

Confirmed



Minutes of a Meeting of the **Planning Committee North**
held in the Conference Room, Riverside, 4 Canning Road, Lowestoft,
on **Tuesday, 11 June 2019** at **2:00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andree Gee, Councillor Malcolm Pitchers

Other Members present:

Councillor Tony Cooper, Councillor Tony Goldson, Councillor David Ritchie

Officers present:

Liz Beighton (Planning Development Manager), Matt Gee (Planning Officer), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Stephen Milligan (Planning Officer), Philip Perkin (Development Management Team Leader - North), Melanie Van de Pieterman (Planning Officer), Debbi Wicks (Assistant Planning Officer), Ben Wright (Planning Officer Policy and Delivery)

1 Apologies for Absence and Substitutions

Apologies were received from Councillor Rivett. Councillor Goldson acted as the substitute for Councillor Rivett.

2 Declarations of Interest

Councillor Ashdown declared a Local Non-Pecuniary Interest in item 3 of the agenda, as Ward Member for Corton. Councillor Ashdown also declared that he had been lobbied on items 3 and 4 of the agenda.

Councillor Goldson declared a Local Non-Pecuniary Interest in item 4 of the agenda, as both Ward Member and County Councillor for Spexhall. Councillor Goldson also declared that he had been lobbied on that item.

Councillors Bond, Brooks, and Ceresa all declared that they had been lobbied, via email, on item 4 of the agenda.

At this point in the meeting, the Chairman advised that he was re-ordering the agenda; item 5 of the agenda was to be heard before items 3 and 4.

5 East Suffolk Enforcement Action – Case Update

The Planning Committee received report **ES/0037** of the Head of Planning and Coastal Management. The report provided a summary of the status of all outstanding planning enforcement cases where action had either been sanctioned under delegated powers or through the Planning Committee.

The report was presented by the Assistant Enforcement Officer. She updated the Committee on enforcement action regarding Land at North Denes Caravan Park, as detailed on page 34 of the report.

The Chairman invited questions to the Officer.

It was confirmed that, as no planning application had been lodged on the North Denes Caravan Park site, nothing was scheduled to be brought before the Committee.

A member of the Committee queried if Enforcement Notices were available online and asked why not if they were not available. The Assistant Enforcement Officer advised that Enforcement Notices were available to members of the public on request, but were not stored online to be viewed. The Planning Development Manager noted that this issue had been raised at the meeting of the Strategic Planning Committee on 10 June 2019 and that work was ongoing to make Enforcement Notices more publicly accessible.

Another member of the Committee asked for an update on enforcement action at the High Street, Lowestoft, as it was not included within the report. The Planning Officer replied that there had been an issue with the Enforcement Notice but that officers were engaging with the owner and the tenant to make improvements to the shop front. She noted that extant planning permission remained on the site and that the building was within the Lowestoft Heritage Asset Zone.

3 DC/19/0920/COU - Broadland Sands Holiday Park, Church Lane, Corton

The Planning Committee received report **ES/0035** of the Head of Planning and Coastal Management. The submitted application covered two sites and sought approval for a change of use of agricultural land to the east of St Bartholomew's Church for the stationing of static caravans and lodges and as an extension to the existing facility of Broadland Sands, Corton, to allow for the re-positioning of some existing vans due to coastal erosion and the installation of a small number of additional vans. The extension was considered necessary to facilitate a short term future-proofing of the business due to coastal erosion and roll-back.

The application was before the Committee due to a previous refusal (DC/18/0813/COU) and at the request of the Head of Planning and Coastal Management on the basis of scale of the development, and for economic, tourism, business and conservation issues regarding the proximity of the Grade II* listed church and its wider setting.

The Committee received a presentation on the application from the Planning Officer. She outlined the site plan and advised that since the previous application had been refused, she had met with the Highways Authority, the Council's Coastal Management

Team, and the applicant and a decision had been taken to split the previous application in to two separate applications.

The Committee was informed that due to the application site's proximity to the coast, some of the vans needed to be relocated from their current positions. The Planning Officer explained that some new vans would be added to the site but approximately three-quarters of the vans on the site would be existing vans moved from their current plots.

The proposed layout plan was displayed. It was explained that the vans currently at the top of the site would be the ones to be relocated to the new site. Photographs of the site were also displayed, setting out the site's proximity to St Bartholomew's Church. A photo montage of proposed planting on the site was also demonstrated. The Committee was advised that Historic England had commented that the harm caused to the church was considered minimal and that the Highways Authority had not raised any concerns. Images of the coastal path access were highlighted.

The key issues were summarised as principle and policy, the setting of the listed building, landscape and heritage impacts, coastal erosion, economy and employment, and tourism. The Planning Officer drew the Committee's attention to the comments regarding year-round occupation that were detailed in the update sheet.

The Chairman invited Mr Butter, agent for the applicant, to address the Committee.

Mr Butter explained that the development was important due to the coastal erosion occurring at the site. He said that it would provide "breathing space" for the holiday park, particularly as the front row of vans was under threat. He explained that the proposal was not for a full rollback but was a short to medium term solution to relieve pressure on the holiday park, with further relocation possible at a future time.

Mr Butter considered that the development would enhance the holiday accommodation through the addition of new vans. He confirmed that no new entrance access was proposed and that traffic safety had not been demonstrated as a concern. The impact on the church was said to be negligible; the site would be separated from the church through existing screening.

It was highlighted by Mr Butter that the NPPF supported holiday park development as a sustainable business and that the latest version of the document stated the need to support and enable such development. He was of the opinion that the development satisfied the relevant policies in the Waveney Local Plan and was worthy of support in the long term as the applicant had already made significant investment into the site. He added that the new development would contribute a further £2.4m a year to the local economy and asked the Committee to support the application.

The Chairman invited questions to Mr Butter.

A member of the Committee queried the comments of the Highways Authority within the report, regarding the net increase of forty-two vans. Mr Butter said that this was the worst case scenario, taken from the transport statement. He reiterated the applicant's intention to populate three-quarters of the site with existing vans.

In response to another question, Mr Butter confirmed that work was being undertaken to open the blocked area of the coastal path.

The Chairman invited questions to the Officer. There being no questions, he then invited the Committee to debate the application that was before it.

A member of the Committee recalled the application that came before Waveney District Council's Planning Committee in December 2018; he noted that the area of the site contained within the new application had not caused that Committee any concerns at the time. He said that the site was a sustainable one and well regarded in the area, and that by approving the application it could be further sustained. He said he would vote in favour of the application.

Several other members of the Committee expressed similar views on the site and advised that they would be voting in favour of the application.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Brooks, seconded by Councillor Goldson it was unanimously

RESOLVED

That the application be **APPROVED** 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.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The lodges and caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners-occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: the proposed units are suitable for holiday accommodation but not suitable for residential use.

3. The use shall not commence until the area(s) within the site shown on Drawing No. SHF.201.087.LA.D.00.001 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.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4. Before the development is commenced details of the areas to be provided for 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.

Reason: To encourage sustainable travel by providing secure covered cycle storage.

Note: Suffolk Guidance for Parking (2015) recommends 1 stand per 5 pitches.

5. 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.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV Movements.

6. The alignment, width, and condition of Public Rights of Way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Rights of Way & Access Team; any damage resulting from these works must be made good by the applicant.

Reason: To ensure the Public Right of Way is maintained and any damage rectified to the satisfaction of Suffolk County Council Rights of Way & Access Team

7. Prior to the first occupation of the site the applicant shall prepare and implement an Erosion Monitoring/Response Plan that identifies triggers for timely caravan removal and de-commissioning / removal of infrastructure that includes a margin of safety. It is recommend that the safety margin takes account of information in the CEVA that a cliff retreat of 8m in one year is possible as a consequence of an exceptional weather event.

Reason: To ensure that resilience measures are in place in the event of extreme weather events and to ensure the safety of occupants.

8. No development shall take place within a phase or sub-phase of the area indicated [the whole site] until the implementation of a programme of archaeological work for that phase 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:

- i. The programme and methodology of site investigation and recording
- ii. The programme for post investigation assessment
- iii. Provision to be made for analysis of the site investigation and recording
- iv. Provision to be made for publication and dissemination of the analysis

and records of the site investigation

v. Provision to be made for archive deposition of the analysis and records of the site investigation

vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

vii. 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.

9. No buildings within a phase of sub-phase 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.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy WLP8.40 – Archaeology of the adopted East Suffolk (Waveney) Local Plan 2019 and the National Planning Policy Framework (2018).

4 DC/19/0061/FUL - Spexhall Hall, Hall Road, Spexhall, Halesworth

The Planning Committee received report **ES/0036** of the Head of Planning and Coastal Management. This application was a revised submission following an application for four dwellings which was refused by Waveney District Council's Planning Committee on 14 August 2018. The current application sought to demolish an agricultural building and replace it with two detached four bed houses. It was also proposed to convert and extend an existing outbuilding to create a two bed dwelling, providing a total of three new dwellings on the site. The site was in the open countryside outside any defined physical limits where there was a presumption against new residential development in accordance with local and national planning policy.

The Committee received a presentation on the application from the Development Management Team Leader (North). The presentation outlined the site location and its proximity to Spexhall Hall, a Grade II listed building. The Development Management Team Leader noted that one of the existing agricultural buildings on the site had permitted development rights to be converted into three dwellings, although this had not been implemented. An aerial photograph of the site was displayed, demonstrating that the application site was within the countryside.

Photographs of the site were shown which highlighted the existing agricultural buildings on the site and views from the site of Spexhall Hall and towards the existing agricultural buildings. The Development Management Team Leader identified which agricultural building had permitted development rights and which was identified for demolition. The Committee was also shown the view along the proposed access to the site, which would run parallel to an existing bridleway.

Drawings demonstrating the proposed elevations and floor plans were displayed, along with the proposed block plan which identified the relation of the proposed dwellings to Spexhall Hall. Each dwelling had amenity space allocated from the existing courtyard.

The Development Management Team Leader explained that the previous application had been refused by Waveney District Council on the grounds that the site was in the open countryside, outside of any settlement boundary and did not comply with exceptions in policy that would allow new housing in the countryside, the impact on the setting of Spexhall Hall, poor layout, and lack of amenity space. He highlighted that the number of dwellings proposed in the new application had been reduced by one unit and now had an appropriate amount of amenity space. The design and appearance of the dwellings was considered to be acceptable.

The Committee was advised that the site was in the open countryside and outside any defined physical limits, where there was a presumption against new residential development in accordance with local and national planning policy. The Development Management Team Leader stated that none of the exceptions that might be applied to these policies of restraint in the open countryside were applicable to the proposed development. The Development Management Team Leader identified that the application was contrary to Waveney Local Plan policies WLP1.2, WLP7.1, WLP8.7, WLP8.11, and WLP8.37, as well as the NPPF (2019), and therefore, was recommended for refusal. He stated that although the new housing to be created would be of benefit, this would be, at best, limited and did not outweigh the harm that would be caused by allowing new housing in an unsustainable location which conflicted with adopted policy. He noted that the policy of achieving 10% of housing growth in rural areas, explaining that of this amount, 70% should be to larger villages, 20% to smaller villages, and the remaining 10% to other rural settlements. In this instance, given the application site comprised of a farmstead divorced from the village, it was not considered to represent a settlement in terms of the policy requirement.

The recommendation to refuse, as set out in the report, was outlined to the Committee.

The Chairman invited Mr Miller, agent for the applicant, to address the Committee.

Mr Miller quoted the remarks of the Leader of the Council at the Full Council meeting of 22 May 2019 regarding a shortage of housing in the district and the Council's ambitions for more housing growth across the district. He stated that the applicant was trying to help fulfil the 10% housing growth target in rural areas, as defined in the Waveney Local Plan. He noted that there had been no objections to the application; Spexhall Parish Council had supported the application, the Highways Authority had not objected, RAMS approval had been gained, no concerns had been raised by Suffolk County Council Archaeology, and the application was supported by Councillor Cackett, as the Ward Member.

It was stated by Mr Miller that, following the refusal of the previous application by Waveney District Council, the applicant had attempted to address the concerns raised at that time. A Chartered Architectural Practice from the local area had been employed and the current application included a reduction in the number of proposed dwellings and now used materials sympathetic to the local area. Mr Miller acknowledged that

one of the agricultural buildings had permitted development rights for conversion to three dwellings.

Mr Miller considered the report to contradict itself in places, as it stated that Spexhall Hall was part of a farm complex but also acknowledged the permitted development rights that existed which would end the site's status as a farm complex, if implemented. He was of the opinion that any harm caused to Spexhall Hall by the development would be less than substantial and that the additional dwellings would support local amenities in the community.

Mr Miller advised the Committee that the site was a small cluster and as such is in the Coastal Plan.

The Chairman invited questions to Mr Miller.

There being no questions to Mr Miller, the Chairman invited questions to the officers.

It was confirmed that, should the development be approved, the site would not become a settlement. The Planning Development Manager stated that in the view of officers, the site was not a cluster, rather, a group of agricultural buildings where some permitted development rights existed. In response to another question, the Planning Development Manager advised that the permitted development rights that existed on the site had been determined by central government.

There being no further questions to the officers, the Chairman invited the Committee to debate the application that was before it.

A member of the Committee, who was Ward Member for Spexhall, noted that he was familiar with the site. He described the agricultural buildings as being in disuse and derelict and considered that they would further decay if not developed. He said that he did not have any problem with seeing a small amount of development of the site as it would improve the area. He noted that the land was not being used for agricultural purposes and was of the opinion that it should be developed.

It was acknowledged by another member of the Committee that the farm was not a working one. He said that the revised designs improved the proposed scheme substantially which was varied in terms of heights and materials. He was of the view that the development would not cause substantial harm to the surrounding area and was in support of the application, noting that Spexhall Parish Council was also in favour of it.

In response, it was highlighted by a member of the Committee that the new Waveney Local Plan had only recently been adopted and made; he noted that the application was contrary to the Local Plan and suggested that it would set a precedent against the new policies should the application be approved. This was supported by another member of the Committee who stated that the 10% housing growth for rural areas should primarily be within settlement boundaries and not scattered across rural areas. He said that the site was not directly linked to local amenities and was at least 1km away from the village hall. He considered that there was no reason to approve the

application when it was contrary to policies and suggested that the Committee should take heed of the Officer's recommendation.

A member of the Committee, who was in support of the application, was of the opinion that an exception should be made. He noted the rural location of the application site and considered that the development would encourage growth of the rural economy by supporting local businesses and amenities, and that the development would not be visible from the road. Another member of the Committee replied that the potential for the homes to be taken up was not a valid reason to go against local and national planning policies.

Another member of the Committee spoke for the application, but was concerned about the size of the houses proposed. She considered that perhaps smaller houses would better suit the needs of the local population. She was of the opinion that the houses would be sold and presumed that they would be used as primary homes.

Another member of the Committee said that, having considered all that had been said during the debate, she had resolved that the current application was overambitious for the site and that a more modest proposal would be suitable. She could not support the application in its current form and said that it would be wrong to approve the application if it was contrary to policy. Several members of the Committee noted that it was not for the Committee to consider alternatives for the site, but to consider the application that was before it.

It was stated by a member of the Committee, who was Ward Member for Spexhall, that the original application had been reduced as requested by the Waveney District Council Planning Committee, and would encourage older people (65 plus) to retire to, and spend money in, the local area which he said would fit in with the demographic of the area. He strongly considered that the design and demographic would fit what people wanted and what was needed.

Another member of the Committee, who also supported the application, reiterated that the Committee was considering the application before it and was of the view that the applicant had addressed the concerns raised previously, and had resolved the lack of amenity space in the original application.

Councillor Pitchers moved that the Committee refused the application as per the Officer's recommendation, citing that the development was too large for the site.

At this point in the meeting, the Planning Development Manager was invited to address the Committee regarding issues raised during the debate. She informed the Committee that the application before it was to be determined and not any possible scheme that may be presented in the future. She reiterated that the Waveney Local Plan had been adopted in March 2019 and although its policies allowed exceptions to development in the countryside, this application did not accord with those relevant policies as it was an isolated development that was not connected to local services. She advised that recent appeal decisions received from the Planning Inspectorate supported this stance and that the development was unsustainable, particularly in instances where new dwellings cannot access services and facilities by footpath or lit road.

The Planning Development Manager also referred to the NPPF, which was clear that the public benefits needed to significantly outweigh the harm to listed buildings and confirmed that officers' views were that this was not the case and that the buildings proposed did not meet the defined housing needs of the area. The Planning Development Manager noted that the reasons for refusal had not been debated as yet, by the Committee.

The Planning Development Manager concluded that the Officer's advice was very clear that the application was contrary to a number of policies recently upheld and adopted, and that if it was the Committee's wish to go against the Officer's recommendation clear reasons needed to be given to justify this.

It was clarified that the development was not considered to be a benefit to the heritage asset, as per the NPPF, and that only 15% of any CIL would be paid to the local Parish Council with the remainder being paid to East Suffolk Council. The Committee was advised that there was no evidence to support that local businesses would fail without the new development.

Councillor Brooks offered to move an alternative recommendation; he was informed by the Chairman that Councillor Pitchers had already moved a recommendation to refuse and sought a member of the Committee to second the motion. Councillor Elliott seconded the motion which was then put to the vote and was not carried.

The Chairman sought an alternative recommendation. On the proposition of Councillor Brooks, seconded by Councillor Goldson, it was by a majority vote

RESOLVED

That the application be **APPROVED**.

The meeting concluded at 3:01 pm

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Chairman