



**Riverside, 4 Canning Road, Lowestoft, Suffolk,  
NR33 0EQ**

# **Planning Committee North**

## **Members:**

Councillor Paul Ashdown (Chairman)  
Councillor Jenny Ceresa (Vice-Chairman)  
Councillor Jocelyn Bond  
Councillor Norman Brooks  
Councillor Linda Coulam  
Councillor Graham Elliott  
Councillor Andree Gee  
Councillor Malcolm Pitchers  
Councillor Craig Rivett

Members are invited to a **Meeting** of the **Planning Committee North**  
to be held in the Conference Room, Riverside,  
on **Tuesday, 12 November 2019 at 2:00pm**

An Agenda is set out below.

## **Part One – Open to the Public**

## **Pages**

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### **1 Apologies for Absence and Substitutions**

### **2 Declarations of Interest**

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

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|----------|---|----------------|
| <b>3</b> | <b>Declarations of Lobbying and Responses to Lobbying</b><br>To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. |                |
| <b>4</b> | <b>Minutes</b><br>To confirm as a correct record the Minutes of the Meeting held on 8 October 2019  | <b>1 - 34</b>  |
| <b>5</b> | <b>East Suffolk Enforcement Action - Case Update ES/0187</b><br>Report of the Head of Planning and Coastal Management   | <b>35 - 50</b> |
| <b>6</b> | <b>DC/19/2333/ARM - Part Side Garden 2 Abbey Road Leiston ES/0188</b><br>Report of the Head of Planning and Coastal Management  | <b>51 - 62</b> |
| <b>7</b> | <b>DC/19/3285/FUL - Hungate Court Beccles ES/0189</b><br>Report of the Head of Planning and Coastal Management  | <b>63 - 72</b> |

**Part Two – Exempt/Confidential**

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/planning/planning-applications/planning-committee/> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

If you are registered to speak, can we please ask that you arrive at the meeting **prior to its start time (as detailed on the agenda)** and make yourself known to the Committee Clerk, as the agenda may be re-ordered by the Chairman to bring forward items with public speaking and the item you have registered to speak on could be heard by the Committee earlier than planned.

Please note that any illustrative material you wish to have displayed at the meeting, or any further supporting information you wish to have circulated to the Committee, must be submitted to the Planning team **at least 24 hours** before the meeting.

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

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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 Melnychuk, 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 Melnychuk.

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 Melnychuk 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



## PLANNING COMMITTEE

**Title of Report:**

**East Suffolk Enforcement Action– Case Update**

**Meeting Date**

**12 November 2019**

**Report Author and Tel No**

**Mia Glass**

**01502 523081**

**Is the report Open or Exempt?**

**Open**

## REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 28 October 2019. At present there are 14 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

## RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 28 October 2019 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition  Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> <li>• Breach of Condition Notice</li> <li>• Compliance expired following extension of time</li> <li>• Further consideration by Service Manager and Legal</li> <li>• See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants</li> <li>• Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case.</li> <li>• Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case.</li> <li>• Further information being gathered from other bodies.</li> </ul>	ONGOING – under review.
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> </ul>	<b>30/11/2019</b>

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>06/11/2013 – The three applications refused at Planning Committee.</li> <li>13/12/2013 - Appeal Lodged</li> <li>21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>10/11/2015 – Informal hearing held</li> <li>01/03/2016 – Planning Appeal dismissed</li> <li>04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>Trial date set for 21/04/2017</li> </ul>	



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs.</li> <li>The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>21/11/2017 – Mobile home and steps removed from site.</li> <li>Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>06/07/2018 – Legal advice being sought.</li> <li>10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</li> <li>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</li> <li>04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018</li> <li>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</li> <li>High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019</li> <li>03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</li> <li>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</li> <li>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li><b>Court date arranged for 05/11/2019.</b></li> </ul>	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>Authorisation granted to serve Enforcement Notice.</li> <li>13/09/2013 -Enforcement Notice served.</li> <li>11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months</li> <li>11/07/2014 - Final compliance date</li> <li>05/09/2014 - Planning application for change of use received</li> <li>21/07/2015 – Application to be reported to Planning Committee for determination</li> </ul>	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>• 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action.</li> <li>• 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 - Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> </ul>	<b>29/02/2020</b>

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 - PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> <li>01/04/2019 – Enforcement Notice served.</li> <li>28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> </ul>	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on</li> </ul>	24/11/2024

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> <li>• EN served on 21/12/2016</li> <li>• Notice becomes effective on 25/01/2017</li> <li>• Start date has been received. Public Inquiry to be held on 08/11/2017</li> <li>• Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018.</li> <li>• 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018).</li> <li>• Site visit to be conducted once compliance period has finished.</li> <li>• 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action.</li> <li>• Site visit due on 07/01/2019.</li> <li>• 07/01/2019 – Site visit undertaken, no compliance with Notice. Case</li> </ul>	<b>30/11/2019</b>



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>referred back to Legal Services for further action.</p> <ul style="list-style-type: none"> <li>• 26/02/2019 – Update to be given at Committee.</li> <li>• Awaiting update from Legal.</li> <li>• 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the owner is required to comply with the Injunction by 03/09/2019</li> <li>• 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action.</li> <li>• Court date arranged for 05/11/2019</li> </ul>	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>• 16/11/2017 – Authorisation given to serve EN.</li> <li>• 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>• Appeal submitted. Awaiting Start date</li> </ul>	<b>17/02/2020</b>

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal started, final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> <li>• <b>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</b></li> </ul>	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with</li> </ul>	<b>29/02/2019</b>

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> <li>• Notice served by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> </ul>	
ENF/2018/0057 /	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> </ul>	<b>29/02/2020</b>
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served</li> <li>• Application received to Discharge Conditions</li> <li>• Application pending decision</li> </ul>	31/12/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> <li>Listed Building Enforcement Notice served on 17/05/2019.</li> <li>Notice takes effect on 20/06/2019. Three months for compliance</li> <li>Appeal has been submitted, awaiting a start date.</li> </ul>	29/02/2020
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>Appeal has been submitted. Awaiting Start date.</li> </ul>	29/02/2020
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> <li>Breach of Condition Notice served 01/08/2019.</li> </ul>	01/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> <li>Enforcement Notice served 16/08/2019.</li> <li><b>Appeal submitted, awaiting start letter.</b></li> </ul>	29/02/2020

## **Committee Report**

**Planning Committee** - 12 November 2019

**Application no** DC/19/2333/ARM

**Location**

Part Side Garden  
2 Abbey Road  
Leiston  
Suffolk

**Expiry date** 4 August 2019  
EOT agreed until 15 November 2019

**Application type** Approval of Reserved Matters

**Applicant** Mr & Mrs Libardi

**Parish** Leiston Cum Sizewell

**Proposal** Approval of Reserved Matters of DC/16/5035/OUT - Use of Land for Erection of two dwellings - Approval of access, appearance, landscaping, layout and scale

**Case Officer** Steve Milligan  
(01394) 444416  
steve.milligan@eastsoffolk.gov.uk

### **1. Summary**

- 1.1. This application is the submission of Reserved Matters to Outline Planning Permission DC/16/5035/OUT.
- 1.2. The application site received outline planning permission under application DC/16/5035/OUT with all matters reserved. At the time of the consideration of the outline application an illustrated plan was submitted which showed a vehicular access on the northern side of a pair of dwellings which would have provided access to a parking and turning area to the rear of the properties. DC/16/5035/OUT was submitted for the erection of two houses, bedroom numbers 'unknown'.

- 1.3. The site lies on the eastern side of Abbey Road, adjacent to the Sizewell railway line and crossing. The existing site has hedging and fencing on the boundary to Abbey Road but drops quite significantly in level behind this hedging.
- 1.4. The current application proposes three storey three bedroomed semi-detached dwellings with a central vehicular access serving a single car parking space for each dwelling. Turn tables are illustrated to enable cars to enter and leave the site in forward gear.
- 1.5. The scheme will provide parking and manoeuvring for a single vehicle with each property which represents a shortfall of two parking spaces in total when considered against the parking standard set out in policy TM3 of the Leiston Neighbourhood Plan and Suffolk Guidance for Parking.
- 1.6. Given the recommendation from the Highway Authority of No Objection, it is considered appropriate to relax the standards/policy requirement in this instance. The application is recommended for approval.
- 1.7. The application is for consideration by Planning Committee because it is a departure to the Leiston Neighbourhood Plan (Policy TM3).

## **2. Site description**

- 2.1. The application site received outline planning permission under application DC/16/5035/OUT with all matters reserved. At the time of the consideration of the outline application an illustrated plan was submitted which showed a vehicular access on the northern side of a pair of dwellings which would have provided access to a parking and turning area to the rear of the properties.
- 2.2. DC/16/5035/OUT was submitted for the erection of two houses, bedroom numbers 'unknown'.
- 2.3. The site lies on the eastern side of Abbey Road, adjacent to the railway line and crossing. There are residential properties adjacent and opposite. The existing site has hedging and fencing on the boundary to Abbey Road but drops quite significantly in level behind this hedging. The site itself is set down below the level of the railway line and the adjacent dwellings on Abbey Road.
- 2.4. The application site is triangular in shape, with the outline indicative plan dated 13 April 2017 demonstrating a pair of semi-detached dwellings constructed in line with Nos 2 and 4 Abbey Road and with a vehicular access to the north eastern point of the site with visibility splays provided for.

## **3. Proposal**

- 3.1. The current application proposes three storey three bedroomed semi-detached dwellings some 5.6m back from Abbey Road with a central vehicular access serving a single car

parking space for each dwelling. Turn tables are proposed to enable cars to enter and leave the site in forward gear.

- 3.2. The houses are designed to appear two storey from Abbey Road with the car parking and turn tables above lower ground floor living rooms.
- 3.3. The houses are designed with the character of 19th century houses to reflect the prevailing character of the area.

#### 4. Consultations/comments

- 4.1 One letter of Objection have been received raising the following material planning considerations:
  - o the access is a hazard in its relationship to the level crossing.

#### Consultees

Consultee	Date consulted	Date reply received
Leiston Town Council	14 June 2019	3 July 2019

#### 4.2 Leiston cum Sizewell Town Council "RECOMMEND REFUSAL.

*The specialist reports to support the parking layout and road access still do not reflect the actual day to day experience of residents in that vicinity. This Council has regularly had to engage with residents in the vicinity of the crossing due to accidents and the East Area Highways department have worked with Leiston over the last 7 years to try and alleviate the problem. The Town Council and the Highways department are currently looking at a scheme to try and alleviate the problems associated with this crossing and have reacted to complaints in the past by residents close to the crossing (including 2 Abbey Road). Residents in that area reported regular speeding traffic and lobbied the Council to put in speed warning signs. The speed survey shows, as was suspected, that the speeding (i.e over 30mph) was a perceived issue but this is because the cars were still going too fast for the conditions and road layout as they approached the crossing. This problem remains.*

*The assertion that there is available on-street parking in Carr Avenue and Westward Ho is technically correct but the Neighbourhood Plan was brought forward by the community because there was not enough parking in this area, or elsewhere in the town, for residents to find a space without inconsiderate parking and the unacceptable increase in risk to road users that this causes. TM3 must be rigidly applied in areas like this as the on street parking has reached capacity and just cannot be compromised further. I would not expect the Highways department to change their recommendation and the Town Council are adamant that the parking has to be sufficient (4 off road spaces) and workable before these reserved matters are approved. The access in the drawings supplied with DC/16/5035/OUT indicated a driveway to the rear of the proposed dwellings but this new layout is dangerous, the turntables considered unworkable and the proposal is clearly 2 spaces short of the required minimum.*



*Finally, we would like to address Locus Planning's assumptions leading to their assertion about "the reliance of future occupiers on private vehicular transport being reduced". The Inspector for the Neighbourhood Plan accepted that Leiston has poor transport links for employment after 5pm and was therefore, from that respect, like rural areas. Residents were dependent on private transport for work. This supported TM3 and, again, for the future amenity of any occupiers of these premises, and their neighbours, sufficient parking must be provided. The Town Council would support any comment made by the County Council regarding the safety and suitability of the proposed access onto the main highway.*

*Currently, the plans must be robustly refused."*

### **Statutory consultees**

Consultee	Date consulted	Date reply received
4.3 <u>Suffolk County - Highways Department</u>	14 June 2019	26 June 2019

This proposal provides 2 vehicle spaces to accommodate two three-bedroom dwellings (one per dwelling). Suffolk Guidance for Parking (SGP) 2015 states that a minimum of 2 vehicle parking spaces should be associated with a Class C3 dwelling with 3 bedrooms (2 per dwelling), illustrating that the proposed vehicle parking does not meet the minimum outlined. However, this development is within a town centre location where there is access to alternative forms of transport, local amenities, parking restrictions and educational institutions. Therefore, the reduction is considered as acceptable on this occasion. Visibility is based upon the 23.9mph 85th percentile speed evidenced through a 7-day ATC speed survey. Conditions are recommended in respect of access specification, surfacing of access, visibility, parking and manoeuvring and bin storage.

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
4.4 Suffolk Fire And Rescue Service	14 June 2019	11 July 2019

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations. No additional water supply for fire fighting purposes is required in respect of this planning application. Suffolk Fire and Rescue Service recommends use of an automatic fire sprinkler system.

Consultee	Date consulted	Date reply received
4.5 <u>East Suffolk Council – Head of Environmental Services</u>	14 June 2019	17 June 2019

No comments received

## 5. **Publicity**

The application has been the subject of the following press advertisement:

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Departure	15 August 2019	6 September 2019	East Anglian Daily Times

## **Site notices**

General Site Notice  
Reason for site notice: Contrary to Development Plan  
Date posted: 13 August 2019  
Expiry date: 4 September 2019

General Site Notice  
Reason for site notice: New Dwelling  
Date posted: 21 June 2019  
Expiry date: 12 July 2019

## 6. **Planning policy**

- 6.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 6.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 6.3. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 6.4. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);

- East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017);
- The ‘Saved’ Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations;
- The Great Bealings Neighbourhood Plan (‘Made’ March 2017).

6.5. The Relevant Policies of the East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) consist of:

- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP24 - Leiston (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

6.6. The relevant Policies of the Leiston Neighbourhood Plan are:

- PL1: Leiston Town Physical Limits Boundary (Leiston Neighbourhood Plan - 'Made' March 2017)
- H3: Residential Density and Design (Leiston Neighbourhood Plan - 'Made' March 2017)
- TM3 - Residential Parking Standards (Leiston Neighbourhood Plan - 'Made' March 2017)

- 6.7. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: [www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) . Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The policies which are now considered to have some weight in determining applications are not applicable to the determination of this application.

## **7. Planning considerations**

### Principle

- 7.1. The development plan for the area consists of Suffolk Coastal District Local Plan Core Strategy and Development Management Policies (Local Plan) and the Leiston cum Sizewell Neighbourhood Plan (Neighbourhood Plan). The site is within the development limits of Leiston (as defined in policy PL1 of the Neighbourhood Plan) and is not within any protected areas.
- 7.2. The relevant policies are Local Plan policies DM19 Parking Standards, DM21 Design: Aesthetics and DM23 Residential Amenity; and Leiston Neighbourhood Plan policy TM3 Residential Parking Standards.
- 7.3. Outline planning permission has been given for the erection of two dwellings. Therefore the principle has been established.

### Visual amenity

- 7.4. The current application is the submission of details of two three bedroomed dwellings. From an aesthetic point of view the design has similarity with 2 and 4 Abbey Road and has a satisfactory appearance which will add positively to the street scene and the prevailing character of the area. The scale, appearance and density of the development is acceptable and in compliance with policy DM21 and neighbourhood policy H3

### Parking and Highway Safety

- 7.5. The scale/layout of the development has implications for parking provision under the terms of Leiston Neighbourhood Plan policy TM3 and the Suffolk Advisory Parking Standards, which have introduced minimum parking standards for residential properties. The policy requires the provision of two car parking spaces for a three bedroomed dwelling.
- 7.6. The proposed layout has vehicular access centrally within the site and single car parking spaces served by turn tables. Plans have been received which confirms the operation of the turntables and the scheme will provide parking and manoeuvring for a single vehicle with each property which represents a shortfall of two parking spaces in total when considered against the parking standard set out in policy TM3 and Suffolk Guidance for Parking.

- 7.7. The Highway Authority has agreed to a relaxation of the parking standards because of the proximity to the centre of Leiston and the availability of car parking on street in Carr Avenue, Buller Road and Westward Ho!
- 7.8. Access visibility is accepted because a road speed survey has been undertaken and which confirms road speeds are less than the 30mph limit.
- 7.9. The proposal is situated approximately 220m from the town centre, with footways providing safe pedestrian access to the town centre. The proposal is located with good access to the full range of services and facilities within Leiston by foot and cycle. As such, the reliance of future occupiers upon cars is considered to be reduced.
- 7.10. On-street parking is available on both Carr Avenue and Westward Ho, within 100m of the proposal site. There remains an opportunity for additional cars associated with the occupation of the proposed dwellings to be parked safely and conveniently.
- 7.11. Whilst the level of parking provision is below the minimum standards specified within the Suffolk Advisory Parking Standards and that specified within Leiston Neighbourhood Plan policy TM3, given the recommendation from the Highway Authority it is considered appropriate to relax the standards/policy requirement in this instance. The application has been advertised as a departure to the Neighbourhood Plan (Policy TM3).

#### Residential Amenity

- 7.12. The existing railway line and therefore level crossing are not currently in use. The line is a spur line from Saxmundham to Sizewell, there is no passenger rail service and the last commercial use (other than testing the line) was several years ago. There are propositions for it to be used during the construction of Sizewell C however, there is nothing to assess potential impact from noise and vibration of the railway line on future occupiers. The Environmental Health team do not recommend any special measures to be incorporated into the detailed designs of the dwellings.
- 7.13. The proposed dwellings are also acceptable in terms of their relationship the existing dwellings to the north in terms of privacy, as the only windows on the northern elevation facing the existing neighbour are proposed to be a living room window which would be below the ground level on the adjoining plot, a wc window on the upper ground floor and a dressing room window on the first floor. There are windows on the southern side elevation of the existing property to the north but these would not be inline with the proposed WC and dressing room windows and therefore any views from the new property towards these windows would be at an obtuse angle resulting in very limited views towards/into the existing window.
- 7.14. The proposed layout and scale of the dwellings would also mean there would not be a significant impact upon light to the rear garden of the existing dwelling to the north. Whilst there may be some reduction in light to the windows on the southern elevation of the existing dwelling to the north, as these are secondary windows to those rooms, it would be insufficient to sustain a refusal.

- 7.15. Therefore for the reasons outlined above, the scheme is acceptable in terms of residential amenity and would comply with policy DM23.

Community Infrastructure Levy (CIL)

- 7.16. The development will be subject of CIL with the dwellings comprising 204 sqm floor area. Leiston is in the Low Zone where total CIL will be £13,543.56 (25% to Leiston Town Council).

Planning Balance

- 7.17. The principal of two dwellings on the site was agreed at outline stage. The design of the dwellings is considered satisfactory in terms of aesthetic considerations. Given the proximity of the town centre and on street car parking close to the site it is considered that a departure to policy TM3 of the Neighbourhood Plan can be agreed in this instance. The planning balance is weighed in favour of the approval of this reserved matters application.

## **8. Conclusion**

- 8.1. The design of the dwellings reflects the prevailing 19th century character of the town and is considered to be acceptable in context and in compliance with policy DM21 of the Local Plan.
- 8.2. The scheme will provide parking and manoeuvring for a single vehicle with each property which represents a shortfall of two parking spaces in total when considered against the parking standard set out in policy TM3 of the Leiston Neighbourhood Plan and Suffolk Guidance for Parking.
- 8.3. The Highway Authority has agreed to a relaxation of the parking standards because of the proximity to the centre of Leiston and the availability of on street car parking in the locality.
- 8.4. Given the recommendation from the Highway Authority it is considered appropriate to relax the standards/policy requirement in this instance. The application is recommended for approval.

## **9. Recommendation**

Approve.

### **Conditions:**

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drg No NS-3942-50 Rev C received 09.08.2019 and Drg No NS-3942-200 Rev A received 10.06.2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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.

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

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

4. Before the access is first used visibility splays shall be provided as shown on Drawing No. NS-3942-50 with an X dimension of 2.4 metres and a Y dimension of 43 metres (North) and 31 metres (South) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: In the interest of highway safety on order to maintain intervisibility between highway users.

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

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.

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

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

#### **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.

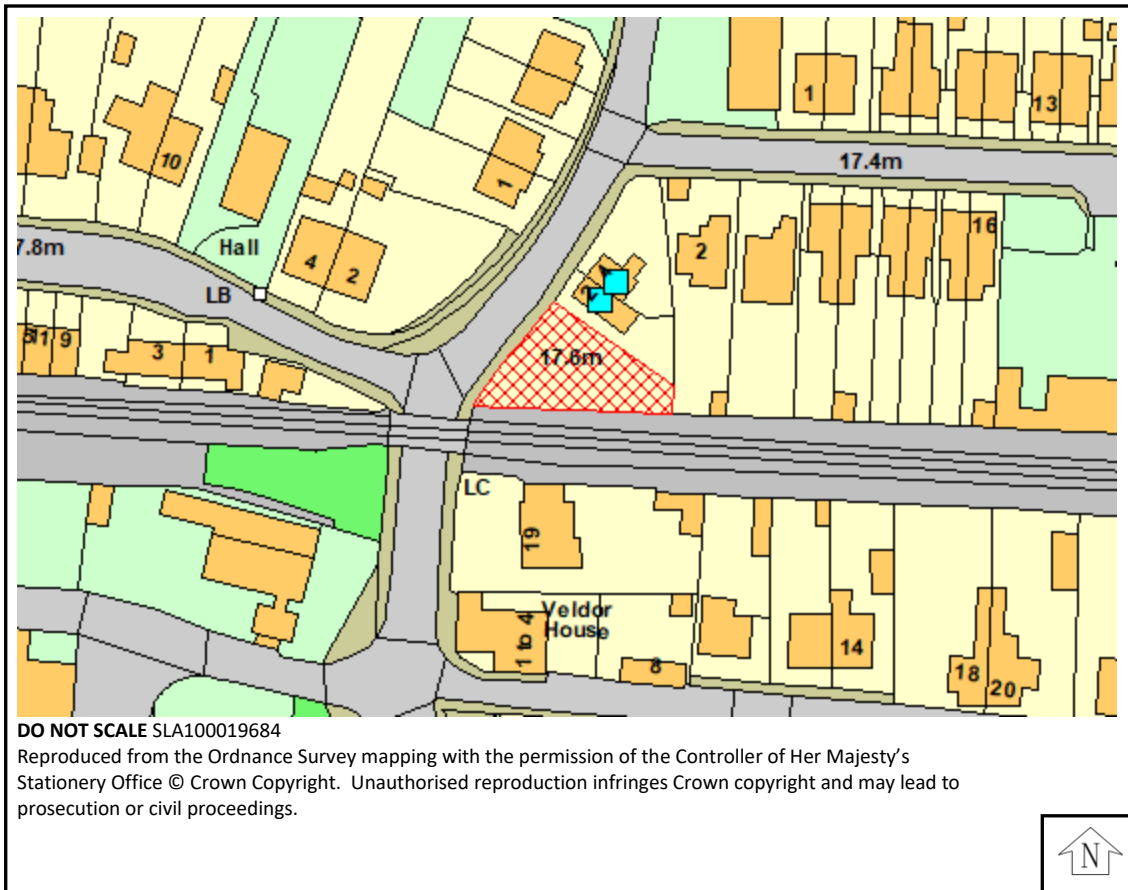
2. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.  
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise 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 customer services contact number is 0345 606 6171 and Information regarding dropped kerbs is available at <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-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.

### **Background information**

See application reference DC/19/2333/ARM at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSW49WQXKKF00>



## Map



## Key

- Notified, no comments received
- Objection
- Representation
- Support

## **Committee Report**

**Planning Committee** - 12 November 2019

**Application no** DC/19/3285/FUL

**Location**

Hungate Court  
Beccles  
Suffolk  
NR34 9TR

**Expiry date** 16 October 2019

**Application type** Full Application

**Applicant** Anergreen Properties Ltd

**Parish** Beccles

**Proposal** Splitting D2 (Gymnasium) Unit into 3 Units of D1, A2 (or B1a) & A1 and retrospective application for the installation of air conditioning to the nursery

**Case Officer** Chris Green  
(01502) 523022  
chris.green@east Suffolk.gov.uk

### **1. Summary**

- 1.1. This proposal is for the conversion of a Gym (use class D2) into a shop (A1) and Nursery (D1) with an office on the first floor with a flexible use of being for an office with visiting members of the public A2 or an office without visiting members of the public B1(a).
- 1.2. Committee referral is triggered because this represents a departure from policy albeit a minor one, in that the D1 Nursery use does not fall within the uses prescribed in town centres. The Town Council have recommended approval while expressing some concerns.
- 1.3. The recommendation is to approve with conditions to restrict use style and for further work to be conducted to satisfy concerns over noise before use.

## **2. Site description**

- 2.1. The site is located within a mid-20th century complex consisting of a two-storey commercial element to the south of a service road, with a three-storey element to the north of that road, containing at ground level the job centre and above, flats. There is an elevated link block over the service road which contains further flats and provides under a loading dock for the two-storey southern building mentioned before and forming the proposal site. This is currently used as a Gymnasium (D2) throughout.
- 2.2. The gym use was granted (health club) in 2011 as DC/11/0833/COU: Conditions appended to this prevented change of use to other D2 uses without further consideration and limited opening hours to 07.30 to 21.30 Mondays to Friday and between 07.30 and 16.30 at other times including bank holidays, no amplification was allowed audible outside the premises. The 2011 application form also cited on the employment created as 3 full and 3 part-time jobs.
- 2.3. The site is located within the defined Town Centre for the purposes of Planning Policy. It is also within Beccles Conservation Area.

## **3. Proposal**

- 3.1. The proposal is to subdivide this southern (gym) building to accommodate to the rear and east end a nursery (Class D1) and to the north and fronting Hungate a retail premises. This is for a gun shop. On the first floor an office is shown. It was not clear from the description whether this would host visiting members of the public, but further information has been provided. The description has been changed to reflect an A2 use, with flexibility to be used within Class B1(a), offices without visiting members of the public.
- 3.2. The proposal also includes a number of external alterations, consisting of:
  - Replacement door to the left of the shop window on the front elevation
  - Reduction in size of the shop window and installation of new doorway on the right hand side of the front elevation.
- 3.3. The plans are also annotated to refer to the installation of CCTV, but no details of such a system are included within the application. Depending upon the size and location of such equipment a separate planning consent may be required for the CCTV system.

## **4. Consultations/comments**

- 4.1. Third Party Representations - One letter of Objection raising the following material planning considerations:
  - The site lacks parking for staff and parents dropping off children in association with the proposed nursery.
  - The roadway is marked with double yellow lines, however this is abused by delivery trucks, and visitors to the Job Centre obstructing residents garages and parking bays.
  - Vehicle mounting the pavement obstruct wheel chair users.
  - Noise from the nursery will harm residential amenity funnelled by the buildings.
  - Comment has been made that a gun shop and nursery are poor neighbours.

## Consultees

### 4.2 Beccles Town Council

Consultee	Date consulted	Date reply received
Parish Council	19 September 2019	10 October 2019

*“After initially considering the response of Garrett Design concerning children & parents walking to the nursery didn't reflect the preference of parents to drop them off by car, the committee considered that it stood by its previous decision to approve with concerns the A1 and D1 elements, as detailed in the Beccles Town Council response of 13th October 2019.*

*First Floor Office - A2/B1A changed from D1*

*The committee were concerned about the change of use for the first floor from D1 to A2/B1A: Councillor Stubbings raising the unsuitability of the area for any industrial use and Councillor Robinson advising that approval of a use category was general for all the sub groups, rather than given for a single sub-group, therefore approval could be given for B1 which includes 'any industrial process'. Following further discussion, the committee refused the change of use to A2/B1A.*

*In conclusion, the resolution of the committee was:*

*APPROVED WITH CONCERNS ' A1 and D1 as per previous response*

*The change of use from D1 to A1 approved for the ground floor shop.*

*Still concerns regarding the ground floor unit being used as a nursery under category D1*

*' No nearby safe parking for the nursery*

*' That the adjacent roads were marked with double yellow lines and signs for no waiting at any time, therefore there is not a safe drop-off zone for the nursery in close proximity.*

*' That access to the garages for the nearby flats would be restricted/or blocked by potential traffic to the nursery.*

*' That the nursery would generate increased noise for the adjacent flats.*

*' That an air conditioning unit had been installed without planning permission and this is located directly underneath one of the flats.*

*REFUSED ' A2/B1A*

*' That the area was not appropriate for any industrial process.”*

## Statutory consultees

Consultee	Date consulted	Date reply received
4.3 <u>Suffolk County - Highways Department</u>	19 September 2019	23 September 2019

Objection: County Council Highway Authority consider five vehicle parking spaces are needed for the shop and there is a lack of clarity as to how many employees are employed within each function.

## Non statutory consultees

Consultee	Date consulted	Date reply received
4.4 <u>Suffolk Fire And Rescue Service</u>	18 September 2019	18 September 2019

Higher bearing capacity hardstandings are recommended and the use of automatic fire sprinkler systems. No additional water supply for fire fighting purposes is required.

Consultee	Date consulted	Date reply received
4.5 <u>ESC Head of Environmental Services</u>	23 August 2019	28 August 2019

Have no objections to make regarding this application.

Consultee	Date consulted	Date reply received
4.6 <u>The Beccles Society</u>	5 September 2019	5 September 2019

Recommend refusal as the applicant makes no provision for staff or drop off parking.

## 5. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Departure	27 September 2019	18 October 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Departure	27 September 2019	18 October 2019	Lowestoft Journal

## 6. Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Conservation Area Date posted: Expiry date:
General Site Notice	Reason for site notice: Conservation Area Date posted: 3 September 2019

## **7. Planning policy**

- 7.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 7.2. The Development Plan consists of
- East Suffolk Council – Waveney Local Plan (March 2019)
  - Relevant Neighbourhood Plans
- 7.3. The relevant policies of the East Suffolk Council – Waveney Local Plan (March 2019) are:
- WLP8.19 - Vitality and Viability of Town Centres (East Suffolk Council - Waveney Local Plan (March 2019)
  - 
  - WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019)
  - 
  - WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)
  - WLP8.18 - New Town Centre Use Development (East Suffolk Council - Waveney Local Plan (March 2019)
- 7.4. There is no Neighbourhood Plan covering this area of the district.

## **8. Planning considerations**

### Principle

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.2. The relevant planning policies are set out in section 7 of this report.
- 8.3. As this premises is located within the defined Town Centre, the proposal falls under Policy WLP8.18 - New Town Centre Use Development, Beccles as a Market Town has an identified town centre area though there is no distinction with regard to primacy of shopping frontages. That said this location is considered further down the hierarchy, but the proposal is not compliant with the policy as "new" town centre use development

(falling within use classes A1, A2, A3, A4, A5, C1, D2 and B1a) will be permitted within Town Centre Boundaries and this proposal falls within D1 Nursery and A1 retail uses.

- 8.4. Given that this small area changed to D1 use would be located to the rear of the ground floor plate away from the frontage, and the style of operation does generate activity and footfall, and further the new shop to the frontage is unarguably compliant with the policy, and this site is at the extremity of the Town Centre defined in the proposals map; it is considered that the change is not in this instance harmful.
- 8.5. Similarly the policy WLP8.19 - Vitality and Viability of Town Centres identifies that secondary shopping frontages, should allow changes from the above use classes and sui generis leisure uses to other uses where "the proposal would support the vitality and viability of the town centre; and not result in a concentration of non-town centre uses in the immediate street frontage". The proposal is considered to accord with this as the retail use does preserve the frontage.

#### Conservation Area

- 8.6. A key consideration in assessing the proposed development will be the impact on the character and appearance of the conservation area and whether it will be preserved or enhanced as required by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.7. The proposed alterations would change the external appearance of the front elevation. However, these changes are relatively minor and on a mid-twentieth Century Building, where the changes would not result in the loss of any important historical or architectural features. Therefore the proposal is considered to preserve the character of the Conservation Area, and is compliant with Policy WLP8.39, and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990

#### Highways Considerations

- 8.8. Suffolk County Council as Local Highway Authority object because the A1 use in accordance with the SCC adopted guide requires five spaces for the 76.1m<sup>2</sup> floor area. Given however the town central site and the nearby Hungate parking area this is not considered a sound refusal reason and very few shops in central Beccles enjoy dedicated parking. The existing gymnasium also has no dedicated parking. It is considered that the six employees to be associated with the whole site will also have to either pay to park or walk from areas where on street parking is unrestricted and this does not differ from the current situation so does not form a reasonable refusal reason.
- 8.9. As the use falls within Class D2 currently and the nursery is in D1 there is potentially a very different character to parking in association with parents accessing the facility. Drop off and collection would be difficult in this location, but the applicant has advised that the site is not a "nursery or creche" in that children are not dropped off and collected and are accompanied by parents when on site.
- 8.10. Because of this the local car parks a short walk away are considered appropriate, given that parent accompanied children will be safe. A condition restricting the operation to accompanied children is needed to allow this use without parking harms arising, therefore.

## Noise

- 8.11 Noise from the proposed nursery is considered little different in amplitude from that arising from the gymnasium, in that the gym generated some impact noise, and so hours of operation were limited to prevent material harms. Noise from children will occupy different frequencies, application of a similar hours of operation condition would not be unreasonable and would greatly exceed the operating hours required for this particular type of use.. A further condition restricting music to that which is not audible outside the building was applied to the gym decision and is recommended here.
- 8.12 The applicant has confirmed that expected number of children at any given time will be approximately ten with the potential for ten parents as well at that same time. This is considered credible given the constraint of floorspace available and is not considered a challenge to local public parking capacity.
- 8.13 Noise will be generated and the air conditioning unit that has already been installed without planning permission. This is close to the flats above, but within a concrete framed under-croft, where its impact might also be mitigated. Further details for noise assessment of this unit are required by condition before use of the unit. The Head of Environmental Health response does not reflect this because the unit was installed after the Head of Environmental Health was consulted and the item added to the description of works. The applicant is prepared to accept a condition that further information to assess and mitigate its impact before use is secured
- 8.14 The comment that a gun shop and nursery are poor neighbours cannot carry weight in the planning consideration as the use class order does not distinguish types of retail activity. In effect, if granted the planning permission would be for a general A1 shop use, not the specific products sold within the unit.

## **9 Conclusion**

- 9.1 The nursery creates two full and two part time jobs and the gun shop one full time and one part time job The planning balance in this case is that the proposal offers 6 jobs, offset however, by the existing employment associated with the gym use (which at the time of that application was for 3 full and 3 part time jobs), and the potential for the floor area in other uses to generate employment of greater or equivalent quantum, and this set against the lack of parking immediately in the vicinity. There is however a public car park within 100m of this site.
- 9.2 Therefore, the proposal is considered appropriate in this location, and should be approved subject to appropriate conditions.

## **10 Recommendation**

- 10.1 Recommendation is for approval 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 constructed in all respects strictly in accordance with drawings 2505.19.1 and 2; received 20 August 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The part of the premises identified as for office uses shall be used only for office uses falling within either Class A2 (office with visiting members of the public) or within Class B1(a) (Offices where there are no visiting members of the public); and for no other purpose whatsoever, (including any other purpose in Class B1; of the Schedule to the Town and Country Planning (Use Classes) Order 2005) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To retain control and enable consideration as to whether other uses in the Use Class would be satisfactory in this area.

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

Reason: To retain control and enable consideration as to whether other uses in the Use Class would be satisfactory in this area and by requiring accompaniment by adults to prevent parking and highway harm associated with drop off to the premises.

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

Reason: to protect the amenities of the occupiers of nearby premises.

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

Reason: To ensure that noise levels arising from installed equipment do not prejudice surrounding residential amenity.

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

Reason: To protect the amenities of the surrounding area by minimising disturbance by noise.

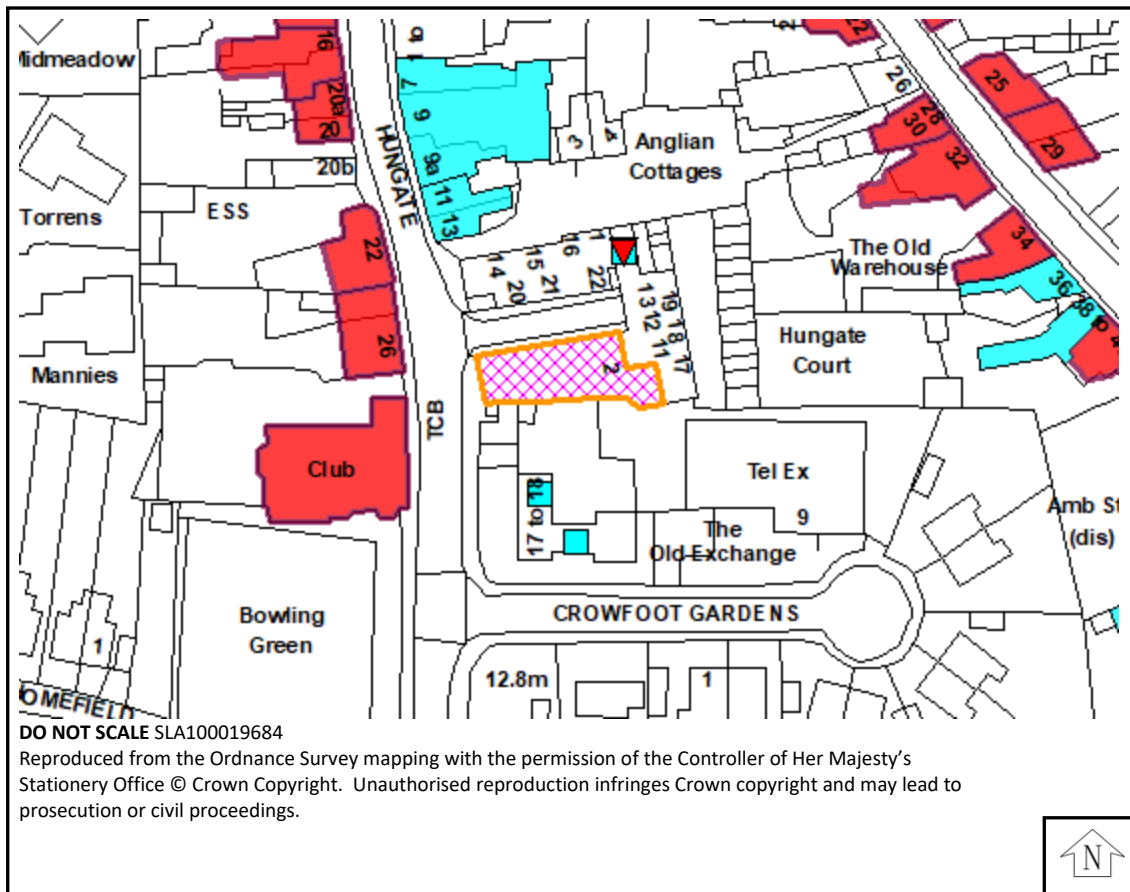
**Informatives:**

There are no informatives.

**Background information**

See application reference DC/19/3285/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWJFRAQX0H800>

## Map



## Key

- Notified, no comments received
- Objection
- Representation
- Support