heritage asset and refusal was being recommended. In addition, the estimated housing shortfall was not significant and with the local plan currently under review, the preferred options draft would be produced in the near future.

Mrs G Tyler - Carlton Colville Town Council

Mrs Tyler advised that Carlton Colville Town Council was opposed to the application. The applicant had not consulted the locals. She referred to section 12 of the National Planning Policy Framework and policy DM30 and the need to enhance the setting. The proposal would destroy the current setting and affect the oldest building in Carlton Colville, a heritage asset that should be preserved. The application failed to address communication between people and places and the infrastructure in Carlton Colville was not sufficient to support the development. The proposal was not sympathetic to the surroundings mentioned in policy DM02 and in accordance with the design guide principles, it did not respect the setting. The land was 1.5m above the road level and would result in a negative impact on Church Lane. Carlton Colville had already been spoilt by previous development, the views across to Gisleham would be affected and the setting of the church destroyed forever. The application should be refused.

Mrs B Hurren - Objector

Mrs Hurren spoke as a resident and on behalf of other residents to express their concerns over the application. There were no school places available; both the local school and Gisleham were full, so new children would have to be bussed over the district to other schools. There was a shortage of doctors with a current 2-3 week wait to see a GP and the nearest Doctors' Surgery would not be able to cope with new residents. It was difficult to get registered with a dentist and the main hospitals were out of county. The existing roads were narrow and there were already safety issues with lorries using the roads as a rat-run to the A12. Parking was inadequate and another 100 cars would cause further problems. Mobile phone and broadband services were not great. Residents considered that Waveney District Council had a duty of care to safeguard the quality of life for its residents and this development would have a detrimental affect.

Councillor P Light – Ward Member

Councillor Light expressed the view that the site was not suitable for a host of reasons and filling the fields with properties would impact on the church. There was a need for infrastructure to support the development. There had been no discussion with the Town Council prior to the submission of the application. He referred to policies DM27, DM28 and DM29 and the NPPF as reasons for refusal. The site had been rejected in the local plan; other areas of land had already been allocated for over 100 properties in Carlton Colville. The drainage was inadequate and surface flooding on the roads already occurred. Footpaths needed to be made up, the roads were too narrow for busses to pass and Councillor Light made reference to the need for a zebra crossing by Carlton Manor. There was inadequate parking for the new houses, there was no bus service to the schools with vacancies and no shops or facilities within walking distance of the application site.

Mr E Gilder - Applicant

Mr Gilder made reference to the position set out in the report with regard to the five year land supply which in his opinion had not been met. He challenged the calculation of 4.9 years which was based on outdated figures. There was a shortfall for the local plan target and the housing supply had failed to reach target since 2009. It should be noted that there was a presumption in favour of permission where there was a shortfall. Other sites that had

been identified were not being developed resulting in an identified extra 1,000 housing units not being available. Mr Gilder explained that the local plan review had previously identified this site for development, it was achievable and an assessment had confirmed that the identified impacts could be satisfactorily mitigated. The proposed area of open space directly opposite the church would enhance the setting. Officers were now saying that the development site proposal was now unacceptable, but what had changed? Mr Gilder urged Members not to dismiss the application but to visit the site as the development would meet the shortage of housing.

Questions to the Applicant

Members raised questions with regard to:

- SUDS.
- Land levels.
- Footpaths.

Mr Gilder confirmed that a sustainable drainage system would be placed within the site and also under the open space. The Committee was considering the principle of an outline application only and lowering the land levels had not been considered; if necessary, that could be addressed in the future. Mr Gilder confirmed that, as part of the scheme, a footpath would be constructed and provided all round the site.

Questions

Members noted that the church was currently bordered by development on three sides and sought clarification on the following:

- Height of the land compared to the dwellings opposite the site.
- Consultation responses from the water companies.
- Surface water and topography.
- Location of the site compared to the church.

The Planning Development Manager reminded Members that they were looking at the matter of principle, that was, if the site was developable. If there were issues with the change in land levels on the site, it could probably be overcome with the submission of a design statement. Historic England was genuinely concerned over issues relating to the setting of the church and he referred Members to the comments from the Conservation Officer. The lead authority with regard to flood and water management was Suffolk County Council; paragraph 4.52 of the report confirmed that authority had no objections, full details of which were on the Council's website.

Debate

Comment was made about the existing development around the church shown on the drone photograph and the proposed open space adjoining the church site could be beneficial. A Member commented on the form and detail of the objection by Carlton Colville Town Council which could be used as a model by all parish councils.

Whilst some Members supported the officer's recommendation, others were of the opinion that in order to make the right decision, which was a major decision, there was a need for a site visit in order to get a better perception of the site. Following a proposal which was duly seconded, it was

RESOLVED

That the application be deferred pending a site visit and the Democratic Services Officer be requested to circulate alternative dates to the Planning Committee Members.

The Chairman of the Committee stressed the importance of as many Committee Members as possible to attend.

Note: Subsequent to the meeting, the site visit has been arranged for 2.30pm on Wednesday, 7 March 2018.

6 DC/17/5454/FUL – LAND ADJACENT 1, SHORT LANE, CARLTON COLVILLE

The Planning Development Manager presented the application which sought approval for the construction of a one bedroomed chalet bungalow on a vacant area of land on Short Lane, within the physical limits for Carlton Colville.

The application was before Committee as a previous application for a two bedroomed house had been refused contrary to the recommendation of approval (DC/17/0462/FUL) on 18 April 2017. A number of changes had subsequently been made to the proposed dwelling which, it was considered, on balance, were sufficient to overcome the reasons for that refusal.

Members were reminded that Short Lane, a private road in the ownership of the Council, was a single vehicle width cul-de-sac off The Street and currently served eight houses. The application site was originally part of the garden of 43 The Street but had been in separate ownership for some time. A site visit had previously taken place on 10 April 2017.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views along Short Lane in both directions, the access with The Street, views of the application site and neighbouring properties. The Planning Development Manager drew Members' attention to the update report, previously circulated and tabled at the meeting, which contained additional representations and an amendment to the recommendation.

The Planning Development Manager advised that the revised scheme reduced the floor area, height scale and mass and, on balance, with conditions compliance, officers considered the scheme had addressed the previous reason for refusal. The objections from neighbours were understandable given the size of the site and the restricted width of Short Lane. However, there were no objections from County Highways. As a result of the changes made to the proposed dwelling, and the proposed removal of permitted development rights, it was considered to have satisfactorily addressed the reasons for refusing the previous application. Approval was therefore being recommended subject to controlling conditions.

Mrs J Hall - Carlton Colville Town Council

Mrs Hall explained that the Town Council was opposed to the application under section 53 of the NPPF as an inappropriate use of a residential garden. She made reference to various policies and recommended refusal due to lack of design, planning, and safety of others. The junction with The Street was dangerous and unsafe to enter the site particularly when the residents' wheelie bins were left out for refuse collection. The applicant had not undertaken any consultation. There were issues with the transfer of ownership of land at 43 The Street into private ownership and the issue of the restrictive covenant had not been addressed. Consideration would need to be given as to whether it was lawful.

Mr D Castleton - Objector

Mr Castleton thanked the committee for allowing him to speak as an objector; the objections previously made were still legitimate. The application would still have an adverse impact on the area and, in his opinion, the proposed property was not a bungalow, it was still a two storey dwelling. In addition, the residents at Nos. 39 and 41 would lose their right of way to the rear of their properties which was there in the form of a protective covenant. There were serious health and safety issues particularly for the emergency services. Short Lane was narrow and had no pedestrian footpath and could not cope with any additional traffic. This would result in increased danger for the residents and the character of the proposed dwelling was unsympathetic to the street scene. Overshadowing would occur to the neighbouring properties and the proposal was an overdevelopment, garden grab, which would have a detrimental impact on the residents. Mr Castleton respectively requested the application be refused for a second time.

Councillor P Light – Ward Member

Councillor Light advised that there was no turning circle for cars in Short Lane. The site itself was formerly a back garden, accessed by a single track and could only be considered to be overdevelopment. The proposed infill was not suitable and should not be approved. The neighbours had not been consulted on the development and the building footprint might be smaller on this second application but it would still be cramped. There would be no parking for visitors and any building materials left in the vicinity would deny access for residents and emergency vehicles. There were issues with the responsibility of the upkeep on the access road and a construction management plan for the development, if approved, would be essential otherwise construction vehicles would obstruct the access for everyone. Any building would have a detrimental affect on the other neighbouring properties.

Questions

Members' questions related to:

- The location of the soakaway compared to the boundary and proposed dwelling.
- Access to the rear of the houses in The Street being compromised.
- Right of Way issues.

The Planning Development Manager advised that the drawings were indicative only and the soakaways would be subject to conditions and in accordance with Building Regulations. Any issues with private rights of way would have to be resolved before any development

commenced; however, that was a civil matter and not a planning issue. It would not be possible to defer a decision on the planning application until any rights of way issues were resolved; that was between the developer and land owner and Members were considering the planning decision only.

Debate

The Committee noted the application had been revised to provide a one-bedroomed chalet bungalow and that officers were recommending approval with conditions. However, some Members were of the opinion that the site was not particularly suitable for development and the proposed dwelling could be converted into a two bedroomed property at a later stage. The street scene would be affected, there were issues with access and drainage and the proposed conditions were unlikely to be achieved. Reference was made to conflicts with policy DM02. The Planning Development Manager explained that more and more small pieces of land were coming forward for development. It could be specified that the proposed obscured glazed windows had restricted opening and those conditions could be enforced. If approval was granted and the conditions could not be complied with, then the application would need to come back to the local planning authority.

Members were of the opinion that there were many issues with developing such a small site even with the reduced footprint and provision of one parking space only. Following a proposal which was duly seconded, it was unanimously

RESOLVED

That permission be refused for the following reason:

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.

The Chairman advised there would be a brief adjournment to allow members of the public to leave the meeting room.

7 DC/18/0004/RG3 – FORMER PART OF MULTI-STORY CAR PARK, BATTERY GREEN ROAD, LOWESTOFT

The Area Planning and Enforcement Officer presented the application which sought approval for a number of works encompassing the remodelling of the recently demolished northern-most area of the multi-storey car park in Battery Green Road to provide a surface level car park. The application also involved the erection of three 6m high lighting columns, new guard railings and the installation of a new flat roof over the existing electricity sub-station. The application was before Committee as the District Council was the applicant.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the current demolition levels being down to road level.

The Area Planning and Enforcement Officer explained that the application under consideration was for full planning permission for the works as outlined. The new surface level car park would provide 59 spaces, one internal ramp to address the difference in land levels and a space for trolleys. No objections had been received and the proposed development was considered acceptable and accorded with the provisions of policy DM02. Subject to an additional condition detailed in the update report previously circulated and the additional conditions proposed by Suffolk County Council, as tabled at the meeting, approval was being recommended.

Questions

In response to questions relating to the remainder of the building and surfacing, the Area Planning and Enforcement Officer explained that it would remain in situ and be blocked off. The surface of the new ground level car park would be tarmac.

There being no further discussion, it was unanimously

RESOLVED

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the plans numbered D32219/PY/A and 15-12-35 05.

3. Before the first use of the car park full details of lighting, including angles of lights and levels of lux shall be submitted for approval in consultation with the Highways Lighting Engineer.

4. The lighting scheme hereby approved shall be carried out in accordance with the details submitted on 31.01.2018 and shown on drawing number D32219/JB/C. The lights as approved shall be at a level of no more than 1 lux at the adopted highway boundary and shall remain at this level in perpetuity.

5. Before the development is brought into use the footway and verge fronting the site shall be reconstructed in accordance with details, which previously shall have been submitted to and approved in writing by the Local Planning Authority.

6. No part of the development shall be commenced until details of the proposed access (including the position of any dates or barriers to be erected) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to the development coming into use.

The meeting concluded at 7.33pm.

Chairman

Chairman's Announcement

At the close of the meeting, the Chairman made the following announcement:

At a recent Suffolk Coastal meeting, it was felt that it would be useful for the SCDC Planning Committee Members to come to Riverside and observe a meeting of Waveney's Planning Committee. It was proposed that the visit took place at the next Committee meeting on Tuesday, 13 March 2018; the SCDC Members would sit in the public gallery to observe the meeting processes.

It was planned that Waveney's Planning Committee Members would make a reciprocal visit to East Suffolk House. It was anticipated that the visit would take place on Monday 26 March – their meetings commenced at 9.15am – and car sharing would be the best form of transport. Members were requested to make a note in their diaries and full details would be circulated in due course.