

**Confirmed**



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room,  
Riverside, on **Friday, 24 May 2024 at 3:00 PM**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Paul Ashton, Councillor Julia Ewart, Councillor Andree Gee, Councillor Katie Graham, Councillor Graham Parker, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor Geoff Wakeling

**Other Members present:**

**Officers present:** Joe Blackmore (Principal Planner (Development Management, North Area Lead)), Katy Cassidy (Democratic Services Officer), Mia Glass (Enforcement Planner), Andrew Martin (Principal Planner (Major Sites)), Alli Stone (Democratic Services Officer), Ben Woolnough (Interim Joint Head of Planning)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Ashdown declared a non registerable interest in item 4 as a member of Lowestoft Place Board.

Councillor Ashton declared an other registerable interest in agenda item 4 and recused himself from this item as he was the Cabinet Member for Assets and East Suffolk Council were the applicants.

Councillor Ashton declared an other registerable interest in agenda item 6 and recused himself from this item as he was the Cabinet Member for Assets and East Suffolk Council were the land owners.

Councillor Graham declared a non registerable interest in item 4 having received a briefing from the Officer as they had leisure and tourism in their portfolio.

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

No declarations of lobbying were made.

### **4 DC/23/4537/RG3 - Battery Green Car Park and Surrounding Land, Marina Road, Lowestoft, Suffolk, NR32 1HA**

**Note - Councillor Ashton left the room and did not take part in the vote.**

The Committee received report ES/1962 of the Interim Joint Head of Planning which related to planning application DC/23/4537/RG3. The application was for the substantial redevelopment of the Battery Green car park site in Lowestoft to create a new cultural quarter for Lowestoft accommodating a mix of flexible uses. The application would be classed as mixed-use, falling under sui generis. Planning permission was being sought for the following:

- Partial demolition of Battery Green car park/northern wing of the Marina Centre.
- Change of use of retained Battery Green car park and Marina Centre.
- Creation of two landmark buildings connected via a covered walkway.
- Realignment of Marina road.
- Creation of a new public realm, including a civic square.

The application was before the Committee for determination as East Suffolk Council was the landowner and applicant.

An aerial photograph showing the site in context was shared with the Committee, with the Principal Planner confirming that preparation work was underway, but the demolition of the site had not started as yet as it was covered by this application.

The site in context of the local plan and policy layers was demonstrated, highlighting the allocation of the site – Policy WLP 2.7.

The Heritage Assets relating to the site, along with their location were described to the Committee with the Principal Planner noting that it was considered that the development preserved the setting and significance of the Grade II listed building and enhanced the setting of the non-designated heritage assets and South Lowestoft and Kirkley conservation area.

It was noted that the uses proposed for the development aligned with the criteria outlined in Policy WLP 2.7, with the exception of a very small proportion of the overall development being for office use, however this would be for startup activity and community use within the Marina Centre.

The overall Town Centre masterplan was shared with the Committee, demonstrating the application site as part of the wider project of redevelopment and growth ambitions for Lowestoft. The Principal Planner added that the funding secured through the Town's fund, although not a material consideration, added certainty to the deliverability of the scheme.

Photographs of the site were shown to the committee demonstrating a walkthrough of the site. Existing and proposed block plans and elevations were shared with the Principal Planner highlighting the proposed new layout from the North and South, the new civic square and the realigned Marina Road.

The Principal Planner noted that initially the proposal was to restrict access to the Marina through bollards, however following Highways Authority discussions, this was unacceptable, and access and loading/unloading bays needed to be retained, it has still been possible to achieve a pedestrian and cycle focused link via landscaping and the narrowing of highways. The Committee was informed that the Marina Road disabled bays that would be lost but were reallocated within the development.

The proposed elevations of the buildings were shared, noting the high-quality design, the recycled cladding that linked to the town's maritime heritage and the beacon on the Battery Green building, to draw people to the site.

Proposed visualisations were displayed, with the Principal Planner commenting on the planned flexible nature of the buildings' use, which had been informed from business research and in close conjunction with Environmental Protection to ensure the balance of economic development and local amenity was considered.

The material considerations and key issues were summarised as:

- Principle of development
- Design
- Heritage
- Highways
- Amenity
- Ecology
- Flood risk and drainage.
- Sustainability
- Contamination
- UXO
- Archaeology

The recommendation to delegate authority to the Interim Joint Head of Planning to approve the application for planning permission was outlined to the Committee.

The Chair invited questions to the Principal Planner.

Councillor Ashdown questioned what the plans were for the original car park above Wilkinsons, noting the previous issues with structural stability. The Principal Planner responded that part of the car park would be demolished, and part retained and repurposed for competitive leisure use, such as escape room, climbing wall etc. The roof space was proposed to be opened up for less frequent, seasonal activities and a possible viewing space. Following this, Councillor Ashdown sought reassurance that security measures would be in place on the roof. The Principal Planner referred the question to the applicant to respond to but noted that there had been engagement with building control to ensure appropriate health and safety measures were in place.

In response to a question from Councillor Ewart regarding the funding and Government recognition, the Principal Planner commented that the Town Centre Masterplan was produced by the Council, but the Government recognised the work that had been put into it and referred to the applicant to respond in more detail adding that end users of the buildings had not been identified at this time.

Councillor Ewart queried the choice of floor in the larger space, asking why something simpler wasn't chosen given the planned multi-use of the space. The Principal Planner noted that the applicant's architect would give the design background and that whilst the overall landscaping strategy has been accepted the precise detail would still be subject to consideration through discharge of conditions applications.

Councillor Ewart asked if there were any risks that the officers were concerned about given the scale of the project. The Principal Planner noted that the project was subject to time sensitive funding with the development to be completed by 2026, adding there were key phases, firstly demolition and also a need for the realignment of Marina Road to be formalised through traffic regulations and a Stopping Up Order.

In response to a question regarding road crossings, the Principal Planner confirmed that existing crossing points to and from the site were considered by the Highways Authority when the application was reviewed, and they were content with the current connectivity.

Councillor Graham commended the exciting development and referred to the comments from the Marina Theatre. Firstly, they had expressed concern with the number of toilets planned in the development and the potential for people needing to use their facilities and secondly, they were encouraging a realistic business plan relating to planned performance and live events, noting that it needed to be complimentary and not competitive with those events already being offered.

In response, the Principal Planner told the Committee that these issues had been considered in response to comments from the Theatre's Trust and looking at the internal layout and toilet arrangements, whilst it was desirable to have an increase, the amount of toilet facilities was not unacceptable in the context of the scheme. The potential for competing elements had been a carefully considered issue, particularly as there would be other Towns Fund projects that would have different but similar offerings, in conclusion it was felt that the scale of the space meant it could accommodate different events that existing creative businesses may not be able to.

In response to Councillor Gee, the Principal Planner confirmed that the northern wing of the Marina Centre was being demolished but the tower element would be retained which would create an enhanced public realm. Councillor Gee fed back from a meeting where it was noted that it was a shame that the Players Theatre wasn't incorporated into the Cultural Quarter with its historical fishing connections; this question was referred to the applicant to respond.

In response to Councillor Plummer regarding the creation of a straight line of Marina Road leading to a wind tunnel, the Principal Planner confirmed it could create a wind tunnel but with the space required for the development it was crucial that the

realignment of Marina Road took place, adding overall the scheme would deliver a significantly more attractive visual enhancement regardless of weather conditions.

There being no further questions the Chair invited Councillor Andy Pearce from Lowestoft Town Council to speak. Councillor Pearce read out the following:

*Although the Town Council is supportive of this development, and there are many facets to the project, the Town Council had initially sought a holding objection due to fears that the proposed timetable for the demolition works - in particular of the Marina Centre building - would cause disturbance, and potential breeding failure, to the breeding colony of kittiwakes on the adjacent Town Council owned Marina Theatre building.*

*Upon reading the ESC Ecology Report which stipulated that "No demolition of buildings or structures that may be used by breeding birds shall take place between 1st February and 31st August inclusive", and upon being further assured by the ESC Project Manager that demolition of the Marina Centre building would not be scheduled to take place until late in the 2024 calendar year after the kittiwakes on the adjacent Marina Theatre building have returned to sea following the 2024 breeding season, the Town Council was content to withdraw its holding objection and reinstate its support for the project.*

*This remains the Town Council's current position but we would ask you to bear in mind that the Town Council's support is conditional upon no demolition works close to the Marina Theatre kittiwake colony taking place during the 2024 and 2025 breeding seasons, and we would respectfully ask East Suffolk Council as an authority which like the Town Council has declared a Climate Emergency to respect that position and schedule the demolition works in accordance with the assurances that have been provided to us by the Project Manager.*

*Kittiwakes are currently identified as a conservation priority both nationally and internationally and are classified as globally vulnerable on the IUCN Red List of Threatened Species. Global populations have declined by 40% since the 1970s, and both climate change and overfishing are considered to be major contributory factors. With the development of offshore wind farms in the North Sea, initial projections estimated that potentially up to 70 adult birds a year might be lost due to collision with the turbines. Whilst the premise of the modelling is not universally accepted, statutory compensation measures are in place to oblige the offshore wind developers to take steps to boost the onshore reproductive rate for kittiwake populations in the eastern Atlantic to offset these projected losses.*

*The economic future of Lowestoft may well be heavily vested in the development of offshore wind energy but, by the same token, local authorities must not lose sight of their responsibilities to the environment as well as to local people. For reasons that are not entirely clear, the urban kittiwake population in Lowestoft is bucking the global trend and growing, which - whilst co-existence between people and kittiwakes is not without its challenges - makes the Lowestoft population all the more important in the context of what is happening with kittiwake populations in the eastern Atlantic and globally. The Town and District Councils have the opportunity to be responsible public authorities both to local people and to threatened wildlife, and we ask the Planning*

*Committee not to lose sight of this in reaching its determination today, and to respect the conservation importance and value of the Marina Theatre kittiwake colony.*

*Over and above this, the Town Council has noted the consultee responses from both the Theatres Trust and The Lowestoft Players, and we respectfully ask the Planning Committee to take note of the representations made in these consultee responses, to do everything that you can through setting of appropriate conditions and co-operation with stakeholders both within and just outside the boundaries of the Cultural Quarter to minimise or mitigate any adverse impact on both the Marina and Players Theatres not only as a result of the actual construction works, but also through the impact of the grant-funded Cultural Quarter itself on neighbouring theatres which are having to operate under increasingly pressured financial margins.*

The Chair invited questions to Councillor Pearce.

Councillor Ewart asked how the demolition work would be carried out, noting the time constraints previously referred to. In response, Councillor Pearce told the Committee that they had reassurance from the Project Manager that the work would not be happening during the Kittiwake season and therefore were happy. The Principal Planner added the demolition of the Battery Green car park was likely to go ahead in advance, but protective measures had been implemented to prevent harm to nesting birds. The Marina Centre was closer to the Marina Theatre and therefore work would be later in the year to cause no harm to the existing Kittiwake colony.

Councillor Graham asked Councillor Pearce to clarify which comments they were referring to from the Theatres Trust. Councillor Pearce confirmed they were looking at the request for a suitable alternative venue whilst the construction was ongoing, the issue raised regarding toilets and concerns that food outlets might take business away from the Marina Theatre café.

Noting Councillor Pearce's comments, Councillor Graham asked if consideration could be given to adding the Players Theatre to the scheme as they were just outside of the cultural quarter. In response the Principal Planner confirmed that the current application was defined by already agreed parameters, however there was the potential for further developments through the Lowestoft Town Masterplan outside of this application and there was close working between the Council, Theatres and stakeholders. The Principal Planner confirmed it was likely there would be temporary disruption arising from the realignment of the road, however there would be traffic management plans in place to mitigate this and ensure connectivity was maintained.

There being no further questions the Chair invited the applicant to speak. Darren Newman, Regeneration Manager read out the following:

*Throughout the country, town centres are continuing to experience a period of considerable change, New ways socialising, shopping and entertainment has resulted in decreases in footfall and increases in vacancy rates.*

*In 2020 East Suffolk Council commissioned The Lowestoft Town Centre masterplan, to provide a blueprint for how we address this change and to ensure that residents, business and visitors continue to enjoy the town centre.*

*A direct recommendation from the masterplan was the creation of a Cultural Quarter which will build upon the success of the Marina Theatre and Players Theatre. Creating a more cohesive area and provide a stronger town centre experience through leisure & cultural activity that communities & visitors can enjoy and participate in.*

*The transformation of the Battery Green car park complex is the first step to creating The Cultural Quarter within the heart of the town centre.*

*The project was included within the Lowestoft Investment Plan and is the largest of 5 projects within Lowestoft's successful £24.9m Town's Deal.*

*It is this level of investment that will enable the town centre to bring forward transformative change.*

*The former Multi – story car park has been vacant for 9 years, part demolished and is a blight on the landscape.*

*The car park, marina centre and vacant retail premises previously occupied by Wilko will be redeveloped and energised with a new focus on Leisure (including food & Drink) creativity and public space.*

*These proposals were informed through:*

*Market research and learning from other Cultural hubs in the region including the Apex at Bury St Edmunds and the forum on Norwich.*

*Discussions with community, leisure, and creative organisations on what they'd like to see come forward and technical information such as sizes of space, facilities and demand.*

*There has also been positive conversations and interest from Commercial leisure providers (Climbing wall providers, escape rooms, Virtual reality) who have expressed an interest in operating parts of the complex.*

*The complex includes a large creative / community space which can be used for a wide range of activities.*

*A testing phase in the former Tesco building, led by SCC Art Development Team and FLF will explore type of activity we can expect to see in the development going forward.*

*The purpose is to excite residents and visitors for what's to come and to understand in more detail the best operating model before going out to the open market.*

*We have and will continue to work with businesses in the area to provide updates on the project timelines and ensure any disruption is kept to a minimum.*

*This project will deliver:*

- *permanent jobs for local people*
- *new businesses premises*
- *5,000m2 repurposed floor space*
- *4,000m2 of improved public realm*

*In summary the Project will bring forward much needed transformative change, which will support both the retail sector and evening economy, driving footfall and spend in the town. But also enrich the lives of our communities through improved the access to cultural activities contribute to the wider regeneration of the town.*

The applicant responded to questions referred earlier as follows:

- East Suffolk Council would continue to be the custodian, and they would look at operative models where it would be East Suffolk Council assets, but they would not be the end operator.
- They had undertaken additional structural surveys, and the building was structurally sound for the uses that they wished to use it for.
- Timeframe – it was confirmed there was a detailed timeframe for development which takes into account bird nesting seasons, following clear advice from Suffolk Wildlife Trust. This would be undertaken with an ecologist on site to approve the next phase of works, it has all been programmed with no change to that already discussed with the Town Council.
- Toilets – confirmed there was sufficient toilets – all been worked out with the number of people expected to use the facility and the development.

It was confirmed that they would continue to work with cultural partners, especially the Marina Theatre and Lowestoft Players, as part of the project development phase, they worked with the Lowestoft Players and a feasibility study was funded to look at how their building could expand in the future. There were ongoing discussions, and it was clear that the desire was for this to be an enhancement and not a competing offer.

The Chair invited question to the applicant.

Highlighting how the Towns fund was working with other beneficiaries, Councillor Ashdown asked about potential benefit to the Marina Theatre for an extension. The Regeneration Manager confirmed it was outside of the current project but there were ongoing conversations.

Councillor Ewart asked if the main contractor was in place, the Regeneration Manager confirmed that the contractor for demolition was in place and following a decision from Committee they would seek the main contractor for the second phase of the development.



The Chair endorsed Councillor Graham's comments regarding the exciting development and asked the committee to debate the application before them.

Councillor Gee commented on design of the large wood panelled building which appeared to not be in keeping with the Victorian theatre. In response, the Principal Planner stated that it was felt that the design had three land mark buildings which linked to the maritime and industrial heritage of the town and site, with officers feeling it met the brief of the project with high level design.

Councillor Pitchers, proposed that the recommendations were accepted, having listened to the development stages for a period of time, there were no further questions to ask, they were keen for it to start.

Councillor Graham added how exciting and beneficial the development was, particularly the positive increase in green space, adding they hoped for sufficient tree cover needed to provide shade.

Councillor Ashdown said that Battery Green car park had been a monstrosity in the town for a significant amount of time and it would be good to see it go and be replaced by an exciting development. They endorsed and seconded Councillor Pitchers' recommendation.

Councillor Ewart commended the work, noting the importance of outlining the funding source.

On the proposition of Councillor Pitchers, seconded by Councillor Ashdown, it was by a unanimous vote:

## **RESOLVED**

That authority to **approve** be granted with conditions subject to the receipt of satisfactory consultation responses from SCC Highways and the LLFA.

### Conditions

In addition to any conditions subsequently recommended by the Highway Authority, and the LLFA, the following conditions are recommended:

1. Time limit – full permission
2. Compliance with submitted drawings
3. Demolition of Battery Green car park in accordance with application
4. Demolition Management Plan for Marina Centre
5. Construction Management Plan
6. Improvement scheme to A47 as identified on submitted plans
7. Material samples
8. Strategy for Public Art
9. Final hard and soft landscaping scheme
10. Landscape management plan
11. Landscape implementation

12. Advertisement and signage strategy
13. Cycle parking details and implementation
14. Waste management plan
15. UXO
16. Hours of use – use to cease by 11pm
17. No amplified music or other entertainment in outside spaces after 10pm
18. Validation noise assessment
19. Odour and noise risk assessment
20. Site investigation – contamination
21. Site remediation
22. Implementation of remediation
23. Verification of remediation
24. Unexpected contamination
25. Noise management plan
26. External seating to restaurant to cease by 11pm
27. Hours of deliveries and collections
28. Hours of work during demolition and construction phases
29. Implementation of Planning Energy Statement recommendations
30. Final lighting design scheme, including illuminated beacon
31. Lighting design strategy for biodiversity
32. Demolition outside of bird nesting season, unless informed by a survey conducted by a competent ecologist
33. Ecological mitigation measures in accordance with submitted PEA
34. Ecological enhancement strategy

## **5 DC/23/1433/FUL - 141 London Road North, Lowestoft, Suffolk, NR32 1ND**

The Committee received report ES/1963 of the Interim Joint Head of Planning which related to planning application DC/23/1433/FUL. The application sought planning for the demolition of an existing vacant commercial building and construction of a five-storey mixed-use building comprising 45 residential dwellings (Class C3) on the upper stories and commercial (Class E) on the ground floor along with cycle parking, bin storage, and amenity space.

The application was before the Committee as the Officer's recommendation to approve was contrary to the views of the Town Council, therefore it was referred by the Referral Panel to the Committee for further consideration.

The Committee received a presentation from the Principal Planner on behalf of the Senior Planner, who was the case officer for the application.

A map showing the site's location plan was shared with the Committee, highlighting its proximity to the two conservation areas and the railway station.

An aerial photograph showing the site in context along with 3D visualisations of the site from various perspectives were displayed with the Principal Planner noting the site's sustainable location and the redevelopment happening around the site from the

Lowestoft Town Centre Masterplan and Town's fund projects. The application was supported by the Council's Economic Development and Regeneration team.

The Committee was shown photographs of the building and surrounding areas, noting the heights of the surrounding buildings, with the highest being approximately three to three and a half storeys.

Various photos of the vacant existing building were shared, with the poor state of repair being noted with the Principal Planner adding that the restoration of the building was not feasible due to the age of the building and the work required, therefore the demolition and re-development option would deliver a more sustainable scheme. Photographs looking at the building from various views were shared, with the Principal Planner highlighting the south approach where the building would take on the most prominence due to the planned scale.

Slides of the existing block plan, floor plans and elevations were displayed, noting the requirement for an active frontage at ground floor level of the High Street and the changing ground levels that were present as you move along London Road North.

For the benefit of members of the Committee block plans and 3D visuals of the various design iterations that had come forward throughout the application were shared.

The Principal Planner noted that the agent worked with feedback from officers and the design and heritage officer, and the amended scheme as proposed was shared with the changes highlighted as inset balconies and the cantilevered approach above the ground floor frontage which improved the overall appearance. Although the rear elevation still appeared bulky it was felt that this was an acceptable compromise in conjunction with the other changes to the scheme.

Following feedback from the run-through meeting regarding the space set aside for individual waste and recycling bins, the Waste Team had confirmed that better utilisation of the space could occur with the implementation of communal bins. The Principal Planner told the Committee, if approved, they would be seeking plan amendments to re-design this part of the layout regarding the refuse for waste, freeing up more space for storage of disability scooters, bikes etc.

The Principal Planner described the detail and layout of the floor plans, highlighting all flats were organised around a central corridor area and two communal gardens and gave a good standard of amenity for future occupants. Good standard of amenity for future occupants in flat design was noted. It was noted that the entire scheme of 45 homes was made up of one and two bedroom properties, a higher ratio of the usual 10% that was sought. Although affordable housing was not being provided, the Committee were informed that this was following a feasibility study that demonstrated that it would not be viable, and the Council has used a consultant to independently review and confirm this.

CGI images were produced which showed the scale of the building in context, noting that it would be taller than the surrounding buildings but it was in an urban context and the amended scheme was an acceptable form of development with a good

contemporary design approach which endorsed the Local Plan view to adapt the use of High Streets and introduce residential development.

The material planning considerations and key issues were summarised as:

- Principle
- Design
- Heritage
- Amenity
- Highways
- Affordable Housing
- Energy and Sustainability
- Other Matters

The recommendation to delegate authority to the Interim Joint Head of Planning to approve the application for planning permission was outlined to the Committee.

The Chair invited questions to the Principal Planner from the Committee.

Councillor Ashton asked about the retail units and whether there was a business need for them. The Principal Planner replied that it was hoped as part of a modern development that they would be more attractive, particularly as five smaller spaces compared to the existing single large space, and referred the question to the agent to comment on the negotiations they had with any future operators.

In response to a question from Councillor Ashdown, the Principal Planner clarified the detail of the highway conditions that had been requested.

The Chair asked about the trees along London Road North to the front of the property and whether demolition could happen without harming them. This was referred to the applicant's agent for clarification. The Principal Planner made a note to pick up this point through the planning conditions.

Councillor Graham supported the car free development but referred to the concern raised regarding insufficient car parking in the area. The Principal Planner confirmed there were car parks in the local area that were not fully utilised, however should the scheme be consented, people accessing it would need to be aware it was a car free development and the planning process needed to endorse this.

In response to the Chair, the Principal Planner confirmed that the cycle space allocated amounted to approximately 2 per accommodation and referred to the recommendations from the Highways Authorities regarding standards for power assisted bicycles and mobility scooters etc and the need to amend the plans in this regard should members have been minded to approve.

Councillor Wakeling asked if any light surveys had been carried out for the gardens, expressing concerns with the community space being in the middle of four storeys of concrete and the impact on the garden. The Principal Planner confirmed the day light/sun light survey was for the living spaces, adding as part of the conditions for the overall landscaping strategy it needed to be something that was hardy, durable and required low maintenance and specialist input would be sought. The Interim Joint

Head of Planning added that the garden was not an essential part of the design but beneficial within this development and input would be taken to make sure the space developed could be managed and enjoyed.

Councillor Ewart questioned the size of the flats and the concerns that had been raised as to them being small. The Principal Planner described the nationally prescribed space standards and confirmed that the agent had considered those in the design. The Interim Joint Head of Planning referred to the floor plans displayed and the layout of the flats with open plan living areas and double bedrooms.

Councillor Ewart expressed concern as to the viability of the scheme questioning if there was a market for the smaller properties with no parking or gardens. In response the Principal Planner confirmed that a scheme of one and two bedroom flats was more affordable, with the car free development dictating that a two bedroom property would mostly be the upper limit. It was confirmed that the policy requirement for affordable housing in Lowestoft was 20%, however the viability assessment concluded that the development with affordable housing would result in a deficit and therefore not a viable scheme. The Interim Joint Head of Planning confirmed there was an appetite to purchase flats in this area which would contribute to the private rental market as there was a current shortage of private rental properties and this would have informed the developer's feasibility study.

Councillor Ewart asked about the issues concerning leasehold and common hold and the Councils role in supporting that. In response the Interim Joint Head of Planning confirmed that it was a concerning issue that sat outside of the planning process but was an inevitable consequence of properties with communal spaces/gardens.

Councillor Pitchers asked who would be responsible for the maintenance of the communal gardens, this was referred to the applicant's agent to respond.

There being no further questions, the Chair invited the applicant's agent, John Snow, to speak.

Mr Snow told the Committee that the development was for a mixed-use scheme of 5 units and 45 residential units in a prominent vacant site. They noted there was a significant need for new homes in the area against a backdrop where there was an undersupply of housing. The applicants had worked closely with officers and made significant revisions to the initial scheme in direct response to the officer comments and the engagement carried out. They had met the requirements of all the statutory consultees. The development was a contemporary building, maximising space and would be a focal points in a sustainable location, with cycle and walking routes and providing high quality living for future residents. The development would provide an economic boost and attract investment and revitalise the area.

Addressing the previous questions raised from the Committee, Mr Snow confirmed:

- Commercial units and ground floor and desirability – there would be 5 units that vary from 2 140 square metres to 280 square metres for the largest one. The applicant's experience was smaller units are a lot more desirable, with the smaller footprint allowing more flexibility in use.

- Trees– It was confirmed there was no intention for the trees to be removed.
- Size of flats – the vast majority were 1 or 2 bedroom flats which would meet or exceed the nationally prescribed space standard and be affordable.
- Communal areas – the applicant was happy to work with officers on a pre-commencement condition for a robust communal area scheme that reflects the fact that the planting needs to be suitable for longer term and maintained. Residents will contribute to the maintenance fees for the area.

The Chair asked the Committee for further questions for the applicant's agent.

Councillor Ashdown asked how the heating would be provided for the flats. The applicant's agent confirmed that detail had yet to be determined but it would be in accordance with the most suitable option for the units. The applicant's agent confirmed that they had not proposed the use of solar panels at present.

Following on, Councillor Graham noted that it sounded like heating would be provided through gas and sought confirmation from the applicant's agent. The applicant confirmed that they were looking at all options available and choosing the most suitable. Councillor Graham expressed their frustration that it hadn't been considered fully at design stage, for example adding easy to install heat pumps. In addition, Councillor Graham asked if the applicant had plans for contributing to nature recovery in an urban area, eg green roof. The applicant's agent confirmed that this had been considered but it had been decided to not go ahead. The applicant's agent confirmed that it was more likely that they would pursue a fully electric option rather than gas.

In response to the Chair regarding the requirement for biodiversity net gain, the applicant's agent confirmed that the scheme met policy requirements and the Principal Planner confirmed that the application pre-dated the mandatory requirement for net gain.

Councillor Pitchers expressed concern about the number of one and two bedroom flats and the potential for antisocial behaviour. In response the applicant's agent confirmed that there would be a managing agent in place with mechanisms to ensure the day to day running of the building and communal areas could be managed.

In response to Councillor Ewart, the applicant's agent confirmed that they were currently working on 66-76 London Road North, with plans to attract a national retailer there shortly.

In response to the possibility of varying the material to improve the design of the rear of the building, the applicant's agent confirmed they had worked extensively with officers on that and moved it a long way from where it was, adding if it was a condition they were happy to tweak the design.

There being no further questions the Chair invited the Committee to debate the application.

Councillor Ashdown noted that the current building was an eye sore, and whilst the new one was bulky, the applicant had done a good job to soften that, and therefore was happy, with the extra conditions proposed, to recommend approval.

Councillor Ashton was pleased about a brownfield site, and recognised this was a solution for a building that was not going to be occupied. They added building upwards was something that wasn't done as much in this country but it did provide a solution to increasing housing density in the town centre areas. Councillor Ashton noted the concerns about it being relatively car free, adding the need for car ownership and car parks would decline. The lack of affordable housing was offset by the one and two bedroom properties. There should be confidence that the demand for the retail units would be there and many of the concerns the Committee has expressed, the applicant has a vested interest in them not being issues, therefore Councillor Ashton was happy to second.

Councillor Pitchers felt the five storey building would be out of place in an area where the buildings varied so much already.

Councillor Graham expressed reservations that affordable or sustainable housing had not been weaved into the design at the outset. They appreciated the development was prior to the national requirements for biodiversity net gain but it felt very much like a private venture for people on a certain social ladder. They added the design was overbearing and wouldn't lift up the High Street. They agreed it was better than what was there before but they would be voting against.

Councillor Ewart found it overbearing with the accommodation being too small but recognised that they were trying to make Lowestoft aspirational.

The Principal Planner clarified that the development would be for 42 one and two bedroom flats and 3 penthouse flats. The Interim Joint Head of Planning confirmed that electric heating was the most compatible for such buildings.

The Chair, referring to Councillor Graham's comments agreed that solar panels seemed a sensible solution.

In response to Councillor Ewart's concerns, the Principal Planner confirmed that they had worked on the scheme to date and the finer detail of heating technology etc would likely come once they received planning permission, adding that significant work had gone into the application from the Senior Planner and the Applicant, assuring the Committee that the scheme had been amended significantly in response to key feedback.

In response to Councillor Graham, the Interim Joint Head of Planning confirmed that for every application where there is increased residential, the integrated care board come to planning with their bids for CIL funding.

There being no further debate. The Chair moved to a vote.

On the proposition of Councillor Ashdown, seconded by Councillor Ashton, it was by a majority vote

## RESOLVED

That the application was **Approved**, subject to the signing of a S106 agreement, and the following conditions:

### 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, 01, received 05/04/2023;
- Proposed Block Plan, 16, received 15/05/2023;
- Proposed Ground Floor Plan, 05 - 2021 E, received 22/02/2024;
- Proposed First Floor Plan, 06 - 2021 D, received 22/02/2024;
- Proposed Second Floor Plan, 07 - 2021 C, received 22/02/2024;
- Proposed Third Floor Plan, 08 - 2021 C, received 22/02/2024;
- Proposed Penthouse Floor Plan, 09 - 2021 C, received 22/02/2024;
- Proposed Section, 12 - 2021 A, received 22/02/2024;
- Proposed Section, 14 - 2021 A, received 22/02/2024;
- Proposed Front and Side Elevations, 172PL(-2)001, received 22/02/2024;
- Proposed Rear Elevation, 172PL(-2)002, received 22/02/2024;
- Transport Statement, DWT296, Dated March 2023, received 08/09/2023;
- Surface Water Drainage Strategy, AEG02835\_NR32\_Lowestoft\_05, received

08/09/2023;

- Financial Viability Appraisal, dated 3rd April 2023, received 15/05/2023;
- Phase 1 Site Investigation, 001LOWEP1, received 18/04/2023;
- Daylight and Sunlight Report, received 05/04/2023;
- Noise Impact Assessment, received 05/04/2023;
- Sustainability and Energy Statement, received 05/04/2023;

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 of all external facing and roofing materials 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.

4. Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must



have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding

5. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 14th February 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. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (AEG02835\_NR32\_Lowestoft\_05 29-08-2023) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

7. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

8. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

9. The use shall not commence until the area(s) within the site shown in Drawing No. 05-2021 Rev E for the purposes of secure cycle storage has been provided, and thereafter, the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2023) to promote sustainable travel.

10. The areas to be provided for the presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 05-2021 Rev E shall be provided in their entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

11. Prior to commencement of development of each phase (including any demolition, ground works, site clearance or other operational works), a construction management plan shall be submitted to and approved in writing by the local planning authority.

It shall include the following details:

- a. parking and turning areas for vehicles of site personnel, operatives and visitors;
- b. provision of public car parking during construction;
- c. loading and unloading of plant and materials;
- d. piling techniques (if applicable);
- e. storage of plant and materials;
- f. provision and use of wheel washing facilities;
- g. programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
- h. a communications plan to inform local residents of the program of works;
- i. provision of boundary hoarding and lighting;
- j. details of proposed means of dust suppression;
- k. details of measures to prevent mud from vehicles leaving the site during construction;
- l. haul routes for construction traffic on the highway network;
- m. monitoring and review mechanisms;
- n. details of site working and deliveries times to the site during construction phase;
- o. details of the measures to protect footpaths/cycleways from motorised vehicles accessing them; and
- p. HGV delivery management plan.
- q. details of a Dust Management Plan and a variety of mitigation measures
- r. details on how noise, dust, and light will be controlled
- s. detailed method of demolition

Thereafter, the approved construction management plan shall be adhered to throughout the construction of the development.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway, to ensure minimal adverse impact on the public highway during the construction phase, and to reduce the potential impacts of noise pollution and additional vehicular movements in this area during the construction phase of the development.

12. Prior to the first occupation of any residential units, hereby permitted, the specifications detailed in sections 4.4.1 and 4.4.2 of the submitted and approved Noise Impact Assessment Report (ref: CLI0409/R1/Rev.B) shall be fully implemented in accordance with the details specified.

Reason: To protect the amenity of future residents

13. All noisy construction activities (i.e. those audible beyond the site boundary) should be restricted to the following hours to minimise the potential for nuisance:

Monday - Friday: 07.30-18.00

Saturday : 08.00 - 13.00

Sundays/Bank Holidays: No noisy working

These restrictions also apply to deliveries/collections from site.

Reasons: To protect the amenity of nearby residents.

14. The ground floor premises shall not be open to customers outside of the following hours: 06:00 to 22:00 Monday to Sunday (including bank holidays)

Reasons: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended, the two retail units, hereby permitted, shall only be used for purposes within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any other Order amending, revoking and re-enacting that order).

Reason: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality.

16. No development shall take place until plans demonstrating that 40% of the dwellings hereby approved comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and/or requirement M4(3) 'wheelchair user dwellings' have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plans and thereafter retained in accordance with those plans.

Reason: To ensure the development provides accessible and adaptable dwellings in accordance with policy WLP8.31 of the East Suffolk Council - Waveney Local Plan (2019).

17. The residential development hereby approved shall be designed and built to achieve a water consumption rate of no more than 110 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.

Reason: To ensure the finished development implements the approved sustainable measures to comply with policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019).

18. Unless Building Regulations require otherwise, all dwellings (including affordable/custom/self build), hereby approved, shall be constructed and fitted out in accordance with the recommendations with the submitted and approved 'Sustainability and Energy Statement' prepared by JS Lewis LTD.

Reason: To ensure a sustainable standard of design interest of addressing climate change to secure sustainable development in accordance with policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019).

19. If, within 12 months of the demolition of the existing building, no substantial works have been undertaken on the construction of the scheme, hereby permitted, details on remediation of the site, shall be submitted to and approved in writing by the location planning authority. The approved remediation works shall then be completed within 6 months of their approval.

The remediation works details shall include details such as means of enclosures, landscaping, and removal of any unnecessary equipment/waste/building materials etc.

Reason: To ensure that the site is not left in a state that could harm the character and appearance of the area, which could as a result harm the viability and vitality of the Town Centre.

**6 DC/24/0391/FUL - Beccles Sports and Social Club, College Meadow, Common Lane, Beccles, Suffolk, NR34 9RH**

**Note - Councillor Ashton left the room and did not take part in the vote.**

The Committee received report ES/1964 of the Interim Joint Head of Planning which related to planning application DC/24/0391/FUL. The application sought planning permission to install a modular toilet block for spectators at the Beccles Sports and Social Club.

The application was before the Committee as East Suffolk Council were the landowners.

The Committee received a presentation from the Principal Planner on behalf of the Trainee Planner, who was the case officer for the application.

The site's location plan and an aerial photograph was shared with the Committee along with various photographs of the sports and social club outlining the proposed location of the toilet facility. The Principal Planner noted there were no objections and referred to the concerns from a local resident about the use of building out of hours and the potential for antisocial behaviour, adding this would be controlled by locking the building when it wasn't in use.

The proposed block plan and floor plans were displayed and the material considerations and key issues were summarised as:

- Design
- Flood risk
- Lighting

The recommendation to delegate authority to the Interim Joint Head of Planning to approve the application for planning permission was outlined to the Committee.

Following no questions for the Principal Planner, the Chair asked the Committee to debate the application.

There was no debate and on the proposition of Councillor Pitchers, seconded by Councillor Plummer it was by a unanimous vote:

## **RESOLVED**

To **Approve** with conditions.

### 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 100; received 02/02/2024, Proposed Block Plan 0120A; received 28/02/2024, Proposed Elevations 2100; received 28/02/2024 and Proposed Floor Plan 15-08025-01 C; received 02/02/2024,, 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

**7 There are no Exempt or Confidential items for this Agenda.**

There are no Exempt or Confidential items for this Agenda.

The meeting concluded at 5:30 PM.

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Chair