

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Thursday, 19 December 2019 at 3.30pm.**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Tony Cooper, Councillor Mary Rudd

**Officers present:**

Joe Blackmore (Development Management Team Leader - North Area), Sarah Carter (Democratic Services Officer), Mia Glass (Assistant Planning and Enforcement Officer), Chris Green (Senior Planning and Enforcement Officer), Nick Khan (Strategic Director), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Development Management Team Leader - South Area), Mel Van de Pieterman (Area Planning and Enforcement Officer).

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**Announcements**

Prior to the commencement of the meeting, the Chairman announced that Agenda Item 10 - DC/18/4469/FUL - Woods at Harmony, London Road, Weston, had been withdrawn from this meeting.

Due to the later start time of the meeting and the full Agenda, the Chairman advised that there would be a short break for light refreshments around 5.30pm or at a suitable time in the meeting.

**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Ashdown declared a Local Non-Pecuniary Interest in Agenda Item 11 - DC/19/3546/FUL - Stables, Yarmouth Road, Lound, as being Ward Member.

Councillor Coulam declared a Local Non-Pecuniary Interest in Agenda Item 6 - DC/18/0789/FUL - Links Road, North Denes, Lowestoft and Agenda Item 8 - DC/19/3289/OUT - Land South of Leisure Way, Lowestoft, as being Ward Member.

Councillor Elliott declared a Local Non-Pecuniary Interest in Agenda Item 12 - DC/19/4154/LBC - 9 St Mary's Flats, Ballygate, Beccles, as being Ward Member.

### **3 Declarations of Lobbying and Responses to Lobbying**

Councillor Ashdown declared that he had received communications in relation to Agenda Item 7 - DC/19/1831/FUL - St John's Hall, Ilketshall St John.

### **4 Minutes**

#### **RESOLVED**

That the Minutes of the meeting held on 12 November 2019 be confirmed as a correct record and signed by the Chairman.

### **5 Enforcement Action Case Update**

The Committee received report ES/0225 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 2 December 2019. There were currently 15 such cases.

The Assistant Planning and Enforcement Officer updated Members in that a notice has been served on 5 December on Boasts in Worlingham and that would be appearing on next month's list.

#### **RESOLVED**

That the East Suffolk Enforcement Action update report be received and noted.

### **6 DC/18/0789/FUL - Links Road, North Denes, Lowestoft**

The Committee considered report ES/0226 which related to a planning application for the construction of a restaurant/café with public toilets and play area.

Members were shown photographs and location plans of the site and coastal path including views from Gunton Cliffe, the existing car park, south over the Denes and Links Road itself. A block plan showed the proposed building, benches and WCs and details of the proposed elevations and floor plan.

The Area Planning and Enforcement Officer outlined the main issues relating to tourism and the economy, contaminated land, potential impact on public open space, highways and the ecology. She further explained the background to non-planning issues including covenants and landowner consent. It was understood that, if planning permission was granted, Lowestoft Town Council, as landowner, would not give consent; however, that issue was between the landowner and the Applicant.

Members noted that officers were of the opinion that the proposed café would offer an attraction to this part of the town where facilities were limited and provide an enhancement to the Denes area. Whilst the land had been allocated in the Local Plan as open space, the scale of development would not have a significant impact upon the

amount of space available. With benefits including employment on offer, approval was being recommended subject to appropriate conditions.

In response to Members' questions, the Area Planning and Enforcement Officer confirmed that the proposal included toilets inside the premises for customers and external toilets open to the public, both of which would be accessible for the disabled. There was an indication that both ice creams and fish and chips would be sold. The external finish of the building would be wooden cladding.

The Chairman invited public speakers to address the Committee.

As an objector, Mr Haddon explained that the proposed café was to be built on a former tip and on land that had been designated as open space for the public for picnic tables. Why was this proposal acceptable and a holiday village not? Pipes were in place across the site for sewerage works and the Council's own Environmental Health Officer did not think the proposal was a good idea and had objected. An environmental study should be undertaken before any determination of the planning application. The Town Council did not want the café, nor did the residents on Gunton Cliffe. The developer was proposing to extend along to the cricket pitch but for what, there were fishermen but no swimmers. There was already a well established café 800 yards distance in Sparrows Nest and this application should be turned down.

On behalf of Lowestoft Town Council, Ms Taylor thanked the Committee for being given the opportunity to speak and advised that the Town Council had unanimously agreed to refuse the application as it was not in line with the East of England Park and in Policy 2.5 of the Waveney Local Plan. The proposed generic design was not appropriate for such a unique area and there was the environmental impact of the building on a former landfill site. The benefits of the open space should be preserved as it formed an integral part of the Lowestoft seafront open spaces. The Town Council had not been consulted by the developers and it had no plans to develop the site. Ms Taylor urged the Committee to refuse the application.

The Chairman invited questions prior to debate.

In response to questions, the Head of Planning and Coastal Management advised Members that they had to determine applications on the planning merits and not on external factors such as landowner permission. If the proposal was supported, it would be for the Applicant to discuss with the Town Council. Any technical highways matters and environmental issues would need to be satisfactorily resolved or dealt with by way of condition.

During discussion, Members were of the opinion that the building and facilities including toilets would be welcome in this part of the town. It would enhance the area and assist in improving Lowestoft as a tourist destination. Comment was made that the development would contradict what had just been agreed in the Local Plan, destroy the vista of the Denes and result in a loss of open space adjacent to the County Wildlife site. With the contamination, Environmental Health had suggested refusal with the land in its current state. However, part of the development would help clean up the site and it was pointed out that alternative facilities in Sparrows Nest Gardens were not relevant to the application before Members. It was generally agreed that the

provision of toilets would be beneficial to both visitors and dog walkers and any refusal at this stage would restrict any future development proposals. If Members were minded to approve the application, the Applicant would still need the Town Council to give permission for the development to proceed. There being no further discussion, it was

## **RESOLVED**

That permission be granted, subject to submission of further ecological and contaminated land assessments to officer agreement with relevant internal consultees and 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 1610.138.02A received 20 February 2018;, 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. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

*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. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

*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. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

*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. The application site is within 250m of a former landfill site and the development could be at risk from ground gas ingress. Prior to the commencement of the development hereby approved, one of the following shall be submitted to and approved in writing by the Local Planning Authority. Either of:

(A) An appropriate study assessing the risk posed from landfill gas migration to be conducted in accordance with BS 8485 and CIRIA 665. The findings and proposed mitigation methods shall be agreed in writing prior to the commencement of development.

or (B) Details showing a high level of gas protection by way of mitigation. The minimum standard of gas protection required (should no study be submitted) shall accord with the Amber level of the NHBC standard or CS level from BS 8485 and plans of intended measures should be submitted for approval. Installation should be conducted in accordance with BRE 212 and 414 and a post development validation report should be submitted verifying this.

With each option, the development shall be carried out in accordance with the approved details.

*Reason: In accordance with PPS23 and because of the unknown characteristics of local former landfill sites.*

7. The use hereby permitted shall only take place between the hours of 08:00 and 21:15 Mondays to Saturdays and between 08:30 and 17:00 on Sundays or bank holidays.

*Reason: To protect the amenities of the surrounding area by minimising disturbance from the use of the cafe.*

8. No sound amplifying equipment which is audible outside the premises shall be installed without the written consent of the Local Planning Authority.

*Reason: to protect the amenities of the occupiers of nearby premises.*

9. Precise details of any equipment to be installed must be submitted to, and approved by, the Local Planning Authority prior to installation. The equipment must be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. The equipment must be effectively operated for so long as the use continues; unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that unsatisfactory cooking odours and noise outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.*

10. No deliveries shall be taken at or despatched from the site outside the hours of 09:00 to 17:00 Monday to Friday 09:00 to 13:00 Saturday; nor at any time on Sundays, Bank Holidays or Public Holidays.

*Reason: Where the resident's amenities of the surrounding area require protection by minimising disturbance from delivery vehicles.*

11. The materials to be used in the construction of the external surfaces of the cafe hereby permitted shall be as annotated on the drawing hereby approved.

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

## **7 DC/19/1831/FUL - St John's Hall, Ilketshall St John**

The Committee considered report ES/0227 which set out details of the application for the erection of a new steel frame building to act as a new pallet storage unit for the storage element of the existing storage and farm business.

Members were shown photographs and location plans of the site, which was a rural area near to the A144, and included the existing development and proposed site, the Grade II listed farmhouse and views from around the site across the farmland. The proposed development was closer to the existing buildings and had been turned 90° in comparison to the previous proposal from 2017 which had been refused and subsequent appeal dismissed.

The Development Management Team Leader (North Area) drew particular attention to the differences between the two applications including the lower height and reduced footprint of the proposed buildings. He explained the landscape and visual impact assessments and displayed views from three significant points in the landscape of the proposed development before and with the proposed mitigation planting after 15 years. The economic benefits of the proposal included the provision of new jobs and commercial storage for additional and start-up businesses. The Council's Economic Development Team supported the proposal.

In summary, the Development Management Team Leader (North Area) set out the material considerations and key issues and that the economic benefits outweighed any harm, including harm to the significance of the Grade II listed St John's Hall that would need to be given the proper weight by Members. The visual impact on the setting was minimal and there were no objections from Highways. Due to the separation distance, it was considered that there would be no harm to the residential amenity. As a result, approval was being recommended. The application was before Members as the proposal was a departure from the Development Plan and if any new material objections were raised, they would be referred back to Committee.

The Chairman invited questions.

Members questioned the likelihood of a second appeal if the application was refused, the type of planting and the location of an alternative site nearby for business/industrial use that had been allocated in the Local Plan. The Development Management Team Leader (North Area) explained that a condition covered planting and dependant on the quality and type of planting, the superimposed photographs were considered to be an accurate reflection of growth from the anticipated planting. 15 years was the accepted standard for growth; mature planting was costly and failure rates were higher. The site was a good location for both an increase in storage and agricultural use. Whilst acknowledging that another business use site had been allocated nearby, the proposal before Members was not likely to be economically delivered on a stand alone site. Any further expansion in the future was unlikely as the proposed new building would be towards the maximum limit of what the site could accommodate.

The Chairman invited the public speaker to address the Committee.

Mr Basey-Fisher, the Applicant, explained that they were the third generation to farm at Ilketshall St John and the provision of storage facilities for small start-up businesses was beneficial for those who could not do it themselves due to lack of capital and/or expertise. Pallet storage had helped a number of businesses flourish and, over the years, customers had increased and the warehouse(s) were full. He did not wish to be in a position to turn away prospective customers and more space was needed to help businesses. Mr Basey-Fisher explained that it would not be possible or viable to split their operation, hence the need for more storage on this site. He had been in communication with the locals and explained that there would be low traffic, low noise, low pollution and in the last 30 years of operation of the storage business, there had been only one complaint. St Johns Hall Storage was a success story which was helping the local economy.

The Chairman invited questions to the Applicant.

Members raised issues relating to land ownership, business development, planting schemes, storage and light spill from the proposed development. Mr Basey-Fisher explained that he had been in discussions with the local community and Bungay Town Council relating to future access. Building on the gateway into Bungay would not be suitable. Some land had been identified for residential purposes and the gateway into Bungay needed to be sensitively looked at for development. As a farmer, Mr Basey-Fisher was used to growing crops/plants and the proposed planting scheme would not be neglected. The current building was required for grain storage and there was no alternative storage in the area. The lighting scheme was the latest Thorn lighting and the specification contained in the application would minimise lighting spill.

Members welcomed the very comprehensive report and the recommendation for approval was unanimously supported.

### **RESOLVED**

That permission be granted, subject to no new material planning objections being received post-committee and prior to the 1 January 2020 and 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 carried out in accordance with the following approved plans and documents:

Landscape and Visual Impact Assessment (revised 29th August 2019); and Mitigation Proposal Drawing Nos. E17879-TLP-001 and E17879-TLP-002, received 05 September 2019.

Flood Risk Assessment (FRA) (dated 16/08/2019, ref: BLI.2019.40), received 29 August 2019.

External Lighting Plan No. 0001850397-EX-R1B-220719, received 22 July 2019; and Proposed lighting product details, received 17 June 2019.

Site Location Plan No. 1375/GEN/00 rev A; Proposed Plans and Elevations No. 100; Proposed Site Plan No. 1375/GEN/003 rev A; and Proposed Site Cross-Sections No. 1375/GEN/005 rev A, all received 03 May 2019.

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

3. No works or development shall commence until a full specification of all proposed tree and hedge planting (in accordance with the approved mitigation proposal drawing No. E17879-TLP-002 within the approved Landscape and Visual Impact Assessment) has



been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification unless otherwise approved in writing by the Local Planning Authority.

*Reason: To ensure a well laid out scheme of landscaping in the interest of good design and mitigating the impacts of the proposal on the character and appearance of the countryside.*

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) piling techniques
- d) storage of plant and materials
- e) programme of works (including measures for traffic management and operating hours)
- f) provision of boundary hoarding and lighting
- g) details of proposed means of dust suppression
- h) details of measures to prevent mud from vehicles leaving the site during construction
- i) haul routes for construction traffic on the highway network and
- j) monitoring and review mechanisms.
- k) details of deliveries times to the site during construction phase

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

*Reason: In the interest of local amenity and protection of the local environment during construction*

5. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction.

*Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.*

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: To ensure the landscaping strategy is implemented in a timely manner.*

7. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 16/08/2019, ref: BLI.2019.40) shall be implemented as approved in writing by the local planning authority. In addition to the approved FRA, a penstock must be located between the outfall of the approved attenuation basin and the outfall to ordinary watercourse. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.*

8. The development hereby permitted shall not be occupied until details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.*

## **8 DC/19/3289/OUT - Land South of Leisure Way, Lowestoft**

The Committee considered report ES/0228 which gave details of an outline application (all matters reserved) for the construction of up to 21 dwellings with associated landscaping, open space and ancillary infrastructure and works. The proposal included crown reduction to TPO tree T7.

Members were shown photographs and location plans of the site which was located near to the Tesco petrol station, the Potters Kiln and Travelodge. The presentation included views of the entrance to the land, the tree boundaries, an informal access path across the site and its position adjacent to the protected wildlife site, and diagrams giving indicative elevations of the dwellings.

The Area Planning and Enforcement Officer explained that 17 dwellings had previously been approved in 2017 and the application now before Members was for 21 dwellings changing the types to smaller units. She explained that, although the site was outside the development limits, it was in a sustainable location with access to bus and cycle routes. The provision of smaller units was welcomed and a Section 106 Agreement would secure affordable housing. Highways had commented on the cycle link but with all matters reserved, that could be included at a later stage. Approval was being recommended as it was considered that the current scheme, providing four additional

homes, was sustainable and met the requirements of Local and National Planning Policy.

In response to Members' questions, it was confirmed that four affordable homes would be included in the development and access to and from the open space to the south of the site would be provided. The Head of Planning and Coastal Management explained that the outline permission could include an advisory note on the need for all cycle matters to be addressed.

The Chairman invited the public speaker to address the Committee.

As the Applicant's Agent, Ms Brotherton asked Members to support the recommendation to approve the application subject to the Section 106 Agreement. They welcomed the opportunity to develop a vacant parcel of land surrounded by existing development and bring much needed housing onto the market. It was a sustainable location with shops, buses and a school in the vicinity. She made reference to the extant planning permission and stated that the 21 homes being proposed allowed a range of mix and type, extra smaller homes, which was acceptable. The proposed four affordable homes was in line with the policy requirement of 20%.

The Chairman invited questions to the Applicant's Agent.

A Member commented on the land being under utilised and after four permissions being granted since 2009, sought clarification as to when would something be built. Ms Brotherton explained that a lot depended on the market. There was currently no market for leisure or care facilities and this new scheme with a higher number of small units would be more marketable. As the Applicant's planning adviser, she understood that the owner wished to dispose of the site and was therefore unable to comment on timescale for the development to commence.

Members were disappointed that no development had yet taken place on the site and were of the opinion that it would be beneficial for the dwellings to be built at the earliest opportunity. There being no further discussion, it was unanimously

## **RESOLVED**

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

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

*Reason: In accordance with Section 92 of the Town and Country Planning Act 1990.*

2. Details relating to the layout, scale, appearance, access and landscaping of the site (the "reserved matters"), and measures to minimise water and energy consumption and to provide for recycling waste shall be submitted to and approved by the Local Planning Authority before any development is commenced.

*Reason: To comply with Sections 91 and 92 of the 1990 Act.*

3. Concurrent with the first reserved matters access application details of a scheme to improve the existing pedestrian only public highway footway on the south side of Leisure Way to create a new shared use cycle track linking the development to the existing cycle track network currently terminating at the Toucan crossing adjacent the Potters Kiln Public House shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be laid out and constructed in its entirety prior to occupation of any dwelling.

*Reason: In the interests of highway safety and to encourage the sustainable transport benefits of cycling as per National and Local Planning Policies including Waveney Local Plan Policy WLP8.21 and the Waveney Cycle Strategy.*

4. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that roads/footways are constructed to an acceptable standard.*

5. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

*Reason: To ensure that satisfactory access is provided for the safety of residents and the public.*

6. Before the first occupation of the development details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

*Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.*

7. Before the development is commenced details of the areas to be provided for the [loading, unloading,] manoeuvring and parking of vehicles including electric vehicle charging points, powered two vehicle provision and secure covered cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

*Reason: In the interests of highway safety and to encourage the use of sustainable transport. To ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking where on-street parking and manoeuvring could be detrimental to highway safety.*

8. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority.

The scheme shall be in accordance with the approved FRA and include:

- a) Dimensioned plans and drawings of the surface water drainage scheme;
- b) Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c) If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- d) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;
- e) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f) Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g) Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
  - h) Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include: -
    1. Temporary drainage systems
    2. Measures for managing pollution / water quality and protecting controlled waters and watercourses
    3. Measures for managing any on or offsite flood risk associated with construction
- h. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

*Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the*

*development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

9. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

*Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area*

10. Prior to the commencement of development (including site clearance) a Natural England licence and mitigation strategy plan for the protection of great crested newts shall be agreed by Natural England. The strategy should identify likely impacts on great crested newts and fully describe measures to mitigate for any impacts, followed by translocation of any newts found within the area. The mitigation strategy shall be completed in accordance with the approved specifications at such times as may be specified in the approved scheme.

*Reason: To provide appropriate mitigation measures to minimise the impact on Great Crested Newts.*

11. Prior to the commencement of development the recommendations made within the Amphibian and Habitat Survey (Phase 1 August 2019) shall be implemented in full.

*Reason: To ensure the provision of ecological enhancements.*

12. 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 report detailing proposed noise control measures is submitted to, and approved in writing by, the local planning authority. The report must propose, on a plot by plot basis, the exact noise control measures which are to be installed in accordance with section 4 of the submitted Sharps Redmore acoustic assessment.

*Reason: To ensure the development is suitably sound proofed with appropriate noise control measures.*

13. A validation report, demonstrating and evidencing the effective installation of the noise control measures approved under condition 13, must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development.

*Reason: To ensure the development is suitably sound proofed with appropriate noise control measures.*

14. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide details of:

- proposed hours of work
  - proposed piling methods
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding and acoustic screens
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for the recycling/disposing of waste resulting from construction works
- The approved Statement shall be adhered to throughout the construction period.

*Reason: In the interests of amenity and to ensure a safe development.*

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

1) A desk study and site reconnaissance, including:

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

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

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

All site investigations must be undertaken by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, BS10175:2011+A2:2017 and 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.*

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

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

The RMS must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019 and 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.*

17. Prior to any occupation or use of the approved development the RMS approved under condition 17 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.*

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

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

The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 and 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.*

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 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.*

## **9 DC/19/3317/FUL - 37-39 Field Lane, Kessingland**

The Committee considered report ES/0229 which outlined the application for full planning permission for the erection of two dwellings with associated works, including vehicular access, provision of internal access road, car/cycle parking and landscaping.

Members were shown photographs and location plans of the site, which was an area of land between numbers 37 and 39, including views of the street scene, the boundary wall that was to be removed, views from the rear of the site and the location of neighbouring properties.

The Development Management Team Leader (North Area) reminded the Committee of the previous applications and planning history of the site, in that four previous applications had been refused, full details of which were contained in the report. A block plan displayed the elevations of the proposed dwellings which were both three bedroomed. The main issues for consideration were the design of the development, neighbour amenity and highways impact. The proposed development, defined as

'backland' development, did accord with policy H2 in the Kessingland Neighbourhood Plan. Approval was therefore recommended with appropriate conditions.

The Chairman invited questions.

Members raised questions over the space between the two existing properties and the front door of No. 37 opening directly onto the access road and the window of No. 39 looking out over that access, the width of that access and bin collection. The Development Management Team Leader (North Area) explained that the access was approximately 5m at the road frontage; it narrowed through the site and cars would need to pull in as the width would not allow two cars to pass. The front door arrangement for No. 37 would remain the same and no works were proposed to be undertaken on No. 39. Bin storage was being provided for each plot and bins would have to be presented at the roadside on collection day.

The Chairman invited the public speaker to address the Committee.

The Applicant's Agent Mr Platt explained that, in order to meet the demand for housing, there was pressure to provide dwellings in vibrant communities. Here was the opportunity to provide housing in a sustainable location in a residential area. Policy H2 of the Neighbourhood Plan was significant to the proposal and the detailed assessment in paragraphs 9.2 to 9.12 of the report confirmed the proposal was compliant with policy. Although objections had been received with highways concerns, the Highways Authority had made no objection and no objections had been received from the remaining statutory consultees. Mr Platt asked that the Committee approve the application in accordance with the officer's recommendation.

Members questioned Mr Platt over the differences between this and the application refused in 2007 and the collection point for bins. Mr Platt advised that he had only been involved in the last two applications; the properties had been re-sited. Bins would need to be presented in front of No. 39 adjacent to the highway.

During debate, Members expressed concern that the width of the access was not adequate, both Nos. 37 and 39 would be adversely affected, and the bins being presented at the roadside would be another negative impact on amenity value. The access seemed inappropriate and the impact on the amenity of both Nos. 37 and 39 would be detrimental to anyone who purchased the properties at some future date. Walking out of the front door of No. 37 into passing traffic was unacceptable. The Committee generally agreed that the plot could be developed but the plans before them were unacceptable.

The Head of Planning and Coastal Management drew attention to paragraph 9.3 in the report and particularly the width of access and proximity to Nos. 37 and 39. There were alternative ways to address development on the site, for example demolishing No. 37 and replacing it with a new property set back from the road. That would allow, for example, the provision of good access and more appropriate position for bins to be presented for collection.

The Committee was of the opinion that the proposal was unacceptable and unanimously

## **RESOLVED**

That the application be refused for the following reasons:

- Detrimental impact on the amenity of Nos. 37 and 39 Field Lane due to the width and proximity of the access drive.
- Contrary to the specific criteria in Policy H2 of the Kessingland Neighbourhood Plan and related district level Local Plan Policies W8.29 and W8.33.

### **10 DC/18/4469/FUL - Woods at Harmony, London Road, Weston**

This application had been withdrawn from the Agenda at the direction of the Head of Planning and Coastal Management.

### **11 DC/19/3546/FUL - Stables, Yarmouth Road, Lound**

The Committee considered report ES/0231 which gave details of the application for the change of use and alterations to barns to create a single dwelling and associated landscaping and creation of a second vehicular access.

The Committee was advised that the proposal required full planning permission as it was not permitted development and also the works were considered to exceed those deemed to be a true conversion because of the need to rebuild the roof on one part of the building.

Members were shown photographs and location plans of the site including views of the south-east corner hip on the eastern range, the intact walls and roof which were in a reasonable state for use, and the existing site plan showing current access. The proposed block plan was outlined together with the proposed floor plan and elevations. Having originally held concerns, the Highways Authority was now satisfied with the proposed access and safety issues.

The Senior Planning and Enforcement Officer outlined the key issues relating to the degree of rebuilding required, the policy on conversions, highways and parking. The intention was to retain the existing buildings to preserve a modest yet characterful building in the existing rural landscape. Sufficient space could be created and any necessary replanting could take place. The proposal would be an enhancement of the site in its immediate setting and deliver public benefits through return to the economy of the area in build terms and provide a modest contribution to housing supply. It was considered that the proposal was acceptable and planning permission should be granted.

Members sought clarification on insulation and cladding and the retention of the original structure. The Senior Planning and Enforcement Officer advised that insulation and cladding would need to be in line with Building Regulations and the original structure was being retained.

The Chairman invited the public speaker to address the Committee.

Mr Barker, the Applicant's Agent, advised that the barns provided a good opportunity for conversion whilst retaining the traditional buildings considered to be a heritage asset, particularly as the buildings were too small for agricultural use. They had consulted on the planning application; the Parish Council supported the proposal and no local objections had been received. The estate wished to maintain the existing Somerleyton Hall and by selling the converted building the money could be invested into restoring other aspects of the Hall site. As the Committee had noted, the access had been changed to address concerns that had been raised and it was considered the conversion was re-using a derelict site with minimal impact, ensuring there was no loss of agricultural land. Mr Barker asked the Committee to support the application as the proposal would enhance the area, and provide funds to secure the future of the Hall and its estate.

The Chairman explained that he knew the building and area well as it was located in his Ward. He believed it would be an enhancement and bring the building back into use. Members commented that the conversion was an interesting design, would be a good use of the building and provide a nice looking dwelling. It was important to retain as much of the original building as possible and there being no further discussion, it was

#### **RESOLVED**

That permission be granted, subject to no material planning objections being received post-Committee and prior to the 21 December 2019 and 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 PL372 A02-02A, floor plan and PL372 A02-03A elevations, received 10 September 2019, and site layout PL371 A02-01B and the updated design statement received 18 October 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 other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 3.0 metres. Thereafter the access shall be retained in the specified form.

*Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.*

4. Before the access is first used visibility splays shall be provided as shown on the Amended Plan with an X dimension of 2.4 metres and a Y dimension of 42 metres (West) and 20.8 metres (East) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.*

5. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

*Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.*

6. Gates shall be set back a minimum distance of 5 metres from the edge of the metalled carriageway.

*Reason: In the interests of road safety.*

7. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

*Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.*

8. Before the development is commenced details of the areas to be provided for the secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

*Reason: To ensure that the minimum cycle parking provision outlined within SGP 2019 is achieved and to promote sustainable transport.*

NOTE: The garage is required to have a minimum internal depth of 7.0 metres to be considered as adequate cycle storage.

9. The use shall not commence until the area within the site shown on the Amended Plan 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 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.*

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

*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.*

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected, with the exception of a storage shed for bicycles 2 x 1m footprint on plan x 2.5m maximum height within 10m of the dwelling house, without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

*Reason: To secure a properly planned development.*

12. The recommendations of section 5 of the Ecological Appraisal (BasEcology, February 2019) for limiting and mitigating impacts on Ecology shall be implemented in full and mitigation features shall be retained thereafter.

*Reason: To protect and enhance ecology.*

13. Details of all external facing and roofing materials 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.*

## **12 DC/19/4154/LBC - 9 St Mary's Flats, Ballygate, Beccles**

The Committee considered report ES/0230 which was seeking listed building consent for the replacement of three rotten casement windows with new casement windows to match existing as closely as possible in joinery grade softwood. The property itself was a Georgian era building which had been sub divided into flats for a number of years. The application was before Committee as the applicant and landowner was the Council.

Members were shown photographs and location plans of the site including views of the building from various angles and the windows to be replaced. The lightwell which had been constructed more recently than the building and the windows to be replaced were not visible from street level.

The Senior Planning and Enforcement Officer outlined the proposed timber replacement joinery drawings and explained that softwoods were being used as they were stronger and took primer paint better. The key issue was the impact on the Listed Building and wider Conservation Area but it was considered there was no material harm. Approval was being recommended with conditions set out in the report.

The Committee unanimously supported the recommendation for approval and it was

**RESOLVED**

That permission be granted, 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 the attic plan drawing and the elevational and sectional drawings of the windows; received 23 October 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.*

The meeting concluded at 5.33pm.

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Chairman