

Confirmed



Minutes of a Meeting of the **Planning Committee North** held in the Lowestoft Town Council Offices, Hamilton House, Lowestoft, on **Tuesday, 11 July 2023 at 2.00pm.**

Members of the Committee present:

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

Other Members present:

Councillor Alan Green

Officers present:

Ben Bix (Democratic Services Officer (Regulatory)), Joe Blackmore (Principal Planner), Matthew Gee (Senior Planner), Mia Glass (Enforcement Planner), Matt Makin (Democratic Services Officer (Regulatory)), Iain Robertson (Senior Planner), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

No apologies for absence were received.

2 Declarations of Interest

Councillor Ashdown declared a conflict of interest in items 7 and 8 of the agenda; he advised he would stand down from the Committee for both items to speak as the ward member for the applications and would not take part in debate or vote on either item.

3 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were received.

4 Minutes

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

RESOLVED

That the minutes of the meeting held on 13 June 2023 be agreed as a correct record and signed by the Chair.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1594** of the Head of Planning and Coastal Management, which provided a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 26 June 2023. At that time there were 17 such cases.

The Chair invited the Enforcement Planner to comment on the report. The Enforcement Planner noted that in respect of case F2 (Land at The Street, Darsham), the appeal against the injunction had been refused and the compliance date was later in July; a visit to ascertain compliance would be conducted by officers after this date.

The Chair invited questions to the officers. Councillor Gee noted the significant delay in enforcement cases being dealt with by the courts and suggested this issue should be resolved; the Enforcement Planner acknowledged the long delays and highlighted that the Planning Inspectorate had held a recent meeting about addressing delays, although this was weighted towards planning appeals and not enforcement cases. Councillor Plummer pointed out that of the seven enforcement cases in the report where an appeal had been made, five related to breaches over two years ago.

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

RESOLVED

That the outstanding enforcement matters up to 26 June 2023 be noted.

6 DC/23/0038/FUL - Land Adjacent to 48 Mclean Drive, Kessingland

The Committee received report **ES/1596** of the Head of Planning and Coastal Management, which related to planning application DC/23/0038/FUL.

The application sought full planning permission for the construction of a new dwelling on land adjacent to 48 Mclean Drive, including the provision of off-street parking on land at 2 Smith Crescent.

As the case officer's "minded to" recommendation of approval was contrary to the recommendation of refusal received from Kessingland Parish Council the application was considered by the Planning Referral Panel on 9 June 2023, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, who referred it to the Committee for determination.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The site's location was outlined and the Committee was shown an aerial image of the area. The Senior Planner noted the two parcels of land for the dwelling and parking respectively.

The Committee was apprised of the planning history on the site; five applications had been made with all refused planning permission.

The Committee was shown photographs demonstrating views into the site and its relationship with surrounding dwellings. The Senior Planner said that the site contributed to the character of the area to some degree but was not protected from development.

The Senior Planner summarised the five previous applications on the site and their reasons for refusal, highlighting that two of the refusals had been appealed and these appeals dismissed by the Planning Inspectorate, as detailed in the report.

The Senior Planner outlined the parking space's relationship with the dwelling site.

The proposed layout for the site was displayed and the Senior Planner noted the amendments made on the southern boundary in response to comments on residential amenity; it was proposed to remove permitted development rights via condition to avoid a high boundary being put on the southern boundary and to encourage landscaping.

The proposed elevations were displayed and the Senior Planner considered the design to be an enhancement on the 1980s style bungalows in the area.

The parking plan was displayed; officers noted that the Highways Authority had not objected to the parking arrangements. The Committee was shown photographs demonstrating views of the proposed parking space, its relationship to the dwelling site, and other allocated parking in the area. The Senior Planner confirmed that the distance between the dwelling and the parking site would be 45 metres, which although not ideal was characteristic for the area. The Senior Planner displayed aerial images of similar parking arrangements near the site.

The material planning considerations and key issues were summarised as the principle of development, design, the character and appearance of the area, neighbour amenity, and parking/highway safety.

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

The Chair invited questions to the officers. Councillor Ashdown queried how it could be guaranteed that the occupant of the dwelling would use the allocated off-street parking. The Senior Planner advised that this would be controlled by condition and the Planning Manager (Development Management, Major Sites and Infrastructure) added that it would be in the occupier's interest to maintain the space for their own use and any sub-letting of the space could be dealt with via a breach of condition notice.

Councillor Hammond asked if officers were confident that adequate measures would be taken to effectively deal with surface water drainage. The Senior Planner advised that surface water drainage details would need to be submitted for approval as part of the discharge of conditions. The Planning Manager noted that in terms of the wider effects from minor developments, there was little ability at the planning stage to

influence the capacity of sewer networks and attenuation; any developer would be required to pay to connect to the foul water drainage network and it was Anglian Water's responsibility to ensure there is capacity.

In response to a question from Councillor Pitchers about the installation of an electric vehicle (EV) charging point at the parking space, the Senior Planner said that Building Control had advised that the developer would need to ensure a power supply to the site; the Planning Manager considered this could be achieved through an underground wire and would be a challenge for the developer to overcome. Councillor Ewart asked how any such works would be made good and officers advised this would be controlled by a Construction Management Plan and the Highways Authority would have responsibility to ensure that any dug-out sections are made good at the conclusion of the work.

Councillor Gee sought clarification on how the EV charging point's use would be restricted to the occupier only. The Planning Manager believed that there are various security arrangements for EV charging points to secure them; the Chair reminded the Committee that this was not a material planning consideration and would be an issue for the developer and/or the occupier to resolve.

The Chair invited Ms Truman, who objected to the application, to address the Committee. Ms Truman stated that her home neighboured the application site; she pointed out that previous applications on the site had been refused as parking was segregated from the site and highlighted that the current application proposed the same solution, querying how this could be deemed acceptable.

Ms Truman set out the issues that would be caused for neighbours should the application be approved, which centred around the predicted negative impact to on-street parking in the area and residential amenity. Ms Truman also queried how a 1.8 metre wall on the southern boundary was acceptable when she and other residents were not allowed to erect any boundary higher than one metre.

Ms Truman detailed the concerns of neighbours opposite the southern boundary whose amenity would be impacted if such a wall was built, likening it to living in a prison. Ms Truman considered the harm that would be caused by the development outweighed any benefits it would bring.

There being no questions to Ms Truman the Chair invited Councillor Graham, Chairman of Kessingland Parish Council, to address the Committee. Councillor Graham advised that the Parish Council had objected to the application from the start and considered it represented poor quality design, contrary to policies WLP8.29 and H2 of the Waveney Local Plan and Kessingland Neighbourhood Plan respectively.

Councillor Graham considered that the development would remove much needed on-street parking in the area and queried comments that Kessingland was well served by public transport; he highlighted that a bus service only ran between 9am and 5pm and that the claim of being able to get to the rail station in five minutes was inaccurate.

Councillor Graham said that the design did not reflect existing bungalows in the area and the development was being crammed in; he stated that the current application

was no better than the previous ones refused on the site. Councillor Graham explained that the Parish Council was open to development in principle but was opposed to this application.

Councillor Graham quoted the decision notice from the second dismissed appeal, regarding the loss of parking spaces having a negative impact on the highway to the detriment of highway user safety.

There being no questions to Councillor Graham the Chair invited Mr Bennett, the applicant's agent, to address the Committee. Mr Bennett said it was acknowledged that more housing was needed across the country and this type of development was a suitable way to achieve this goal. Mr Bennett highlighted that at one of the dismissed appeals the Inspector had stated no problem with the design of the dwelling and that the issue was the proposed parking arrangements.

Mr Bennett said that the off-street parking proposed matched what 70% of existing dwellings in the area benefitted from. Mr Bennett considered that a lockable post could be used to secure the space for the occupier. Mr Bennett was of the view that the applicant had attempted to acknowledge the concerns of neighbours, having made amendments to the southern boundary and fenestration on the southern elevation in response to concerns raised.

Mr Bennett concluded that the applicant had attempted to make an interesting building that fitted in to its surroundings; he pointed out that photovoltaic panels were proposed and rainwater harvesting was being considered.

The Chair invited questions to Mr Bennett. Councillor Hammond referred to Ms Truman's comments about the wall on the southern boundary and asked Mr Bennett for his thoughts. Mr Bennett explained that amendments had been made to remove a section of the wall on the southern boundary to increase the openness and reduce the impact on neighbour amenity.

The Chair invited Councillor Green, the ward member for Kessingland, to address the Committee. Councillor Green referred to the five applications previously refused, along with the two dismissed appeals, and considered there was very little difference in the current application to warrant approval.

Councillor Green was of the view that the development would overshadow and intrude onto neighbouring properties and represented poor design against policy, as quoted by Kessingland Parish Council. Councillor Green was concerned about the distance to the off-street parking and said that the photographs in the officer's presentation did not provide an accurate reflection of the parking issues in the area.

Councillor Green said there was and would be difficult access to the site due to the significant on-street parking and was concerned about the movement of construction traffic and its impact on highway users, as well as refuse vehicles once the development was completed.

Councillor Green disputed the comments in the Design & Access Statement about public transport links, considering it to be limited in Kessingland. Councillor Green concluded that the site was unsuitable for the proposed development.

There being no questions to Councillor Green, the Chair invited the Committee to debate the application before it. Several members of the Committee spoke against the application, noting concerns about occupiers parking on the street and not in the allocated space and highlighting that the development would exacerbate an existing parking issue in the area.

The Chair invited the Planning Manager to comment on points raised during debate regarding parking. The Committee was advised that the Highways Authority was a statutory consultee for all planning applications and provided advice in respect of parking and highway safety; having originally objected to the application the Highway Authority's final position was one of recommending approval subject to conditions, including one regarding the allocation of the parking space. The Planning Manager acknowledged the concerns raised during the debate and advised that should the Committee resolve to refuse the application on parking grounds it needed to form a robust reason for going against the advice of the Highways Authority.

Councillor Gee considered very little had changed in the new application when compared to the refused ones and suggested they did not go far enough. Councillor Gee was of the view that the proposed design did not harmonise with the existing area and could foresee immense problems if it was approved; she cited concerns relating to loss of amenity and said that there was no argument for it as the parking arrangements had not been improved. Councillor Gee said she was minded to not approve the application.

Councillor Hammond spoke in favour of the application; he acknowledged it was not an ideal development but noted that more housing was needed and could not see material planning reasons to refuse the application.

Councillor Ewart was pleased there was robust debate as that had been the Planning Referral Panel's intention when referring the application to the Committee. Councillor Ewart found the orientation of the development challenging and considered the application was a difficult one to decide on.

Councillor Pitchers suggested that the application could be refused due to its negative impact on the streetscene; Councillor Ashton was minded to vote against the application but was concerned that the Council could end up in a position where the application was approved on appeal.

Councillor Pitchers proposed that the application be refused, seconded by Councillor Gee. The Planning Manager advised that a robust reason for refusal needed to be formulated and sought further information from Councillor Pitchers; he was minded to refuse the application due to its impact on the streetscene, parking and loss of green space.

The Planning Manager noted the previous reason for refusal was due to the poor layout and design quality contrary to policy WLP8.29 of the Waveney Local Plan and

policy H2 of the Kessingland Neighbourhood Plan. The Principal Planner added that H2 provided further detail not contained in WLP8.29 and highlighted that inspectors had not previously critiqued design, orientation or loss of open space; he advised the Committee that, based on the flavour of the debate, it could consider refusing the application in respect of layout and impact on the area.

Councillor Hammond contended that the design was a subjective matter and that the Committee had been advised what proposed had been designed to minimise massing and overlook, considering it to be a reasonable attempt to minimise harm. Councillor Ewart was of the view that the orientation of the dwelling was poor and would impact negatively on residential amenity.

Following advice from the Democratic Services Officer, the Chair confirmed with Councillors Pitchers and Gee that the recommendation they had proposed and seconded was to refuse the application on the grounds that it was contrary to policies WLP8.29 of the Waveney Local Plan and H2 of the Kessingland Neighbourhood Plan, regarding the site layout and poorly functioning detached parking arrangement. Both councillors confirmed this was correct.

There being no further debate the proposal to refuse the application was put a vote and it was by a majority

RESOLVED

That the application be **REFUSED** on the grounds that it is contrary to policies WLP8.29 of the Waveney Local Plan and H2 of the Kessingland Neighbourhood Plan, regarding the site layout and poorly functioning detached parking arrangement.

7 DC/23/1488/FUL - Wilmar, Market Lane, Blundeston, NR32 5AW

NOTE: Councillor Ashdown retired to the public gallery for both this and the next item to speak as the ward member on both applications; he did not take part in debate or vote on either item.

The Committee received report **ES/1597** of the Head of Planning and Coastal Management, which related to planning application DC/23/1488/FUL.

The application sought full planning permission for the installation of a first-floor glass balustrade to the front elevation of Wilmar, Market Lane, to allow use of part of the front flat roof element of the dwelling as a balcony.

The former Chair of the Committee, Councillor Ashdown, had requested in May 2023 (prior to the local elections) that the application be referred to the Committee for determination, in accordance with powers set out in the scheme of delegation in the East Suffolk Council Constitution, due to the impacts arising from the proposal and the public interest in the site.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The Chair announced that the presentation would cover both this application and the related application DC/23/1487/FUL, which was for a

different aspect of the same property and scheduled to be considered at item 8 of the agenda; the Committee was advised that following the presentation there would be questions, public speaking, debate and determination of the first application, before repeating the process for the second application.

The site's location was outlined and the Committee was shown an aerial image of the application site. The Committee also received photographs demonstrating views look north into the site, the rear of the host dwelling from the garden, views of the proposed extension area looking both east and west, and looking out from the flat roof element that would host the balcony.

The Senior Planner displayed the existing and proposed floorplans; he highlighted on the latter where the frosted glass balustrade was proposed to be installed. The Committee was shown the existing and proposed elevations and the Senior Planner noted that views towards neighbouring amenity space to the east would be protected by the host dwelling.

The material planning considerations and key issues were summarised as design and amenity.

There being no questions to the officers the Chair invited Councillor Harris, representing Blundeston and Flixton Parish Council, to address the Committee. Councillor Harris confirmed that the Parish Council formally objected to the application; he noted a similar scheme including an external staircase had been refused in 2021 as it would have been detrimental to the street scene.

Councillor Harris appreciated that the staircase element had been removed but considered the proposed height of the balustrade would not prevent overlooking into neighbouring amenity areas, which he said was a concern as the balcony would be used for leisure purposes.

Councillor Harris was of the view that the proposed balcony would have an adverse impact on the streetscene, not fitting in with its rural nature. Councillor Harris urged the Committee to refuse the application, considering not enough had changed from the previous application to warrant approval. Councillor Harris noted that the property was for sale on the open market, with neither planning application mentioned in the particulars.

There being no questions to Councillor Harris the Chair invited Councillor Ashdown, ward member for Blundeston, to address the Committee. Councillor Ashdown outlined the planning history of the property and noted that he stood down from the Committee at the meeting where the original application was considered to speak against it as the ward member; he considered the whole development was out of character for Blundeston and elements of what had been constructed was not what had been approved.

Councillor Ashdown highlighted the previous application that had been refused and was of the view that the planning process had been abused since the inception of this property, stating that hedgerow had been removed immediately after approval and replaced with fencing, resulting in a loss of habitat.

Councillor Ashdown said that the development was referred to as a "carbuncle" in Blundeston and that he had taken the former Leader of the Council and Chief Executive to visit the site in the past, both of whom had expressed surprise that the development had been permitted. Councillor Ashdown considered that the addition of a balcony would make the situation worse, despite the amendment to make the glass balustrade opaque. Councillor Ashdown stated that a curtilage four times the size was needed for the property and urged the Committee to refuse the application.

The Chair invited questions to Councillor Ashdown. Councillor Hammond noted that the existing development was not a material planning consideration and asked Councillor Ashdown if he considered there were grounds to refuse planning permission for what was being applied for; Councillor Ashdown was of the opinion that the application could be refused on the grounds that it would create overlooking into neighbouring amenity areas, given the close proximity to the boundaries.

NOTE: Councillor Ashdown left the meeting room before debate commenced.

The Chair invited the Planning Manager (Development Management, Major Sites and Infrastructure) to address the Committee prior to entering debate. The Planning Manager advised that the application being considered was a householder one and whilst he expressed sympathy with the points made by Councillor Ashdown, the host dwelling had already been consented and constructed. The Committee was advised to limit its considerations to what has been applied for.

The Chair invited the Committee to debate the application that was before it. Councillor Pitchers said he did not object to a balcony with a balustrade but queried if the latter was high enough to prevent overlooking. The Planning Manager stated that the proposed height of 1.7 metres was an established practice to prevent overlooking and considered that a balustrade at such a height would prevent persons from being able to see clearly over it.

Councillor Ashton considered that the proposals would not cause any demonstrable harm and could not see any material planning reasons to refuse the application.

Councillor Ewart queried if a balcony such as the one proposed would be expected in the streetscene; Councillor Plummer contended that the changes to create the balcony were minimal. The Senior Planner advised that a balcony in the proposed location could be expected as part of the existing design.

In response to concerns raised during the debate regarding overlooking, the Senior Planner considered that overlooking would be very limited unless a person went to great lengths to do so.

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

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with RS/4878/23/04 Rev B received 10/07/2023, and RS/4878/23/03 received 12/04/2023, and 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. Prior to the first use of the balcony as shown demarcated by 'proposed glass balustrade' on drawing RS/4878/23/04 REV B, hereby permitted, the 1.3m high balustrades (1.7m as measured from roof/floor level), shall be installed on the north(rear) and west (side) elevations in the areas shown on approved drawing RS/4878/23/04 REV B. These high level balustrades/screens shall be obscure glazed to minimum of level 3, and shall thereafter be retained in the approved form and location along the north (rear) and west (side) elevations of the approved balcony area.

For the avoidance of doubt, this permission does not permit the use of the flat roof area to the north of the demarcated by proposed glass balustrade' on drawing RS/4878/23/04 REV B, as a balcony.

Reason: To protect the amenity of neighbouring residents.

8 DC/23/1487/FUL - Wilmar, Market Lane, Blundeston, NR32 5AW

NOTE: Councillor Ashdown re-entered the meeting room and returned to the public gallery following the conclusion of the previous item.

The Committee received report **ES/1598** of the Head of Planning and Coastal Management, which related to planning application DC/23/1487/FUL.

The application sought full planning permission for the construction of a single storey rear extension at Wilmar, Market Lane.

The former Chair of the Committee, Councillor Ashdown, had requested in May 2023 (prior to the local elections) that the application be referred to the Committee for determination, in accordance with powers set out in the scheme of delegation contained in the East Suffolk Council Constitution, due to the impacts arising from the proposal and the public interest in the site.

The Committee received a presentation on the application from the Senior Planner, who was the case officer for the application. The presentation covered both this

application and the related application DC/23/1488/FUL received under item 7 of the agenda; this presentation is set out in detail in item 7 of these minutes.

The recommendation to approve the application, as set out in the report, was outlined to the Committee and the Chair invited questions to the officers. The Senior Planner confirmed that the applicant had not intimated that the roof of the extension would be used as an outside space; the Committee was advised this would require the creation of a raised platform, which would need planning permission.

In response to a query from Councillor Pitchers the Principal Planner advised that the extension would equate to an approximate 5% increase in the building's footprint. The Principal Planner highlighted that the increase in footprint needed to be assessed in relation to the size of the plot and that officers considered that, given the large garden space to the rear of the property, the extension could be accommodated.

Councillor Pitchers asked if the Juliet balcony opening above the extension could be used to access the roof. Officers advised that in theory it could be but that this access would be difficult and impractical.

The Chair invited Councillor Harris, representing Blundeston and Flixton Parish Council, to address the Committee. Councillor Harris referred to the report and said that the Parish Council disputed the notion that the extension would complement the existing area; he noted that the whole development did not complement its surroundings and the extension would make this more apparent and was overdevelopment of the site.

Councillor Harris noted that permitted development rights on the site had been removed to secure properly planned development. Councillor Harris said he failed to see what had changed to warrant the approval of the extension.

There being no questions to Councillor Harris the Chair invited Councillor Ashdown, the ward member for Blundeston, to address the Committee. Councillor Ashdown supported the position and comments of Blundeston and Flixton Parish Council and noted that the asking price of the property on the open market would not be affected by any refusal of planning permission, as the pending applications had not been included in the particulars.

Councillor Ashdown highlighted that the only other building of comparable size in Blundeston was set within a bigger curtilage whereas the host dwelling was in the middle of a street, highly visible and detracted from the streetscene.

The Chair invited questions to Councillor Ashdown. In response to Councillor Pitchers, Councillor Ashdown acknowledged that the value of the building was not a material planning consideration.

NOTE: Councillor Ashdown left the meeting room before debate commenced.

The Chair invited the Committee to debate the application that was before it. Councillor Pitchers considered that the rear garden could accommodate the extension and saw no grounds to refuse the application.

Councillor Ewart sought clarity on the gap between the extension and the boundary; this was displayed on the screen by the Senior Planner, who in response to a question from Councillor Plummer confirmed that the building and the extension would run parallel to the existing boundary fence so the gap would remain unchanged.

There being no further debate the Chair sought a proposer and seconder for the recommendation to approve the application as set out in the report. On the proposition of Councillor Hammond, seconded by Councillor Ewart, it was by a majority vote

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with RS/4878/23/01 and RS/4878/23/02 received 12/04/2023, 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. 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.

The meeting concluded at 3.50pm.

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Chair