

**Confirmed**



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 12 March 2024 at 2:00 PM**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Peter Byatt

**Officers present:** Joe Blackmore (Principal Planner (Development Management, North Area Lead)), Cate Buck (Senior Enforcement Officer), Katy Cassidy (Democratic Services Officer), Ellie DeGory (Assistant Planner), Eloise Limmer (Senior Design and Heritage Officer), Agnes Ogundiran (Conservative Political Group Support Officer), Katherine Rawlins (Planner), Becky Taylor (Assistant Planner), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure)), Karolien Yperman (Design and Heritage Officer)

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Hammond and Councillor Parker. Councillor Byatt attended as Councillor Parker's substitute.

**2 Declarations of Interest**

Councillor Ashdown declared a non registerable interest in items 6 and 7 as a member of Lowestoft Placeboard.

Councillor Wakeling declared a non registerable interest in agenda item 11 as Ward Member for Halesworth and Blything.

Councillor Plummer declared a non registerable interest in agenda item 10 as Ward Member for Beccles and Worlingham.

Councillor Ashton declared an Other Registerable Interest in agenda items 6 and 7 and recused himself from these items as he was the Cabinet Member for Assets and East Suffolk Council were the applicants.

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

Councillor Byatt declared he had attended briefings on Items 6 and 7 but no lobbying had taken place.

Councillor Wakeling declared he had a conversation regarding item 11 but no lobbying had taken place.

### **4 Quality of Place Awards 2023**

Planning Committee North received a presentation by Karolien Yperman, Design and Heritage Officer on the Quality of Place Awards 2023, an annual awards ceremony that has taken place for 13 years. The aim of the awards was to celebrate some of the best design and placemaking projects that have been completed across the East Suffolk District. The awards were selected by an external panel who assessed applications and visited the sites to decide on the winning and highly commended projects which were presented at a ceremony held in Framlingham Castle Community Rooms at the end of the year.

The winning projects were shared with the Committee and Karolien advised that the nominations for the 2024 awards would be opening on 2 April 2024 and applications would be sought for the following categories:

- Design – New Build
- Design – Extensions and Alterations
- Building Conservation
- Community
- Nature/Ecology
- Landscape

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

The Committee received report ES/1891 of the Head of Planning and Coastal Management, which provided a summary of the status of all outstanding enforcement cases for the Council where enforcement action had been sanctioned under delegated powers up to 27 February 2024. At that time there were 16 such cases.

The Chair invited the Senior Enforcement Officer to comment on the report. The Senior Enforcement Officer noted that since the publication of the report notice had been served on 2 Harbour Road in Lowestoft on 27 February 2024 for an unauthorised first floor extension. This was due to come into force on 29 March 2024 with a four month compliance period.

The Chair invited questions to the officers.

In response to a question from Councillor Ashdown regarding unsightly hoarding surrounding the property at The Paddock, 2 The Street, Lound, the Senior Enforcement Officer advised that as the hoarding was a means of enclosure it could be up to 2m

high within permitted development rights and therefore there was nothing that could currently be done.

The Planning Development Manager confirmed that despite it being a multicoloured fence, it was within permitted development rights, however he agreed to look into it and keep Councillor Ashdown informed.

In response to a question from Councillor Gee regarding the controls that could be put into place, the Planning Development Manager confirmed that as this wasn't within a conservation area or Article 4 direction or listed building, then it would be permitted development, adding that the rights for fences and means of enclosure were very basic, stipulating the permitted height but not the colour or materials to be used.

Councillor Ashton pointed out that in order to have an update on the relevant enforcement items it was important to have the appropriate officers at the Committee. The Planning Development Manager confirmed that the team would provide a more detailed update for the April Planning Committee for the items being queried and where necessary the appropriate legal officers would be invited, adding that lots of the items were pending legal conclusion.

In response to Councillor Byatt's question regarding G.1, the Planning Development Manager confirmed that they were currently considering the best solution following an internal meeting with the Council's Ecologist and would bring an update to April's meeting.

There being no further questions the Chair sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Pitchers, seconded by Councillor Wakeling, it was by a unanimous vote

#### **RESOLVED**

That the outstanding enforcement matters up to 27 February 2024 be noted.

#### **6 DC/23/0792/FUL - Post Office, 51 London Road North, Lowestoft, NR32 1AA**

The Chair advised the Committee that agenda items 6 and 7 were associated applications and would be presented jointly.

The Committee received report ES/1886 of the Head of Planning and Coastal Management which related to planning application DC/23/0792/FUL. The application sought full planning for the re-purposing/redevelopment of the former grade II listed post office and auxiliary buildings for a multifunctional art based centre.

The Committee received report ES/1887 of the Head of Planning and Coastal Management which related to planning application DC/23/1407/LBC for the associated listed building consent of the former post office at 51 London Road North which was the principal listed building on the site.

Both applications were before the Committee for determination as East Suffolk Council was the land owner and applicant.

The Principal Planner apprised the Committee of the detail of the scheme which entailed conversion of the grade II listed post office to provide six artist studios, an art gallery and associated facilities, gallery use within the sorting hall and conversion of the Gault building to provide a gallery, film studio and four residential units for visiting artists. The Principal Planner advised that alongside that there would be a new build development comprising a lift, stair core, store and loading area, café and new build artist studio and associated facilities. To summarise, the Principal Planner advised that the multifunctional art centre proposed would be centred around the work of the artist Laurence Edwards and would be known as Messums East.

The Committee received a presentation from the Principal Planner. The site's location and an aerial photograph of the site was displayed. It was noted that it was a very constrained site with lots of buildings that clearly tell the story of its former use as a post office and sorting hall. The Principal Planner advised that the site was within a conservation area and part of the South Heritage Action Zone, which although not a formal planning designation, was part of a heritage led regeneration project in partnership with Historic England with the Post Office building being the flagship project. The Principal Planner noted that the conservation repairs carried out last year significantly improved the external appearance of the building and this proposal was designed to bring the building into active use and enjoyed by the public.

The aerial view demonstrated the close proximity to the railway station and the sustainable location of the site. Photographs were shown to the Committee showing the site in context, highlighting all of the buildings that formed part of the application and the 3 storey Gault building, which although not listed was a non-designated heritage asset. The Principal Planner pointed out the two more modern buildings which were proposed to be demolished and replaced.

The proposed block plan was shown, highlighting areas of demolition and new build alongside the basement and ground floor plans which showed the details of the planned development throughout the site.

The Principal Planner noted the gated area from Surrey Street and the plans to open up that entrance to the site, leading to the Gault Building and the new café areas giving views of the working artist studios. Visualisations of the scheme were shared allowing the Committee to see the very constrained site in context, highlighting the design features. The Principal Planner noted the circulation tower and the significant design amendments that occurred with the Case Officer, Senior Design and Heritage Officer and the architect team, it was originally clad, which didn't show what was happening inside, changed to largely glazed and transparent demonstrating its functional purpose and need to be there. The Principal Planner advised there had been a more refined approach taken to concealing mechanical plant and equipment so the roof had remained relatively untouched.

The key issues and material considerations of the planning application DC/23/0792/FUL were summarised as

- Principle of development
- Design and heritage – listed building impact, sett and conservation area,

- Town centre impact and economic benefits
- Highways safety and sustainable transport
- Flood risk

The key issues and material consideration of the listed building approval DC/23/1407/LBC was summarised as the significance of the Listed Building and the statutory duty to preserve its special interest as a designated heritage asset.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application for planning permission - DC/23/0792/FUL was outlined to the Committee.

The Chair invited questions to the Principal Planner.

In response to a question from Councillor Byatt regarding carbon neutral approach, the Principal Planner advised that there were solar panels on the single storey roof at the rear of the development and that in the context of a listed building, the scheme was as sustainable as could be expected.

Councillor Ewart commended the amazing work, asking how long it had taken to reach this stage. The Principal planner noted the hard work from the case officer and Senior Design and Heritage Officer, alongside the Regeneration Team stating it had taken approximately 2 years.

In response to a question from Councillor Ewart regarding disabled access, the Principal Planner confirmed that from the front it would be via the new ramp to access the main space and if staying in the accommodation, access would be via the gated area to the lift to access the upper floors of the building.

The Case Officer confirmed that the site was intended to be a teaching and learning space with the film studio and classroom for lectures as well as community meeting and office spaces.

In response to a question from Councillor Ewart the Case Officer clarified the various access points and the routes to move in and around the site. Councillor Ewart questioned the opening times and whether the café and gallery would be open in the evenings, the Case Officer confirmed the café and outdoor seating areas would be open for specific events with the closing hours conditioned to 11pm as residential properties were within close proximity.

Councillor Ewart commented on the value of Laurence Edwards' work and the need to consider security and asked whether the the scheme was part of the Levelling Up programme. This question was referred to Helen Johnson, Culture and Heritage Programme Manager.

There being no further questions for the Principal Planner, the Chair invited Helen Johnson, Culture and Heritage Programme Manager to speak.

The Culture and Heritage Programme Manager told the Committee that the Post Office formed part of the wider Lowestoft Town Investment Plan and was an ambitious

programme of projects funded by the Towns Fund and East Suffolk Council that had cultural regeneration at its heart. This application supported the strategic aims of East Suffolk Council including enabling a more thriving economy and tackling inequalities, as the Post Office site was in one of the most disadvantaged areas in the Country and in a Town Centre with high vacancy rates.

The aim of the project was to transform the Post Office into an arts venue, with a gallery to show exhibitions and an enhanced gallery space where significant artwork can be loaned from national museums and galleries. As part of the plans there would be a dedicated public facing studio space for Laurence Edwards, a local artist with an international reputation. Helen Johnson noted Laurence lived in the district and studied at Lowestoft College and his work included the 26 feet Yoxman in Yoxford. As part of the plans there would be live work accommodation, where artists could work from the Post Office and short-term stays in a dedicated accommodation block in the Gault Building.

The development would comprise a film room, café, and covered seating to serve visitors to the Post Office, so they would have a welcoming and enjoyable experience.

The Post Office would provide opportunities for people to participate in the production of a landmark sculpture and consume high quality art. It would deliver increased cultural experiences to more people, especially those hardest to reach as well as training, skills engagement, cultural events, and exhibitions. The Post Office development would provide opportunities for artists to produce art in a creative and collaborative space.

Design work has focused on maximising sustainability and minimising the building's environmental impact, in line with East Suffolk Council's commitment to Net Zero and the application for planning permission was after investment and restoration of the façade of the Grade II listed building last year.

This application would preserve and enhance the historic fabric of this prominent listed building and make the whole site safe, watertight, and attractive. It would bring a redundant building back into a creative use, that will enable more local people across Lowestoft and wider district to engage in arts and can lead to wider benefits, improving pride of place, raising aspiration, and broader health and wellbeing opportunities. Helen Johnson concluded by asking for support for this application to allow these important works to go ahead.

The Chair invited questions to Helen Johnson, Culture and Heritage Programme Manager.

In response to a question from Councillor Ewart, it was confirmed that it was funded from the Town's Fund allocation awarded to the Post Office project, alongside East Suffolk Council funding and arts funding had also been applied for.

Councillor Byatt asked about the fees for accommodation. The Culture and Heritage Programme Manager confirmed they were currently working with Messums East to make sure it was inclusive and accessible, it was confirmed that Messums East would be the café operator.

There being no further questions, the Chair invited the Committee to debate the application for planning permission that was before it.

Councillor Ashdown noted that he had been reviewing this application for some considerable time and had seen it mature and it was something that the town desperately needed, bringing a building back into use and creating opportunities, he was happy to support the application.

Councillor Gee concurred it would be a hub to draw everyone to and was happy to second.

Councillor Byatt agreed and referred to Councillor Ewart's comment that it was something to be proud of and registered his congratulations to the team.

On the proposition of Councillor Ashdown seconded by Councillor Gee, it was unanimously

## **RESOLVED**

that authority to approve, with planning conditions including (but not limited to) those summarised below:

1. Three year time limit;
2. Standard compliance condition;
3. Prior to its installation full details of the staircase in the lift tower, including materials and banister design, should be submitted to and agreed by the LPA;
4. Prior to construction of new build elements full material specification should be submitted to and agreed by the LPA;
5. Prior to their installation full details of any new gates should be submitted to and agreed by the LPA;
6. No demolition shall commence until a record is made of the buildings to be removed. The record should consist of plans, elevations, and photographs. This record should be deposited with the Historic Environment Record prior to completion of the works; and for deposition to be confirmed to the council as soon as possible following;
7. Prior to their installation full details of any external plant should be submitted to and agreed by the LPA;
8. Hard landscaping strategy to be agreed and implemented prior to occupation;
9. Odour control and mitigation measures for all extract plant;
10. Noise Assessment and mitigation measures for all plant and machinery;
11. Outdoor seating area to operate no later than 23.00 hours;
12. Café hours of operation to be 09:00 to 23:00 hours;
13. Contamination - Phase I and Phase II Contamination Reports and Remediation where appropriate;
14. Action in the Event of Unsuspected contamination;
15. Highways - Demolition and Construction Environmental Management Plan to be agreed prior to the commencement of development;
16. Highways - Refuse and Recycling Storage to be provided and maintained;
17. Highways - Cycle Storage to be provided prior to first occupation;
18. Ecological mitigation avoidance and enhancement measures to be secured;

19. Artist's accommodation to be occupied for no more than 56 days in any calendar year and to be ancillary to the primary use as a multifunctional arts based centre;
20. Surface water drainage strategy to be in accordance with approved strategy;
21. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA;
22. Details of surface water drainage strategy and piped networks to be submitted to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register; and
23. Flood Risk Mitigation measures to be implemented prior to first occupation of the development and maintained as such thereafter.

**7 DC/23/1407/LBC - Old Lowestoft Post Office, London Road North, Lowestoft, NR32 1AA**

The presentation for this application was captured within the minutes of item 6.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application for Listed Building Consent - DC/23/1407/LBC was outlined to the Committee.

The Chair invited questions on the Listed Building application DC/23/1407/LBC.

There being no further questions, the Chair invited the Committee to debate the application for listed building consent that was before it.

There being no debate, on the proposition of Councillor Pitchers, seconded by Councillor Ashdown it was by a unanimous vote

**RESOLVED**

that listed building consent be GRANTED, subject to conditions summarised below:

1. Three year time limit;
2. Standard compliance condition;
3. All new external and internal works, and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution, and finished appearance unless otherwise approved in writing by the Local Planning Authority;
4. Prior to their installation to agree the finalised floor and wall finishes throughout the building;
5. Prior to their installation full details of the service runs for the toilets in the listed building including soil pipe and any external ventilation should be submitted and agreed by the Local Planning Authority;
6. The glazed rooflight should be repaired like for like, if any changes are proposed these should be agreed in writing with the Local Planning Authority prior to work starting on this element;
7. Prior to their installation full details of all new ventilation, extract and heating and cooling plant to be installed in the listed building should be submitted to and



agreed with the Local Planning Authority; and

8. Prior to their installation full details of any works required within the listed building to meet fire regulations should be submitted to and agreed with the Local Planning Authority.

## **8 DC/24/0011/FUL - 70 Firs Farm Cottages, The Warren, Snape, IP17 1NS**

The Committee received report ES/1888 of the Head of Planning and Coastal Management which related to planning application DC/24/0011/FUL. The application sought full planning permission for the installation of a detached timber outbuilding. The application was before the Committee at the request of the referral panel as it was considered that the views of the Parish Council should be discussed.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location plan was shared with Committee, highlighting its location between Snape and Friston, noting it was accessed by a private track and surrounded by agricultural fields. The Assistant Planner commented that the application site was a semi detached property with only one immediate neighbour. Aerial photography and site plan showed the proposed location of the outbuilding which was to be installed on a concrete pad from a previous outbuilding. The Assistant Planner added that the concrete pad would be extended by 1.3 metres to the East to accommodate the new building.

The proposed elevations and materials of the outbuilding were shared with the Committee along with computer generated images and the garden landscaping plan. The Assistant Planner noted the hedgerow that was to be implemented along the southern boundary and boundary with the neighbour.

Photographs and maps of the public rights of way were shared with the Committee, highlighting the areas of concern raised by the Parish Council and the views from the public rights of way to the outbuilding.

Material planning considerations were summarised as landscape character, visual amenity and residential amenity.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application for planning permission was outlined to the Committee.

The Chair invited questions to the Assistant Planner.

Councillor Ewart sought clarification on the structure of the outbuilding and the footpaths and the proximity of the path to the building. The Chair commented that Sailor's Path was raised by the Parish Council. The Assistant Planner confirmed it was a field below and therefore quite a way from where the proposed outbuilding was situated.

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

Councillor Ashton commented there was a previous outbuilding of a slightly smaller size, the concrete base is being reused and he proposed to approve the application. Councillor Pitchers agreed and seconded the proposal.

Councillor Ewart commented that from walking on the footpath it would be intrusive as it is close to the boundary and the design was unappealing looking like a container in the countryside. Councillor Byatt commented there would be screening in place.

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

## **RESOLVED**

To approve, subject to the conditions below.

### Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed 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 all respects strictly in accordance with Drawing No. UL141B02A (Proposed Block), Drawing No. UL141E01 (Proposed Elevations), Drawing No. UL141P01 (Proposed Floor), Drawing No. UL141L01A (Site Plan), Drawing No. 2313 (Garden Layout Revision A) and the Design Access and Heritage Statement; received 3rd January 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

4. Within 3 months of commencement of development, satisfactory precise details of a hedge planting scheme (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority.

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

5. The extension to the existing concrete slab hereby permitted shall be fully lined to prevent leaching.

Reason: To protect the health of trees in the interest of visual amenity.

6. No external lighting shall be installed on the building hereby permitted unless submitted to, and approved in writing by, the local planning authority. The details submitted shall include position, operating times, details of luminaires and aiming angles. Thereafter, only the approved lighting scheme shall be implemented and maintained in accordance with the approved scheme.

Reason: In the interests of amenity, and protection of the dark skies of the National Landscape.

Informatives:

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

**9 DC/24/0087/FUL - 16 Nicholas Drive, Reydon, Southwold, IP18 6RE**

The Committee received report ES/1889 of the Head of Planning and Coastal Management which related to planning application DC/23/0087/FUL. The application sought full planning permission for a single storey rear extension to provide an open plan sitting/dining/kitchen area, a utility room and a study. The application was before the Committee at the request of the referral panel as it was considered that the views of the Parish Council should be discussed.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The Assistant Planner noted that an update from the applicant had been circulated as part of the update sheet prior to the Committee. The site's location plan was shared with Committee, highlighting its location in a residential area to the east of Reydon made up of three cul-de-sacs. Photographs were shown of the property, demonstrating front, rear and side elevations and noting its proximity to the neighbouring properties at numbers 14 and 16.

The existing and proposed plans and elevations were displayed with the Assistant Planner pointing out the slight sloping in the land and the existing flat roof rear extension. The Assistant Planner advised that it was proposed to demolish the existing rear extension and construct a new larger extension which would have a central pitched roof and flat roof either side. It was noted that the pitched roof would be slightly lower than the existing extension and the flat roofs slightly higher.

The Assistant Planner advised that following objections from the Parish Council, the applicant was asked to submit a drawing to demonstrate the 25 and 45 degree test. This was displayed on the proposed plans, showing the 25 degree line clearing the extension roof with significant space above the ridge of the property.

Material planning considerations were summarised as Policy WLP 8.29 and Policy RNP10a relating to the design and impact on neighbouring amenities. The recommendation to delegate authority to the Head of Planning and Coastal

Management to approve the application for planning permission was outlined to the Committee.

The Chair invited questions to the Assistant Planner.

Councillor Pitchers referred to the comments from the Parish Council regarding the effect on neighbouring properties and asked to revisit the photographs of the gardens.

In order to clarify the size of the proposed extension for the Committee, the Assistant Planner referred back to the block plans and photographs to demonstrate and confirmed that the extension would be to the South West of the property at number 14 and no higher than the property that is there.

Cllr Ashton confirmed with the Assistant Planner that there wouldn't be any more shading from the boundary hedge as shown by the angle test.

Cllr Ewart referred back to the aerial photograph, and pointed out the shading from the tree adding that the house would do the same to the next door garden. The Planning Development Manager confirmed that the extension being South West of the neighbour would cast a shadow on the neighbouring property in the afternoon sun. However, the angle test provided demonstrated that the loss of light was within acceptable limits.

In response to a question from Councillor Byatt, the Planning Development Manager confirmed that the Parish Council should not have to complete the angle test, as it was the responsibility of the applicant to provide those types of tests on the plans for consideration.

There being no further questions for the Assistant Planner, the Chair invited Councillor Kalyvn Friend from Reydon Parish Council to speak.

Councillor Friend told the Committee that this was a fairly large extension into quite a large back garden which may appear quite acceptable, however the new extension would protrude a long way behind the existing house and would be a prominent feature viewed from the neighbour's garden. He added as other adjacent properties are set well back into their plots there would be no disruption of the building line. Councillor Friend advised that the Parish council visited the site and both neighbours had objected due to loss of light from an overbearing extension. In particular it had caused considerable distress to the neighbours at number 14. Councillor Friend concluded that although there had been the loss of light survey, he would request that a site visit was carried out.

There being no questions for the Parish Council, the Chair invited the Committee to debate the application that was before them.

Councillor Gee proposed a site visit in view of the sensitivity and Councillor Byatt seconded.

Councillor Pitchers commented that as the building was not yet there it would be difficult to view the effects on the light. Councillor Ashdown agreed that it was not

necessarily beneficial to carry out a site visit as the extension was not yet there and was happy to recommend approval as the extension was central to the property and the light survey had been carried out.

The results of the light survey were reviewed again and the Principal Planner advised that as case officers a site visit would have already been carried out to inform the recommendation, supporting the comments of Councillors Pitchers and Ashton that a site visit would not necessarily show any more than that already shown by plans and photographs.

Councillor Byatt commented that he conceded with what the officers had said and wished to withdraw as seconder for a proposal for a site visit. Councillor Ashton abstained from the proposal for a site visit.

The Chair requested a seconder for the proposal of a site visit. On the proposal of Councillor Gee and seconded by Councillor Ewart it was found by a majority vote **against** carrying out a site visit.

The Chair invited the Committee to continue to debate the application that was before them.

Councillor Ashdown commented he had already proposed that the application should be approved. Councillor Pitchers was undecided on the application.

Councillor Ewart questioned what was deemed as overbearing and suggested a steer from the Officers. The Planning Development Manager confirmed that it was a matter of judgement and as officers you come to experience and understand the level of what may be not acceptable. In this case the Assistant Planner made the judgement from a site visit and follow up discussion with the Principal Planner to inform the decision. The conclusion being there would be some loss of light but not as to adversely affect the neighbouring amenity.

Councillor Gee commented that she would consider any loss of light for a neighbour would be distressing, particularly in the winter. The Chair confirmed the angle test demonstrated that the adjacent property would be losing some light.

Councillor Ashton commented for transparency there would be some loss of light as the sun set and rose compared to without the extension, however for the majority of the time there would be minimal impact. He noted that the extension felt quite large for the space, however he would defer to the advice given and agree to the application.

Councillor Wakeling agreed with Councillor Ashton that the due diligence had been carried out and although somewhat undecided he was mindful to agree to the application.

Councillor Byatt seconded the proposal, adding he trusted the officers' recommendations and due diligence. Councillor Ewart commented that having been denied the opportunity for a site visit, she would be voting against. Councillor Pitchers commented that the lack of light was not so obvious as in previous

applications so he would be voting in favour. Following the conclusion of the debate, the Chair asked the Committee to vote on the application before them.

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

## **RESOLVED**

to approve subject to conditions detailed below.

### Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed 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 all respects strictly in accordance with drawing no. 1156/02B received 09/02/2024, 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

### Informatives:

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

## **10 DC/23/4817/FUL - 1 Broadland Close, Worlingham, Beccles NR34 7AT**

The Committee received report ES/1890 of the Head of Planning and Coastal Management which related to planning application DC/23/4817/FUL. The application sought full planning for the removal of a boundary hedge and replacement with 2m high close boarded fence. The application was before the Committee at the request of the referral panel as it was considered that the views of the Parish Council should be discussed.

The Committee received a presentation from the Principal Planner, on behalf of the case officer for this application. The site's location plan and an aerial photograph of

the property shown, noting the area of hedgerow that would be subject to removal and replaced with a close boarded fence. The proposed location and block plan was shared with the Committee, highlighting the stretch of hedgerow of approximately 14 m long and 2 m tall. The existing and proposed elevations were shown to the committee demonstrating the fence that would be replacing the hedgerow. Referring back to the block plan and aerial view, the Principal Planner pointed out that it was a prominent corner but openness at the corner of the road junction meant it would not be affected by these works. Photographs of the hedgerow shown to the committee showed the poor health of the existing hedgerow. It was noted that the Case Officer had consulted with the arboricultural and landscape team and there were no objections. The local context was shown demonstrating other properties with similar closed board timber fence, with no 12 Broadland close being the most relevant. The block plan was shown to the Committee highlighting the proposed fence and relevant properties, drawing particular attention to Highland Drive on the corner, which had an enforcement case which went to appeal but wasn't upheld as the inspector deemed the fence necessary for privacy and not harmful to the character or appearance of the area.

On balance it was felt that replacement with a fence wouldn't harm the appearance and the recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application for planning permission was outlined to the Committee.

The Chair invited questions to the Principal Planner.

Councillor Ewart clarified that it was a 14m long and 2m high closed board fence with concrete posts requested whereas Highland Way had a 5 course brick wall at the bottom, this was correct.

Councillor Byatt queried the depth of the hedge, it was noted that it was approximately 1.5 m deep. That being the case, Councillor Byatt questioned the comments from the Parish Council regarding the openness as a fence would be narrower. The Principal Planner confirmed that the openness was relating to the street scene and a hedge would be softer than a fence.

There being no further questions the Chair invited Councillor Sylvia Robbins from Worlingham Parish Council to speak.

Councillor Robbins referred to the Worlingham Neighbourhood Plan, noting in Worlingham generally dwellings are set back from the road without the hard fencing and the examples that were cited today they have tried to get refusal on due to the detrimental affect on the street scene.

Councillor Robbins advised the Committee that the property that was being looked at today would have the fence in front of the building, noting that the fence referred to in the opposite property was set back with green in front of it.

Councillor Robbins recognised that the hedge needed to be removed as it was rotten but proposed it could be further back with vegetation in front of it. It was their

intention to maintain the openness and did not want to encourage fencing everywhere. The openness would provide a better look for the environment.

The Chair noted that they were in favour of what the neighbourhood plans say and invited questions to Councillor Robbins.

In response to a question from Councillor Byatt, Councillor Robbins confirmed they would prefer the fence to be cited at the front of the existing hedge line nearest the house and have landscaped strip to soften it.

There being no further questions the Chair invited the Applicant, Carol Punt, to speak.

The applicant told the Committee that they had a 2 metre hedge that was deteriorating badly and mainly dead on the outside of the property making it unsalvageable. Photographs were shared with the Committee demonstrating the deterioration of the hedge. The applicant wished to replace the hedge with a 2 metre high fence, they felt that they were too old to grow another hedge and did not wish to lose the private space they had enjoyed to date. Mrs Hunt advised that the summary report from Worlingham Parish Council was not valid as the area they wished to fence off was their back garden and not their front or side garden. Referring to the report's suggestion of a 1m fence without planning permission, Mrs Punt felt this would give the same change to the street scene but without any privacy, adding Covid had taught them the importance of their health and wellbeing. Mrs Hunt did not agree with setting the fence back and adding front planting as this would require the same maintenance which they were aiming to decrease. Mrs Punt told the Committee that 8.6 says a 2m high fence is justified in a rear garden and they regularly had their friends and family, grandchildren stay and wished to retain the privacy. They have had no neighbour objections and several had spoken in agreement with their plans. Regarding the argument of unsightly street scene, Mrs Punt said the retention of the hedge would only cause the street scene to deteriorate further. The rest of their garden was planted with plants and shrubs to create softness with bird feeders in shrubs. Mrs Punt concluded that the hedge had been in place giving her privacy and demonstrated photos to show context.

The Chair invited questions to the applicant.

Councillor Ashdown queried the height of the hedge, it was confirmed it was approximately 2metres high.

Councillor Byatt recognised that the applicant was not prepared to replace with a new hedge and questioned if they would be prepared to allow enough room for a new hedge to eventually grow. The Chair clarified that the Committee had to consider the planning application as it was before them. The applicant confirmed that they were trying to decrease the maintenance associated with the property.

There being no further questions, the Chair invited the Committee to debate the application for planning permission that was before it.

Councillor Ashton noted that he did not wish to see the loss of a hedge but it was not in a good state. The Committee had a strong steer from the Principal Planner on previous examples and most were about enclosing rear gardens which this application was



consistent with. Whilst he was reluctant to see the loss of the hedge, people had to choose what they wanted and if that was acceptable in planning policy terms then the application would need to be determined as submitted.

Councillor Pitchers agreed no one wanted to see the loss of the hedge but in this example it had already deteriorated and recognised the applicant's view of reducing maintenance. Councillor Pitchers proposed to accept the recommendation in line with the Inspectorate steer.

Councillor Gee questioned whether the fences installed in the examples were passed before the Worlingham Neighbourhood Plan was in place and therefore the Committee had a duty to uphold the plan, adding 14 metres of fence was too big and a replacement hedge would be preferred. It was confirmed that the Neighbourhood Plan was made in November 2022 and the appeal quoted was September 2023.

Councillor Ewart questioned if there could be a compromise as the applicant wouldn't be viewing the fence, other properties would, adding the concern is others would follow suit.

The Chair clarified that this was being viewed as the enclosed back garden, this was confirmed with a photograph.

Councillor Ashdown commented that he had listened to everything that had been said, and to replace the hedge was essential, adding to replace with a fence is not out of character, the inspectorate has said that, therefore he was happy to second the proposal.

Councillor Ewart sought clarification of the proposed plans, the Principal Planner re-shared the plans and the controls that could be put in place. The Planning Development Manager shared extracts from Worlingham Neighbourhood plan .

There being no further debate, the Chair asked the Committee to vote on the application before them. On the proposition of Councillor Pitchers, seconded by Councillor Ashdown it was by a majority vote

## **RESOLVED**

to approve in line with 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 the Site Plan, proposed Block Plan and Elevations received 12th December 2023 and 4th January 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.

**11 DC/24/0754/CON - Proposed Creation of a Public Footpath (Halesworth No 27 & Holton No 14)**

The Committee received report ES/1892 of the Head of Planning and Coastal Management which related to planning application DC/24/0754/CON for the proposed creation of a Public Footpath (Halesworth No 27 and Holton No 14). The application was before the Committee as the application was from East Suffolk Council and could not be made under delegated authority. Furthermore an informal consultation had produced objections therefore the proposal to make an order had been brought to the Planning Committee for determination.

The Committee received a presentation from the Public Path Orders Officer, who was the case officer for the application.

Maps showing the proposed footpath location were shared with the Committee, demonstrating the part of the footpath on the developer's land, the strip of unregistered land and the area where the owner objected.

The current routes available were shared with the Committee and the Public Path Orders Officer highlighted the areas that were currently being used with no footpath and therefore unsafe.

It was pointed out that objections had been received from neighbouring residents who were already impacted by the existing footpath which had been there since the 1940s.

An aerial photograph was shared showing public open space and the footpath coming through then stopping when it reached the edge of the developer's land. The informal routes already used were highlighted and it was pointed out that some residents have already installed access to the open space.

The Public Path Orders Officer advised that the outline planning permission proposal in 2018 showed the proposed route and it was already being used to some extent. The cycling and walking strategy approved in 2022 showed this proposed link.

Photographs were shared showing what existed currently. It was noted that the developer had put in heras fencing as requested but people were accessing it and destroying the heras fencing. The footpath installed so far was demonstrated.

The Public Path Order Officer confirmed that work was done in 2022 to improve the surface of the footpath. There was 220 metres approximately with no footway or pavement and this new route would provide a much less dangerous route.

Although they were not required to do a consultation prior to making the order, the Public Path Order Officer hand delivered 140 letters and responses to the Blyth Dale development and adjacent land owners. They were given 28 days to apply from the

end of November to middle December 2023 and 42 supporter responses were received back and 5 objections.

The Public Path Order Officer noted that the Committee needed to consider the legal tests that would need to be fulfilled in order to confirm the order. One being convenience or enjoyment and there were 42 positive responses. It was noted that that must be balanced with affected landowner. The landowners could claim compensation only when the footpath order had been confirmed. If there were objections the Secretary of State intervenes. The Committee was advised under Section 29, flora, fauna, forestry were considered by arboriculture team and the tests were met.

The Public Path Order Officer advised that the next stage of the process would be the order being advertised online, onsite and in the local press. There would be a 28 day statutory consultation. At that stage if there were still objections it would be taken back to the Committee to determine if it should go to the Secretary of State or be abandoned. The procedure and next steps were confirmed with the Committee.

The Chair invited questions for the Public Path Order Officer.

In response to Councillor Wakeling, it was confirmed that East Suffolk Council would pay landowner compensation as the applicant.

In response to a question from Councillor Pitchers regarding claiming costs from an appeal, the Public Path Order Officer confirmed it would be up to the Inspectorate to advise and only if the objections were unreasonable.

Councillor Ashton asked do people use footpath 6 to get to school to avoid the stretch with no pavement. The Officer replied that there wasn't evidence of that but would hope they did.

In response to a question from Councillor Ewart, the Public Path Order Officer confirmed if there were further objections or refusals throughout the process then mediation would occur, adding there have been occasions where officers have stopped mediation and at that time it is taken to the Secretary of State.

In response to the Chair regarding the unregistered land, the Public Path Orders Officer confirmed an application to the Secretary of State had taken place.

Councillor Ewart asked if this had been done before and the Planning and Development Manager confirmed this could get busier particularly with the cycling and walking strategy.

Councillor Byatt stated some of the objections were dogs mess, litter etc and asked if dog bins and lighting could be installed. The Public Path Orders Officer confirmed it would depend on location and land ownership.

Councillor Ashdown commented it was absolutely vital that they have these links and proposed this was continued with as quickly as possible adding he was very happy to recommend. Councillor Wakeling seconded that, as Halesworth and Riding was his

ward and to be able to provide that connectivity to the school and encourage safe walking was vitally important.

On the proposition of Councillor Ashdown and seconded by Councillor Wakeling it was by a unanimous vote

**RESOLVED**

1. That the Planning Committee authorise the making of a public path order under Section 26 of the Highways Act 1980 in recognition of the need for such a route expressed by the public and considering measures to mitigate the effect on the landowner, including compensation, under Section 28 of the above act, to create Halesworth Footpath No 27 and Holton Footpath No 14.
2. That subject to no objections being received within the statutory notice period the order be confirmed.
3. That should objections be received which are not withdrawn the Order shall be sent to the Secretary of State for determination.

The meeting concluded at TBC

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Chair