

Confirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 9 January 2024 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 Peter Byatt

Officers present: Jamie Behling (Planner), Joe Blackmore (Principal Planner (Development Management, North Area Lead)) , Fabian Danielsson (Assistant Planner), Katy Cassidy (Democratic Services Officer (Regulatory)), Matthew Gee (Senior Planner), Mia Glass (Enforcement Planner), Matt Makin (Democratic Services Officer (Regulatory)), James Meyer (Principal Ecologist), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

There were no apologies for absence.

2 Declarations of Interest

Councillor Pitchers declared a non-registerable interest in Item 8 as the application was located within his ward.

Councillor Ashton declared non-registerable interests in items 8, 9 and 11 as he was the Cabinet member for Corporate Services including the Council's non-housing assets.

Councillor Parker declared a non-registerable interest in item 9 as he was a Lowestoft Town Councillor.

Councillor Hammond declared non-registerable interests in items 8 and 9 as he was the Cabinet member for Economic Development.

Councillor Ashdown declared a non-pecuniary interest in item 9 as a member of Lowestoft Place Board.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Ewart declared that she had been lobbied on item 7 of the agenda and that she had made no response.

Councillor Plummer declared that she had received an email regarding item 7 of the agenda and had responded to advise that a further update had been sent round to all Committee members.

Councillor Pitchers declared that he had been lobbied verbally on item 8 of the agenda by his fellow Ward Members and he had made no response.

4 Minutes

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

RESOLVED

That the minutes of the meeting held on 12 December 2023 be agreed as a correct record and signed by the Chair.

5 East Suffolk Enforcement Action - Case Update

The Committee received report ES/1805 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 13 December 2023. At that time there were 16 such cases.

The Chair invited the Enforcement Planner to comment on the report. The Enforcement Planner noted that there was one update to the report provided as item B.6, Maria Wood appeal, had received a start date and this was now going ahead with a statement to be supplied by 15 February 2024.

There being no further updates from the Enforcement Planner, the Chair invited questions from Members.

In response to a query from Councillor Ashdown, the Enforcement Planner confirmed that North Denes had now been closed down and therefore no longer appeared on the report.

There being no further questions or comments, on the proposition of Councillor Ashdown, seconded by Councillor Pitchers it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 13 December 2023 be noted.

6 DC/23/2454/FUL - Doreens Cottage, 3 Bridge Road, Reydon, IP18 6RR

The Committee received report **ES/1799** of the Head of Planning and Coastal Management which related to planning application **DC/23/2454/FUL**. The application sought retrospective planning permission to retain the ground floor single storey side extension and first floor rear gable.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management, this was due to the objections received from the Ward Member, Parish Council and the neighbouring residents. There were inaccuracies with the drawing details contained in the original permission and therefore a new application was submitted for full consideration by the Committee to enable consideration of the impact on the living conditions of adjacent properties.

The Committee received a presentation from the Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the site was displayed, it was noted that on the east side of Bridge Road, the site had a small rear garden and pathway leading to it between number 2 Bridge Road to the north, under the first floor. Original front, side and rear elevations were shown before any extension was originally accepted. The Committee was informed that there was an existing single storey flat roofed rear extension which in paragraph 2.2 of the report was described as never having had planning permission. However, it was confirmed that the applicant had since submitted the original consent from 1974 and this had been reflected/corrected in the update sheet.

The Committee was shown floor plans from the first approved original application and the planner highlighted the flat roof extension and the straight line shown on those plans advising that they were now aware that was inaccurately drawn, as the line leans inwards. The proposed plans and plans that had been built out were shared with the committee, showing the impact of the building line leaning inwards towards the boundary.

Photographs showing the site in context were shared with the Committee along with various elevations and the discrepancy with the calculation of the neighbour's gable explained, highlighting the need for the retrospective planning permission. The Planner confirmed that the difference between the plans meant that the extension, as built, was 20 to 25 cm closer to the neighbour's property than originally stated.

The material considerations and key issues were summarised as loss of light, overlooking and loss of privacy and oppression and sense of overbearing.

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

The Chair invited questions to the Planner.

Councillor Hammond asked for clarification as to how the mistake was made regarding the measurements, this was referred to the applicant to answer.

Councillor Ewart reviewed the slides to clarify that the property was not overlooked from the other side.

There being no further questions for the Planner, the Chair invited Mr Reynolds, the applicant to speak.

Mr Reynolds told the Committee that the works that were consented in December 2021 were to enlarge a tiny ground floor living area and to provide shower and toilet facilities on the first floor, with the bedroom seeking to respect the neighbours to the north and east. Mr Reynolds pointed out that the extension was to the exact dimensions that were approved with the difference being the dimensions relating to the neighbour's property. It was understood that these were taken from Ordinance Survey maps which were not quite accurate. Mr Reynolds had previously submitted the planning history to the Committee and highlighted that all three properties had started with the same footprint and had subsequently been through a process of upgrading. Regarding the objections, Mr Reynolds accepted and acknowledged the incorrect dimensions. With loss of privacy and overlooking, Mr Reynolds stated that it had always been possible to overlook the gardens when the property was purchased. Regarding loss of light to the property Mr Reynolds had produced a day light report which showed no loss of light. In summary Mr Reynolds felt it was a reasonable application which respected the neighbours.

The Chair invited questions to Mr Reynolds.

Councillor Ashton referred to Councillor Beavan's comments in the report where he (Councillor Beavan) had pointed out to the applicant that it was not in line with planning permission, however the applicant continued unabated. This question was referred to the Architect who confirmed he had spoken to the planners at the time and was told not to stop building, therefore he continued to do so in line with the dimensions on the plans.

The Planning Development Manager confirmed that they would not say to anyone to carry on building, adding that with Planning Enforcement there would be an investigation, which would determine whether action should be taken, or a retrospective planning application should be sought. The Committee was notified that there was an option within the planning toolkit to seek a temporary stop notice if there was actual harm from the development that required an immediate stop, however it was not common practice for this to occur with a household build. The Planning Development Manager added that they would have highlighted the risks going forward, stating that there is nothing in planning legislation that stops someone from seeking planning permission retrospectively and no penalty to do so.

The Chair pointed out that what was built was what the plans said, and the error was in the dimensions of the plan. The architect added that they did show the neighbours property in context on the plans, which they did not have to do.

There being no further questions for Mr Reynolds, the Chair invited Ms Mantin, the objector to speak.

Ms Mantin explained that she was the owner of number 2, which was the middle of the properties, divided from the applicant's property by a very narrow alley way. Ms Mantin noted that when the first-floor extension application was first made she didn't have any objections, the neighbour had explained that they would like to extend out by 593mm, and they gained permission. When the building started Ms Mantin noticed that the gable end was going up approximately 1.5 metres beyond the first-floor property line. Ms Mantin addressed this with the owner and architect and was told that the building was entirely in accordance with planning permission it was her property that was in the wrong place.

The committee was told that the impact of this affected Ms Mantin daily and that the south views from her window were now blocked entirely by a double height solid wall, she added that if the submitted plans were accurate, this would not be the case. Ms Mantin noted that a light survey had been completed but questioned if this looked at winter sun as her property was in shadow. The Committee was shown a photograph of Ms Mantin's garden and Ms Mantin pointed out the only useable part of it where there was sun. Ms Mantin felt that the neighbour's property had almost unimpeded views of the entire garden except from where she had added a semi mature tree and bamboo. Ms Mantin felt that she could not go into her garden without a feeling of being observed even when no one was there due to the "balcony effect", adding that according to planning rules new balconies were not allowed to look into private gardens and yet this had the effect of a balcony. To conclude Ms Mantin notified the Committee that this had ruined the enjoyment of her home and asked them to take that on board.

The Chair invited questions to Ms Mantin.

In response to a question from Councillor Ewart, Ms Mantin confirmed that she did see the first plans, however she was not knowledgeable and did not have the measurements to compare and therefore believed them to be correct.

In response to a question from Councillor Gee, Ms Mantin confirmed that she was losing sunlight from the south, adding that the picture presented demonstrated the gable end in shadow and that they had added cladding to the wall to soften the view from the garden.

There being no further questions for Ms Mantin, the Chair resumed questions to Mr Reynolds.

Cllr Ashton sought clarification on the conversation between Ms Manton and Mr Reynolds. Mr Reynolds confirmed that the conversation had taken place and that he had wanted to speak with Ms Mantin as he was aware that the property was going to project out beyond the back of her property. Mr Reynolds added that during the conversation they viewed where the project would potentially project out to, he regrets that the property projected further but they were looking at original plans which had been drawn.

Councillor Ewart asked what caused Councillor Beavon to make contact, Mr Reynolds responded that he did not know and had not had a conversation with him but presumed that Ms Mantin had notified him.

The Chair noted that Councillor Beavon had wished to attend the meeting today but was abroad and as a Ward member was unable to attend the Committee remotely.

In response to a question from the Chair, Mr Reynolds confirmed that they were aware there was a problem when Ms Manton had raised it and the Planning Enforcement Officer contacted them.

Councillor Hammond asked a hypothetical question of the applicant, asking Mr Reynolds how they would feel if Ms Manton wished to extend and brought her building level with his or beyond it? Mr Reynolds confirmed that when he bought the property the neighbour's property was projecting beyond their house. He added all they had done is added a bedroom on the first floor extension and hadn't taken up all of the space they could have done. Mr Reynolds confirmed the houses were in a suburban setting and quite close together. If his neighbour wished to extend, he would accept it as people want to bring their houses up to the standard of the day. Mr Reynolds had produced the planning history so the Committee could see how the properties had evolved.

In response to the Chair, Mr Reynolds clarified that the room with the Juliet balcony was just a bedroom and not a sitting room. The opening had been reduced and a condition had been agreed to not use the flat roof for any purpose.

In response to a question from Councillor Gee, Mr Reynolds notified the Committee that the alleyway belonged to him and the measurements on the original plans were incorrect. The planner confirmed that the original plans showed a gap of 0.9 metres, but it was 0.6 metres, the new plans now reflected the accurate measurements.

Following no further questions, the Chair invited the Committee to debate.

Councillor Ashdown stated that having listened carefully to everything that had been said, it was necessary to view the property and proposed that a site visit take place and the application be deferred.

This proposal was seconded by Councillor Ashton.

RESOLVED

That the application be **DEFERRED** to enable the Committee to visit the application site.

Officers advised that a site visit would be arranged and that details would be circulated to members of the Committee in due course.

7 DC/23/3115/FUL - Seacroft, Millfield Road, Walberswick, IP18 6UD

The Committee received report **ES/1800** of the Head of Planning and Coastal Management which related to planning application **DC/23/3115/FUL**. The application

sought full planning permission for the partial demolition of the existing property and refurbishment and extension to the property.

The application was before the Committee for determination 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 Senior Planner, who was the case officer for this application. The site's location plan was outlined highlighting the property's location within the Walberswick conservation area and the surrounding green areas. The Senior Planner noted the green area to the south of the application which was the Minsmere and Walberswick special protection area, the Minsmere and Walberswick Ramsar site which overlapped with part of the Minsmere and Walberswick marshes site of special scientific interest. An aerial photograph showing the property in context was shared with the Committee demonstrating the prevailing character of larger properties set within relatively spacious plots.

Photographs were shown to the Committee demonstrating views looking into and from within the site. The Senior Planner displayed the proposed block plan, the existing and proposed elevations and the existing and proposed floor plans. The landscaping details slide was shared with the Committee highlighting which trees were to be retained and identifying those to be removed, the Senior Planner noted that the majority of the trees marked to be removed were of lower value and some removal had been granted consent previously but hadn't yet been removed. The majority of the existing foliage was to be retained as part of the application.

The Senior Planner noted that the visual assessments that had been submitted showed the extended property sitting relatively well within its surroundings and Officers didn't consider it to have any significant impact on the conservation area or national landscape designation.

The material planning considerations and key issues were summarised as design and conservation, amenity, biodiversity and highway safety.

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

The Chair invited question to the Senior Planner.

Councillor Pitchers requested to revisit the slide showing the trees that were proposed to be removed, questioning why some on the top boundary were being removed. This was to be referred to the applicant or architect.

In response to a question from Councillor Ewart it was confirmed that Walberswick doesn't have a local neighbourhood plan and it was the conservation area that were the key considerations.

The Principal Planner drew members attention to the update sheet, in particular the clear regard that had been given to the conservation area appraisal when assessing this scheme. The Senior Planner worked closely with the Senior Design and Heritage Officer and had clear regard to the guidance within the conservation area appraisal

about the use of particular materials, in this case this dwelling wasn't a building that was noted as of significant interest and it didn't display those historic characteristics. The contemporary design approach was judged to be a good approach to the development of this site. The Principal Planner pointed out that this had been carefully taken into account as the Committee has a statutory duty to make decisions that preserve or enhance the conservation area. The Principal Planner advised that, providing members had that clear statutory requirement in mind, they could move forward in determining the application.

The Chair thanked the Principal Planner for providing the update. Following no further questions from the members, the Chair invited the Objector, Mr Gomm, to present.

Mr Gomm, the direct neighbour of the applicant, asked that members gave consideration to the refusal of the application and summarised his concerns as follows:

- Approval should not be granted without an additional restriction to discontinue the excessive uplighting of trees.
- The proposed materials were not appropriate for the Millfield Road part of the Conservation Area, and in his views the materials were unacceptable where more traditional materials predominate.
- The property would be visible from a number of view points and also to residents of Millfield Road.
- The extent of the rebuilding and extension was excessive. The application would make a 3 bedroom house into a 5 bedroom one and the extension would be larger than the original house.
- Decisions must be made in line with Development plan unless material consideration dictate otherwise, and he didn't consider there to be any other material considerations.
- There were at least 9 letters of objection that had been received citing inappropriate materials, lighting issues, tree loss, scale and massing problems, and residential amenity issues for neighbours.

Following no questions for Mr Gomm, the Chair invited Councillor Lewis from Walberswick Parish Council to speak.

Councillor Lewis summarised the following concerns on behalf of Walberswick Parish Council.

- The size of the property and the development from a 3 bedroom to a 5 bedroom home, led them to believe that this would not be a family home and the intention would be for a holiday home, which is not needed in Walberswick.
- There was concern regarding the lack of a detailed landscaping proposal, trees were planned to be removed without any detailed plan of how they will be replaced or why they were being removed. It appeared opportunistic and it was unclear to see how the conservation area was being enhanced. If there was a replanting plan then some mitigation could be made.
- There were concerns around light pollution from the amount of planned glass and light spillage onto existing properties.
- The pallet of materials was not considered to be appropriate.

The Chair invited question to Councillor Lewis and Walberswick Parish Council

Councillor Ewart questioned whether there were properties of similar size in the area. Councillor Lewis confirmed that Millfield had lots of substantially sized properties within it, but the concern with this development was the changing of size and the style of the property not being in keeping with the nature of the other Jennings properties.

In response to a question from the Chair, Councillor Lewis confirmed that Millfield was the centre of all of the Jennings' houses.

Following no further questions for Councillor Lewis, the Chair invited the applicant's agent, Mr Scott to speak.

Mr Scott stated that their client bought Seacroft a few years ago with the intention of creating a low energy lifetime home to occupy as their main residence. Mr Scott pointed out that both he and his client understood Walberswick and the need to maintain its special and unique character and the intention was to develop a sustainable home which sat comfortably and respectfully in its secluded site. The planned development would mirror the proportions of the existing house and was planned to optimise coastline views and remain well spaced within the boundaries to avoid overlooking. The extension was proportionate in context and did not represent overdevelopment, falling comfortably within its 2 immediate neighbours. Mr Scott stated that the design drew inspiration from the wider Walberswick conservation area, with high quality natural materials used to enhance the existing house and echo the traditional Walberswick palette. It was confirmed that there would be minimal change to landscaping and a comprehensive arboriculture impact assessment has been submitted ensuring minimal tree removal. To summarise Mr Scott stated that the proposal represented significant investment from the applicant, with sensitive architecture, high quality materials and a sustainable home with improved thermal performance.

The Chair invited question to the applicant's agent.

In response to a question from Councillor Pitchers regarding the unnecessary removal of trees, Mr Scott confirmed that there would be minimal removal, noting that the two in question were dead and needed to be removed. Mr Scott added they were happy for a condition to be applied to ensure replacement planting took place.

In response to a question from Councillor Ashdown, the applicant confirmed that it was their intention to make it their primary residence within the next 5 years.

In response to a question from Councillor Ewart, Mr Scott outlined the materials planned to be used, highlighting how they were in keeping with the Walberswick Area.

In response to a question from the Chair regarding lighting, Mr Scott confirmed that the design had done everything to mitigate any lighting issue, with no glazing being added to the existing building and the extension having a very small amount of glazing for its size. Regarding landscaping lighting, Mr Scott confirmed that the current garden

was beautifully maintained and there was no plan to change that, adding there was currently some uplighting and if necessary any external lighting could be conditioned and dealt with.

Following the questions, The Planning Development Manager clarified that how the home was occupied was not a material consideration for today. With reference to the Parish Council Comments, the Planning Development Manager shared the slide to show the context of the buildings in the Millfield area which was a mix of unlisted buildings that make a positive contribution alongside the less remarkable buildings.

There being no further questions, the Chair invited the Committee to move into debate regarding the planning permission. Councillor Pitchers was in favour of the development, adding it improved the existing building and was no bigger than others in the area; he had concerns around the loss of trees and providing there was a condition that they were suitably replaced he was happy to recommend that the planning permission be approved as set out in the recommendation. Councillor Ashton stated that he had listened carefully to the objections, and as there were no material planning conditions, he was happy to second the proposal. The Planning Development Manager advised that interested parties had raised material planning considerations but that those matters had been taken into account in the officer report and presentation to members.

The Planning Development Manager noted Councillor Pitcher's condition recommendation, suggesting that a condition be put in place as follows:

Prior to the commencement of the development a landscaping scheme incorporating any replacement tree planting should be submitted, agreed, and implemented and this should be preserved for 5 years during the course of construction.

It was by a unanimous vote

RESOLVED

to **approve** with conditions listed in section ten of this report.

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 and Existing Site Plan, 2214_IFDO_XX_00_DR__A_001, received 08/08/2023;

- Proposed Location Plan and Site Plan, 2214_IFDO_XX_00_DR__A_100, received 08/08/2023;

- Proposed Site Plan, 2214_IFDO_XX_00_DR__A_101, received 08/08/2023;
- Proposed Roof Plan, 2214_IFDO_XX_00_DR__A_112, received 08/08/2023;
- Proposed Section B-B, C-C, D-D, 2214_IFDO_XX_00_DR__A_200, received 08/08/2023;
- Proposed North & South Elevations, 2214_IFDO_XX_00_DR__A_300, received 08/08/2023;
- Proposed East & West Elevations, 2214_IFDO_XX_00_DR__A_301, received 08/08/2023;
- Proposed Ground Floor Plan, 2214_IFDO_XX_00_DR__A_110, received 08/08/2023;
- Proposed First Floor Plan, 2214_IFDO_XX_00_DR__A_111, received 08/08/2023;
- Preliminary Ecological Appraisal, Skilled Ecology Consultancy Ltd., received 14/08/2023;
- Design and Access Statement, received 14/08/2023;
- Light Spill mitigation, received 06/10/2023;
- Arboricultural Impact Assessment (AIA), received 06/10/2023;

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology, July 2023) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected.

6. No external lighting shall be installed unless a"lighting design strategy for

biodiversity” for has been submitted to and approved in writing by the local planning authority. The strategy shall:

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

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

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

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

7. All new glazing installed shall have a Visible Light Transmittance (VLT) of 0.65 or lower.

Reason: To reduce the level of light spill from the site to protect nearby European Protected Sites.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no first floor shall be installed above the room labelled snug on drawing 2214_IFDO_XX_00_DR__A_110.

Reason: To ensure that the amenity of neighbouring residents is protected.

9. No development shall take place until the existing trees on site to be retained, as shown on drawing J231000-GGC-ZZ-ZZ-D-ARB-0101 P01, have been protected in accordance with the measures detailed in submitted and approved Arboricultural Impact Assessment (AIA).

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

8 DC/23/3977/RG3 - Jubilee Parade, The Esplanade, Lowestoft

The Committee received report **ES/1801** of the Head of Planning and Coastal Management which related to planning application **DC/23/3977/RG3**. The application sought full planning permission for the demolition of the existing single storey café kiosk, store and public WC block and the erection of a two-storey building.

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

The Committee received a presentation from the Senior Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the site was displayed. Photographs showing the site in context were shared with the Committee along with existing and proposed elevations. The proposed site plan was shown, highlighting the new building alongside the enlarged lower promenade area, facilitating a turning area for emergency vehicles and the two-storey development with the lift shaft up to Jubilee Parade enabling increased accessibility.

The material planning considerations and key issues were summarised as principle, economic considerations, design and heritage, amenity, accessibility and highways, coastal erosion, flood risk, sustainability and other matters.

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

The Chair invited question to the Senior Planner.

The Senior Planner confirmed to Councillor Ashdown that the lift would provide access to the café. A further regarding when the lift would be in use was referred to the applicant.

Following no further questions, the Committee heard from Sarah Foote (SF) from Lowestoft Town Council.

In response to the query from Councillor Hammond regarding Lowestoft Town Council's objection, SF clarified that there was an administrative error in the response and this had been corrected on the update sheet.

Town council considered application and welcomes certain aspects in particular public toilets and changing facilities easy reach of south beach.

To support the application requested that members took into consideration the following:

- Heritage impact statement does not align with the South Lowestoft Kirkley area appraisal as being an area of interest.
- Possible loss of amenity – concern about the post development storage space for Lowestoft volunteer lifeguards.
- Reassurance that the existing business is being supported which is much loved and much used.

The Chair invited questions to Lowestoft Town Council. Councillor Ashton asked the Senior Planner to clarify if the second two points raised by SF were material planning considerations. In response the Senior Planner confirmed that they were not necessarily, however this would be covered as part of the applicant's representation. Councillor Ashton made a personal commitment to take forward those two points.

There being no further questions the Committee heard from Richard Best, the

applicant.

RB outlined the plans to deliver another positive phase of the seafront regeneration programme building with the project providing a first-floor restaurant with balcony, 5 new concession spaces, 2 for existing tenants and 3 for leisure. A new lift was proposed which would comply with DDA standards and would improve access and be available to all users. Modern public toilet facilities and outdoor showers would be development, and further public realm enhancements including lighting to encourage evening use. There would be outside seating and a turning circle for service and emergency vehicles. To summarise the project would provide new jobs, improve public realm and replace a tired existing building with a new seafront facility to support and improve the tourism economy.

The Chair invited question to RB. In response to a question from the Chair, RB confirmed that they had been working closely with both existing tenants to agree satisfactory short-term measures during the construction phase and long term more permanent outcomes once the construction was completed, adding legal teams had been instructed and they were making good progress.

Councillor Pitchers asked if there were any plans to change the cliff face landscape – RB confirmed there were no plans to affect landscape or biodiversity to the cliff itself other than the green roof proposal for the first-floor restaurant. Jerene Irwin, architect, confirmed that there were ongoing conversations with the ecologist to ensure the biodiversity was enhanced as part of the development.

There being no further questions, the Chair invited Ward Member, Councillor Byatt to speak. Councillor Byatt whole heartedly welcomed the proposal, particularly the modernisation of the area, the lift access, the potential solution for the voluntary lifeguards, improved lighting, cliff face diversity and the emergency and service vehicle turning space.

In response to a question from Councillor Ewart, Councillor Byatt confirmed it would be an East Suffolk Owned Building with the tenants still to be announced.

Following no further questions, the Chair invited the Committee to debate. Councillor Ashdown stated that he very much appreciated everything that was going, it was desperately needed, and he was more than happy recommend approval of this application. Councillor Pitchers, as Ward Member, also welcomed the development and seconded the proposal.

Councillor Gee welcomed the concept however was very unhappy with the design of the building, it appeared angular and ugly and not sympathetic with the landscape. In response the Senior Planner confirmed there was a condition on the approval to finalise the materials on the lift shaft following ongoing discussion with the design and conservation team. The Planning Development Manager confirmed that there could be further work to improve the aesthetics of it.

Councillor Ewart agreed it was important to consider the design element and gave an example of developments in Yorkshire.

There being no further debate the Chair moved to a vote and it was by a majority

RESOLVED

that planning permission be granted subject to receipt of comments from the Coastal Management raising no objections, and with the conditions set out in this report.

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, 210 P2, received 16/10/2023;
- Proposed Site Layout Plan, EEPT-212 P2, received 16/10/2023;
- Landscape Layout, 0501 P04, received 16/10/2023;
- Proposed Elevations, EEPT-301 P4, received 16/10/2023;
- Proposed Ground Floor with Landscape, EEPT-202 P5, received 16/10/2023;
- Proposed First Floor & Roof Plans, EEPT-203 P5, received 16/10/2023;
- Proposed Upper Promenade with Landscape, EEPT-204 P5, received 16/10/2023;
- Coastal Erosion Vulnerability Assessment, 218414-CCL-ZZ-XX-RP-C-05000 Rev:P01, received 16/10/2023;
- Design and access Statement, 6873 / Rev P1 / October 2023, received 16/10/2023;
- Flood Risk Assessment and Drainage Strategy, 218414-KS-00-XX-RP-C-001 Rev:P01, received 16/10/2023;
- Control of odour & noise associated with a commercial kitchen, EEPT-CF-ZZ-XX-RT-A-6899, received 01/12/2023;

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 (except for the cladding to the lift shaft) 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. Prior to first use of the building, hereby approved, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be created in conjunction with

the submitted and approved Flood Risk Assessment (reference 218414-KS-00-XX-RP-C-001 and dated October 2023)

Reason: To ensure the proposal is flood resilient and safe in the event of flooding

5. Prior to the installation of any fixed plant or machinery (e.g., heat pumps, compressors, extractor systems, air conditioning plant or refrigeration plant), a noise assessment should be submitted to include all proposed plant and machinery and be based on BS4142:2014+A1:2019.

A noise rating level (LAr) of at least 5dB below the typical background sound level (LA90,T) should be achieved at the nearest noise sensitive receptor. Where this noise rating level cannot be achieved, details of any noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

All equipment and/or measures included within the approved noise assessment should be installed in accordance with the approved details.

Reason: To protect the amenity of the area.

6. With reference to best practice contained within the latest edition of EMAQ+ Guidance "Control of Odour and noise from Commercial Kitchen and Exhaust Systems", all extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises.

Before the installation of such a system, details of -

- Type, size and location of the filtration plant, ventilation or similar equipment,
- The sizes and route of the ductwork, and
- The exact location of the final discharge point, including details of odour control and filtration equipment proposed to be fitted.

These details shall be submitted to and approved by the Local Planning Authority prior to the first use of the kitchen. Only the approved scheme shall be installed at the premises and shall be fully functional prior to the first operation of the business, and be retained thereafter.

Reason: To protect the amenity of the area.

7. Development must be undertaken in accordance with the ecological avoidance, mitigation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Wilder Ecology, October 2023) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

8. 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.

9. Prior to the removal and/or replacement of any of the cliff top wall along the upper promenade, full details of the any of the repairs and/or replacements shall be submitted to and approved in writing by the local planning authority.

Reason: To preserve the character and appearance of the Conservation Area.

10. Prior to any new works of construction above slab level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials, and any necessary proposed functional services above and below ground. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

The landscaping scheme shall be completed within 6 months from the completion of the proposal, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

11. Prior to construction of the bin storage areas, full details of the bin storage, including means of enclosures, shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage areas shall then be constructed and made available prior to first use of the development hereby permitted.

Reason: To preserve the character and appearance of the Conservation Area.

12. Prior to their first use on site, full details of the proposed cladding material to the lift shaft shall be submitted to and approved in writing by the Local Planning Authority. The lift shaft shall then be clad with the approved materials prior to its first use.

Reason: To preserve the character and appearance of the Conservation Area.

9 DC/23/2832/RG3 - Public Realm Spaces, Royal Plain, Lowestoft, NR33 OAP

The Committee received report **ES/1802** of the Head of Planning and Coastal Management which related to planning application **DC/23/2832/RG3**. The application sought full planning permission for public realm works across three areas in Lowestoft; the Royal Plain, Royal Green and South Quay.

The application was before the Committee for determination as East Suffolk Council

were both the applicant and landowner.

The Committee received a presentation from the Principal Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the site was displayed. Photographs showing the site in context were shared with the Committee. The proposed block plans and visual were displayed for each of the three areas. The Principal Planner noted that events on Royal Green could continue whilst the work was ongoing, with the intention being to improve the connectivity of Royal Green. There was a continued key focus for the war memorial to be retained and for that surrounding area to be used and improved, with the aim being to continue to attract visitors to East Point Pavillion.

The material planning considerations and key issues were summarised as principle of development, conservation area and setting of listed buildings, and public realm improvements and community benefit.

The Principal Planner stated that there were comments still to be received from the Local Lead Flood Authority (LLFA) and Suffolk Highways Authority, but these were not envisaged to be problematic.

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

The Chair invited questions to the Principal Planner.

In response to Councillor Pitchers question regarding South Quay ownership, the Principal Planner confirmed that the land is East Suffolk land with some of the land belonging to ABP. Clarity was sought regarding the suspended dock area and this was referred to Officer Stephen Hart.

It was clarified that vehicle access to Royal Green was being considered in the plans for events running whilst the area was being developed.

In response to Councillor Ashdown, the Principal Planner confirmed that no disabled car parking spaces would be lost.

In response to Councillor Ewart, the Principal Planner clarified it was a Council led project and the longer-term management and maintenance of it would be from the Council, noting it was a RG3 application type which was for planning permission deemed to be granted for the benefit of East Suffolk Council.

Councillor Ewart questioned the branding within the design and whether there would be an events space. The Principal Planner confirmed that branding had been considered throughout the design phase and the Royal Green had sufficient space to incorporate events alongside the landscaping etc planned.

Following no further questions for the Principal Planner, the Chair invited Richard Best, the applicant to speak.

RB gave an overview of the project, adding further context with the ambition being to

deliver an improved destination place, positively contributing to the tourism economy and delivery of the seafront vision.

The Chair invited question to Richard Best.

In response to a question from Councillor Ashton it was confirmed that the delivery project would be arranged to minimise disruption to East Point Pavilion.

Councillor Pitchers asked about the suspended quay and whether any additional works were intended by ABP. It was confirmed that there were no current plans for the removal of the quay area.

There being no further questions, the Chair invited Councillor Byatt, Ward Member to speak.

Councillor Byatt confirmed that his query regarding low wall being removed were no longer an issue, having seen the presentation. He welcomed the design in terms of tourism and the local economy and suggested the MUGA was fenced and locked at certain times of night.

There being no further questions the Chair invited the Committee to debate the application that was before it. Councillor Gee said it was a brilliant idea, enriching a desolate area and was happy to propose that the application be approved as set out in the recommendation. Councillor Hammond concurred and seconded the proposal.

Councillor Hammond thanked the officers and noted the hard work that had gone into putting the proposals together.

Councillor Pitchers, as a Kirkley resident, appreciated the work that had been carried out.

It was by a unanimous vote

RESOLVED

that Authority to Approve, subject to any final (minor) design revisions; and receipt of comments from the Local Lead Flood Authority (LLFA) and Suffolk Highways Authority confirming no objections.

Conditions

**** list of conditions need to be inserted ****

10 DC/23/2352/FUL - 1 Adams Lane, Walberswick, Southwold, IP18 6UR

The Committee received report **ES/1803** of the Head of Planning and Coastal Management which related to planning application **DC/23/3527/FUL**. The application sought full planning permission for a new driveway access off the B1387 into the garden of 1 Adams Lane in Walberswick.

The application was before the Committee for determination 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 this application. The site's location plan and an aerial photograph of the property shown, with the Assistant Planner noting that it doesn't currently have access from the street although the majority do. Photographs showing the site in context were shared with the Committee. The proposed block plans and visual was displayed, it was noted there is currently parking to the west and pedestrian access to the garden. Historic photographs showing the previous access point was shared and the poor condition of the hedge that was to be removed was noted.

The material planning considerations and key issues were summarised visual impact and highway safety.

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

The Chair invited questions to the Assistant Planner. In response to a question from Councillor Ashdown, the Assistant Planner confirmed that the only part of the hedge to be removed was the amount required for the access. It was noted that permission was not required to remove the hedge.

There being no further questions, the Chair invited Councillor Lewis of Walberswick Parish Council to outline the objections.

Councillor Lewis told the committee that when researching back several years there had been no previous vehicle access and the property already had a garage and access. He had concerns regarding highway safety as there were lots of changes of speeds of vehicles at this point in the road. There were already 3 access points and choosing to put another access point in would be dangerous. Councillor Lewis added that there were concerns over changes of biodiversity due to the removal of the hedge.

The Chair invited question to Councillor Lewis.

There being no questions the Chair invited the Committee to debate the application that was before it.

Councillor Gee agreed with what had been said and felt that from a safety perspective this would be highly detrimental adding the hedge should not be removed.

Councillor Ashton agreed about the hedge but could understand why there was the need to have vehicular access nearer to the house and was mindful to support it.

Councillor Ashdown concurred with Councillor Ashton and was happy to support the application.

Councillor Ewart agreed with Councillor Gee and had concerns regarding safety.

Councillor Hammond had to leave the meeting at 5pm.

On the proposition of Councillor Ashdown seconded by Councillor Ashton Cllr Ashdown recommended for approval, it was by a majority vote

RESOLVED

to **Approve** subject to 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 carried out in all respects strictly in accordance

with the following approved plans and documents for which permission is hereby granted:

- Drawing no. DM01 - Layout received on 03 November 2023.

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. Before the access is first used visibility splays shall be provided as shown on Drawing Ref. DM01 - Layout with an X dimension of 2.4 metres and a Y dimension of 22 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted, or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

5. No other part of the development hereby permitted shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM01 with an entrance width of 3 metres for a distance of 5 metres measured from the nearside edge of the metalled carriageway. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

6. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

7. The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

8. Gates or other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.

Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.

9. Prior to the development hereby permitted being first occupied, the new vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

10. Before the development is commenced, details of the areas and infrastructure to be provided for the manoeuvring and parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with the current Suffolk Guidance for Parking (2023) where on-street parking and manoeuvring would be detrimental to highway safety. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the

development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

11. Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

Informatives:

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

2. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing, all works within the public highway shall be carried out by Suffolk County Council or its agents at the applicant's expense.

Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information, go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>

or;

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

Suffolk County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to the proposed development.

3. Suffolk County Council's highway apparatus appears to be affected by this proposal. The applicant must contact Suffolk County Council, telephone 0345 606 6067 to agree any necessary alterations to be carried out at the expense of the developer.

4. Sufficient vehicle turning facilities should be provided to ensure vehicles can exit and enter the site in a forward-facing gear. It has not been evidenced that vehicles could complete this manoeuvre when both vehicle parking spaces are occupied.

11 DC/23/3905/FUL - Leiston Enterprise Centre, Eastlands Road, Leiston, IP16 4US

The Committee received report **ES/1804** of the Head of Planning and Coastal Management which related to planning application **DC/23/3905/FUL**. The application sought full planning permission for the addition of 2No external wall mounted condensing units for an air conditioning system.

The application was before the Committee for determination as East Suffolk Council owned the building.

The Committee received a presentation from the Assistant Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the property shown, with the Assistant Planner highlighting the location of the proposed unit and noting that the majority of the neighbours were commercial with the exception of some residential properties to the west and to the south. Photographs showing the site in context were shared with the Committee. The proposed block plans and visual was displayed.

The material planning considerations and key issues were summarised as design and amenity impact. The Assistant Planner noted that an objection had been put forward regarding nighttime usage and it was confirmed that there was a limit to the running time to only be 8am to 6pm.

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

The Chair invited questions to the Assistant Planner.

In response to a question from Councillor Ashton regarding prescriptive running hours, the Assistant Planner confirmed that the hours were proposed by the Applicant.

Councillor Ewart asked if it was a rent-an-office as it was advertised as 24 hours service. It was clarified that there is a management company, NWES, who were the applicant, and they proposed the running hours as they were deemed suitable for neighbours.

There being no further questions the Chair invited the Committee to debate the application that was before it. Councillor Gee noted that as long as the business hours were adhered to then she was happy to approve. Councillor Ashdown commented in light of climate change and warmer climates he was happy to second.

It was by a unanimous vote

RESOLVED

that the application is recommended for approval, subject to controlling 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 carried out in all respects strictly in accordance with the following approved plans and documents for which permission is hereby granted:

- Drawing no. 1233.D02 Rev A received on 11 October 2023.

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

3. The air conditioning units hereby permitted shall not operate on the premises outside the following opening hours:
08.00-18.00 hours Monday-Sunday, including Bank Holidays.

Reason: To control the noise emitted from the site in the interests of residential amenity.

4. The units hereby approved shall be installed and maintained precisely in accordance with the information set out in the Plant Noise Impact Assessment by Mach Group.

Reason: In the interest of amenity and protection of the local environment.

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.

There are no Exempt or Confidential items for this Agenda.

The meeting concluded at 5.14pm.

.....
Chair