

Minutes of a Meeting held in the Conference Room, Riverside, Lowestoft  
on **Tuesday, 17 April 2018 at 6.02pm**

Members Present:

J Groom (Chairman), S Allen, P Ashdown, N Brooks, J Ceresa, M Cherry, J Craig, G Elliott, T Goldson, L Gooch, C Rivett and J Smith.

Officers Present:

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

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

The Chairman of the Committee advised that, in view of the public interest, there would be a change in the order of business and Item 7 – DC/17/3981/OUT – Land South of Chediston Street, Halesworth, would be taken as the first item on the Agenda.

## **2 APOLOGIES / SUBSTITUTES**

Apologies for absence were received from Councillors Graham and Pitchers.

Councillor Craig attended the meeting as a Substitute for Councillor Graham.

Councillor Gooch attended the meeting as a Substitute for Councillor Pitchers.

## **3 MINUTES**

### **RESOLVED**

That the Minutes of the meeting held on 13 March 2018 be approved as a correct record and signed by the Chairman.

## **3 DECLARATIONS OF INTEREST**

Councillor Goldson declared a Local Non Pecuniary Interest in Item 7 – DC/17/3961/OUT – Land South of Chediston Street, Halesworth, as being Ward Member.

## **4 DECLARATIONS OF LOBBYING**

All Members of the Committee declared that they had received communications in relation to Item 7 – DC/17/3961/OUT – Land South of Chediston Street, Halesworth.

Councillor Elliott declared that he had received communications in relation to Item 8 – DC/17/4960/FUL - Former Brand of Beccles, Carcom Bodyworks and Beccles Car Centre Site, Common Lane North, Beccles

**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 30 March 2018. There were currently five cases.

In response to a question with regard to the reviews of the unauthorised use of chalets as a main or sole residence, the Planning Development Manager advised that a recent review had indicated there was no breach at Seaview Chalets. With regard to Kessingland Cottages, the Committee was aware of the personal circumstances of the occupants and there would be a further report in due course.

**RESOLVED**

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

**6 DC/17/3981/OUT – LAND SOUTH OF CHEDISTON STREET, HALESWORTH**

The Development Management Team Leader presented the outline application, with some matters reserved, which sought approval for the construction of up to 200 dwellings including car parking, open space provision with associated infrastructure and access on land south of Chediston Street, Halesworth.

The site itself was allocated for housing in the Final Draft Local Plan which has been published on 29 March 2018 although only limited weight could be given to that plan in the determination of this application. However, weight had to be given to the National Planning Policy Framework (NPPF) promoted a presumption in favour of sustainable development.

At the present time, the Council was unable to demonstrate a five year supply of housing land and, under those circumstances, the NPPF indicated that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Although the site was outside the defined physical limits for Halesworth, it was in close proximity to the town centre. The proposed highway and footway improvements would make it easily accessible for pedestrians and cyclists and application proposed measures to mitigate the impact of the development

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views across the site, from and towards Roman Way, the southern boundary of existing bungalows and an illustrative master plan. All matters were reserved apart from vehicle and pedestrian access.

The Development Management Team Leader advised that the site was in open countryside, adjacent to but outside the physical limits, and in a sustainable location only 600m from the town centre and community facilities. Other issues including habitats and special area of conservation had been addressed in the report and included the views of Natural England and NHS England. The proposal for 35% affordable housing complied with policy. The Development Management Team Leader acknowledged the number of public objections particularly with regard to additional traffic and highways issues and pointed out that the proposal included improvements to the highways. The site did comply with the NPPF and

was included in the Draft Local Plan which was currently out for consultation. On balance, and taking all the material planning considerations into account, approval was being recommended subject to controlling conditions and a Section 106 Agreement.

Mr P Dutton – Halesworth Town Council

As Chairman of Halesworth Town Council, Mr Dutton advised that the Town Council had considered the application and had not supported the development because of its failings. The application was inadequate; it did not deal with issues such as the sloping site, and did not comply with WDC's policies. Sustainable developments should meet needs without compromising other needs. This it did not. Two main aspects were the surface water/flooding and traffic. There was already severe flooding and, with an increasing number of incidents of heavy rain and the river being the only catchment, surface water run off from the steep slope would increase the problems. The SUDS proposal would be inadequate. It was likely that there would be two cars per household resulting in increased traffic problems. There were no employment opportunities in Halesworth, so most journeys would need to be by car. Mr Dutton explained that Halesworth Town Council was not against more housing but houses needed to be built in the right place, not on this site. The proposal was not sustainable and the Town Council was recommending refusal.

Mr M Fagg – Objector

Mr Fagg explained that he was speaking for himself and on behalf of a number of residents of the town. There was strong evidence that the application was in conflict with the Council's statutory policies – building in the countryside, conserving wildlife habitats and flooding. Planning permission should not be granted where the habitats of protected species would be affected and where there would be an increase in flooding. The policies should be adhered to and not dismissed because of a shortfall of housing land and paragraph 14 of the NPPF should not apply in this instance. The tilted balance of NPPF's paragraph 49 should not apply and the proposal was against policies CS16 and DM29. Mr Fagg referred to WLP4.2 and questioned the soundness of the inclusion of this site as it was not sustainable with regard to transport and facilities and the benefits did not outweigh the harm. Because of the many adverse impacts, planning permission should be refused.

Mr R Brown – Agent

Mr Brown advised that this application for 200 dwellings had a significant amount of affordable housing and included a new roundabout and footpath improvements. The site had been allocated in the Draft Local Plan and would provide a valuable contribution to the housing shortfall. The site was in a highly sustainable location and extensive technical reports supported the application. Mr Brown advised that no objections had been received from the statutory consultees. The NPPF confirmed the three dimensions to a development – economic, social, affordable housing – and this complied with all. The Council's Landscape Officer had stated that the proposal would not create any extra affects than what could be expected. He referred to paragraph 9.4 in the report in that the proposal represented a sustainable development. Mr Brown asked that the Committee follow the professional officer's recommendation and grant approval.

Questions to Applicant

Members asked specific questions relating to:

- The width of Chediston Street and proposed access point.
- Traffic assessment.
- Timing of submission of application.

Mr Brown explained that the transport assessment would have addressed any issues relating to traffic and access; he did not have a copy with him that evening. The Planning Development Manager confirmed that all such assessments were available for viewing on the Council's website.

With regard to timing, Mr Brown responded by saying that the Council was not maintaining a five year land supply and with the Government's priority to provide housing, there was policy justification in accordance with the NPPF. The application conformed with desirability, provided affordable housing and there had been no objections from the statutory bodies.

Questions to Officers

Further questions were raised in relation to:

- Weight given to the Local Plan.
- Affordable housing.
- Cycle access and connections on/with Roman Way.
- Visibility splays and access.
- Issues with the height of the land.
- Flooding.

The Planning Development Manager explained that the Council's Adopted Local Plan gave weight at the present time and the new Draft Local Plan carried some weight. However, as the Council did not currently have a five year housing land supply, paragraphs 14 and 49 of the NPPF were engaged. He explained the tilted balance and the three tests of sustainability. The provision of affordable housing would need to be policy compliant at the time the decision to approve an application was made. It was currently 35%; in the Draft Local Plan it would be 30%. With regard to flooding, there should be a sufficient drainage scheme to create a nil detriment and the proposed condition 25 was considered appropriate. Condition 27 addressed foul water.

With regard to cycle links and highways, County Highways had not raised any specific issues. The Committee was reminded that it was an outline application; the plan was for illustrative purposes. Members were to consider matters of principle, not the detail at this stage.

Debate

A local Member stated that his concerns were multiple particularly with regard to surface water and inadequate drainage must not be allowed to affect the area. The Roman Road

development allowed water storage and slow release into the river but that had not solved the problems. With the frequent excessive rain, the situation would only get worse and the surrounding roads including The Thoroughfare would get flooded and cause damage to businesses. Halesworth was a beautiful town, it should not be detrimentally affected and the application should be refused until a satisfactory water solution had been submitted. It was also pointed out that Chediston Street was not sufficiently wide to allow two cars to pass and the 12" footpath was not suitable for cyclists. A bus stop on Roman Road was a totally unsuitable location and the proposed roundabout would need to be moved because of the levels of the land. The application should be turned down. Comment was made that it was surprising that this site was being proposed for development and Members should be mindful of the views of Halesworth Town Council and the objections received.

Some Members believed there were a number of issues that needed to be addressed and questioned the timing of the application alongside the Draft Local Plan. The Planning Development Manager explained that, in the officers' opinion, the sustainability testing for the site was sound, therefore there would be no objection in accordance with the NPPF. Flood risk had been addressed in the report and the Suffolk County Council was satisfied with the proposals. If permission was granted, the Applicant and developer would need to ensure there was no detriment and obviously levels would be addressed at that time. In his professional opinion, it was not premature to consider the scheme.

Whilst it was recognised to be a difficult decision for Members, the Local Plan Working Group was recommending this site for development and, at this stage, approval was being requested for an outline application with consideration of the detailed application at a later stage. If approval was granted that evening, it was important to recognise the provision of 35% affordable housing which was needed in the area. Members were reminded that it was an outline application before the Committee and the detail would be dealt with at the reserved matters stage. If the application was refused and put before the Planning Inspector in an appeal, the Council would have no say in the development or input into relevant conditions to be imposed.

Following a proposal, which was duly seconded, to refuse the application, the motion was put to the vote and was **LOST**.

It was then proposed and duly seconded to accept the recommendation with conditions, including the replacement condition contained in the update report as circulated, and on the vote, it was

#### **RESOLVED**

That permission be granted, subject to the completion of a Section 106 Agreement covering developer contributions, affordable housing and provision and future management of the open space and the following conditions:

1. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then  
b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

2. Details relating to the layout, scale, appearance and landscaping of the site (the “reserved matters”), and measures to minimise water and energy consumption and to provide for recycling waste shall be submitted to and approved by the Local Planning Authority before any development is commenced.
3. Details relating to the “reserved matters” pursuant to this planning permission shall not materially depart from the design principles and design proposals set down in the Design and Access Statement.
4. No part of the development shall be commenced until details of the proposed access roundabout indicatively shown on Drawing No. A091299-1-105 have been submitted to and approved in writing by the Local Planning Authority. The approved access roundabout shall be laid out and constructed in its entirety prior to occupation. Thereafter the access roundabout shall be retained in its approved form.
5. No part of the development shall be commenced until details of the proposed access onto B1123 Chediston Street indicatively shown on Drawing No. YOR.2819\_10C 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 occupation. Thereafter the access shall be retained in its approved form.
6. No part of the development shall be commenced until details of the proposed footway improvements indicatively shown on Drawing No. A13455-T-001 have been submitted to and approved in writing by the Local Planning Authority. The approved improvements shall be laid out and constructed in their entirety prior to occupation.
7. No part of the development shall be commenced until details of the proposed footpath/footway link to Barley Meadow has been submitted to and approved in writing by the Local Planning Authority. The approved link shall be laid out and constructed in its entirety prior to occupation.
8. Prior to commencement of the development, the applicant shall fund a Traffic Regulation Order to extend the existing 30 mph speed limit on the B1123 Chediston Street in a westerly direction to beyond the proposed new development access.
9. Before the development is commenced details of the areas to be provided for storage 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.
10. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
11. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in

accordance with the approved details except with the written agreement of the Local Planning Authority.

12. The new estate road junction(s) with Chediston Street (B1123) inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials.
13. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

14. Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage 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 and used for no other purpose.
15. Before the B1123 Chediston Street access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 215 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

16. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide details of:
  - proposed hours of work
  - proposed piling methods
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding and acoustic screens
  - wheel washing facilities

- measures to control the emission of dust and dirt during construction
- a scheme for the recycling/disposing of waste resulting from construction works

The approved Statement shall be adhered to throughout the construction period.

#### **17. Site Investigation**

No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

1) A desk study and site reconnaissance, including:

- \* a detailed appraisal of the history of the site;
- \* an inspection and assessment of current site conditions;
- \* an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- \* a conceptual site model indicating sources, pathways and receptors; and
- \* a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

2) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- \* the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- \* explanation and justification for the analytical strategy;
- \* a revised conceptual site model; and
- \* a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including BS10175:2011+A1:2013 and CLR11.

#### **18. Remediation**

No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- \* details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- \* an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- \* proposed remediation objectives and remediation criteria; and
- \* proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.



**19. Implementation of remediation**

Prior to any occupation or use of the approved development the RMS approved under condition 2 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

**20. Validation**

A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that the RMS approved under condition 18 has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

**21. Unexpected contamination**

In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

**22. No development shall take place until a Construction Environmental Management Plan to mitigate both noise and air quality impacts during the construction phase has been submitted to, and approved in writing by, the local planning authority. The construction shall be carried out in accordance with the approved Plan.**

**23. 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.
24. 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.
25. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:
1. Dimensioned plans and drawings of the surface water drainage scheme;
  2. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
  3. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
  4. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
  5. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
  6. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
  7. Details of who will maintain each element of the surface water system for the life.

The scheme shall be fully implemented as approved.

26. Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
27. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
28. Before the development hereby permitted is occupied full details of electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.
29. Prior to the commencement of development full details of the design of green infrastructure to provide a variety of routes of at least 2.6Km for dog walking, with connections to Rights of Way, and infrastructure such as interpretation, dog bins, and off lead areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
30. No part of the development shall commence until an Ecological Mitigation Scheme and Management Plan for the site has been submitted to and approved, in writing, by the Local Planning Authority. This should include the mitigation and enhancement measures set out in the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, May 2016), along with any other enhancement measures which are appropriate for the site. The approved details shall thereafter be implemented in full.
31. Prior to the commencement of development full details of fire hydrant provision within the site shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

The Chairman of the Committee advised that, in view of the need to go into exempt session, Agenda Item 8 – DC/17/4960/FUL – Former Brand of Beccles, Carcom Bodyworks and Beccles Car Centre Site, Common Lane North, Beccles, would be taken before Item 6 – DC/18/0102/COU – Windy Acres, Mutfordwood Lane, Mutford.

## **8 DC/17/4960/FUL – FORMER BRAND OF BECCLES, CARCOM BODYWORKS AND BECCLES CAR CENTRE SITE, COMMON LANE NORTH, BECCLES**

The Senior Planning and Enforcement Officer presented the application which sought approval for the demolition of existing car sales and vehicle repair buildings within an area

allocated for B Class employment use off Common Lane North and replacement by a supermarket for the discount chain, Lidl, and therefore contrary to policy.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the existing buildings, nearby skip storage, the adjacent park homes and nearby properties.

The Senior Planning and Enforcement Officer explained the relevance of policy DM08 with regard to employment land; however, the proposed store would deliver 44 new jobs. The sequential test had shown that land north of Roy's Store was not available and had insufficient street frontage and other sites in the town were not adequate in size. The proposal was well below the retail impact testing requirements; however further representations had been received from Tesco Stores Ltd with regard to retail impact on the town centre.

With regard to highways matters, there had been some concerns over traffic issues if the development proceeded. However, negotiations with County Highways on amended plans had resulted in agreement on the junction layout, which was considered to be far better than the provision of a mini-roundabout. Comments were still awaited from the Environment Agency with regard to the revised drainage plan. It was a reasonable site offering future prospects and would likely provide a better environment to the adjacent neighbours. It was anticipated that noise generated would increase by only 1dB, however the noise survey was yet to be assessed by the Council's Environmental Health Officer.

The Senior Planning and Enforcement Officer drew attention to the additional information in the supplementary report which had been circulated to the Committee and requested that additional conditions be imposed with regard to restricting the retail floor area and the net sales area. Condition 10 relating to cycle provision was no longer required. Given the balancing benefits of the proposal, the recommendation was for 'in principle approval' as there were a number of unaddressed issues which were considered to be capable of being overcome. Delegated powers to officers was being sought to ensure all outstanding matters were completed.

#### Ms T Cottle - Agent

Ms Cottle thanked Members for being given the opportunity to speak and mentioned that, as just reported by the Planning Officer, Tesco Stores Ltd had objected to the application that day giving insufficient opportunity to respond. In accordance with policy, they were not required to do an impact assessment but one had been undertaken and showed no adverse affect. There would be no issues with linked trips particularly as Lidl did not provide such services as a post office, lottery sales, etc. Public consultation had showed demand for a discount foot outlet in Beccles and, in their opinion, the store would help retain people in the town. Further information had been submitted to address flooding concerns. The site was not in B1 Class uses but its categorisation as employment land had been addressed. Ms Cottle asked for the officer's recommendation to be supported and not to delay progress as a result of Tesco's late objections.

#### Questions to Applicant

Members sought clarification on:

- Land at the rear of the proposed store.
- Free parking and monitoring the use of the car park.
- Timescale for the opening of a store.
- Granting permission for A12 use not Lidl.
- Comments made by the Town Council.
- Acoustic fencing.
- Cycle/visitors parking needing to be a better design/location.

Ms Cottle advised that the extra land at the rear would be fenced off as it had no particular use or need for access. It was anticipated that the free parking might be around two hours and that would allow time for shoppers to walk to the town centre and use other shops. Any enforced restriction would likely depend on the popularity of the store and be monitored without the installation of a barrier. If permission was granted, it was hoped to open in one year and the proposed conditions would restrict the use to Lidl. The proposed boundary fence was 2m high but not necessarily an acoustic fence. The actual store building would block a lot of the noise from the use of the car park from the nearby residents. A further revised noise assessment would be undertaken.

#### Questions to Officers

In response to an issue raised with regard to the congestion in the area and the adequacy of the junction, the Planning Development Manager explained that traffic modelling with different scenarios was not necessarily accurate. County Highways would have the opportunity to look at restricted parking on the roads and give careful consideration to a number of issues when looking at the Traffic Regulation Orders. It was considered that two lanes leaving the site was the best solution as a mini-roundabout might result in traffic congestion.

#### Debate

The Planning Development Manager explained that the area within the red line was the only site under consideration. Local issues on Pound Lane were not part of the application. It was a full detailed application that Members were considering and any linkage to existing pathways might impact on the layout of the site.

There being no further discussion, it was unanimously

#### **RESOLVED**

That the officers discuss technical matters relating to mitigating economic harms arising from flooding and Source Protection Zone issues between the Environment Agency, the Local Planning Authority and the Applicant and be granted delegated authority, in consultation with the Chairman and Vice-Chairman of the Committee, to determine the application based on the outcome of those discussions subject to the following conditions to secure other matters:

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 drawings: 7518L 10 site plan, 7518 L11 floor plan, 7518 L12 elevations, 7518 L13 roof plan; received 21st 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. No part of the development shall be commenced until details of the footway widening, crossing point and reinstatement on Common Lane North shown on Drawing No. SCP/16126/F06 Rev A have been submitted to and approved in writing by the Local Planning Authority. The approved improvements shall be laid out and constructed in their entirety prior to use.
4. No part of the development shall be commenced until details of the improvements to Common Lane North junction with George Westwood Way shown on Drawing No. SCP/16126/F07 Rev A have been submitted to and approved in writing by the Local Planning Authority. The approved improvements shall be laid out and constructed in their entirety prior to use.
5. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.  
The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
6. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
7. The use shall not commence until the area(s) within the site shown on Drawing No. SCP/16126/F06 Rev A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
8. Before the accesses are first used visibility splays shall be provided as shown on Drawing No. SCP/16126/F06 Rev A with an X dimension of 2.4 metres and a Y dimension of 43 metres onto Common Lane North and an X dimension of 2.4 metres and a Y dimension of 25 metres onto Pound Road and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

9. Within one month of first occupation, each employee shall be provided with Travel Information Pack that contains the sustainable transport information and measures to encourage the use of sustainable transport identified in the Travel Plan dated 29th September 2017. Not less than 3 months prior to the occupation, a completed Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include up-to-date walking, cycling and bus maps, relevant bus and rail timetable information, car sharing information, and sustainable transport discounts.
10. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.
11. Following demolition of the existing structures and floor slabs no further development approved by this planning permission, shall take place until a site investigation, as recommended in section 6 of CAG report number 746-R-01, has been submitted to, and approved in writing by, the local planning authority. All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including BS10175:2011+A1:2013 and CLR11.
12. Following demolition of the existing structures and floor slabs no further development approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
  - details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
  - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
  - proposed remediation objectives and remediation criteria; and
  - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.
13. Prior to any occupation or use of the approved development the RMS approved under condition 13 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.
14. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
  - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
  - evidence that the RMS approved under condition 13 has been carried out competently, effectively and in its entirety; and
  - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

15. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

16. The trading hours hereby permitted shall only take place between the hours of 08.00 and 22.00 Mondays to Saturdays and between 10.00 and 16.00 on Sundays or bank holidays.  
The delivery hours hereby permitted shall only take place between the hours of 07.00 and 19.00 Mondays to Saturdays and between 08.00 and 18.00 on Sundays or bank holidays.

17. Louvres for the plant room must accord with section 9 of the submitted Hoare Lea Acoustics report and provide a minimum insertion loss of 16dB.

18. Before the commencement of any work including demolition, the applicant shall submit to the Local Planning Authority written details of a demolition and construction environmental management plan, and receive the subsequent approval from the LPA of the plan.

The plan shall detail how the applicant will mitigate all emissions (including dust, noise, vibration, water, light etc) from demolition and construction activities. All work shall proceed in accordance with the plan.

19. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
20. The accesses shall be completed in all respects in accordance with Drawing No. SCP/16126/F06 Rev A; and be completed prior to use. Thereafter they shall be retained in their approved form. At this time all other means of access within the



frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

21. No use of the retail premises here approved shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected on the north boundary adjacent to the park homes. The boundary treatment shall be completed before use. Development shall be carried out in accordance with the approved details.
22. The building hereby permitted shall be used only for retail use and for no other purpose within use class A1 of the schedule to the Town and Country Planning Act Use Classes Order or in any provision equivalent to that Class revoking or enacting that order. No more than 20% of the permitted retail floor area shall be used for the sale of comparison goods, the number of lines that shall be for sale in the store at any one time shall be limited to a maximum of 1800. The store shall not include any post office, pharmacy or butchers. Other than the reheating of pre-prepared products. For the purposes of the condition: Comparison goods are clothing footwear household and recreational goods
23. The net sales area shall not exceed 1286 square metres and no additional floor-space created by for example the inserting of mezzanine floors without the prior written permission of the Local Planning Authority.

## **9 EXEMPT/CONFIDENTIAL ITEM**

### **RESOLVED**

That, under Section 100(A) 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 Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

## **10 DC/18/0102/COU – WINDY ACRES, MUTFORDWOOD LANE, MUTFORD**

The Committee considered some additional documentation which had been provided by the Planning Enforcement Officer in connection with the application. The content of the documents, which related to personal information relating to the applicant and his extended family, was viewed in association with the planning application and discussed accordingly.

Members noted that the proposed conditions were reasonable and enforceable and could be revised if that was the Committee's wish.

## **11 PUBLIC SESSION**

At this point in the proceedings, at 8.05pm, the Chairman advised Members that the Committee was now back in public session.

**12 DC/18/0102/COU – WINDY ACRES, MUTFORDWOOD LANE, MUTFORD**

The Planning Enforcement Officer presented the application which sought approval for a retrospective change of use of land to provide four additional mobile homes for gypsy/travellers. The Applicant had presented a case based on their personal need for the four additional mobile homes to be occupied by his extended family.

The report outlined the background to the site, in that it already had planning permission for one such pitch and associated fencing business in the name of the applicant associated with approval DC/10/0604/COU and a variation of the personal planning permission DC/12/0913/VOC to now habituate for a Mr Rooney. The site, which was in open countryside surrounded by agricultural land and screened by trees, established hedges and a tall boundary fence, was first occupied in 2010. The Applicant moved onto the site in 2012 and had resided in compliance with the personal occupancy condition attached to the planning permission.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the current mobile homes, the day block, boundary fence and hedging, views along Mutford Lane in both directions, the highway and existing access.

The Planning Enforcement Officer explained the relevant planning considerations and guidance contained in the National Planning Policy Framework, Planning Policy for Travellers Sites (PPTS), policy CS12 which dealt specifically with gypsy and traveller accommodation, and housing need. There was an identified under supply of pitches for gypsy and traveller housing in Waveney district and the Accommodation Needs Assessment (ANA) identified eight further pitches were required to meet the identified shortfall. The proposal before Members created four new pitches at the site and those pitches would enable individual housing needs to be met and for the district-wide shortfall to be reduced. There were issues with the fencing and the Applicant had agreed to move the existing wooden fence to inside the tree line and reduce its height to 2m; that would reduce the impact on the countryside.

The Planning Enforcement officer advised that the Applicant had provided detailed personal evidence of a need to justify the additional mobile homes on the site and had cited the lack of alternative options and allocated sites available as part of that justification. The proposal had been assessed against policy CS12, the PPTS and the ANA; it was considered to be compliant with those policies and approval was being recommended with appropriate conditions.

**Mr J Armstrong – Mutford Parish Council**

As Clerk to Mutford Parish Council, Mr Armstrong had been asked to speak on the application. It was noticed that the proposal was for a private site and its design and access was to provide accommodation to an extended family. Whilst the report made reference to the need for travellers' sites, that would only apply if the proposed occupants were unrelated to the applicant. Clear evidence had been provided which indicated that this was not a change of use application but a variation of condition would be more appropriate. There were questions over suitability and it was felt that a private site, restricted to named persons, conflicted with the application title. Mr Armstrong commented that, if the Committee was minded to approve the application, temporary permission should be considered as anything else might not be appropriate following the merger of Waveney

District Council and Suffolk Coastal District Council. Whilst sympathetic to the applicant, consideration should be given to the concerns of the Parish Council.

#### Questions to Applicant

In response to Members' questions, Mr Rooney confirmed he was happy with the conditions in the report that were specific to him and his family. He agreed to provide identification for those living on the site if necessary and that anyone else could be evicted. The boundary fence would be moved to the inside of the site and there would be additional planting on the outer side of the boundary.

#### Questions to Officers

Members were not clear as to the reasoning behind the change of use. The Planning Development Manager explained that they had consulted on the process and received legal input regarding the description of the development. He confirmed that, in law, it was a change of use of land to provide the additional caravans.

#### Debate

The Committee was sympathetic to the application and approval was duly proposed with appropriate conditions. Additional conditions were proposed allowing the Council the right to make sure the dwellings were for the people registered to be there and that the site would be recognised as a private site and therefore be excluded from Waveney's general sites for travellers. This was agreed. The Planning Development Manager advised that the proposal was solving a requirement for four gypsy/traveller sites and he sought delegated authority to review the conditions in discussion with the agent and legal in consultation with the Chairman and Vice-Chairman of the Committee. This was unanimously supported and it was

#### **RESOLVED**

That, in consultation with the Chairman and Vice-Chairman of the Committee, the officers be granted delegated authority to approve the application, subject to the following conditions being reviewed by further consultation with the Agent and the Council's Legal Services:

1. The Permission hereby approved shall be laid out in accordance with Drawing No 1924/1 and will be retained as such until the land ceases to be occupied by those named in Condition 1 of this Permission.
2. The occupation of the mobile homes hereby permitted shall be carried on only by Mrs Margaret Rooney; Ms. Helen Rooney; Mr Thomas Hanrahan; Mr Patrick and Mrs Brien and their dependants, with the site being recognised as a private site.
3. As each mobile home ceases to be occupied by those named in Condition 2 then the mobile home, any materials and equipment brought onto the land in connection with that mobile home, shall be permanently removed from the site. All actions to be complete in their entirety within 2 months of the mobile home

ceasing to be occupied by that named person/s and the land shall be restored to its condition before the use commenced.

4. Within two months from the date of this permission the existing boundary fence shall be reduced to two metres and located inside the existing hedge line in a position to be agreed in writing by the Local Planning Authority.
5. Within two months from the date of this permission a detailed scheme of boundary planting shall be submitted and approved in writing by the Local Planning Authority. The approved planting scheme shall be implemented not later than the first planting season following the grant of planning permission (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.
6. Within two months from the date of this permission details from a scheme to manage surface water discharge from the 4 units hereby approved shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety thereafter.

The meeting concluded at 8.25pm.

Chairman