

**Unconfirmed**



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

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andree Gee, Councillor Malcolm Pitchers

**Other Members present:**

Councillor Janet Craig, Councillor John Fisher

**Officers present:**

Carolyn Barnes (Transport & Infrastructure Manager), Liz Beighton (Planning Development Manager), Joe Blackmore (Senior Planning & Enforcement Officer), Matthew Gee (Area Planning & Enforcement Officer), Chris Green (Senior Planning & Enforcement Officer), Matt Makin (Democratic Services Officer), James Meyer (Ecologist), Phil Perkin (Development Team Leader), Iain Robertson (Area Planning & Enforcement Officer), Paul Wood (Head of Economic Development & Regeneration)

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**1 Apologies for Absence and Substitutions**

When opening the meeting, the Chairman reminded all those seated in the public gallery that, although the meeting was open to the public, it was not a public meeting, and asked that those present in the public gallery did not interrupt proceedings by calling out or otherwise interrupting those Members, officers, and speakers addressing the Committee.

Apologies were received from Councillors Bond, Brooks and Rivett.

Councillor Back substituted for Councillor Bond and Councillor Goldson substituted for Councillor Brooks.

**2 Declarations of Interest**

Councillors Ashdown and Pitchers both declared a Local Non-Pecuniary Interest in Item 7 of the agenda, as they had both been members of the original working group that had prepared the Area Action Plan for Lake Lothing.

Councillor Elliott declared a Local Non-Pecuniary Interest in item 6 as the Ward Member for Beccles. He also declared an interest in item 7 of the agenda as a member of Normanston Bridge Working Group that had promoted the proposed development and advised that he would leave the Conference Room for the duration of the item.

Councillor Elliott declared a Local Non-Pecuniary Interest in item 8 of the agenda as the applicant's agent was known to him in a social capacity.

Councillors Back and Gee both declared a Local Non-Pecuniary Interest in Item 7 of the agenda as the Ward Members for Oulton Broad.

All members of the Committee present declared a Local Non-Pecuniary Interest in Item 12 of the agenda, as the proposed development had been discussed at Full Council.

Mr Green, Senior Planning and Enforcement Officer and the case officer in relation to Item 7 of the agenda, declared an interest in that item as he had attended preparatory meetings regarding the proposed development. He advised that Mr Perkin, the Development Management Team Leader, would present the application to the Committee.

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

Councillor Ashdown declared that he had been lobbied by email and telephone regarding Item 6 of the agenda.

Councillor Pitchers declared that he had been lobbied by email and post regarding Item 6 of the agenda.

Councillor Ceresa declared that she had been lobbied by email regarding Item 6 of the agenda.

Councillor Coulam declared that she had been lobbied by email regarding Item 6 of the agenda.

Councillor Elliott declared that he had been lobbied by email regarding Item 6 of the agenda. He also declared that he had been lobbied regarding Item 10 of the agenda and had provided factual information only.

Councillor Gee declared that she had been lobbied by email regarding Item 6 of the agenda.

#### **4a Minutes of the Meeting held on 13 August 2019**

##### **RESOLVED**

That the Minutes of the Meeting held on 13 August 2019 be confirmed as a correct record and signed by the Chairman.

#### **4b Minutes of the Meeting held on 10 September 2019**

##### **RESOLVED**

That the Minutes of the Meeting held on 10 September 2019 be confirmed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0172** of the Head of Planning and Coastal Management. The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had either been sanctioned under delegated powers or through the Committee, up until 23 September 2019.

The report was presented by the Planning Development Manager. She referred to the ongoing enforcement action at Pine Lodge Caravan Park, Hinton, advising the Committee that the case was with the Council's Legal Services team and that two dates had been identified in late November 2019 for committal procedures.

### **RESOLVED**

That the contents of the report be received and noted.

*The Chairman advised that he had re-ordered the remainder of the agenda in order bring forward an item with public speaking. He confirmed that Item 10 would be heard after Item 7 and before Item 8.*

## **6 DC/19/0051/FUL - Ingate Ironworks, Gosford Road, Beccles, NR34 9QP**

The Committee received report **ES/0165** of the Head of Planning and Coastal Management, which related to planning application DC/19/0051/FUL.

Planning permission was sought for demolition of existing buildings and development of an extra care village (use class C2 and C3), access, car parking, landscaping and ancillary development. The application had been referred to the Committee by the Referral Panel, given the wider public interest in the application.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer. The site's location was outlined including its relationship with the Beccles Conservation Area. The access road to the site was owned by Roy's Supermarket, and was located immediately south of the site.

Photographs of the site were shown that demonstrated various views in and out of the site and its relationship with Roy's Supermarket. Photographs were also displayed which identified the existing buildings to be demolished and to be retained.

The proposed site plan was outlined to the Committee. The Senior Planning and Enforcement Officer explained that the application had been submitted as C2 class housing throughout and officers had considered that the bungalows included in the scheme were conventional residential properties. The applicant had specified the bungalows as C2 as a basic minimum care package (detailed at Appendix A of the report) would be received by all residents on the site. The Council sought legal advice which took the view that the bungalows should be considered as C3 class housing and that the larger residential block was C2 class housing.

Elevations and floor plans for the proposed central block were displayed to the Committee. The Senior Planning and Enforcement Officer noted the communal space and overnight accommodation for staff that would be provided.

The Committee was also shown a cross section of the proposed site as viewed from Fair Close, as well an east to west section showing the level change at the west of the site and the industrial buildings to the site's east.

Drawings detailing the proposed housing types for the site were shown; these included elevations, floor plans and computer-generated images. Six types of housing were outlined.

The key issues were summarised as the provision of elderly persons accommodation in policy, visual amenity and scale, residential amenity, the design and conservation area, highway access and "gated" parking - 77 spaces in total (a theoretic shortfall of 10 spaces), affordable housing and use class definition and viability, noise, landscape, and planning balance.

Specific reference was made to the viability assessment completed regarding affordable housing, the use of automatic gates for providing a perception of security, parking space calculations and mitigating factors, conditions recommended to address noise issues arising from the installation of a electrical sub-station, and the current landscape of the site.

The recommendation, as set out in the report, was outlined to the Committee.

The Chairman invited Mr Stubbings, representing Beccles Town Council, to address the Committee.

Mr Stubbings said that the Town Council appreciated the application but had some concerns regarding the lack of affordable housing and the scale of development. He considered it disingenuous to compare the proposed central block to the nearby grain silo, as the latter was a narrower building.

The Town Council wanted the development to be inclusive to the entire community and see it have access to the town centre. Mr Stubbings suggested that access to the site should be located on the north-west corner of the site as this would provide a direct link to the town centre. He also stated that the development should be part of the community and not a separate gated community.

There being no questions to Mr Stubbings, the Chairman invited Mr Clark, representing McCarthy & Stone (the applicant), to address the Committee.

Mr Clark said that the applicant had provided retirement facilities and communities in the region for a number of years and he was pleased to see that the Officer had recommended approval. He considered that the application would deliver a high-quality development on a vacant brownfield site in the centre of Beccles, with a range of property to meet different needs.

It was highlighted that care assistants would always be present on the site and that retirement bungalows would be provided. Mr Clark said that the mix of properties proposed would allow residents to move within the community as their needs changed.

Mr Clark considered that the applicant had worked hard with officers and stakeholders to develop the scheme proposed. He was of the view that the scale and massing fitted in with the site and would not impact on surrounding properties.

The Committee was advised that the applicant had undertaken public consultation on the proposals and had amended them based on feedback received through that process.

It was confirmed that high quality materials would be used in construction. Mr Clark believed that the development would contribute to the local community by enabling downsizing which would return other housing to the community and would also contribute to the local economy and East Suffolk's housing supply.

Mr Clark concluded by urging the Committee to, in view of both the Officer recommendation and the positive benefits the scheme would bring, support the application.

The Chairman invited questions to Mr Clark.

A member of the Committee questioned the location of the pedestrian access, as it had been raised during the public consultations, and asked why the recommendation had not been taken onboard. Mr Clark noted that the issue of pedestrian access had been discussed with officers and it was felt that, given Fair Close was an unregistered and unmarked road and therefore difficult to develop, the proposed access was the most suitable solution. He added that there was a significant difference of height in the north-west section of the site that would require an 80-metre-long ramp for any pedestrian access out of the site. The member of the Committee acknowledged the response and questioned why the land could not be levelled out.

It was confirmed that an existing electrical sub-station on the site would be retained and that an additional sub-station would be added due to the size of the proposed development. The existing sub-station would be upgraded, and this area of the site would be covered by a brick enclosure.

A member of the Committee noted complaints regarding noise and light pollution from the existing electrical sub-station and asked if there would be adequate mitigation for this. Mr Clark confirmed that a noise assessment had been undertaken by an independent company which had influenced a mitigation plan for the sub-stations, which included a recommendation for a two-metre acoustic fence. He was confident that the proposed mitigation would address noise and light pollution from the sub-stations.

With regard to a separate question regarding pedestrian access to the sub-station site, Mr Clark advised that the area of the site was effectively landlocked on those boundaries. He added that there was proposed mobility scooter storage and charging

facilities proposed within the ground floor of the central block, so that mobility scooters could be used when leaving the site and accessing the town centre.

Mr Clark considered that the proposed parking was sufficient to include visitor parking.

It was confirmed that outbuildings on Fair Close, bordering the western boundary of the application site, would be protected during construction. Mr Clark noted that properties would be sold on a leasehold basis.

Mr Clark reiterated that the applicant was community focused and could explore an agreement to develop the surface of Fair Close but could not guarantee that this would be possible.

The Chairman invited questions to the Planning Officers.

A member of the Committee sought Planning Officers' views on the lack of affordable housing in the application. The Planning Development Manager confirmed that independent advice had confirmed that affordable housing was not viable within this scheme.

The Committee was advised that it needed to consider the application that was before it, including the proposed pedestrian access for the site. The Planning Development Manager advised that the applicant's representative had heard the Committee's concerns about the positioning of this access and would be able to ask the applicant to see if this could be improved. Conditions could not be applied to this portion of the application due to land control issues.

The Chairman invited the Committee to debate the application that was before it.

A member of the Committee said he remained open minded on the application but was disappointed with the lack of affordable housing and did not agree with the viability assessment. He considered the scheme to be generally well liked and was comfortable with its scale and massing. He said that it was positive that a longstanding brownfield site was being developed. The Member stated that he wanted to hear what others had to say before making his decision.

Another member of the Committee noted the mix of housing types proposed and acknowledged that with the mix proposed, affordable housing would not be possible. He was content with the proposals but expressed concern with the pedestrian access to the site, urging the applicant to reconsider this. He considered that the development would be well suited to the area but that if the pedestrian access was not revised, people may not buy into it. Several members of the Committee also had concerns about the pedestrian access to the site, suggesting a condition to address it be included on any resolution to approve.

The aesthetic aspect of the central block was discussed, and it was queried if this could be mitigated through changes to its roof. A member of the Committee added concerns regarding the maintenance of a flat roof. The Planning Development Manager noted that the building had been designed with a flat roof to reduce its height and that new technologies made such roofs easier to maintain. She added that a condition could not

be added regarding pedestrian access but that an informative could be included on any planning permission granted.

The Planning Development Manager suggested that adding a condition to remove permitted development rights (pdrs) on the garages proposed, in order to ensure parking space was not lost due to conversion of garages into dwellings. The applicant was content with this condition being added.

The Vice-Chairman considered that the over-65 population of Beccles was above the national average and that the development would therefore be of benefit to the local community. She said that more parking would have been preferable but that the provision for scooter storage could mitigate this.

On the proposition of Councillor Ceresa, seconded by Councillor Goldson it was by unanimous vote

### **RESOLVED**

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

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following plans:

001 revision A01 (definitive red lined site plan showing access to adopted highway) received 16th January 2019

015 Rev 0 (building sections main block) received 7th January 2019

002 rev A0 (site topographic plan) received 7th January

003 rev A0 (site master layout plan) received 7th January

016 and 017 rev A0 (Proposed elevations main block) received 7th January

010 to 014 rev 0 (Proposed floor plans main block) received 7th January

020 to 026 rev 1 (Proposed houses, bungalows and garages) received 7th January

027 rev A0 (site section showing levels) received 5th February 2019

019 rev A0 (site section showing levels) received 31st January 2019

and landscape drawings B190919.201, 401,402,403 received 30th April 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation has been submitted to, and approved in writing by, the local planning authority. All site investigations must be undertaken by a competent person, conform with current guidance and best practice (including BS10175:2011+A2:2017 and CLR11) and include:

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

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

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

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

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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

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

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



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

- o results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- o evidence that the RMS approved under condition 4 has been carried out competently, effectively and in its entirety; and
- o evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

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

8. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that

there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

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

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

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

10. The use shall not commence until the area(s) within the site shown on drawing number EM-2535-03-AC-ZZ-003 (8645-003-REV 0) for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

*Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.*

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

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

12. The approved development must be completed in accordance with the 24Acoustics 'Noise Impact Assessment' (R7224-1 Rev 1, 17th December 2018) and, in particular:

- \* the acoustic barrier specified in section 5.1, 5.2 and figure 2; and
- \* the glazing and ventilation measures specified in sections 5.35 - 5.41. shall be provided before first occupation of the dwellings and retained thereafter.

Before installation further written and drawn details shall be submitted to and approved in writing by the Local Planning Authority for:

- \* any plant (e.g. ventilation, heating, lifts etc); and
- \* the new substation.

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

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

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

*Reason: To ensure that the construction can be undertaken in an appropriate manner having due regard to surrounding land uses.*

14. Permitted development rights on all garages to be removed.

*Reason: to ensure that parking space is not lost*

Informative: it is recommended that the applicant engage in discussions with the Council and key stakeholders regarding the location of the site's pedestrian access.

**7 DC/19/2796/RG3 - Land between Constable Close and Harbour Road, Lowestoft, NR32 2QU**

*Councillor Elliott left the Conference Room for the duration of this item.*

The Committee received report **ES/0166** of the Head of Planning and Coastal Management, which related to planning application DC/19/2796/RG3.

The application sought full planning permission for the erection of a fully accessible bridge to connect Bridge Road Oulton Broad to Normanston Park as part of the wider cycle network and to deliver the aims of the Waveney Cycle Strategy (2016). It had been referred to the Committee as the Council was the applicant and parts of the land were in the Council's ownership.

The Committee received a presentation on the application from the Development Management Team Leader, on behalf of the case officer.

The site's location was outlined. It was confirmed that the proposed new bridge would replace the existing Victorian footbridge that crossed the railway at the same point.

The Committee was shown the definitive existing footpath plan for the area and footpath 21, which related to both the existing and proposed bridge, was highlighted. The Development Management Team Leader also detailed that the application site crossed the parish boundary between Lowestoft Town Council and Oulton Broad Parish Council.

Photographs of the site were displayed which gave views of the existing footpath route from a variety of locations. The Development Management Team Leader noted the significant vegetation next to the route at Constable Close.

The Committee was also shown photographs of Constable Close and the existing footpath taken from the existing footbridge, as well as a photograph that displayed the steps to the bridge which included a wheel channel to accommodate walking bicycles up the steps.

Photographs of views eastward towards the existing bridge were shown, demonstrating that it was concealed by existing planting. The view from Harbour Road was also shown.

The Development Management Team Leader displayed a version of the Lowestoft Area Cycle Map with the proposed bridge and resulting connections added.

The Committee was shown computer generated images of what the proposed bridge would look like. A map outlining the proposed general arrangement site plan was also highlighted. The Development Management Team Leader explained what existing planting would be removed and where the ramps on each side of the bridge would be located. He also highlighted the distance difference between the existing and proposed footpath routes. The lighting to illuminate the surface of the bridge would be built into the handrails.

The key issues were summarised as the principle of development (delivery of Local Plan objectives), choice of route and alternatives, residential amenity, ecology, flood risk, highways and footways, trees and landscape, open space, crime and disorder, design of development, economic benefit, and planning balance.

The proposed development was considered by officers to be an improvement on the existing bridge and would meet objectives set out in the Waveney Local Plan. A number of routes for the footpath had been considered by the applicant and the optimum route chosen; a link further to the west had been considered but this would have had a greater impact on the county wildlife site and have been on land at a higher risk of flooding.

The distance between the footbridge ramps and the residential properties on Constable Close would be 23.5 metres. This was stated to be adequate as to not significantly impact residential amenity through overlooking from the ramps.

The application was supported by an ecological appraisal that recommended several enhancements that could be secured. This information was detailed at paragraph 8.16 of the report.

The Development Management Team Leader said that the proposed footbridge would improve the link to Harbour Road and would take pedestrian and bicycle traffic away from Normanston Drive, making that route more desirable. He added that the new bridge would not impede footpath 21 and that the Highways Authority had not objected to the application in terms of the existing highway network. Any planting

removed during development was proposed to be replaced with new planting which would overcome any loss of trees.

The Committee was advised that the application fell within a nature reserve designated as an open space. Officers had concluded that the application would not have a significant impact on the quality of the open space.

The Development Management Team Leader noted the potential for concern regarding crime and disorder. He stated that with the lighting on the bridge and greater use of the route the proposed new bridge would be a more attractive route than what was currently in place. He said that from a safety point of view the new bridge would be an improvement.

The design of the development was said to be acceptable; the materials used in construction would be subject to conditions of any planning permission issued.

The direct economic and employment benefits during the construction process were outlined to the Committee. The maintenance costs for the proposed bridge were anticipated to be low and it was considered that the improved link would also have an economic benefit.

The Development Management Team Leader considered that, on balance, the benefits of an improved crossing outweighed any harm that may be caused by the development.

The recommendation, as set out in the report, was outlined to the Committee.

The Chairman highlighted that three objectors had registered to speak on the application and had agreed to share the three minutes allocated, speaking for one minute each. He invited the objectors to move to the public speaking table.

The Chairman invited Ms Willis to address the Committee.

Ms Willis noted that Sustrans had stated the new bridge would improve wheelchair access at the crossing. She highlighted that the proposed bridge would exit onto Harbour Road, an industrial area, and that wheelchair users would be required to use the highway as there were no dropped kerbs to allow access to the pavement. She acknowledged that improved lighting could make the route more accessible, but noted that when attempting to use the route, she had come out of her wheelchair on several occasions due to humps in the road. She also noted the gradient when approaching Bridge Road was steep enough to cause the front wheels of her chair to lift. Ms Willis added that her front wheels had also become stuck in the level crossing due to the steep gradient.

The Chairman invited Ms Shelley to address the Committee.

Ms Shelley asked the Committee to defer the application. She noted that she had written to the Council requesting that the Committee undertake a site visit and walk the whole of the proposed route to see its dangers, see how overlooking would occur,

how the bridge would be in close proximity to the properties in Constable Close, and the risk of anti-social behaviour that could be caused by illuminating the bridge.

The Chairman invited Mr Pearce to address the Committee.

Mr Pearce pointed out that the Highways Authority had stated that Harbour Road was not suitable for additional use. He said that improvements were needed to the highway or an alternative footpath should be provided; he considered that footpath 21 could be improved. Mr Pearce was also concerned about the removal of mature trees and the impact of this on the local ecosystem, highlighting that there were bats living in the trees. Mr Pearce referred to the climate emergency declared by the Council and considered that these concerns were not present in the report. Mr Pearce concluded that as the Council was the applicant and had also prepared the report, it was not objective.

The Chairman invited questions to the objectors.

A member of the Committee sought further details from Ms Willis regarding her testing of the route. She confirmed that she had not used the existing bridge but had visited Harbour Road, where the new footbridge would end. She said that by 8.15pm it had been too dark to see the potholes in the road and was not sufficiently lit. She was of the opinion that this section of the route would not be safe.

Ms Willis confirmed that the pavement on Harbour Road was between 8 to 10 metres wide, wide enough to accommodate a wheelchair, but as there were no dropped kerbs, she had been unable to get onto the pavement. She added that when using the highway to travel Harbour Road, she had encountered several vehicles.

The Chairman invited Ms Taylor, representing Lowestoft Town Council, to address the Committee.

Ms Taylor emphasised that she was speaking on behalf of Lowestoft Town Council. She acknowledged that much of the application site was outside of the Town Council's boundary but noted that a small part of it overlapped the boundary with Oulton Broad and therefore the Town Council had been consulted on the application.

Ms Taylor advised that Lowestoft Town Council's Planning Committee had recommended that the application be refused as the Sustrans proposal had been developed by the applicant, it was not satisfied that the report fully considered the environmental impact of the development and that the design of the bridge was too large for the environment.

There being no questions to Ms Taylor, the Chairman invited Mr Keller, representing Oulton Broad Parish Council, to address the Committee.

Mr Keller was aware that this section of the meeting was being filmed by a member of the public and exercised his right not to be filmed.

Mr Keller advised that the Parish Council's Planning Committee had considered the application on 29 July 2019 and after much discussion had resolved to support the

application, as it considered it met objectives in the East Suffolk Business Plan and the Waveney Local Plan. He confirmed that the Parish Council supported East Suffolk Council in delivering a pedestrian and cycle bridge over the railway line and considered it important for the future of Lowestoft.

Mr Keller stated that there was clear merit for planned improvements in the south-western corner of Normanston Park with access for all and that the Parish Council believed the development would benefit the local economy, tourism and recreation. He suggested that the new route would provide a link between museums in Lowestoft and Oulton Broad.

The Chairman invited questions to Mr Keller.

Mr Keller confirmed his comment that the Parish Council considered that the route would provide a pedestrian link between museums in Lowestoft and Oulton Broad.

The Chairman invited Mr Broadbent-Yale, the applicant's agent, to address the Committee. Mr Broadbent-Yale was accompanied by Mr Melnyczuk, who was present to answer any questions the Committee may have had.

*During questions to the applicant's agent and his colleague, there were several disturbances from the public gallery. The Chairman advised members of the public that persistent disruption would result in individuals being asked to leave the meeting.*

Mr Broadbent-Yale explained that Sustrans had been commissioned by the Council to prepare and design the application before the Committee. He presented an image showing the overlook of the current footbridge and outlined the access to Harbour Road. The existing bridge exited into Normanston Park and Mr Broadbent-Yale explained the differences between the original access plans on this side of the railway line and what was now proposed.

He also displayed information detailing the existing footpath and access to the existing bridge. He also outlined the access to the proposed bridge from Constable Close and highlighted where the ramp would be, what surfacing would be removed and where replacement planting would take place.

Mr Broadbent-Yale highlighted how the development fitted into the Council's policies and strategies. He also displayed information on the wider Lowestoft walking and cycling network.

The Chairman invited questions to Mr Broadbent-Yale and Mr Melnyczuk.

Mr Broadbent-Yale confirmed that the size of the bridge was what necessitated the ramp approaches proposed. The width of the bridge had been set to enable passage in both directions for buggies, bicycles and wheelchairs.

Mr Melnyczuk advised that the proposed planting would screen the ramp at the Constable Close end of the bridge. He said that there was no current screening between the existing footpath and properties on Constable Close but acknowledged

the existing lower levels provided screening. He considered that the proposed screening would be better than what was currently in place.

The Chairman asked if evergreen species would be planted to avoid a seasonal impact on screening. Mr Melnychuk said that this could be possible but that this would be dependent on soil conditions and if those species were suitable to the area. Mr Broadbent-Yale added that there was a dogleg to come back to the existing bridge and trees there would be retained and screen the proposed ramp.

Mr Melnychuk explained that the preferred width of a shared use cycle way was three metres, with half a metre either side to avoid users clashing with parapets. He confirmed that this had resulted in the proposal of a four-metre-wide bridge.

The Chairman invited questions to the Planning Officers.

*During questions to the Planning Officers, there were further disturbances from the public gallery. The Chairman reiterated his earlier advice; however two members of the public were later asked to leave the meeting due to persistent disruption.*

In response to a question in respect of lighting and dropped kerbs on Harbour Road, the Planning Development Manager advised that this was outside of the red line application area and therefore outside of the jurisdiction of any planning permission that could be granted and would be a matter for the Highways Authority. She advised that the Council could engage in conversations with the Highways Authority but could not guarantee what the outcome of those discussions would be.

The Planning Development Manager confirmed the accuracy of the scale of the plans and confirmed that they showed a 23.5 metre distance between the bridge and the nearest property in Constable Close.

A member of the Committee sought the height of the ramp at Constable Close at the point it was immediately in front of residential properties. Mr Melnychuk was invited to answer this question; he advised that this would be approximately 5.4 metres. When asked if this would result in bridge users being at first floor level with properties on Constable Close, Mr Melnychuk confirmed that this would be the case and was the reason that screening via planting had been included in the submission. He added that as the ramp reduced in height to meet Normanston Park, additional screening would increase.

Mr Melnychuk also confirmed that new screening planting would be nearer to some residential properties and that there was a two to three metre difference between the existing and proposed tree line.

Another member of the Committee asked if the ramp on Constable Close could have a metal screen along one side. Mr Melnychuk said that this could be an option going forward, but when designing the bridge, it had been considered that an opaque barrier could cause bridge users to feel enclosed.

The Chairman invited the Committee to debate the application that was before it.



A member of the Committee spoke in favour of the application. He stated that he knew the area and the existing bridge very well and that it was difficult to get a buggy across the bridge. He was content with the scheme, acknowledging the necessity of the proposed bridge's size. He considered that the development would have a positive impact and supported the application.

Another member of the Committee, who was also Ward Member for Oulton Broad, raised concerns with the application. She said she was also familiar with the site and that the area was naturally eco-friendly. She said that, given the conditions of the current route, she would question if anyone other than pedestrians or cyclists used it. She was concerned about the terminus of the bridge at Harbour Road as this was an industrial area with large vehicles moving within it, which would leave bridge users feeling vulnerable.

The Member was also concerned about the loss of mature trees which provided a buffer for Constable Close. She acknowledged the new planting that would be provided but noted that this would take several years to reach the height of the mature trees that would be lost, also voicing concern about a possible loss of light to properties in Constable Close if the tree line was nearer to the buildings. She did not feel that this was acceptable.

She queried the shortest distance between the bridge and the nearest house on Constable Close, noting that a member of the public had claimed that the distance was significantly shorter. The Member highlighted that Lowestoft Town Council opposed the application and considered that the historic bridge in place should not be removed. She said that the scale of the proposed bridge was too large and would be intrusive to the residents of Constable Close. She said that she did not support the application.

The Chairman invited the Planning Development Manager to comment on points raised in debate. She advised that the existing pavements on Harbour Road were within the Highways Authority's remit and it would only be possible to hold discussions regarding dropped kerb access, adding that this could be pursued via CIL spending. She reiterated that the plans had been accurately scaled and the measurements given correct, and that the distance between the bridge and properties in Constable Close was not an uncommon one.

The Planning Development Manager noted that the proposed distance between properties on Constable Close and the new tree line was sufficient to restrict loss of light and that a private view could not be protected by Planning legislation. She added that the proposed ramps would be for transit purposes.

The member of the Committee who had spoken against the application concurred that the ramps would be for transient users but considered that there would be nothing to stop people stopping and staring into gardens or windows. She said that the width of the bridge was out of keeping for the area and was concerned about the risk of motor scooters using the bridge and creating anti-social behaviour issues. The Chairman noted that the latter issue would be a matter for the Police.

The member of the Committee who had spoken in support of the application noted the attractiveness of the existing bridge but considered it to be virtually unusable. He acknowledged that improvements were required for Harbour Road but that this was out of the Committee's control. He said that the size of the bridge was dictated by the width required for shared access and to be able to accommodate accessible ramps instead of steps.

There being no further debate, the Chairman moved to the recommendation set out in the report.

On the proposition of Councillor Pitchers, seconded by Councillor Ceresa it was by a majority vote

## **RESOLVED**

That the application be **APPROVED**, subject to the following planning conditions:

### 1. Time Limit

The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

### 2. Plan Compliance

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

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

### 3. Ground prep for new trees.

Before landscaping of the ground between the bridge approach ramps and the housing on Constable Close is undertaken the further written schedules and specifications for the preparation of the ground shall be submitted to the local planning authority for approval. Further details of species, number, centres and maturity of the replacement trees shall also be agreed in writing by the Local Planning Authority. The works shall be completed before the new bridge is first used and any trees that die within the first five years following planting shall be replaced to the agreed specification.

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

### 4. Ecology

Before construction commences (including the felling of the trees on the north approach ramp) a Construction Environmental Management plan shall be produced and submitted to the Local Planning Authority and the agreement to that plan received. The plan shall be accompanied by a schedule of mitigation measures that should comply with the recommendations made within the Preliminary Ecological Appraisal (Chapter 6); And include a landscape planting scheme; an ecologically sensitive Lighting Strategy; and details of ecological enhancements to be provided (including details of habitat creation suitable for rusty back fern). Following agreement of the proposed scheme the works shall proceed in accordance with that scheme. Any planting that might die within the first five years following completion shall be replaced.

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

## 5. Highways

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

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

## 6. Management plan

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

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

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

## 7. Materials Details

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

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

Informative: Evergreen species to be considered for new tree planting

Informative: Discussions to take place with the Highways Authority regarding improvements to Harbour Road

Informative: Further discussions regarding the Design and Landscaping scheme

*Councillor Elliott returned to the Conference Room following the conclusion of the item.*

**10 DC/19/2685/FUL - Saxmundham Railway Station, Station Approach, Saxmundham, IP17 1BW**

The Committee received report **ES/0169** of the Head of Planning and Coastal Management, which related to planning application DC/19/2685/FUL.

The proposal was to provide waiting facilities for rail travellers within the shell of the fire-damaged railway station buildings on the “up” London bound platform of Saxmundham Railway Station, bringing the building back into use, but adapting it as a single storey form following the partial demolition necessitated following the fire.

This had led to objection from Saxmundham Town Council and others, citing concerns that a reduced form would harm the Conservation Area and fail to provide adequate facilities for rail travellers. The application was considered by the Referral Panel which determined that the Town Council objection necessitated Committee consideration and a site visit, the latter of which took place on 7 October 2019.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer.

The site's location was outlined, which highlighted the area leased by Abellio Greater Anglia and the application site itself. Photographs of the site were displayed which demonstrated the significant damage caused to the station building by fire and the subsequent demolition of much of the upper storey in order to make the building safe. Photographs of the remains of the southbound platform canopy were also displayed.

The Senior Planning and Enforcement Officer noted the area of the site that would be made into an open yard. The Committee was also shown images of the building as it was before the fire damage and how it looked historically.

It was noted that the whole of the application site was within the Conservation Area and so any planting was protected.

The Senior Planning and Enforcement Officer noted the concerns raised about the permanent loss of the building's upper storey and displayed images of station buildings elsewhere on the East Suffolk Line that were single storey.

The Committee was shown the proposed block plan and floor plan, the latter of which detailed the new waiting area that would be created. The Senior Planning and Enforcement Officer said that sufficient provision had been made for commuters waiting for rail services.

The remainder of the building was marked for operational railway use; the applicant had not provided further detail on what exactly this use would entail.

The Senior Planning and Enforcement Officer noted that similar space in other station buildings on the East Suffolk Line had been used for amenity functions but could not confirm that this would be the case for this application site.

It was confirmed that the original entrance canopy would be restored, however the entrance to the station would remain at the south end of the southbound platform.

*Councillor Ceresa left the meeting at this point.*

The key issues were summarised as the loss of the upper storey in heritage terms, the best use of the surviving fabric of the building, the scale of the building in street scene terms, facilities to be provided, and the provision potentially of further facilities.

The recommendations, as set out in the report, were outlined to the Committee.

*Councillor Ceresa returned to the meeting at this point.*

The Chairman invited Mr Garrod, who had registered as an objector to the application, to address the Committee.

Following the conclusion of Mr Garrod's address, the meeting was adjourned at 4.11pm to allow the Democratic Services Officer to seek legal advice from the Council's Deputy Monitoring Officer, in the absence of the Council's Monitoring Officer, as Mr Garrod had spoken in favour of the application.

The meeting was reconvened at 4.22pm. The Chairman advised the Committee that the advice received from the Council's Deputy Monitoring Officer was that, as Mr Garrod had registered to speak in objection to the application but had spoken in support of the application, his comments must be disregarded by the Committee when it determined the planning application and would not be recorded in the Minutes of the meeting.

It was also noted that the Code of Good Practice/Guidance for Members - Planning and Rights of Way, contained within the Council's Constitution, set out the public speaking that could take place at the Council's Planning Committees and did not make provision for supporters other than the applicant to speak on planning applications.

The Chairman invited Mr Smith, representing Saxmundham Town Council, to address the Committee.

Mr Smith explained that the local community had expressed strong views regarding the application as the station was an important issue in Saxmundham. He advised that meetings had taken place between the local community and the applicant and critical feedback had been given on the proposals. He acknowledged that all parties wanted a quick and positive solution to the current situation at the train station.

Mr Smith invited the Committee to reject the application or defer it in order to be satisfied that the parking landscape and transport interchange arrangements were suitable, or condition this if it was minded to approve the application. He considered it incorrect in planning law to consider the station in isolation to the town centre and the conservation area and considered that wildlife areas would be impacted by the development.

Comments made in writing by the Town Council regarding the building's use were referred to by Mr Smith, as well as relevant policies in the emerging Suffolk Coastal Local Plan that had not been criticised when that plan had been examined by the Planning Inspectorate.

Mr Smith concluded by noting that the building's original entrance would not be replaced by the proposals made and that although it provided an improvement on the current situation, it did not deal with the issues in full.

The Chairman invited questions to Mr Smith.

Mr Smith confirmed that the bus service to the station comes to the top of Station Approach and turns around to depart. He added that Station Approach was defined in the emerging Suffolk Coastal Local Plan as requiring improvement for pedestrian and cycle access. Mr Smith mentioned NPPF provisions referred to by the applicant that the Town Council did not feel were met by the application.

Mr Smith advised that further information was pending from Abellio Greater Anglia regarding the introduction of parking charges at the station.

The Chairman invited Mr Coffey, the applicant's agent, to address the Committee. Mr Coffey was accompanied by Ms O'Donnell, from Abellio Greater Anglia, who was present to answer any questions that the Committee may have had.

Mr Coffey acknowledged that the station was a valued landmark in Saxmundham and provided a key transport link for the town. He advised the Committee that the station building had been damaged following an arson attack in February 2018 and that Abellio Greater Anglia had been required to demolish the upper storey in order to bring the building into a secure and safe state. Prior to the fire, the building had been unused for several years.

The applicant was seeking to bring the building back into use as a passenger building to provide benefits to its customers and also the local community. Mr Coffey outlined that a covered waiting area would be created and that the canopy of the southbound

platform would be restored. He noted the historical importance of the building and said that Abellio Greater Anglia had worked with Planning Officers to develop a scheme that was sensitive to the existing building fabric as well as the local area.

Mr Coffey considered that the proposed design retained the characteristics of the building's architecture. He referred to the Officer's report, which noted that high detail could be attained. He acknowledged the concerns of the Town Council regarding the application.

The application was described as bringing the building back into use and providing facilities to commuters using the station. Mr Coffey confirmed that the application before the Committee only related to the station building and that the applicant was intending to make further improvements to the station through separate planning applications.

The Chairman invited questions to Mr Coffey and Ms O'Donnell.

It was confirmed that power assisted doors would be installed and that doorways in the station would be wide enough for disabled access. It was the intention of the applicant to use community enablers to secure the waiting room overnight.

In response to a question regarding car parking charges, Ms O'Donnell noted that this did not relate to the application before the Committee.

Mr Coffey advised that the space reserved for operational use would be used to store materials relating to the launch of a new rolling stock of trains.

A member of the Committee asked if the applicant would support using the space for community use following the completion of this launch, as had been done at Beccles Railway Station. Ms O'Donnell said that as soon as the area could be released, Abellio Greater Anglia would consider several options for its use including community use or joint community and commercial use.

It was confirmed that conditions were contained within the recommendation to ensure that brickwork detail would be submitted to Planning Officers for consideration to ensure that a suitable scheme was delivered.

The applicant was not intending to install toilet facilities in the station building. Ms O'Donnell highlighted that longer trains with more toilet facilities would be part of the new rolling stock.

The Vice-Chairman asked when the applicant was looking to start and complete works, should planning permission be granted. Ms O'Donnell said that Abellio Greater Anglia would look to issue tenders for construction as soon as possible and put arrangements in place to be on site in March 2020 with a six-month build planned.

The operations area was stated to not be a working environment and would be used as storage. A member of the Committee queried the need for toilet facilities if any work was taking place on the site.

The Chairman invited Councillor Fisher, Ward Member for Saxmundham, to address the Committee.

Councillor Fisher was pleased to see that improvements would be made to the station building. He asked the Committee to consider several details regarding the removal and retention of existing brickwork as it was not clear to him how new brickwork would be integrated with existing fabric. He also asked if the Victorian postbox at the front of the building would be retained and queried the access to the CCTV room as displayed on the drawings.

The Chairman invited the Planning Development Manager to respond to Councillor Fisher's queries. She advised that a condition had been included in the recommendation to ensure that new brickwork is reviewed by Planning Officers, that the postbox would be retained, and sought confirmation from the applicant that the way the access to the CCTV room was portrayed on drawings was a discrepancy.

There being no questions to Councillor Fisher or to the Planning Officers, the Chairman invited the Committee to debate the application that was before it.

A member of the Committee expressed concern at the lack of detail from the applicant regarding the use of the operational area of the building. He was also concerned about a lack of toilet facilities and suggested that these were needed on the site. He was supportive of the application but considered that a condition be included that toilet facilities be provided.

The Planning Development Manager said that matters regarding toilet facilities were determined by Building Regulations rather than Planning legislation and this was therefore outside of the Committee's remit. The Chairman suggested that an informative be included asking the applicant to consider installing toilet facilities.

Another member of the Committee highlighted that similar stations on the East Suffolk Line did not have toilets. He said it was important that the operational area be used for community and/or commercial purposes as soon as possible and suggested that toilet facilities may come with that use.

The Member sympathised with the views of the Town Council but considered the application to be a reasonable solution to the current state of the station. He stated that it was important that disabled access to the waiting room was sufficient and strongly encouraged the applicant to use the operational area for a community asset.

The Vice-Chairman said that the site visit had been useful to ascertain the state of the station building. She was encouraged that the original features of the building would be retained and that the original entrance canopy would be restored. She highlighted that public toilets were accessible at a nearby car park.

There being no further debate, the Chairman moved to the recommendation as set out in the report.

On the proposition of Councillor Elliott, seconded by Councillor Ceresa it was by unanimous vote



## **RESOLVED**

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

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

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

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

The material specification for the slate roof proposed, including hip and ridge. The method to be employed for paint removal and brick cleansing, supported by the trial patch of a small section of paint in a less visible area. Specification for repointing, including depth of rake out method to be employed to avoid harm to brickwork, type and mix of lime based binder and aggregate, and pointing finish. Supporting spandrel brackets to the new roadside canopy. A condition survey of the existing joinery to windows and doors and details of the replacements.

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

## **Continuation of Meeting**

In accordance with Paragraph 2.5 of the Committee Procedure Rules, contained within Part 3 of the Council's Constitution, as the meeting had been in session for three hours and would proceed into the evening, the Chairman asked the Committee if it wished to continue or adjourn the meeting.

It was proposed, seconded and by a majority vote

## **RESOLVED**

That the meeting continue over three hours duration.

## 8 DC/19/1727/FUL - Site adjacent to Waratah, The Street, Darsham, IP17 3QA

The Committee received report **ES/0167** of the Head of Planning and Coastal Management, which related to planning application DC/19/1727/FUL.

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

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer. He referred the Committee to the update sheet that had been circulated which detailed a correction to paragraph 2.3 of the report.

The application site was confirmed to be within the Conservation Area. The site's location was outlined along with the Darsham settlement boundary. The Committee was shown photographs of the site which displayed views in and out of the site, the site's access, its relationship to the host dwelling and neighbouring properties, and the existing access drive.

The Senior Planning and Enforcement Officer advised that visibility splay drawings for the site access had been received from the applicant. The Highways Authority required visibility of 43 metres in each direction and the drawings submitted demonstrated visibility splays of 27 and 21 metres.

The Committee was shown the proposed block plan. This detailed the domestic curtilage for the proposed dwelling and its relationship to the Darsham settlement boundary. It was confirmed that although the vast majority of the development was within the settlement boundary, the curtilage land was outside the boundary and therefore defined as countryside.

The proposed elevations and floor plans were demonstrated to the Committee, as well as a three-dimensional perspective drawing of the proposed dwelling. The Senior Planning and Enforcement Officer highlighted the asymmetrical roof structure.

The key issues were summarised as the principle of development, highways safety, the design of the development and its impact on the character of the area, and the impact on neighbouring properties.

The recommendations, as set out in the report, were outlined to the Committee.

The Chairman invited Mr Hannon, the applicant's agent, to address the Committee.

Mr Hannon said that the Senior Planning and Enforcement Officer had given a clear summary of the application. He considered the application to be a strong one and said that the sustainability of Darsham had been demonstrated through its recent growth, citing the construction of a new village hall.

Mr Hannon drew the Committee's attention to the design and access statement and noted how this demonstrated the sustainability of the development's design. He said

that the design allowed a large south-facing photovoltaic array to be installed which would contribute to the building being energy neutral.

Mr Hannon raised concerns regarding the comments from the Highways Authority about visibility splays considering the site access visibility to be very good; he said that he had been able to exit the site safely on several occasions.

The Chairman invited questions to Mr Hannon.

Mr Hannon confirmed that the site access land was owned by a third party and that the applicant had right of way over it. The site access served three properties.

The Chairman invited questions to the Planning Officers.

The Planning Development Manager advised that the majority of the development was within the Darsham settlement boundary and although another design could allow the development to be entirely within the boundary, officers had considered that on balance a better design could be secured by the development marginally sitting outside of the settlement boundary. She added that other factors had also been considered and that it had been felt it was acceptable in this instance for the development to be slightly outside of the settlement boundary.

The Senior Planning and Enforcement Officer confirmed that the photovoltaic array and any other equipment would be conditioned as it would need to be in accordance with approved plans.

The Chairman invited the Committee to debate the application that was before it.

A member of the Committee said that he had no issues with the application and proposed that the application be approved as per the Officer's recommendations.

Another member of the Committee compared the application before the Committee with a similar application that it had refused at its meeting on 13 August 2019. He was concerned that despite the similarities, it was proposed to approve this application and questioned the links the proposed new dwelling would have to local community amenities. He considered the application before the Committee to be worse than the application that it had refused.

The Senior Planning and Enforcement Officer noted the Member's concerns. He said that, compared to the application the Member was referring to, Darsham was considered to be more hierarchically sustainable in both the current and emerging Suffolk Coastal Local Plans. He advised that Darsham Railway Station was a short walk from the application site and that the settlement was also served by a bus route. The addition of a new village hall was also highlighted. The Senior Planning and Enforcement Officer reiterated that only a very small part of the development was outside of the settlement boundary.

The Chairman asked if there was a school in Darsham. The Planning Development Manager confirmed that there was not a school directly in the settlement, but that Darsham was within a school catchment area. She considered that as the majority of

the development was within Darsham's settlement boundary, the situation for any future residents would be no different than those residing in dwellings that sat wholly within that boundary.

A member of the Committee did not consider the application to be in a particularly sustainable location but noted the proximity of local amenities and that the development appeared to be almost wholly compliant with the Council's policies.

In mentioning the similar application that had been refused by the Committee at its meeting in August 2019, the Member highlighted that the application site had been wholly outside of the settlement boundary and did not consider that the comparison made was relevant. He was of the opinion that the Committee needed to determine if being almost wholly compliant with policy was acceptable.

There being no further debate, the Chairman moved to the recommendation as set out in the report.

On the proposition of Councillor Pitchers, seconded by Councillor Coulam it was by a majority vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** be granted, subject to officers securing a per-dwelling financial contribution toward the Suffolk RAMS to mitigate recreational impact on European habitat sites; and subject to the following planning conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

2. The development hereby permitted shall be carried out in accordance with the following plans and documents: Drawing No. PL10 revA, received 25 June 2019; and Sketch Perspective Drawing (The Meadows – Dated 2019), received 18 June 2019.

*Reason: To secure a properly planned development.*

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

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

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

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

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

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

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

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

## **9 DC/19/2435/FUL - 24 St Marys Street, Bungay, NR35 1AX**

The Committee received report **ES/0168** of the Head of Planning and Coastal Management, which related to planning application DC/19/2435/FUL.

The application sought planning permission for the construction of a single storey residential property on land adjacent to 24 St. Marys Street and to the rear of 18 – 20 St. Marys Street. This would include the reconfiguration of the existing parking arrangement in front of Nos. 24 – 28 St. Marys Street. The site was located within the settlement boundary.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer.

The site's location was outlined, and the Committee was informed how the application site had been created by taking garden land from surrounding properties.

The Committee was shown photographs of the site which highlighted the existing parking arrangements, the access to the site (including where a section of wall would be removed), and the land adjacent to the host dwelling.

The proposed block plan was displayed to the Committee. The Area Planning and Enforcement Officer stated that the development would be out of character with the existing development and that its footprint was out of scale.

Officers considered the application to be a cramped form of development that was contrary to planning policies and that the proposed parking arrangements would detract from the listed building's setting.

The Committee was also in receipt of proposed floor plans and elevations. The design of the proposed dwelling was stated to be of a poor standard.

The key issues were summarised as the impact on the setting of adjacent listed buildings, the impact on the character and appearance on the conservation area, and design.

The recommendations, as set out in the report, were outlined to the Committee.

There being no public speaking on the application, the Chairman invited questions to the Planning Officers.

It was confirmed that the site was accessed across a Council owned car park and would be landlocked if this land was ever sold.

The Chairman invited the Committee to debate the application that was before it.

Members of the Committee did not support the application. It was noted that the development was reliant on access across Council owned land and could become landlocked if this ever changed.

There being no further debate, the Chairman moved to the recommendations as set out in the report.

On the proposition of Councillor Goldson, seconded by Councillor Gee it was by unanimous vote

## **RESOLVED**

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

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

The proposal for a dwelling in this location, particularly of this form and footprint, would appear as a discordant and intrusive feature and would fail to respect the historic grain of this area which historically is characterised by long narrow rear 'yard' areas to the frontage properties with associated ancillary buildings, where they occurred. The proposed dwelling does not meet the requirements of the NPPF and

Local Plan WLP8.29 in terms of the high-quality design and fails to integrate into the surrounding built and historic environment required by policy WLP8.33. It would provide a cramped form of development which fails to give regard to the character, form and pattern of development in the surrounding area.

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

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

## **11 DC/19/3066/FUL - Leiston Sports Centre, Red House Lane, Leiston**

The Committee received report **ES/170** of the Head of Planning and Coastal Management, which related to planning application DC/19/3066/FUL.

This application had been referred to the Committee due to the applicant being East Suffolk Council and the land was under the Council's ownership and therefore was required to be determined by Elected Members.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer, on behalf of the case officer.

The Committee was advised that the application was, in part, retrospective and related to Leiston Sports Centre. A plan of the site was outlined, and the Senior Planning and Enforcement Officer explained that the sports centre had recently been subject to an extensive refurbishment which was largely complete. The site was outside of Leiston Town Centre.

The Committee was shown a proposed block plan. The retroactive aspect of the application, relating to four first floor windows was outlined. Photographs were also displayed which demonstrated the existing bollards that would be replaced with bollards of a similar form and the site elevations were highlighted.

The Senior Planning and Enforcement Officer noted that objections had been received from nearby residents, in relation to overlooking, and outlined the distance between the residence in question and the sports centre. It was the view of Planning Officers that there was a relatively oblique view from the site towards the dwelling and the distance was not considered to be unacceptable.

The key issues were summarised as being visual amenity and residential amenity.

The recommendations, as set out in the report, were outlined to the Committee.

There being no public speaking on the application, the Chairman invited questions to the Planning Officers.

The Senior Planning and Enforcement Officer confirmed that the distance between the windows on the sports centre and the objecting dwelling was at least 15 to 20 metres.

The Chairman invited the Committee to debate the application that was before it. There being no debate he then moved to the recommendations as set out in the report.

On the proposition of Councillor Goldson, seconded by Councillor Ceresa it was by unanimous vote

## **RESOLVED**

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

2. The development hereby permitted shall be completed in all respects strictly in accordance with 16-P01-01, 16-P01-02 & 161-03 received 06/08/2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the Local Planning Authority.

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

## **12 DC/19/2451/FUL - Land North of Barnards Way, Lowestoft**

The Committee received report **ES/0171** of the Head of Planning and Coastal Management, which related to planning application DC/19/2451/FUL.

Planning permission was sought to change the use of a parcel of land along Barnards Way, Lowestoft, to a data centre to be used in connection with the roll out of high-speed internet across Lowestoft.

The Land for which the change of use would occur is owned by the Council, and therefore as landowners the application was required to be determined by Elected Members.



The Committee received a presentation on the application from the Area Planning and Enforcement Officer. The site's location was displayed, and it was outlined that to the south of the site there was a retail park, to the east residential properties, to the west an industrial area, and to the north a cemetery. Photographs of the site were displayed.

The existing block plan for the site was shown and compared against the proposed block plan. The Area Planning and Enforcement Officer highlighted the cooling units that the development would require. The existing elevations were also compared to the proposed elevations.

The key issues were summarised as being the principle of development, design, amenity impacts, highways, ecology, and the economic benefit of the development.

The recommendations, as set out in the report, were outlined to the Committee.

There being no public speaking on the application, the Chairman invited questions to the Planning Officers.

The Area Planning and Enforcement Officer confirmed that the applicant had provided information which stated that the noise levels of the data centre would be no louder than a domestic fridge due to the mitigation that would be put in place.

The Chairman invited the Committee to debate the application that was before it.

A member of the Committee considered that the development was needed and proposed in a suitable location, and that mitigation would be in place regarding noise.

There being no further debate, the Chairman moved to the recommendations as set out in the report.

On the proposition of Councillor Elliott, seconded by Councillor Ceresa it was by unanimous vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** be granted subject to the reptile survey and further noise details and mitigation measures being submitted and considered acceptable by officers, and subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.*

2. The development hereby permitted shall be completed in all respects strictly in accordance with:

- P1808\_054-PL-007-B, received 18/06/2019

- P1808\_054-PL-006-B, received 18/06/2019
- P1808\_054-PL-004-A, received 18/06/2019
- P1808\_054-PL-003-A, received 18/06/2019
- P1808\_054-PL-002-A, received 18/06/2019
- P1808\_054-PL-001-B, received 18/06/2019
- P1808\_054-PL-005-B, received 18/06/2019
- PRELIMINARY ECOLOGICAL APPRAISAL, received 09/09/2019

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

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

The meeting concluded at 5:43 pm

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Chairman