

Confirmed



Minutes of a Meeting of the **Planning Committee North** held Remotely on **Tuesday 11 August 2020** at **2.04pm**

Members of the Committee present:

Councillor Paul Ashdown, 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 Peter Byatt, Councillor Tony Cooper, Councillor John Fisher, Councillor David Ritchie, Councillor Keith Robinson

Officers present:

Katherine Abbott (Democratic Services Officer), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Sarah Davis (Democratic Services Officer), Mia Glass (Assistant Enforcement Officer), Philip Perkin (Principal Planner - Major Sites), Philip Ridley (Head of Planning and Coastal Management), Nicola Wotton (Deputy Democratic Services Manager)

1 Apologies for Absence and Substitutions

An apology for absence was received from Councillor Bond.

Councillor Cooper attended the meeting as substitute for Councillor Bond.

2 Declarations of Interest

There were no declarations of interest.

3 Declarations of Lobbying and Responses to Lobbying

With regard to Agenda Item 4 – Enforcement Action, Councillor Elliott declared that he had been in discussions with the relevant parties relating to Boasts Industrial Park, Worlingham and Harmony Hall, Weston.

4 Enforcement Action - Case Update

The Committee received report ES/0445 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 28 July 2020. There were currently 19 such cases.

The Assistant Enforcement Officer provided Members with updates on Land adjacent to Oak Spring, Darsham, Harmony Hall, Weston and Land at Dam Lane, Kessingland.

Due to some technical issues with sound, it was not possible for all those present to hear the transmission and the Assistant Enforcement Officer undertook to email the Committee with the information and responses to the issues raised. That information is reproduced below:

1. ENF/2017/0170 - Land Adj to Oak Spring, The Street, Darsham: Appeal had been determined, the enforcement notice had been upheld except in relation to the container and the matter relating to the pond had been reworded.
2. ENF/2015/0279/DEV - Land at Dam Lane Kessingland: Site visited this morning, 11/08/2020. No action had been taken to comply with the notice and therefore discussions would be taking place on further action required.
3. ENF/2017/0336/SEC215 - Harmony Hall London Road Weston: Site visited this morning, 11/08/2020. Buildings and caravan removed and therefore the notice had been complied with.

Queries raised by Members at the meeting were responded to as follows:

1. ENF/2019/0320/USE - Boasts Industrial Park, Worlingham: Notice had been withdrawn recently following legal advice. The notice was looking to be reserved. The Team do need to inform those in question first when taking action. The matter progressed quickly, however The Team would endeavour to keep the Committee up to date.
2. ENF/2019/0391/SEC215 - 46 Wissett Way, Lowestoft: Discussions and research was ongoing with a view to taking direct action.

RESOLVED

That the report concerning Outstanding Enforcement matters up to 28 July 2020 be received and noted.

5 DC/20/0951/FUL - JD Power Tools, Alexandra Road, Lowestoft

The Committee considered report ES/0446 which gave details of the planning application for the demolition of existing commercial buildings and the construction of 31 affordable homes on a brownfield site in Lowestoft. The proposed development utilised a sustainably located site for affordable housing in a location where there was high need for affordable homes and the external appearance of the new building was appropriate for its context in such a prominent location.

The Principal Planner explained that the application was before Committee due to a referral made by the Referral Panel because of its concerns with the layout and design of the development in respect of bin storage and presentation areas. The Applicant had amended the proposals to address the issues raised and considerable improvement had been made with additional waste storage provision and a built enclosure. Some areas would be outside the main building adjacent to the Alexandra

Road frontage; however, whilst acknowledging that was not ideal, the provision of 31 affordable homes was a very significant public benefit arising from the proposal.

Members were shown a site location plan and aerial view, photographs of the site and existing buildings and boundaries, and proposed elevations from Alexandra Road. The proposed bin storage was now located in an internal storage area with hipped roof and a second waste storage area would be located inside a wooden screened area. The presentation included elevations and cross sections incorporating parking with flats above, all of which were wheelchair accessible. The northern section would increase to four storeys. With the provision of an internal courtyard, all of the one-bedroomed flats at around 50sqm would have a dual outlook.

The Principal Planner explained the main issues relating to:

- The principle of development on a brownfield site.
- The benefits of affordable housing.
- The design being a considerable improvement to the site.
- The improved waste storage.

Whilst some concerns had been expressed by the County Highways relating to the level of parking provision and storage for cycles, the site was considered to be in a sustainable location and on a bus route, and therefore recommended for approval.

Members raised questions regarding:

- Interest in the site for commercial use.
- Internal size of the flats.
- Concerns raised by the Town Council over density and lack of green space.
- Whether one-bedroomed flats were in line with the housing mix policies.
- Colour of brickwork.
- Access to car parking and only 14 spaces being provided.
- One-bedroomed flats for two people resulting in a possible 62 residents with only 43 spaces for cars or cycles.
- Electric plug in sockets for mobility scooters or mopeds.
- Demolition of the attractive old buildings on site.
- Lack of green space.

The Principal Planner advised that the site had been marketed as a going concern but there had been only limited interest. The proposed layout showed the majority of the flats were between 46.4sqm to 49.7sqm with one on the ground floor at 55sqm. The internal space of 50sqm was not law, it was Government guidance only. Whilst appreciating concerns had been expressed over density, the proposed development was providing much needed affordable housing in a town centre location, where all services were available for residents' needs. The lack of housing mix on the site was in order to provide small units of affordable housing to meet the local need that had been identified. The choice of brick would be carefully controlled by condition.

The Principal Planner further explained that the existing buildings were not a significant heritage asset and the quality of the proposed design met the needs for modern accommodation. It would be for Members to use their judgement regarding green space. The Government encouraged the redevelopment of former commercial areas and the proposal would make an efficient use of the land in the town centre. The Highway Authority might request extra cycle storage for the size of the development but, due to its location, residents could walk to most facilities. One of the nine flats in the north west corner of the development would likely be allocated to any future residents with mobility needs. Access to the internal courtyard and car parking spaces would be via some form of secure gate.

The Chairman invited the Applicant to address the Committee.

On behalf of Orwell Housing Association, Mr G Dodds explained that they were a well established Association both in the town and the county both as a housing provider and a housing developer. There were no issues with the loss of commercial use on the site and the proposal was in keeping with the masterplan for the town. The 31 affordable flats in a flexible layout would bring down the numbers on the waiting list for accommodation and the proposed lift would assist with wheelchair use. Whilst recognising there had been issues with cycle storage and parking provision, the proposal met the overriding need for housing in the town. The flats would be let as affordable homes and the development was not dissimilar to other schemes in the town like the one in Clapham Road. The build was to be led by Wellington Construction Limited and provide jobs locally which should be welcomed in the current difficult economic climate. They were on course to receive a capital grant of over £1.3m and it was hoped to start work before the end of the year.

The Chairman invited questions to the Applicant.

Members asked questions relating to:

- Bin storage being accessible by the road.
- Size of the flats being under 50sqm.
- Lack of parking spaces for each household.
- Increase in cycle storage.
- One-bedroomed flats for single people or couples.
- Provision of wet room facilities instead of baths.
- Green energy and electric vehicle charging points.

Mr Dodds explained that the proposed additional bin storage was located by the public highway. Guidance issued by Homes England suggested that floor areas should be 46sqm and they were working to that criteria. There was a fine balance to ensure the use of the site was acceptable; not all future residents would require spaces for parking and that could be managed through the Council's Housing Officers and tenants. It was likely that the majority of future tenants would be single and those who could not afford house prices. The flexible design would allow for single residents or couples, no families. They did not want to sacrifice ground floor units for parking and he understood that this could be discussed further with the officers. The bathroom design

was to allow flexibility and there was, in fact, a gully in place to allow for different designs including a flush floor shower. Mr Dodds commented on the high standards that were in Building Regulations with regard to thermal insulation and affordable warmth. They would look at the possibility of solar panels.

The Head of Planning and Coastal Management suggested that the ground floor layout could be amended to allow for the re-purposing of car parking spaces 7 and 8 on the western boundary to provide space for approximately an extra 20 cycles. It was important to get the right balance of provision for the units.

A Member sought clarification as to the site being walking distance to the nearest shops since Tesco had shut in the town centre. It was reported that Marks and Spencer was in the high street and there was a Premier in close proximity that sold most things. Both bus services and trains could be used for access to more significant facilities.

During debate, Members recognised the need for the site to be redeveloped resulting in the provision of much needed affordable housing for those on the waiting list. However, concern was expressed over the number of flats being provided that were under 50sqm in area; that might be considered as over-development particularly as there was no green outside space and inadequate parking provision. The issues with bin storage and parking might need to be revisited.

In response to a question for clarification on the two methods for sizing of flats and relevant legal requirements, the Head of Planning and Coastal Management advised that the Council's Local Plan had not set any minimum standards. Homes England, the Government Agency to deliver homes for the Government, put the threshold at 46sqm. He referred to the launch of the White Paper and offices spaces which were being converted into units of 30sqm, some of which had no windows. The proposal before the Committee did meet Government standards and that would not therefore be sufficient grounds to warrant refusal.

Members noted that, as there were insufficient parking spaces for residents, no visitor parking would be available. The location of the wheelie bins by the road was not satisfactory, particularly taking into account the seagull population in the town and fly-tipping becoming a nuisance. The lack of amenity space, particularly under the current Covid 19 restrictions, could be considered to be overdevelopment of the site. More parking for cycles would be helpful and there was no storage for mobility scooters.

The Head of Planning and Coastal Management stated that the Council was not providing slums of the future; going forward, the designed before Members was a good design for a deliverable scheme. There was a shortage of housing for single persons in the town and the site was in close proximity to open space from The Scores to the seafront and not far from the leisure centre. It would be difficult to reduce the footplate and provide green space that might not then be used. The proposal complemented the area and the courtyard in the centre provided more light into rooms. The town centre location provided easy access to buses and there were several public car parks in the vicinity. The officers considered the application to have the right balance to grant planning permission.

Some Members again referred to the objections submitted by the County Council and Lowestoft Town Council. Whilst the site was acceptable, the lack of space for cycle parking in the location was questioned and it was noted there were no charging points for vehicles or appropriate installations for the provision of renewable energy.

The Head of Planning and Coastal Management reminded the Committee that the funding from Homes England might be lost if there was undue delay as it was time limited and he suggested delegated authority might be a way forward.

Further clarification on a couple of issues was sought from the Applicant. Mr Dodds advised that the one-bedroomed flats could be for a single person or a couple with no children via the social housing allocations. Time was an important factor not just with regard to the grant from Homes England but also the deal with the landowner might fall if planning permission was delayed. They were hoping to start on site by the end of the year but obviously a Section 106 Agreement would need to be drawn up and agreed by relevant parties. Mr Dodds confirmed that they could look at revisions to the scheme.

Members were of the opinion that it was important to get an acceptable application and it was suggested that some of the issues raised could be further investigated.

The Head of Planning and Coastal Management summarised by advising the Committee that it could approve the application, grant delegated authority or refuse on the grounds of overdevelopment as not in keeping with the Local Plan on good design.

On a proposal, which was duly seconded, to delegate authority to the Head of Planning and Coastal Management in consultation with the Chairman and Vice-Chairman of the Committee to approve the application subject to amended plans being drawn up to increase cycle provision in lieu of car parking, addressing opportunities for solar power/renewable energy, the provision of electric charging points for vehicles, the investigation into ground floor storage for mobility scooters and reviewing the outside storage for wheelie bins, a vote was taken which was **LOST**.

Following a proposal, which was duly seconded, that a decision be deferred to allow the proposed revisions to come back to Committee in a month's time thus allowing any suggested changes to be aired in public, it was unanimously

RESOLVED

That, in order to allow revisions to the proposal to be made addressing the Committee's concerns, a decision be deferred and those revisions be reported back to Committee at its next meeting.

6 DC/20/1964/FUL - Pastures Farm, Beccles Road, Sotherton

The Committee considered report ES/0447 which set out details of the planning application for the conversion of an agricultural building to a dwelling following class Q approval reference DC/19/3792/PN3 and which included alterations to the plan and elevation.

The Principal Planner explained that the proposed conversion was contrary to the Local Plan as the building was not a heritage asset or locally distinctive or of architectural merit. Officers would ordinarily recommend refusal; however, the building benefitted from a permitted development conversion and that extant prior approval could be implemented at any time provided the development was completed by November 2022.

The Principal Planner advised that the proposed scheme would see the physical building converted into a two-bedroom dwelling with a formal area of curtilage/garden larger than that allowed under the permitted development scheme, and which would provide a better standard of living for future occupiers of the dwelling. The creation of that curtilage would not cause any harm to the nearby Grade II listed farmhouse.

Members were shown a site location plan and photographs including the building for conversion and its association with the farmhouse, the adjoining storage area, access to the site, plans and elevations of the permitted development approval and proposed development. Cycle and ancillary storage for bins was also being provided.

Whilst the proposed building was not ordinarily suitable for residential conversion under Local Plan policies, the extant permitted development fallback option would allow the conversion of the building. The previous application had been supported by structural surveys. On that basis, and with the now proposed formal larger garden area, it was considered there were no grounds to withhold planning permission and approval was therefore being recommended.

The Chairman invited questions.

Comment was made that a large number of applications were coming forward for the conversion of agricultural buildings that had prior approval under Part Q and, as a result, Members were experiencing difficulty in refusing such applications. The Principal Planner explained that there were strict guidelines for Part Q conversions and any building had to comply with the relevant Regulations. Whilst the Government wished to put disused buildings into use, officers rightly paid close attention to prior approval submissions to ensure they met the prior approval criteria and a number of applications were refused based on that process. Future planning applications on buildings that were not classed as a heritage asset would automatically come to Committee as a departure from policy.

The Chairman sought clarification as to any future extensions to the front of the building because of the larger curtilage. The Principal Planner advised there were no permitted development rights for new development to the front of the building, but that permitted development rights could be removed in respect of alterations to the building generally, and he recommended this be applied should Members be minded to approve.

There being no further discussion it was unanimously

RESOLVED

That planning permission be granted, subject to the removal of permitted development rights with regard to alterations to the building 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/documents: Drawing Nos. 19-148-211 and 19-148-001-A, received 29 May 2020; and Drawing No. 19-148-210-A, received 29 July 2020.

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

3. No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the hereby approved conversion have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of design and external appearance of the building in the setting of the grade II listed farmhouse.

4. Prior to first occupation of the approved development, satisfactory precise details of a hedge planting scheme to the site frontage shall be submitted to and approved in writing by the local planning authority.

The approved hedge planting scheme shall be implemented not later than the first planting season following first occupation of the development and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

5. The use shall not commence until the area within the site for the purposes of manoeuvring and parking of vehicles (as shown on Drawing No. 19-148-210-A) 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 the interest of highways safety.

6. 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:

- a) 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).

b) 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;
- an 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 with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

7. 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 CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

8. Prior to any occupation or use of the approved development the RMS approved under condition 7 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.

9. 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 any RMS approved in pursuance of conditions appended to this consent 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

10. 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 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.

7 Woods Meadow Country Park Update

The Committee received report ES/0448 which provided Members with an update following several queries that had previously been raised with regard to the Woods Meadow development and the developer's responsibilities in respect of the country park.

The Principal Planner advised that the country park had been transferred to the Council in February 2019 and was now under the management of Norse with a dedicated Countryside Officer overseeing the development of a management plan. Full details were set out in paragraph 3.14 of the report. Comment had previously made that the 48.8 acre size of the park was less than 50 acres that had been expected. The Principal Planner advised that the size of the country park had not been stated in the planning permission or stipulated in the Section 106 Agreement, but there might have been a mention of 50 acres in the 1993 brief. Due to the likelihood of some additional land

being obtained, 0.75 acres in the vicinity of the community resource car park, and 0.1 acres adjacent to the primary school, that would bring the country park land nearly up to the expected size. It should be noted that the country park was progressing satisfactorily.

Further information relating to the footpaths, cycleways, fencing and the site of the former Fat and Bone Factory was contained in the report and appendices.

Having been aware of the difficulties the local community had had with the developer and fencing, Members welcomed the updated information and sought clarification as to who would be paying the legal fees with regard to the extra land referred to in paragraph 3.8 of the report. The Principal Planner advised he would have to check.

(Note: Subsequent to the meeting, the Principal Planner has confirmed that Suffolk County Council has advised that it would pay the legal fees.)

Further questions related to the provision of the medical and community centres and the surfacing of the cycle paths. The Principal Planner advised that the Section 106 provided path access up to the boundary of the site. Land had been conveyed to the Council for the community centre and a contribution per dwelling was providing £280,000 for the centre, such funding would be available to the Parish Council or a local organisation. An application for the medical centre had not yet been received but an indicative location was roughly opposite the school. Its provision would be triggered by the occupation of the 350th dwelling; currently occupation was around 240 dwellings. In the Section 106 Agreement, the site for the medical centre was to be marketed for five years on the completion of 800 dwellings. Phase I had provided hard surface pathways and those in Phase II on the northern boundary were to be 3m wide with a hard surface.

Members thanked the officer for a very informative update.

RESOLVED

That the update report relating to Woods Meadow Country Park be received and noted.

The meeting concluded at 3.36pm.

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Chairman