

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

Members Present:

P Ashdown (Chairman), N Brooks, P Byatt, J Ceresa, J Craig, G Elliott, T Goldson, J Groom, I Graham, M Ladd and C Rivett.

Officers Present:

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

1 APOLOGIES / SUBSTITUTES

Apologies for absence were received from Councillors Ford and Pitchers.

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

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

2 DECLARATIONS OF INTEREST

Councillor Ashdown declared a Local Non Pecuniary Interest in Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston, as being Ward Member.

Councillor Brooks declared a Local Non Pecuniary Interest in Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough, as being Ward Member.

Councillor Byatt declared a Local Non Pecuniary Interest in Item 8 – DC/18/3020/VOC – 243 Long Road, Lowestoft, as being a Lowestoft Town Councillor.

Councillor Ceresa declared a Local Non Pecuniary Interest in Item 8 – DC/18/3020/VOC – 243 Long Road, Lowestoft, as being County Councillor for the area.

Councillor Graham declared a Local Non Pecuniary Interest in Item 8 – DC/18/3020/VOC – 243 Long Road, Lowestoft, as being a Lowestoft Town Councillor.

Councillor Ladd declared a Local Non Pecuniary Interest in Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough, as being Cabinet Member for Tourism and Economic Development.

3 DECLARATIONS OF LOBBYING

Councillor Ashdown declared that he had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 8 – DC/18/3020/VOC – 243 Long Road, Lowestoft.

Councillor Brooks declared that he had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston.

Councillor Ceresa declared that she had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston.

Councillor Elliott declared that he had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston.

Councillor Goldson declared that he had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston.

Councillor Graham declared that he had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston.

Councillor Groom declared that he had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston.

Councillor Ladd declared that he had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston.

Councillor Rivett declared that he had received communications in relation to Item 5 – DC/18/1838/FUL – Glebe Farm, Church Road, Ellough and Item 6 – DC/18/3529/VOC – Former HM Prison Blundeston, Lakeside Rise, Blundeston.

4 ENFORCEMENT ACTION – CASE UPDATE

The report of the Planning Development Manager provided Members with a summary of all outstanding enforcement cases sanctioned under delegated powers or through the Committee up until 25 October 2018. There were currently six cases.

The Planning Development Manager advised Members of the outcome of the second site visit at Maisebrook Farm, Shipmeadow, in that all items had been removed and they were now looking at reaching an agreement on the surfacing and access.

Since the last Committee meeting, two applications had been submitted for Mutford, one relating to the boundary fence, planting and drainage and a separate application for the amenity block to become residential. A decision on that application would be delegated and refusal was being recommended.

A notice had been served on 5 September at Dam Lane, Kessingland, and that had been appealed. A notice had been served on 2 November on the occupants at New Road, Rumburgh, with a three month compliance period.

RESOLVED

That the report detailing the outstanding Enforcement Matters up to 25 October 2018 be received.

5 DC/18/1838/FUL – GLEBE FARM, CHURCH ROAD, ELLOUGH

The Development Management Team Leader presented the application which was for a change of use of agricultural land to land for the siting of 21 holiday lodges, a warden's lodge, construction of an access road, parking spaces, hardstanding bases, infrastructure and associated landscape planting. The Grange and All Saints Church, both Grade II listed buildings, were in close proximity to the site which fell within the Waveney District Landscape Character Assessment area H3 Hundred River Valley Tributary Farmland.

The application was before Committee following a Member call-in and as a major application.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the proposed access, views across the site to the southern boundary, the neighbouring listed buildings, the attractive countryside surrounding the site and elevations of the proposed lodges.

The Development Management Team Leader explained that permission had been granted in 2011 for 10 lodges each with its own horse paddock. The current application had been reduced from 46 to 21 lodges with a new layout on the southern side and the northern area given over to meadows. He explained the key issues:

- The principle of the development noting that the permission already given was extant for 10 lodges for tourism.
- The impact on the designated heritage assets.
- Impact on the landscape, taking account that the site was within the Hundred River Valley and that the proposed 21 lodges were over 100% increase compared to the development previously allowed.
- Highways considerations, in that the location was far from ideal for sustainable transport and the emerging local plan stated that sites should be accessible by appropriate roads.
- Considering the planning balance, the benefits would not outweigh the harm caused to the setting of the designated heritage assets and to the character of the landscape.

As a result, the application was recommended for refusal.

Miss M Allen – Parish Council

Miss Allen advised that the amended application was an attempt to mitigate the impact but the effect on the rural site would cause harm to nearby sites, the local area and eco systems. The original application for 10 high end lodges with associated facility for horses was now trying to be replaced with 21 basic units. Policy DM27 was relevant with regard to the adverse impact and notable changes to the setting. The Parish Council's main concerns related to the area being a heritage site which brought visitors to the area and this proposal

would have serious environmental impacts and also affect the eco systems, particularly as the lodges' surface water drainage would flow into a stream that was already flooding. The site access was on a blind bend; there were no local shops within walking distance and no buses either. Miss Allen requested that the Committee considered the damage to the local environment and its own Core Strategy and Planning Policies and refuse the application.

Mr A Askam – Objector

On behalf of the community of Ellough, Mr Askam explained that they were supporting the Planning Officer's proposal to refuse the application. There were no nearby amenities or services within reach of the site, public transport was not accessible, no footpaths to or from the site and hardly room for more than a single track for cyclists, pedestrians, children and dog walkers. The road was not in a suitable condition to cope with extra traffic and the access was not in accordance with policy. Consideration needed to be given to the affect on the historic buildings; for example, the church dated back to medieval times. The old grassland dated back to the 1950s and was home to some 38 protected species including a variety of birds and insects. The whole proposal would have such a negative impact on the rural village, the residents strongly objected to the application and it should be refused.

Questions

Members asked specific questions relating to:

- The views of English Heritage in 2011.
- Area of Outstanding Natural Beauty (AONB).

The Development Management Team Leader advised that English Heritage had not been consulted on the proposal for 10 lodges in 2011. Although the site was not located in the AONB, it was considered that such a high density development would be an alien feature in the landscape and cause harm to the setting of the church which was located in rural countryside.

Debate

Some Members recalled the previous application for 10 lodges and that proposal was to be horse based and therefore provided a unique facility. The proposal now under consideration had put the planning balance against the application. The access to the site on a blind bend was dangerous and, in addition to that, the width of the road access was insufficient for cars to pass. Whilst appreciating that farmers did need to diversify and there was a need for tourist sites, the proposal for such a high number of lodges was considered to be too many buildings for the site and refusal was agreed. There being no further discussion, it was unanimously

RESOLVED

That the permission be refused for the following reasons:

1. The proposal would have an adverse impact on the setting of the Grade II Listed the Grange and the Grade I Listed building of All Saints Church contrary to Development Management Policy DM30 and fails to meet the test in paragraph 196 of the

National Planning Policy Framework as it is not considered that the harm caused by the proposal would be outweighed by the benefits.

2. This site falls within Waveney District Landscape Character Assessment area H3 Hundred River Valley Tributary Farmland. The proposal would have an adverse impact on this landscape character contrary to Development Management Policy DM27.
3. The site is accessed off Church Road, a C Road (C924). Roads in the vicinity of the site are also C roads (Hulver Road C922 and Jays Hill C963). The proposal is considered contrary to Final Draft Local Plan Policy WLP8.15 which requires proposals for medium sized self catering accommodation (21-79 pitches/units) to have good access to A and B roads and public transport.

6 DC/183529/VOC – FORMER HM PRISON BLUNDESTON, LAKESIDE RISE, BLUNDESTON

The Senior Planning and Enforcement Officer presented the application which was for a variation of condition 3 of DC/16/2157/FUL, a hybrid planning application for demolition of prison and construction of shop units, flats, office units with car parking, affordable housing units and residential development including care home, roads and open space. The purpose of the variation was to create car ports in place of garages; that had been requested by the Council's Housing Team who would be taking on the management of the affordable housing. As the proposal did not accord with the approved drawings, the variation was now before the Committee.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including the detailed site plan showing the first phase, the buildings now erected and illustrations of the open car ports.

The Senior Planning and Enforcement Officer outlined the key issues relating to privacy, noise, and crime and disorder. It was considered there were no issues with regard to the proposed fencing for either existing residential properties or the new homes. The potential for crime and disorder was low risk and, as the site developed, natural surveillance would be enhanced. The relevant conditions would be reproduced if permission was granted.

The application was for retrospective regularisation of the change from garages to car ports and was recommended for approval.

Mr R Kozyrko – Applicant

Mr Kozyrko had nothing further to add to the officer's presentation and asked the Committee support the recommendation. He was happy to answer any questions.

Questions to Agent

In response to questions relating to the proposed car ports, Mr Kozyrko explained that the car ports would be open on both sides and it was unlikely there would be any danger of fire. The car ports were in accordance with building regulations.

Questions to Officers

In response to Members' questions, the Senior Planning and Enforcement Officer explained that the car ports were not fully enclosed and would remain as such. There would be no need to condition the prevention of garage doors being installed as the associated flats did not have permitted development rights.

Debate

Members agreed that the proposal seemed appropriate and there being no further discussion, it was unanimously

RESOLVED

That approval of variation application for full planning permission in pursuit of drawing number 6845-Ph01 be granted, subject to the following conditions:

1. Work to be commenced in accordance with the time limits set by the original hybrid application.
2. The development hereby permitted shall be carried out in accordance with approved drawing references: 6845-EX01, 6845-MP01, 6845-PL01, 6845-PL02, 6845-PL03, 6845-PL04, 6845-PL05, 6845-SP01 and BBBP1/1 received 24 May 2016, for which permission is hereby granted. And drawing refs BLP203 Rev E and BLP241, 242, 251 and 252 all revision B all received 23rd August 2018
3. The agreed affordable housing shall be provided entirely in accordance with the approved scheme.
4. Details of all external facing and roofing materials shall as per the details of roof covering etc. supplied 25th September 2017 by email.
5. Before the shops hereby approved are first brought into use the parking areas shown on drawing number 6845-SP01 received 24 May 2016 shall be available for use, and shall be so maintained thereafter.
6. The protective fences agreed by earlier condition discharge, shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.
7. Before the development hereby permitted is first brought into use a Management Plan for the trees to be retained and areas of public realm on the site shall be submitted to and approved in writing by the Local Planning Authority. The trees and public realm shall be managed in accordance with the approved Management Plan.

8. The Mitigation measures outlined in section 8 of the submitted Biodiversity and Protected Species Report (namely provision of bat boxes (8.1), time limits for work to trees and provision of bird boxes (8.2), measures for amphibians and reptiles during construction (8.5) incorporation of native wildlife species in landscaping (8.10) and lighting (8.11)) shall be provided within six months of the development being brought into use.
9. No burning of waste materials (including green waste) should take place on site during construction.
10. (formerly condition 13.) All demolition and construction works shall be carried out with accordance to the agreed site specific Environmental Management Plan.

The hours for working and deliveries shall be 07:30 Hours and 18:00 Hours on Mondays to Fridays and 07:30 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries of materials to and removal of plant and equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5228: Parts 1 and 2: Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from the demolition and construction works.
- Procedures for the emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

Please note that Best Practicable Means (BPM) to reduce the noise impact upon the local community should include the following:

- All demolition and construction plant and equipment should comply with EU noise emission limits.
 - Proper use of plant with respect to minimising noise emissions and regular maintenance. All vehicles and mechanical plant used for the purpose of the works should be fitted with effective exhaust silencers and should be maintained in good efficient working order.
 - Selection of inherently quiet plant where appropriate. All major compressors should be 'sound reduced' models fitted with properly lined and sealed acoustic covers which should be kept closed whenever the machines are in use and all ancillary pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufacturers.
 - Machines in intermittent use should be shut down in the intervening periods between work or throttled down to a minimum.
 - Plant and equipment such as flatbed Lorries, skips and chutes should be lined with noise attenuating materials. Materials should be handled with care and placed, not dropped.
11. The surface water strategy for the first phase shall be constructed in accordance with the agreed scheme.

12. The conclusions of the contamination report received 10th October 2017 shall be further discharged by mitigation, remediation and validation as work proceeds and with unexpected contamination being reported.
13. The development hereby permitted shall be not occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Evans Rivers and Coastal Limited, referenced 1617/RE/05-16/01 Revision B, dated August 2016 and the following mitigation measures detailed within the FRA:

Finished ground floor levels are to be set no lower than 2.5 metres above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

15. Notwithstanding the GPDO (as amended) provisions for the permitted development change of use of offices to alternative uses the office use hereby approved shall relate to B1(a) use alone.
16. 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 4 and the provision made for analysis, publication and dissemination of results and archive deposition.
17. The protective fences around trees shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.
18. Before the development hereby permitted is first brought into use a Management Plan for the trees to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority. The trees shall be managed in accordance with the approved Management Plan.
19. The Mitigation measures outlined in section 8 of the submitted Biodiversity and Protected Species Report (namely provision of bat boxes (8.1), time limits for work to trees and provision of bird boxes (8.2), measures for amphibians and reptiles during construction (8.5) incorporation of native wildlife species in landscaping (8.10) and lighting (8.11)) shall be provided within six months of the development being brought into use.

7 DC/18/3685/VOC – LAND ADJACENT TO ELLOUGH AIRFIELD, BENACRE ROAD, ELLOUGH

The Development Management Team Leader presented the application which was for a variation of condition 4 of DC/12/1113/FUL for the installation of a 30MW solar farm and associated infrastructure. The proposal was for condition 4 to be amended to extend the life span of the existing solar farm from 25 years to 40 years. It was understood that the development of the solar farm commenced on October in 2015 and the application would therefore extend the lifespan of the Ellough solar farm from 2040 to October 2055.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views through the boundary fencing and that the solar panels were well screened by vegetation.

The Development Management Team Leader explained that the improvements in technology had improved the life span of the time the panels could generate electricity. With the current climate change policies, there appeared no reason not to allow the extension and at the end of its life, the site would be decommissioned and returned to its former use.

Mr T Beard – Agent

Mr Beard stated that, as most points had been covered by the officer’s report and presentation, he had nothing further to add. Mr Beard requested the Committee grant approval and he was happy to answer any questions.

Questions to Agent

A Member sought clarification as to what would happen after the current 25 year period if that period of time was extended. Mr Beard advised that no changes would be made and the site would just carry on up to the end of the 40 year period. If an extension was not granted, then the site would revert back to its original use.

Debate

Comment was made that any perceived harm had already taken place. A proposal to approve was duly seconded and it was unanimously

RESOLVED

That permission be granted subject to the following conditions:

1. The planning permission hereby granted is for a period from the date of this decision until the date occurring 40 years after the date of commencement of the development hereby permitted (October 31 2055).
2. The development shall be carried out in accordance with the following approved plans: planning layout (1:4000 scale drawing No. Ver 15A), as amended by the solar panels details specified on the 1:20 scale drawing (Ref. Frame) for the northern part of the site ie, the arrays coloured blue on the planning layout and the solar panel

details specified on the 1:20 and 1:40 scale drawings (No. Ellough/DWG002-V15) for the southern part of the site ie, the arrays coloured purple on the planning layout; temporary site access (drawing No. SF114T-002- 01) and; permanent site access details (drawing No. SF114T-003-01).

3. No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels and related equipment, and shall be fully implemented within 12 months of the expiry of this permission.
4. If any of the individual solar panel(s) ceases to export electricity to the grid for a continuous period of 12 months then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months from the end of the 12 month period for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.
5. The solar panels shall not exceed 3 metres above ground level on the northern part of the site (ie, within the area coloured blue on the planning layout drawing) and shall not exceed 2 metres above ground level on the southern part of the site (ie, within the area coloured purple on the planning layout drawing). The security/perimeter fence shall not exceed 2.25 metres above ground level and no other equipment/apparatus shall exceed 4 metres above ground level.
6. The rating level of the noise emitted from the site shall not exceed the existing daytime background noise level (determined to be 32 dB as a LA90 1 Hour) by more than +2dB between 07.00 hrs and 23.00 hrs Monday to Sunday. The noise levels shall be determined at the facade of the nearest noise sensitive receptor which is Warrens Farm. The measurements and assessment shall be made according to BS 4142:1997.
7. The inverter cooling fans shall not operate between the hours of 23.00 to 07.00.

8 DC/18/3020/VOC – 243 LONG ROAD, LOWESTOFT

The Planning Officer presented the application which was for the erection of a four bedroomed, one and a half storey dwelling. Permission was being sought to vary condition 2 of DC/10/0003/FUL with regard to alterations to the design and siting of Plot 1. The site was located within the physical limits of Lowestoft and plots 2 and 3 had already been constructed under the original permission.

Members were shown an aerial view, photographs and location plans of the site and its surrounds including views of the site from Long Road and its position compared to the adjoining properties. The application before Members was for one and a half storeys increasing the ridge height, the larger layout was increased in both width and depth and a double garage was now being proposed. Members viewed the proposed site layout plan compared to the approved scheme.

The Planning Officer explained the key issues in that the principle of the development had already been approved, the design and appearance were similar to the adjoining dwellings, and the garages on the boundary created no additional impact. It was considered there was sufficient on-site parking and there had been no change to transport and access matters since the original approval. With regard to impact on amenity and overlooking, it was considered there could be some loss of light but not to any significant degree and the windows were to be in the same position. On balance, it was concluded that the amendments to the design were acceptable and the variation to condition was recommended for approval.

Mrs S Jeha – Objector

Mrs Jeha explained that two three bedroomed bungalows were acceptable but the many amended planning applications were for financial gain without having any respect for the neighbours. Plot 2 affected her mother's property where there was no longer privacy when using the patio, bedroom and lounge. All overlooking aspects had been disregarded and there was no doubt this was overdevelopment by a garden grabbing developer. Mrs Jeha requested Members uphold planning legislation to protect existing residents from being totally overshadowed and having their lives ruined. She could foresee land access issues in the future, the siting of the garages up to the boundary was not better but worse and the proposal should be refused.

Questions

Members asked specific questions relating to:

- Impact on residents.
- Highways comments on size of garage.
- Moving the actual location of the proposed dwelling to be more considerate towards the neighbour.
- Size of the proposed dwelling.
- Parking standards for a four bedroomed property.

The Planning Officer explained that the impact on the residents had been considered and the proposed build up to the boundary was a legal issue not a planning matter. Comments had been made as to objections with regard to the size of the garage which was not considered to be adequate to park a car. The three parking spaces being provided were in accordance with parking standards.

The Planning Development Manager reminded Members that they needed to consider the proposal before them, not further amendments. If Members were minded to refuse the application, the applicant could revert back to the previously approved scheme. It was considered that the size of the plot was sufficiently large to take the marginally larger dwelling and provide both parking and amenity space.

Debate

The Committee was of the opinion that the proposal being considered would have a big impact on the neighbours and that the revised drawing was proposing a property that was too big for the size of the plot.

Comment was made that previous planning permissions were being ignored and should be investigated particularly with regard to plot 2. The Planning Development Manager acknowledged the request.

There being no further discussion, Members unanimously agreed to refuse the application and

RESOLVED

That, contrary to the officer's recommendation, permission be refused for the following reasons, the final wording of which has been agreed with the Chairman and Vice-Chairman of the Committee:

1. The proposed development is considered to constitute a cramped and incongruous form of development, which would fill the width of the plot and would represent overdevelopment of the limited sized plot.
2. The proposal thereby fails to produce a development that is in keeping with the overall scale, character, layout, or site coverage, of existing buildings, or that takes into account the relationship between buildings and spaces and the wider street scene or townscape.
3. The proposal is therefore, for the reasons given above, considered to be contrary to the provisions of the adopted Waveney District Council Local Plan and in particular, policies CS02: High Quality and Sustainable Design, DM02: Design Principles, and the NPPF.

The meeting concluded at 7.08pm.

Chairman