

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held via Zoom, on **Monday, 22 February 2021** at **12.30pm**

**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 Edward Back, Councillor Judy Cloke, Councillor Tony Cooper, Councillor TJ Haworth-Culf, Councillor Debbie McCallum, Councillor Keith Patience, Councillor David Ritchie

**Officers present:** Liz Beighton (Planning Manager - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Matthew Gee (Planner - Development Management), Mia Glass (Assistant Enforcement Officer), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Steve Milligan (Planner - Development Management), Iain Robertson (Senior Planner - Development Management).

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**Announcement**

The Chairman advised that he had one announcement to make. For the record, several members of the Committee, including himself, and some officers, knew Mr Reid, who would be speaking on Agenda Item 6, as he was a former employee of the Council for many years. However, that would make no difference to the decision making process, and Mr Reid would be listened to objectively, as with any other person making representations. It would be the planning merits of what was said that would be taken into account.

**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 Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft, as his wife was a member of the Oulton Broad Parish Council's Planning Committee.

Councillor Back declared a Local Non-Pecuniary Interest in Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft, as being Ward Member.

Councillor Bond declared a Local Non-Pecuniary Interest in Item 9 - DC/20/4686/FUL - Land rear of 185 Saxmundham Road, Aldeburgh, as being Ward Member.

Councillor Brooks declared a Local Non-Pecuniary Interest in Item 6 - DC/20/2393/FUL - High Dene, 105 Park Road, Lowestoft, having visited the offices of the applicant on a fact finding mission.

Councillor Gee declared a Local Non-Pecuniary Interest in Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft, as being Ward Member.

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

All Councillors declared that they had been lobbied on Item 6 - DC/20/2593/FUL - High Dene, 105 Park Road, Lowestoft, and had made no response.

Councillors Ashdown, Brooks, Ceresa and Coulam declared that they had been lobbied on Item 7 - DC/1001/OUT - Land to the north of School Road, Ringsfield, and had made no response.

Councillors Ashdown, Brooks, Ceresa Coulam, Pitchers and Rivett, declared that they had been lobbied on Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft, and had made no response. In addition, Councillor Gee declared that she had been lobbied on Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft. She had made one response in the form of a site visit.

Councillor Bond declared that she had been lobbied on Item 9 - DC/20/4686/FUL - Land rear of 185 Saxmundham Road, Aldeburgh.

### **4 Minutes**

#### **RESOLVED**

That the Minutes of the Meeting held on 12 January 2021 be agreed as a correct record and signed by the Chairman.

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

The Committee received report ES/0666 which summarised outstanding enforcement cases sanctioned under delegated powers of through the Committee up to 22 January 2021. There were currently 14 cases.

The Assistant Enforcement Office provided an update on the following:

- 46 Wissett Way, Lowestoft - work had now been completed with regard to the untidy site.
- 28 Beverley Close, Lowestoft - work to the roof on the front extension now complete and the case would be closed.

The Planning Manager further advised that the Land at North Denes Caravan Park, The Ravine, Lowestoft, appeal had been postponed and was now due to take place on 7 March 2021. With regard to Land at Dam Lane, Kessingland, a Court date had been scheduled for 12 March 2021.

In response to questions regarding Top Street, Martlesham and White Cottage, Woodbridge, as they were both past compliance date, the Planning Manager confirmed compliance at Top Street was to be checked that week. The Assistant Enforcement Officer undertook to check the up to date position with the case officer for Top Street and email the information to the Committee.

Members noted the updated and there being no further discussion, it was unanimously

## **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 22 January 2021 be received and noted.

### **6 DC/20/2593/FUL - High Dene, 105 Park Road, Lowestoft**

The Committee considered report ES/0667 which gave details of the planning application for the change of use of 105 Park Road, Lowestoft, from a C2 Residential Care Home to a large House in Multiple Occupation (HMO) (sui-generis use category) providing supported housing for people with complex needs. The accommodation was to be supervised 24 hours a day.

Members were reminded that the application had been considered at their meeting on 8 December 2020, when concern had been expressed with the level of information provided regarding the location of the staff facilities such as office and sleeping accommodation; the maximum number of occupants of the accommodation; and the staff numbers required to assist and support the occupiers of the accommodation. A decision had been deferred to enable officers to establish these matters with the Applicant; those discussions had now taken place and the application was being presented to Committee for a decision.

Members received a presentation showing the site location plan, an aerial photograph, block plan and further photographs of the street scene, outside the property and within the site. The floor layout had been updated showing the staff sleeping quarters and office accommodation on the ground floor. Bedrooms were being provided for 11 occupants and the top floor would be used for staff training.

The Senior Planner gave a detailed explanation of the flat saturation and policy WLP8.4 confirming that the 20% flat saturation had not been exceeded and advised that exceptional circumstances for the conversion to an HMO had been demonstrated. In addressing the material planning considerations and key issues, the Senior Planner advised that Mavam had considerable experience in running this type of facility and the personal permission being proposed would control the use of the property in the long term. Whilst there was a need for care home spaces, there was no policy protection for them. It was considered that there would be no detrimental impact on the amenity of the neighbours and in response to comments on the likely increase in crime and anti

-social behaviour, the Police had chosen not to comment. County Highways had no comments as the use was similar to the current use. The alterations to the frontage in the Conservation Area was being dealt with under a separate enforcement case. It was considered that the proposal was providing much needed accommodation which would re-use a vacant building and offer employment opportunities. Approval was therefore being recommended.

The Chairman invited questions.

Members asked questions relating to:

- Flat saturation including purpose built flats.
- The conversion of other properties in the vicinity.
- The floor layout plan showing 13 bedrooms and two lounges.
- Personal circumstances for parking.
- Lack of en-suite facilities for the ground floor bedrooms.

The Senior Planning confirmed that the interpretation of the flat saturation policy related to conversion of buildings only, purpose-built buildings were not included in the calculation. Properties fronting Yarmouth Road were not included in the calculation due to them having a different postal address. The updated floor plan showed the 11 bedrooms that would be used for occupants of the accommodation. It was unlikely that occupiers of the accommodation would have their own vehicles and using public transport would be promoted.

The Principal Planner explained how the policy was applied. The lawful use of High Dene was a care home and that use was not classed as a single dwelling and considered in the same manner in terms of policy WLP8.4. The policy referred to any further conversion of a building and confirmed that buildings backing onto the street were not counted because their postal addresses were to a different street.

The Senior Planner suggested that the question relating to the ground floor facilities should be put to the Applicant.

The Chairman invited the public speakers to address the Committee.

As objectors, Mr B Reid would speak with Ms A Edwards in support for any questions. Mr Reid explained that the report ignored the facts and flat saturation in the area. The slide on display showed the flat saturation zones in Lindhurst Road and two adjacent properties in Corton Road. The officer stated that the 20% figure was a guide, meaning figures below or above could be considered. The officer disputed the methodology saying it would be based on the number of buildings converted. That could not be right comparing the impact of a building with 40 flats to a single house converted into four flats. That would ignore the intention of the policy and fail to protect amenity. Using that method, Cleveland Road was only 17½% converted buildings and the north end of Park Road was 22% now increasing to 26% with High Dene. The information submitted had been ignored in the report and a similar application in Cleveland Road had been refused on flat saturation. The application should be refused for a number of reasons including impact on the amenity, peace and tranquillity whether supervised or not, the plan for the office with opening windows was too close to the neighbouring boundary. There was no comparison between the peace and tranquillity of a residential care

home and a large HMO. If approved, what happened to the Section 106 agreement in the pre-application advice to ensure supervision and management. The proposal was to replace it with inadequate provision, and no inspections would be carried out either by the CQC or the County Council. The whole proposal would unbalance the community and the application should be refused.

On behalf of Lowestoft Town Council, Mr A Pearce advised that the Town Council recommended refusal and he asked that the Committee support that proposal. Public objections to the application were the most the Town Council had received since its formation in 2017 and from people living in the area. Council officers had chosen to ignore the case law established with regard to fear of crime and the objectors to the application. Even using the methodology for flat saturation, 20% had been exceeded. He did not want the 2020 Stella Maris inquiry repeated here. Referring to WLP8.4.3, the proposal was contrary to that policy. That policy stated that any property converted should be in a mixed use area; this was not, it was residential. The change of use would have a detrimental impact on the amenity of the residents. How would it be managed and the resulting problems? The Committee needed to think of local residents and permission should not be granted.

***Note:** The meeting host advised the Chairman that the next speaker had lost connection to the meeting. The meeting was therefore adjourned from 1.21pm to 1.23pm to allow the speaker to re-join the meeting.*

A short video was shown while Ms V Pascoe spoke which showed the work of Mavam, with teamwork, fellowship, all taking part, celebration of 10 years of helping people, improving their lives with supported living, creating social care for people in need, and it showed service users hopes and dreams and fears. Ms Pascoe advised that the worked closely with people in everyday skills, focussing on allowing people to be as independent as possible whilst still providing structured support and daily activities. The purpose of Mavam was to provide homes in order for their residents to maintain stability and live as normal a life as possible. Providing people with a quality of life made a difference to their lives and Ms Pascoe asked for Members' support to help them achieve that.

The Chairman invited questions.

Whilst recognising the changes to the floor plan confirming how the building would be used, Members sought clarification on:

- Condition 4 and whether that could be changed to be completed before first occupation.
- How long the residents would be occupying the 11 rooms and where they came from.
- Reports of bad behaviour in similar facilities and the need to call Police
- Anti-social behaviour identified in the Stella Maris inquiry commissioned in 2020.
- Staff levels in the day and overnight.
- Security measures to give peace of mind to the objectors and residents.
- Noise levels.
- Level of staff training.

Ms E Thomas, from The Stone Foundation, present to answer questions, confirmed

that they had made an undertaking to do the restorative work and that could be done before first occupation. The property would be managed on a licence agreement, not via tenancies, so it was possible to evict a resident but any such case would be dealt with sensitively and with consultation. Six support workers would be on site during the day and each service user had a flexible package depending on individual needs. Staff were on duty 24 hours a day, either awake or asleep, and one would always be on the premises overnight. Obviously most residents were asleep at night.

Ms Pascoe confirmed that some residents stayed for six months and then moved on. Others might stay longer and require more support over a longer period of time. Timescales were not set; it was in accordance with an individual's needs. Standards were checked and referrals usually came from Health and Social Care from the County Council and from the Health Authority, all age 16 upwards, some with learning disabilities others with dementia. The process that was in place when people were referred was robust; there would likely be a mix of people living there which had benefits and some risks. However, if the mix was not appropriate, a person would be refused. The building would be fitted with CCTV cameras focussing on the doors and outside. Cameras would be monitored 24 hours a day from another site. Sensors would be fitted to all doors so opening and closing could be monitored and it would be known if residents were up at night. The Police had been called to a similar facility to provide additional support when a resident had become distressed. There had been no complaints over noise from their premises, even the terraced properties.

Ward Member Councillor Patience advised that Members had heard factual evidence on flat saturation from the objectors and any doubts, please ask them questions. Calculations exceed the 20% threshold. In his opinion, the officer's report had not given a balanced view and was weighted in favour of the applicant. Many objections related to impact on amenity, with anti-social behaviour, noise and disturbance, and the residents would disagree that these are not planning considerations. The impact of the HMO needed to be considered and would increase such impacts already in the area. No Police comment did not mean they had no views bearing in mind incidents in the area. Since last meeting, there had been more examples of bad behaviour, including a female resident having been spat on and a resident from nearby Abigail Court arrested for damaging vehicles. This proposal would result in an environmental decline and residents had provided evidence of impacts. The flat saturation policy was supposed to go against such impact and support a balance community. The previous owners spent three years refurbishing the property for use as a care home and now the Head of Planning had stated that the economics of scale made it unviable. Where had that come from? Information had not been very forthcoming and plans had been provided at the last minute. An enforcement complaint had been made and even with the additional impact on neighbours' amenity, no action was going to be taken. The previous use by multiple occupiers is generic use; its use as large HMO is not the same as a care home. Look at what occurred in the Stella Maris establishment in Ipswich. There was a lack of inspection of such units with some schemes escaping regular scrutiny. Exceptional circumstances had not been proven. There was a need to enter a legal agreement and provide a Management Plan; as well as other obligations, where was the Section 106? The report and proposal did not go far enough to address all the issues and Councillor Patience implored Members to refuse the application.

The Chairman sought clarification as to the supervision of the nearby Abigail Court. On checking, the Planning Manager advised that it appeared to be run by a private individual under the name of Bayle. The Principal Planner reminded Members that they needed to give consideration to only the material planning considerations and the weight that might be given to other matters. The potential of crime was not evidenced and the site would be managed with conditions in place. The character of an individual occupying a bedroom was not a material consideration, and the management of the use was a personal permission. If there were likely to be issues, Suffolk Police would probably have made comment.

Members expressed some reservations about the balance with the flat saturation policy and how beneficial it would be to retain the property as a care home. The removal of the trees on the frontage left the property very open and there might be problems when neighbouring children might wish to use their own gardens. It seemed strange that converted houses at the end of Park Road were not counted in the flat saturation calculations; access was from Park Road even through the dwellings had a different postal address. Whilst there was a need for such accommodation providing support for others, there would be impact on the surrounding community. Further assurances would be needed to ensure 'they were good neighbours' and conditions relating to management should be strengthened. It was proposed that the tree planting at the front in condition 4 should be reinstated early on and a management condition could be added to the recommendation.

A reference was made to paragraph 6.2 in the officer's report that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. The proposal would have a detrimental impact and residents' concerns were acknowledged. The Yarmouth Road properties with access from Park Road should be counted in the flat saturation calculations. The Senior Planner advised that if Members were minded to approve the application, the flat saturation would not be exceeded. Members were reminded that the property was currently a care home and not a single occupancy use.

The Planning Manager advised that there was no protection for care homes in the Local Plan and the proposal would provide the same level of parking as with the current use. To address concerns that had been raised, conditions could include a Management Plan and a restriction on the number of bedrooms. Any revised draft conditions could be agreed with the Chairman and Vice-Chairman of the Committee or the Referral Panel.

A proposal to approve the application with amended and additional recommendations relating to a Management Plan, restricting the number of bedrooms and the works mentioned in the proposed condition 4 be undertaken before first occupation, was duly seconded, with the revised conditions being agreed in consultation with the Chairman and Vice-Chairman of the Committee.

**Note:** *The meeting was adjourned from 2.21pm to 2.28pm for the Democratic Services Officer to ascertain from the Chairman that, whilst not seeing some of the slides presented, he had been adequately informed to be able to make an informed decision. The Chairman had advised that he had received the information by email.*

Having received a recommendation for approval, as amended, that had been duly seconded, it was then

## **RESOLVED**

That permission be granted, 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 accordance with the layout plan received 04 November 2020, 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. This permission shall endure solely for the benefit of the Mavam Group Ltd to be managed by 'The Stone Foundation' and not for the benefit of the land. When the premises cease to be managed by the above-named groups the use hereby permitted shall cease.

*Reason: Having regard to the special circumstances put forward by the applicant.*

4. A maximum of 11 bedrooms within the building shall be occupied at any one time on a single occupancy basis, not including staff sleeping accommodation.

*Reason: In order to control the number of occupants of the property in the interest of neighbour amenity.*

5. The use shall not commence until a Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be employed in the day to day running of the accommodation. Arrangements shall be made to ensure that there is a point of contact for the local community for management matters in the form of a Community Liaison Officer with a complaints procedure in place to address matters that may arise. The contact details of the Community Liaison Officer shall be provided to the Local Planning Authority on request. The development shall be carried out in accordance with the plan so agreed.

*Reason: To maintain control of the management of the premises in the interest of neighbour amenity.*

6. Details of the frontage layout, (including manoeuvring and parking area, tree planting, reinstatement of the frontage wall and reduction in hard standing area) shall be submitted for approval in writing to the Local Planning Authority. The approved scheme shall be carried out prior to first use of the building, with respect to tree



planting this shall be carried out in the first available planting season, (October - March), any trees which die in the first 5 years shall be replaced in the next planting season.

*Reason: To ensure the satisfactory appearance of the frontage of the site within the surrounding Conservation Area and that sufficient space for the onsite parking of vehicles is provided and maintained.*

7. Details of secure and covered cycle storage shall be submitted and approved in writing by the Local Planning Authority. The facilities as approved shall be provided prior to first occupation of the property and shall be retained thereafter.

*Reason: To encourage people to travel using non-car modes.*

8. 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 to other users.*

**Note:** *The meeting was adjourned at 2.31pm for a comfort break and reconvened at 2.39pm.*

## **7 DC/20/1001/OUT - Land to the north of School Road, Ringsfield Corner**

The Committee considered report ES/0668 which set out details of the outline application (some matters reserved) for the construction of up to 33 dwellings on land north of School Road, open space, landscaping, visitor car park and site access from School Road, Ringsfield. The application was before Committee as the 'minded to' decision of the planning officer was contrary to the comments received from the Parish Council and to enable the Planning Committee to consider the impact of the density of development within the proposed site.

The Planner advised Members of a late representation that had been received after the publication of the update sheet and to which the Head of Planning and Coastal Management agreed should be read out to Committee. The representation had been received from the owner of John John's wood adjacent to the proposed development site; the wood had been in his ownership for 28 years having purchased it from a local farmer with a promise that it would be kept as a nature reserve for the betterment of the flora and fauna and also the village. When he took over the wood, Suffolk County Council's Woodland Officer had surveyed the wood and was quite impressed with what he saw and classed it as ancient woodland as he thought due to there being so many species of trees etc that it was probably at least 600 years old. The wood had been undisturbed since being in his ownership apart from some coppicing of the hazel. There was an abundance of birds, bats and other wildlife, including both tawny and

barn owls and a very recent sighting of a red kite. The wood had an abundance of various native wild flowers and also two ponds which contained all manner of invertebrates including newts. The owner would be happy and willing to take the Planning Committee around to show what was at risk of being lost with the proposed development. That development and the introduction of light pollution, noise and potentially unauthorised access would damage the continuation of this special habitat. The owner advised that he only became aware of the development by chance and objected strongly that as an adjacent long term landowner, he had not been informed of planning applications particularly when adjacent land would be severely impacted. He owned the ditch running along the side of the land adjacent to his boundary, and the drainage of the land would then become his problem which would be significant as drainage was already difficult with the ditches and ponds constantly full.

Members received a presentation showing an aerial view of the site, the village, primary school and recreation area, together with a selection of photographs showing the various views of the site including vegetation and proposed access, and the two ponds by the northern boundary. The site had been identified in the Local Plan; however, the proposed development site was on an area of 1.86ha leaving the remainder 0.7ha outside that site. The Planner explained the indicative site plan, density compared to the policy requirement, proposed connectivity to the bridleway, flood risk assessment and drainage strategy and gave a detailed overview of policy WLP7.14.

The Planner advised that whilst the application was recommended for approval subject to conditions and a Section 106 Agreement, there were concerns over the layout and the condensed site area.

The Chairman invited questions.

Members raised issues relating to:

- Connecting to the existing footpath where there was none.
- Bridleway on the plan.
- The portion of the site not being included in this proposed development.
- The site allocation was for 30 dwellings on the whole site, would the extra land then provide another 17 properties?

The Planner confirmed that details of the footpath and establishing a new one were to be agreed with Highways and the Applicant had agreed to the link to the bridleway. The Planning Manager explained that the application before Members was looking to endorse the policy in the Local Plan with up to 33 dwellings and access point. If the rear part of the site came forward for development, it would have to be in line with policy or as a departure if more than 33 dwellings were proposed. Any development would need to comply with relevant policies and density too.

The Chairman invited public speakers to address the Committee.

As an objector, Mr A Wheeler thanked the Committee for being given the opportunity to speak. He understood that part of the discussions relating to the site was to protect the nature of the village with only 15 dwellings per hectare, not more, giving 20 not 33 on this part of the land. What about the access road to the part that was to be left

undeveloped? What was the point of the Local Plan if it was being ignored? The land was heavy clay and liable to flooding and pumping water onto neighbouring land would pass on the problem. Since the building of the Beccles relief road, there had been many problems with road users using the road as a rat run and minor accidents had already occurred. The road was less than two cars in width and could not cope with traffic now. More cars turning out of the proposed estate access would be dangerous. The application should be rejected.

Photographs of the site were displayed whilst Ms Rees from the Parish Council spoke, advising that the development on the site should be rejected for the same reasons. Although the report was comprehensive, several points had not been addressed. The site was not suitable for development, it was in the countryside outside the settlement boundary and not an urban extension. 15 dwellings per hectare should not be exceeded and the traffic at speed on School Road and the location of the school entrance raised issues of highway safety. Nature conservation and the habitat in the woods would be affected by light pollution and should be protected. The proposal for such a major development would have a serious effect on the buildings in the rural village, drainage and the church and would increase the village by 50%. Was it really required; it should not be supported.

In response to a Member's question regarding 30 houses being put on the whole site, Ms Rees advised they would prefer not to have the site developed and 30 dwellings on part of the site was too much.

As the Applicant's agent, Ms Rejzek advised that she would focus on the objections made by the Parish Council. The fundamental objection was due to the impact on the village and homes in the countryside. The site had been allocated in the Local Plan, therefore the principle of the development for approximately 33 dwellings at 20 per hectare met the criteria in the Local Plan making it an efficient use of the land. Design and mix of properties could be addressed at the Reserved Matters stage. There had been no statutory objections and the small plot not within the development site could be used as grazing land. They would be happy to engage with the Parish Council on layout and design. The proposal was meeting housing need in the District and there was no valid reason for refusing the application.

Members sought clarification on:

- Extra build on the unused part of the whole site.
- Who owned the surrounding fields.
- Using the 0.7ha as grazing land or the whole site for development.

Ms Rejzek advised that the Applicant did own the whole site but not the surrounding fields. There was no plan to build at the on the unused land at the present time and it could be used to provide grazing for a horse. There seemed to be no reason in policy why such a large site was needed for 33 dwellings and the proposal in the outline application was making efficient use of the land.

Ward Member Councillor Cloke addressed the Committee as she had been asked to speak in support of Ringsfield and its residents objecting to the development. Whilst the site had been earmarked in policy WLP7.14 and the development might encourage young families into the village, the density of the proposed housing was unacceptable

and would not enhance the village. It did not reflect the design of another development within the village called Russel's Green and something similar could be more acceptable. The site under discussion had been reduced, an indication that perhaps further planning applications would follow with the road ending at the top of the block plan. Ringsfield was a rural community and this development would increase the village by 50% with a density of 18 dwellings per hectare compared to the rest of the village at around 15 per hectare. It was over development in a small rural community and the increase in traffic movements would be on a road that was already under pressure and being used as a rat run. There had been numerous collisions at the nearby crossroads which, along with the state of the road, verges and traffic had recently been discussed with the MP and the Police and Crime Commissioner. The field had recently been shown to be boggy and the ditches around the site were usually waterlogged. If residual water was to be pumped out of the development site into the ditches, not owned by the applicant, who would be responsible and where would any excess water go? There was also concern about the effects on the nearby John John's Wood, its wildlife and plants. Councillor Cloke urged the Committee to refuse the application as overdevelopment, potential loss of wildlife habitat, inadequate surface drainage and because of the traffic issues. If Members were minded to approve the plans, then conditions should include a suitable pedestrian crossing from the parking area to the school or insist the developer provided funding for a school crossing keeper.

Members noted that the site had previously been discussed and identified in the Local Plan as an allocated site for development. However, concerns were expressed that the proposed development was too much on the smaller site. The access directly opposite the primary school was not ideal on such a dangerous and tiny road. Comment was made that the application was not in line with the Local Plan policy as it was proposing 33 houses on only two thirds of the site leaving empty land vulnerable to further development. Some Members felt it would be difficult to support the proposal as additional properties could subsequently be built on the part of the site being excluded in this application. Development in such a rural area should be sympathetic; this was not.

The Planning Manager reminded the Committee that the site had been allocated in the Local Plan with an agreement that approximately 30 dwellings could be built on the site. The impact would have been considered at the policy stage. The outline application was indicative and control over design and layout would come at the Reserved Matters stage. The fact that one third of the site was not being used had not real relevance on a policy compliant scheme.

The Principal Planner reminded Members of the benefits of the scheme, including 24 parking spaces for the school, the provision of affordable housing and the fact that the scheme would contribute towards housing targets in the area as planned for in the Local Plan. If Members were minded to refuse the application, defensible reasons would be required.

A proposal was made to accept the application.

Members again questioned the density and building allocation of 30 for the whole site, whereas this proposal was for 33 for only part of the site. Further discussions could be

undertaken with the Agent to ascertain the use of the whole site.

A proposal to refuse the application on over development and to protect the woodland was duly seconded.

The Planning Manager advised there was no evidence of harm on the woodland and the Committee might wish to consider deferral. The indicative plan showed a good quality layout. It was within the Council's gift that future dwellings on the remaining land would be against policy if that was the subject of another application.

The Chairman suggested that a decision on the application could be deferred to enable further discussions to be undertaken with the Applicant, including the use of the whole site for 30 dwellings.

The Democratic Services Officer advised that there were now three motions on the table; one to approve which had not been seconded, one to refuse which had been seconded and one to defer. Each would have to be taken at the appropriate time.

The Democratic Services Officer explained the options available regarding the three Motions. Firstly, the proposal to refuse had been seconded. Therefore, that motion could be voted on or withdrawn. Secondly, the proposal to approve had not been seconded so it could be withdrawn or it would need to be seconded if a vote was to be taken. Only then could a vote be taken on the deferral of the application if the proposal was seconded. The proposer and seconder agreed to withdraw the proposal for refusal and the proposer for approval agreed to withdraw his proposal.

The proposal for deferral was duly seconded and, on the vote, it was unanimously

## **RESOLVED**

That, to enable the officers to look at the site area proposed in relation to the policy allocation, a decision be deferred.

## **8 DC/20/1395/FUL - 44 Gorleston Road, Lowestoft**

The Committee considered report ES/0669 relating to an application seeking planning permission for the demolition of the existing care home at No. 44 and adjacent dwelling (No. 42) and the construction of a two storey 26 bed care home facility.

The Planner advised that the construction of the care home would also provide much needed additional care home bed spaces as identified in the Local Plan in a highly suitable location. The application was being presented to Committee as the Parish Council had objected to the application and also due to the level of representations received.

Members received a presentation showing the site location plan and satellite image, 3D visualisations and street scene. The proposed site plan and elevations gave context with neighbouring properties and made a comparison between existing and proposed street scenes. The floor plans gave an indication of the layout being proposed and showed bedrooms, communal areas and facilities.

The Planner outlined the material planning considerations and key issues including:

- Principle of development and the need for care home spaces.
- NPPF which would seek to promote social interaction in a good setting.
- Character and appearance.
- Amenity and the likelihood of no excessive noise.
- Any plant and machinery would be subject to approval by the Environmental Protection officers.
- Highways, 10 car parking spaces and cycle storage.
- Lifetime design would help with dementia and create a homely feel.

In summing up, the Planner advised that the proposal was considered to have an acceptable impact on the character and appearance of the street scene and would have minor impacts on the amenity of neighbouring residents. The scheme was not considered to have an unacceptable impact on highway safety or increase the risk of flooding in the area. On balance, it had been concluded that the positives of the proposal outweighed the minor negatives and approval was being recommended.

In response to a question relating to overshadowing from the hedgerow and new building causing loss of light to the neighbour at No. 46, the Planner advised that there would be some loss of light and not too much overshadowing.

The Chairman invited the public speakers to address the Committee.

Mr Francis hoped that the Planning Committee had read his letter of objection and seen the photos supplied and noted that there had been two previous refusals for a ground floor extension. The reasons for objecting to this application were because the two storey building would extend three quarters of the length of his 84m boundary and be only 2m distant. This would result in loss of privacy and natural light, no sunlight in winter, noise from the café and terrace right next door. The car park would be directly opposite his front garden. Light pollution and noise from the air conditioning units would affect all neighbours. The Parish Council also objected. Mr Francis understood that No. 40 had also been purchased by Kingsley for more expansion. It was over commercialisation in a residential area. Mr Francis asked Members if they would accept it next to their houses and asked for the application to be refused.

Mr B Keller spoke on behalf of Oulton Broad Parish Council. Whilst understanding the possible need for extra rooms in care homes in the parish, consideration needed to be given to the number of residents, 19 in all, who had objected. It was considered the proposal for such a large building was not compatible in a residential area and was too close to the boundary. It would cut light from neighbouring gardens. It was considered to be over development of the site in such a residential area and access would be tight fronting the busy Gorleston Road. The Parish Council was recommending refusal for the plans.

Representing the Applicant, Mr R Patkai explained that Kingsley Healthcare was a local business based in Lowestoft. Need had been identified as statistics showed there was

a requirement for 620 care home beds in a two mile radius and these needed to be suitable modern care beds with en-suite/wet room facilities to ensure appropriate care with dignity could be provided. This was a major factor for fighting infection including Covid. Many care home beds were currently in converted buildings on small sites which were not good for welfare of the residents or care provision. Having worked with the Planning Department, this large site would contain the building and with two storeys at the front and lower at the back, it would control any overlooking. It was hoped to redevelop the site for the elderly, provide good accommodation and keep the people in the community.

Members raised questions regarding number of residents, staff on site and if the owners had also purchased No. 40 and for what purpose. Mr D Thayan, Kingsley Healthcare, who was in attendance to answer questions, confirmed that there would be rooms for 36 residents and 6-7 staff would be on site at any one time, reducing to four overnight. He confirmed No. 40 had been purchased and would probably be used for additional grounds.

A comment was made that with such a major development on a tight site, a different plan including the extra plot would be interesting.

Ward Councillor Back acknowledged the provision of care home beds in the vicinity but he wished to remind Members that a single storey extension on the site had been dismissed on appeal. The Committee needed to consider the bigger impact a two storey development would have on the site. Oulton Broad Parish Council continued to oppose the application because of the detrimental effect on the residents. It was considered there would be adverse impacts with loss of light and excessive overshadowing which were not acceptable and, in addition, an inevitable reduction in the value of properties. The objections made and the over development of the site should be taken into account and the application refused.

Members expressed concern that the proposal looked like a massive over development of the site and not in keeping with the area. The new building would dominate the whole street scene and affect the character of the area. The proposal appeared to be twice the size of the existing building and cause unacceptable harm contrary to the objectives of the Local Plan. It was recognised there was a shortage of care home places, however, that shortage should not override the fact that single storey extensions had previously been refused on the site. Whilst comment had been made on the benefits of accessibility to the village, it should be recognised that those in a care home in 24 hour care would not likely be going out for shopping.

It was proposed and duly seconded that the application should be refused because of the dominance of the street scene, overdevelopment and design and it was unanimously:

## **RESOLVED**

That permission be refused for the following reasons:

1. The proposal represents poor design contrary to the objectives of Policy WLP8.29

(Design) of the East Suffolk (Waveney) Local Plan 2019 ("The Local Plan") and the design objectives of paragraph 127 and 130 of the National Planning Policy Framework ("NPPF").

2. Paragraph 130 of the NPPF sets out that 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. Policy WLP8.29 of the Local Plan also has an overarching requirement that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In doing so proposals should, among other things:

- Demonstrate a clear understanding of the form and character of the built environment;
- Respond to local context and the form of surrounding buildings; and
- Protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.

3. The proposal represents an over-development of the site contrary to WLP8.29. The proposed building, due to its sheer mass and site coverage, would be poorly related to its residential context, causing harm to the character and appearance of the area. Due to the bulk, mass and scale of the proposed building, it would have a poor relationship with the surrounding residential properties, causing harm to their living conditions, particularly the enjoyment of their outdoor amenity spaces. The proposal is therefore determined to fail to meet the design quality required by policy WLP8.29, and is deemed to represent poor design as detailed in paragraphs 127 and 130 of the NPPF.

## **9 DC/20/4686/FUL - Land rear of 185 Saxmundham Road, Aldeburgh**

The Committee considered report ES/670 which gave details of the full planning application for the erection of a single storey one-bedroomed dwelling and garage within the rear garden of 185 Saxmundham Road, Aldeburgh. The application was before Committee as the recommendation for approval was contrary to the views of the Town Council.

The Planner gave a presentation which included the site location plan, footpath route in the vicinity, aerial and street scene photographs. From Saxmundham Road, the Committee could see the garage to be removed next to the adjacent dwelling and available parking in the front garden. The proposed block plan, elevations and floor plan gave an indication of the dwelling to be erected. The new dwelling would look out onto its front garden and there was space for manoeuvring a car in front of the attached single garage.

The Planner explained the impact on the character of the area and possible impact on amenity of neighbours, both of which were considered to be limited. There would be no substantial vehicle movements and the adequacy of parking for the existing and proposed property was compliant with County standards. As such, approval was being recommended.

The Chairman invited the speakers to address the Committee.

On behalf of the Applicant, Aldeburgh Golf Club, Mr R Welchman thanked Members for



the opportunity to address the Committee. The application had been submitted following pre-application discussions with the officers. Policies in the Local Plan were not only in support of infill residential development but also supported small-scale housing suitable for local residents. There was a need for such small scale single storey one-bedroomed dwellings particularly for Aldeburgh. The proposals had been sensitively designed and Mr Welchman asked that the Committee support the officer's recommendation and approve the application.

In response to Members' questions as to whether the new property would be for sale or rent and the views of the residents in No. 185, Mr Welchman advised that no decision had yet been made as to whether the new dwelling would be rented or sold. The existing property was rented by the Golf Club and the tenants had been advised. Further clarification was sought as to whether the proposed dwelling would be for residential use or holiday let. Mr Welchman advised that he had received no indication or instructions from his client in that respect.

As Ward Member, Councillor Haworth-Culf advised that she was representing Aldeburgh Society and Aldeburgh Town Council and highlighted items in certain paragraphs in the report:

1.5 scale and design were not comparable to adjacent properties.

1.6 site needed to be larger.

1.8 could not agree; it was out of scale on a not very generous plot and at right angles to all other dwellings.

3.1 parking for the existing house was in the same location as the turning head and as such could not be used for both purposes at the same time.

9.5 do not accept a) or b) as the dwelling would look like an elongated shed and be overbearing only 1m from existing development.

9.7 and 9.8 cramped nature.

10.1 it was a modest plot for a dwelling.

Whilst Aldeburgh Town Council and Aldeburgh Society objected, if the Committee was minded to approve the application, permitted development rights should be removed.

During debate, Members raised issues with regard to the size of the plot, the loss of both back and front gardens. It was important to conserve green spaces particularly with the need for those spaces with the Covid lockdown. Concern was expressed over this particular backland development in such a rural setting. However, this proposal whilst constrained by the nature of the site was not impinging on natural open spaces and there was ample recreational space in the area.

The Planning Manager advised the Local Plan supported development in existing garden space where it was not overdevelopment. Each application was looked at on an individual basis and, whilst this was smaller plot, it was providing a smaller dwelling. The Chairman proposed that if No. 185 was a four bedroomed property, then three parking spaces should be provided. The Planning Manager was of the opinion that there should be sufficient space in the front of the plot to accommodate three spaces.

On a proposal, which was duly seconded, to approve the application with addition of three parking spaces being provided for No. 185 and a condition to remove permitted development rights, it was

## RESOLVED

That permission be granted, 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 Drg Nos 20-043-199; 20-043-200-A and 20-043-201 received 18.11.2020, 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 dwelling hereby permitted being first occupied, the vehicular access onto the plot 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.*

4. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 20-043-200-A shall be provided 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.*

5. The use shall not commence until the area(s) within the site on dwg. no. 20-043-200-A for the purposes of Loading, Unloading, manoeuvring and parking of vehicles (including garage) and the secure storage of cycles has been provided and thereafter that area(s) 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.*

6. 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.*

7. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such.

*Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity.*

## **10 DC/20/3279/FUL - 64 London Road North, Lowestoft**

The Committee considered report ES/0671 which gave details of the application seeking planning permission for the change of use of part of the ground floor of 64 London Road North, Lowestoft, from a commercial use to a one-bedroomed residential flat. The proposal also included associated building works comprising the erection of a single storey infill rear extension, following the demolition of part of a single storey rear extension and removal of external stairs at the rear.

Members received a presentation showing the site location plan, photographs of the street scene front and rear, block plan, floor plans showing the flat at the rear and shop at the front, and the rear elevations. Cycle and bin storage were being provided.

In addressing the material planning considerations and key issues, the Planner advised that the proposal was acceptable and would not adversely impact on the viability and vitality of the town centre. The flood risk to the new dwelling created was minimal and could be properly mitigated. Whilst external space was minimal, it was considered to be in a sustainable location near to buses and the beach.

The Planner confirmed that the proposal was considered to be compliant with policy WLP8.19 and the proposal would not result in adverse amenity impacts. The Applicant had agreed to make a RAMS contribution and approval was being recommended.

In response to a question regarding access to the first floor, the Planner confirmed that the photographs were not up to date and stairs alongside the shop were in place.

Members raised further questions relating to:

- The number of flats.
- The removal of the fire escape and safe access to the flats on the upper floors.
- Sanitary and hand washing facilities in the shop.
- Number of cycle spaces.

The Planner confirmed that the fire escape would be removed and that occupants of the upper floors and the shop would have no direct access to the rear; the occupants would have to walk round to the wheelie bins at the rear. Specifics relating to the fire escape would be a case for Building Regulations. It was considered there was adequate space for washing facilities in the shop. Five cycle spaces were to be provided. Highways had made no objection; the flats were single bedroomed and in a sustainable location.

The Principal Planner advised that the four flats on the upper floors had received recent approval but he was not sure if work had commenced. Any significant changes would be referred back to Committee but internal alterations would not.

Members discussed the proposal and expressed concern about the lack of access at the rear, occupants having to walk through the high street with domestic rubbish and the removal of the external fire escape.

The Principal Planner explained that if Members were minded to refuse the application they needed to consider relevant policies; presentation of bins on collection day was not a significant consideration. Members might have general concerns relating to overdevelopment of accommodation in the building and the impact on the commercial unit. Reference could be made to policy 8.29 relating to design and amenity and the retention of commercial uses at the ground floor level.

On a proposal to refuse the application, which was duly seconded, it was unanimously

**RESOLVED**

That permission be refused for the following reasons:

1. Over-development of the site with the already approved scheme, and
2. Impact on the viability of the commercial unit.

The meeting concluded at 5.05pm.

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Chairman