

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held Remotely via Zoom, on **Tuesday, 8 December 2020 at 2.00pm**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Malcolm Pitchers, Councillor Craig Rivett

**Other Members present:**

Councillor Peter Byatt, Councillor Tony Cooper, Councillor Debbie McCallum, Councillor Keith Patience

**Officers present:** Liz Beighton (Planning Manager - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Michaelle Coupe (Senior Planner - Development Management), Matthew Gee (Planner - Development Management), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), James Meyer (Ecologist), Steve Milligan (Planner - Development Management), Philip Ridley (Head of Planning and Coastal Management), Iain Robertson (Senior Planner - Development Management)

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**Announcement**

The Chairman advised that he had one announcement to make. For the record, several members of the Committee, including himself, and some officers, knew Mr Reid, who would be speaking on Agenda Item 7, as he was a former employee of the Council for many years. However, that would make no difference to the decision making process, and Mr Reid would be listened to objectively, as with any other person making representations. It would be the planning merits of what was said that would be taken into account.

**1 Apologies for Absence and Substitutions**

An apology for absence had been received from Councillor Gee.

Councillor Cooper attended the meeting as a substitute for Councillor Gee.

**2 Declarations of Interest**

Councillor Bond declared a Local Non-Pecuniary Interest in Item 9 - DC/20/2953/FUL - The Alders, Theberton, as being Ward Member.

Councillor Brooks declared a Local Non-Pecuniary Interest in Item 8 - DC/20/3042/FUL - St Marys Catholic Primary School, Lowestoft, as being a member of the Cabinet when approval was granted for the spend for the land.

Councillor Ceresa declared a Local Non-Pecuniary Interest in Item 8 - DC/20/3042/FUL - St Marys Catholic Primary School, Lowestoft and Item 13 - DC/20/4436/ADI - East Point Pavilion, Lowestoft, as being County Councillor for the area.

Councillor Cooper declared a Local Non-Pecuniary Interest in Item 9 - DC/20/2953/FUL - The Alders, Theberton, as the Applicant was a close family member. He advised that he would leave the meeting when the item was discussed and take no part in the consideration of the application or voting thereon.

Councillor Pitchers declared a Local Non-Pecuniary Interest in Item 8 - DC/20/3042/FUL - St Marys Catholic Primary School, Lowestoft and Item 13 - DC/20/4436/ADI - East Point Pavilion, Lowestoft, as being Ward Member.

Councillor Rivett declared a Local Non-Pecuniary Interest in Item 8 - DC/20/3042/FUL - St Marys Catholic Primary School, Lowestoft, as being a member of the Cabinet when approval was granted for the spend for the land; Item 11 - DC/20/4097/FUL - Unit 24 Fountain Way, Reydon, as being Cabinet Member for Economic Development and Assets; and Item 13 - DC/20/4436/ADI - East Point Pavilion, Lowestoft, as being Cabinet Member for Economic Development and Assets involved with the Town Investment Fund.

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

Councillors Ashdown, Bond, Brooks, Ceresa, Coulam, Elliott, Pitchers and Rivett declared that they had been lobbied on Item 6 - DC/20/2191/FUL - St Felix School, Reydon and Item 7 - 105 Park Road, Lowestoft. Councillor Ashdown confirmed he had made no significant response other than advising on procedures. All other Councillors advised that they had made no response.

Councillor Elliott declared that he had been lobbied on Item 12 - DC/20/2862/FUL - Oak Tree Farm, Westhall.

#### **4a Minutes of meeting 13 October 2020**

##### **RESOLVED**

That the Minutes of the Meeting held on 13 October 2020 be agreed as a correct record and signed by the Chairman.

#### **4b Minutes of meeting 10 November 2020**

##### **RESOLVED**

That, subject to Minute 5 DC/20/1352/FUL - Royal Court Hotel, Lowestoft, being amended to include the retention of the original sash windows, the Minutes of the

Meeting held on 10 November 2020 be agreed as a correct record and signed by the Chairman.

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

The Committee considered report ES/0576 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 23 November 2020. There were currently 15 such cases.

The Assistant Enforcement Officer provided an update with regard to Stone House, Bramfield. She advised that a visit had been undertaken on 3 December and they had complied fully, with the exception of planting which was due at the end of March 2021.

### **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 23 November 2020 be received and noted.

## **6 DC/20/2191/FUL - St Felix School, Halesworth Road, Reydon, Southwold**

The Committee considered report ES/0577 which gave details of the application for the creation of two sports pitches on land at St Felix School in Reydon.

The Principal Planner explained that the application was before Committee due to the significant local interest and because the application related to an extant housing planning permission approved in 2019 that was considered by the Planning Committee of the former Waveney District Council. He advised that since the publication of the update sheet, five further letters had been received but no new material planning issues had been raised. In addition, the update sheet gave details of the revised comments from Sports England and amendments to two of the proposed planning conditions based on Sport England's comments.

Members viewed a presentation which showed a site location plan, aerial views and photographs setting out the layout of the school site and the location proposals including specific details of the proposals together with views from within the site and the surrounding area. There had been extensive pre-application discussions and the proposals before Members provided two pitches; the most low key area within the County Wildlife site was marked as pitch 2 and pitch 1 would be widened with improved quality. The proposed plan for pitch 2 would result in the removal of some trees and the scrubland would be retained outside the pitch itself. The area would need to be enclosed by fencing. Pitch 1 was on an area of grass land already used for sporting activities but not suitable for year-round rugby and football use and the proposed works for seeding and drainage would be dealt with by planning condition to ensure a high quality surface.

The Principal Planner outlined the material planning considerations and key issues including the extant outline permission for an enabling housing development to ensure the continued viability of the school, the housing scheme to be delivered, and mitigation measures to be delivered through replacement sports pitches to provide improved facilities for the school and offset the loss of the existing playing

fields. Officers had undertaken an Appropriate Assessment under the Habitats Regulations and the Council's Ecologist had concluded that there would be no significant effect on the designated European (Habitats) sites. Approval was being recommended and would include the revised conditions 2 and 3.

The Chairman invited the public speakers to address the Committee.

Mr S Chessher asked that slides and photographs be displayed. Mr Chessher explained that he was speaking on behalf of Reydon Action Group for the Environment (RAGE), a campaign group with 170 members and their concern about the landscape and environmental impacts. The application for the two sports pitches was not directly linked to the housing consent; it was a free-standing application with no requirement to facilitate housing. On its own merits, it was contrary to policy including the Neighbourhood Plan and should be refused. It formed part of the protected sites round the Blyth estuary, including the County Wildlife site and SSSI, and looking further to the south west, the area was nationally protected. If approved, there would be a loss of habitat and 100 year old oak trees, not just the six mentioned but an additional nine trees, were going to be felled. The loss of the trees would be permanent and the loss of habitat could not be mitigated. There was no community benefit and playing field provision would not trump the harm to the Area of Outstanding Natural Beauty (AONB).

As Chairman of Reydon Parish Council's Planning Committee, Mr P O'Hear drew the Committee's attention to the following points. Reydon Neighbourhood Plan should be given significant weight and the proposal did not meet the conditions in policy RNP5. St Felix School said this was required to support additional housing but there was no application for that. The proposed scheme would cause significant damage to the County Wildlife site and any mitigation would not solve the problem as a replacement habitat could not be provided. Finally, the application was for replacement playing fields; this it was not, as one pitch was already being used, therefore, it could not be classed as new. The Parish Council was shocked that Sport England accepted it. The Committee should support the relevant Local Plan policies to protect fields and the proposal was in breach of policy RNP5 in the Reydon Neighbourhood Plan. The application should be refused.

Mr J Harrison spoke as Headmaster of St Felix School. He stated that the officer's report provided a fair overview of the proposal and they had worked hard to ensure that quality pitches would be provided with minimum impact. The proposal was for replacing pitches that were not fit for purpose. The school recognised it was part of Reydon and they had worked with the community to allow its use of their facilities. Mr Harrison reminded the Committee that St Felix was a small independent school, a charity not supported by private funding and offered places including £1m in scholarships. The pitches played a key part in the school's development plan which was most encouraging in an unstable market. The school was a large employer in the area and through investment, it could make a significant contribution to the local area and economy. He asked for the support of Members to endorse the officer's recommendation for approval.

The Chairman invited questions.

Members questioned the fact that pitch 1 was on top of an existing field and where the athletics track would be located and it seemed that replacement pitches were not being provided but existing pitches repurposed.

Mr Harrison advised that most pitches were multi-purpose with athletics and cricket in the summer. The running track would be perpendicular to the sports pitch. The existing field used for athletics did not use the corners and the significant drop in the land would be levelled and the grass improved for Sport England to accept the proposal. Providing one pitch in that location would reduce the impact on the wildlife site by splitting the development across two areas.

The Ward Member, Councillor Beavan, advised that much had been said by the school and officer but they did not appear to understand local needs. Youth facilities had been provided at the old Reydon site and the Rugby Club had two pitches near the common. The school itself had insufficient students for a 15 a-side rugby team so it was questionable as to why the school would dig up a wildlife site and ignore the local plan. The school was selling land for housing to plug a hole in its finances and with £30,000 fees, it was still not a going concern, such doubt being cast when looking at the school's accounts. There was no valid reason to accept the planning application on its own merits and it should be refused.

The Chairman invited questions.

Reference was made to this stand-alone application and the reason why it was before the Committee. Clarification was sought on whether the extant housing permission was a material consideration. The Principal Planner advised that the application was a stand-alone application that should be assessed on its own merits, therefore, Members needed to consider the benefits and harms of the proposal and all relevant policies. The Principal Planner advised that it should be acknowledged that the proposed development was delivering an obligation in the Section 106 Agreement in the extant housing permission, which had been drawn up as part of the enabling development for the school to secure re-investment funds bringing its own benefits. The proposal was providing the benefit of improved sports facilities at the school and on its own merits, the officers supported the application.

The Head of Planning and Coastal Management drew Members attention to paragraph 9.5 in the report and the better use of the land to the south of the school buildings, through pitch 1 proposal, lessened the impact on the County Wildlife site. It was accepted that there would be some harm but looking at it overall, the scheme represented a significant improvement over the parameters set within the Section 106 Agreement of the extant housing permission and had been supported by Sport England. Furthermore, the approval of the application would facilitate the delivery of an enabling housing development which would bring further public benefit through re-investment in the school.

During debate, it was suggested that if approval was granted an additional condition be

added to ensure that if St Felix ceased to be a school or the pitches were no longer used that the sites be reverted to the previous use. It was further suggested that it could be conditioned that the land could not be built on at any time in the future.

The Head of Planning and Coastal Management advised that if the school ceased to operate, it was a reasonable approach to return the land to County Wildlife site. It would not be possible to insist on no future development and any application would need to be properly considered on merit if one was submitted.

Concerns were raised that this was a stand-alone application and that the proposal was a test on the value of the neighbourhood plans. Reydon Neighbourhood Plan now carried significant weight and the application should not be approved as it was contrary to not only that Plan's policy but also the Council's own relevant policies and the NPPF. Any development in an AONB should be a last resort and it was noted that Suffolk Wildlife Trust objected. Members further commented on the need for high quality pitches as sport was vital for the young and in fact people of all ages. The proposal was discharging one condition of the original outline application and it was considered the harm would be outweighed by the benefits. It was disappointing to note the loss of the trees.

The Principal Planner advised that tree protection, replacement planting and its implementation was covered by conditions 11 to 13 outlined in the report.

The Committee noted the amended conditions in the update sheet and with the addition of the request to add a planning condition requiring the site of pitch 2 to be restored to its current state as previously proposed, it was

## **RESOLVED**

That, subject to a Deed of Variation on the existing Section 106 Agreement being agreed and to conditions including but not limited to the following, permission be granted:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans in respect of each element of the development:

- Pitch 2 shall be completed in accordance with Drawing Nos. DR-A-0121P2 and DR-A0120P5, received 23 September 2020; and
- Pitch 1 shall be completed in accordance with Drawing No. DR-A-0050P3 received 16 June 2020.

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

3. No development to construct Playing Pitch 1 or Playing Pitch 2 (as identified on Drawing Nos. DR-A-0121P2 and DR-A0120P5 and Drawing No. DR-A-0050P3) shall commence until a detailed written specification of the proposed soils structure, drainage, cultivation and other operations associated with grass and sports turf establishment for that pitch and a programme of implementation and maintenance have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Each specification shall be informed by a detailed assessment of ground conditions that identifies any constraints within the land proposed to be developed to create each playing pitch to ensure that the delivery of the specification achieves a playing field that is of a fit for purpose standard. Each pitch shall be constructed in strict accordance with the approved specification for that pitch.

*Reason: To ensure that the playing field is prepared to a fit for purpose standard.*

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Assessment (Small Ecology, June 2020); Botanical Survey (Small Ecology, February 2020); Reptile Survey (Small Ecology, October 2019) and Biodiversity Metric Appraisal (Small Ecology, June 2020).

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

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

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

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the

construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

7. A landscape and ecological management plan (LEMP) for St Felix School Grounds County Wildlife Site shall be submitted to, and be approved in writing by, the local planning authority prior to first use of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To ensure that the long-term ecological value of the County Wildlife Site is maintained and enhanced.*

8. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.



*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with WLP8.40 of the Waveney Local Plan (2019).*

9. The development shall not be brought into use until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with WLP8.40 of the Waveney Local Plan (2019).*

10. Prior to their installation, precise details of the fencing and gates to enclose Pitch 2 (as shown on Drawing Nos. DR-A-0121P2 and DR-A-0120P5) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved detail, and retained in that form, unless otherwise approved in writing by the LPA.

*Reason: to ensure that the enclosure to pitch 2 is of a design and appearance appropriate for the site context within the AONB.*

11. Prior to commencement of the approved development, an updated Arboricultural Impact Assessment & Method Statement, including Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

*Reason: to ensure retained trees are protected through the construction phase of the development.*

12. No development shall commence until precise details of a tree planting scheme (which shall include species, size and numbers of plants to be planted) has been submitted to and approved in writing by the local planning authority.

*Reason: To ensure the submission and implementation of a well-designed planting strategy to mitigate the impacts of development, in accordance with WLP8.35 (Landscape Character).*

13. The tree/shrub planting scheme (approved under condition 12) shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

*Reason: To ensure the timely implementation and longer-term maintenance of the planting scheme in accordance with the objectives of WLP8.35 (Landscape Character).*

14. 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.*

## **7 DC/20/2593/FUL - High Dene, 105 Park Road, Lowestoft**

The Committee considered report ES/0578 which sought planning permission for the change of use of 105 Park Road, Lowestoft, from a C2 Residential care home to a large House in Multiple Occupation (HMO) (sui generis use) providing supported housing for people with complex needs. The accommodation would be supervised 24 hours a day and house people over the age of 16, with, for example, autism, who needed supported housing.

The Senior Planner advised that the application was before Committee because of the public interest. He clarified the fact that the map at the end of the report had not indicated all respondents because, as some objectors had not given an address, their responses could not be plotted.

Members received a presentation showing the site location and block plan, together with street views and floor layout of the building. The frontage would be reinstated to enhance the Conservation Area and the floor layout with 13 bedrooms would remain as existing. The dwelling was no longer fit for purpose as a care home and was considered too large for a residential property.

The Senior Planner explained the material planning considerations and key issues. He referred to policy WLP8.4 in the Local Plan where the conversion of premises to HMOs was only permitted in exceptional circumstances. As a care home, there had been a longstanding use of multiple occupation and the property was outside the flat saturation zone so would not breach the 20% saturation. The supported housing facility proposed by the Applicant was in line with the strategic aims of Suffolk County Council with regard to supported housing delivery and, therefore, in this case, exceptional circumstances had been demonstrated. Whilst objectors had raised the issue of the loss of care home places, there was no policy protection in place for care homes. It was understood that the need for 900 places was being addressed through modern replacements.

The Senior Planner advised that the Applicant had experience in running supported accommodation and the premises would be run by Mavam Supported Housing who had already delivered good schemes throughout Suffolk. Neighbour amenity would be

protected by policy 8.29 and the proposed car parking was likely to be used by staff only. The provision of specialist accommodation represented a significant social benefit, being an important strand of sustainable development as required by the NPPF. It was considered that the amenity of the occupiers of surrounding properties and the wider environment would be protected and the application was being recommended for approval as a personal permission.

The Chairman invited questions.

Members raised questions relating to:

- Sound insulation in a heritage building.
- The premises not being in a mixed-use area near facilities.
- This application compared to a recent application in Cleveland Road, Kirkley.

The Senior Planner advised that the building was not listed and internal insulation, which would be a Building Control requirement, would not affect the heritage of the building. The property was not in a flat saturation zone and Park Road itself was not in a 20% saturation zone. The dwelling itself had been in multiple occupancy for quite some time.

The Chairman invited the public speakers to address the Committee.

Whilst speaking Mr B Reid showed a slide and he explained the flat saturation in the area and the density in the specific post code including Abigail Court and houses converted into flats giving a total of 52. Excluding care homes, and taking the whole of Park Road, the percentage would be 60% converted flats. Crimes recorded within a half mile of the centre of the post code showed an increase of 260%. The proposal would put people with complex needs and other residents at risk. Mr Reid was of the opinion that this location was not the right place for such residents and any approval that might be considered should impose 24 hour supervision as a condition.

With the help of a slide, Ms A Edwards pointed out that adjoining properties were extremely overlooked and the proposal was not a like for like occupancy. A care home had provided a peaceful and safe setting for her and other families. Difficulties could arise with complex needs which covered a wide variety of conditions, some of which could be a threat to parents and families. Complex needs and behaviours included mental health and drug addiction; it was time for complete clarity and an understanding of the risks which might be reduced but never eliminated. There was no indication in the application that there would be effective management on site or confirmation that it would be properly policed. The proposal was not suitable in this location.

Speaking on behalf of Lowestoft Town Council, Mr A Green referred to the exceptional circumstances in policy WLP8.4 which needed to be demonstrated and there was nothing in this application that fell within that category. An HMO property should be located in a commercial, mixed use or other area close to services and facilities, be able to meet existing standards for parking, amenity areas, refuse bin storage and sound insulation and have no significant detrimental impacts to adjoining family houses. The property in question was self-contained accommodation of an above average size with a long established use. However, the previous use had had no impact on the family

houses in the vicinity. Support for vulnerable people with different diagnoses varied and specialist support was needed according to each person's circumstances. There was no indication on how that support would be provided and no indication of staff to service user ratio. The proposed use was of concern and the Town Council was of the opinion that the change of use would have a detrimental impact on residents.

Ms T McKensie, representing Mavam Supported Housing, advised that the officer's report had a good understanding of the proposal. Over a 10 year period, they had established good relationship with neighbours and tenants over eight sites. They supported vulnerable people with mild learning/mental health issues providing staff 24/7. Each individual would be subject to a robust assessment before being accepted and the supported living would also include looking at improving their daily skills. There would be an on-call system for back-up if necessary and they would also work with the community police. With regard to transport, public transport would be promoted and it was expected there would be 2-3 staff cars on site. It was hoped to work with the community in the best interests of everyone.

Members raised questions relating to the layout plan. The previous Cleveland Road application was comprehensive and had little flats for independent living, 24 hour accommodation with somewhere for the member of staff to be located.

The Applicant confirmed that there was currently office accommodation on the premises which would be used and staff sleeping accommodation would be on the ground floor. It was hoped to rehabilitate people by providing them with daily skills to help them move on. It was not intended to be a long-term home for the residents.

As Ward Member and having been a Councillor for 26 years, Councillor Patience could not recall having been so concerned over a planning application and his ward constituents were really concerned over the proposal. With respect to the officer, being a long established care home was not the same as being a HMO. HMOs usually had no more than six people and was in a class of its own. The impact of this proposal for those with both complex and special needs should be taken into account. Concerns over neighbour amenity, overlooking, safeguarding, anti-social behaviour and crime were genuine. Councillor Patience commented on the residential care beds that would be lost even though the previous owner had spent a few years on refurbishment, improvements, the frontage, drop kerb, and parking on site. It might be necessary when manoeuvring to reverse onto the road and that was unsatisfactory. He made reference to the crime figures and flat saturation in the area which were already having a cumulative impact in the area and further commented on the likelihood of problems in the area increasing. 24 hour supervision appeared to be key and that was not included in the conditions. Accommodation for this type of proposal should be in the right place at the right time – this it was not. Councillor Patience urged the Committee to vote against the proposal.

*Note: At 3.42pm, the meeting host drew attention to some technical issues experienced by Councillor Elliott with regard to his internet connection. After seeking clarification, it was confirmed by the Chairman of the Committee that Councillor Elliott had been in attendance for sufficient time to continue to participate in this item.*

The Chairman invited questions.

Members raised issues with regard to:

- The areas for office use.
- The location for the 24 hour carers to stay overnight.
- Noise levels.
- Number of members of staff needed to stay overnight due to severity and different needs.
- Whether the premises providing residential care was classed as providing modern facilities.
- Floor plan of proposed accommodation.
- Security around the property and overlooking into neighbouring gardens.

The Senior Planner confirmed that one of the lounge areas at the front was to be used as an office and a further room at the rear in the areas of rooms 4 and 5. The other lounge at the front of the building was to be a communal area. It was likely that the operator would change the internal layout in accordance with the change of use. It was explained that, whilst recognising the shortfall of residential accommodation, there was no policy protection for its retention.

The Head of Planning and Coastal Management advised that, if Members were minded to support the recommendation, approval could be subject to a further condition relating to the formal layout of the internal accommodation. Whilst recognising there was a care home shortage, it was difficult to run a property of this size as a care home.

The Applicant confirmed that staff numbers would depend on individual needs ascertained via an assessment before placing people in the accommodation. One member of staff, possibly two, would stay overnight, with two to four support workers and management being on site during the day.

Members further commented on the number of people that might be using the facility and what was happening with the layout and frontage was not clear. It was not evident as to how the teaching and independent living would operate, whereas a previous application in a different part of the town had clearly identified accommodation.

The Applicant advised that, at this stage, the number of people to be accommodated was not known. There were 12 rooms and an office and an attic flat. Once the facility was up and running, it would become clear. It was expected that each person would have their own room with en-suite, then share kitchen, lounge, garden and access to office staff and those members of staff providing them with living skills which would include shopping, etc.

The Planning Manager suggested if Members wished to see additional information from the Applicant to address their questions, the Committee might wish to consider a deferral.

Members agreed that there was some confusion over the proposal and more detail was required to ensure the application received fair consideration. A deferral would allow additional information to be obtained with regard to the proposed layout,

interior configuration, staffing levels, number of cars being used and security. On a proposal, which was duly seconded, it was

## **RESOLVED**

That, to enable matters raised to be addressed by the Applicant and officers, the application be deferred and brought back to Committee at its next meeting in January 2021.

### **8 DC/20/3472/FUL - St Marys Catholic Primary School, Kirkley Cliff Road, Lowestoft**

The Committee considered report ES/0579 which gave details of the application seeking permission to provide soft and hard landscaping works to an area of St Marys Catholic Primary School's land in order to extend its current outside play areas, and included a new 2m high weldmesh fencing along the boundary to Kensington Gardens. The proposed fence would be the same as the school currently had on the existing southern boundary of the play area. The proposed works would preserve the character and appearance of the Conservation Area and would not result in an adverse impact on the amenity of neighbouring residents or users of the adjacent park.

The Planner advised that a permission granted in 2018 was still live and could be implemented. Since that time, the area had been gated off and incorporated into the school playing grounds.

Members received a presentation showing the site location plan and photographs showing the street scene and current boundaries looking in both directions from and towards the seafront. The proposed block plan outlined the proposed hard play extension and grass area and proposed fencing would match existing.

The Planner outlined the material planning considerations and key issues including the fact that there would be no impact of the longevity of the trees. It was considered the proposed fencing would have no impact on the views in the Conservation Area and approval was being recommended.

The Chairman invited the public speakers to address the Committee.

On behalf of the Town Council, Mr A Green explained that when the land had been transferred to the school, the proposal was for it to be used as a garden. A soft and hard play area was not a garden. A garden would comply with the Government's 2020 strategy and also help with biodiversity. The proposal now was for both hard and soft landscaping and the proposed fencing was not appropriate in the setting adjacent to the heritage park and in the Conservation Area. To approve the application in its present form would be contrary to the Council's declaration of climate emergency and contrary to the original use of the land. Therefore, the Town Council was suggesting refusal.

Ms P Crane, as Headteacher, advised that the proposal was to extend the playground to accommodate the 210 pupils. The hard play areas were important particularly at this time with Covid19 and the need for outside breaks. At this time of year, grass

areas were too muddy. Ms Crane explained that the woodchip area with play equipment had fallen into disrepair thus reducing the hard play areas and it was currently too expensive to replace that equipment. By extending the hard play area, that would increase the zones for the children for ball games and other activities in winter and it was proposed to have a woodland obstacle course in the grass area offering alternative play for the children. The fencing would protect the children from passers-by and preserve the character of the area. Ms Crane thanked the Committee for being given the opportunity to speak and hoped that approval would be given so as to provide facilities for healthy and happier children.

The Chairman invited questions.

Members asked if there were other areas that could be used and commented on the high fencing adjoining Kensington Gardens. Ms Crane advised that the current playground was next to this piece of land and so it made sense to extend the playground. The current fencing was so low, it needed to be replaced and would stop any strangers reaching over the top thereby providing a safe environment for the children. There would be no need to make alterations to existing playground fencing.

As Ward Member, Councillor Byatt advised that his principal concern has been to ensure that the trees would not be interfered with and, whilst sympathising with the school, it was a shame to compromise and provide a smaller area for nature. Anything that provided children with additional space should be welcomed and he noted that the existing gates would be removed and replaced with fencing. Councillor Byatt commented that the proposal would support the children with exercise and that might help address obesity.

Members supported the application, whilst expressing concern over the reduction of green space. It was considered the proposal would support both mental and physical health particularly under Covid19 restrictions. On a proposal to support the application, which was duly seconded, it was unanimously

## **RESOLVED**

That permission be granted, 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:

- Site location plan, 17-0548-CDP-DR-00-XX-L-20, received 07/09/2020
- Proposed block plan, 17-0548-CDP-DR-ZZ-XX-L-1001-P1, received 07/09/2020
- Proposed Fence Detail, 17-0548-CDP-DR-00-XX-L-1003, received 07/09/2020
- DESIGN AND ACCESSIBILITY STATEMENT, received 07/09/2020, 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 soft landscaping works shall be completed within 6 months from the completion of the hard landscaping, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

*Reason: to ensure the satisfactory external appearance of the building.*

**Note:** Councillor Cooper left the meeting at 4.35pm

## **9 DC/20/2993/FUL - The Alders, Potters Street, Theberton**

Having declared an interest in Item 9 on the Agenda, Councillor Cooper left the meeting room and took no part in the discussion or voting on the application.

The Committee considered report ES/0580 which gave details of a full planning application for the use of land for the standing of three camping pods and four parking spaces at The Alders in Theberton.

The application was before Committee as the Applicant was a close relative of a member of the Council.

Members viewed a presentation which provided a site location plan, aerial photo and showed the undefined meadow area, footpath, area in flood zone 2 and nearest neighbour some 80m distant. It was proposed to use the current access and would require the removal of the current fence and a short section of hedging. The proposed block plan gave an indication of the layout and the pods, measuring 5x3m by 2.7m in height, would be subject to a condition on the precise design.

The Planner highlighted the material planning considerations and key issues and explained that, in context and with the proposed improved habitat and grass management, it was considered to have limited impact.

The Planner advised that the scale of the development as tourist accommodation was modest and there was likely to be sufficient need/demand. In addition, the development included the management of the wider meadow as rough pasture for ecological gain. The pods would have a low visual impact and hedge planting would mitigate impact. The separation to the nearest neighbour should limit the likelihood of noise and would not therefore conflict with policy SCLP11.2.

If Members were minded to approve the application, ecological mitigation and enhancement would be made a condition of the planning permission. It was confirmed that the RAMS payment had now been received.

The Chairman invited the public speaker to address the Committee.



Mr M Price, the Agent, thanked the officer for a very comprehensive report and advised that no objections had been received from statutory bodies. The proposal fully complied with the Local Plan and would support tourism in the area. The existing access was to be improved and the application included environmental enhancements and biodiversity. He confirmed that the tree to be removed was actually dead. Mr Price asked Members to support the application which would have normally been determined by delegation.

In response to questions, Mr Price confirmed that the condition on the style of the pods was fairly generic as his client had not yet decided on the provider for the pods. If Members approved the application, they would be happy to bring back the design of the pods.

Members supported the proposal and there being no further discussion, it was unanimously

## **RESOLVED**

That permission be granted, 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 Drgs Site/location plan; Landscape Strategy received 07.08.2020 and Drgs Cycle Storage and Visibility Splay received 11.11.2020, 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 more than three camping pods shall be placed on the site. Details of the pods to be installed/sited shall be submitted to the local planning authority for approval in writing. Only approved pods shall be sited. No other camping or caravans shall be placed on the land.

*Reason: In the interest of amenity; insufficient detail was provided a application stage.*

4. The accommodation herein approved shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons, of any of the units of holiday accommodation shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation. The owners/operators of the holiday accommodation hereby permitted shall maintain

an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

*Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.*

5. Foul drainage shall be by way of a sewage treatment plant; full details of the proposed sewage treatment plant, shall be submitted to the Local Planning Authority before installation. Such details shall include the site of the proposed unit, the make, design and projected loading and the final discharge point. Only a scheme approved in writing by the Local Planning Authority shall be implemented at the site and shall be fully operational before the development is first occupied.

*Reason: To prevent pollution of the water environment.*

6. The use shall not commence until the areas within the site shown on Landscaping Strategy Drawing for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the areas shall be retained and used for no other purpose.

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

7. Before the access is first used visibility splays shall be provided as shown on Drawing No. CCF\_000182 (Visibility splays received 11.11.2020) with an X dimension of 2.4 metres and a Y dimension of 24 metres Northwards and 29 metres Southwards and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting 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 interests of highway safety in order to maintain intervisibility between highway users.*

8. No development shall commence until satisfactory precise details of a hedge planting scheme (which shall include species, size and numbers of plants to be planted) has been submitted to and approved in writing by the local planning authority.

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

9. The approved tree/shrub planting scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or

becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

10. The meadow to the south of the site, identified on the Landscape Strategy drawing, shall be managed for ecological benefit and used for no other purpose. Details of the management strategy shall be submitted to the Local Planning Authority for approval in writing before the use is commenced and the land shall be managed thereafter in accordance with the approved details.

*Reason: To ensure ecological enhancement.*

11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Survey Report (MHE Consulting, December 2018) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

12. No external lighting shall be installed on site unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Any external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

*Reason: To ensure that impacts on ecological receptors from external lighting are prevented.*

13. 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, 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.*

14 Prior to the commencement of the use, a detailed flood evacuation plan for the development shall be submitted to the Local Planning Authority for approval in writing. The use shall commence only after the flood evacuation plan has been approved and it should be followed thereafter.

*Reason: To ensure users of the site are safe from flooding risk.*

**Note:** Councillor Cooper re-joined the meeting and Councillor Brooks left the meeting at 4.46pm.

## **10 DC/20/3627/OUT - Ilium House, Henham Park Estate, Henham**

The Committee considered report ES/0581 which gave details of the outline application for a new Hall within Henham Park, a Grade II listed Registered Park and Garden, to replace the Hall demolished in 1953.

The Senior Planner advised that the application was before Committee because the development was contrary to the Development Plan. However, an exception to policy was considered to be justified because it would seek to restore and enhance the listed historic parkland as large significant family homes represented key elements of these landscapes. In this case, that had been lost when the previous hall was demolished.

Members viewed a presentation which showed the site within the historic park, a view of the hall designed by James Wyatt in the 18th century, both the existing and proposed block plans, and photographs from within the looking out of the site.

The Senior Planner gave a brief history of the site and developments over the last 500 years and advised that in 2007 outline consent had been granted for a hotel and apartment complex but that had not been feasible. She explained the material planning considerations and key issues and, although against policy, it was considered to be justified as there had been a succession of halls in the vicinity of the application

site. The historic environment would be preserved in accordance with the NPPF and policy WLP8.37. The Applicant wished to build a new family home; there had been no objections and the proposal was supported locally.

Having taken into account the planning considerations and the financial contribution under the Suffolk Coast RAMS for mitigation measures, it was considered the proposals to restore a new family home within Henham Park were justified and benefits would be gained in preserving and enhancing the designated heritage asset. Approval was therefore being recommended subject to appropriate conditions.

In response to Members' questions, the Senior Planner confirmed that the reserved matters application would be submitted to Committee and that nothing remained of the previous hall other than foundations which would be preserved. It was confirmed that the original dwelling had been lost.

On a recommendation for approval which was duly seconded, it was unanimously

## **RESOLVED**

That permission be granted, subject to the following conditions:

1. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then

b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

*Reason: To comply with section 92 of the Town and Country Planning Act 1990.*

2. Details relating to the layout, scale, appearance, access and landscaping of the site (the "reserved matters"), shall be submitted to and approved by the Local Planning Authority before any development is commenced.

*Reason: To comply with Sections 91 and 92 of the 1990 Act.*

3. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording
- b) The programme for post investigation assessment
- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the

site investigation

f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

*Reason: The site is potentially of archaeological and historical significance.*

4. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation previously approved and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Priority 3 and WLP8.40 of the Waveney Local Plan (2019) and the National Planning Policy Framework (2019).*

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

6. Concurrently with the first submission of reserved matters details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the

Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

*Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.*

7. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

1) A desk study and site reconnaissance, including:

- \* a detailed appraisal of the history of the site;
- \* an inspection and assessment of current site conditions;
- \* an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- \* a conceptual site model indicating sources, pathways and receptors; and
- \* a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

2) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

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

All site investigations must be undertaken by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, BS10175:2011+A2:2017 and the Land Contamination Risk Management.

*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 development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- \*details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;

\*an explanation, including justification, for the selection of the proposed remediation methodology(ies);

\*proposed remediation objectives and remediation criteria; and

\*proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019 and Land Contamination Risk Management.

*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.*

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

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

\*results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;

\*evidence that the RMS approved under condition 9 has been carried out competently, effectively and in its entirety; and

\*evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 and Land Contamination Risk Management.

*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.*

11. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance,



removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) 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.*

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A, B, C, D, E, and H; Part 2 Classes A and C; and Part 14 Class A of Schedule 2 of the said Order shall be carried out unless unless prior application is made to the local planning authority and their approval in writing obtained thereto.

*Reason: In order that the local planning authority may retain control over further development within the historic parkland in the interests of preserving the special character of the designated heritage asset.*

## **11 DC/20/4097/FUL - Unit 24 Fountain Way, Reydon, Southwold**

The Committee considered report ES/0582 which gave details of the proposal for the change of use of an ESC business unit from B2 to a MOT station/Garage including a rolling road in the floor (sui generis use).

The application was before Committee as the Council was the landowner.

Members viewed a presentation which showed a site location plan, an aerial view and photographs of the businesses on the business park.

The Principal Planner explained that the proposed use accorded with employment

objectives of the Local Plan and the proposed development would enable a local business to relocate to a business unit suitable for their operation and close to their existing customer base. It was considered that no material harm would arise from the proposed development. In planning case law, an MOT station was a sui generis class and therefore needed planning permission. The Principal Planner confirmed that no objections had been received prior to the close of the formal consultation period and the application was being recommended for approval subject to conditions.

In response to a question relating to the comment made from Environmental Protection about a noise assessment, the Principal Planner advised that this was not relevant for a sui generis on a commercial site where noise levels were to be expected and not harmful to any local residents.

Members welcomed the proposal to move a local business into suitable accommodation and there being no further discussion, it was unanimously

## **RESOLVED**

That permission be granted, 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 hereby approved development shall be carried out in accordance with: the application form and Drawing No. EQD-AP-045, received 14 October 2020; and the Site Location and Block Plans, received 28 October 2020.

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

3. The use hereby permitted shall only take place during the following hours:

08:00 to 18:00 on Monday to Friday; and  
08:00 to 13:00 on Saturdays.

The use hereby permitted shall not take place on Sundays and Bank Holidays.

*Reason: as set out by the applicant in section 20 of the application form; and to limit noisy activities to standard working hours.*

## **12 DC/20/2862/FUL - Oak Tree Farm, Cox Common, Westhall**

The Committee considered report ES/0583 which gave details of the application for full planning permission for the conversion of an agricultural building/barn into two four bedroomed residential dwellings, following Class Qa and b prior approval, including associated landscaping with use of existing access at Oak Tree Farm, Westhall.

The application was before Committee for determination because the proposal was contrary to the Adopted Local Plan but recommended for approval.

Members viewed a presentation which showed the site location, aerial view of the site and location of other buildings in the vicinity, the application building and proposed layout and elevations. The development included planting and hedgerow, parking and a turning area.

The Principal Planner explained that the building benefited from an extant prior approval under Class Q for the conversion to two dwellings which represented the fall back position for the site. Whilst contrary to the adopted Local Plan, the proposed conversion of the building was similar to the extant prior approval scheme and that fallback position was a key material planning consideration in the determination of the application now before Members. The Principal Planner mentioned that compared to the extant scheme, the proposal would result in a better design solution for the amenity of future residents and ensure that field access to the wider farmland was retained.

In addressing the material planning considerations and key issues, the Principal Planner advised that the plans before Members had improved the residential amenity and the design was considered to be acceptable. There were no issues with Highways or access and the scheme was being recommended for approval.

The Chairman invited questions.

Members questioned the following:

- If the garages were big enough for 4x4 vehicles.
- The ability to reactivate an alternative access.

The Principal Planner advised that spaces at the front of the buildings should provide adequate parking; the spaces under cover were extra integral spaces and he was not able to confirm the precise size of those spaces. There were no changes proposed to the current access and it would not be possible to prevent another application being submitted for an alternative access on a different area of the Applicant's landholding, which would then have to be considered on its own merits. It would be possible to draw attention to the field access being via the retained concrete pad in an informative.

Members agreed that the proposal before them provided better parking arrangements and amenity for the proposed two dwellings and unanimously

## **RESOLVED**

That permission be granted, 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 carried out in accordance with Drawing Nos. 20- 001, 20-002, 20-004 and 20-205, received 30 July 2020.

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

3. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Survey report (JP Ecology, October 2018) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

4. Within 3 months of commencement of development, precise details of a scheme of landscape works (which shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be carried out at the first planting season following approval of the scheme of landscape works, and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

*Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity and preserving the setting of the listed building.*

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 [or any Order revoking or re-enacting the said Order with or without modification] no development of any kind specified in Parts 1 and 2 of Schedule 2 of the said Order shall be carried out unless express planning permission for such development is granted by the local planning authority.

*Reason: In order to ensure that the setting of the listed building is preserved.*

6. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and

contaminants considered to potentially exist on site;

- a conceptual site model indicating sources, pathways and receptors; and

- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

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

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, 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. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

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

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, 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. Prior to any occupation or use of the approved development the RMS approved under condition 7 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

9. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must

include, but is not limited to:

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

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

10. 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.*

### **13 DC/20/4436/ADI - East Point Pavilion, Royal Plain, Lowestoft**

The Committee considered report ES/0584 which sought illuminated advertisement consent for new signage for the East Point Pavilion. The proposal included a combination of illuminated and non-illuminated fascia panels and vinyl wrap/new cladding, such works were considered sympathetic to the building and would not adversely impact on the surrounding area.

The application was before Committee as the application had been submitted by the Council.

Members viewed a presentation which showed aerial views, the site location and photographs of the pavilion. Further slides of the elevations gave an indication of the proposed graphics based on inspiration from a Hemmingway design.

The Planner outlined the material planning considerations and key issues including the character, appearance, amenity and highway safety. The proposal was considered to be a bold statement, however, it should be noted that the building did not fall within an historic category. It was considered there was no impact on the Conservation Area or listed buildings in the area.

Although two representations of objection had been received, it was considered that the principle and detail of the development was acceptable and in compliance with the relevant policies. It was proposed that advertisement consent should be granted.

The Chairman invited the Ward Member to speak.

Councillor Byatt welcomed the proposals to bring the building back into use but he did have concerns that the colour design was a tad garish in the vicinity of the 1892 yacht club listed building. Comment had been made that the crystal palace look of the pavilion in a heritage zone would be spoilt. The proposals should be respectful of the character and appearance of the area and it might be more appropriate to go for a pastel palette or a scheme in keeping with the First Light Festival. The signage should enhance the area and not be mocked.

Members wished to support the application and, whilst a muted colour on one side was considered, comment was made that the striking and bold design could be a good talking point and entice people with its brightness. The adjacent pier was red and the lighting in some local premises was very impressive. There being no further debate, it was

### **RESOLVED**

That advertisement consent be granted, subject to the following conditions:

1. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

*Reason: as required by the Town and Country (Control of Advertisements) Regulations in force at this time.*

3. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

*Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.*

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

- Site Location Plan, EX-001, received 04/11/2020
- Proposed elevations, GA-201, received 04/11/2020

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.*

**14 DC/20/4024/FUL - 26 Shearwater Way, Reydon, Southwold**

The Committee considered report ES/0585 which gave details of the planning application for a single storey rear and side extension to a dwelling at 26 Shearwater Way in Reydon. The application was before Committee as the Applicant was closely related to a member of staff.

The application site comprised a semi-detached two storey dwelling of modern construction, primarily faced in brickwork, and the proposal was to construct a single storey extension wrapping around the south eastern corner of the house to enlarge the kitchen and utility space.

Members viewed a presentation showing an aerial view and site plan together with existing and proposed elevations, and proposed floor plans.

The Principal Planner explained that planning permission was required because the proposal projected beyond a side wall within an Area of Outstanding Beauty where that aspect of permitted development regulations were more closely controlled and also because the width of the extension was greater than half the width of the original dwelling.

It was considered that the proposed extension was in harmony with the host building and its surroundings and raised no issues with regard to neighbour amenity. Approval was therefore being recommended.

The Committee supported the proposal and it was unanimously

**RESOLVED**

That permission be granted, 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 the Design & Access Statement, Site Plan and proposed Block Plan Drawing 201100, proposed Elevation Drawing 201103 and proposed Floor Plan 201104I received 9th October 2020, 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 to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building or consist of cladding.

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

The meeting concluded at 5.34pm.

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Chairman