

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held via Zoom, on **Tuesday, 13 April 2021** at **2:00 pm**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Andree Gee, Councillor Craig Rivett

**Other Members present:**

Councillor Peter Byatt, Councillor Tony Cooper, Councillor Keith Patience

**Officers present:** Liz Beighton (Planning Manager), Mark Brands (Planning Officer), Sarah Davis (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Katherine Scott (Principal Planner)

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**Moment of Reflection on the life of His Royal Highness The Prince Philip, the Duke of Edinburgh**

The Chairman opened the meeting and led the Committee in marking a one-minute moment of reflection on the life of HRH Prince Philip, the Duke of Edinburgh, and his life of service to the country and to the world.

**Announcements**

Before moving to the first item of business, the Chairman announced that the application under Item 6 - DC/21/1208/FUL Jubilee Parade, The Esplanade, Lowestoft, has been withdrawn from the agenda.

The application had been withdrawn as the Head of Planning and Coastal Management had advised that the consultation period would not have been completed before the meeting.

The Chairman advised that to ensure a full assessment of all representations was properly undertaken, an updated report would be submitted to the Committee for Members' consideration at a future meeting.

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Jocelyn Bond and Malcolm Pitchers; Councillor Tony Cooper substituted for Councillor Bond and Councillor Peter Byatt substituted for Councillor Pitchers.

**2 Declarations of Interest**

No declarations of interest were made.

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

Councillor Ashdown declared that he had been lobbied on item 7 of the agenda and had replied to confirm procedural matters of fact only.

Councillor Ceresa declared that she had been lobbied by email on item 7 of the agenda and confirmed that she had not replied.

Councillor Rivett declared that he had been lobbied by email on item 7 of the agenda and confirmed that he had replied to to confirm procedural matters of fact only.

Councillor Brooks declared that he had been lobbied by email on item 7 of the agenda and confirmed that he had not replied.

**4a Minutes  
RESOLVED**

That the Minutes of the Meeting held on 22 February 2021 be agreed as a correct record and signed by the Chairman.

**4b Minutes  
RESOLVED**

That the Minutes of the Meeting held on 16 March 2021 be agreed as a correct record and signed by the Chairman.

**5 Enforcement Action - Case Update**

The Committee received report **ES/0722** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 25 March 2021. At this time there were 13 such cases.

The Assistant Enforcement Officer noted that a site visit had been undertaken at the Stonehouse, Bramfield, earlier in the day which confirmed that the planting required by the enforcement notice had been completed; this meant that compliance had been achieved on the site and the case would be closed.

A recent site visit had been undertaken at The White Cottage, Woodbridge, and further meetings would be taking place to ascertain if compliance had been achieved on the site.

The Chairman invited questions to the officers.

The Planning Manager confirmed that the timescale of the enforcement case at Pine Lodge, Hinton, had largely been dictated by the High Court dates; compliance had been achieved on the site but the case remained open until charging orders were placed on the land to recover the Council's legal costs.

In response to a question on the length of the compliance period given for the

enforcement case at Houseboat Friendship, Melton, the Planning Manager explained that this was to accommodate the personal circumstances of the owner.

The Assistant Enforcement Officer explained that work was being undertaken to collate the bill to the owner of 46 Wissett Way, Lowestoft, for the work undertaken by Council contractors to clear the site.

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

## **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 25 March 2021 be received.

### **6 DC/21/1208/FUL - Jubilee Parade, The Esplanade, Lowestoft**

This item was **WITHDRAWN** from the agenda and was not considered by the Committee.

### **7 DC/20/4979/FUL - Allotments near Normanston Drive, access from Fieldview Drive, Lowestoft**

The Committee received report **ES/0724** of the Head of Planning and Coastal Management, which related to planning application DC/20/4979/FUL.

Planning permission was sought for the creation of off-street parking for allotment users including a new access from Fieldview Drive. The application site comprised part of an area of allotments that were designated in the Waveney Local Plan as Open Space.

Under the Waveney Local Plan there is a presumption against any development that involves the loss of open space, which includes allotments, and it was not deemed that the proposal met any of the three exceptional circumstances as set out in policy WLP8.23 of the Waveney Local Plan; officers considered that the benefit of on-site car parking was not so significant that it outweighed the conflict with the Development Plan.

Lowestoft Town Council had provided no comment and no objections had been received from consultees. However, the Local Ward Member, Councillor Keith Patience, had commented in support of the proposal and therefore the application was considered by the Referral Panel on 23 February 2021, at which time it was decided that it was in the public interest for the application to be determined by the Committee.

In addition, officers were subsequently notified that East Suffolk Council was the landowner of a small area required for the proposed access point and, thus, the application was required to be determined by the Committee in any case.

The Committee received a presentation on the application from the Planner, who was the case officer.

The site's location was outlined; the site was largely bounded by residential properties as well as a footpath to the south. The Planner confirmed that extant planning consent existed in the north-west area of the allotment area for a car parking area.

The Committee was shown photographs of the site displaying views east from Field View Drive, including the proposed access location, as well as 3D images looking both to the north towards the site and looking to the north-east towards Field View Drive.

The extant consent at the north-west of the allotment site for access from Parkside Drive was displayed.

A map extract from the Waveney Local Plan was shown to the Committee; the Planner summarised policy WLP8.23 of the Local Plan, which related to the protection of open space, and confirmed that the application site was considered to form part of the open space provided by the allotment site.

The material planning considerations and key issues were summarised as the planning history, the principle of development, amenity, the character and appearance of the area, highways safety, and parking.

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

The Chairman invited questions to the officers.

The Planner was unable to advise how many allotment plots would be lost and suggested that the applicant's agent would be able to confirm this number.

The Planning Manager confirmed that the hogging, that would be used to create the parking service, would be a mixture of sand, gravel and clay that would compact to become a hard but permeable surface.

The Planner advised that he was not aware of any significant parking issues in the area and that Suffolk County Council as the Highways Authority had not raised any issues. It was confirmed that the existing pedestrian access onto the site would be retained.

At this point in the meeting, the following declarations were made:

- Councillor Craig Rivett declared a Local Non-Pecuniary Interest in this item as the Cabinet Member with responsibility for Economic Development, as his portfolio included responsibility for assets.
- Councillor Peter Byatt declared that he had been lobbied on this item by Lowestoft Town Council.

It was noted that two letters of objection had been received in respect of the application.

The application denoted 11 parking spaces and the Planner considered that given the size of the area, more spaces could be accommodated; the Committee was advised that the spaces would likely not be marked out and the layout of the parking would be

an informal arrangement.

The Chairman invited Mr Jerry Stone, agent for the applicant, to address the Committee.

Mr Stone considered that the development would improve access to the plots at the north of the allotment site, as there was currently only a single pedestrian point of access at the south of the site. The current access involved site users parking on Field View Drive.

The extant planning consent in the north-west of the site was noted by Mr Stone; he explained that this had not been built out as the landowner, Lowestoft Town Council, had withdrawn its permission.

Mr Stone highlighted that the application came from those in the community that used the allotments, who would be best placed to understand local need. The application sought to improve access to the site through on-site parking and the allotment plots that would be lost were not currently in use. The surfacing proposed would not cause significant noise.

Mr Stone noted that the development would allow a wild area in the north-west in the site to be opened up and would result in a net gain of allotment plots, in addition to making the site more accessible for users that cannot currently access the site.

The Chairman invited questions to Mr Stone.

Mr Stone was unable to confirm exactly how many plots would be lost and created as a result of the development; he considered that the amount of space that would be opened up in the north-west of the site would result in a net gain of plots.

Mr Stone confirmed that the allotment site was very popular in the local community. Mr Stone considered that the proposed access was required as not everyone who wanted to use an allotment would be able to get to the site without a private vehicle.

The Committee was advised that the site would be secured by a high gate, to which allotment users would be allocated a key.

Mr Stone was not able to provide figures on how many users access the site by private vehicle as there was no set time that users arrived and departed; he did not envisage all the spaces being occupied at once and noted that the parking was spread out across the site.

The Planning Manager advised Mr Stone that any gate would require planning permission; Mr Stone requested that the gate details be added as a condition to any approval of this application.

The Chairman invited Councillor Keith Patience, Ward Member for Harbour and Normanston, to address the Committee.

Councillor Patience said he wanted to make a case for development on the site; he

highlighted the fast-growing plant issue on the north-west area of the site that would require it to be cleared before it could be used.

Councillor Patience noted that two half-plots would be lost by the development but that two or three plots could be created on the north-west of the site.

It was Councillor Patience's view that the development would assist bringing in new plots and allowing people with disabilities to access them. Councillor Patience disagreed with the parking assessments and noted that the report failed to mention the withdrawal of permission from Lowestoft Town Council for the use of north-western site. Councillor Patience added that the development had been planned and agreed by various parties and that funding would be lost if it was not approved.

Councillor Patience concluded that refusing the application would be a retrograde step and highlighted that more letters of support than objection had been received.

The Chairman invited questions to Councillor Patience.

Councillor Patience stated that implementing the access approved at Parkside Drive would result in a significant loss of vegetation, including several mature trees.

It was clarified that the extant consent had been allowed on appeal.

Councillor Patience considered that if the application approved it was highly likely that the overgrown land at the north-west of the site would be able to be brought back into use, as the access provided would allow the equipment necessary for clearing to reach the area.

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

Several members of the Committee spoke in support of the application, noting the improved site accessibility it would provide and considering that it would open up a community resource that was much needed. One member of the Committee was of the opinion that the benefits the site would provide would meet several needs identified by the Lowestoft and northern parishes Community Partnership relating to health and wellbeing.

At this point of the debate, Councillor Brooks proposed that the application be approved.

A member of the Committee was concerned about the impact the development would have on the residential amenity of neighbouring properties and considered that the application before the Committee was not the best possible solution for the site.

Another member of the Committee queried if a condition could be added to any planning permission that would require the north-western area of the allotment site to be opened up to mitigate the loss of allotment land; the Planning Manager advised that this action could be listed as an informative but could not be included as a condition as that area fell outside of the application site and was therefore not subject to this application.

During the debate it was clarified that access to the allotment site via Robin Hill would not be possible due to height differences between the highway and the site.

The Planning Manager advised the Committee that it need to consider the protection of both existing and future residents of neighbouring properties, when determining the planning application.

The Chairman suggested that, if planning permission was approved, a condition be added to control the landscaping of the car parking area; the Planning Manager advised that this was something the Committee could request if it so wished.

It was established that one of the options for the north-western area of the site could be to develop it as a wildlife garden.

At this point of the debate, Councillor Coulam seconded Councillor Brooks' proposal to approve the application.

There being no further debate the Chairman moved to the recommendation to approve; Councillor Brooks and Coulam confirmed they were happy to add the conditions proposed regarding details of the gate and landscaping of the car parking area.

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

#### **RESOLVED**

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

1. Details of gates to be submitted and approved before being brought into beneficial use.

*Reason:*

2. Landscaping details around the parking area to be submitted and approved, and implemented in the first available planting season.

*Reason:*

#### **8 DC/21/0565/FUL - Plot 2 adjacent to Spindles, Carlton Road, Kelsale**

The Committee received report **ES/0725** of the Head of Planning and Coastal Management, which related to planning application DC/21/0565/FUL.

Full planning permission was sought for erection of a detached dwelling with attached garage. The was before the Committee as the development proposal was a departure from the Waveney Local Plan and the recommendation was for approval.

The Committee received a presentation on the application from the Planner, who was the case officer.

The site's location and relationship with Carlton Park was outlined. The Planner noted the extant consent on the adjacent Plot 1.

The Committee was shown photographs displaying views along Carlton Road, into the site, the proposed shared access with Plot 1, and the dwelling being constructed on Plot 1.

The proposed block plan, floor plans, cross-sections and elevations were displayed.

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

The Chairman invited questions to the officers.

The Planner confirmed that Suffolk County Council as the Highways Authority had not raised concerns about the visibility splay of the access and had recommended approval with standard conditions.

There being no public speaking on the application, the Chairman invited the Committee to debate the application that was before it.

The Chairman opened debate by noting that the application had been referred to the Committee for determination only because it was a departure from planning policy; he was in favour of the application and recommended that it be approved.

Members of the Committee stated that they supported the application; one member of the Committee considered that the development would enhance the area.

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

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

## **RESOLVED**

That the application be **APPROVED** subject to 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 the application form, design and access statement, Preliminary Ecological Appraisal (Anglian Ecology, March 2020) and drawing numbers GFD2101-0101 P01, GFD2101-0102 P02 received 5th February 2021.

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:

- (i) All external materials (including external walls, roof material and windows)
- (ii) rainwater goods (including material and colour)
- (iii) fence and gates (on boundary with adjacent neighbours) (full details of location, height, appearance, materials and finish).

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

*Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.*

4. Within 3 month(s) of commencement of development, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be implemented at the first planting season following commencement of the development.

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

5. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM01 with an entrance width of 4.5 metres and has been made available for use. Thereafter the access shall be retained in the specified form.

*Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety*

6. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

*Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.*

7. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

*Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.*

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

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

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. GFD2101-0101 P01 with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

*Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action*

10. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

*Reason: To prevent hazards caused by flowing water or ice on the highway.*

11. The use shall not commence until the area(s) within the site on GFD2101-0101 P01 & GFD2101-0102 P02 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

12. 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 ORLB URNS 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*

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Mitigation Method Statement for great crested newts (based on appropriate survey information) has been submitted to and approved in writing by the local planning authority.

*Reason: To ensure that ecological receptors are adequately protected as part of the development.*

14. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (Anglian Ecology, March 2020).

*Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.*

15. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

*Reason: To ensure that nesting birds are protected.*

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-](http://www.eastsuffolk.gov.uk/planning/street-naming-and-)

[numbering](#) or email [llpg@eastsoffolk.gov.uk](mailto:llpg@eastsoffolk.gov.uk)

3. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail , your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsoffolk.gov.uk](mailto:CIL@eastsoffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

4. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 0345 6066171. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

The meeting concluded at 3:21 pm

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Chairman