

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 12 November 2019 at 2.00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Tony Cooper

**Officers present:**

Liz Beighton (Planning Development Manager), Sarah Carter (Democratic Services Officer), Mia Glass (Assistant Planning and Enforcement Officer), Chris Green (Senior Planning and Enforcement Officer), Matt Makin (Democratic Services Officer), Stephen Milligan (Area Planning and Enforcement Officer)

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**Change of Date of December 2019 Meeting**

Prior to the commencement of the meeting, the Chairman announced that, due to unforeseen circumstances, the Conference Room was no longer available for the Committee to meet on 12 December 2019. As a result, the December Planning Committee North had been rescheduled and would now be held on **Thursday, 19 December 2019** and commence at the later time of **3.30pm**.

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Brooks and Pitchers.

Councillors Goldson and Byatt substituted respectively.

**2 Declarations of Interest**

Councillor Bond declared a Local Non-Pecuniary Interest in Agenda Item 6 - DC/19/2333/ARM - Part Side Garden, 2 Abbey Road, Leiston, as being Ward Member.

Councillor Elliott declared a Local Non-Pecuniary Interest in Agenda Item 7 - DC/19/3285/FUL - Hungate Court, Beccles, as being Ward Member.

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

Councillor Bond declared that she had been extensively lobbied in relation to Agenda Item 6 - DC/19/2333/ARM - Part Side Garden, 2 Abbey Road, Leiston. She advised that

she would leave the meeting during the consideration of this item and take no part in the discussion and voting thereon.

Councillor Elliott declared that he had received communications in relation to Agenda Item 7 - DC/19/3285/FUL - Hungate Court, Beccles.

#### **4 Minutes**

##### **RESOLVED**

That the Minutes of the meeting held on 8 October 2019 be confirmed as a correct record and signed by the Chairman.

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

The Committee received report ES/0187 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 28 October 2019.

The Planning Development Manager provided an update with regard to Pine Lodge Caravan Park in that the Council's Legal Services were going to the High Court in order to seek compliance. It was hoped to have further news later in the week and the Planning Development Manager confirmed she would email Members as soon as further information was to hand.

In response to a question relating to 25 Kessingland Cottages, the Assistant Planning and Enforcement Officer explained that further information was awaited from another Council, following which they would be seeking legal advice as to how the matter could be progressed.

##### **RESOLVED**

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

*Councillor Bond left the meeting at 2.08pm.*

#### **6 DC/19/2333/ARM - Part Side Garden 2 Abbey Road Leiston**

The Committee considered report ES/0188 which related to approval of Reserved Matters of DC/16/5035/OUT - Use of land for erection of two dwellings, access, appearance, landscaping, layout and scale.

The actual site, on the eastern side of Abbey Road, adjacent to the Sizewell railway line and crossing, had hedging and fencing on the boundary but it dropped quite significantly in level. The application proposed three storey three bedroomed semi-detached dwellings with a central vehicular access providing a single car parking space for each dwelling. Turntables were proposed to enable cars to enter and leave the site in forward gear.

The Area Planning and Enforcement Officer explained the scheme and gave Members a presentation showing photos of the site and its relation to the crossing, the host

dwelling and proposed design to match, views along Abbey Road, double yellow lines adjacent to the site, and the turntables enabling the cars to move forwards off site. Although three storey, the design of the dwellings would appear as two storey from the road. The ground and upper floor plans gave an indication of layout and the actual parking was above the basement area on the road frontage.

The Area Planning and Enforcement Officer further advised that the application was before Committee as the scheme was a departure from the Leiston Neighbourhood Plan Policy TM3. The proposal represented a shortfall of two parking spaces in total when considered against the Leiston parking standard and the Suffolk Guidance for Parking. However, given that there was no objection from the Highway Authority, it was considered appropriate, in this instance, to relax the policy requirement and recommend approval.

Members asked specific questions relating to the weight Leiston Neighbourhood Plan carried and why the advice of the Highways Authority would negate that Plan, the risks of additional noise as a result of the possible future use of the railway and if electric charging points would be provided.

The Planning Development Manager explained that the Plan was a material planning consideration but, on this occasion, relaxation on parking was considered appropriate in view of the whole application which was for two three-bedroomed units. With regard to a comparison of the Leiston Neighbourhood Plan and the Suffolk Parking Guidelines, the Planning Development Manager further clarified that the Leiston Neighbourhood Plan was a policy whereas the Suffolk Guidance for Parking had not been adopted but it was considered to be a material consideration. With regard to noise from the railway, it would be a buyer's responsibility to be aware of what was potentially on the horizon. The provision of electric charge points for vehicles would be up to each individual. Bike storage was being provided.

Some Members expressed concerns about what appeared to be ignoring the explicit policy in the Leiston Neighbourhood Plan even though the turntables would allow some parking to be accommodated. The substantial dwellings could be considered to be over development of the site and of such a scale not to allow the necessary parking. The Planning Development Manager advised that officers did not believe it was over development particularly as nowadays most people wanted small gardens, and the principle of developments near railway stations had already been established. Comment was made that outline planning permission had already been granted and the proposed turntable ensured that cars would not be reversing onto the road.

There being no further discussion, it was

## **RESOLVED**

That permission be granted, subject to the following conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drg No NS-3942-50 Rev C received 09.08.2019 and Drg No NS-3942-200 Rev A received 10.06.2019 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.

2. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No DM03; with an entrance width of 4.5 metres and has been made available for use. Thereafter the access shall be retained in the specified form.

3. Prior to the development 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.

4. Before the access is first used visibility splays shall be provided as shown on Drawing No. NS-3942-50 with an X dimension of 2.4 metres and a Y dimension of 43 metres (North) and 31 metres (South) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (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.

5. The use shall not commence until the area(s) within the site shown on Drawing No. NS-3942-50 for the purposes of manoeuvring and parking of vehicles, and secure cycle storage, has been provided and thereafter that area(s) shall be retained and used for no other purposes.

6. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number Drawing No. NS-3942-200 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

*Councillor Bond returned to the meeting room at 2.24pm.*

## **7 DC/19/3285/FUL - Hungate Court Beccles**

The Committee considered report ES/0189 which related to planning application DC/19/3285/FUL for the conversion of a Gymnasium (use class D2) into a shop (A1) and Nursery (D1) with an office on the first floor, with a flexible use of being for an office with visiting members of the public A2 or an office without visiting members of the public B1(a). The application was before Committee as it represented a minor departure from policy in that D1 Nursery did not fall within the uses prescribed in town centres.

Members were shown photographs and location plans of the site and its surrounds including views towards Hungate, elevations of the building, floor plans of the nursery and shop area. It was confirmed that Class A1 was for retail use but there was no control over the precise retail use of the shop.

The Senior Planning and Enforcement Officer explained that there was no parking on site but paid car parks were nearby. However, the proposal was not for a conventional

nursery with parents dropping off their children, but a nursery that would provide a structured play accompanied by adults. He explained the key issues which related to the town centre policy, the location of the site in the Conservation Area and highways considerations. Some noise would be generated and the air conditioning unit, recently installed without planning permission, had been objected to by neighbours. The required noise assessment had just been received and this would need to be assessed by the Head of Environmental Health. The Town Council had recommended approval while expressing some concerns. On planning balance and with the creation of jobs, approval was being recommended with conditions to restrict use style and for further work to be conducted to satisfy concerns over noise before use, subject to the noise assessment being approved by Environmental Health, as referred to in the update sheet.

The Chairman advised that no one had registered to speak on this application within the specified timescale for speaking at Planning Committee meetings.

Members asked specific questions relating to the provision of an outdoor play area, operating hours and parking on site. The Senior Planning and Enforcement Officer explained that there was no set requirement in the Council's policies to ensure the provision of outside space; that aspect and restrictions on numbers would be relevant to Ofsted rules. The permission would be for structured play with adults only and opening hours would be a rollover from the previous hours. Sound amplification was covered in the proposed conditions. The parking adjoining the site was private parking for the flats.

Concern was expressed over the type of shop being located next to a nursery, however it was noted that the shop would fall within A1 use. It was recognised that noise abatement issues would be dealt with and the Committee noted that drop off facilities/parking was not an issue because of the structured play with adults on site. There being no further discussion, it was unanimously

## **RESOLVED**

That delegated authority be granted to approve the application, subject to the noise assessment being approved by Environment Health and the following conditions, with such modification to the noise condition as is necessary if the assessment and mitigation measures are approved by the Head of Environmental Services:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings 2505.19.1 and 2; received 20 August 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.
3. The part of the premises identified as for office uses shall be used only for office uses falling within either Class A2 (office with visiting members of the public) or within Class B1(a) (Offices where there are no visiting members of the public); and for no

other purpose whatsoever, (including any other purpose in Class B1; of the Schedule to the Town and Country Planning (Use Classes) Order 2005) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

4. The parts of the premises identified as a nursery shall be used only for a nursery where children are accompanied to and from the site by an adult, and that adult remains on site for the duration of the play activity and for no other purpose whatsoever, (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 2005) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

5. No sound amplifying equipment which is audible outside the premises shall be installed.

6. Before the air-conditioning plant already installed is first used, a noise assessment shall be provided to examine impact on nearest sensitive receptors and this shall be the Local Planning Authority and receive written approval. Any alterations, baffles or other mitigation measures proposed as part of the submitted assessment shall be put in place in accordance with the recommendations in the approved assessment and the equipment not used until any required measures are in place. These mitigation measures shall be retained for the duration of the operation of the equipment.

7. The use hereby permitted shall only take place between the hours of 07:30 and 21:30 Mondays to Friday, and between 07:30 and 16:30 on Saturdays and Sundays and bank holidays.

The meeting concluded at 2.40pm.

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Chairman