



Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Jocelyn Bond
Councillor Norman Brooks
Councillor Linda Coulam
Councillor Graham Elliott
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Craig Rivett

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside, Lowestoft,
on **Tuesday, 8 October 2019 at 2:00 pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

3 Declarations of Lobbying and Responses to Lobbying

To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.

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4a	Minutes of the Meeting held on 13 August 2019 To confirm as a correct record	1 - 17
4b	Minutes of the Meeting held on 10 September 2019 To confirm as a correct record	18 - 26
5	East Suffolk Enforcement Action – Case Update ES/0172 Report of the Head of Planning and Coastal Management	27 - 39
6	DC/19/0051/FUL - Ingate Ironworks, Gosford Road, Beccles, NR34 9QP ES/0165 Report of the Head of Planning and Coastal Management	40 - 56
7	DC/19/2796/RG3 - Land between Constable Close and Harbour Road, Lowestoft, NR32 2QU ES/0166 Report of the Head of Planning and Coastal Management	57 - 69
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11	DC/19/3066/FUL - Leiston Sports Centre, Red House Lane, Leiston ES/0170 Report of the Head of Planning and Coastal Management	102 - 105
12	DC/19/2451/FUL - Land North of Barnards Way, Lowestoft ES/0171 Report of the Head of Planning and Coastal Management	106 - 111

Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft on **Tuesday, 13 August 2019 at 2:00 pm**

Members of the Committee present:

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

Other Members present:

Councillor David Beavan, Councillor Alison Cackett, Councillor Tony Goldson

Officers present:

Katherine Abbott (Democratic Services Officer), Liz Beighton (Planning Development Manager), Mia Glass (Assistant Enforcement Officer), Chris Green (Senior Planning Officer), Liz Martin (Senior Design and Conservation Officer), Phil Perkin (Team Leader), Philip Ridley (Head of Planning and Coastal Management), Melanie van de Pieterman (Planning Officer)

1 Apologies for Absence and Substitutions

Apologies for Absence were received from Councillor Graham Elliott. Councillor David Beavan acted as Substitute.

Before turning to the remainder of the Agenda, the Chairman paid tribute to Mr Martin Plane, a former Head of Planning Services at Waveney District Council, who had passed away in July. The Committee stood for a minute's silence as a mark of its respect and in memory of the late Mr Plane.

2 Declarations of Interest

Councillor Ashdown declared a Local Non-Pecuniary Interest with respect to the application at item 10 (Green Farm House, Green Lane, Somerleyton) as the responsible Ward Member. Councillor Ashdown also stated that, for information and openness, he wished to have it noted that the applicants for item 11 (Sandalwood, Stirrups Lane, Corton) had signed his Nomination Form but, in so doing, it had been the first time he had met them.

Councillor Beavan declared a Local Non-Pecuniary Interest with respect to the applications at items 13 and 14 (The Old Chapel, Mill Lane, Southwold) as a member of

Southwold Town Council's Planning Committee; for additional clarity, Councillor Beavan stated that he had not been present at the Town Council's meeting which had discussed the applications.

Councillor Coulam declared a Local Non-Pecuniary Interest with respect to item 12 (24 Suffolk Road, Lowestoft) as the applicant had formerly acted as her accountant.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Ashdown declared that he had received one telephone call regarding the application at item 8 (Spexhall Hall, Spexhall) but had made no formal response.

Councillor Beavan declared that he had independently requested a visit to the site of the application at item 8 (Spexhall Hall, Spexhall) with the owner. He stated that this had been for fact-finding purposes and the application had not been discussed with the landowner, nor had he (Councillor Beavan) expressed an opinion.

4 Minutes

RESOLVED

That the Minutes of the Meeting held on 11 June 2019 be confirmed as a correct record.

5 Appointments to the Local Plan Working Group

The Planning Committee received report **ES/0100** by the Leader of the Council and introduced by the Democratic Services Officer. The report sought the Committee's consideration of an appointment to the membership of the Council's Local Plan Working Group for the 2019/20 Municipal Year.

The Planning Committee noted that the Local Plan Working Group was one of several internal Working Groups which had been established as part of the Council's corporate governance framework and in support of democratic processes and decision-making arrangements. The Planning Committee was also referred to the Local Plan Working Group's Terms of Reference, attached as an appendix to the report, which stated that two members of the Planning Committee be appointed to the Working Group. It had been agreed at the Full Council meeting on 24 July 2019 that a representative from each of the two Planning Committees be sought and appointed.

The Chairman sought nominations for a representative of the Planning Committee North to the Working Group. It was proposed by Councillor Ceresa and seconded by Councillor Rivett that Councillor Brooks be nominated for this appointment. There were no other nominations.

RESOLVED

That, by unanimous vote, Councillor Brooks be appointed as the representative of Planning Committee North to the Local Plan Working Group, for the remainder of the 2019/20 Municipal Year.

6 Enforcement Performance Report - April to June 2019

The Planning Committee received report **ES/0101** by the Head of Planning and Coastal Management. The report provided information on the performance of the enforcement section for the quarter April to June 2019.

It was noted that, in future, the report would be presented to the Strategic Planning Committee on a quarterly basis.

There being no questions or matters raised for debate, the Chairman moved to the recommendation which was proposed, seconded and by unanimous vote

RESOLVED

That the report on the Enforcement Team's statistics be received.

7 East Suffolk Enforcement Action - Case Update

The Planning Committee received report **ES/0102** by the Head of Planning and Coastal Management. The report provided a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had either been sanctioned under delegated powers, or by the Planning Committees, up to 30 July 2019. It was noted that there were currently 16 such enforcement cases.

There being no questions or matters raised for debate, the Chairman moved to the recommendation which was proposed, seconded and by unanimous vote

RESOLVED

That the report on outstanding enforcement matters, up to 30 July 2019, be received.

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

The Head of Planning and Coastal Management introduced this item.

The Head of Planning and Coastal Management stated that this application was re-presented for determination and referred to section 2 of the report, **ES/0036**, which provided detail on the background to the application and the current position. In particular, the Head of Planning and Coastal Management stated that, following the Committee's previous determination in June 2019, the advice of counsel had been sought on the lawfulness of that resolution. Counsel's advise was that the application be referred back to the Committee so that it might consider whether its June decision should be confirmed, subject to conditions or not, and if so what the planning reasons for approving planning permission were - having particular regard to the statutory primacy of the development plan, the specific requirements of the National Planning Policy Framework (NPPF) and case law as to how harm to designated heritage assets should be treated. Equally, if the Committee considered a different determination should be made, it was asked to provide its planning reasons for so doing. The Head of Planning and Coastal Management also referenced relevant appeal decisions regarding the development of dwellings outside settlement boundaries and quoted the Planning

Inspectorate's findings on sustainable development matters in terms of the NPPFs criteria.

The Planning Committee received report **ES/0036** by the Head of Planning and Coastal Management. The Case Officer summarised the revised submission following an application for four dwellings, refused by the former Waveney District Council's Planning Committee in August 2018. The application sought to demolish an agricultural building and replace it with two detached four bedroom houses. The application also proposed to convert and extend an existing outbuilding to create a further two bedroom house; therefore, the application proposed three dwellings on the site. The site lay in open countryside, outside any defined physical limits where, in accordance with local and national planning policy, there was a presumption against new residential development. No exceptions to set aside the policies of restraint were applicable and the applicants had not proposed that the application met any of these exceptions as part of the formal submission; therefore, the proposed development was contrary to adopted policy. Spexhall Hall was a Grade II listed building and the Case Officer said the proposed development would be harmful to its setting and that any benefits which might arise from permitting the scheme would not outweigh the harm it would cause and these would also be private, not public, benefits. The application, therefore, failed the test for preservation of the setting of listed buildings, as set out in the National Planning Policy Framework (NPPF) and legislation. The Case Officer referred to section 3 of the report, site description, and highlighted that the listing description (paragraph 3.3) noted the importance of the Hall as an acknowledged moated site, therefore, it was a building of historical importance. The Committee was also referred to the Update Sheet which advised that, as at 6 August 2019, the Council had formally published that it had 6.58 years supply of housing and that this should be considered, alongside the NPPF, relevant case law and appeal decisions when making its determinations. The Committee also noted that the applicant had submitted additional correspondence on 12 August 2019, precised in the Update Sheet and published in full on the website, since the Committee had previously considered the item in June 2019.

The Chairman invited questions.

A member of the Committee asked about the size of the proposed gardens; he also asked about the effect on the existing building. The member further asked about the potential effect on existing buildings. In response, the Committee was advised that the proposed garden would be the size of the former courtyard it would replace. In addition, the Case Officer said there was a listed building in one corner of the site but the indicative layout took this into account and a proposed "buffer zone" had been incorporated to minimise impact. The Case Officer added that the original layout had been amended to indicate single storey dwellings.

The Chairman invited Mr Ian Miller, acting as Agent on behalf of the Applicant, to address the Committee.

Mr Miller referred to there being no objections to the application from the local community or statutory bodies. Mr Miller said the application was now before its third meeting of the Committee and referred to the original submission having been

amended and accepted in June 2019. Mr Miller said he found it astonishing that the application was before the Committee once again.

Mr Miller said the Council's Local Plan sought a 10% growth in housing in rural areas, such as this application, and this was further encouraged by the National Planning Policy Framework. Mr Miller further referred to the Local Plan policy which sought small scale residential developments of up to five dwellings which had local support; Mr Miller stated that this application had such local support and the proposal was for a small scale development to the north of Spexhall Hall with a southerly aspect. Mr Miller referred to the Case Officer having repeatedly said that the agricultural buildings at the site were of no heritage or historic significance or benefit but, he considered that approval of the application would, as well as permanent development, enable the site to be enhanced and tidied. Mr Miller also referred to the Part Q conversion of the agricultural barn to three dwellings which had received prior approval in December 2016 and highlighted that the Part Q had not been referred to in the approval letter; he commented that such Part Q arrangements required that projects commenced within three years and not that they be completed within three years. This assertion was, he said, at odds with the report's paragraphs 2.7 to 2.13 regarding the prior approval application (Part Q). In conclusion, Mr Miller asked the Committee to approve the application without a re-vote.

The Chairman invited questions.

A member of the Committee referred to Mr Miller's assertion that a Part Q agreement required commencement within three years and asked why the previously approved application, from December 2016, had not yet commenced. Mr Miller replied that the applicant had wished to deal with the site as a whole. Another member of the Committee asked if the brick building would be retained or demolished if the application was refused. Mr Miller said he anticipated that it would remain, as it was, while permanent development was pursued.

The Chairman invited the two Ward Members to address the Committee. Councillor Cackett stated that she was very disappointed that the application had returned to the Committee for further consideration. Councillor Cackett said the applicant continued to try and satisfy the wishes of the Committee and the original design had been substantially altered. She added that the site was not a working farm and its barns were derelict. The site was, she said, in close proximity to two other properties with no objections raised and Councillor Cackett also highlighted that the Parish Council supported the need for new housing in the area. Councillor Cackett said the site was well-shielded being located behind Spexhall Hall and was within walking distance of bus routes, a church and village shop. Councillor Cackett considered the site to be sustainable and also said the village boundary, as indicated in the Local Plan, was incorrect. Councillor Goldson said the Planning Committee had voted to approve the application at its meeting in June 2019, that he believed in democracy and, if the Committee were to alter its decision, he considered it would bring the Committee into disrepute. Councillor Goldson further suggested that, if the application was refused, the Local Plan might need to be challenged because it supported a development of 20 dwellings in Rumburgh which, he said, had no street lighting or transport links, yet the Local Plan considered this proposed development to be unsustainable despite it being

accessible and having access to public transport. Councillor Goldson also considered the village boundary, as indicated in the Local Plan, to be incorrectly identified.

A member of the Committee, referred to paragraph 2.6 of the report relating to the legal advice of Counsel that, whether the Committee confirmed its decision from its June 2019 meeting or came to a different decision, valid planning reasons for the decision needed to be given and asked Councillor Goldson to comment on this. Councillor Goldson replied that the application should be approved for the reasons that it was accessible, that if it were refused it would mean the Local Plan was "flawed" and because he considered many of the points made in the report by Officers to be incorrect. The member of the Committee suggested that this would not constitute sufficiently valid planning reasons with which to overturn the recommendation.

The Head of Planning and Coastal Management referred to the very detailed report and presentation which had been provided to the Committee. He added that the Council's new Local Plan had been adopted in March 2019 and been found to be sound by the Planning Inspectorate, therefore, he said, Councillor Goldson's statement would not stand as valid in planning terms. The Committee was referred to the overall balance and conclusion of the Planning Inspector with regard to a similar and relevant appeal decision (Hill Farm Barn, Weston) and provided in full at appendix 1 to the report, specifically the statutory primacy of an adopted development plan. The Head of Planning and Coastal Management added that the report and presentation by the Officer, and his advice to the meeting, were provided to ensure the full range of planning considerations were identified to enable the Planning Committee to reach decisions which were evidenced, lawful and defensible. In addition, he said, if the Planning Committee was of the view that a contrary outcome was to be forthcoming, whilst it was entitled to reject an Officer's recommendation, the Planning Committee was cognisant of the associated implications of so doing. The Head of Planning and Coastal Management said his strong advice would be that Councillor Goldson's reasons would not withstand challenge and, therefore, the Committee would need to state valid planning reasons if it wished to overturn the Officer's recommendation.

Councillor Goldson reiterated that the location was sustainable and would also provide support for the local pub and school; he repeated that it was a more sustainable than other locations, such as Rumburgh, where development had been approved. Therefore, he said, he disagreed with the Head of Planning and Coastal Management's statement.

The Chairman invited the Committee to debate.

During debate, the following points were made by some members of the Committee:

- That the outbuildings were not in current agricultural use and were now "derelict shells"
- That the site was sustainable
- That the application would result in no material harm
- That the lack of progress on the Part Q was unhelpful as it did not show or support the intention to develop the site
- That the removal of the derelict buildings would make the site more visually appealing

- That the site was outside the defined physical limits and, therefore, there was a presumption against new residential development
- There were concerns that the application would result in a total of six units and that this was over-development outside the settlement boundaries
- The lack of objections to the application needed to be considered equally against the fact that no third party support had been received beyond Parish and Ward Councillors
- That no valid planning reason had been provided for voting against the Officer's recommendation and the Local Plan
- That the Local Plan had been newly adopted by a significant majority of the Council

In response to a query by a member of the Committee regarding the Part Q and the date for commencement of works, the Planning Development Manager advised that the related decision notice from 2016 had provided a deadline for the commencement of works, that being December 2019; completion of those works needed to be within three years, as per the legislation (Town and Country Planning (General Permitted Development)(England) Order 2015). The Head of Planning and Coastal Management said there had been an administrative error in the issue of the Part Q in 2016 and that, having met with the Applicant and their agent on site recently, and notwithstanding the Part Q, there was an opportunity to have further discussion regarding the concluding of the Part Q and to work to identify a mutually acceptable resolution, irrespective of the Committee's determination of the application.

The Head of Planning and Coastal Management, with reference to points made during debate, referred to discussions on the sustainability of settlements by the members of the Local Plan Working Group and that these now formed the parameters within the adopted Local Plan to ensure sound planning decisions. He added that the application site was not well-related to a settlement, was an isolated site and, if approved, would result in the development of six residential dwellings plus Spexhall Hall in a location which did not meet the criteria within the Local Plan.

The Chairman asked if the Committee would wish to visit the site. There was no support for this proposal.

The Chairman moved to the recommendations which were proposed by Councillor Pitchers, seconded by Councillor Gee and by a majority vote

RESOLVED

That the Head of Planning and Coastal Management be delegated to **REFUSE** planning permission upon the expiry of the advertisement period for the following reasons:

1. The site lies in open countryside outside the physical limits defined by Policy WLP1.2 of the East Suffolk Council Waveney Local Plan (March 2019). The application site does not constitute a clearly identifiable gap within a built up area of a settlement in the countryside neither does it have existing residential properties on two sides. The proposal is therefore contrary to Policies WLP1.2, WLP8.7 (Small Scale Residential Development in the Countryside) and WLP7.1 (Rural Settlement Hierarchy).

2. The existing brick building is not a heritage asset nor is it locally distinctive and of architectural merit. The proposed conversion and extension constitutes more than minimal alteration to the building contrary to the provisions of Policy WLP8.11 (Conversion of Rural Buildings to Residential Use).

3. The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to Policy WLP8.37 and paragraphs 193 and 196 of the National Planning Policy Framework. The harm that would be caused to the character and appearance of the area and the setting of the listed building would significantly outweigh the limited benefits which would accrue.

9 DC/19/2129/FUL - Hall Farm, Flixton Road, Bungay, Suffolk, NR35 1PD

The Planning Committee received report **ES/0103** by the Head of Planning and Coastal Management. The application sought full planning permission for the sub-division of the dwelling at Hall Farm in order to create two dwellings together with a replacement side extension. In summarising the report, the Case Officer advised the Committee that the principle of the creation of a new dwelling through sub-division was contrary to the Local Plan which did not explicitly permit such development. However, he added that the National Planning Policy Framework (NPPF) 2019 (paragraph 79) supported new isolated homes in the countryside where it comprised sub-division of an existing residential dwelling. Therefore, the Local Plan was inconsistent with the NPPF; Officers considered that the conflict with the Local Plan's policy was outweighed by the supported policy of the NPPF. Therefore, the application was before the Committee as a departure from the Local Plan. The Case Officer further advised that the application site was located in the countryside, less than one mile from Bungay and was proximate to a sustainable development with good access to local shops, services and facilities. The Case Officer said no significant adverse impacts had been identified and the proposed development was considered to be sustainable.

There were no public speakers.

The Chairman invited questions of the Case Officer.

In response to a query from a member of the Committee, the Case Officer referred to his presentation to clarify the location of the Grade II listed building at Upland Hall, some 145m to the southwest of the application site's farmhouse.

Another member of the Committee asked for clarity on the extent, or otherwise, of any alteration to the external appearance of the farmhouse, as an historic building of character, as a result of the proposed sub-division. The Case Officer responded that the proposed sub-division would not compromise the external appearance of the building and extensively any changes would be internal.

The Chairman moved to debate. A member stated that he supported the application and welcomed the addition of a modest, additional dwelling. Other members agreed with this statement. The Committee noted that, as stated within the Update Sheet, an amendment to the published recommendation was sought to reference the required payment of a Recreational Avoidance and Mitigation Strategy (RAMS) contribution.

The Chairman moved to the amended recommendations which were proposed by Councillor Beavan, seconded by Councillor Pitchers and by unanimous vote

RESOLVED

That the application be **APPROVED**, subject to the following planning conditions and receipt of the required contribution to the Recreational Avoidance and Mitigation Strategy (RAMS):

1. Time Limit

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. Plan Compliance

The development hereby permitted shall be carried out in accordance with the following plans and documents: Application Form, Planning & Heritage Statement, Drawing Nos. 20-001, 20-003, 20-004, 20-005, 20-007 and 20-008; all received 28 May 2019.

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

3. External Materials of Extension

There shall be no development above slab level until precise details of the materials to be used in the construction of the external surfaces of the hereby approved extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of good design to secure a high quality finish.

4. Parking and Manoeuvring Areas pre-occupation

The use shall not commence until the area(s) within the site shown on Drawing No. 20-004 for the purposes of 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.

5. Removal of Permitted Development Rights (fences and means of enclosure)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, [or any order revoking/re-enacting the said order with or without modification] no screen wall, boundary fence or other means of linking or enclosure shall be erected on the site (denoted by the red line area indicated on Site Location Plan Drawing No. 20-001) unless express planning permission is granted by the Local Planning Authority for such development.

Reason: In the interest of preserving the setting of the Grade II Listed Upland Hall.

The Planning Committee received report **ES/0104** by the Head of Planning and Coastal Management. The application sought consent for internal alterations and the removal of the external modern chimney stack. The application sought consent for the removal of an internal wall between the kitchen and dining room, which would require the insertion of a supporting timber structure, and the installation of a shower. The internal changes would remove an historic portion of the original fabric of wall and a change to the cellular room form found in traditional design. The property was a listed Grade II building. The Case Officer referred to the planning considerations detailed within the report and to the pre-application advice which had been given but had not been followed within the submission. The Case Officer stated that approval of the application was not recommended due to the harm caused to the significance of the listed building through the merging of internal spaces, and the loss of elements of the original fabric in the form of an historic doorway and walling.

The Chairman invited questions.

A member of the Committee, with reference to the wording of the recommendation to refuse, asked for additional clarity about the statement regarding public benefit not having been identified and how this related to a private residence. The Case Officer referred to the National Planning Policy Framework (NPPF) paragraphs 193 to 196 which were absolute in stating that harm to a heritage asset should reflect the value of that asset as well as the degree of harm, or be justified by public benefit. The Head of Planning and Coastal Management, in response to a further question about reflecting the value of an asset, said that although a listed building might be owned and inhabited by an individual, in many ways the owner was the custodian of the property. He added that it was important to consider the retention of the integrity of the wall and the reading of it; if the external wall was demolished it raised concerns that no detail to indicate an historic structure would remain. The Head of Planning and Coastal Management referred to the plans within the Case Officer's presentation which indicated demolition of the entire wall but, when asked, Mr Fennell (the Applicant) stated that, because it was a single storey and sloped roof, it was proposed to remove no more than 3/5ths of the wall. Mr Fennell indicated, on the revised plan, the elements which would be retained. This was noted as a variance to the application before the Committee.

There being no further questions, the Chairman invited Mr Jon Fennell, the Applicant, to further address the Committee.

Mr Fennell said he had found the Case Officer's report to be "opinionated and subjective". Mr Fennell advised that the house was constituted of three parts, one being Georgian, another constructed in the 1880s with the third, the dining room, being a later addition with an unknown date of construction. Mr Fennell said that the wall in question was an external wall and that the chimney stack had been installed in 2001 for use with an Aga range. Mr Fennell said the Aga had not been suitable for his family's use and therefore the chimney stack was no longer needed. He added that the chimney stack had been built outside of the period when the house had been listed (in 1997) but this could not be evidenced; Mr Fennell said he was therefore within his rights to remove it. Mr Fennell added that the insertion of a supporting timber structure would be at a reasonable height and that the proportions of the building

would be retained. With regard to the bathroom, Mr Fennell said that, behind the plaster, there was a modern wall.

The Chairman invited questions.

A member of the Committee asked if the application would make the house more user friendly for Mr Fennell's family. Mr Fennell replied that the dining room, with the chimney stack, was too small and that the proposed alterations would mean it could be utilised more often. He added that the additional shower and toilet would also provide more space and facilities.

The Chairman moved to the original recommendation which failed. It was suggested that, subject to the submission of a revised plan (with revision reference attached) and the Case Officer being satisfied that no more than 3/5ths of the wall would be removed, the recommendation within the report be amended to delegate authority to determine. A new recommendation was proposed by Councillor Brooks, seconded by Councillor Coulam and by majority vote

RESOLVED

That **AUTHORITY TO DETERMINE** be granted to the Head of Planning and Coastal Management to determine the application subject to the submission of revised plan (with revision reference attached) and satisfaction that no more than 3/5ths of the internal wall between the kitchen and dining room be removed.

11 DC/19/2286/LBC - Sandalwood, Stirrups Lane, Corton, Lowestoft, NR32 5LD

The Committee received report **ES/0105** which sought full planning permission for the demolition of existing outbuildings and the construction of a new garage and stable block. The application was presented to the Committee because the applicant was a relative of a serving Councillor. The Case Officer summarised her report which described the site as a one and half storey brick and tile modern property located on the eastern side of Stirrups Lane close to the junction with the A47. To the west, there were a pair of semi-detached late Victorian/early Edwardian two storey dwellings, facing directly on to the A47 and with gardens extending to the application site. The gardens were approximately 30m long and contained some outbuildings which were separated from the application site by mature hedging and a 1.8m close boarded fence. The proposed garage would be comprised of a single 5m high storey, brick and tile construction and accommodate three cars measuring 12.6m by 6.1m. The garage would be linear in form and would abut the western boundary of the dwelling, running north to south, and would be served by the established access directly off Stirrups Lane. The proposed stable block would be in a traditional 'L' shaped design, be 4.5m in height and measure 7.6m by 3.6m. It would contain two stables and a tack room. This would be located in the south-western corner of the site and be served by an existing access track around the perimeter to form an access to the eastern end of the curtilage.

There being no questions, public speakers or matters raised for debate, the Chairman moved to the recommendation which was proposed by Councillor Pitchers, seconded by Councillor Rivett and by unanimous vote

RESOLVED

That planning permission 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 development hereby permitted shall be completed in all respects strictly in accordance with plans numbered 200519-1A (Block Plan) and 200519-3 (proposed floor plans and elevations) received 6 June 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall match those used in the existing building unless annotated otherwise on the drawing hereby approved.

Reason: To ensure the satisfactory external appearance of the development.

12 DC/19/2007/FUL - 24 Suffolk Road, Lowestoft, NR32 1DZ

The Committee received report **ES/0106** which sought permission for the replacement of windows to the frontage of a commercial property in the adopted Lowestoft Conservation Area with uPVC replacements. The application was presented to the Committee because the applicant was a relative of a serving Councillor. The Case Officer summarised his report which described the application site which was located within the town centre of Lowestoft as defined in the Local Plan. The application sought the installation of uPVC vertical sliding sash windows and a composite timber door to the frontage of the unlisted commercial building within the extended Lowestoft Conservation Area. The Case Officer referred to the planning considerations detailed within his written report including the fact that the applicant's design and access statement had not described the condition of the existing windows beyond reference to their poor thermal performance. The Committee was also referred to the Council's relevant planning policy (WLP8.39 of the East Suffolk Local Plan 2019) which stated that applications for replacement doors and windows, within conservation areas, needed to be of suitable design, construction and materials. Further, the policy stated that such applications would be assessed with reference to the prominence of the location, the historic and architectural value of the building and of the feature to be replaced. The Case Officer concluded that the application was recommended for refusal as it was contrary to the planning policy with regard to the retention of historic features and congruity within a conservation area, with no proposed retention of original materials.

There being no questions for the Case Officer, the Chairman invited Mr James Rudd, the Applicant, to address the Committee.

Mr Rudd referred to the poor state of disrepair in the vicinity of the property. He stated that the proposed replacement windows would enhance the professional appearance of his business premises and would also provide improved thermal efficiency, safety by facilitating fire egress, and security. Mr Rudd referred to the Full Council's unanimous decision in July 2019 to declare a climate emergency and its aspiration to work towards carbon neutrality. Mr Rudd said the current door to the premises would expand and shrink in the summer and winter causing it to either stick or blow open. He continued to say that the windows on the first floor were original and likely to be those which would be replaced. Mr Rudd referred to the poor state of the windows and expressed concern at their continued deterioration if they were not replaced.

The Chairman invited questions.

A member of the Committee asked if Mr Rudd had had the opportunity to pass the report of the company which had assessed the windows to the Case Officer. Mr Rudd explained that he had not received a formal quote following the company's visual inspection. The member then referred to the current recommendation to refuse and asked Mr Rudd if he would agree that it might be helpful to his case if he were willing to explore and provide a report on whether the windows were beyond economic repair. The Case Officer further explained that a report, provided by a specialist joiner, of the cost to bring the windows back into use and of their estimated life could then be compared to the cost of the replacement uPVC windows and, if demonstrably more and so economically unviable, the application could, potentially, be reconsidered. Another member asked if Mr Rudd had photographs of the proposed replacement windows; Mr Rudd replied that he had photographs of the existing windows. Mr Rudd confirmed that the replacement door would be of a similar design as the current door with glass panels. A further member of the Committee said it was important, in reaching a decision on the application, to refer to the planning policy but, he suggested, equally important to consider the environmental issues, including the potential use of sustainable, natural resources and, of course, the need to support a local business. The member said that if, having considered all aspects, the Committee was minded to approve the application it would be important to ensure this was with suitable conditions to ensure the integrity of the conservation area was not adversely impacted upon.

Another member said that, in light of the Case Officer's report and recommendation, he considered an economic assessment to be required which would identify if costs were disproportionate and economically unviable.

There being no further questions or matters raised for debate, the Chairman moved to the recommendation to refuse permission as detailed in the written report. The recommendation was not proposed and therefore failed. A new recommendation was proposed by Councillor Rivett, seconded by Councillor Brooks and by majority vote **RESOLVED**

That delegated authority to determine and approve be granted, subject to it being proven that repair costs were economically unviable.

13 DC/19/2004/FUL - The Old Chapel, 5 Mill Lane, Southwold, Suffolk, IP18 6HW

The Committee received a joint presentation from the Case Officer for this agenda item and the next, reports **ES/0107** and **ES/0108**, respectively. Report ES/0107 and ES/0108 sought permission to vary a previous approval (DC/17/4306/FUL) for the removal of a 1980 vintage side extension to a listed non-conformist chapel near the centre of Southwold with a linking mainly glazed building, a substantial rebuild and enlargement of an outbuilding at the rear of the property to replace lost space and provide additional space for living accommodation. Subject to approval, two parking spaces would be provided on the site of the demolished extension. It was proposed to increase the length of a new build extension by 900mm, to increase privacy by raising the conservatory wall to 2m, alterations to the windows of the new build extension and removal of an external door. The building was a Grade II listed building situated in the Southwold Conservation Area. The Case Officer referred to planning considerations, detailed with the related reports, and stated that the proposed scheme was in accord with policies WLP8.29 (Design), WLP8.37 (Historic Environment) and WLP8.39 (Conservation Areas) which, collectively, sought to protect and enhance the historic environment.

The minute at item 14, below, also refers.

There being no questions, the Chairman invited Mr Simon Flunder, Southwold Town Council, to address the Committee. Mr Flunder said he was pleased that the Council's policies were committed to the protection and enhancement of Grade II Listed Buildings. Mr Flunder referred to Southwold Town Council's objections to these proposals and those that had preceded it, as reproduced within the Committee report, which were, he said, mainly to do with parking and associated health and safety concerns. Mr Flunder said a typical new build with 3 or 4 bedrooms would have three parking spaces but the proposal sought two open front parking spaces and, he added, it was difficult to establish if the parking area would be level with, or forward of, the front elevation. Mr Flunder said Mill Lane was a single track road, 3.9m wide, with no footpath, therefore, he said, it would be a very tight turn for a vehicle to access or egress the parking spaces and, in his opinion, this raised serious health and safety concerns. Mr Flunder suggested that, for safety, a 5m width would be required. Mr Flunder welcomed the proposed increased height of the conservatory walls as, he said, this would marginally reduce light pollution. Mr Flunder concluded by referring to the conditions to the recommendations which sought the full specifications of all external materials in order to preserve and enhance the character of the building and appearance of the Conservation Area, he queried how the Council would administer this if the details were unknown.

The Chairman invited questions.

In response to a query by a member of the Committee seeking confirmation of the impact on the amount of accommodation as a result of the proposed variations to the approved planning permission, it was stated that additional accommodation would be created.

The Chairman invited Mr John Bennett, Architect, to address the Committee.

Mr Bennett said the main objective of the variations was to restore the existing form, improve the privacy of neighbouring properties and increase parking spaces. In response to Mr Flunder's earlier remarks, Mr Bennett said that 5m to assist parking was already in place. Mr Bennett said that he considered the proposal ameliorated the parking arrangements and did not aggravate this provision.

The Chairman invited questions.

A member of the Committee said that the footprint of the variation was the same as the previous application which was larger than what was in existence. Mr Flunder referred to outbuildings which had been removed but, he said, had added only 3 feet to the rear of the site. Another member of the Committee asked the Case Officer if the parking met minimum standards. The Case Officer confirmed that a standard car parking space was 5m x 2.5m and that this was the size indicated on the plans.

The member of the Committee, with reference to Mr Flunder's earlier remarks about light pollution, asked if the Case Officer considered a condition in this regard might be required. The Case Officer responded that the conservatory was not a living space and, also, such a condition had not been applied in 2017 when approval was granted. He added that the screening on the glazing would help to minimise light spillage.

The Chairman moved to debate.

A member of the Committee considered the parking issues to be important and that 5m may not be sufficient and, potentially, parked vehicles might protrude on to a narrow road with, he said, significant numbers of pedestrians. Another member said that 5m was the minimum required standard.

There being no further questions or matters raised for debate, the Chairman moved to the recommendations which were proposed by Councillor Pitchers, seconded by Councillor Brooks and by majority vote

RESOLVED

APPROVED with 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 development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos 140905A; 140914C; 00902B; received on 17/05/19 and 140909 received on 10/10/17.

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

3. No development shall commence until details/detailed drawings of the following matters shall be submitted to the local planning authority for approval in

writing:

[i] full specification of external materials, including hard surfacing within the curtilage;

(ii) boundary walls and gates.

The approved details shall be implemented in their entirety before the extensions are first occupied.

Reason: To ensure the works preserve and enhance the special character of the building and the character and appearance of the Conservation Area: the application did not include the necessary details for consideration.

4. The first floor windows in the west elevation of the two-storey extension shall be fitted with obscure glazing and shall thereafter be retained.

Reason: To avoid undue loss of privacy to neighbouring residents in the interests of residential amenity.

14 DC/19/2005/LBC - The Old Chapel, 5 Mill Lane, Southwold, Suffolk, IP18 6HW

The Committee received a joint presentation for this agenda item and the next, reports **ES/0107 and ES/0108**, respectively. Report ES/0107 sought full planning permission for material amendments to approval DC/17/4306/FUL - increasing the length of a new build extension by 900mm, increasing privacy by raising the conservatory wall to 2m, and alterations to windows of new build extension and removal of external door. Report ES/0108 sought listed building consent for the same material amendments also to DC/17/4306/FUL.

The minute at item 13, above, refers.

The Chairman moved to the separate recommendations for this report which were proposed by Councillor Pitchers, seconded by Councillor Brooks and, by majority vote

RESOLVED

APPROVED with the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos 140905A; 140914C; 00902B; received on 17/05/19 and 140909 received on 10/10/17.

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

3. No development shall commence until details/detailed drawings of the following matters shall be submitted to the local planning authority for approval in writing:

[i] full specification of external materials, including hard surfacing within the curtilage;

- [ii] restored balconies;
- [iii] restored arched windows;
- [iv] new opening to the chapel to the first floor flank; other works to remediate and repair historic brick where uncovered by the works to remove the 1980 vintage extension.
- [v] boundary walls and gates.

The approved details shall be implemented in their entirety before the extensions are first occupied.

Reason: To ensure the works preserve and enhance the special character of this listed building: the application did not include the necessary details for consideration.

The meeting concluded at 4.45pm

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Chairman

Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 10 September 2019 at 2:00 pm**

Members of the Committee present:

Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Craig Rivett

Officers present:

Liz Beighton (Planning Development Manager), Joe Blackmore (Senior Planning and Enforcement Officer), Mia Glass (Assistant Planning and Enforcement Officer), Matt Makin (Democratic Services Officer), Iain Robertson (Area Planning and Enforcement Officer)

Before moving to the first item of business, the Acting Chairman announced the recent deaths of former Councillors Jim Bidwell and Simon Woods. She paid tribute to both former councillors, highlighting their public service at district and town level.

The Committee stood in silence in memory of former Councillors Bidwell and Woods.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Ashdown, Bond, and Brooks. Councillor Goldson acted as substitute for Councillor Ashdown, Councillor Cooper acted as substitute for Councillor Bond, and Councillor Burroughes acted as substitute for Councillor Brooks.

In the absence of Councillor Ashdown, the Chairman of the Committee, the Vice-Chairman Councillor Ceresa acted as Chairman for the meeting.

2 Declarations of Interest

There were no declarations of interest.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Elliott declared that he had discussed the applications at items 5 to 10 of the agenda with the applicant, Bungay Town Council, but had given factual information only.

4 East Suffolk Enforcement Action – Case Update

The Committee received report **ES/0134** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for the Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 22 August 2019.

The Committee advised that the report was taken as read.

RESOLVED

That the contents of the report be received and noted.

5 DC/19/1366/FUL - 2A Trinity Street, Bungay, Suffolk, NR35 1EH

The Committee received reports **ES/0135, ES/0136, ES/0137, ES/0138, ES/0139, and ES/0140** of the Head of Planning and Coastal Management. The reports all related to planning applications for a CCTV scheme in Bungay Town Centre, where the applicant was Bungay Town Council.

The Committee was advised that a single presentation would be given on all the applications and that questions to officers, public speaking and questions to speakers, and debate would be undertaken together for all applications. The Acting Chairman confirmed that the Committee would vote separately on each application. The presentation was made by the Area Planning and Enforcement Officer.

The applications had been made in order to establish a CCTV system which would cover key areas of the Town Centre in a bid to reduce crime figures which were reported to be on the increase since the loss of the presence of PCSOs within Bungay. The applications sought Planning Permission to install CCTV cameras and associated equipment on three buildings which were Grade II listed buildings, situated in prominent positions within the Bungay Conservation Area. The applications had been brought before the Committee at the request of the Referral Panel.

The three site locations were all outlined to the Committee. The Committee was shown details of the equipment to be installed at each site, along with detailed site plans for each location and photographs of each building that demonstrated where the CCTV equipment would be installed.

It was noted that cameras would not be installed at 1A Broad Street. Receivers that would be 1.5 metres in height were proposed to be installed at this location as this would be where CCTV feeds would be monitored from. The Area Planning and Enforcement Officer considered that the current proposals for this location were an improvement on what had originally been proposed by the applicant, which would have resulted in a bracket extending out from decorative plaster on the building.

The Committee was advised that the equipment proposed to be installed at 9 Market Place had been repositioned to the chimney to minimise it standing out.

Photographs of a similar system installed in Beccles were shown to the Committee, to demonstrate how the impact of the equipment on the listed buildings could be mitigated. The Area Planning and Enforcement Officer said that the variations between what was proposed in Bungay and what had been installed in Beccles related

to the need for fewer receivers in Beccles, due to the configuration of buildings allowing the signal to be bounced off the clock tower. Options for a similar set up in Bungay had been explored but such a set up was not possible.

The key issues were summarised as being the impact on listed buildings, the impact on the conservation area, and the public benefit of crime reduction measures.

The recommendations, as set out in the reports, were highlighted to the Committee.

The Acting Chairman invited questions to the Officer.

The images captured by the CCTV system were confirmed to be of a high quality. The Area Planning and Enforcement Officer advised that he had viewed the output of the similar system installed in Beccles and was able to confirm that it was possible to zoom in and get a clear picture. He suggested that the applicant would be able to advise on the clarity of images in more detail.

It was confirmed that any harm caused to the listed buildings was temporary and reversible.

A member of the Committee was concerned about the colouration of the equipment, noting that the receivers could not be coloured to blend in with the buildings they would be installed on. He sought reassurance that the equipment would be as obscured as possible.

The Planning Development Manager advised that the recommendations in the reports included conditions for colouring the equipment to blend in with surroundings wherever possible. She acknowledged that the receivers were required to remain in white to balance the signals received.

It was noted that the equipment positioning on the listed buildings had been relocated to avoid shop fascias in order to minimise the risk of vandalism.

Another member of the Committee asked if mesh netting could be used to further disguise the equipment. The Planning Development Manager said that this would obscure the images captured and that officers found the proposals to be acceptable without such a measure.

The Planning Development Manager informed the Committee that the conditions around the colour of the equipment were worded to ensure that colours would be updated when the colouration of the buildings was changed.

The Acting Chairman invited Mr Burton, representing Bungay Town Council (the applicant), to address the Committee.

Mr Burton confirmed that the system would be installed by the same company that had installed a similar system in Beccles and that three of the cameras in the system would be Automatic Number Plate Recognition (ANPR) cameras. He said that the Town Council would ensure the colour of the equipment was changed to match any future changes to the buildings and noted that the receivers could not be colour coded

without voiding the warranty, as they would need to be disassembled and reassembled in order to do so. He added that mesh netting would also interrupt signals.

The scheme was phase one of a larger CCTV system planned for Bungay. Mr Burton acknowledged that this first phase was top heavy due to the buildings' proximity to the centre of Bungay and advised that the hardwiring used in Beccles was not viable in this instance.

The system had been developed by Bungay Town Council over a period of time and was supported by the Police. Mr Burton highlighted that there had been considerable engagement with Planning Officers to mitigate harm to the listed buildings as much as possible.

The Acting Chairman invited questions to Mr Burton.

Mr Burton was able to confirm that Bungay Town Council had taken the necessary steps to ensure collection of data by the ANPR cameras was GDPR compliant. The data would only be accessed by the Town Council or the Police.

The Acting Chairman invited the Committee to debate the applications that were before it.

Members of the Committee were in favour of the proposals. It was noted that the applicant had worked with officers to minimise the harm caused to listed buildings and considered that the scheme would improve safety. It was highlighted by one member of the Committee that the harm that would be caused was temporary and reversible and the system could therefore be removed when no longer required.

Another member of the Committee, who supported the application, questioned if the images would be as clear as those seen by the Beccles system as there would be no hardwiring.

It was acknowledged that the receivers would not be aesthetically pleasing as they could not be colour coded, but a member of the Committee suggested that this was common across a lot of buildings in town centres.

There being no further debate, the Chairman moved to the recommendation relating to application DC/19/1366/FUL as set out within the report.

On the proposition of Councillor Elliott, seconded by Councillor Rivett it was unanimously

RESOLVED

That planning permission 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 development hereby permitted shall be completed in all respects strictly in accordance with photo montages received on 13 August 2019 and datasheets received on 29 March 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Within six months of the cessation of the use of the equipment it shall be removed from the building.

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Notwithstanding the transmission and receiving dishes, which are proposed to be white, the equipment shall be colour coded to match that of the surface that it is attached to and thereafter maintained in that condition.

Reason: In order to safeguard the special architectural or historic interest of the building.

6 DC/19/1367/LBC - 2A Trinity Street, Bungay, Suffolk, NR35 1EH

There being no further debate, the Chairman moved to the recommendation relating to application DC/19/1367/LBC as set out within the report.

On the proposition of Councillor Goldson, seconded by Councillor Rivett it was unanimously

RESOLVED

That listed building consent be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with photo montages received on 13 August 2019 and datasheets received on 29 March 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Within six months of the cessation of the use of the equipment it shall be removed from the building.

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Notwithstanding the transmission and receiving dishes, which are proposed to be white, the equipment shall be colour coded to match that of the surface that it is attached to and thereafter maintained in that condition.

Reason: In order to safeguard the special architectural or historic interest of the building.

7 DC/19/1373/FUL - 1A Broad Street, Bungay, Suffolk, NR35 1EE

There being no further debate, the Chairman moved to the recommendation relating to application DC/19/1373/FUL as set out within the report.

On the proposition of Councillor Goldson, seconded by Councillor Elliott it was unanimously

RESOLVED

That planning permission 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 development hereby permitted shall be completed in all respects strictly in accordance with photo montages received on 13 August 2019 and datasheet received on 29 March 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Within six months of the cessation of the use of the equipment it shall be removed from the building.

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Notwithstanding the transmission and receiving dishes, which are proposed to be white, the equipment shall be colour coded to match that of the surface that it is attached to and thereafter maintained in that condition.

Reason: In order to safeguard the special architectural or historic interest of the building.

8 DC/19/1374/LBC - 1A Broad Street, Bungay, Suffolk, NR35 1EE

There being no further debate, the Chairman moved to the recommendation relating to application DC/19/1374/LBC as set out within the report.

On the proposition of Councillor Goldson, seconded by Councillor Elliott it was unanimously

RESOLVED

That listed building consent be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with photo montages received on 13 August 2019 and datasheets received on 29 March 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work is begun. The work shall be carried out in accordance with such approved details:

- Details of the attachment of the pole to the existing roof and how the building will be weather proofed.

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Within six months of the cessation of the use of the equipment it shall be removed from the building.

Reason: In order to safeguard the special architectural or historic interest of the building.

5. Notwithstanding the transmission and receiving dishes, which are proposed to be white, the equipment shall be colour coded to match that of the surface that it is attached to and thereafter maintained in that condition.

Reason: In order to safeguard the special architectural or historic interest of the building.

9 DC/19/2193/FUL - 9 Market Place, Bungay, Suffolk, NR35 1AP

There being no further debate, the Chairman moved to the recommendation relating to application DC/19/2193/FUL as set out within the report.

On the proposition of Councillor Burroughes, seconded by Councillor Pitchers it was unanimously

RESOLVED

That planning permission 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 development hereby permitted shall be completed in all respects strictly in accordance with photo montages received on 13 August 2019 and datasheets received on 30 May 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Within six months of the cessation of the use of the equipment it shall be removed from the building.

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Notwithstanding the transmission and receiving dishes, which are proposed to be white, the equipment shall be colour coded to match that of the surface that it is attached to and thereafter maintained in that condition.

Reason: In order to safeguard the special architectural or historic interest of the building.

10 DC/19/2194/LBC - 9 Market Place, Bungay, Suffolk, NR35 1AP

There being no further debate, the Chairman moved to the recommendation relating to application DC/19/2194/LBC as set out within the report.

On the proposition of Councillor Coulam, seconded by Councillor Cooper it was unanimously

RESOLVED

That listed building consent be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with photo montages received on 13 August 2019 and datasheets received on 30 May 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Within six months of the cessation of the use of the equipment it shall be removed from the building.

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Notwithstanding the transmission and receiving dishes, which are proposed to be white, the equipment shall be colour coded to match that of the surface that it is attached to and thereafter maintained in that condition.

Reason: In order to safeguard the special architectural or historic interest of the building.

The meeting concluded at 2:33 pm

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Chairman



PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

08 October 2019

Report Author and Tel No

**Mia Glass
01502 523081**

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 23 September 2019. At present there are 15 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 23 September 2019 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. 	ONGOING – under review.
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged 	31/10/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 21/03/2014 – EN’s served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>hardstanding and access be removed by 16/06/2017.</p> <ul style="list-style-type: none"> • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. • Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. • 27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Notice/ Injunction granted. Two months for compliance (11/12/2018).</p> <ul style="list-style-type: none"> • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the non-attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. 	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months • 11/07/2014 - Final compliance date • 05/09/2014 - Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination 	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served 	30/11/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 - PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>for the site to be cleared before the Notice is served.</p> <ul style="list-style-type: none"> 01/04/2019 – Enforcement Notice served. 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> EN served on 21/12/2016 Notice becomes effective on 25/01/2017 Start date has been received. Public Inquiry to be held on 08/11/2017 Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). Site visit to be conducted once compliance period has finished. 	31/10/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. Site visit due on 07/01/2019. 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. 26/02/2019 – Update to be given at Committee. Awaiting update from Legal. 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the owner is required to comply with the Injunction by 03/09/2019 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action. 	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period 	31/10/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal submitted. Awaiting Start date • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. 	
ENF/2017/0387	14/08/2018	South	64 Grange Road Felixstowe	Untidy Site	<ul style="list-style-type: none"> • 14/08/2018 – S215 Notice served • 3 months for compliance from 13/09/2018 • 12/11/18 - Site in the process of being cleared. • 24/12/2018 - Site has been predominantly cleared. • 26/02/2019 – Property has recently been sold, final works expected to be done imminently. • Property sold at auction, further time given to clear site. 	31/11/2019
ENF/2015/0279/DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and 	30/11/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	
ENF/2018/0057/	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	30/11/2019
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> • Breach of Condition Notice served • Application received to Discharge Conditions • Application pending decision 	31/10/2019
ENF/2018/0330/L ISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> • Listed Building Enforcement Notice served on 17/05/2019. • Notice takes effect on 20/06/2019. Three months for compliance 	30/11/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal has been submitted, awaiting a start date. 	
ENF/2018/0543/ DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. 	30/11/2019
ENF/2018/0385/ COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> • Breach of Condition Notice served 01/08/2019. 	01/02/2020
ENF/2019/0272/ DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> • Enforcement Notice served 16/08/2019. • Appeal submitted, awaiting start letter. 	17/12/2019

PLANNING COMMITTEE NORTH – Tuesday 8 October 2019

ES/0165

APPLICATION NO DC/19/0051/FUL

LOCATION

Ingate Ironworks Gosford Road
Beccles Suffolk
NR34 9QP

EXPIRY DATE 9 April 2019

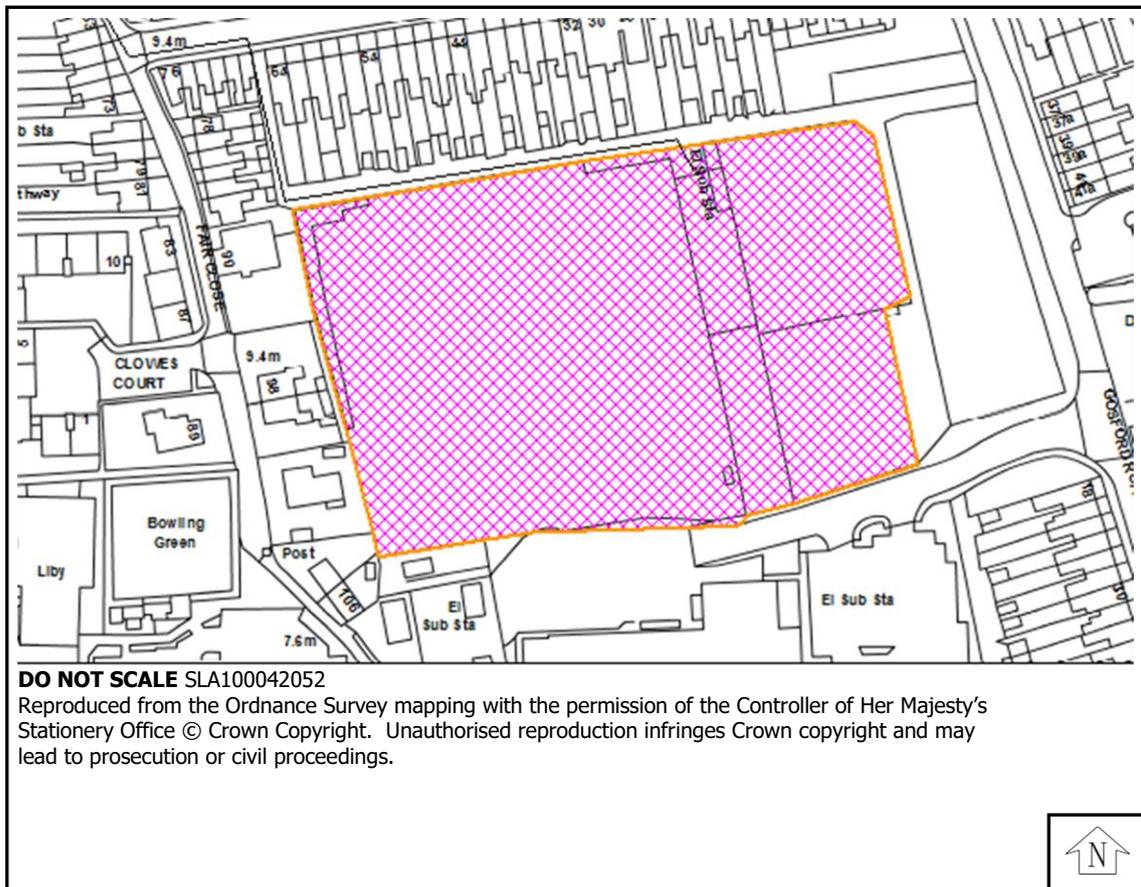
APPLICATION TYPE Full Application

APPLICANT Your Life Management Services Ltd

PARISH Beccles

PROPOSAL Demolition of existing buildings and development of an extra care village (use class C2 and C3), access, car parking, landscaping and ancillary development.

Case Officer Chris Green: Riverside, Lowestoft NR33 0EQ, 01502 523022



1. SUMMARY

- 1.1 This application delivers 80 residential units to be maintained as for the elderly persons over the age of 55 years of age by legal agreement and the provision of “extra care” to at least one member of all resident couples. These are configured in a larger three and four storey block to the east of the site and individual bungalow and chalet bungalows to the west.
- 1.2 The description of the submitted application was for residential institutional use within class C2, it was considered by officers that the separate bungalows were within Class C3 dwellinghouses and advice was sought from counsel which confirmed this. As a result the applicant submitted an affordable housing viability assessment and following the independent scrutiny of it, it has been determined that in this instance contributions towards affordable homes will not be viable.
- 1.3 This proposal was taken to referral panel on 13 August 2019 at which the Panel determined to refer to planning committee, given the wider public interest. The recommendation is for conditional approval

2. SITE DESCRIPTION

- 2.1 The site comprises the former Ingate Ironworks to the east side and vacant land to the west formerly a nursery and then in the 1960s by a plastic container factory. The total site area is 1.27 hectares. The proposal site is screened by commercial warehouses 11m high to ridge, fronting Gosford Road to be retained.
- 2.2 Almost rectangular in plan, this site is bounded on all four sides with existing development. Fair Close, is a residential street which runs around the north and west of the site with the rear of properties facing the site. On the north side there are long terraces of two storey buildings with a rear access alleyway on the proposal site boundary, with garaging and parking.
- 2.3 To the west there is a mix of detached and grouped property of varied form with no rear access but where there is a bank placing the floor level of these properties in an elevated position in relation to the application site. This level change can be seen in the long section drawing submitted.
- 2.4 Part way along the northern boundary there is a substation accessed from the rear access track.
- 2.5 The eastern boundary is formed by the rear of those Home Furnishing warehouses to Gosford Road. This elevation is rather over-bearing and presents little by way of a desirable outlook in this direction.
- 2.6 Roy’s Variety Store is to the south and provides the un-adopted (but wide and well surfaced) road access off Gosford Road for the proposal site. There is a service yard for the store and main electricity substation between the store building and the proposed bungalows. In the south east corner of the site stand the remnants of the Ironworks.

- 2.7 The land originally and the north side rear access, gently slopes uphill from east to west. The site was regraded when the plastic factory was built so there is a level change between the east part where the ironworks stands and the vacant western higher part, but both parts within the site are in themselves level.
- 2.8 The extreme north east corner of the site is within the extended Beccles Conservation Area, there is no building now standing on this part of the site, but no record of complaint or enforcement action on this part of the site.
- 2.9 The rest of the red line development site is outside the conservation area and was occupied by the former Fibrinyl plastics factory and has been subject to untidy land complaints over the years.
- 2.10 Outside the application site and to the further north east across the alleyway that serves the rear of property on Fair Close, there is a Fletton brick and earlier red brick and asbestos cement roofed single storey industrial building that incorporates to its eastern portion a number of double row header segmental arches over multi-pane industrial steel windows with centre hung ventilation elements. This building has been locally listed. There is however no reference to it specifically in the Conservation Area appraisal (July 2014)

3. PROPOSAL

- 3.1 The application seeks permission for 80 dwellings for the provision of an Extra Care closed community, comprising 55 flats within a “Residential Living Plus” building, and 23 Bungalows and two flats over garages. This represents a density of 63 dwellings to the hectare overall
- 3.2 The “Residential Living Plus” building is a four part storey part three storey building providing four different self contained flat types, offering 34 single bedroom self contained flat dwellings and 21 twin bedroom self contained flats.
The detached bungalows and chalet bungalows are segregated by an access road along the existing level change between the eastern and western parts of the site.
- 3.3 The four storey part of the flat building is 11.25m above ground level at its highest point where it is closest to the warehouse buildings to the east of the development site that are of 11m ridge height. These industrial buildings continue through to Gosford Road.
- 3.4 The building is in part three and part four storey in height with the highest parts closest to the higher surrounding buildings to the east and the lower three storey parts closest to the property to the north on Fair Close and with the rising ground level to the west 1500mm higher than the ridge height of the closest bungalow within the scheme.
- 3.5 The flat block provides communal and service spaces for the whole red lined development to the central part of the ground floor with 14 flats to the wings each side. At first floor level there are some staff spaces and overnight staff sleeping accommodation on the north side of the floorplate.
- 3.6 The proposed bungalows, chalet bungalows and over garage flats are organised around a shared-surface loop road cited as creating a community-based arrangement with strong links to the Residential Living Plus building. The site is proposed to feature a gated entry

point, both for vehicles and pedestrians, although the intention is that the gate will open at the approach of all person and vehicles, providing a sense of security and control, without imposing restriction on visitors.

- 3.7 The proposal along western and northern boundaries is generally proposed as single storey with some chalet bungalow two-storey properties with upper storey rooms facing into the development. The bungalows and chalet bungalows offer four types with types A and B of two bedrooms totalling 15 units and type D being three bedrooms and providing four units and type F being one bedroom with four units.
- 3.8 The flats over the garages turn their backs to the substation to act as a noise attenuation buffer. Acoustic boundary treatments also feature in this area to further reduce noise into the site.
- 3.9 There is a pedestrian access gate into the unsurfaced lane that serves the rear of property of Fair Close to the north.

4. CONSULTATIONS/COMMENTS

- 4.1 Beccles Town Council: *“Refused*
- *No affordable housing*
 - *Proposed block of flats is too high and imposing. Would prefer it reduced to 3 storeys rather than 4.*
 - *Should not be a gated community*
 - *Inadequate pedestrian access to the town centre*
 - *Communal meeting room should be accessible to all residents of the new development in order to encourage social inclusion.*
 - *No provision for landscaping with trees to the south of the proposed block of flats”*

Statutory Consultees

- 4.2 Suffolk County - Highways Department: No objection subject to conditions. This development is not accessed directly from the highway maintainable at public expense and so cannot be adopted as public highway (both the Roys Store service road and the un-named service road behind the back gardens of Fair Close, are private roads).

The Highway Authority recommends that any permission should include the conditions that the use does not precede provision of the vehicular manoeuvring and parking space shown on drawings and before commencement details of the cycle storage are submitted and approved.

- 4.3 Environment Agency: No objection subject to conditions. While there could be mobilisation of contamination into the source protection zone this can be managed by appropriate conditions including those that prevent piling without appropriate further information.

Non Statutory Consultees

- 4.4 East Suffolk Council Head of Environmental Health: No objection subject to conditions. The reported lack of any visual or olfactory evidence of any contamination and the

consistent ground conditions across the site means that further assessment of the existing warehouse area can and needs to be carried out post demolition as is also the case with the on-site substation. Further site investigation and an expanded remediation method statement will then be required. This should be secured by using the five appropriately worded model conditions, to be read with any conditions suggested by the Environment Agency.

Some conditions are required to ensure that future site occupants do not suffer from significant adverse impacts from noise, in particular the acoustic barrier specified in the applicants submission and glazing and ventilation measures specified for the flats. Further work should be secured by condition to assess and mitigate any plant and the new substation proposed.

- 4.5 Police - Crime Reduction : No objection subject to further details being provided by condition regarding access control, closed circuit television provision, private space enclosure, and defensive planting.

The perimeter railings and walls will provide good natural surveillance. Prickly planting on the boundary is recommended. The exit gates should be closer to the access road to prevent “tailgating” Bollard lighting does not provide sufficient even illumination so some additional lighting is needed.

A visitor door entry system with camera is recommended along with more general CCTV coverage of access and storage areas. The bungalows gardens should be identified as private property by their boundary design. All detail should accord to “Secured By Design: Homes 16”.

- 4.6 Essex And Suffolk Water PLC : No objection.

- 4.7 The Beccles Society opposes this development because the massing of the proposed block of flats is too great in terms of its height and closeness to other properties, and would have an adverse impact on the street scene particularly in relation to existing properties on Fair Close and Gosford Road. The pedestrian route into the centre of Beccles was agreed with representatives of McCarthy and Stone, we cannot see this on the submitted plans.

- 4.8 Third Party Representations – Four letters of objection have been received raising the following material planning considerations:

- The two storey chalet bungalows at the west side of the site might be too tall and cause light and privacy loss.
- Concerns about subsidence arising from construction work.
- Concerns about asbestos and demolition.
- Trees within the Roy’s car park should receive Tree Preservation Orders, to prevent loss or pruning.
- There is scope for new planting near the north entrance to Roy’s car park.
- Objection to the height, scale and overpowering bulk of the flats in relation to the houses on Gosford Road and Fair Close. The design should be changed to step back at each level as it rises.
- There will be overlooking of private gardens to the rear of Gosford Road and Fair Close

- Piling might cause vibration.
- GP surgeries need expansion.
- There should be a different mix with more bungalows

4.9 20 supporting notes on comment cards have been received from residents of the District, most within the Beccles area. Most express that there is need for the facility and that the location is suitable and needs development. Several come from persons interested in taking up residence. There were a couple of responses that welcomed the proposal but observed the scale was large, felt local people should have placement priority or wanted to see a different mix of provision, with more bungalows and noting that GP surgeries need expansion.

5. PUBLICITY

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area, Major Application,	18.01.2019	08.02.2019	Beccles and Bungay Journal
Conservation Area, Major Application,	18.01.2019	08.02.2019	Lowestoft Journal

6. SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Conservation Area, Major Application, Date posted 10.01.2019	Expiry date 31.01.2019
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7. PLANNING POLICY

7.1 Section S38(6) of the Planning and Compulsory Purchase Act 2004 states that the planning application is to be determined in accordance with the development plan unless material consideration indicates otherwise.

7.2 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application.

7.3 Planning (Listed Buildings and Conservation Areas) Act 1990, Part II

7.4 East Suffolk (Waveney) Local Plan 2019

WLP8.2 - Affordable Housing - Waveney Local Plan 2019

WLP8.32 - Housing Density Design - Waveney Local Plan 2019

WLP8.29 - Design - Waveney Local Plan 2019

WLP8.28 - Sustainable Construction - Waveney Local Plan 2019

WLP8.37 - Historic Environment - Waveney Local Plan 2019

7.5 Beccles Conservation Area appraisal 2014

8. PLANNING CONSIDERATIONS

- 8.1 Although not designated as a site for residential development within a specific policy of the Local Plan, the site is 350m by foot from the junction of Station Road and Smallgate which can be considered the beginning of the town central area, 440m from the Tesco superstore and 260m from the railway station. While these distances would be suitable for the more able elderly those with more advanced mobility restriction would find them a challenge. In general terms the site would normally if unrestricted residential development be considered as sustainably located close to the town centre. In part the C3 element can be considered as “windfall”.
- 8.2 There is support for elderly persons accommodation in the text of the Adopted (2019) Waveney Local Plan paragraph 3.11 (relating to Beccles and Worlingham Area) “Waveney (plan area of East Suffolk Council) has an ageing population and the Strategic Housing Market Assessment (2017) identified a significant need for new sheltered and extra care housing and new care homes”. While this commentary relates to the new “garden village” in Worlingham (policy WLP3.1), the findings of the SHMA apply to all sites. The guidance also states development should be designed utilising dementia friendly design principles (see Policy WLP8.31 on Lifetime Design).
- 8.2 This site is identified in the now current East Suffolk Waveney area Local Plan (WLP)(2019) as “white” land, that is to say land with flexible use. The former Local Development Framework had identified the eastern end of the site within the footprint of the proposed flats as employment land and the western part where the plastics factory had formerly been as an opportunity for mixed retail and residential. The lack of a street frontage however, made it unattractive to retailers as evidenced by the Lidl application.
- 8.3 Notwithstanding the lack of allocation for employment use, the last use of the site has been for employment purposes so the aspect of loss of potential employment land requires consideration. The 2019 WLP supporting text to policy WLP8.12 Existing Employment Sites admits the difficulty in predicting employment land requirements. The text goes on to require protection of existing employment premises from conversion. Cleared sites are therefore accorded less protection and the policy requirement for a marketing test set out in WLP8.12 applies to premises. The majority of the site falls into this category therefore. There is however the area in the south east corner where industrial buildings measuring 1100 sq m still stand, and these have been recently vacated, so the policy would require a marketing test for the use of these as other than employment use, however this is a small part of the overall site and the employment to be created in the care sector of 14 FTE jobs would offset the loss of this space.
- 8.4 There is a further consideration that the use of both the land of the former plastics factory and the land occupied by the remaining industrial buildings proposed as demolished is covered by a restrictive covenant on the access route owned by Roys supermarket that prevents HGV access. This was evidenced in the Lidl application when rejecting the site for their store reference DC/17/4960/FUL. Given the more constrained character of Gosford Road in relation to allocated employment land in Ellough now benefitting from newly built and better existing access, the desirability of industrial reuse is considered low.

- 8.5 The central part of the site was put forward specifically as a housing allocation in the Local Plan review (site 16). The allocation was not made, because of the unneighbourly commercial garage and dominant buildings were considered to generate amenity issues making the site unsuitable as a general housing allocation. The scale and design of the flat accommodation block serves to provide noise attenuation commensurate with the impacts from the remaining industrial uses. The layout of the flats and the access corridor facing the remaining industrial buildings outside the site red lined area to the east, it is considered, addresses both noise outlook and scale issues. The applicant has submitted a noise report with the application and the Head of Environmental Services advises conditional approval with regard to noise impact is appropriate.

Visual Amenity

- 8.6 The four storey flatted building at its higher part is slightly higher at 11.25m than the highest parts of the existing industrial buildings at 11m, but will still be hidden by these buildings in longer views from the east. The proposal is considered justified in terms of scale and massing by its context, given the adjacent industrial and large scale retail sites and the way the more visible parts are articulated to break up the massing.
- 8.7 There is a former grain silo to the east of this site which was converted to become a six storey residential block. This silo is the highest residential structure in the town with no parallel elsewhere.
- 8.8 The design breaks up the bulk by the plan-form and by the reduction to three storey height on the north wing. This and the distance of 31m from the rear of property on Fair Close to the flats and the topography as illustrated by long sections provided through the site which show a 600mm drop from the rear lane to the development site at the point where the flat block is, serve to prevent material outlook impact to property on Fair Close.
- 8.9 When considered as a three dimensional form the facade modelling that will occur is considered to sufficiently break up the form visually. The east elevation to the industrial site has few windows and modelling, but is largely concealed by the adjacent industrial building so this is considered not to be aesthetically harmful and serves to attenuate noise impacts for future residents.
- 8.10 The materials chosen for the “Residential Living Plus” (four storey) building utilises the same brick as the other proposed buildings in the site, but with a more contemporary design. Horizontal brickwork banding features in the floor zones to add order and scale to the façade. The tall “portrait” proportioned windows reflect windows within older property in the area context. The balconies further articulate the courtyard and south facades. Standard special bricks are also shown; used to create interest in the façade.
- 8.11 The design utilises a stepped back footprint to the upper floor in a panel system. While there are no other surrounding examples of visible flat roof design other than the grain silo adaption to the east of the site across Gosford Road, this is considered preferable to attempting to use a mansard or overall pitched roof as the flat roof minimises overall scale.
- 8.12 The proposed design of the chalet bungalows is considered modest attractive and traditional with traditional materials tiled roofs and brick and boarded walls, with stone lintels. Some aggregation of the detached units to create groupings might better serve the

urban character of the setting, but given the self contained nature of the site, this is not considered something that would be apparent from outside the site.

- 8.13 The scheme layout is intended to provide a familiarity of form for residents; this is considered a reasonable justification for the modern detached dwelling estate idiom as it respects the principles of “Lifetime Homes” in Policy WLP8.31 with regard to dementia sufferers.

Residential Amenity

- 8.14 The proposal features chalet bungalow type D and bungalow type B on the west boundary and these feature no roof windows that face west and outside of the site so no privacy harm occurs, to properties outside the site, as the ground level is lower and any boundary fences will be completely effective in screening. Outlook is also considered unaffected as separation is 18m from number 98 Fair Close facing.
- 8.15 To the north boundary with the main part of Fair Close, there are again no overlooking first floor windows proposed within the scheme. The nearest parts of the Fair Close properties’ off shots to the nearest proposal bungalow is 26m which is considered sufficient to avoid privacy, outlook or light harms in respect of the existing dwellings. The proposed bungalows will be overlooked by the upper floors of the existing buildings, however the 26m distance involved is considered sufficient to avoid material harm arising.
- 8.16 The housing on Gosford Road is set diagonally across the Roy’s supermarket access Road to the south east of the part four (part three) storey block (which measures 11.25m from ground level). The nearest terraced house features a blind flank to both its gable and its off shot so that the oblique nature of the overlooking of the rooms prevents material privacy impact and the offshoot serves to block views of the rear of this property, as do the other rear off-shots along the terrace.
- 8.17 The southern boundary will have an acoustic fence to attenuate noise from the substation together with soft landscaping to improve outlook from the rear of the bungalow and chalet properties whilst also offering them gardening opportunities. A planted strip to the northern boundary is also proposed.

Impact on the Conservation Area

- 8.18 The Planning (Listed Buildings and Conservation Areas) Act 1990, Part II set out the general duty of a local planning authority as respects Conservation Areas in exercise of planning functions: That with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.19 The Beccles Conservation Area appraisal (July 2014) shows the further extension of the Conservation Area into Gosford Road, but the appraisal mentions Gosford Road only in the sense of noting the new housing on the site of the now demolished maltings that stood next to the railway station and the opportunities of improving the station square.
- 8.20 Although the south east corner of this site is deemed to be in the Conservation Area, there is no structure within the designated corner part and the rest of the site is not within the

Conservation Area but is adjacent to it. Impact however is limited in terms of the immediate context. The industrial buildings to the east side feature attractive facades onto Gosford Road, but their rear facades backing onto the application site, are large framed and sheeted industrial sheds.

- 8.21 There are fleeting views from other parts of Beccles towards the site, for example the entrance to the Blyburgate car park next to the public toilets, the proposal will be visible as a large scale addition to the skyline replacing the view of the industrial sheds, similarly between the locally listed bungalow pair 102 and 104 Fair Close and the adjacent two storey locally listed 102/102A, though views here are limited by the angle between these two properties and again the larger flat block replaces a view of the saw-toothed gables of the industrial sheds.
- 8.22 From Gosford Road itself the large flat block will be most visible from the entry point into the Roys car park, where it will appear as a large scale building in terms of height behind the existing large scale buildings which will mask its lateral extent on the north south axis, it is considered that this will be acceptable given the context. There will be a very fleeting view of the flat block along the alleyway that provides access to the south side of Fair Close and over the top of the industrial building. The proposal will be seen to a limited extent over the terraced housing fronting Gosford Road from a vantage point near the railway crossing, but no view from Gosford Road itself.
- 8.23 Modern design can be permitted either in or adjacent to Conservation Areas. It is considered that the use of a flat roof pattern and stepped back upper floor can be justified by the industrial context and larger footprint buildings that provide further context.

Pedestrian and Vehicular Access

- 8.24 The site is accessed off a private (un-adopted) road serving the supermarket adjacent. This road appears to be constructed to adoptable standard and benefits from the existing lighting within Roys supermarket car park. The road features standard highway markings. It is understood that the legal right to access the land by private and light goods vehicles exists. The access is considered physically suitable for proposed traffic. The roads within the site cannot be adopted however as they do not connect to adopted highway, in a managed site such as this extra care village this is not considered a maintenance issue as there will be overall site management in perpetuity with this form of development.
- 8.25 The site is proposed to be gated, as it is a self contained community of elderly persons, where the gate functions to increase the sense of defensible space. While the conventional planning restriction for elderly person accommodation specifies a lower limit of 55 years, the applicant confirms that the average age of occupants is 80 years, so gating represents security for the residents rather than acting to create social exclusion. The gate will however open to all who approach it (not controlled by a restrictive entry system), so functions as a psychological definer of space. Similarly pedestrian permeability is allowed for by a gate in the north side of the site onto the back lane to Fair Close also triggered by approaching pedestrians and not restricting public access. The vehicular gating will serve to deter unauthorised parking.
- 8.26 The submitted design and access statement describes how level or suitably ramped access is available throughout the site commensurate with the needs of the occupying group with

all entrances giving level access in accordance with Part M of the Building Regulations. The dwellings all comply to M4(2): Accessible and adaptable dwellings. The chalet-style bungalows and flats over garages are designed to facilitate provision of a stair-lift. The proposals therefore exceed the requirements of Policy WLP8.31 – Lifetime Design where proposals for development should demonstrate that the design supports the needs of older people and those with dementia through the creation of environments which are; Familiar, Legible, Distinctive, Accessible, Comfortable, and Safe and on sites of 10 or more dwellings must make provision for 40% of all dwellings to meet Requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings.

Affordable housing and Use Class definition

- 8.27 The bungalows and chalet bungalows have been established by “fact and degree” as more reasonably considered as use class C3 residential rather than residential institutional use covered by use class C2, so either a contribution towards affordable housing should be made or a case made that this is not viable. A viability assessment has submitted by the applicant. This has been independently scrutinised and it has been concluded that the site is not viable for affordable housing contributions. At the time of concluding this report there are questions relating to whether estate agency and marketing costs have been overstated given that the applicant conducts their own agency and marketing. While it is possible that there are some process savings there will also be fixed overheads in association with an inhouse function. The applicant will be asked to comment further, and any answers will be presented at committee to members. It is accepted that charges such as the annual maintenance fee should not be factored into the overall site profitability as not relating to the construction process.
- 8.28 The overall identified demand for elderly person specialist housing indicated by the Strategic Market Housing Assessment at paragraphs 6.3 to 6.10 where a further 164 Extracare housing is identified as required over the period assessed by the SMHA is assisted by this proposal.
- 8.29 The National Planning Policy Guidance was updated in June 2019 to identify four sorts of specialist housing for the elderly. The categories are housing with an over 55 year restriction to occupancy, providing no care service. Sheltered housing, with on site assistance from a warden, Extra Care housing (such as this proposal) where on site assistance from a Care Quality Commission registered agency is available and nursing homes. The guidance suggests planning authorities can allocate sites through local plans if they choose. The Waveney Local Plan has identified the Worlingham Garden Neighborhood as providing an unspecified number of extra care and nursing home spaces.

Noise

- 8.30 Given that noise from existing surroundings was given as a reason why this land was not allocated for housing in the recent plan review over fears that noise from light industry and from the adjacent supermarket delivery yard a report was submitted which recommended a barrier to the delivery yard, to be 2,4m high, continuous, impermeable to noise and of a specified mass (section 5.1). Plant and the substation would result in low noise impact, and acceptable internal noise levels could be achieved within the proposed dwellings, from this source subject to further detail.

- 8.31 The proposed layout of the flat block means the vehicle garage is considered to have a low noise impact, based on the site layout and orientation of habitable rooms. The recommendations for acoustically rated glazing and ventilation to habitable rooms will result in appropriate noise levels for the residents of the proposal scheme.
- 8.32 The Head of Environmental Health has suggested that providing reference was made to the mitigation then noise concerns would be satisfied with the exception of the proposed substation, which needs further consideration, but that too can be satisfied by a condition requiring further work before commencement of that part of the development.

Landscape Impact

- 8.33 The landscape strategy features street trees and low-level vegetation that will soften elevations and provide opportunity for biodiversity. The communal courtyard gardens either side of the Residential Living Plus building entrance are to provide a desirable outlook from rooms and communal areas along with a sedum 'green roof' over the projecting entrance.
- 8.34 A Tree Survey has been submitted and officers agree with its findings. There are three trees outside the site unaffected by the works and a group of slightly more substantial False Acacia and Goat Willow trees (3m spread) near the proposed vehicular entrance that will be removed and compensated for in the replanting proposals. The remainder of the site is smaller scrub and false acacia and goat willow and areas of buddleia
- 8.35 The detailed landscape scheme has been appraised by officers. The landscape proposal drawings should be listed in the compliance condition with no more information required. Landscape design information has been provided during the consideration period and is considered satisfactory in terms of species, density, design and maintenance plan.
- 8.36 The Town Council has requested enhancement to trees within the Roys car park outside the development site, this is however considered to be something that cannot be delivered in the context of this scheme, as not directly related to the scheme being outside the application site.
- 8.37 The site is located outside 13 km zone of influence covered by the Habitat regulations where financial contributions are sought to mitigate recreational activity impact on Recreational Activity.

Economic Benefits

- 8.38 There will be £242,359.88 of CIL generated by the detached bungalow element of the proposal identified as falling within use class C3. The development will provide employment for 14 Full time equivalent staff. There will be generation of spend in the local economy from occupiers, visitors and staff.

The Planning balance

- 8.39 The scale of the proposal is considered acceptable justified by the scale of existing and retained industrial buildings on and off the development site, the design is considered acceptable albeit not traditional in regard to the flats and the former land use for

employment has been considered and carries little weight in the balance. The proposal does not deliver affordable housing, but a policy compliant viability assessment has discounted this requirement. The provision of elderly persons accommodation helps deliver the needs of the district and its demographics in a well placed location, and employment in the care sector is provided.

9 CONCLUSION

- 9.1 The proposal will deliver accommodation designed as appropriate for elderly persons and protected by a legal agreement securing occupancy as for persons over the age of 55 years (although most occupants are older than this), the site will provide employment for 14 Full time equivalent staff and contribute CIL payments for the detached new housing.
- 9.2 The scale of the flatted element is considered acceptable within the overall planning balance, justified by the scale of the retail and original industrial buildings both retained and those to be demolished, but the scale is large in relation to other residential properties nearby

RECOMMENDATION

APPROVE with conditions and subject to the completion of a section 106 agreement to ensure the age of one of the occupiers of each residential unit to be over 55 years of age at the start of their tenure and a further clause to ensure ongoing landscape maintenance. (Note pre-commencement conditions agreed 15 August 2019) If the S106 is not signed within six months then permission be refused.

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 development hereby permitted shall be completed in all respects strictly in accordance with the following plans:
001 revision A01 (definitive red lined site plan showing access to adopted highway) received 16th January 2019
015 Rev 0 (building sections main block) received 7th January 2019
002 rev A0 (site topographic plan) received 7th January
003 rev A0 (site master layout plan) received 7th January
016 and 017 rev A0 (Proposed elevations main block) received 7th January
010 to 014 rev 0 (Proposed floor plans main block) received 7th January
020 to 026 rev 1 (Proposed houses, bungalows and garages) received 7th January
027 rev A0 (site section showing levels) received 5th February 2019
019 rev A0 (site section showing levels) received 31st January 2019
and landscape drawings B190919.201, 401,402,403 received 30th April 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. 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 has been submitted to, and approved in writing by, the local planning authority. All site investigations must be undertaken by a competent person, conform with current guidance and best practice (including BS10175:2011+A2:2017 and CLR11) and include:
- o the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
 - o explanation and justification for the analytical strategy;
 - o a revised conceptual site model; and
 - o 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).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. 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:
- o details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
 - o an explanation, including justification, for the selection of the proposed remediation methodology(ies);
 - o proposed remediation objectives and remediation criteria; and
 - o 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. Prior to any occupation or use of the approved development the RMS approved under condition 4 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. 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:
- o results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - o evidence that the RMS approved under condition 4 has been carried out competently, effectively and in its entirety; and
 - o 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. 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. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality.

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

10. The use shall not commence until the area(s) within the site shown on drawing number EM-2535-03-AC-ZZ-003 (8645-003-REV 0) 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.

11. The pedestrian and vehicular access gates shall at all times be retained as stated to be approach triggered rather than operated by card or code

Reason: To ensure that access to all is available ensuring that pedestrian permeability of the site remains possible and ensuring that residents enjoy integration into the wider community.

12. The approved development must be completed in accordance with the 24Acoustics 'Noise Impact Assessment' (R7224-1 Rev 1, 17th December 2018) and, in particular:
- * the acoustic barrier specified in section 5.1, 5.2 and figure 2; and
 - * the glazing and ventilation measures specified in sections 5.35 - 5.41. shall be provided before first occupation of the dwellings and retained thereafter.
- Before installation further written and drawn details shall be submitted to and approved in writing by the Local Planning Authority for:
- * any plant (e.g. ventilation, heating, lifts etc); and
 - * the new substation.

The work shall be completed in accordance with the approved scheme and retained thereafter in the agreed condition.

Reason for conditions 12: To avoid amenity disturbance to residential neighbours by noise.

- 13 Before the commencement of any work including demolition, the applicant shall submit to the Local Planning Authority written details of a demolition and construction management plan which shall be agreed in writing by the Local Planning Authority. The plan shall be prepared in accordance with BS42020 and detail how the applicant will mitigate all emissions and shall include (but not be limited to) details of dust, noise, vibration, water run off, light from demolition and construction activities. Details of hours of operation and deliveries shall be provided, along with details of the works compound and temporary accommodation. All work shall proceed in accordance with the plan. Reason: To ensure that the construction can be undertaken in an appropriate manner having due regard to surrounding land uses.

BACKGROUND INFORMATION: See application ref: DC/19/0051/FUL at www.eastsuffolk.gov.uk/public-access

CONTACT Chris Green, Senior planning officer, Riverside Canning Road
Lowestoft, NR33 0EQ, 01502 523022

APPENDICES

Appendix One

Basic Minimum Care Package:

A monitored 24 hour /7 day per week emergency response service

Re-assurance service / support to individual residents

Overseeing the general well-being of residents and ensuring that they have access to all appropriate healthcare providers and facilitating this where necessary and/or appropriate

Periodic Assessment and Review

Health promotional activities

Bed linen service

Weekly cleaning

And the Owner provides access to the following services:

Getting into/out of bed

Dressing

Hair care and skin care

Preparation/provision/planning of meals

Managing food hygiene

Managing/monitoring nutrition

Escorting to meals / delivery of meals

Encouragement of or assistance with eating

Encouragement of or assistance with going to bathroom/toilet

Encouragement of or assistance with bathing/washing

Assistance with paying bills/collecting benefits/form filling

Management of incontinence

Post operative care

Hospital discharge support

Collection of or shopping for essential provisions

Prescription collection and delivery service

PLANNING COMMITTEE NORTH – Tuesday 8 October 2019
APPLICATION NO. DC/19/2796/RG3

ES/0166

EXPIRY DATE: 5 September 2019
APPLICATION TYPE: Full Application Regulation 3

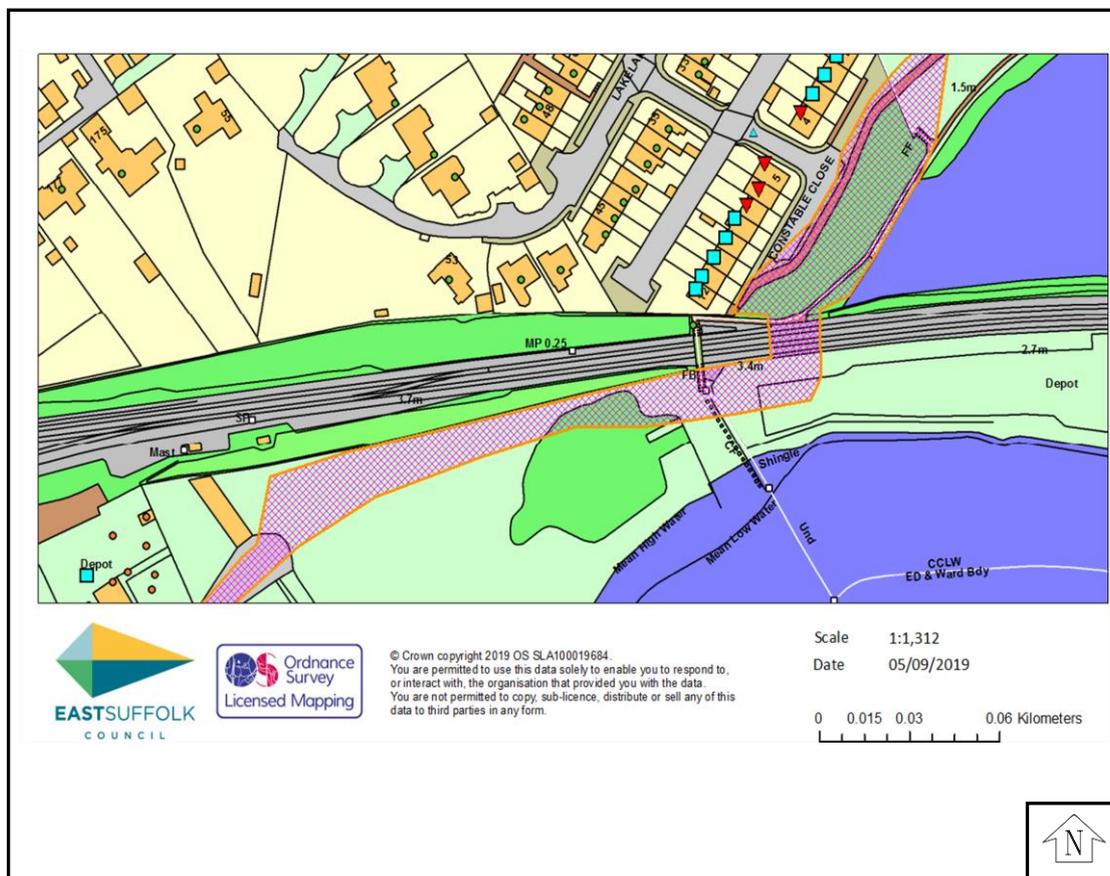
APPLICANT: East Suffolk Council

LOCATION: Land Between Constable Close And Harbour Road, Lowestoft, Suffolk, NR32 2QU

PARISH: Oulton Broad

PROPOSAL: Pedestrian and cycle bridge over railway.

CASE OFFICER : Chris Green
Email: Chris.Green@eastsoffolk.gov.uk
Phone: 01502 523022



1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the erection of a fully accessible bridge to connect Bridge Road Oulton Broad to Normanston Park as part of the wider cycle network and to deliver the aims of the Waveney Cycle Strategy (2016).
- 1.2 It is referred to members because the applicant is the Council and parts of the land are in the Council's ownership.
- 1.3 Recommendation is for approval with ecology, tree planting conditions.

2 SITE DESCRIPTION

- 2.1 There is no relevant planning history for the site. There were however public meetings in advance of application, and as a result of these consultations the line of the bridge was adjusted to take it onto a route further from residences in Constable Close. The existing brick arch bridge is 19th century in date. There have been applications for the land to the south of the bridge for industrial water related activity, but since the closure of small scale ship building on the land it has returned to nature.
- 2.2 The approach from the Harbour Road end is therefore unsurfaced and runs along higher ground to the south of the railway line through areas of gorse. The bridge is a round arched narrow brick built type suitable for foot traffic and adapted to enable more able cyclists to wheel bikes up the approach steps in steel channels designed to take their wheels. Currently this unsurfaced path is not a formal public right of way; part of the project process will establish the legal right of way working with the current landowners.
- 2.3 To the north of the bridge a surfaced path takes the footway into Normanston Park, passing as it does the homes on Constable Close numbering twelve dwellings in a terrace of eight closest and a terrace of four nearest the park.

3 PROPOSAL

- 3.1 The application is for planning permission to construct an entirely new cycle and pedestrian bridge accessible to all including persons in wheelchairs, with fleeter ramps each side and set further away on the north side from the housing in Constable Close. The bridge and approaches are to be 4m wide to provide safe passing of cycles, pedestrians and other users.
- 3.2 The ramped approaches become progressively higher level as one moves towards the bridge itself on each side, which provides greater clearance than the existing bridge to meet the requirements set by Network Rail for new bridges.
- 3.3 The route has been taken to the south east of the existing approach footpath which currently runs to the south east of the metalled vehicular accessible carriageway in front of property on Constable Close, to the point where that carriageway terminates. The footpath currently then turns to run across the front of the curtilages of the terrace terminating at No. 12 immediately adjacent to the railway. The Constable Close properties feature modest front gardens. The existing footway is therefore around 9m at its closest to those properties at the south end of the terrace.

- 3.4 To the south of the railway the proposal includes the dedication of the link across the higher ground parallel to the railway line to the metalled surface of Harbour Road, and the widening and surfacing of that link.
- 3.5 Demolition of the existing brick bridge does not form part of this application. The footpath 21 that currently utilises the bridge runs along the lower ground within the Leathes Ham nature reserve on the north side and runs along the boundary of the Associated British Port land to the north shore of Lake Lothing where it strikes west through the ship yards following the shoreline to Mutford Lock.

4 CONSULTATIONS/COMMENTS

- 4.1 Oulton Broad Parish Council: *“Recommend Approval on the basis that the developers and planning department recognises the concerns of the local residents.”*
- 4.2 Lowestoft Town Council: *“Lowestoft Town Council’s Planning and Environment Committee considered this application at their meeting on 24 September 2019. The Committee recommended refusal of the application for the following reasons:*
- . Sustrans’ report was prepared before both East Suffolk and Lowestoft Town Councils declared a climate emergency. The Committee was not satisfied that the report sufficiently evidenced that due consideration had been given to the environmental impact of this project.*
 - . The Committee was not satisfied with the design of the bridge and felt that it is too large for its environment”.*
- 4.3 Suffolk County Highways Authority: No objection: Will agree all of the issues regarding status and maintenance after the grant of planning permission, providing an addition condition regarding the interaction and linkage between the southern end of the proposed bridge and Footpath FP21 is included.
- 4.4 Head of Environmental Health:
No objection. A condition requiring the submission and agreement of a Construction Management Plan is required before work starts.
- 4.5 Environment Agency: No objection: We agree with the submitted FRA. The sequential test should be applied by the Local Planning Authority, no conditions required.
- 4.6 Network Rail: Request that clearances between the bridge and all railway infrastructure are verified as being accurate.
- 4.7 Third Party Representations: Seven letters of objection raising the following summarised key points:
- Lack of consultation with local residents: The two meetings were information giving exercises and not consultation. The first consultation was poorly attended. The second consultation was badly timed and too short for all the issues to be properly debated.
 - The Council involvement in promoting the scheme means it cannot be fair or impartial.

- The benefit is small, with few users given the £1.2 million cost would be better spent on other regeneration.
- The current bridge serves its purpose and the terrain behind it is unsuitable for anyone unable to cross it.
- The bridge benefits no-one as alternative routes that facilitate cyclists and pedestrians already exist and distances involved are similar. Few people use the existing route.
- Greater use of the route will create congestion by requiring more operation of pedestrian crossings at both ends of the route, increasing pollution from static vehicles.
- The proposal includes the removal of most of the existing trees, shrubs and woodland. Some are limes planted by the Council. There should be TPOs
- Roosting bats will be disturbed. The survey is not accurate. (In evidence audio recordings of bats have been uploaded to you- tube)
- The woods provide a 'buffer zone' between the residential, cycle and pedestrian area of Constable Close and the conservation area of Suffolk Wildlife Trust known as 'Leathes Ham'.
- There is no public footpath currently where shown on submitted plans as the existing official path is by the water. The new path proposed will harm the flood resistance of the area and the ecology.
- The bridge will be only 9 metres from property on Constable Close and not the 23.5 meters claimed as that would place it in Leathes Ham.
- There will be noise at all times potentially from anti social behaviour and motorbikes.
- The lighting will cause light pollution.
- Privacy for Constable Close residents' bedrooms and bathrooms will be harmed.
- The character of the neighbourhood will change. There will be more traffic on Harbour Road.
- Harbour Road is unsuitable for pedestrians, disabled people and pushchairs, it is poorly lit, no footpath, parked cars and companies operating HGVs.
- New planting will take years to establish.

Letter of support: The existing access to the south of Oulton Broad is poor and providing less harsh gradients welcomed. The Normanston park route is merely the continuation of an existing scheme, and I am not clear why there is much opposition. The brick bridge has been a barrier for decades and the Sustrans proposal would deal with this. It would also form a link into an important proposed development area. The scheme will encourage more local journeys to be made by bike, an important factor on the current Climate Emergency.

5 PUBLICITY

5.1 The application has been subject of the following advertisement in the press:

Category	Publication date	Expiry	Publication
Public Right of Way affected	02.08.2019	23.08.2019	Lowestoft Journal and Beccles and Bungay Journal

6 SITE NOTICES

6.1 The following site notice has been displayed at the site:

Site Notice Type	Reason	Date Posted	Expiry Date
General Site Notice x 2	Public Right of Way affected	25.07.2019	15.08.2019

7 PLANNING POLICY

7.1 National Planning Policy Framework (2019)

7.2 East Suffolk Council (Waveney) Local Plan (2019) policies:

- WLP1.3 Infrastructure
- WLP2.1 Central and Coastal Lowestoft Regeneration
- WLP8.21 Sustainable Transport
- WLP8.23 Protection of Open Space
- WLP8.24 Flood Risk
- WLP8.29 Design
- WLP8.31 Lifetime Design
- WLP8.34 Biodiversity and Geodiversity
- WLP8.35 Landscape Character

8 PLANNING CONSIDERATIONS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies are set out in section 7 of this report.

Principle of Development

8.2 The NPPF paragraph 8 looks to balance economic, social and environmental benefits of development, it is considered that in providing temporary construction spend there is a direct small economic benefit, in social terms, the introduction of more use of a cycle route and the provision of access for all has social benefit and while there is dis-benefit from increased traffic on the elevated ramps potentially impacting on the housing nearby this is mitigated by the proposed planting and offset by the improved natural surveillance that accompanies greater public use, the environmental benefit is increased cycle usage. Lowestoft enjoys reasonable terrain for cycling but also considerable road congestion as a result of its geography, some of this will ease with the third crossing project, but achieving modal shift remains a key objective with regard to climate change. Paragraph 102 states that opportunities should be pursued to promote walking and cycling and paragraph 110 that priority should be given to walking and cycling and that development should help address the needs of the disabled and those with reduced mobility. This application seeks to address these aims.

- 8.3 This application links to a number of objectives outlined in the East Suffolk Council Waveney Local Plan. It will assist with meeting the Vision for the District in promoting the use of sustainable transport methods. It will support Strategic Objective 4 in reducing the impact on climate change and Objective 9 in reducing the need to travel by car. The project is featured within the East Suffolk Business Plan.
- 8.4 This application helps deliver elements of policies WLP1.3 Infrastructure and WLP2.1 Central and Coastal Lowestoft Regeneration by improving pedestrian and cycle connections in the area and the future delivery of the Kirkley waterfront under policy WLP2.4 Kirkley Waterfront and Sustainable Urban Neighbourhood.
- 8.5 The Waveney Cycle Strategy (2016) is supported by Policy WLP8.21 Sustainable Transport and this proposal delivers project L27 within the strategy and meets the aims of WLP8.21 to integrate and enhance the existing cycle and pedestrian network. Paragraph 8.131 of the Adopted East Suffolk (Waveney Area) Local Plan states: "The planning system can respond to climate change by limiting increases in greenhouse gases through... encouraging greater use of sustainable transport measures". This proposal is entirely concerned with enhancing the network at a key point and this is considered to justify the relatively high cost of this expensive but important part of the more extensive network, where grant money can assist in delivering a link that would be unlikely to otherwise be funded in this location by developer contributions.
- 8.6 Policies WLP8.29 Design and WLP8.31 Lifetime Design both require development to create permeable and legible environments that are accessible to all. The design of this application has been considered to allow those with reduced mobility to use the bridge through the use of accessible standard (1:20) gradient ramps to provide access for those with wheelchairs and pushchairs.

Site specific matters

- 8.7 The main site specific detailed issues surrounding this application involve neighbour amenity and the risk of flooding in the area and the potential impact on local ecology and trees.

Choice of route and alternatives

- 8.8 The route chosen seeks to make a balance between residential amenity, location with regard to the flood zone and impact on trees and other ecology. Other options were considered. The chosen option is considered to deliver amenity to neighbours in the terms that are reasonably accepted by the planning system as being sufficient, while impacting least on the Wildlife site and avoiding as much as is possible areas shown as at high flood risk. The unavoidable harm with regard to the chosen route relates to the loss of some good quality trees, though mitigation by way of replanting is possible. As the ground level naturally lowers from Constable Close, east into Leathes Ham this is subject to standing water making construction difficult and risking harm to the water environment during construction. This route also avoids impeding footpath 21 both during construction and when finished as this runs at the toe of the embankment within Leathes Ham.

Amenity

- 8.9 The principal amenity concern is the privacy of the properties in Constable Close. The proposed north side approach ramp is set at its very closest point at 20m from the centre of the facade of number 10 Constable Close it is at this point that existing planting is shown as retained.
- 8.10 The submitted plans show that trees need to be removed on the proposed course of the northern approach ramp. It is proposed that replanting is carried out, between the ramped approach and the existing path to the front of Constable Close. The distance to the dwelling facades is around 23m at the closest on the portion where trees are shown as removed and replanted.
- 8.11 Privacy is considered to be materially acceptable in planning terms because 24m is considered to be acceptable on most housing estates as a rearward separation between properties, and so the 23m separation provided here is very close to that where a similar overlooking relationship of upper floor rooms might exist and be found acceptable. Furthermore the proposal is to erect new screen planting that would provide further mitigation of impact and so with the planting privacy is considered respected. It will take a little time for planting to become established. This can and should be hastened by using semi-mature plants of an appropriate size to limit vision from the ramp at a point 1.7m from its top surface as it rises up. This means more mature planting would need to be specified the closer one gets to the bridge. The applicant in an email received 7 August 2019 has accepted in principle that conditions be imposed to further agree planting.

Ecology

- 8.12 Policy WLP8.34 Biodiversity and Geodiversity states that proposals that will have a direct or indirect adverse impact on sites of biodiversity and geodiversity importance, will not be supported unless it can be demonstrated that new opportunities to enhance the local green infrastructure or mitigate the loss will be provided.
- 8.13 The preliminary Ecological Appraisal has been reviewed and the finding that the impacts on the local ecology will be limited and could be mitigated is accepted. The proposed bridge and path will cross the corner of Leathes Ham Local Nature Reserve (LNR) and County Wildlife Site (CWS), resulting in the loss of a small number of trees and a small amount of vegetation from the site. This is considered to be acceptable providing further review of landscaping proposals is secured by condition to provide replacement planting in line with the recommendations made within the PEA.
- 8.14 The northern approach ramp requires the removal of a number of trees which provide commuting and foraging habitats for bats, but given the remaining vegetation in the area landscaping can readily replace loss. Over intense lighting would result in adverse impacts on foraging and commuting bats, so lighting should be conditioned to accord with recommendation R8 of the PEA.
- 8.15 The proposed development also has the potential to deliver ecological enhancements, including providing potential habitat for rusty back fern on the southern end of the bridge. This is welcomed and the details of the provision of this habitat should be provided prior to construction commencing.

- 8.16 The following ecological requirements should therefore be secured by condition:
- The recommendations made within the Preliminary Ecological Appraisal (Chapter 6);
 - The production and implementation of a Construction Environmental Management Plan (CEMP);
 - Details of the landscape planting scheme;
 - An ecologically sensitive Lighting Strategy; and
 - Details of ecological enhancements to be provided (including details of habitat creation suitable for rusty back fern).

Flood risk

- 8.17 The Environment Agency considers the project is 'Less Vulnerable' development and that the Sequential Test should be applied. This is because the pedestrian and cycle bridge could be used in the event of a flood. Only the southern end bridge and southern ramp support stands in an area subject to flooding.

It is considered that the Sequential Test is passed in this instance as this piece of route infrastructure cannot be located elsewhere, to place it on higher ground and still serve to cross the railway it would require a route behind the existing housing that would raise greater issues of privacy harm. This leads therefore to the "Exception Test" where wider sustainability benefits to the community need to be demonstrated that outweigh flood risk, given too the measures that can be taken to mitigate risk. Given the important link provided to the cycle and footway network in the town and the policy delivery enabled, wider public benefit is considered high. There is potential for engineering design to overcome flood hazards, the deck of the ramps and bridge are greatly above predicted flood levels so it is harm to the support structure from floating debris that will be the area to mitigate to the requirements of policy WLP8.24 Flood Risk.

Highways and footways

- 8.18 Where the path exits onto Bridge Road at the other end of Harbour Road the cycling environment is less friendly to the less able cyclist, with busy traffic. Speeds are however relatively low in this vicinity and there no record of serious accident and only one minor cycling accident recorded by the County Council on the stretch from Harbour Road to the start of the off-road cycle path at Mutford Lock.
- 8.19 It is further considered that the proposal is positive in furthering cycle safety in that it provides a through route that removes the need to cycle on Normanston Drive where there is record of a more serious injury. A further advantage of the improved route along the south side of Normanston Park, is its appeal to less able cyclists is that it follows relatively low lying and level land along the north side of Lake Lothing rather than having to climb to the high point of Normanston Drive. The path would be open to electric mobility scooters and electric bicycles, but not motor-cycles.
- 8.20 The proposed new bridge has future potential to provide a link across Lake Lothing to the Brooke Yacht site. This would be funded by developers and is anticipated in policy WLP2.4 of the adopted Local Plan.

- 8.21 The existing footpath 21 is not impacted physically by the proposal. Headroom is achieved beneath the approach ramps both sides. While there are legal agreements that require concluding with the County Council rights of way team, these are not material to the planning consideration and there is no public dis-benefit with regard to existing routes and considerable benefit to the wider cycle network in this proposal.
- 8.22 County Highways have stated that Harbour Road is poorly lit and lacks footways making its suitability for pedestrian traffic currently poor, however as persons would be able to leave the route at the end of Harbour Road and walk south to the shoreline and then proceed along footpath 21, pedestrian movement is not considered dangerous. Furthermore traffic is sparse and slow moving on Harbour Road and this proposal will act as a spur for further route improvement on a sequential basis. Agreement of further mitigation with regard to highway safety concerns has been proposed by the County by way of a condition.
- 8.23 The County Highways and Public Rights of Way team agree all of the issues regarding footway status and maintenance can be achieved after the granting of planning permission providing an addition condition as to how linkage between the southern end of the proposed bridge and Footpath FP21 will be facilitated is included if permission is granted

Trees and Landscape

- 8.24 Policy WLP8.35 Landscape Character requires that the special qualities of the area where development takes place should be maintained and enhanced where possible. A condition should be applied to ensure the mitigation in the Design and Access statement is delivered. The proposed bridge will introduce a modern feature into the area which is urban fringe in character. The clean lines of the bridge are however considered of low visual impact and will be seen from Leathes Ham against a background of existing and new trees, through the existing Carr landscape.
- 8.25 The row of Lime trees fronting the existing cycle track are in good health and around 30 years old. Limes can live to be 200 -300 years. The trees appear to be in good health showing no signs of ill-health and are currently in full leaf. Many native species are suffering from disease and pest attack, so good examples such as these does carry high value.
The trees are considered of a quality to justify Tree preservation orders, though as they are located on Council land such orders are not used. A planning permission would in any case override a preservation order.
- 8.26 The quality of the land upon which the trees stand is considered poor in terms of supporting those trees. Quite extensive work will be required to make it appropriate for new growth. It is considered however that the cost of this is likely to be modest in relation to the overall cost of the bridge. A condition can secure suitable methodology.
- 8.27 The replacement planting shown on submitted plans shows a ration of two replacements for each tree removed. The replacement trees stated as a mixture of semi mature trees of 4 - 5m height when planted and saplings. Low level landscaping is proposed to provide enhanced habitat for invertebrates and hibernacula for reptiles and amphibians. The tarmac cycle path on the east side of Constable Close is proposed as removed, and additional soft landscaping provided. Ivy, roses, honeysuckle and other climbing plants

are to be planted behind the fencing under the approach ramp on the north side of the railway.

Open Space

- 8.28 The application falls within the Leathes Ham Local Nature Reserve which is designated as Open Space under policy WLP8.23 of the Local Plan. This policy states that development taking place on designated Open Space should increase local amenity and be of greater community or wildlife benefit. Improving cycle, pedestrian links and accessibility for all users is of general community benefit, conditional approval with mitigating measures will ensure positive outcomes for wildlife, that is to say better than the status quo.

Crime and disorder:

- 8.29 Lighting and greater use both assist with crime reduction by improved “natural surveillance”. Levels of lighting will have to be balanced against potential wildlife impact, but safe use with appropriate directional shading is considered feasible.
- 8.30 Presumption that miss-use or criminality might occur cannot be material to the planning consideration as it is the function of the police to regulate road traffic matters and prosecute breaches such as the use of motorcycles on the path.
- 8.31 Railway Infrastructure
The applicant confirms that the 5.1m minimum head clearance above rail level is exceeded by at least 200mm, and that the bridge supports are at a distance where maintenance can be conducted beyond the “structure gauge”.

Design of Development

- 8.32 The colour of the bridge, as well as the height and lighting will help ensure that the design does not adversely affect the nearby existing residential development. Further details of materials to be employed should be secured by condition.

Economic Benefit

- 8.33 There is direct economic and employment benefit during construction. There will be wider benefits in terms of the decarbonising effect of an overall improved cycle network. There will be maintenance costs associated with the new bridge, though these are expected to be low given the durable materials employed. The new bridge will assist with railway electrification clearances if this is in future funded, and remove the need for the present restricted clearance bridge.

Planning Balance

- 8.34 The loss of good quality trees is a negative aspect of the proposal but this can be mitigated for by replanting, which will be needed to assure privacy amenity to the residents of Constable Close is fully achieved. The proposal is a key link in the cycle network supported by the recently Adopted Local Plan and the Cycle Strategy and delivers accessibility for all as required by the Equalities Act. This overarching district network aspect of the scheme is considered to outweigh the loss of the trees, providing replanting is carried out.

9 CONCLUSION

- 9.1 The proposal is considered to deliver an important link in the cycle and pedestrian network and enable further significant linkage into future development. The applicant has agreed to pre-commencement conditions.

10 RECOMMENDATION

APPROVE, subject to the following planning conditions:

1. Time Limit

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. Plan Compliance

The development hereby permitted shall be constructed in all respects strictly in accordance with 11339-DWG-PL-01, 02, 03, 04, 05 and 06, all revision A, all received 12th July 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Ground prep for new trees.

Before landscaping of the ground between the bridge approach ramps and the housing on Constable Close is undertaken the further written schedules and specifications for the preparation of the ground shall be submitted to the local planning authority for approval. Further details of species, number, centres and maturity of the replacement trees shall also be agreed in writing by the Local Planning Authority.

The works shall be completed before the new bridge is first used and any trees that die within the first five years following planting shall be replaced to the agreed specification.

Reason: To achieve the amenity and ecological benefits arising from the landscape scheme and to mitigate for the loss of existing planting.

4. Ecology

Before construction commences (including the felling of the trees on the north approach ramp) a Construction Environmental Management plan shall be produced and submitted to the Local Planning Authority and the agreement to that plan received.

The plan shall be accompanied by a schedule of mitigation measures that should comply with the recommendations made within the Preliminary Ecological Appraisal (Chapter 6); And include a landscape planting scheme; an ecologically sensitive Lighting Strategy; and

details of ecological enhancements to be provided (including details of habitat creation suitable for rusty back fern). Following agreement of the proposed scheme the works shall proceed in accordance with that scheme. Any planting that might die within the first five years following completion shall be replaced.

Reason: To ensure mitigation of impact on wildlife both within and outside the designated wildlife site.

5. Highways

No part of the development shall be commenced until details of the interaction and linkage between the southern end (onto Harbour Road) of the proposed bridge and Footpath FP21 have been submitted to and approved in writing by the Local Planning Authority. The approved layout shall be constructed in its entirety prior to use of the bridge.

Reason: To ensure that the interaction and linkage between the southern end of the proposed bridge and Footpath FP21 are satisfactory to the Highway Authority in the interests of improving pedestrian safety and retention of an existing footpath route.

6. Management plan

Before construction commences, a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. This should contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties.

The Construction Management Plan shall include: detailed proposals for the on site storage and off site disposal (included predicted volumes) of all wastes anticipated to arise; detailed proposals for the delivery and storage of construction materials; a detailed methodology for all construction works along with anticipated timescales; a prediction of the levels of noise and vibration arising from the construction works in accordance with a methodology to be agreed with the LPA which must accord with BS5228; detailed proposals for noise and vibration mitigation and control measures which must accord with best practice as described in BS5228 Parts 1 and 2; detailed proposals for dust and particulate monitoring and control measures, in accordance with: IAQM Guidance on the assessment of dust from demolition and construction version 1.1; proposals for liaising and communicating with neighbours and sensitive receptors in the vicinity.

Reason: To ensure residential amenity is not harmed by construction work

7. Materials Details

Details of all materials including approach ramp structure, bridge structure and supports and parapets and surfacing, and all fencing, shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

**BACKGROUND
INFORMATION:**

See application ref: DC/19/2796/RG3 at:
<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PS1SK0QXK9700>

PLANNING COMMITTEE NORTH – Tuesday 8 October 2019

ES/0167

DC/19/1727/FUL

Site Adjacent to Waratah, The Street,
Darsham, IP17 3QA

EXPIRY: 20/06/2019

FULL APPLICATION

APPLICANT: M STEELE

PARISH: DARSHAM

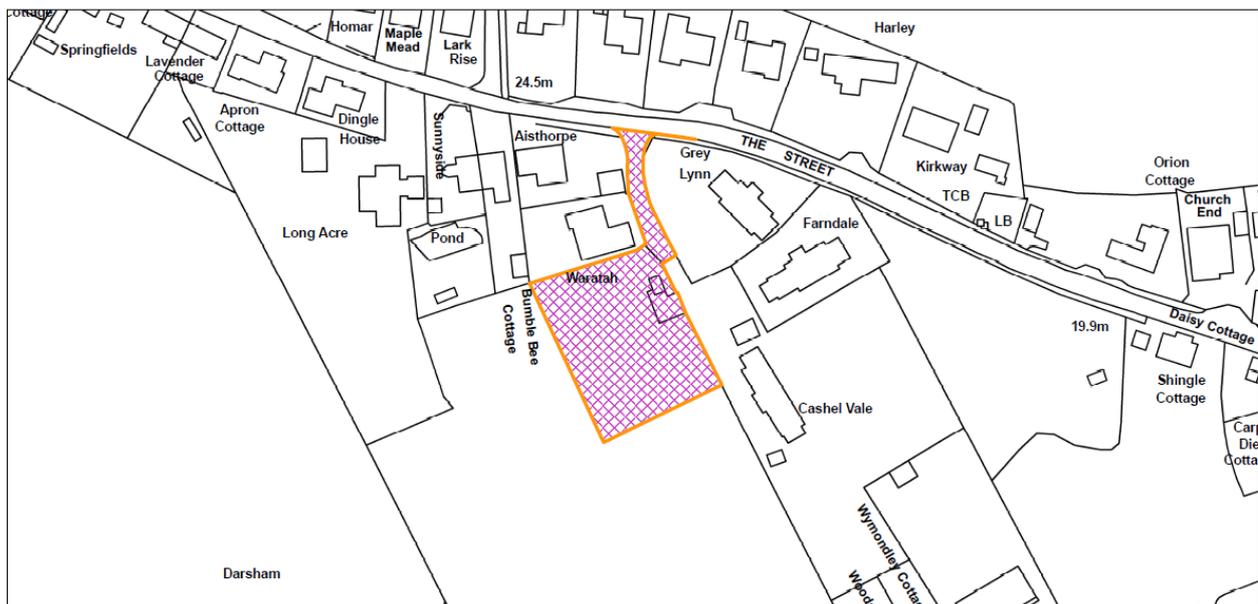
PROPOSAL: ERECTION OF SINGLE STOREY DWELLING.

CASE OFFICER:

Joe Blackmore

01394 444 733

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Scale 1:1,250
Date 19/09/2019

0 0.015 0.03 0.06 Kilometers

1 EXECUTIVE SUMMARY

The application proposes a new dwelling on a site that is partly within the Darsham settlement boundary. The application is therefore treated as a Departure from the Development Plan insofar as part of the new dwelling, and most of its residential curtilage, would be located outside the settlement boundary, contrary to the policies of restraint in the Countryside.

Officers consider that the proposal is acceptable in terms of design, residential amenity and highways safety. The fact that part of the site is outside the settlement is not of significant concern when the majority of built development would be located within the Darsham settlement boundary – a Key Service Centre under the Council’s adopted settlement hierarchy and therefore a sustainable location.

The application is recommended for authority to approve (subject to receipt of a financial contribution to fund Suffolk RAMS). As the proposal is a Departure, it has come direct to Planning Committee for determination.

2 SITE DESCRIPTION

- 2.1 The application site is in the Parish of Darsham. The site is some 0.16 hectares to the south side of The Street. The site is largely rectangular in shape but also includes the existing vehicular access that connects with The Street; this access serves existing residential properties at ‘Cashel Vale’, ‘Alsthorpe’ and ‘Waratah’. There is a field gate in the north-eastern corner of the site that facilitates vehicular access. The site is bounded to the north by the property at Waratah; and to the east by the property at Cashel Vale.
- 2.2 The site is relatively flat and mostly down to grass. There are some small, single-storey outbuildings in the north-eastern area near the field gate. The land to the south and west is essentially meadow up until it reaches existing residential properties to the north side of Low Road which are some 85+ metres south of the application site. To the west of the meadow are fields that continue west toward the A12 road.
- 2.3 The Darsham settlement boundary runs along the rear boundary line of properties to the south side of the street, it then runs south east through the application site; then across to the east; and then south-east along the front boundary of the property at Cashel Vale toward Low Road. The result is that the existing vehicular access and some 0.14 hectares in the north-eastern part of the application site is located within the Darsham settlement boundary; the remainder of the site is located outside the settlement and is therefore treated as countryside, for planning purposes.
- 2.4 The site falls outside the Darsham conservation area, although it is visible from it as the conservation area boundary runs along the rear garden line of the properties to the north side of Low Road – where it then travels northeast toward the Parish Church. The site does not fall within the setting of any listed buildings.
- 2.5 The site is not within the Suffolk Coast and Heaths Area of Outstanding Natural beauty or a locally designated Special Landscape Area.

2.6 The site is in flood zone 1.

3 PROPOSAL

3.1 The application seeks full planning permission for the erection of a dwelling on land to the south side of the property at Waratah.

3.2 The proposal would utilise the existing access drive from The Street shared with the existing residential properties. It is understood that the access drive is in the same ownership as Cashel Vale and the applicant has served notice on this landowner and completed certificate B of the application form as such.

3.3 The proposed dwelling is a contemporary dwelling formed from three asymmetrically roofed elements. The three elements are arranged to form a main living space with two perpendicular bedroom wings. The proposed dwelling is single storey in scale. The walls would be clad in a mix of materials: black Yorkshire cladding; and Sioo treated larch boarding. The roof would be covered in 'Marley' thru tone slates and an array of solar PV panels are proposed to the southern roof slope.

3.4 An additional element of the proposal is a detached garage in the north-eastern part of the site, approximately in the location of existing outbuildings. The garage would follow the style and form of the dwelling: contemporary and single storey with an asymmetrical form. Materials would match the proposed dwelling.

3.5 Forward of the dwelling and garage a vehicle parking/manoeuvring area is proposed, along with an area for the storage of domestic refuse bins.

3.6 Given that the existing site is not in residential use, and part of it is within the countryside, the proposal would also include the change of use of the land to domestic curtilage.

4 CONSULTATIONS/COMMENTS

Darsham Parish Council:

"Councillors do not support this application - there were 7 against with 2 abstentions. It is felt to be speculative, part of the land is outside the village envelope, there are plenty of new houses available in the village and there are questions over the access."

Suffolk County Council Highways:

"For Suffolk County Council to determine the application, visibility splays should be provided to ensure the sites access can facilitate the proposed intensification of use that the development would create."

Manual for Streets determines visibility of 43 metres to the nearside edge of the carriageway should be achieved in both directions (Y value), measured 2.4 metres back from the edge of the carriageway at the centre of the access (X value).

IF visibility is satisfactory, the following condition should be implemented:

Condition: The use shall not commence until the area within the site on drawing no. PL10 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.”

East Suffolk Council Head of Environment Services and Port Health:

No objections; standard ground contamination condition recommended.

Third Party Representations – four letters of objection that raise the following key issues (inter alia):

- The Council has previously given negative pre-application regarding residential development of the site;
- The proposed development is primarily outside the village settlement boundary;
- The development would require access across the lane which is in third party ownership;
- There are other residential developments ongoing in Darsham to provide housing - this is a speculative building opportunity;
- The proposal would diminish views from Waratah across the countryside;
- The drive opens onto the Village road adjacent to a blind bend and highways require further information;
- Would represent the loss of green field and local habitat for wildlife; and
- The black clad finish of the dwelling is not in keeping with the surrounding properties.

5 PUBLICITY

- 5.1 The application has been advertised in the local press as a Departure from the Development Plan.

6 SITE NOTICES

- 6.1 A site notice has been displayed at the application site (adjacent the highway) notifying the public that the proposal is a 'Departure from the Development Plan'.

7 PLANNING POLICY

- 7.1 On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan comprises:

- East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013); **“The Core Strategy”**
- East Suffolk Council - Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); **“The SAASPD”**
- East Suffolk Council – Suffolk Coastal District Local Plan - The Felixstowe Peninsula Area Action Plan (adopted on 26 January 2017); **“The FPAAP”**
- East Suffolk Council - The ‘Saved’ Policies of the Suffolk Coastal Local Plan (Adopted 1994) (incorporating first and second alterations Adopted 2001 & March 2006); and
- Any Neighbourhood Plans in effect (there is no NP covering the application site).

The relevant policies of The Core Strategy are:

- SP1 Sustainable Development
- SP1A Presumption in Favour of Sustainable Development
- SP14 Biodiversity and Geodiversity
- SP15 Landscape and Townscape
- SP19 Settlement Policy
- SP27 Key and Local Service Centres
- SP29 The Countryside
- DM3 Housing in the Countryside
- DM4 Housing in Clusters in the Countryside
- DM7 Infilling and Backland Development within physical limits boundaries
- DM19 Parking Standards
- DM21 Design: Aesthetics
- DM22 Design: Function
- DM23 Residential Amenity
- DM27 Biodiversity and Geodiversity

The relevant policies of the SAASPD are:

- SSP2 Physical Limits Boundaries
- SSP32 Visitor Management – European Sites

7.3 The Final Draft Local Plan (covering the former Suffolk Coastal area), hereafter referred to as “The New Local Plan” was submitted to the Planning Inspectorate (PINS) for examination on Friday 29th March 2019, and the hearings are currently taking place. At this stage in the plan making process, the policies that received little objection (or no representations) can be given more weight in decision making if required. Where relevant, emerging policy will be addressed in this report.

7.4 In August 2019, the Council published its annual housing land supply statement. This statement covers both the Suffolk Coastal and Waveney Local Plan areas of the East Suffolk District. The statement identifies sites in the Suffolk Coastal Plan area capable of delivering 7.03 years of housing land supply.

8 PLANNING CONSIDERATIONS

Principle of Development

- 8.1 The development plan spatial strategy is set in Core Strategy policies SP19, SP29 and SAASPD policy SSP2. These policies combine to identify sustainable settlements with defined physical limits boundaries where housing development should be directed to. The more sustainable the settlement is, in terms of the hierarchy, the more growth that is directed to those areas. Settlement boundaries are drawn to include any allocations for development that adjoin the previous boundary. The strategy for the countryside is in accordance with the NPPF and the development plan applies policies of restraint to areas outside the defined settlement boundaries.
- 8.2 The new Local Plan identifies settlement boundaries under Policy SCLP3.3 and again directs development to sustainable settlements.
- 8.3 The vehicular access to the site; the garage building and parking/manoeuvring area; and most of the built development proposed would be located within the Darsham settlement boundary. However, in terms of the proposed dwelling, part of the southern wing and most of the western wing of the dwelling would be located outside the settlement boundary. The majority of the residential curtilage proposed would be located outside the settlement boundary.
- 8.4 Core Strategy policy DM7 promotes some infill and backland development within the settlement boundaries where its well designed and related to its residential context, among other things. There are some 'housing in the countryside' policies in the Core Strategy such as DM3 and DM4; however, neither provides policy support for the elements of this proposal that are located outside the settlement boundary. Thus, given that some of the built development and most of the proposed curtilage would be located outside the Darsham settlement boundary, there is some conflict with the Development Plan spatial strategy to locate residential development entirely within defined settlement boundaries.
- 8.5 Darsham is categorised in the Core Strategy settlement hierarchy as a 'Key Service Centre'. In the new Local Plan, it is identified as a 'Small Village'. Thus, it is a sustainable settlement where small groups of new housing and infill development is considered acceptable in principle – and subject to compliance with other policies and considerations. Given that the site access and majority of built development is located within the settlement boundary, officers consider that the site is sustainably located and well-related to the existing village. That the site is in a sustainable location for housing development is a material consideration. Officers consider that, because the majority of the built development is located within the settlement boundary – and the new dwelling would be sustainably located – the conflict with Development Plan as described above does not make the principle unacceptable.

Design of Development

- 8.6 Chapter 12 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve; and that good design is a key aspect of sustainable development (para. 124). Paragraph 130 sets out that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it

functions. Core Strategy design policies DM21 and DM22 promote high-quality design that is both aesthetically pleasing and functionally sound.

- 8.7 The proposed design is a contemporary, bespoke proposal. It is a modern take on a vernacular agricultural building that draws reference from the scale and form of the existing outbuildings on site. On receipt of the application, officers raised concerns over the appearance of the proposal on the elevation drawings which give the impression that the dwelling would comprise of long, bland elevations without depth and interest. The applicant's architect has since provided a 3D sketch perspective of the proposal that gives a much better impression of its architectural quality. In 3D, the staggered almost 'Z-like' plan form can be understood, which reduces the apparent extent of the elevations. The asymmetrical roof form is interesting and, when coupled with the modern external materials, the proposed dwelling would present as an interesting, contemporary design.
- 8.8 Whilst the design approach does not relate to any existing dwellings adjacent the site, that is not considered to be an issue when the area is characterised by a mix of buildings – of their time and varied in scale, form and construction materials. The proposed dwelling would result in a new countryside edge in this area of Darsham, thus the creation of a single-storey, timber clad building in an 'outbuilding' style is not a bad design approach.
- 8.9 Officers main concern relates to the change of use of land to domestic curtilage and the potential for adverse impact on the character and appearance of the area, which could be considered to form part of the setting to Darsham conservation area. Whilst not strictly applicable to this proposal, Core Strategy policy DM8 provides useful guidance on extensions to residential curtilages into the countryside, with the LPA seeking to ensure that: (a) the resulting size of the curtilage is reflective of the scale and location of the dwelling; (b) its use would not result in visual intrusion caused by developments ancillary to the residential use; (c) it does not remove or enclose an existing native hedgerow (unless replaced by a similar hedgerow); and (d) the proposed boundary treatment is of a form that reflects its location.
- 8.10 Applying this policy guidance, it would first be appropriate to remove permitted development rights for development within the curtilage of the proposed dwellinghouse, should planning permission be granted. That could be achieved through planning condition.
- 8.11 A site landscaping strategy has not been proposed but the applicant has agreed to a planning condition securing such a strategy, should planning permission be granted. That condition would therefore need to require that the precise means of boundary treatment is detailed and approved by the LPA (ideally a native species hedgerow, perhaps with a timber post-and-rail fence running inside).
- 8.12 In terms of the size of the curtilage proposed, it would be quite large although not disproportionate to the size of the proposed dwellinghouse, nor some of the residential properties nearby – most notably at Cashel Vale, adjacent the eastern site boundary. Such a residential curtilage would be of benefit to living conditions of future occupants of the dwelling.
- 8.13 Officers therefore consider that the design of built development is acceptable and in accordance with the NPPF and Core Strategy policy DM21. The change of use of land would need to be controlled by planning condition - both to restrict permitted development and

agree a comprehensive site landscaping strategy but, with those conditions applied, the proposal would not result in harm to the character and appearance of the area and thus the proposal would not harm the Darsham conservation area through development within its setting.

Impact on Neighbouring Living Conditions

- 8.14 Core Strategy policy DM23 (Residential Amenity) seeks to protect the living conditions of all affected by development and sets out that the Council will have regard to the following: (a) privacy/overlooking; (b) outlook; (c) access to daylight and sunlight; (d) noise and disturbance; (e) the resulting physical relationship with other properties; (f) light spillage, air quality and other forms of pollution; and (g) safety and security. Development will only be acceptable where it would not cause an unacceptable loss of amenity to adjoining and/or future occupiers of the development.
- 8.15 The proposed dwelling is single storey and therefore high-level overlooking of neighbouring properties would not occur. The southern boundary of the property at Waratah is a low fence which means that even from ground floor windows there would be some mutual losses of privacy. However, any standard height means of enclosure along that boundary would reduce that impact. In any event, the same overlooking of the low fence can occur from simply standing within the application site thus it is not considered that the proposal would have an unreasonable impact on their privacy. The rear garden of Waratah and principal rear/front facing windows would not be prejudiced by the development. The property at Cashel Vale is much farther from the proposed dwelling and intervening vegetation limits any potential overlooking.
- 8.16 It is obvious that the proposal will change the southerly outlook from Waratah from a view of undeveloped land to a new residential property. That outlook is from secondary windows on the south side wall of the dwelling. Waratah itself is a relatively modern property, with planning permission granted in 2014 (ref. DC/14/2181/FUL); thus, the development of Waratah would have changed the outlook from the older dwelling to the north at Aisthorpe – so it would be unreasonable to now restrict development to the south on the basis of preserving a view. In any event, officers consider that the principal rear outlook would be unaffected by the proposal and thus there is not justification to refuse planning permission due to loss of outlook from Waratah.
- 8.17 The proposed dwelling and garage are single storey and at least 9.5 metres from the side wall of Waratah; and 17.5+ metres from the front wall of Cashel Vale. Given the scale of the proposed buildings and separation from adjacent residential properties, the proposal would not be overbearing or unduly harmful to their living conditions.
- 8.18 For the reasons given, officers consider that the neighbour amenity impact of the development is acceptable in accordance with policy DM23.

Highways Impact and Vehicular Access

- 8.19 Core Strategy Policy DM22 promotes design that is functionally successful and Chapter 9 of the National Planning Policy Framework (NPPF) provides guidance on considering development proposals:

Paragraph 108 - "it should be ensured that... (b) safe and suitable access to the site can be achieved for all users"; and

Paragraph 109 - "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

- 8.20 Suffolk County Highways are a statutory consultee. They have commented that:
"For Suffolk County Council to determine the application, visibility splays should be provided to ensure the sites access can facilitate the proposed intensification of use that the development would create.

Manual for Streets determines visibility of 43 metres to the nearside edge of the carriageway should be achieved in both directions (Y value), measured 2.4 metres back from the edge of the carriageway at the centre of the access (X value)."

- 8.21 At the time of writing this report, officers have not been provided with a drawing that precisely identifies the extent of visibility from the existing highways access point that the development would utilise. It should, however, be noted that the County Highways response does not include any formal objection or recommendation that the application be refused on highways safety grounds.
- 8.22 It is important to note that the existing highways access is in use by three residential properties. The proposal would intensify the use of it but, from a single dwelling, that intensification would not be substantial. Furthermore, this area of The Street is predominated by residential properties that all feed onto the highway. It is likely that in this part of the village vehicle speeds are quite low due to The Street being relatively narrow within an obviously residential environment.
- 8.23 In assessing the proposal on-site officers stood within the existing vehicular access and, in order to visit the site, drove a vehicle in-and-out of this access. Although precise visibility splays are not given within the application, officers consider that visibility from the vehicular access is acceptable in both directions. The bellmouth of the access is fairly wide allowing vehicles exiting the site to be positioned on the west side of the access allowing better visibility in the easterly direction where vehicles would be travelling on the near side of the carriageway. This is the critical splay and the frontage hedgerow of the property at 'Grey Lynn' is also set back from the highway meaning that the easterly splay is not obstructed.
- 8.24 Officers have requested a visibility splay drawing. Should that be provided then it will be reported to members via the update sheet and within the content of the officer presentation. However, based on the information provided and the officer assessment of the proposal, it is considered that this proposal would not result in an adverse impact on highway safety. This is an existing highways access and the proposal would not substantially intensify its use. Visibility is also good - and not dissimilar to other vehicular accesses onto the highway in this part of the village. It is not considered that planning permission should be refused on highways safety grounds.
- 8.25 Local residents are concerned about the proposal utilising the existing access drive which is in third party ownership. Land ownership and any easement or right-of-way is a civil matter and not a material planning consideration. The applicant has properly notified the landowner and completed certificate B on the application form thus the planning

requirement has been fulfilled. It is acknowledged that during construction there would be some disruption from construction vehicles accessing the site; although, that would be limited in extent and duration: a short-term impact that would not justify a refusal of planning permission.

- 8.26 The proposal includes a detached garage with cycle storage and an area for the parking and manoeuvring of vehicles. This is considered acceptable to allow on-site parking/cycle storage. Vehicles will also be able to exit the site in a forward gear.
- 8.27 For the reasons given, officers consider that the development is acceptable in highways terms in accordance with the NPPF and Core Strategy Policy DM22 (Design: Function).

Ecology

- 8.28 The application site is down to grass, kept short in length, so there is not likely to be any significant ecological value to the site that would require assessment.
- 8.29 The Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”) sets the legislation on the conservation of natural habitats and of wild fauna and flora. The Habitats Regulations require the competent authority (in this instance, the Council) to determine whether the development is likely to have a significant effect on the interest features of European sites protected under the legislation and, if there would be, to carry out an Appropriate Assessment of the implications of the proposal for the site’s conservation objectives in accordance with the regulations. The application site falls within a 13km buffer Zone of Influence (ZOI) of habitat sites designated for their international importance.
- 8.30 Development Plan policies SP14 and DM27 (Biodiversity & Geodiversity); and SSP32 (Visitor Management – European Sites), set out the Council’s approach to safeguard the integrity of designated European sites through ensuring that planned growth throughout the district is properly mitigated. To this end, the Suffolk Recreational Avoidance Mitigation Strategy (RAMS) is a collaborative project between East Suffolk Council, Babergh Mid Suffolk Councils and Ipswich Borough Council to help prevent additional recreational pressure on European designated sites on the Suffolk Coast, in part due to residential development in the area. The need for a RAMS project was first identified in the Appropriate Assessment carried out for the Suffolk Coastal Core Strategy (2013) and it has since been recognised as a strategy for mitigation in other Development Plan documents in the area. RAMS contributions have been calculated based on a study of the potential impact of increased recreational use on Suffolk Coast European Sites, which are protected for their international habitat and species value. The Suffolk RAMS, therefore, provides a strategic and streamlined approach to mitigation, enabling housing development within the identified 13km zone of influence (ZOI).
- 8.31 Should this proposal otherwise be acceptable to members, officers would seek a per-dwelling contribution of £321.22 to fund the Suffolk RAMS. This could be achieved by the applicant completing a form under Section 111 of the Local Government Act (1972) and making the required payment prior to any grant of planning permission. With RAMS payment mitigation secured, officers would consider there to be 'no likely significant effects' from the development proposal on the integrity of European sites within the 13km ZOI in accordance with the nature conservation objectives of policies SSP32, SP14 and DM27.

Other Matters

- 8.32 The application site is in flood zone 1 and is therefore suitably located for residential development, in terms of flood risk. The application is also supported by ground contamination investigation documents which have been reviewed by the Council's Environmental Protection Team; they have no objections subject to a standard planning condition recommending action/remediation in the event unexpected contamination is found on site.

9 CONCLUSION

- 9.1 As some of the proposed development (mostly residential curtilage) would be located outside the settlement, there is some conflict with the spatial strategy of the Development Plan that weighs against the proposal. However, officers consider that the principle of development is acceptable due to the majority of built development being located within the settlement and that the site is generally a sustainable location. The proposal is well-designed and impact arising from the change of use of land can be properly controlled and mitigated by use of planning condition. There is not considered to be any significant adverse impact on the living conditions of neighbouring residents. There is also not considered to be reason to refuse the application on highways safety grounds.
- 9.2 The proposal would provide a single dwelling contribution to housing supply in a sustainable location where residents would have access to local shops, services and facilities – which they would likely support. There would also be a minor short-term economic benefit from creation of construction jobs.
- 9.3 For the reasons given officers consider that, on balance, this is a sustainable form of development in accordance with the Development Plan and NPPF. Planning permission should therefore be granted.

10 RECOMMENDATION

- 10.1 **AUTHORITY TO APPROVE**, subject to officers securing a per-dwelling financial contribution toward the Suffolk RAMS to mitigate recreational impact on European habitat sites; and subject to the following planning 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 development hereby permitted shall be carried out in accordance with the following plans and documents: Drawing No. PL10 revA, received 25 June 2019; and Sketch Perspective Drawing (The Meadows – Dated 2019), received 18 June 2019.

Reason: To secure a properly planned development.

- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; hard surfacing materials; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Reason: To secure a comprehensive site landscaping strategy in the interest of good design and preserving the character and appearance of the area.

- 4) The use shall not commence until the area within the site on drawing no. PL10A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

- 5) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [or any order re-enacting or revoking that order with or without modification] no development within the curtilage of the dwellinghouse under Part 1 Classes E and F (incidental buildings and hard surfacing), or Part 2 Class A (gates, fences, walls etc.) shall take place unless express planning permission is granted for such development.

Reason: To control ancillary development within the new curtilage in the interest of preserving the character and appearance of the countryside.

BACKGROUND INFORMATION:

See application ref: DC/19/1727/FUL
at www.eastsuffolk.gov.uk/public-access

PLANNING COMMITTEE NORTH – Tuesday 8 October 2019

APPLICATION NO: DC/19/2435/FUL

EXPIRY DATE: 03 September 2019 (extension of time agreed until 11 October 2019)

APPLICATION TYPE: Full

APPLICANT: Richard Neale and Spencer Squire

LOCATION: 24 St Marys Street, Bungay, Suffolk, NR35 1AX

PARISH: Bungay

PROPOSAL: Construction of 1 no. single storey dwelling and domestic store and rearrangement of parking facilities

CASE OFFICER: Iain Robertson

Email: Iain.Robertson@eastsuffolk.gov.uk

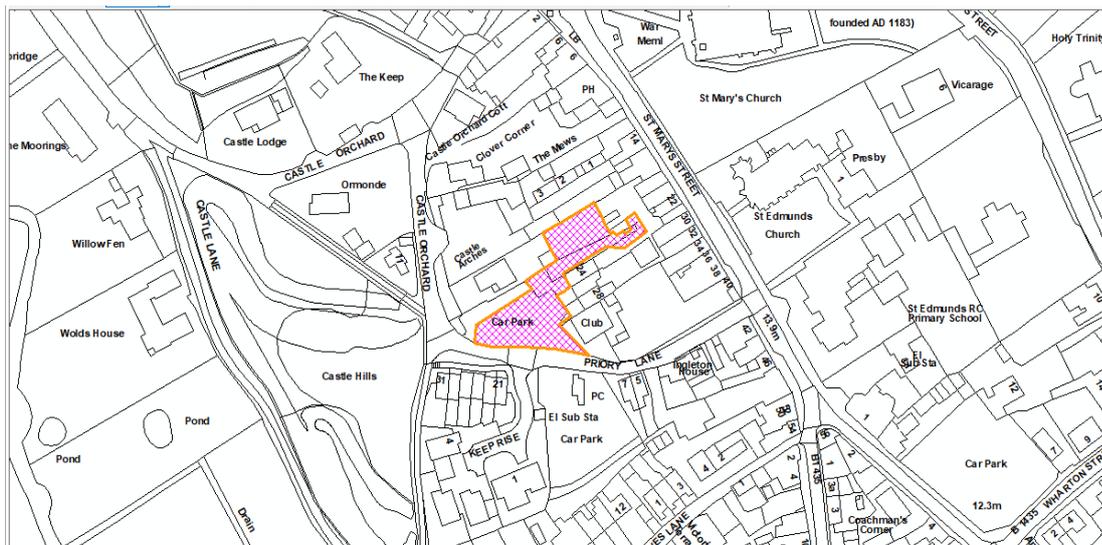
Phone: 01502 523067

MAP

DC/19/2435/FUL- 24 St Marys Street, Bungay

DO NOT SCALE SLA100019684

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1 EXECUTIVE SUMMARY

- 1.1 Planning permission is sought for the construction of a single storey residential property on land adjacent to 24 St. Marys Street and to the rear of 18 – 20 St. Marys Street. This would include the reconfiguration of the existing parking arrangement in front of Nos. 24 – 28 St. Marys Street. The site is located within the settlement boundary.
- 1.2 24 – 28 St. Marys Street fronts onto a public car park situated on Priory Lane. These properties as well as the property known as Castle Arches are within the ownership of the applicant. The site has been formed by acquiring additional land associated with these properties to form a site that would gain access through the public car park.
- 1.3 The site is in a sensitive location situated within the Bungay Conservation Area, adjacent to several Listed buildings. It is considered that the proposal would fail to respect the historic grain of the area which is characterised by long narrow rear yards which are used for associated ancillary buildings. The proposal would have a negative impact on the setting of several Listed buildings and the Bungay Conservation Area, by causing harm to their significance by the introduction of an alien form of development of a modern bungalow in an area that is historically and visually characterised by rear yard areas. The application is therefore recommended for refusal.
- 1.4 This application is before the Planning Committee as land within the application site is within the ownership of East Suffolk Council

2 SITE DESCRIPTION

- 2.1 The site is situated in a central location in Bungay Town centre within the physical limits of the settlement. The properties known as 24 – 28 St. Marys Street are set back from the built development facing on to St. Marys Street and are orientated to front onto the Priory Lane car park to the rear. This site is situated to the North of this group of listed buildings and currently forms part of the rear garden of a property known as Castle Arches which also adjoins the rear yards to the commercial premises that front on to St. Marys Street.
- 2.2 The site forms part of the Bungay Conservation Area within the historic core of Bungay and within the possible extent of the outer bailey of the castle. Although development in the late C20th within the Priory Lane area has detracted from the character of the Conservation area to some extent the grain of this area to the rear of the properties on St. Marys Street is characterised by long narrow rear yards with associated ancillary buildings.

3 PROPOSAL AND PLANNING HISTORY

- 3.1 The application seeks full planning permission for the construction of a single storey dwelling on the site with an ancillary storage building. Vehicular access would be gained from the South West side of the site through the public car park on Priory Lane. The land to the front and side of 24-28 St. Marys Street would be reconfigured to provide off street parking to the property. Pedestrian access is shown to the rear of the site from an existing gate which would provide access to St. Marys Street

- 3.2 The property would be of a modern bungalow form in buff brick with clay pantiled roof with white UPVC windows. Some traditional detailing is proposed with bay windows and chimney details.
- 3.3 Several applications have previously been submitted on a smaller parcel of land within this location. Three of these applications were submitted in 2004/2005 and were refused due to their impact on the historic environment, amenity of the area and design. One of which was appealed and dismissed by the Planning Inspectorate. More recently in 2018 a further application was submitted and was withdrawn due to similar concerns. Since this time additional land has been acquired to increase the size of the site in order to attempt to overcome these concerns.

4 CONSULTATIONS/COMMENTS

- 4.1 Bungay Town Council: It was proposed by ST, seconded by RM, and unanimously RESOLVED that these plans are recommended for REFUSAL with the comments that this is overdevelopment of the site, clarification of the boundaries of the site are needed and drainage issues need to be clarified
- 4.2 Suffolk County Council Highways: No objection subject to conditions requiring manoeuvring and parking of vehicles, and secure cycle storage to be provided as shown on drawing no 2087.2.
- 4.3 Suffolk County Council Archaeology: No objection subject to conditions.
- 4.4 Head of Environmental Health: No objections (standard condition recommended).
- 4.5 Essex and Suffolk Water: No objection
- 4.6 Suffolk Fire and Rescue: No objection
- 4.7 Third party representations: Three objections received raising the following points:
- Cramped form of development
 - Discordant and intrusive feature out of character with urban grain
 - Neither conserve or enhance the character or appearance of the Conservation Area including its heritage assets in its setting.
 - Would not integrate with the character and massing of the surrounding urban environment.
 - Loss of trees
 - Noise of construction
 - Relocation of commercial bin compound

5 PUBLICITY:

- 5.1 The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area, Listed Building	26.07.2019	16.08.2019	Beccles and Bungay Journal

6 SITE NOTICES

6.1 The following site notices have been displayed:

General Site Notice: Reason for site notice: Conservation Area, listed Building.
Date posted 17.07.2019 Expiry date 07.08.2019

7 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

7.2 Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 states that in exercise of planning functions as respects listed buildings the local planning authority shall have “*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” Section 72 states that with regard to Conservation Areas “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

7.3 National Planning Policy Framework (NPPF) (2019)

7.4 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP1.1 – Scale and Location of Growth
- WLP1.2 – Settlement Boundaries
- WLP8.33 – Residential Gardens and Urban Infilling
- WLP8.29 – Design
- WLP8.37 – Historic Environment
- WLP8.39 – Conservation Areas

8 PLANNING CONSIDERATIONS

Principle of Development

8.1 The site is within a central location in Bungay town centre situated within the settlement boundary as shown on the policies map. Settlement boundaries define the built-up area of settlements, and subject to the other policies of this Local Plan, indicate where development for housing would be suitable. The principle of residential development in this location is supported by policies WLP1.1 and WLP1.2 of the Local Plan.

Heritage consideration and design

8.2 The NPPF and the Local Plan give significant weight to conserving and enhancing the historic environment. Paragraph 193 of The NPPF states “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight*

should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

- 8.3 The site lies to the side of Nos 24- 28 St Marys Street. Listed Grade II in 1972 the List description reads;
- "Early 19th century, 3 storey, Suffolk yellow brick, pantiles, 3 windows, sash with glazing bars, flush frames and flat arches (narrow side panes) 2 storey 1 window wing with side entrances, left. 6-panel door with arched radial-bar fanlight in wood case with pilasters and open pediment. In important position".*
- 8.4 Although addressed as St. Marys Street, these buildings front onto Priory Lane and are accessed from this direction. The site is also behind several Grade II Listed buildings which front St Marys Street. These being Nos. 16 (in part), 18, 20, & 22. The rear of these properties had long narrow rear yards and any associated ancillary buildings, where they occurred tended to follow this grain.
- 8.5 The proposal for a dwelling in this location, particularly of this form and footprint, would appear as a discordant and intrusive feature which would fail to respect the grain of this area. The "L" plan form, wide gable widths and hipped gabled form gives it the character of a contemporary (late 20th early 21st C) style bungalow which would be an alien feature in the "yard" space behind the Listed building. The development of which would have a negative impact on their setting as it fails to relate well to the existing buildings and the past evolution of development of the area.
- 8.6 The acquisition of various pieces of land has created a site outline of very unusual appearance and would appear contrived within this setting. Historically inter-visibility between the different sites appears to have existed. The erection of high close boarded fences to the rear boundaries would have a negative impact on the area by visually blocking off these areas removing inter-visibility between the different sites. The provision of structures such as the modern timber shed close to the rear elevations of the Listed buildings fronting St Marys street further detracts from the proposal.
- 8.7 The proposal also increases the amount of car parking and turning area directly in front of No. 24 adjacent to the public car park area. The current layout that exists is not ideal as there already is a parking area in front of the Listed building, however, this proposal exacerbates the situation by introducing 1.8m high timber fence dividing the turning area/access to the parking from the garden of Nos. 26 – 28, which further negatively impacts on the setting of the listed buildings of 24-28.
- 8.8 The application would have a negative impact on the setting of several Listed buildings, by causing harm to their significance by introducing an alien form of development within this sensitive location. The proposal also fails to preserve or enhance and the Bungay Conservation Area contrary to requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of the NPPF and the Local Plan. The harm would be less than substantial in terms of paragraph 196 of the NPPF but a high level of harm on this spectrum.

Design and layout considerations

- 8.9 Design is a material consideration in the determination of planning applications and improving design quality is a key theme of the NPPF. Local Plan Policy WLP8.29 requires development proposals to demonstrate high quality design which reflects local distinctiveness.
- 8.10 The proposed dwelling does not meet the requirements of the NPPF and Local Plan WLP8.29 in terms of the high-quality design and fails to integrate into the surrounding built and historic environment required by policy WLP8.33. It would provide a cramped form of development which fails to give regard to the character, form and pattern of development in the surrounding area.

Residential Amenity

- 8.11 Policy WLP8.33 also requires that development proposals protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 8.12 Given the location of the site there would be a degree of overlooking from existing properties into the garden area. Given the urban location of the site this is considered to be acceptable to future occupiers.
- 8.13 Environmental Services have highlighted that the proposal has failed to consider the likely impact from noise sources associated with commercial premises nearby. Plant equipment is situated near to the residential curtilage and therefore a noise assessment should be carried out. This should be completed by a competent person which considers all potential sources of noise including any mitigation required to ensure that a good standard of amenity to the occupiers.

9 CONCLUSION

- 9.1 The site is situated in a sustainable location as the site is located within the town center of Bungay, the occupants of the property would therefore have good access to everyday services and facilities. The spatial strategy of the Local Plan supports the principle of new dwellings in such locations.
- 9.2 The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The environmental role includes the protection and enhancement of the historic environment. Given that the proposal is considered to harm the setting of surrounding listed building and would fail to preserve or enhance the character and appearance of the Bungay Conservation Area the proposal is not considered to constitute sustainable development.
- 9.3 The proposal would deliver some limited benefits with the provision of an additional dwelling to housing supply economic benefits of this, support for local shops and services from the occupants; and short-term economic benefits through the construction of the property. However, the benefits highlighted would only be given limited weight and would

not outweigh the harm identified to the historic environment which the NPPF affords significant weight.

10 RECOMMENDATION

That planning permission be **REFUSED** for the following reason:

- 1 The proposal is to construct a single storey property in a backland location to the rear of properties fronting on to St. Marys Road. The property would be sustainably located in terms of access to services and facilities within Bungay Town Centre but would be situated in an area of heritage significance within the setting of several listed buildings, within the Bungay Conservation Area.

The proposal for a dwelling in this location, particularly of this form and footprint, would appear as a discordant and intrusive feature and would fail to respect the historic grain of this area which historically is characterised by long narrow rear 'yard' areas to the frontage properties with associated ancillary buildings, where they occurred. The proposed dwelling does not meet the requirements of the NPPF and Local Plan WLP8.29 in terms of the high-quality design and fails to integrate into the surrounding built and historic environment required by policy WLP8.33. It would provide a cramped form of development which fails to give regard to the character, form and pattern of development in the surrounding area.

The application would have a negative impact on the setting of several Listed buildings, by causing harm to their significance by introducing an alien form of development within this sensitive location. The proposal also fails to preserve or enhance and the Bungay Conservation Area. The harm would be less than substantial in terms of paragraph 196 of the NPPF but a high level of harm on this spectrum. The public benefit of the proposal would not outweigh this harm.

The proposal would therefore be contrary to the objectives of East Suffolk Council - Waveney Local Plan (Adopted 20 March 2019) Policies: WLP8.33 – "Residential Gardens and Urban Infilling", WLP8.29 – "Design", WLP8.37 – "Historic Environment" and WLP8.39 – "Conservation Areas" section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the NPPF.

BACKGROUND INFORMATION: See application ref: DC/19/2435/FUL
at www.eastsuffolk.gov.uk/public-access

PLANNING COMMITTEE NORTH – Tuesday 8 October 2019

ES/0169

APPLICATION NO DC/19/2685/FUL

LOCATION

Saxmundham Railway Station, Station Approach, Saxmundham, Suffolk IP17 1BW

EXPIRY DATE 28 August 2019

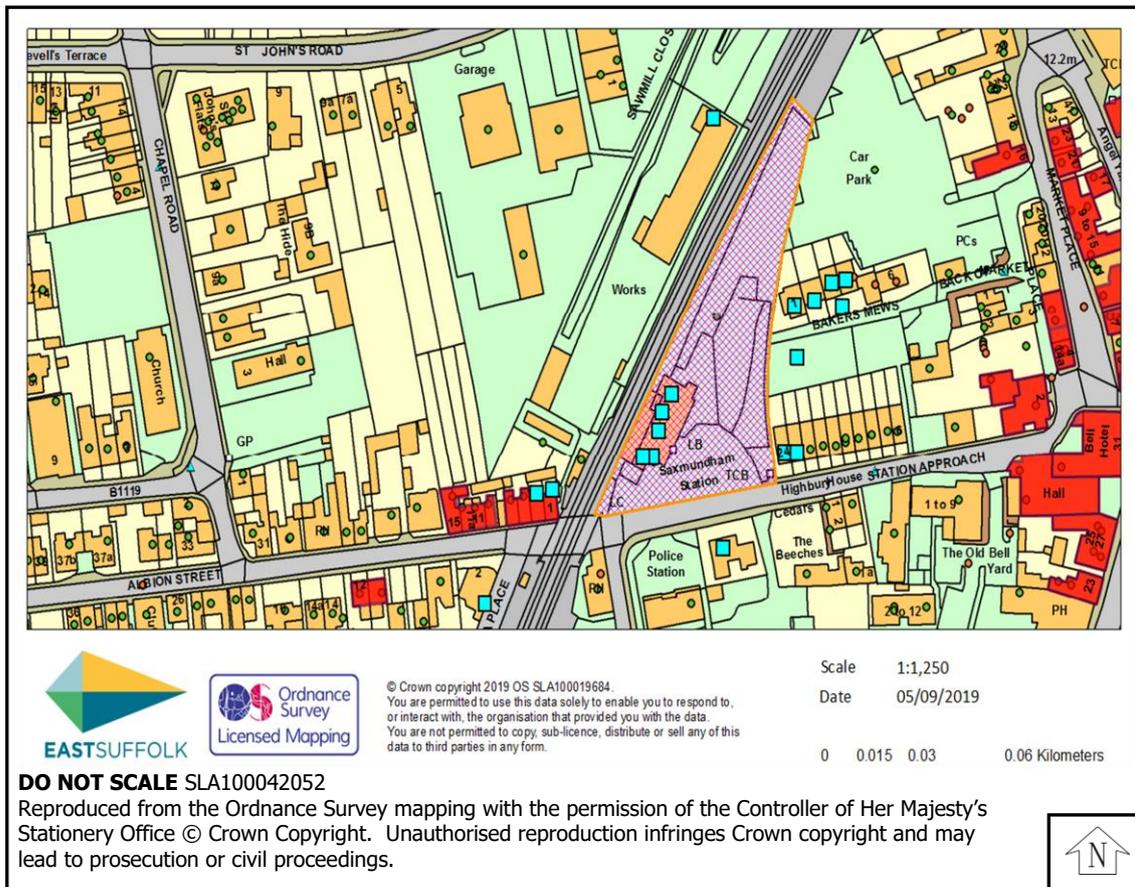
APPLICATION TYPE Full Application

APPLICANT Abellio Greater Anglia

PARISH Saxmundham

PROPOSAL Remodelling and weatherproofing of the station building

CASE OFFICER Chris Green, Riverside, Lowestoft, NR33 0EQ, 01502 523022



1. SUMMARY

- 1.1 The proposal is to provide waiting facilities for rail travellers within the shell of the fire damaged railway station buildings on the “up” London bound platform of Saxmundham Station, bringing this building back into use, but adapting it as a single storey form following the partial demolition necessitated following the fire.
- 1.2 This has led to objection from the Town Council and others, citing concerns that a reduced form harms the Conservation Area and fails to provide adequate facilities for rail travellers
- 1.3 This case was considered by referral panel where members determined that the Town Council objection necessitated committee consideration and a site visit scheduled to occur on 7 October 2019

2. SITE DESCRIPTION

- 2.1 The Saxmundham railway Station serves the market Town and is close to the halfway point on the East Suffolk line linking Ipswich to Lowestoft. The up platform serving Ipswich hosted a substantial two storey station building until last year, when a fire resulted in the need for public safety, to remove the upper storey. The building remains out of use and surrounded by safety fencing and has its windows boarded up.
- 2.2 The station stands in the Saxmundham Conservation Area on the highway “Station Approach with a forecourt tarmacked and dedicated to parking. Immediately opposite and set back from the highway by a wide forecourt is a modern flat roofed single storey building and next to that a two storey detached modern house. Beyond the car park is a modern 2 and a half storey modern housing terrace of traditional form. Of the more traditional buildings the former station pub, now closed stands opposite immediately next to the level crossing, and over the railway line itself a fine row of Victorian terraced cottages raised up above the footway reflecting local level change. These were originally railway workers’ cottages.

3 PROPOSAL

- 3.1 Planning permission is sought for the removal of small remaining elements of the fire damaged and unstable first floor, down to a point around ten courses above the original string course. A new slate pitched roof is specified along with smaller areas of flat roofing over the new waiting area, and a roadside canopy to match that seen in old photographs is to replace the truncated canopy that currently exists. The platform side canopy structure survives and will be refurbished and re-covered.
- 3.2 It is intended later that the station forecourt and parking will be re-modelled too, though this is not part of this current planning application

4. CONSULTATIONS/COMMENTS

4.1 Saxmundham Town Council Comments

“I am writing formally on behalf of Saxmundham Town Council to set out our opinion in relation to this application.

Saxmundham Station is in the centre of our fast-growing town, set in the Conservation Area. It also acts as 'Gateway' to the wider East Suffolk coast and other attractions. What happens to it is of fundamental importance to the town, as well as to the tens of thousands of rail users to and from the wider region.

First impressions matter. We had, until the fire of February 2018, a fine Victorian 2 storey building which – until boarded up some years earlier and allowed to decay – formed a decent entry-point to the town.

While initial plans were discussed back in November 2018 at a meeting at which the Town Council was represented, our Council – and more importantly, our residents generally - had not been consulted by Greater Anglia on their plans, which include not only the Station Building, the subject of this application, but for their site as a whole which we learn is to become in effect a paved carpark.

Once we learnt of the lodging of this application, we set about consulting our town's residents. We organised a public session to discuss the proposals, which took place last night (Monday 29th) and was followed by the Town Council's consideration of the application, in order to meet your deadline for our response.

At the public session, which was attended by around 80 members of the public, we were joined by two members of the Greater Anglia team, invited by us, who explained the plans for building, platforms and car park area, and sought to answer questions. We greatly welcome this first opportunity with GA to discuss their plans of fundamental importance to the town, but it was simply not possible to explore or resolve satisfactorily all the issues raised in the time available.

Not only is the Station set in the Conservation Area, it is also in an area which the Final Draft Local Plan highlights within the Saxmundham Strategy:

"The strategy for Saxmundham is to:

a) Enhance the vitality and vibrancy of the town centre, including through protecting and enhancing the historic core of the town and the railway station".

At para. 12.279, the Draft Plan cites the Ipswich Borough & Suffolk Coastal District Retail and Commercial Leisure Town Centre Study (October 2017), which also identifies "redevelopment/regeneration of the area around the railway station" as an opportunity.

Our Neighbourhood Plan Steering Group has also identified the wider station area as a key potential site for regeneration, in which the Station Building and the GA site as a whole would form key components, and we have written to Greater Anglia and Network Rail to offer our full co-operation in assessing the potential for the area, which would bring economic, social and environmental benefits.

After listening to the representatives of Greater Anglia and to the points raised by local people, and after considering the application and related documentation, the Town Council resolved as follows:

Saxmundham Town Council welcomes the opportunity to discuss with Abellio Greater Anglia the redevelopment of Saxmundham Station and, in particular, the wider area around the Station.

We also fully share the objective of an early, well-designed Station Building for Saxmundham and will work constructively towards it.

The Town Council nevertheless has serious concerns about the current application and therefore opposes it.

Our grounds and concerns include:

- The proposed building design, which does not meet the required standard or scale for the location and heritage of the building*
- The absence of provision in the application for community and/or passenger-serving uses of the building, such as a café or shop*
- The large size of the space reserved for 'operational purposes', and the consequent smallness of the waiting room*
- The need for adequate shelter and seating on platform two, which, although not part of this application, should be designed as part of the Station as a whole.*
- The absence of provision of WCs*
- The need to design the Station Building in the context of the wider site, including any landscaping, to be sympathetic to and consistent with its Conservation Area status, and the potential for the future regeneration of the wider area.*

Our concerns, and points related to other aspects of the proposed development of the site, are further detailed in the attached Annex, which forms an integral part of our representations.

At last night's public meeting, Greater Anglia's officers undertook to provide further information including drawings that would show the proposed design and 'look' much more clearly. They also indicated that after a period when the larger room would be used for "operational purposes", it might be made available for commercial or community purposes. However, this is not stated in the planning application.

One important issue involves the relationship between the Station Building, for which this application has been made, and the rest of the GA site, which is mainly to be turned into a larger (paying) car park, and for which no application has been made. We assume this is considered by GA to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015. Although this was not discussed at our meeting, I have consulted my councilor colleagues, and we believe it would be far better to deal with the whole area (building and car park) together, as the issues inter-connect. The local planning authority does have power to require this, if necessary.

As an example, in the attached Annex setting out our concerns, the issue of car park and landscaping is referred to, on which we have not been consulted. In a Conservation Area, the quality of landscaping of and around a large car park is important. We draw attention to the issue of 'trees and hedges' (last point in the Annex), as the planning application for the station building argues – incorrectly in our view - that there are no trees on the adjacent (car park) land which might be important for the landscape character.

(We have also noted a point of apparently inaccurate wording of the planning application: “..the construction of a new flat roof to the single-storey brick structure..” which is in fact contradicted by the planning statement and drawings for the building, which show a pitched roof for the main area.)

We are confident that, with appropriate information, consultation and some improvements, an acceptable solution can be found, given the will and a little more time. We are anxious not to let the present awful condition of the Station continue for long, but it is worth a little time to get the right design and solution.

For information, we have drawn up a petition to Greater Anglia which summarises many residents' concerns, has proved popular, and which asks GA to :

- (i) carry out full consultation, as a matter of urgency, with residents and users of the station over the design of the station building and surrounds, to find a solution acceptable to all parties, in keeping with the heritage of the building, and the Conservation Area,*
- (ii) ensure that the building is available for services for rail users such as café, and relevant community facilities*
- (iii) work with the Town Council and interested parties on plans for a redevelopment of the station area that brings economic, social and environmental benefits.*

ANNEX - points and issues of substantial concern

A. Planning context for "well-designed places"

Abellio Greater Anglia's Planning Statement rightly draws attention to the NPPF Section 12 which sets out policy for achieving well-designed places, and lays down principles which we agree are appropriate for assessing this application. The Statement says:

"Paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. This is a key aspect of sustainable development, creating better places to live and work and helps make development acceptable to communities.

5.4.4 Paragraph 127 sets out a series of design principles and confirms that decisions should ensure the following:

- Developments function well and add to the overall quality of the area for the lifetime of the development;*
- Are visually attractive resultant of good architecture;*
- Are sympathetic to the local character and history including the surrounding built environment;*
- Establish a strong sense of place;*
- Optimise the potential of the site to accommodate and sustain an appropriate mix of development, supporting local facilities and transport networks; and*
- Create places that are safe, inclusive and accessible promoting health and well-being with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.*

5.4.4.1 Paragraph 131 notes that when determining applications great weight should be given to innovative designs which help raise the standard of design more generally in the area."

The Heritage Statement lodged with the application also cites the relevant passages from the NPPF, in particular:

Paragraph 192

"In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

c) the desirability of new development making a positive contribution to local character and distinctiveness.”

The points below draw on these principles.

B. Our main points of concern

1. Building design

“The proposed building design... does not meet the required standard or scale for the location and heritage of the building”

Councilors – and many residents – felt that the proposed design failed to do justice to the history and heritage of the site and previous building. While noting a number of ‘heritage’ features, which are appreciated, the single-storey building as shown in the indicative elevation CAD illustrations, is considered not to represent the sense of place and identity that the old building had, and which is required for this strategic site in a town centre, Conservation Area location, serving a wide hinterland. Many residents and councilors consider that, as a design necessity, a two storey building is required, without undue additional costs. This would also enable a broader range of functional uses to be developed, serving community and/or economic uses, as well as rail operational uses.

In terms of the NPPF principles above, we do not agree that the proposals demonstrate results that are sufficiently “visually attractive resultant of good architecture”, nor adequately reflect “the local character and history” of the Station building, and the design as shown at present does not in our view “establish a strong sense of place” nor sense of “distinctiveness”.

2. Community and passenger-serving use

“The absence of provision in the application for community and/or passenger-serving uses of the building, such as a café or shop”

While supportive of the general principle of rebuilding the Station, we (again, both residents and councilors) considered that the application fails to take adequately into account either important passenger-serving functions, or community-related uses. Other stations on the East Suffolk line have very successful cafes, for example, including management by community volunteers. Prior to the 2018 fire, the old building was on the point of being let to a community arts organisation. The current plans would appear to give no possibility of this.

In terms of the NPPF principles, we consider that the application does not adequately “optimise the potential of the site to accommodate and sustain an appropriate mix of development...”

We draw attention to the fact that over many years the building served passengers and other customers, including café and travel agency uses, i.e. it has not been mainly restricted to internal operational uses.

In terms of NPPF heritage principles, we underline “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”, which we consider has not yet been adequately provided for in the application.

3. Imbalance between operational and waiting-room space

“The large size of the space reserved for 'operational purposes', and the consequent smallness of the waiting room”

This is a specific aspect of the previous point. The waiting room is limited to 26 square metres, i.e. one-fifth of the size of the area reserved for "Railway operational use". The Greater Anglia officers who attended our meeting indicated that the "operational use" might in a few years be made available for other uses, but this is not made explicit at any point in the application. With 12 seats indicatively show, the capacity of the waiting room, in bad weather for example, is too small given the overall building spatial capacity.

An additional point on waiting room: the present plan shows the ticket machine being only inside the waiting room. We propose there needs to be a ticket machine on the platform also, in case the waiting room is closed to the public at any time.

4. Platform 2

"The need for adequate shelter and seating on platform two, which, although not part of this application, should be designed as part of the Station as a whole"

We learnt from the Greater Anglia colleagues at our public meeting about proposals for Platform 2; in principle, we favour the carrying out of works there that enhance the customer experience, as well as being necessary for more practical reasons. This however exemplifies the problem of responding to an overall "concept" of works to the whole site, including Station building, Platform 2, and car park and other area, when information on the remaining proposals is limited, and has only now begun to be the subject of consultation locally by GA.

5. "The absence of provision of WCs"

This point was one raised by a very large number of those attending the public session, and town councillors share the concern. This is a matter of health and well-being for huge numbers of citizens. Railways draw large numbers of people together, and railway operators need to "create places that are safe, inclusive and accessible promoting health and well-being with a high standard of amenity for existing and future users..." GA officers cited criminal behaviour issues as a reason for non-provision, but we consider that this does not of itself justify the total absence of provision. If other passenger services were to be provided, this could provide a basis for at least partial provision of toilets, which will be required for operational staff in any event, we assume.

6. The Station in the context of the wider site

"The need to design the Station building in the context of the wider site, including any landscaping, to be sympathetic to and consistent with its Conservation Area status, and the potential for the future regeneration of the wider area"

As stated at point 4., in reality, we are dealing with three interconnected development proposals within the Conservation Area, of which only one – the Station Building – is the subject of an application. The integrated impact of the proposed Station building with the much-expanded car park, and any (as yet unspecified) landscaping works needs to be seen, the whole is surely greater than the sum of the parts. Given the apparently bland paving proposals for the car park, the importance of a "statement" building in terms of scale and design is increased, for example. One way of dealing with all in an integrated way would be to invite GA to put in a linked application for the car park area, or possibly, for the local planning authority to issue a direction restricting permitted development of the car park area under Article 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

As a Town Council, we are looking at the regeneration of the whole area around the station; the streets are not well adapted to larger scale vehicle movements and there are other possibilities, though requiring land-owners including Network Rail and Greater

Anglia, for longer-term solutions. Our aim now is to ensure that any development at this stage is positive in its own right, but not liable to close down better overall solutions in future.

7. The car park proposals

As discussed above, we are now informed that Greater Anglia propose to develop the site to expand the car park considerably, and to charge for parking there, presumably proposing to treat this development as 'deemed permission' for railway operators under the 2015 GPD Order. Concerns were expressed at the public meeting and in our Town Council meeting that the impact of this will be to expand on-street parking in other parts of the town, which is already an issue to some extent. Since we have not been consulted on this, we cannot immediately assess the impact, but there is no reason to believe it will be minimal. The Town Council's own property opposite the rail station, the Old Police Station, which has its own car parking area, is already used without permission by station visitors, and the surrounding streets are often clogged. Station Approach is specified in the Local Plan for improvements especially for pedestrians and cyclists – we fear that without accompanying traffic control measures, the car park proposals may have a series of negative knock-on impacts.

This further adds to our point about needing a planning application for the car park development, to enable an integrated view to be taken.

8. Car park and landscaping

Given the location in a Conservation Area, we consider that landscaping of quality and environmental sensitivity is essential, but to date this seems to have been almost ignored. The car park plan (seen by us for the first time in GA's presentation at the public meeting) showed "areas to be cleared of vegetation", and also pointed to "Trees to be retained". This is extremely limited, and adds to our view that, taken as a whole, the proposals are not in accordance with the NPPF principles cited above. It also seems curious that, in the planning application for the Station building, the applicant has answered the following "tree or hedges" questions in the standard form as follows: "10. Trees and Hedges Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of your local planning authority...."

It is a fact that there are trees on the adjacent land, and we believe that, considered objectively, they could – at minimum – be important as part of the local landscape character.

This reinforces the point that GA need to provide a full landscaping and parking plan, or (as above) that the local planning authority should consider a direction that requires an application to be made."

Statutory Consultees

4.2 Suffolk County - Highways Department: No objections subject to conditions

4.3 Network Rail: No comments made

Non Statutory Consultees

- 4.4 Suffolk Coastal Disability Forum. Support development. Sloped access to the waiting room is provided. The door to the “railway use” area of the building (car park side) appears to have two steps up to it. This is not very disabled-friendly for any disabled railway staff. Disables car parking must remain in any future plans.
- 4.5 The Railway Heritage Trust: Support the application and are to provide a £100k grant to the proposed partial restoration of the building. They comment that economic and practical considerations dictate that the upper storey of the building need not be replaced.
- 4.6 East Suffolk Travelers’ Association
Support the application and are concerned about the delay to taking the decision. The plans are appropriate and reflect the unstaffed status of the station. The proposed waiting room is larger than the previous one. The pitched roof proposed reflects the heritage aspect of the building. We understand too that work will be done at the same time to the car park and the platform and shelter used by northbound trains.
- 4.6 Third Party Representations: Two letters of objection have been received raising the following material planning considerations:
- Abelio have failed to restore the station following the fire and the operator failed to communicate intent.
 - Proposals are too limited.
 - The Planning Application is incomplete because in a Conservation Area all matters should be addressed including landscaping.
 - The operator fails to demonstrate there is no economic case for rebuilding.
 - As a heritage asset it should be rebuilt in full.
 - Conservation Area status removes 'Permitted Development'.
 - The Conservation Area appraisal requires full restoration.
 - The proposal is characterless and will fail to reflect the massing of the former building.
 - A bold new design might be preferable to the current proposal, this opportunity is being lost
 - A car park layout shown at the public meeting looks to not be implementable.
 - The car park should be included in this application. Details of taxi and bus provision are needed.
 - The waiting area is too small for the 3000 passenger per week usage
 - The area set aside for 'railway operational use' is too big and should be a cafe and toilets.
 - No toilets are provided yet the railway operational space requires these under working welfare requirements.
 - The emerging Saxmundham Neighbourhood plan has a masterplan for the Station area as a key 'front door' for the town.
 - This proposal will not realize the transport hub envisioned in the emergent local plan
 - More thought as to materials is needed.
 - Two ticket machines are needed as the machines are often unreliable.

- The north bound platform needs to be reconstructed and provided a better shelter.

5. PUBLICITY

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area, Major Application,	18.01.2019	08.02.2019	Beccles and Bungay Journal
Conservation Area, Major Application,	18.01.2019	08.02.2019	Lowestoft Journal

6. SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Conservation Area, Major Application, Date posted 10.01.2019	Expiry date 31.01.2019

7. PLANNING POLICY

- 7.1 Section 38(6) of the Planning and Compensation Act 1990
- 7.2 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application.
- 7.3 Planning (Listed Buildings and Conservation Areas) Act 1990, Part II
- 7.4 SPG13 - Historic buildings alterations/extension (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)
- 7.5 DM30 - Key Facilities (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)) East Suffolk (Suffolk Coastal) Local Plan
- 7.6 The emergent Policy SCLP11.5: Conservation Areas states of the Suffolk Coastal East Suffolk Local Plan
- 7.7 SP25 - Saxmundham (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).

8. PLANNING CONSIDERATIONS

Policy

- 8.1 The relevant local plan is the adopted Suffolk Coastal District Local Plan and Policy DM30 is relevant in this instance which states "*The partial redevelopment or change of use of a key facility will also be permitted where this will not prejudice its viability or future operation, and subject to the other policies in the Local Plan*". It is considered that in improving facilities offered at the railway station this policy is met.

- 8.2 The specific current local plan policy for Saxmundham is SP25, which states "*the railway station....should become..... an integrated transport hub on the East Suffolk rail-line, thereby serving the local area for the benefit of residents and tourists*".
- 8.3 The emergent Policy SCLP11.5: Conservation Areas states of the Suffolk Coastal East Suffolk Local Plan states : "*Development within, and which has potential to affect the setting of, Conservation Areas will be assessed against the relevant Conservation Area Appraisals and Management Plans and any subsequent additions or alterations. Developments should be of a particularly high standard of design and high quality of materials in order to preserve or enhance the character or appearance of the area.*

Proposals for development within a Conservation Area should:

a) Demonstrate a clear understanding of the significance of the conservation area alongside an assessment of the potential impact of the proposal on that significance; b) Preserve or enhance the character or appearance of the conservation area; c) Be of an appropriate design, scale, form, height, massing and position; d) Retain features important to settlement form and pattern such as open spaces, plot divisions, position of dwellings, hierarchy of routes, hierarchy of buildings, and their uses, boundary treatments and gardens; and e) Use high quality materials and methods of construction which complement the character of the area"

- 8.4 This plan is considered to be at an advanced stage with the Examination commencing on the 21 August 2019 and therefore the policies contained within the emerging plan are considered to have weight in the decision making process.
- 8.5 The proposal when weighed against these criteria is considered to fall short in terms of a strict interpretation; however, the fire that required partial demolition in order to continue to operate the train service is justification for the current reduced condition of the building. While the proposal therefore would create a building with different massing and presence in the street-scene, the form shown does retain characteristics of station architecture of the 19th century, because features such as string courses lend themselves to being combined with new copings to create a parapetted pitched roof design. The different massing is not considered in itself a detractor from the street-scene and Conservation Area, because the area around the station is relatively open in townscape terms whereby the presence of a two storey building is not considered necessary in order to provide the "presence" that might be deemed desirable in a building serving as a gateway to the town. With appropriate conditions requiring additional detail attached to any consent that may be granted, the requirement for high quality historically respectful materials and detailing can be attained.

Facilities

- 8.6 The provision of covered accessible waiting space both internally and under the restored platform canopy is a positive improvement to the situation that currently exists. This could be viewed as a first phase, and will not preclude further improvement. While no works to the external area is defined, this would not provide a reason to refuse the application here submitted for determination. It is recommended that further details for secure cycle storage be requested, as on-train provision is to be more actively managed with the introduction of the new rolling stock.

- 8.7 In future if another business was to come to the station in partnership with the franchise operator some of the additional facilities requested by commentators might be able to be provided.
- 8.8 The restoration of the upper storey would present considerable difficulty in usage given the Equalities Act and commercial use requirements, so restoration of this feature would not improve public facilities related to rail travel, and would realistically therefore have to serve residential use, which in turn would raise external amenity and security issues, so is considered impractical, given too the franchising system for rail service operators and the limited stake therefore that they have in fixed assets.

Heritage

- 8.7 The station is unlisted. The submitted Heritage Statement is considered to be proportionate to the requirements of paragraph 189 of the NPPF and should be conditioned as submitted to the Suffolk County Council Historic Environment Record.
- 8.8 The Saxmundham Conservation area appraisal (2016) identifies the station buildings as a key complex in the town centre and that their retention and restoration are essential for the benefit of the town and the conservation area (p49). The appraisal identifies the building as an unlisted building making a positive contribution. The appraisal pre-dates the fire and partial demolition, so the case for full restoration was not being proposed at that time based upon the current reduced state of the building and the partial demolition that was necessitated by public safety concerns did not form part of the consideration when the conservation management plan was being generated. Partial restoration and reconfiguration is therefore preferred to the alternative, which would be complete demolition and construction of a new building.
- 8.9 It is considered that while small the size of the waiting room does not provide a material planning reason to refuse. The new rolling stock soon to be operating provides more seats but the restored canopy will also offer covered waiting space on the platform.

Planning balance

- 8.10 The loss of the upper storey in pure heritage terms is negative because other East Suffolk Stations are two storey buildings, but was necessary for public safety and the proposed replacement makes good use of the surviving fabric to create a building of 19th century railway architectural character appropriate to its setting. The diminished vertical scale is not considered a negative aspect.
- 8.11 The facilities to be provided at this stage are basic, but an improvement on the current situation and represent a start to what could be a further development of the station area, the basic facilities are therefore a positive step towards achieving policy objectives and the lack of better facilities at this stage not a reason in planning terms to refuse the application.

9. CONCLUSION

- 9.1 The provision of improved facilities within a building attractively reordered to recognise the fabric losses caused is considered to justify the loss of the original historic form and scale.

10. RECOMMENDATION

APPROVE 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 development hereby permitted shall be completed in all respects strictly in accordance with drawings 378091-MMD-00-AQ-DR-A-0004B, 0005A and 0007a, the planning statement and the heritage statement; received 4th July 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work on that particular part of the scheme is begun (other than the conducting of a sample test patch for paint removal from the brickwork). The work shall be carried out in accordance with such approved details:

The material specification for the slate roof proposed, including hip and ridge.

The method to be employed for paint removal and brick cleansing, supported by the trial patch of a small section of paint in a less visible area.

Specification for repointing, including depth of rake out method to be employed to avoid harm to brickwork, type and mix of lime based binder and aggregate, and pointing finish. Supporting spandrel brackets to the new roadside canopy.

A condition survey of the existing joinery to windows and doors and details of the replacements.

Reason: In order to safeguard the special architectural and historic interest of the building.

BACKGROUND INFORMATION:

See application ref: DC/19/0051/FUL at www.eastsuffolk.gov.uk/public-access

CONTACT

Chris Green, Senior Planning Officer, Riverside, Lowestoft
01502 523022.

PLANNING COMMITTEE NORTH – Tuesday 8 October 2019

ES/0170

APPLICATION NO - DC/19/3066/FUL

EXPIRY DATE - 16/10/2019

APPLICATION TYPE - Full

APPLICANT - East Suffolk Council

LOCATION – Leiston Sports Centre, Red House Lane, Leiston

PARISH - Leiston

PROPOSAL - New barrier and bollards added. 4 new windows added.

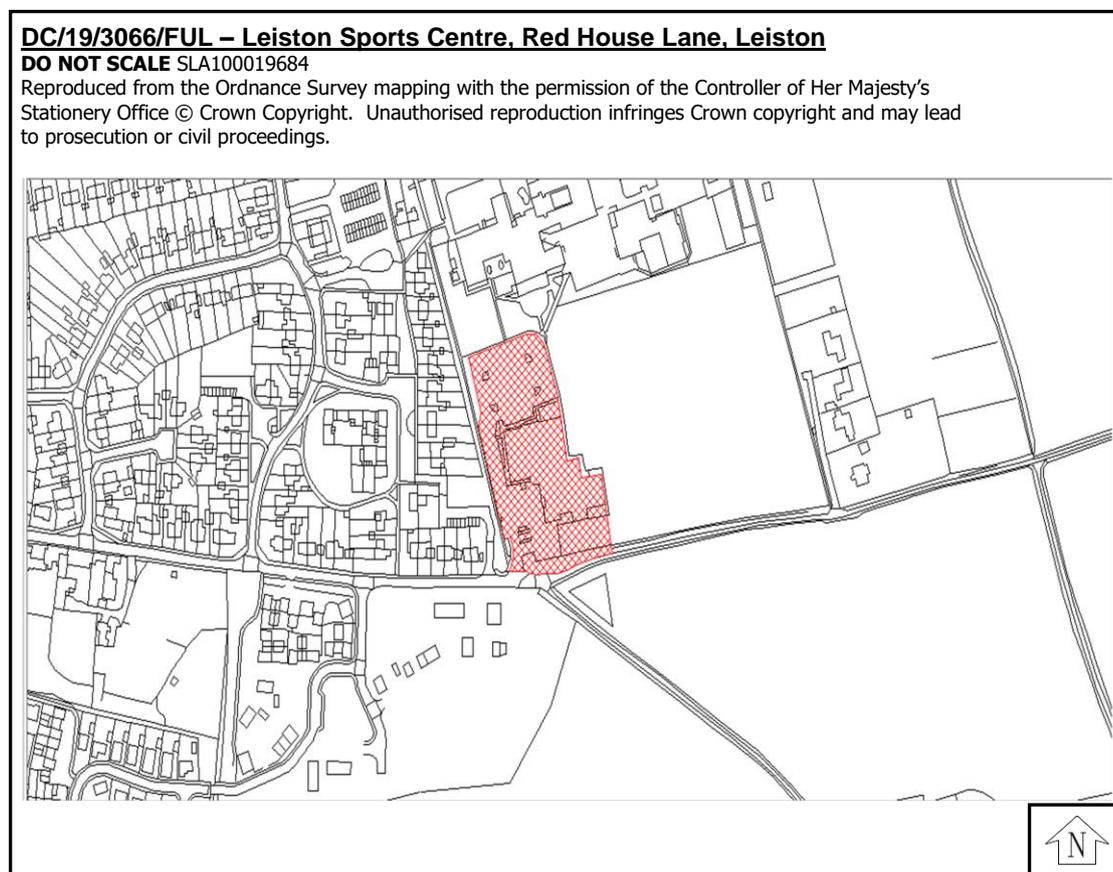
CASE OFFICER

Charlie Bixby

Phone: 01394444572

Email: charlie.bixby@eastsoffolk.gov.uk

MAP



1 EXECUTIVE SUMMARY

- 1.1 This application is referred to planning committee due to the applicant being East Suffolk Council and the land is under the Council's ownership and therefore requiring to be heard at planning committee.

2 SITE DESCRIPTION

- 2.1 Leiston Sports Centre was granted planning permission approval in May last year after being heard at planning committee under application reference DC/18/1120/RG3, building work was signed off on in July this year.
- 2.2 The application site is located at the end of Red House Lane outside of the main town centre of Leiston; the sports centre is adjacent the Alde Valley Academy and also has residential dwellings to the west with a new residential scheme to the south being built currently.
- 2.3 There is a Public Rights of Way running between the site and the residential properties to the west; the Public Right of way extends from the south to the north and to the northern side of the Alde Valley Academy.

3 PROPOSAL

- 3.1 Planning permission is sought for the construction of a new barrier and bollards located at the site entrance, with four additional windows proposed on the West elevation.

4 CONSULTATIONS/COMMENTS

- 4.1 Leiston Town Council: "Further to your letter dated 22nd August, members would, I'm sure, trust you to enhance your centre for the benefits of residents as appropriate"
- 4.2 Third Party Representations: None received.

5 PUBLICITY:

East Anglian Press Advertisement
Reason for advertising: Public Right of Way affected
Date advertised: 29.08.2019 Expiry date 19.09.2019

6 SITE NOTICES

General Site Notice
Reason for site notice: In the vicinity of Public Right of Way
Date posted 22.08.2019 Expiry date 13.09.2019

7 PLANNING POLICY

- 7.1 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application.

- 7.2 SP15 Landscape and Townscape - (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).
- 7.3 SP16 Sport and Play - (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).
- 7.4 SP24 Leiston - (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).
- 7.5 DM21 Aesthetics - (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).
- 7.6 DM23 Residential Amenity - (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).
- 7.7 DM32 Sport and Play - (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).
- 7.8 LEI01 Leiston Physical Limits – Leiston neighbourhood Plan

8 PLANNING CONSIDERATIONS

- 8.1 The proposal looks to provide additional bollards and a new barrier on the site entrance to the sports centre; the proposed bollards will be matching to the existing ones features on site.
- 8.2 The proposal also includes four new additional windows located on the west elevation of the sports centre; the windows will be situated between three existing windows on the same elevation and will be matching in design and size.

Visual Amenity and Street scene impact

- 8.3 The proposed windows to be included on the west elevation will match the existing windows in design, size and material appearing modest and well-related to the sports centre, the proposed four additional windows are not considered to cause any additional adverse visual harm to the existing building, the surrounding area or the immediate street scene.
- 8.4 The proposed new bollards and barrier to the site entrance will be located ahead of the existing bollards; the proposal will not result in adverse visual harm to the surrounding area or street scene and will appear modest and well-related to the sports centre scheme as a whole.
- 8.5 The proposed changes are considered to enhance the sports centre which opened earlier this year; the proposed changes will result in minimal visual impact that will not cause undue harm to the Leiston area or its character.

Residential Amenity

- 8.6 The proposed four new windows will be located adjacent the existing set of windows on the west elevation and are not considered to cause any additional overlooking or privacy concerns to the nearby residents, the sports centre and proposed windows are well set back from the nearest residential properties and will cause no additional overlooking as a result.

9 CONCLUSION

- 9.1 Overall the proposal is considered to enhance the existing sports centre and having a minimal visual impact upon the existing site and surrounding area; the changes are considered to be minimal in terms of overall impact.

10 RECOMMENDATION

APPROVE 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 development hereby permitted shall be completed in all respects strictly in accordance with 16-P01-01, 16-P01-02 & 161-03 received 06/08/2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

BACKGROUND INFORMATION:

See application ref: DC/19/3066/FUL
at www.eastsuffolk.gov.uk/public-access

APPLICATION NO DC/19/2451/FUL

EXPIRY DATE 15 August 2019 (extension of time agreed until 11 October 2019)

APPLICATION TYPE Full Planning Permission

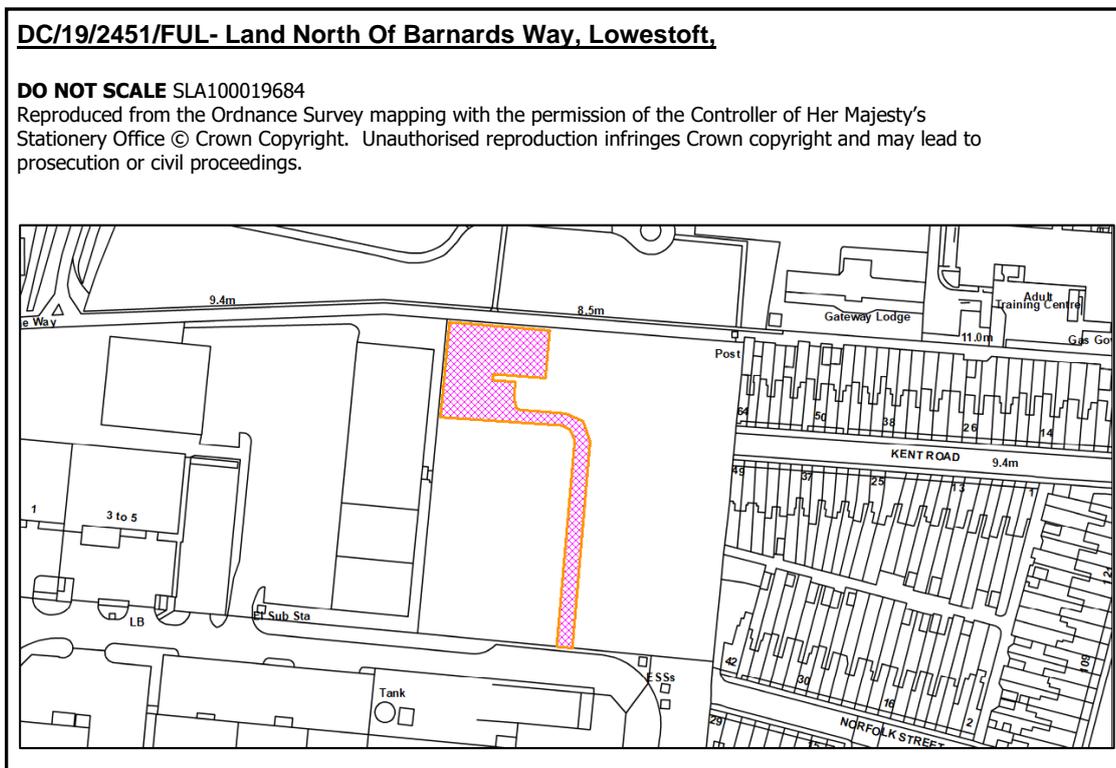
APPLICANT CityFibre

LOCATION Land North Of Barnards Way, Lowestoft

PARISH Lowestoft

PROPOSAL Siting of two containers, two generators and associated air conditioning equipment surrounded by 2.4-metre-high mesh fencing for use as a data centre (Use Class B8)

CASE OFFICER Matthew Gee
(including phone number & email) Tel: 01502 523021
 Email: Matthew.Gee@eastsoffolk.gov.uk



1 EXECUTIVE SUMMARY

- 1.1 Planning permission is sought to change the use of a parcel of land along Barnards Way, Lowestoft, to a data centre to be used in connection with the roll out of high-speed internet across Lowestoft.
- 1.2 The Land for which the change of use would occur is owned by East Suffolk Council, and therefore as landowners the application is required to go before Planning Committee as set out in the Constitution.
- 1.3 The site is located within the existing employment area and is on an existing area of previously developed scrubland. The Council's Head of Environmental Health has raised concerns regarding emissions and noise from proposal and potential impact to neighbours. Further information has been requested in regards noise impact, and subject to this being considered acceptable by officers, it is deemed that the potential impacts would be outweighed by the greater good of improved internet speeds within the town. It is therefore recommended that the application be approved subject to the receipt of additional information.

2 SITE DESCRIPTION

- 2.1 The site is located within the settlement boundary of Lowestoft and comprises an L-shaped parcel of land to the north of Barnards Way. Barnards Way forms a cul-de-sac taken off Denmark Road largely serving commercial warehouses and providing servicing to North Quay Retail Park to the south. The site is bound by a vacant area of vegetation scrubland and surrounding employment uses, primarily including warehousing and distribution units (Use Class B2/B8) and retail (Use Class A1). To the north of the site is a cemetery.
- 2.2 The site is presently undeveloped and largely given over to low grade foliage bound by a two metre high palisade fence and 1.8-metre high chainlink fence. Existing 2.5-metre-wide access gates are present on the northern boundary of the site, taken from the small access road linking Rotterdam Road to Peto Way

3 PROPOSAL

- 3.1 The proposed works comprise the installation of two containers for the use as a data centre, together with associated air conditioning units. Two smaller enclosures will be situated adjacent to each container, housing the proposed generators on concrete bases. A single meter cabinet will be positioned along the north-western boundary. A 2.4-metre-high mesh fence on concrete ring beam will be erected around the site.
- 3.2 Existing access gates to the site are to be relocated as part of the new development. The proposed access will be taken from Barnard's Way, where the new gates will be positioned on the south-eastern corner of the site, accessed via a three metre-wide hardstanding access track with 12 x 6-metre turning area.
- 3.3 It is stated that the scheme would deliver enhancements to Internet connectivity speed as part of a wider roll-out across the town and forms an essential piece of modern infrastructure.

4 CONSULTATIONS/COMMENTS

- 4.1 Lowestoft Town Council: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 9 July. It was agreed to recommend approval of the application.
- 4.2 Head of Environmental Health: Raised concerns in regards to the lack of information about the potential emissions from the proposed generators, and the potential noise implications of the proposed development.
- 4.3 Third Party Representations: None received

5 PUBLICITY:

- 5.1 No press notifications are required for this application.

6 SITE NOTICES

- 6.1 The following site notices have been displayed:

General Site Notice
Reason for site notice: General Site Notice.
Date posted 02.07.2019 Expiry date 23.07.2019

7 PLANNING POLICY

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”.
- 7.2 National Planning Policy Framework (NPPF) (2019)
- 7.3 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
- WLP1.3 – Infrastructure
 - WLP8.12 – Existing Employment Areas
 - Policy WLP8.29 – Design

8 PLANNING CONSIDERATIONS

- 8.1 The key considerations in the determination of this application are:
- Principle of development;
 - Design;
 - Amenity Impacts;
 - Highways;
 - Ecology
 - Other matters

Principle and use

- 8.2 Policy WLP1.3 sets out that Infrastructure investment will be encouraged in the district, additionally the site is located within the settlement boundary of Lowestoft and would comprise of the change of use of an area of current scrubland. The area is allocated as Existing Employment Area under Policy WLP8.12, were employment uses such as B8 are encouraged. As the proposal seeks to use an area of land within the existing employment area as a B use class it is considered acceptable. Therefore, subject to the adherence to other policies it is considered that the principle of the change of use is considered acceptable.
- 8.3 An inspector in a previous appeal (APP/Y0435/X/09/2103771 refers), concluded that there was nothing within the Use Class Regulations that identified that storage in association with B8 had to be of physical items, and therefore deemed that a Data storage centre would fall within the wider wording of the B8 use class. Officers have no reasons to disagree with this, and therefore for the purposes of this application it is considered that the proposed use falls within the B8 use class.

Design

- 8.4 Policy WLP8.29 sets out that development proposal should respond to local context and the form of surrounding buildings in relation to the overall scale and character, and by making use of materials and detailing appropriate to the local vernacular. The proposal seeks to position two containers, two generators and associated air conditioning equipment surrounded by 2.4-metre-high mesh fencing.
- 8.5 The land part of the Barnards Way/Denmark Road employment site, bordered by trees and fencing and presently surrounded by various employment land uses to the south and west, and a cemetery and public footpath to the north. The compound would be surrounded by 2.4-metre-high mesh fencing on a concrete ring beam for security purposes.
- 8.6 The proposed scheme is considered to be of functional in design and reflects its purpose. The site is also set within other industrial uses and is not widely visible from the surrounding area given the low nature of development. Therefore, whilst the proposal will have some visual intrusion within the landscape and street scene, it is not considered that the impact would have a significant or detrimental impact on the character and appearance of the surrounding area
- 8.7 The site would be partially visible from within the public cemetery to the north, however, given low level design, and existing view from the cemetery towards the application site, it is not considered that it would significantly alter the setting of the cemetery.

Amenity

- 8.8 Policy WLP8.29 also sets out that proposed development should "*Protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development*". The site is located approximately 50m from the nearest residential receptors at Norfolk Street and Kent Road located east of the site, with the submitted planning statement noting that "*the air conditioning units*

generate the equivalent noise to a typical fridge and are therefore not expected to cause any impacts upon amenity as the site is distant from any sensitive receptors". The Head of Environmental Health has raised concerns in regard to the noise levels from the proposed development, given the number of AC units and generators proposed, and as such have requested further noise information and mitigation measures to reduce potential impact.

- 8.9 The applicant has agreed to provide this additional information, and it is expected that this would be submitted prior to Committee. Therefore the recommendation would be subject to the submitted additional noise details identifying that no additional adverse impact would occur to neighbours receptors, and this information and any mitigation measures required being considered acceptable by officers.
- 8.10 Additionally, the Head of Environmental Health has raised concerns regarding the potential emissions from the two proposed generators and the impact on the wider air quality, the applicant has been unable to provide details on the emissions as they are not published by the manufacturer. Whilst this impact is noted, the applicant has detailed that the generators would only be used in extreme cases such as disruption in power supply, and that they would only be tested once per month for no more than 15 minutes. Therefore, whilst the potential impact on air quality is noted, the infrequency of the use and distance to neighbouring residential dwelling is not considered to result in an adverse impact on their amenity. Therefore, in this instance it is not considered that the impact would warrant refusal of this application on its own merit.

Highways

- 8.11 The proposal is to relocate the existing access gates to the site, and create a new access taken from Barnard's Way. Gates are proposed on the south-eastern corner of the site, and it would be accessed via a 3-metre-wide hardstanding access track with 12 x 6-metre turning area adjacent to the site. The proposal seeks to make no amendments to the highway network, except for the creation of a new access, and is unlikely to generate a significant increase in vehicle movements, as such it is not considered that the proposal would result in any adverse implications to the highway network.

Ecology

- 8.12 The existing site is scrubland, which has the potential to support important or protected flora and fauna. As the proposal is to clear the site of existing trees and overgrown vegetation to facilitate the development, it has been considered necessary for an ecological report to be undertaken. The report is broadly accepting of development on this site, subject to the mitigation measures outlined being completed, which could be ensured via an appropriate condition.
- 8.13 The report also recommends that a reptile survey be carried out to establish the presence and distribution of reptile species within the site. It is understood that this report is currently being undertaken and should be completed before this application is presented at committee, and members will be updated on this at committee. Therefore, subject to the council's ecologist having no issues with the reptile report, it is considered that the proposal would have an acceptable impact on ecology.

Other matters

- 8.14 The site is located within Flood Zone 1, and is at low risk of surface water flooding, as such it is not considered that the proposal would have any adverse impacts on flooding issues.
- 8.15 The site is also located a sufficient distance from any Listed Building that it would not have a material impact on the setting of those protected buildings.

9 CONCLUSION

- 9.1 In conclusion, whilst the proposal may result in some infrequent impact on air quality and minor impacts visual amenity impacts, it is not considered that these impacts would be significant. In addition, the proposal would help in the roll out of improved internet speeds to both the Town and Suffolk. Therefore, on balance it is considered that the greater economic improvement outweighs the marginal environmental impact arising, and the application is recommended for approval subject to the receipt of acceptable additional information.

10 RECOMMENDATION

AUTHORITY TO APPROVE subject to the reptile survey and further noise details and mitigation measures being submitted and considered acceptable by officers, and 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 development hereby permitted shall be completed in all respects strictly in accordance with:
 - P1808_054-PL-007-B, received 18/06/2019
 - P1808_054-PL-006-B, received 18/06/2019
 - P1808_054-PL-004-A, received 18/06/2019
 - P1808_054-PL-003-A, received 18/06/2019
 - P1808_054-PL-002-A, received 18/06/2019
 - P1808_054-PL-001-B, received 18/06/2019
 - P1808_054-PL-005-B, received 18/06/2019
 - PRELIMINARY ECOLOGICAL APPRAISAL, received 09/09/2019

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

BACKGROUND INFORMATION: See application ref:
at www.eastsuffolk.gov.uk/public-access