

Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room,
Riverside, on **Tuesday, 13 June 2023 at 2:00 PM**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Paul Ashton, Councillor Julia Ewart, Councillor Andree Gee, Councillor Graham Parker, Councillor Malcolm Pitchers, Councillor Sarah Plummer

Other Members present:

Councillor Caroline Topping

Officers present: Ben Bix (Democratic Services Officer), Joe Blackmore (Principal Planner), Steve Milligan (Senior Planner) Philip Ridley (Head of Planning and Coastal Management), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

Others present: Cllr Toby Hammond

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Hammond and Wakeling. Councillor Topping was in attendance as substitute for Councillor Wakeling.

2 Declarations of Interest

Councillor Ashton declared an Other Registerable Interest in Item 7 as Cabinet Member for Corporate Services; and recused himself from consideration of Item 6 having previously participated in a Parish Meeting on the same matter.

3 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

4 Minutes

On the proposition of Councillor Pitchers, seconded by Councillor Ashdown, it was by a unanimous vote

RESOLVED

That the minutes of the meeting held on 11 April 2023 be confirmed as a correct record and signed by the Chair.

5 East Suffolk Enforcement Action - Case Update

The Committee considered report **ES/1521** of the Head of Planning and Coastal Management, which was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 25 May 2023. At that time there were 18 such cases. For the benefit of new Members, the Planning Manager described the purpose of the report and introduced Members to the Enforcement Planner.

There being no further updates from the Enforcement Planner, the Chair invited questions from Members. Councillor Ashdown was concerned about the timescale relating to 200 Bridge Road, Lowestoft which was now in its third year. The Enforcement Planner advised that in addition to site visits being difficult to organise during the Covid-19 pandemic, Officers subsequently had to determine the most appropriate route to resolution, which was to serve an Enforcement Notice. A site visit would be scheduled upon the expiry of the compliance date of 20 June 2023.

Councillor Topping queried the timescale involved in receiving the court outcome for Land West of Guildhall Lane, Wrentham. The Enforcement Planner advised that as set out in the report, the matter was with the court as the defendant did not attend and a warrant had been issued.

There being no further questions, upon the proposition of Councillor Ashdown, seconded by Councillor Gee, it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 25 May 2023 be noted.

6 DC/21/3687/FUL - The Ship Inn, St James Street, Dunwich, IP17 3DT

The Committee considered report **ES/1557** which related to planning application DC/21/3687/FUL. The application sought retrospective approval for the construction of a new garden to the rear of the Ship Inn which involved the creation of new hard and soft landscaping. The Referral Panel had referred the application to the Committee as the Officer recommendation to approve was contrary to the objection received from Dunwich Parish Meeting.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The Committee viewed the site location plan and an aerial image, together with photographs of the site before and after the works that had been undertaken. The Senior Planner provided images of the hardstanding and landscaping that had been established alongside an image of the mobile kitchen / bar.

The Senior Planner demonstrated the minimal visual impact of the site from the public road with a contemporary photograph. The application was recommended for approval subject to the following conditions, in summary:

- Development to accord with plans/reports
- Submission of landscaping details
- Implementation of landscaping details
- Hours of use of lighting
- Duration of use of hardstanding for siting mobile kitchen/bar (28 days)
- Submission of details of noise and odour controls for mobile kitchen/bar

The material planning considerations and key issues were:

- Impact on Conservation Area and setting of Listed Building
- Impact upon AONB/dark skies
- Impact upon residential amenity from use of hard paved areas

In response to questions from Councillors Topping and Ewart, the Senior Planner explained that the mobile kitchen was no longer situated on the site but had been introduced previously to cater for seasonal trade and external events. The Planning Manager affirmed that the use of the facility would be subject to conditions. The Senior Planner further advised that customer usage data was not planning consideration as there was no proposed change of use of the garden. The Planning Manager acknowledged that whilst car parking was seasonally busy along The Street, the Highways response to consultation was that the proposal was unlikely to have any impact on the highway network in terms of vehicle volume or highway safety.

Councillor Gee was concerned that the Parish Meeting had expressed its concerns in 2021 and queried why the retrospective application had taken almost two years to come before the Committee. The Planning Manager advised of the timescale involved in such matters and explained that engagement between Officers and the Applicant had been ongoing throughout the period, culminating in the application before Members.

There being no further questions to Officers, the Chair invited Mr John Cary to speak on behalf of Dunwich Parish Meeting in objection to the proposal. Mr Cary surmised that the Ship Inn at Dunwich was a grade 2 listed historic pub in a Conservation Area within the Area of Outstanding Natural Beauty, adjacent to a scheduled agent monument and a Site of Special Scientific Interest. The Parish meeting had objected because in the absence of both consultation and consent, with only 24 hours' notice for residents, the site owners commenced work on what was an established Orchard Garden in 2021 using heavy machinery to construct the garden and in so doing erased any archaeology that may have been present. The Parish Meeting were of the view that the development was contrary to the local plan of September 2020 in particular:

- Rural areas should be valued for their heritage assets and tourism and should be managed in a way which would protect the features which made the area attractive as a destination, and
- Developments should support and enhance the vitality of rural communities and enhance the visitor experience whilst protecting and enhancing landscapes, and the natural, built and historic environment. Particularly, protection and enhancement of the Area of Outstanding Natural Beauty, whilst also recognising

the value of locally important landscapes; and conservation and enhancement of heritage assets which had been evidenced as the Ship Inn had been designated a heritage asset in the Local Plan due to its intrinsic design value derived from local materials and workmanship representative of a historical or an architectural trend.

The Parish Meeting sought mitigation for the impact and nuisance of the development on residents, particularly regarding parking and the use of the rear access as an overspill car park for staff late into the evening. Mr Cary clarified that the beach car park was not owned by the parish meeting, it was owned by the Dunwich Town Trust and leased to the beach cafe for their sole use.

The Chair invited questions to Mr Cary. In response to Councillor Topping, Mr Cary was of the view that the Applicant should make better use of the parking spaces on site, some of which were used for refrigeration units. The Planning Manager countered that such matters were not a relevant consideration. In response to Councillor Ewart, Mr Cary advised that other than the notification of works, there had been no dialogue between the Parish Meeting and the Applicant.

The Chair invited Members to debate the proposal. Councillor Ashdown expressed his satisfaction with the proposal due to the wider economic and tourism benefits it had delivered and proposed approval of the application. Councillors Ewart, Topping and Gee were dissatisfied that the Committee had been presented with a retrospective application, which had not considered archaeological matters nor enabled the Committee to consider materials, landscaping and parking.

In response to Councillor Ewart's observations on the behaviour of the Applicant, the Planning Manager urged Members to consider the application objectively, in accordance with planning matters only, and cautioned that a retrospective application had the same standing as a full application. Councillor Topping expressed displeasure with the retrospective application and emphasised that had the proposal been considered as a full application, the Members could have sought mitigations for their concerns.

Councillor Pitchers seconded the proposal to approve the application and concurred with Councillor Ashdown that the proposal would provide wider benefit to the local economy and was assured that Highways had stated that the proposal was unlikely to have any impact on the highway network. Having been duly proposed and seconded, the Chair moved to the vote whereupon it was by a majority

RESOLVED

That the application be **APPROVED** subject to conditions:

1. The development hereby permitted shall accord with the following approved plans/reports: Drg Nos TS/01 Rev A received 18.01.2022; TS/02 and Site Plan received 03.08.2021.

Reason: For the avoidance of doubt as to what has been considered and approved.

2. Within three months of the date of this consent, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reasons: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

3. The approved scheme of landscape works shall be implemented not later than the first planting season following approval of details consented under condition 2 (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five 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 thereafter and shall be retained and maintained.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity

4. External lighting shall not be operated after 21.00 October to April (inclusive) and shall not be operated after sundown May through to September (inclusive).

Reason: In the interests of amenity and to protect the environment and dark skies of this part of the AONB.

5. The hardstanding area where the mobile kitchen/food trailer, named as 'The Field Kitchen' is currently sited shall not be used for siting of any vehicle or trailer for the preparation of food and drink, and service to customers, for more than a total of 28 days in any calendar year and this may only commence following the discharge of and compliance with condition 6. At all other times the mobile kitchen/trailer may only be sited/parked on the land, and not in active use.

Reason: the hardstanding area where the trailer is sited is immediately adjacent residential properties and therefore unrestricted, year-round use of the kitchen facilities in the trailer has the potential to cause amenity impact. This condition is necessary as the work subject of this application facilitates the siting of the trailer. In all other respects the condition meets the tests of paragraphs 55 and 56 of the NPPF.

6. Within 3 months of the date of this planning permission or prior to first use of the hardstanding for any catering vehicle/trailer, a noise and odour control/management plan is to be submitted to the Local Planning Authority for approval in writing. Any mitigation measures required are to be implemented prior to first use and thereafter the control/management plan is to be adhered to whenever the mobile food kitchen/trailer is being used for the preparation and service of food and drink.

Reason: the application does not include detail on the noise and odour impact of the use of the mobile food kitchen/trailer, and it is necessary to secure this information in the interest of neighbour amenity.

7 DC/22/4533/FUL - Land Adjacent to Newcombe House, Newcombe Road, Lowestoft, NR32 1XA

The Committee considered report **ES/1558** which related to planning application DC/22/4533/FUL. The application sought permission for the re-development of a Council-owned site off Newcombe Road, Lowestoft. The site formed part of the *PowerPark* land allocated in the (Waveney) Local Plan for employment development. The proposed development included the construction of sixteen industrial units, split between five buildings, along with associated works. The application had been referred to the Committee, in accordance with the Constitution, as East Suffolk Council were both the landowner and applicant.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, together with illustrations of the location and contemporary photographs of the proposed site and its surrounds. Emphasis was given to describing access to the site which would solely be from Newcombe Road, via two vehicle/pedestrian accesses. The existing access from Trinity Road to the east would be blocked up. The Committee viewed the proposed block plan, together with illustrations setting out elevations and floor plans. Computer generated visuals were used to illustrate the completed development. The application was recommended for approval subject to any further minor amendments required to address comments from Suffolk County Council Highways and Local Lead Flood Authority; and confirmation from the Suffolk Resilience Forum Partnership that the emergency flood plan was acceptable, and conditions.

The material planning considerations and key issues were summarised as:

- Principle of Development
- Re-development of brownfield site within Local Plan Site Allocation
- Design of Development
- Sustainable Construction, Landscaping and Ecological Enhancement
- Sustainable Transport and Highways Safety
- Flood Risk and Surface Water Drainage

The Chair invited questions to Officers. Councillor Ashton queried the number of vehicle charging points that would be delivered and whether more could be added as the development matured. The Principal Planner explained that 16 vehicle charging points would be delivered; and in further response to Councillor Ewart reminded Members that matters outside the application such as future charging points and the budget for the development were not for consideration. In response to Councillor Topping, the Principal Planner acknowledged that whilst Lowestoft would benefit from the forthcoming tidal barrier installation, it was not material to the application. Officer discussions with the LLFA had confirmed that the scheme was broadly acceptable in terms of surface water drainage and that only minor revisions were required.

There being no further questions to Officers, the applicant Mr Danny Clarke had registered to speak on the item. Mr Clarke stated that the proposal was an exciting opportunity for an innovative scheme within the district. The existing site was occupied by two industrial buildings which would be demolished as part of the new development. Sixteen contemporary business units would be constructed in five separate blocks with car parking, internal estate roads, cycle storage, waste collection facilities and landscaping. East Suffolk Council was the majority owner of the wider *PowerPark* site and saw the proposal as the catalyst for wider regeneration. Whilst many of the existing buildings within the *PowerPark* were within the council's ownership, long leaseholds limited the Council's ability to drive the development. Consequently, the proposal was intended to act as an example to other developers as a vision for future development within the *PowerPark* to attract new businesses and inward investment whilst providing functional spaces. The Council's Investment Plan identified the proposal as an opportunity to not only secure future employment but support growth in other areas including the development of the town centre. Similarly, the site was identified in Local Plan Policy WLP 2.2 to continue to promote the creation of a cluster of businesses in the offshore Renewables engineering oil and gas sectors. Overall, the proposal would deliver long-lasting benefits and would demonstrate the Council's commitment to innovation and design for a more sustainable future.

The Chair invited questions to Mr Clarke. In response to Councillor Ewart's question regarding return on investment and occupancy, Mr Clarke explained that the Council had strategic economic regeneration ambitions that were wider than one project, and Members could be assured that market testing with potential occupiers of the site was ongoing. Councillor Topping sought clarification of the sustainability arrangements of the scheme, including rain gardens and cycle storage provision. Officers demonstrated the location of the infrastructure on the site plan and clarified that the buildings on the development would be designed to achieve an EPC rating of A.

There being no further questions, the Chair invited Members to debate the proposal. Councillor Ashton was delighted with the proposal as an aspirational development for Lowestoft by East Suffolk Council. Councillor Ashdown recalled that the project had started as an aspiration for Waveney District Council which he was proud to see come to fruition. Councillors Gee, Pitchers and Topping echoed their support for the proposal as an example of sustainable planning which would bring employment opportunities to the town.

Councillor Ashdown proposed approval seconded by Councillor Ewart, a vote was taken, and it was unanimously

RESOLVED

That the application be **APPROVED** subject to: any further minor amendments required to address comments from Suffolk County Council Highways and Local Lead Flood Authority; and confirmation from the Suffolk Resilience Forum Partnership that the emergency flood plan was acceptable; and conditions:

1. Three-year time limit to commence development;
2. Development to be carried out in accordance with the approved plans;
3. External facing materials to be as detailed on the proposed elevation drawings;
4. Details of new tree planting to be provided prior to development above slab level;
5. Use class – the units to be used for only office and/or light industrial use [Class E(g)];
6. Construction management plan to be submitted prior to commencement of any development.
7. Ground contamination – validation report to be submitted for approval prior to first use of site;
8. Ground contamination – standard condition to cover action in the event unexpected contamination is discovered.
9. Site Landscaping to be carried out in accordance with approved plans at first planting season following commencement of development;
10. Any soft landscaping/planting to be maintained for a period of five years post-permission, with any felled, diseased, or otherwise removed/damaged planting to be suitably replaced.
11. Ecology - development in accordance with the ecological avoidance, mitigation and enhancement measures set out in the submitted PEA;
12. Ecology - no demolition of buildings during bird nesting season (14th February and 31st August inclusive), unless otherwise approved;
13. Highways conditions (to be provided in update sheet or finalised post-committee in consultation with Highways Authority; and
14. Drainage conditions (to be provided in update sheet or finalised post-committee in consultation with the Local Lead Flood Authority).

The meeting concluded at 3:30pm

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Chair