



Planning Committee North

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

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at https://youtube.com/live/C_-DzxUYSzA?feature=share

Members:

Councillor Sarah Plummer (Chair), Councillor Julia Ewart (Vice-Chair), Councillor Paul Ashdown, Councillor Paul Ashton, Councillor Andree Gee, Councillor Toby Hammond, Councillor Graham Parker, Councillor Malcolm Pitchers, Councillor Geoff Wakeling.

An Agenda is set out below.

Part One – Open to the Public

Pages

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence and Substitutions | |
| 2 | Declarations of Interest
Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered. | |
| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Quality of Place Awards 2023
Presentation by Karolien Yperman, Design and Heritage Officer. | |
| 5 | East Suffolk Enforcement Action - Case Update ES/1891
Report of the Head of Planning and Coastal Management. | 1 - 16 |
| 6 | DC/23/0792/FUL - Post Office, 51 London Road North, Lowestoft, NR32 1AA ES/1886
Report of the Head of Planning and Coastal Management. | 17 - 39 |

Part One – Open to the Public		Pages
7	DC/23/1407/LBC - Old Lowestoft Post Office, London Road North, Lowestoft, NR32 1AA ES/1887 Report of the Head of Planning and Coastal Management.	40 - 49
8	DC/24/0011/FUL - 70 Firs Farm Cottages, The Warren, Snape, IP17 1NS ES/1888 Report of the Head of Planning and Coastal Management.	50 - 57
9	DC/24/0087/FUL - 16 Nicholas Drive, Reydon, Southwold, IP18 6RE ES/1889 Report of the Head of Planning and Coastal Management.	58 - 63
10	DC/23/4817/FUL - 1 Broadland Close, Worlingham, Beccles NR34 7AT ES/1890 Report of the Head of Planning and Coastal Management.	64 - 69
11	DC/24/0754/CON - Proposed Creation of a Public Footpath (Halesworth No 27 & Holton No 14) ES/1892 Report of the Head of Planning and Coastal Management.	70 - 92

Part Two – Exempt/Confidential	Pages
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Close



Chris Bally, Chief Executive

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Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

If you are registered to speak, can we please ask that you arrive at the meeting **prior to its start time (as detailed on the agenda)** and make yourself known to the Committee Clerk, as the agenda may be re-ordered by the Chairman to bring forward items with public speaking and the item you have registered to speak on could be heard by the Committee earlier than planned.

Please note that any illustrative material you wish to have displayed at the meeting, or any further supporting information you wish to have circulated to the Committee, must be submitted to the Planning team **at least 24 hours** before the meeting.

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

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Planning Committee North

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

12 March 2024

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 27 February 2024. At present there are 16 such cases.

Information on all cases has been updated at the time of preparing the report such that the last row in the table for each item shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *3 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *6 current cases*

- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *1 current case*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *0 current cases*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *0 current case*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *5 current cases*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current case*

RECOMMENDATION

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

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.

A.1

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u>	
19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
20/02/2023 – Extension of time agreed to 20/10/2023	
21/11/2023 -Site visited, partially complied, further visit to be undertaken.	
05/12/2023 -Site visited, unable to see inside cartlodge. Further visit to be arranged.	
<u>Current Status/Position</u>	
Visit to be undertaken	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.2

LPA Enforcement Case Reference	ENF/22/0133/USE
Location / Address	Patience Acre, Chenerys Loke, Weston
North or South Area	North

Date of Report of Breach	22.04.2022
<u>Nature of Breach:</u> Residential occupation of holiday let	
<u>Summary timeline of actions on case</u> 28/03/2023 –Breach of Condition Notice served. Comes into effect on the 27/04/2023. There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given. 05/07/2023 - appeal against refusal of planning application refused.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	27/04/2024

A.3

LPA Enforcement Case Reference	ENF/2018/0476/USE
Location / Address	Part Os 1028 Highgate Lane Dallinghoo
North or South Area	South
Date of Report of Breach	15.11.2018
<u>Nature of Breach:</u> Siting of a converted vehicle for residential use	
<u>Summary timeline of actions on case</u> 11/09/2023 –Enforcement Notice served. Comes into effect on the 11/10/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	11.04.2024

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal

B.1

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
Summary timeline of actions on case 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted 28/06/2022 – final comments due.	
Current Status/Position Awaiting Planning Inspectorate Appeal Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.2

LPA Enforcement Case Reference	ENF/21/0121/USE
Location / Address	The Pastures, The Street, North Cove
North or South Area	North
Date of Report of Breach	17.03.2021
Nature of Breach: Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	
Summary timeline of actions on case 03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance 14/11/2022 - Pre-start letter from Planning Inspectorate 14/12/2022 - Appeal started. Written Representations Process, statement due by 6 th February 2023. PINS Reference APP/X3540/C/22/3312353	
Current Status/Position Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.3

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
Nature of Breach: Artificial hedge, support structure and fencing which is over 2m in height	
Summary timeline of actions on case	
28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance	
09/01/2023- Pre-start letter from Planning Inspectorate	
09/01/2024- Start letter received from Planning Inspectorate, statements required by 20 th February 2024.	
Current Status/Position	
Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.4

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022
Nature of Breach: Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
Summary timeline of actions on case	
28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance	
09/01/2023 – Pre-start letter from Planning Inspectorate	
31/01/2023 –Start letter received from Planning Inspectorate, statements required by 14 th March 2023.	
Current Status/Position	
Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.5

LPA Enforcement Case Reference	ENF/21/0006/DEV
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Location / Address	Land at Garage Block North Of 2, Chepstow Road, Felixstowe, Suffolk
North or South Area	South
Date of Report of Breach	06.01.2021
Nature of Breach: Erection of large fence	
Summary timeline of actions on case 08/08/2023 –Enforcement Notice served. Comes into effect on the 08/09/2023 18/10/2023 - Appeal submitted, statements due 29 th November 2023.	
Current Status/Position Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.6

LPA Enforcement Case Reference	ENF/22/0247/USE
Location / Address	Part Land East Of Mariawood, Hulver Street, Henstead
North or South Area	North
Date of Report of Breach	15.11.2018
Nature of Breach: Siting of mobile home	
Summary timeline of actions on case 21/09/2023 –Enforcement Notice served. Comes into effect on the 21/10/2023 23/10/2023 - Appeal submitted, awaiting start letter. 05/01/2024 - Start letter received from Planning Inspectorate, statements required by 15 th February 2024.	
Current Status/Position Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period

C.1

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due. 11/09/2023 - Appeal dismissed. 4 months for compliance. 15/01/2024 - Site visit, partial compliance, use ceased and mobile home removed. 3 month extension given to remove remaining development.	
<u>Current Status/Position</u> In compliance period following appeal.	
Date by which Compliance expected (or prosecution date)	17/04/2024

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.

- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action**

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

F.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	20.10.2008
Nature of Breach:	
Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	
<p>15/10/2010 – Enforcement Notice served</p> <p>08/02/2010 - Appeal received</p> <p>10/11/2010 - Appeal dismissed</p> <p>25/06/2013 - Three Planning applications received</p> <p>06/11/2013 – The three applications refused at Planning Committee.</p> <p>13/12/2013 - Appeal Lodged</p> <p>21/03/2014 – Enforcement Notices served and became effective on 24/04/2014</p> <p>04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</p> <p>31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</p> <p>03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</p> <p>10/11/2015 – Informal hearing held</p> <p>01/03/2016 – Planning Appeal dismissed</p> <p>04/08/2016 – Site re-visited three of four Notices have not been complied with.</p> <p>21/04/2017 - Trial date. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</p> <p>19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</p> <p>14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</p> <p>21/11/2017 – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</p> <p>27/06/2018 – Compliance visit conducted to check on whether the 2010.</p> <p>06/07/2018 – Legal advice sought.</p> <p>10/09/2018 – Site revisited to check for compliance with Notices.</p> <p>11/09/2018 – Case referred back to Legal Department for further action to be considered.</p>	

<p>11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</p> <p>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</p>	
<p><u>Current Status/Position</u> Site visited. Case currently with the Council’s Legal Team for assessment. Charging orders have been placed on the land to recover costs.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

F.2

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<p><u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins</p>	
<p><u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted.</p>	

<p>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <p>13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use</p> <p>16/06/2020 – Submission of Appeal Statement</p> <p>11/08/2020 - Appeal dismissed with some amendments.</p> <p>11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action.</p> <p>25/03/2021 - Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p>2022 - Application for an Injunction has been made to the High Court.</p> <p>06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p>08/03/2023 - Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p> <p>30/03/2023 - appeal submitted to High Court against Injunction – awaiting decision from Court.</p> <p>10/07/2023 -Injunction appeal failed, 2 weeks given to comply with Injunction by 10am on 24th July.</p> <p>25/07/2023-Site Visit conducted; injunction not complied with. Information sent to legal team.</p>	
<p><u>Current Status/Position</u> With Legal Team</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>24th July 2023</p>

F.3

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<p><u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)</p>	
<p><u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance.</p>	

<p>25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action.</p> <p>19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30th January 2023.</p> <p>30/01/2023- Court over listed and therefore case relisted for 27th March 2023</p> <p>27/03/2023- Defendant did not attend, warrant issued, awaiting decision from court.</p> <p>31/07/2023- Defendant attended court, plead guilty to all charges and was fined £5134.78 in total.</p>	
<p><u>Current Status/Position</u> Considering legal options following court appearance</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Depending on legal advice</p>

F.4

<p>LPA Enforcement Case Reference</p>	<p>ENF/21/0441/SEC215</p>
<p>Location / Address</p>	<p>28 Brick Kiln Avenue, Beccles</p>
<p>North or South Area</p>	<p>North</p>
<p>Date of Report of Breach</p>	<p>29.09.2021</p>
<p><u>Nature of Breach:</u> Untidy site</p>	
<p><u>Summary timeline of actions on case</u> <p>07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p>17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action.</p> <p>21/11/2022– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24th February 2023 to comply with notice.</p> <p>10/03/2023- Site visit conducted, notice not complied with. Matter passed to Legal for further action.</p> <p>23/10/2023- Courts decided to adjourn the case for 3 months, to allow further time for compliance. Therefore, a further court date set for 15th January 2024.</p> <p>15/01/2024- Court appearance for prosecution for a second time for failing to comply with a Section 215 Notice. The defendant pleaded guilty and was fined a total of £1,100. The defendant has improved the condition of the site but not fully complied the notice.</p> </p>	
<p><u>Current Status/Position</u> Considering further options.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent on further discussions.</p>

F.5

<p>LPA Enforcement Case Reference</p>	<p>ENF/20/0404/USE</p>
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Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 26/06/2023 –Site visited, notice not complied with, case will be passed to the legal team for further action. 23/10/2023 - Court found defendant guilty and fined a total of £4400. 11/11/2023 - Further compliance date set for 11 th January 2024. 15/01/2024 - Site visited, notice not complied with, case will be passed to the legal team for further action.	
<u>Current Status/Position</u> With Legal Team	
Date by which Compliance expected (or prosecution date)	11 th January 2024.

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue

G.1

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<p><u>Nature of Breach:</u> Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.</p>	
<p><u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - Retrospective app received. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 30/04/2021 - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs 12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains</p>	
<p><u>Current Status/Position</u> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.</p>	

Date by which Compliance expected (or prosecution date)	31/12/2024
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Committee Report

Planning committee - 12 March 2024

Application no DC/23/0792/FUL

Location

Post Office
51 London Road North
Lowestoft
Suffolk
NR32 1AA

Expiry date 21 June 2023
Application type Full Application
Applicant East Suffolk Council

Parish Lowestoft

Proposal Adaptive reuse of grade II listed post office and auxiliary buildings for multifunctional art based centre. Development comprising:
Conversion of listed post office building to provide 4no. artist studios, art gallery and associated facilities;
Gallery use at connecting hall (former sorting hall) between post office and gault building;
Conversion of Gault Building to provide gallery use, 4no. studios / residential provision, and associated facilities;
New build lift, stair core and store & loading area;
New build Cafe with covered outdoor seating and associated facilities;
New build Artist Studio and associated facilities connecting to the open flexible space at the rear of the site; and
New build ground level DDA compliant accommodation in bedroom annex.

Case Officer Katherine Rawlins
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Katherine.Rawlins@eastsoffolk.gov.uk

1. Summary

- 1.1 The application seeks full planning permission for the re-purposing/redevelopment of the former Post Office site. The application is made by East Suffolk Council, on Council owned land, therefore the application has been brought direct to Planning Committee (North) for determination.
- 1.2 Lowestoft is an example of a Town Centre in decline with vacancy rates approximately double the national average. In recent years, East Suffolk Council has taken a more proactive approach to regeneration and economic development through a number of projects, including: Lowestoft Town Investment Plan; Town Centre Masterplan; Heritage Action Zones (north and south); and the Making Waves Together Project. The aims of these projects are translated into Local Plan policy objectives, and reflective broadly of the National Planning Policy Framework and central government policy on enhancing the vitality and viability of town centres. The Post Office has been vacant for a number of years, but permission has been granted by the Council for remedial works and repairs to the building in this period, that have been undertaken.
- 1.3 This application proposes to re-purpose a landmark building within Lowestoft Town Centre for a mixed-use development as a multifunctional arts based centre, comprising:
 - o Conversion of listed post office building to provide 6no. artist studios, art gallery and associated facilities;
 - o Gallery use at connecting hall (former sorting hall) between post office and gault building;
 - o Conversion of Gault Building to provide gallery use and 4no. studio units of residential accommodation, and associated facilities;
 - o New build lift, stair core and store & loading area;
 - o New build Cafe with covered outdoor seating and associated facilities; and
 - o New build Artist Studio and associated facilities connecting to the open flexible space at the rear of the site.
- 1.4 The application delivers significant public benefits in the form of the re-use and adaptation of this important, Grade II listed landmark building within Lowestoft Town Centre, and associated ancillary buildings, including the Gault Building - a non-designated heritage asset in its own right - with a mixed use development that includes a gallery use within the former sorting hall of the post office, and artists' studios, retail unit associated with the gallery use within the ground floor of the listed former post office, ancillary accommodation studios for visiting artists within the Gault building, and new build element at the rear with a new café and enhanced public realm to Surrey Street within the Conservation Area.

2. Site Description

- 2.1 The application site is located to the west side of London Road North, and to the south side of Surrey Street, within the South Lowestoft Conservation Area. The Old Post Office is a Grade II Listed Building dating from the 19th Century - three storeys in height and constructed of buff brick with stone facing, fronting onto London Road North. It has been vacant for a number of years. There is a side access to the site, from Surrey Street. London Road North is a pedestrianised high street. At the point of site access from Surrey Street, this transitions from a highway to pedestrianised street where it then joins London Road North.

- 2.2 To the rear of the main (front) Post Office building are a number of ancillary structures and buildings comprising: The Sorting Office and the Three-Storey Building (which are both constructed of gault white brick); a glass roofed rear lean-to extension; a covered way attached to the three-storey element; and the concrete framed/corrugated cement roofed structure to the rear.
- 2.3 The site has the following planning history:
- o DC/81/1000/FUL - renewal of canopy to loading bay - permitted.
 - o DC/90/0647/FUL - disabled persons ramp access - permitted.
 - o DC/09/0328/LBC - replace 2no. existing projecting illuminated lozenge with 1no. new projecting sign. Carry out various internal decoration works including replacement flooring, posters and queuing system - permitted.
 - o DC/12/0027/FUL - replace defective sorting hall roof with new felt covering and general repairs and improvements - permitted.
 - o DC/14/0799/FUL & DC/14/0800/LBC - removal of external stamp vending machine and formation of two internal rooms - permitted.
 - o DC/20/0653/FUL - Demolition of existing shed buildings and 3/4 storey brick building to rear of Post Office, including adjoining structures to rear of Post Office. Repair & adaptation to the ground floor of the Post Office building including a new extension to the west and re-fenestration at ground floor level. Erection of flats and houses comprising 9 dwellings, with associated landscaping works -permitted.
 - o DC/20/1783/LBC - Listed Building Consent - Repair & adaptation to the ground floor of the Post Office building including a new extension to the west, new roof to ground floor extension and re-fenestration at ground floor level - permitted.
 - o DC/21/4219/FUL - Conservation repairs to the former post office, New ground floor fenestration & entrance doors. Removal of external ramp, installation of new ramp to front entrance. Repairs & replacement, to external building fabric. Permitted.
 - o DC/21/4220/LBC - Listed Building Consent - Repair & refurbishment of timber sash windows, stone repair & infill at ground floor, new windows & doors at ground floor, new rainwater goods to replace existing, replacement of roof tiles, flat roof covering in lead, stone cleaning on front facade. Minor internal strip out to facilitate repairs & refurbishment and repair & replacement of roof access lantern. Permitted.
- 2.4 The site is located within the Lowestoft town settlement boundary and falls within Environment Agency flood zone 2.
- 2.5 Although not a formal planning designation, the site falls within the South Lowestoft Heritage Action Zone (HAZ) which is a heritage-led regeneration project led by Historic England in partnership with ESC.

3. Proposal

- 3.1 The proposal seeks to bring the Post Office and associated ancillary buildings back into a mixed commercial, retail (in association with the gallery use), and leisure use, with ancillary artists' studios, workshops, and ancillary café, including new build element towards the rear of the site. The original scheme has been subject to considerable revision, with final amended plans submitted for re-consultation on 09 January 2024.

- 3.2 The arts space would be run by Messums, who are recognised for revitalising old buildings and embedding them within communities through artistic enterprise, and sculptor Laurence Edwards who began his art education in Lowestoft and subsequently developed an international reputation for large scale public works from his base in East Suffolk. The hub, known as Messums East, would provide a working studio for Laurence Edwards, in addition to spaces for a revolving residency of international, national, and regional artists, as well as exhibition spaces and screening room, and a café/restaurant. Laurence Edwards would also be working to create a large-scale bronze landmark sculpture for Lowestoft, casting it at his foundry in East Suffolk.
- 3.3 The proposed development therefore relates to both the Post Office building and its associated land to the rear, including the adaptation and re-use of the Gault building, into a multi-functional art-based centre with new retail unit in association with the gallery use, artists' studios, including artists accommodation within the Gault building, and new build elements to the rear of the site, to include the provision of a new café with covered seating area. In total six artists' studios are proposed within the main post office building, including a local artists gallery, teaching space and private exhibition space, in addition to the main gallery within the former post office sorting office, and four studios as short-term living accommodation for artists within the Gault building. A tandem application for listed building is submitted for Listed Building works as part of proposals for adaptive reuse of grade II listed post office (and auxiliary buildings) for multifunctional art based centre (DC/23/1407/LBC).
- 3.4 Work to the main Post Office building:
Adaptation of the former post office to ground floor retail unit with entrance to London Road North and local artist display area; first and second floor artists work studios with ancillary office space, communal meeting space, incorporating private gallery, local artist gallery, classroom space and teaching galley; new external stair core and lift access at ground-third floor level (cargo and wheelchair accessible lift);
- 3.5 Works to the sorting office and Gault building:
Adaptation and re-use of the former Post Office sorting office hall to art gallery, with gallery entrance; adaptation of Gault building to create four artists residential accommodation units (studios), incorporating 2 DDA compliant studios at first floor level, accessed via existing stairwell with new internal platform lift; and ancillary staff areas at third floor level.
- 3.6 Development to the rear:
Demolition of all unlisted adjoining structures and buildings to the rear of the Post Office and the Gault building, and the construction of ancillary café space, incorporating covered outdoor seating area, plant rooms, storage buildings, work, and wax studio, with cycle storage and ancillary plant roof, and new service yard. Secure cycle storage would be provided within the new build element for the proposed artists' studios and refuse/recycling storage, covered outdoor seating associated with the ancillary café and plant room.
- 3.7 The application, along with the tandem listed building consent application, has been subject to a number of design revisions and requests for further information, the most significant of which relates to the removal of extensive roof top plant from the former sorting office building to the main gallery. The amended scheme also includes the retention of the glazed roof lantern to the rear of the listed former Post Office, the provision of cycle storage for the artists accommodation within the Gault building, and the removal of a ground floor DDA compliant artist's studio within the new build element, owing to flood risk concerns. Two DDA

compliant studios are now proposed at first floor level within the Gault building, along with provision of a platform lift, and cycle storage is proposed for the visiting artists accommodation. Additional information has been provided by the applicant to address the initial comments of the Council's Heritage Office, and re-consultation has taken place with Suffolk County Highways Authority and the Lead Local Flood Authority, in addition to Heritage.

3.8 The application is supported by the following documents:

- o Design and Access Statement
- o Heritage Statement
- o Flood Risk Assessment and Drainage Strategy
- o Ecology Report
- o Site Investigation Report
- o Fire Strategy
- o Signage Strategy, along with 3D Visualisations of the Proposed Scheme

4. Consultations/comments

Response to Original Scheme and First Round of Consultation

4.1 No third-party representations.

Response to Second Round of Consultation

4.2 1 third party representation from CBRE Planning and Development on behalf of Lloyds Bank plc:

- Request a structural survey, demolition method statement and construction method statement be prepared and submitted to East Suffolk Council ahead of determination to address concerns relating to the implementation of the proposals. If this not possible, request the conditions relating to these matters are attached as planning conditions and Lloyds Bank is notified of the discharge of conditions.

4.3 Response to Third Round of Consultation

No further third party representations

5. Consultees

Consultee	Date consulted	Date reply received
Lowestoft Town Council	11 May 2023	7 June 2023
Summary of comments: It was agreed to recommend approval of the application.		

Consultee	Date consulted	Date reply received
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Historic England	11 May 2023	31 May 2023
<p>Summary of comments:</p> <p>Historic England has no objection to the application on heritage grounds.</p> <p>We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 199, 200 and 202. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.</p>		

Consultee	Date consulted	Date reply received
Historic England	N/A	14 June 2023
<p>Summary of comments:</p> <p>Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 199, 200 and 202. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.</p>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 May 2023	No response
<p>Summary of comments:</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	11 May 2023	15 June 2023
<p>Summary of comments:</p> <p>Holding Objection. Space is retained for deliveries. It appears no parking has been provided for staff and visitors which is contrary to guidance found within Suffolk Guidance for Parking 2019.</p> <p>As the proposal is located in an urban area where there is good provision of public transport we would allow a relaxation of parking standards, this complies with SGP 2019 page 34. This section states that such developments must be designed to provide exceptional standards of sustainable transport.</p> <p>The applicant should consider exceptional modes of sustainable travel such as but not limited to:</p> <ul style="list-style-type: none"> - Exceeding the minimum amount of cycle spaces as set out within Suffolk Guidance for Parking 2019 and ensuring the spaces provided are in a secure, covered and lit area. - Facilities for electrical cycle charging. 		

- Powered two-wheeler parking.
- Efficient, secure spaces for cargo bikes.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	11 May 2023	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	11 May 2023	9 June 2023
<p>Summary of comments: Further information is required before the proposals can be fully considered and the relevant NPPF tests applied.</p> <p>Summary of additional information required:</p> <ul style="list-style-type: none"> o Details relating to fire should include: compartmentalisation, fire suppression, and surface and structure upgrades. o Details relating to thermal upgrading should include: location, depth and type of any new insulation. o Details relating to M&E should include: what provision is necessary in each space, how much and what type of plant is necessary and where it would be located and indicative service run locations. o Advice should be sought on whether the scheme as proposed conforms with all the relevant building regulations o Lean to covered storage - section drawing and materials details o The current condition of the rooflight should be surveyed at this stage to allow us to understand whether works would be repairs, like for like replacement or replacement with a different design. o Studio 6 - either retained as two smaller spaces or a internal partition that can be opened. o Information on any suspended ceilings proposed o Confirmation is required that all the plant associated with the lift can be accommodated within the structure shown o Any changes to the design of the lift/stair tower to ensure that it is structurally sound o Confirm internal finish in Sorting Office o Indicative signage details for café. 		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	11 May 2023	2 June 2023
<p>Summary of comments: Object. This is a complex site with many different land uses. An initial Noise Assessment is required. A Demolition and Construction Management Plan is to be secured by condition. A Phase I</p>		

and Phase II Contamination Assessment and Remediation, and Validation, and Unsuspected Contamination being discovered, is to be secured by planning condition.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	11 May 2023	31 May 2023
<p>Summary of comments: Should permission be granted, planning conditions in respect of ecological mitigation, compensation and enhancement measures should be included. A financial contribution to the Suffolk RAMs Mitigation Strategy (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	11 May 2023	No response
<p>Summary of comments:</p>		

Re-consultation consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	20 October 2023	5 December 2023
<p>Summary of comments: Holding Objection remains due to a lack of information.</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	22 January 2024	7 February 2024
<p>Summary of comments: No objection, subject to conditions.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	7 November 2023	20 November 2023
<p>Summary of comments: Holding Objection. The applicant has not provided a drainage strategy as part of the application.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	22 January 2024	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	20 October 2023	28 November 2023
Summary of comments: Additional information is awaited from the applicant.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	22 January 2024	8 February 2024
Summary of comments: Planning conditions are recommended in the event of the application being approved.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	20 October 2023	24 November 2023
Summary of comments: No objection, subject to conditions to secure odour control measures and a Noise Impact Assessment from fixed plant and machinery.		

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	5 May 2023	30 May 2023	Lowestoft Journal
Category	Published	Expiry	Publication
Conservation Area	5 May 2023	30 May 2023	Beccles and Bungay Journal

7. Site notices

General Site Notice Reason for site notice: Conservation Area; Listed Building
Date posted: 12 May 2023
Expiry date: 5 June 2023

8. Planning policy

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.18 - New Town Centre Use Development (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.19 - Vitality and Viability of Town Centres (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.38 - Non-Designated Heritage Assets (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

National Planning Policy Framework 2023 (NPPF)

9. Planning Considerations

Policy Background

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." This is reflected in paragraph 47 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.
- 9.2 The Development Plan for this part of the District comprises the East Suffolk Council - Adopted Waveney Local Plan (2019) and any Adopted Neighbourhood Plans. The Draft Lowestoft Neighbourhood Plan (Regulation 14 Consultation Draft, October 2023) is at an early stage, and therefore policies have no weight. The relevant policies of the Development Pan are listed

in section 8 above. The NPPF, paragraph 11, requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approved development proposals that accord with an up-to-date Development Plan, without delay.

Principle of Development

- 9.3 The application site is located within Lowestoft Town Centre as defined in the Local Plan. Policies WLP1.1 and WLP1.2 set out broadly, that new development is to be directed to the defined settlement boundaries, with the majority of development over the Plan period 2014-2036 allocated to Lowestoft, as the largest Town Centre in the District. The NPPF at Appendix 2 also defines Main Town Centre uses, including retail development, leisure, arts, and cultural development, including galleries. The principle of mixed-use development in Lowestoft Town Centre, is entirely supported therefore in the Local Plan.

Vitality and Viability of Lowestoft Town Centre

- 9.4 Across the UK, there is a national trend of Town Centre decline, exacerbated by the recent Pandemic, with a rise in the number of vacant and redundant retail units. High Streets and town centres need to adapt to changing economic circumstances, with a variety of different retail, leisure, and cultural uses, highlighted in the recent report by Central Government: Ministry for Housing, Communities and Local Government (MHCLG) published its report 'High Streets and Town Centres in 2030'. Paragraph 90 of the National Planning Policy Framework states that planning decisions should support the role that town centres play, by taking a positive approach to their growth, management, and change, by allowing them to grow and diversify in a way that can respond to changes in retail and leisure industries and allow a mix of uses.
- 9.5 Within the context of Lowestoft, the Retail and Leisure Needs Assessment for East Suffolk District (2016) carried out health checks across all the District's Town Centre, and identified that town centres were generally performing well, but Lowestoft had above average number of vacant retail units and required environmental improvements. The application site has been vacant for a number of years but has been subject to remedial works in the interim by the Council to the main Grade II listed Post Office building, permitted by applications DC/21/4219/FUL and DC/21/4220/LBC. This reflects the proactive role taken by the Council to regeneration and economic development within the Town Centre through a number of projects, including, but not limited to: the Lowestoft Town Investment Plan; Town Centre Master Plan; Heritage Action Zones (north and south); and The Making Waves Together Project. The aims and objectives of these projects is to enhance the vitality and viability of Lowestoft Town Centre.
- 9.6 Policies WLP8.18 (New Town Centre Use Development) and WLP8.19 (Vitality and Viability of Town Centres) are relevant. These policies seek to ensure that retail, leisure, cultural and community uses are directed to the Primary and Secondary shopping frontages, in order to support their vitality and viability, and to increase pedestrian footfall, with out-of-town developments to follow a sequential approach that prioritises Town Centres as the primary focus for regeneration and investment, to reflect paragraph 91 of the NPPF. Paragraph 97 of the NPPF adds that planning decisions should plan positively for the provision of shared spaces, community facilities, such as cultural buildings and meeting places.

- 9.7 The Post Office is an imposing building within the Primary Retail frontage of Lowestoft Town Centre. Although remedial works have been undertaken to the façade of the Grade II listed building, with funding from the Towns Fund and Historic England, the building's continued vacancy and lack of pedestrian activity/footfall detracts from the character and vitality of the Town. This proposal seeks to incorporate a retail unit associated with the gallery use within the ground floor of the vacant post office, plus a local artists display area, to showcase and sell artists work on exhibition within the main gallery space within the former sorting office. Entrance to the main gallery space would be via the rear of the retail unit, with a variety of artists workshops for travelling artists.
- 9.8 The arts space would be run by Messums, who are recognised for revitalising old buildings and embedding them within communities through artistic enterprise, and sculptor Laurence Edwards, who began his art education in Lowestoft, has subsequently developed an international reputation for large scale public works from his base in East Suffolk. The hub, known as Messums East, would provide a working studio for Laurence Edwards, in addition to spaces for a revolving residency of international, national, and regional artists, as well as exhibition spaces and screening room, and a café/restaurant. In planning terms, applying the policy considerations above, the refurbishment of the ground floor of the Post Office building is a positive. Whilst the whole building is important, it is clear from the ground-floor-focus of policy WLP8.19 that commercial uses of ground floor premises are a critical part of the high street and primary shopping frontages. The provision of the new café area, with pedestrian access from Surrey Street, also within the Primary retail frontage, would also enliven this area with increased pedestrian footfall and activity.
- 9.9 In regard to the proposed residential accommodation for travelling artists, contained within the Gault building, this element of the proposed scheme, would provide short term residential accommodation for visiting artists and occupancy would be conditioned as such. The re-purposing of the Gault building for residential use, reflects NPPF paragraphs 124 b) c) e) by giving substantial weight to the re-use of brown field land; encouraging multiple benefits from urban land; and supporting opportunities to use airspace above commercial premises. Significant weight is also placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development (paragraph 85 of the NPPF). This application would have a wider economic impact by employing 14 FTE staff, in addition to showcasing art from both world renowned and local visiting artists. Historic England is fully supportive of the proposed use, as the new facilities would form a key part of the legacy of the current Heritage Action Zone scheme. The application therefore complies with policies WLP1.1, WLP8.18 and WLP8.19 of the Adopted Waveney Local Plan (2019).

Heritage Considerations and Design of Development

Design

- 9.10 Policy WLP8.29 requires all new developments to achieve a high standard of design that reflects local distinctiveness. The South Lowestoft and Kirkley Conservation Area Appraisal identifies the feature of the townscape, including the prevailing materials. It also sets out criteria for successful new development.
- o Relate to the geography and history of the place and the lie of the land;

- o Positively respond to the pattern of existing development and routes through and around it (including public footpaths);
- o Respect important views;
- o Respond to the scale of neighbouring buildings;
- o Use local, traditional and high quality materials; and
- o Use high quality building methods that respond to existing buildings in the area.

9.11 Policy WLP8.30 establishes that developments should be designed to support the needs of older people and those with dementia through the creation of environments which are familiar, legible, distinctive, accessible, comfortable, and safe. Paragraph 135 of the NPPF details (amongst other things) that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this, developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, developments must establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work, and visit.

9.12 The proposed development incorporates a number of new build elements into the former Post Office site while retaining the three principal buildings - the listed former Post Office building, the former sorting office, and the gault building. The new build elements are of a high-quality contemporary design. The lift tower is visually prominent due to its scale, but the design and materials have been carefully considered to minimise this impact. The lightweight metal and glazed design break up the massing and provides a contrast to the solid brick of the historic buildings. The top of the lift tower sits at the eaves level of the historic building, ensuring that it reads as subservient and does not disrupt the historic roofscape. Services and storage are provided within a flat roofed linking building that has a vertical timber clad finish; the scale and materials of this element means that it would be visually recessive, not drawing the eye from the more historic parts of the site. The new café building reflects the gault brick finish and gabled roof form seen across the site in a contemporary way and has a large, glazed opening onto Surrey Street providing an open and welcoming aspect from this approach.

9.13 It is of note, particularly in relation to Policy WLP8.30, that the proposals have been designed to increase accessibility across the site. This has resulted in the installation of the main lift tower allowing accessible access to all three floors of the main listed building and the provision of a lift up to the first floor of the gault building to provide two accessible rooms for overnight accommodation. Accessible WCs are provided both for the main gallery and within the café.

9.14 The Senior Design and Heritage Officer has been engaged throughout the process and the proposals have been the subject of extensive pre-application and post-application engagement and changes have been made in response to the Officer's request, particularly in relation to the design of the lift tower. Officers conclude that the result is a design that successfully incorporates new build elements into this important landmark site allowing its regeneration. The historic principal elevation remains unchanged but the more ad-hoc, modern parts of the site to the rear are proposed to be removed and replaced with high quality contemporary design which is visually attractive and is locally distinctive, replicating the materials and features of the historic parts of the site in a contemporary way.

9.15 Overall, it is considered that the proposed development would represent a very high standard of design and accessibility in accordance with Policies WLP8.29 and WLP8.30. Likewise, the proposed development would comply with the design objectives contained within the NPPF.

Heritage

9.16 Policy WLP8.37 requires development proposals to conserve or enhance heritage assets and their settings and WLP8.38 Non-designated Heritage Assets and WLP8.39 Conservation Areas set out specific criteria relating to proposals affecting this type of heritage asset. The adopted Historic Environment SPD provides further guidance on a range of topics including conservation areas, listed buildings and non-designated heritage assets, and sustainable construction and renewable energy.

9.17 The above policy objectives are consistent with the policies contained in chapter 16 of the NPPF which recognises the importance of heritage assets and the subsequent importance of sustaining and enhancing their significance. Notably, paragraph 203 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, alongside recognising the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality. It concludes by emphasising the desirability of new development making a positive contribution to local character and distinctiveness.

9.18 Paragraph 205 of the NPPF indicates that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm is considered to be substantial or less than substantial.

9.19 Paragraph 209 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In doing so, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

9.20 The Council also has statutory duties, under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the significance of listed buildings and the desirability of preserving or enhancing the character and appearance of conservation areas, respectively.

9.21 The former Post Office building that fronts onto London Road North is a Grade II listed building, the former sorting office and the gault building have been identified as non-designated heritage assets (NDHAs). The whole site is situated within the South Lowestoft and Kirkley Conservation Area. As the building is listed in part due to its group value with the adjacent Grade II listed bank, consideration also needs to be given to potential impacts on the significance of this building.

9.22 The Council's Senior Design and Heritage Officer is supportive of the proposals and the design approach. The repurposing of this important landmark building will ensure that it remains a feature of the community, ensures the long-term conservation of the building and improves the building's accessibility. These combine to amount to a significant conservation benefit of the proposal.

- 9.23 Throughout the process the Senior Design and Heritage Officer suggested a number of clarifications and alterations to the proposals, in consultation with planning officers, which resulted in the provision of additional information relating to fire protection; the structure of the lift tower, and the mechanical and electrical provision; as well as minor changes to internal layouts. As concluded within the design section of this report the proposed new build elements represent a high standard of design. There would be a very minor loss of historic fabric as part of the proposal, but this is considered to have a neutral impact on the significance of the listed building. There would be substantial heritage benefits from the renovation of the listed building which includes the repair and reinstatement of important historic features such as cornicing and panelling.
- 9.24 The Senior Design and Heritage Officer concludes that the overall impact of the proposals on the Grade II listed former Post Office would be beneficial, leading to the preservation and enhancement of its special interest and group value. Bringing this important, landmark building back into a viable use is a significant heritage benefit of this scheme, ensuring that it can be used and enjoyed by the wider community. Officers conclude that the proposals would both preserve and enhance the character and appearance of the Conservation Area, bringing vitality back into the High Street and incorporating high quality contemporary design through the new build elements of the site. There would be very limited change to the external appearance of the gault building and sorting office and therefore their significance as non-designated heritage assets would not be impacted by the proposals.
- 9.25 Historic England has been consulted on the proposals due to their previous involvement at pre-application stage following their position as a key partner in the London Road, Lowestoft High Street Heritage Action Zone. Historic England's response outlines support of the application on heritage grounds and confirms that the matters raised in their pre-application response have been addressed.
- 9.26 In the absence of harm to any heritage assets, the relevant balancing tests set out at paragraphs 207, 208, and 209 of the NPPF are not engaged. Notwithstanding this, even if harm were to be identified to any of the affected heritage assets, it would be 'less than substantial' and the extensive public benefits arising from the proposed development would significantly and demonstrably outweigh any such harm. Therefore, in either scenario the scheme is acceptable in heritage terms.
- 9.27 To summarise, the proposed development would preserve the special interest and group value of the Grade II listed former Post Office and preserve and enhance the character and appearance of the South Lowestoft and Kirkley Conservation Area, thereby complying with Policies WLP2.9 and WLP8.37, in addition to the heritage policies and objectives contained within the NPPF. The local planning authority could therefore grant planning permission in accordance with its statutory duties under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

- 9.28 Policy WLP8.29 seeks to protect the amenity of the wider environment and neighbouring uses. Because the rear land of the Post Office has always been covered by large buildings and structures, there would not likely be materially significant amenity impact on neighbouring land uses arising from this scheme. Notwithstanding this, the application would result in a

more intensive use of this site, with a variety of different land uses in the form of a medium density mixed use scheme, in addition to new build elements at the rear.

- 9.29 Whilst the immediate vicinity of the application site is characterised mainly by retail and commercial buildings, including Natwest Bank and Lloyds Bank adjacent, to the north and south of the site respectively, there are residential flats located immediately to the rear of the application site on Surrey Street, to the west. It is proposed to demolish part of the former sorting office building to the rear of the site, and to erect a new build element, with a single storey building with pitched roof and sloping eaves (maximum height to ridge and eaves of 8.99 metres and 6.87 metres AOD, respectively). This part of the site would also contain a service area that would be a hub of activity with café use and external seating area, refuse collection/storage, cycle storage, as well as access to the rear of the proposed gallery for exhibition deliveries.
- 9.30 The new build elements containing the café and external seating area would be offset approximately 2.06 metres from the adjoining apartments, with an alleyway to these properties retained and new gated access to Surrey Street proposed. The height and profile of this building would be kept to a single storey, which is comparable to the existing situation, in order to minimise any loss of outlook/light to first floor flank windows. Whilst there would be increased activity taking place within the café and service yard area, this has to be weighed in the context of the Town Centre location, which is characterised by mixed retail/commercial and some residential properties. Environmental Health officers have been consulted on this proposal, and, based on their recent comments and submission of further information from the applicant relating to noise impacts (Noise Impact Assessment - Acoustic Consultancy Report ADT 3555/ENIA) to determine existing ambient noise levels at the site, no objection is raised in principle to the proposed development, subject to further details of building services yet to be selected, including the extract ventilation system for the café. The Noise Assessment adds that noise limits for new fixed plant installations have been set, in accordance with the relevant British Standard guidance for a 'low impact'. An acoustic assessment would be necessary, however, for approval by the LPA prior to the first use of the café in respect of extractor vents, and that, where correctly specified and attenuated (if necessary), there would be no unreasonable disturbance to nearby noise sensitive receptors in the adjacent flats. The applicant has also confirmed that in respect of the outdoor seating area, which would be a covered seating area with glazed rooflights, this would be used no later than 23.00 hours, which in the context of this Town Centre location, is considered to be reasonable, subject to a planning condition to control the hours.
- 9.31 In relation to odour impacts associated with the café, Environmental Health officers consider the impacts could be adequately controlled by suitable plant and attenuation equipment, the details of which could be secured by planning condition, prior to first use of the café.
- 9.32 In respect of the proposed artists accommodation studios within the Gault Building, there would be existing windows overlooking the café area and service yard, as well as the gallery space. The Noise Assessment identifies that internal acoustic sound insulation would be required, and higher performance glazing and trickle vents to control external noise intrusion to indoor levels recommended in the relevant British Standard. In view of the fact that the artists accommodation is intended to be for short term occupancy for visiting artists, and would not be considered suitable for permanent occupancy, owing to the small size of the units (which fall below Technical housing standards - nationally described space standards for studio flats) a planning condition is required to control the occupancy as ancillary

accommodation in connection with the primary use of the site as a multi-functional art-based centre.

Highways Safety and Sustainable Transport

- 9.33 Local Plan policy WLP8.21 relates to sustainable transport and seeks, amongst other things, to locate and design development so it can be accessed via multiple modes of transportation, and with safe and suitable access for all. NPPF paragraph 115 gives clear guidance that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 9.34 The application site occupies a highly sustainable location in the centre of Lowestoft within the Town Centre boundary and is accessible via a wide variety of different modes of private and public transport, including by car, bus, train, cyclists, and pedestrians. There are a number of public car parks within walking distance of the application site, as well as the station and bus station, and it is anticipated that a proportion of trips to the proposed development would be linked trips with surrounding retail and commercial uses.
- 9.35 Suffolk County Highways Authority initially objected to the application, owing to a lack of parking for staff or visitors, contrary to their Suffolk County Highways Adopted Parking Standards (2023).
- 9.36 The total proposed floor area with this development amounts to 1658 sq. metres with a variety of different land uses proposed, including Class E (a) retail, Class F1 (b) display of works of art (otherwise than for sale or hire), and Class E(b) for the sale of food and drink for consumption (mostly) on the premises. The proposed studio space(s) are more akin to either light industrial use or office uses, in addition to residential accommodation falling under Class C3. Such a mixed-use development would therefore be Sui Generis (i.e. a use that does not fall within a defined use class). Whilst acknowledging that this is a mixed-use scheme, based on the Adopted Parking Standards for a retail use falling under Class E(a), there would be a total parking requirement of 82 parking spaces and 16 cycle spaces based on the floor area. This gives a general indication of the kind of parking requirement needed for a commercial premises of this size, based on the Suffolk County Highways Adopted Parking Standards (2023). However, reductions to parking standards are appropriate in main urban areas, in locations having frequent and extensive opportunities for public transport, cycling, and walking links; in close proximity to local services; and on-street parking controls at all times, where a proposal is designed to be exceptionally sustainable in transport terms.
- 9.37 It is clear that owing to the site constraints and the extent of land ownership, there would be no space to accommodate any off-street parking within the site. But the application site occupies a highly sustainable location within the Town Centre boundary and is accessible by a wide variety of different modes of private and public transport, including by car, bus, train, cyclists, and pedestrians. There are a number of public car parks within walking distance of the application site, as well as the railway station and bus station and a proportion of trips would be linked trips with surrounding retail and commercial uses. There are Traffic Regulation Orders and parking restrictions in force along London Road North and Surrey Street.
- 9.38 Following significant revisions and, in response to the initial objection from the County Highways Authority, the amended scheme incorporates secured covered cycle storage (10

spaces) for the proposed artists accommodation (in the Gault building) that would be located at ground floor level, accessible from the main service area from Surrey Street, within the new build element towards the rear of the site. The County Highways Authority has therefore removed their initial objection based on amended plans, subject to planning considerations to secure cycle storage and refuse/recycling storage that is also located within the new build element towards the rear of the site, with access for refuse vehicles from Surrey Street. Additional cycle storage is nearby, off-site, that could be used for general visitors and guests.

Flood Risk and Surface Water Drainage

Flood Risk

- 9.39 Policy WLP8.24 sets out that *"Proposals for new development, or the intensification of existing development, will not be permitted in areas at high risk from flooding, i.e. Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor)"*.
- 9.40 The application site is located within Environment Agency (EA) Flood Zone 2 - this is a medium probability flood zone that comprises land assessed as having between a 1 in 200 and 1 in 1000 annual probability of fluvial flooding in any year. The finished floor level of the Post office is raised up above street level and is stated as being 3.67 metres AOD, based on the submitted Flood Risk Assessment. The site is also within an area benefitting from the Environment Agency's flood warning service. Flood levels are predicted to rise in future, owing to climate change, and the Lowestoft Flood Relief Protection Management Project seeks to provide flood protection for Lowestoft with a standard of protection of 1 in 200 including allowance for climate change.
- 9.41 Development proposals at risk of flooding (taking into account the impacts of climate change) should only be granted permission if there are no suitable alternative sites in areas of lower flood risk; the benefits in terms of sustainability outweigh the flood risk; and a site specific Flood Risk Assessment is submitted for all development located in Flood Zones 2 and 3 (and for development of 1ha or more in Flood Zone 1) which demonstrates that the site can satisfactorily mitigate over the lifetime of the development, to comply with paragraph 168 of the NPPF.
- 9.42 The Technical Flood Risk Guidance to the National Planning Policy Framework (2023) identifies buildings used for professional and other services, including commercial buildings, such as shops, café, galleries, as being classified as a 'less vulnerable' form of development in flood risk terms, as referred to in the applicant's Flood Risk Assessment. Such uses are considered to be appropriate in Flood Zone 2.
- 9.43 The NPPF seeks to mitigate the risk of flooding by restricting vulnerable new development (such as housing) within areas at risk from flooding. It does this by requiring development proposals in areas at risk from flooding to be subject to a sequential test where it has to be proven there are no suitable areas of land with a lesser risk of flooding and an exception test which identifies sustainability benefits of development and ensures the development is safe for its lifetime.
- 9.44 The applicant has not considered sequentially preferable sites at lower risk of flooding for the proposed artists' accommodation but, given that the proposal is a comprehensive re-

development of the Post Office site (including bringing the ground floor back into commercial use), the Local Planning Authority considers the site to be unique and there would not be a similar alternative at lower risk of flooding. Furthermore, these studios are intended for short-term, rather than permanent occupancy. The submitted FRA does not consider the proposed residential accommodation for visiting artists within the Gault building, which is a 'more vulnerable' form of development in flood risk terms. Therefore, at the request of officers, the applicant has amended the proposed scheme, by removing a ground floor DDA compliant studio, owing to officer concerns regarding flood risk in a location that is at medium risk of flooding. All the short-term residential accommodation for visiting artists is now proposed to be located at first and second floor level within the Gault building, with lift access (as two of the units at first floor level would be DDA compliant).

- 9.45 The Flood Risk Assessment details mitigation measures in the event of a flood. The site is already within a location that benefits from the Environment Agency's flood warning service, and the business manager for the development would register with the flood warning service and appoint a flood coordinator to receive flood warnings, that would give 12-24 hours' notice in the event of a flood event. A Flood Evacuation Plan would also be completed, including procedures to be followed in the event of a flood warning. Flood Evacuation routes are shown within the Flood Risk Assessment (Figure 10): route 1 moves north along London Road North and is approximately 150m long to a safe area; and route 2 moves west along Surrey Street and then north along Clapham Road South and is approximately 160m long to a safe area.
- 9.46 Officers therefore consider that based on the submission of amended plans, the proposed flood risk mitigation measures as detailed within the applicant's Flood Risk Assessment, and in the longer term, the implementation of the Lowestoft Flood Relief Protection Management Project, the proposed development complies with policy WLP8.24 and the National Planning Policy Framework in regard to flood risk.

Surface Water Drainage

- 9.47 Surface water from the site currently drains via the existing connections to the public sewer, as detailed in the applicant's Flood Risk Assessment. Suffolk County Council as Lead Local Flood Authority has been consulted on this application and initially raised an objection, owing to a requirement for the applicant to limit the surface water discharge rate to a restricted 2 litres per second and apply sustainable urban drainage principles, where feasible. In response, the applicant has provided a surface water drainage strategy to address the objection from the LLFA. The proposed surface water drainage strategy would comprise an attenuated system (with an attenuation crate to be located beneath the service yard at the rear of the site) to connect to the existing surface water sewer, with the service yard surfacing material finished in porous paving, to allow for some infiltration to the below ground attenuation crate. The LLFA is supportive of the overall drainage strategy, as this would be a betterment of an existing unrestricted discharge by restricting the rate to 8l/s. The applicant is currently awaiting confirmation from Anglian Water of their acceptance of this flow rate. Therefore, subject to confirmation from Anglian Water and planning conditions to secure a detailed surface water drainage strategy, the proposal complies with policy WLP8.24.

Ecology and Habitats Regulations Assessment

- 9.48 The application is supported by a Preliminary Ecological Appraisal. The Ecological Survey concludes that the site has very low value for wildlife at the local level, with no significant

natural habitats identified on site and negligible potential in the building for either roosting bats or nesting birds. No follow-up ecological surveys have therefore been carried out by the applicant, but ecological avoidance and enhancement measures are detailed at section 5 of the Ecology Survey; this would include the addition of bird boxes, provision of part of the roof within the development to be made available for black redstarts to forage and nest on, and the inclusion of climbing plants, where feasible. The Council's ecologist is satisfied with the conclusions of the consultant, subject conditions to secure ecological enhancement.

- 9.49 The Habitats Regulations Assessments (HRAs) of the Suffolk Coastal District Council Core Strategy and Development Management Policies Development Plan Document (2011 and 2013) and the Waveney District Council Local Plan (2019) identified that increased levels of residential development would have a Likely Significant Effect (LSE) on Habitats sites (European designated sites) on the Suffolk coast. The LSE is predicted to arise from increased levels of recreational use resulting from residents of new development. This would be an in-combination effect as a result of the total amount of new housing growth in the district.
- 9.50 Following the findings of the Local Plan HRAs and under direction from Natural England, the Local Planning Authorities with residential growth in areas which are likely to impact on Suffolk coast Habitats sites, have worked collaboratively to prepare and implement a mitigation strategy to address the identified LSE and prevent cumulative new development resulting in an adverse effect on the integrity of the designated sites. The LPAs involved are East Suffolk Council (formerly Suffolk Coastal District Council and Waveney District Council); Babergh and Mid Suffolk District Councils and Ipswich Borough Council. This strategy is currently referred to as the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy or "Suffolk Coast RAMS". The strategy identifies that new residential development within 13km of the Habitats sites identified in the Technical Report will contribute to in-combination recreational disturbance impacts. This area is referred to as the Zone of Influence (ZOI).
- 9.51 Officers have carried out a stage 2 Appropriate Assessment under the Conservation of Habitats and Species Regulations (2017) in consultation with the Council's Ecology Team and conclude that, subject to the accommodation being occupied solely by visiting artists for a short term period of no more than 56 days in any calendar year, a financial contribution to fund the Suffolk Coast RAMS would not be necessary in this instance, and the proposed development would not have an adverse effect on the integrity of the European sites within the 13km ZOI, from recreational disturbance, when considered 'in combination' with other development. Officers have taken advice from the Council's Ecologist on this application, as this is a unique situation, owing to the nature of the proposed residential accommodation, which is ancillary to the primary use as a multifunctional arts centre, and would be for short term occupancy by visiting artists, and is neither for permanent occupancy, nor holiday accommodation. The proposal therefore accords with Policy WLP8.34.

Other Matters - Contaminated Land, Demolition and Construction Impacts, Structural Survey

- 9.52 The submitted ground investigation report identifies limited ground contamination and therefore standard conditions are recommended by the Environmental Health Officers to deal with this prior to the development being occupied.
- 9.53 Owing to the site's location in a very busy and constrained mixed use area, in which such activities are likely to have a significant impact on existing businesses and residential

properties, a Demolition and Construction Management Plan is recommended by Environmental Health Officers and Suffolk County Highways. This is illustrated by the third-party representation received from Lloyds Bank, who occupy one of the closest adjoining buildings to the application site. This would ensure that such building activities are carried out efficiently and with due regard to minimising the impacts arising from all forms of pollution (including noise, vibration, dust, water, waste storage etc).

10. Conclusion

- 10.1 In summary, Lowestoft is an example of a town centre in decline with vacancy rates approximately double the national average. In Lowestoft town centre property values are comparatively low when considered alongside other towns. In recent years East Suffolk Council has taken a more proactive approach to regeneration and economic development through a number of projects including: the Lowestoft Town Investment Plan; Town Centre Master Plan; Heritage Action Zones (north and south); and The Making Waves Together Project. The aims of these projects are translated into the Local Plan policy objectives, and reflective broadly of the NPPF and central government policy on enhancing the vitality and viability of town centres. Although remedial works have been undertaken to the façade of the Grade II listed building, with funding from the Towns Fund and Historic England, the building's continued vacancy and lack of pedestrian activity/footfall detracts from the character and vitality of the Town.
- 10.2 The proposed development would deliver significant public benefits in the form of the re-use and adaptation of this important, Grade II listed landmark building within Lowestoft Town Centre, and associated ancillary buildings, including the Gault Building - a non-designated heritage asset in its own right - with a mixed use development, including gallery use within the former sorting hall of the post office and artists' studios, retail unit within the ground floor of the listed former post office, ancillary accommodation studios for travelling artists within the Gault building, and new build element at the rear with a new café and enhanced public realm to Surrey Street. The arts space would be run by Messums, who are recognised for revitalising old buildings and embedding them within communities through artistic enterprise, and sculptor Laurence Edwards who began his art education in Lowestoft and subsequently developed an international reputation for large scale public works from his base in East Suffolk.
- 10.3 Considering all of the issues, with regard to all material considerations raised during the consultation period and giving great weight to the preservation of designated and non-designated heritage assets, the planning balance clearly indicates in favour of the proposal. The proposal is considered to represent a sustainable development in accordance with the Local Plan and NPPF, and planning permission should therefore be granted.

11. Recommendation

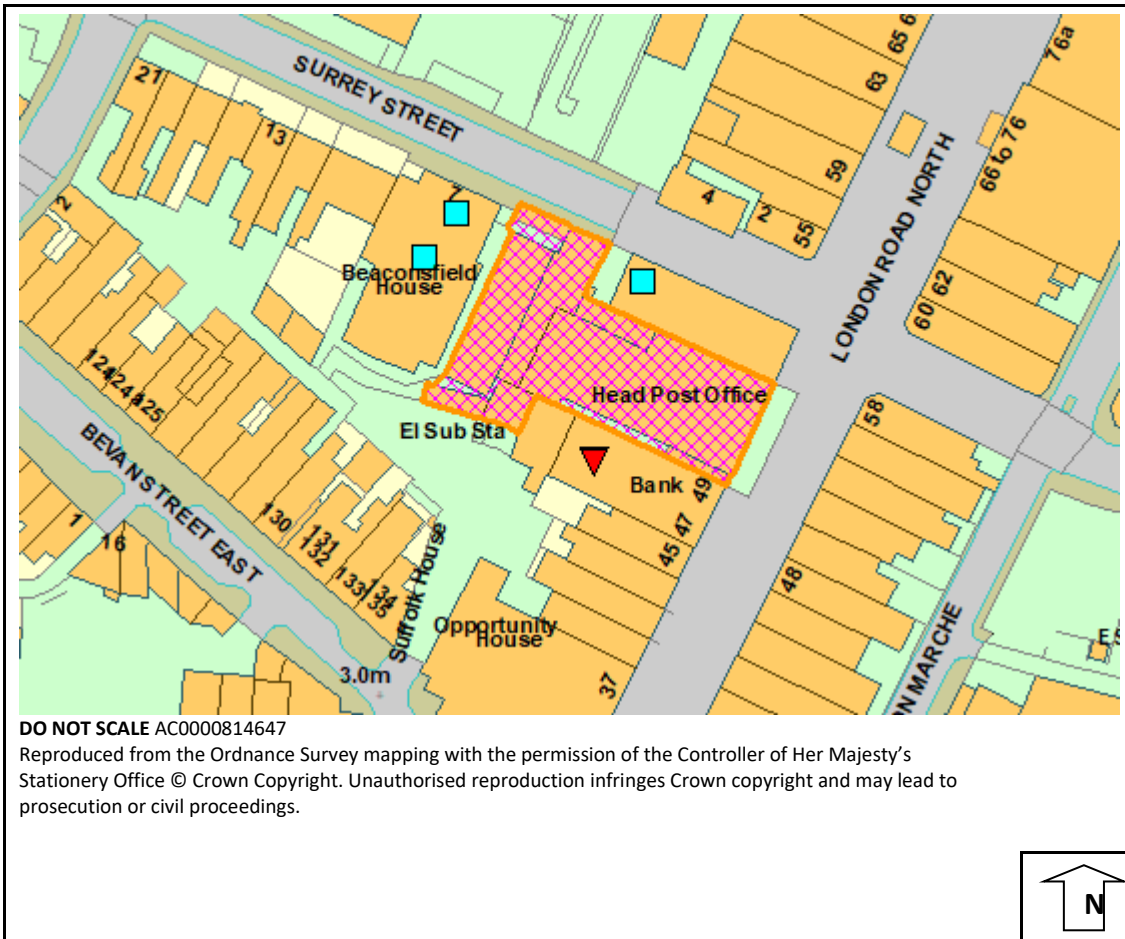
- 11.1 Authority to approve, with planning conditions including (but not limited to) those summarised below:
1. Three year time limit;
 2. Standard compliance condition;

3. Prior to its installation full details of the staircase in the lift tower, including materials and banister design, should be submitted to and agreed by the LPA;
4. Prior to construction of new build elements full material specification should be submitted to and agreed by the LPA;
5. Prior to their installation full details of any new gates should be submitted to and agreed by the LPA;
6. No demolition shall commence until a record is made of the buildings to be removed. The record should consist of plans, elevations, and photographs. This record should be deposited with the Historic Environment Record prior to completion of the works; and for deposition to be confirmed to the council as soon as possible following;
7. Prior to their installation full details of any external plant should be submitted to and agreed by the LPA;
8. Hard landscaping strategy to be agreed and implemented prior to occupation;
9. Odour control and mitigation measures for all extract plant;
10. Noise Assessment and mitigation measures for all plant and machinery;
11. Outdoor seating area to operate no later than 23.00 hours;
12. Café hours of operation to be 09:00 to 23:00 hours;
13. Contamination - Phase I and Phase II Contamination Reports and Remediation where appropriate;
14. Action in the Event of Unsuspected contamination;
15. Highways - Demolition and Construction Environmental Management Plan to be agreed prior to the commencement of development;
16. Highways - Refuse and Recycling Storage to be provided and maintained;
17. Highways - Cycle Storage to be provided prior to first occupation;
18. Ecological mitigation avoidance and enhancement measures to be secured;
19. Artist's accommodation to be occupied for no more than 56 days in any calendar year and to be ancillary to the primary use as a multifunctional arts based centre;
20. Surface water drainage strategy to be in accordance with approved strategy;
21. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA;
22. Details of surface water drainage strategy and piped networks to be submitted to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register; and
23. Flood Risk Mitigation measures to be implemented prior to first occupation of the development and maintained as such thereafter.

Background information

See application reference DC/23/0792/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning committee - 12 March 2024

Application no DC/23/1407/LBC

Location

Old Lowestoft Post Office
London Road North
Lowestoft
Suffolk
NR32 1AA

Expiry date 21 June 2023

Application type Listed Building Consent

Applicant East Suffolk Council

Parish Lowestoft

Proposal Listed Building works as part of proposals for adaptive reuse of grade II listed post office (and auxiliary buildings) for multifunctional art based centre.

Case Officer Katherine Rawlins
01502 523018
Katherine.Rawlins@eastsoffolk.gov.uk

1. Summary

- 1.1 The application seeks listed building consent for works to the Grade II Listed Lowestoft Post Office. The application is made by East Suffolk Council, on council-owned land, therefore the application has been brought direct to Planning Committee (North) for determination.
- 1.2 The proposal will enable an important Grade II Listed Building to be brought back into a viable use within the High Street and South Lowestoft Conservation Area. In conjunction with the tandem planning application (DC/23/0792/FUL), the proposal will deliver on a number of key regeneration and town centre enhancement objectives.
- 1.3 Officers consider that the detailed works to the Listed Building will facilitate bringing it back into a viable use, which is an important conservation and public benefit of the works. Harm to the significance of the Listed Building would be limited and outweighed by the benefits

arising. Officers therefore positively support the proposals and recommend that listed building consent be granted.

2. Site Description

2.1 The application site is located to the west side of London Road North, and to the south side of Surrey Street, within the South Lowestoft Conservation Area. The Old Post Office is a Grade II Listed Building dating from the 19th Century - three storeys in height and constructed of buff brick with stone facing, fronting onto London Road North. It has been vacant for approximately seven years. There is a side access to the site, from Surrey Street. London Road North is a pedestrianised high street. At the point of site access from Surrey Street, this transitions from a highway to pedestrianised street where it then joins London Road North.

2.2 To the rear of the main (front) Post Office building are a number of ancillary structures and buildings comprising: The Sorting Office and the Three-Storey Building (which are both constructed of gault white brick); a glass roofed rear lean-to extension; a covered way attached to the three-storey element; and the concrete framed/corrugated cement roofed structure to the rear.

2.3 The site has the following planning history:

- o DC/81/1000/FUL - renewal of canopy to loading bay - permitted.
- o DC/90/0647/FUL - disabled persons ramp access - permitted.
- o DC/09/0328/LBC - replace 2no. existing projecting illuminated lozenge with 1no. new projecting sign. Carry out various internal decoration works including replacement flooring, posters and queuing system - permitted.
- o DC/12/0027/FUL - replace defective sorting hall roof with new felt covering and general repairs and improvements - permitted.
- o DC/14/0799/FUL & DC/14/0800/LBC - removal of external stamp vending machine and formation of two internal rooms - permitted.
- o DC/20/0653/FUL - Demolition of existing shed buildings and 3/4 storey brick building to rear of Post Office, including adjoining structures to rear of Post Office. Repair & adaptation to the ground floor of the Post Office building including a new extension to the west and re-fenestration at ground floor level. Erection of flats and houses comprising 9 dwellings, with associated landscaping works -permitted.
- o DC/20/1783/LBC - Listed Building Consent - Repair & adaptation to the ground floor of the Post Office building including a new extension to the west, new roof to ground floor extension and re-fenestration at ground floor level - permitted.
- o DC/21/4219/FUL - Conservation repairs to the former post office, New ground floor fenestration & entrance doors. Removal of external ramp, installation of new ramp to front entrance. Repairs & replacement, to external building fabric. Permitted.
- o DC/21/4220/LBC - Listed Building Consent - Repair & refurbishment of timber sash windows, stone repair & infill at ground floor, new windows & doors at ground floor, new rainwater goods to replace existing, replacement of roof tiles, flat roof covering in lead, stone cleaning on front facade. Minor internal strip out to facilitate repairs & refurbishment and repair & replacement of roof access lantern. Permitted.

2.4 The site is located within the Lowestoft town settlement boundary and falls within Environment Agency flood zone 2.

2.5 Although not a formal planning designation, the site falls within the South Lowestoft Heritage Action Zone (HAZ) which is a heritage-led regeneration project led by Historic England in partnership with East Suffolk District Council.

3. Proposal

3.1 The proposal seeks to bring the Post Office and associated ancillary buildings back into a mixed commercial, retail and leisure use, with gallery, ancillary artists' studios, workshops, and café, including new build element towards the rear of the site. The original scheme has been subject to considerable revision, with final amended plans submitted for re-consultation on 9 January 2024.

3.2 The arts space would be run by Messums, who are recognised for revitalising old buildings and embedding them within communities through artistic enterprise, and sculptor Laurence Edwards who began his art education in Lowestoft and subsequently developed an international reputation for large scale public works from his base in East Suffolk. The hub, known as Messums East, would provide a working studio for Laurence Edwards, in addition to spaces for a revolving residency of international, national, and regional artists, as well as exhibition spaces and screening room, and a café/restaurant. Laurence would also be working to create a large-scale bronze landmark sculpture for Lowestoft, casting it at his foundry in East Suffolk.

3.3 The proposed development therefore relates to both the Post Office building and its associated land to the rear, including the adaptation and re-use of the Gault building, into a multi-functional arts-based centre with new retail unit, artists' studios, including artists accommodation within the Gault building, and new build elements to the rear of the site, to include the provision of a new café with covered seating area. In total 7 artists' studios are proposed across the site. In terms of work studios there are up to 6 studios in the main listed building element. One of which may be used as a teaching space. Then there is a resident artist wax studio and workshop at ground level in the new build element opposite the café. Within the main post office building, there is a local artists gallery, teaching space and private exhibition space, in addition to the main gallery within the former post office sorting office, and four studios as short-term living accommodation for artists within the Gault building. A tandem application for full planning permission is submitted as part of proposals for adaptive reuse of grade II listed post office (and auxiliary buildings) for multifunctional art based centre (DC/23/0792/FUL).

3.4 Works to the main Post Office building:

Adaptation of the former post office to ground floor retail unit with entrance to London Road North and local artist display area; first and second floor artists work studios with ancillary office space, communal meeting space, incorporating private gallery, local artist gallery, classroom space and teaching galley; new external stair core and lift access at ground-third floor level (cargo and wheelchair accessible lift);

3.5 Works to the sorting office and Gault building:

Adaptation and re-use of the former Post Office sorting office hall to art gallery, with gallery entrance; adaptation of Gault building to create four artists accommodation units (studios), incorporating 2 DDA compliant studios at first floor level, accessed via existing stairwell with new internal platform lift; and ancillary staff areas at third floor level.

3.6 Development to the rear:

Demolition of all unlisted adjoining structures and buildings to the rear of the Post Office and the Gault building, and the construction of ancillary café space, incorporating covered outdoor seating area, plant rooms, storage buildings, work, and wax studio, with cycle storage and ancillary plant roof, and new service yard. Secure cycle storage would be provided within the new build element for the proposed artists' studios and refuse/recycling storage, covered outdoor seating associated with the ancillary café and plant room.

4. Consultations/comments

Response to Original Scheme and First Round of Consultation

4.1 No third-party representations.

Response to Second Round of Consultation

4.2 1 third party representation from CBRE Planning and Development on behalf of Lloyds Bank plc:

- Request a structural survey, demolition method statement and construction method statement be prepared and submitted to East Suffolk Council ahead of determination to address concerns relating to the implementation of the proposals. If this not possible, request the conditions relating to these matters are attached as planning conditions and Lloyds Bank is notified of the discharge of conditions.

Response to Third Round of Consultation

No further third party representations.

5. Consultees

Consultee	Date consulted	Date reply received
Lowestoft Town Council	11 May 2023	7 June 2023
Summary of comments: It was agreed to recommend approval of the application.		

Consultee	Date consulted	Date reply received
Historic England	11 May 2023	31 May 2023
Summary of comments: Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 199, 200 and 202. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	11 May 2023	9 June 2023

Summary of comments:

Further information is required before the proposals can be fully considered and the relevant NPPF tests applied.

Summary of additional information required:

o Details relating to fire should include: compartmentalisation, fire suppression, and surface and structure upgrades.

o Details relating to thermal upgrading should include: location, depth and type of any new insulation.

o Details relating to M&E should include: what provision is necessary in each space, how much and what type of plant is necessary and where it would be located and indicative service run locations.

o Advice should be sought on whether the scheme as proposed conforms with all the relevant building regulations

o Lean to covered storage - section drawing and materials details

o The current condition of the rooflight should be surveyed at this stage to allow us to understand whether works would be repairs, like for like replacement or replacement with a different design.

o Studio 6 - either retained as two smaller spaces or a internal partition that can be opened.

o Information on any suspended ceilings proposed

o Confirmation is required that all the plant associated with the lift can be accommodated within the structure shown

o Any changes to the design of the lift/stair tower to ensure that it is structurally sound

o Confirm internal finish in Sorting Office

o Indicative signage details for café.

Consultee	Date consulted	Date reply received
East Suffolk Private Sector Housing	11 May 2023	7 August 2023

Summary of comments:

No comments.

Consultee	Date consulted	Date reply received
The Council For British Archaeology	N/A	1 June 2023

Summary of comments:

The CBA is delighted to offer support to the application. The use of the Post Office as a publicly accessible Art Hub is in keeping with its significance as a public building and open plan gallery spaces are sympathetic to its historic plan form, requiring minimal alteration. Happy to see the sensitive way in which auxiliary ranges will be retained and repurposed as part of the site's adaptive re-use. This will conserve the legibility of its previous use whilst ensuring its sustainable future.

Re-consultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	20 October 2023	28 November 2023 09 February 2024
<p>28 November 2023 Additional information is awaited.</p> <p>09 February 2024 Recommend approval with condition.</p>		

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	5 May 2023	30 May 2023	Lowestoft Journal
Category	Published	Expiry	Publication
Conservation Area	5 May 2023	30 May 2023	Beccles and Bungay Journal

Site notices

General Site Notice	Reason for site notice: Conservation Area; Listed Building Date posted: 12 May 2023 Expiry date: 5 June 2023
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7. Planning policy

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

National Planning Policy Framework 2023 (NPPF)

8. Planning Considerations

Impact on Designated Heritage Assets

8.1 Policy WLP8.37 requires development proposals to conserve or enhance heritage assets and their settings; and WLP8.38 Non-designated Heritage Assets and WLP8.39 Conservation Areas

set out specific criteria relating to proposals affecting each of these types of heritage asset. The adopted Historic Environment SPD provides further guidance on a range of topics including conservation areas, listed buildings and non-designated heritage assets, and sustainable construction and renewable energy.

- 8.2 The above policy objectives are consistent with the policies contained in chapter 16 of the NPPF which recognises the importance of heritage assets and the subsequent importance of sustaining and enhancing their significance. Notably, paragraph 203 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, alongside recognising the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality. It concludes by emphasising the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.3 Paragraph 205 of the NPPF indicates that when considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation irrespective of whether any potential harm is considered to be substantial or less than substantial.
- 8.4 Paragraph 209 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In doing so, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.5 The Council also has statutory duties, under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the significance of listed buildings and the desirability of preserving or enhancing the character and appearance of conservation areas.
- 8.6 The former Post Office building that fronts onto London Road North is a Grade II listed building, the former sorting office and the gault building have been identified as non-designated heritage assets. The whole site is situated within the South Lowestoft and Kirkley Conservation Area. As the building is listed in part due to its group value with the adjacent Grade II listed bank, consideration also needs to be given to potential impacts on the significance of this building.
- 8.7 The Council's Senior Design and Heritage Officer is supportive of the proposals and the design approach. The repurposing of this important landmark building will ensure that it remains a feature of the community; ensures the long-term conservation of this building; and improves the building's accessibility. These amount to a significant conservation benefit of the proposal.
- 8.8 The principle of conversion of the building into a multi-functional arts centre is supported and welcomed (albeit dealt with in the tandem planning application). The proposed uses provide a very good fit to the existing building in terms of its character, layout, and detail, with the result that little significant change is required (other than beneficial reversal of modern subdivision) and this is very welcome. The proposals are therefore strongly supported as they are both ambitious but also respectful of the character of the building, helping to preserve its special interest and revitalise it.

- 8.9 The reinstatement of the cornice around the whole main ground floor room and renewal and replacement of the timber panelling would be a substantial conservation benefit of the scheme as would the conservation repair of the large, glazed roof lantern to the rear.
- 8.10 Changes in layout have been restricted to areas of modern fabric where neither the fabric nor the layout contribute to the special interest of the listed building. Following Officers' request, the removal of a historic partition at first floor level has been omitted from the proposals.
- 8.11 Extensive discussions took place relating to the plant requirements associated with the gallery use of the space. An M&E strategy has now been provided and further details relating to the external appearance of the plant and the specific plant to be used internally can be sought by condition. The level of plant provision required has been reduced, due to a reduction in area of the specialist gallery space required. This is an important change as it allows the external appearance of the former sorting office to be conserved, with plant located/concealed far better than the original proposals.
- 8.12 The exterior of the main listed building has already been subject to extensive conservation repair and renovation as part of Phase 1 of this project permitted under DC/21/4220/LBC. This has been a very successful first stage of the project winning multiple awards including in the conservation category of East Suffolk Council's own Quality of Place Awards. No changes to the principal elevation are proposed within this current application.
- 8.13 Throughout the process the Senior Design and Heritage Officer sought a number of clarifications and alterations to the proposals which resulted in the provision of additional information relating to fire protection, the structure of the lift tower and the mechanical and electrical provision as well as minor changes to internal layouts. As concluded within the design section of the report for the full planning application, the proposed new build elements represent a high standard of design. There would be a very minor loss of historic fabric as part of the proposal, but this is considered to have a neutral impact on the significance of the listed building. There would be substantial heritage benefits from the renovation of the listed building which includes the repair and reinstatement of important historic features such as cornicing and panelling.
- 8.14 The Senior Design and Heritage Officer concludes that the overall impact of the proposals on the Grade II listed former Post Office would be beneficial, leading to the preservation and enhancement of its special interest and group value. Bringing this important, landmark building back into a viable use is a significant heritage benefit of this scheme, ensuring that it can be used and enjoyed by the wider community. Officers also conclude that the proposals would both preserve and enhance the character and appearance of the Conservation Area, bringing vitality back into the High Street and incorporating high quality contemporary design through the new build elements of the site. There would be very limited change to the external appearance of the gault building and sorting office and therefore their significance as non-designated heritage assets would not be impacted by the proposals.
- 8.15 Historic England has been consulted on the proposals due to their previous involvement at pre-application stage following their position as a key partner in the London Road, Lowestoft High Street Heritage Action Zone. Historic England's response outlines support of the application on heritage grounds and confirms that the matters raised in their pre-application response have been addressed.

- 8.16 In the absence of harm to any heritage assets, the relevant balancing tests set out at paragraphs 207, 208, and 209 of the NPPF are not engaged. Notwithstanding this, even if harm were to be identified to any of the affected heritage assets, it would be 'less than substantial' and the extensive public benefits arising from the proposed development would significantly and demonstrably outweigh any such harm. Therefore, in either scenario the scheme is acceptable in heritage terms.
- 8.17 To summarise, the proposed development would preserve the special interest and group value of the Grade II listed former Post Office and preserve and enhance the character and appearance of the South Lowestoft and Kirkley Conservation Area, thereby complying with Policies WLP2.9 and WLP8.37, in addition to the heritage policies and objectives contained within the NPPF. The local planning authority could therefore grant listed building consent in accordance with its statutory duties under s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Recommendation

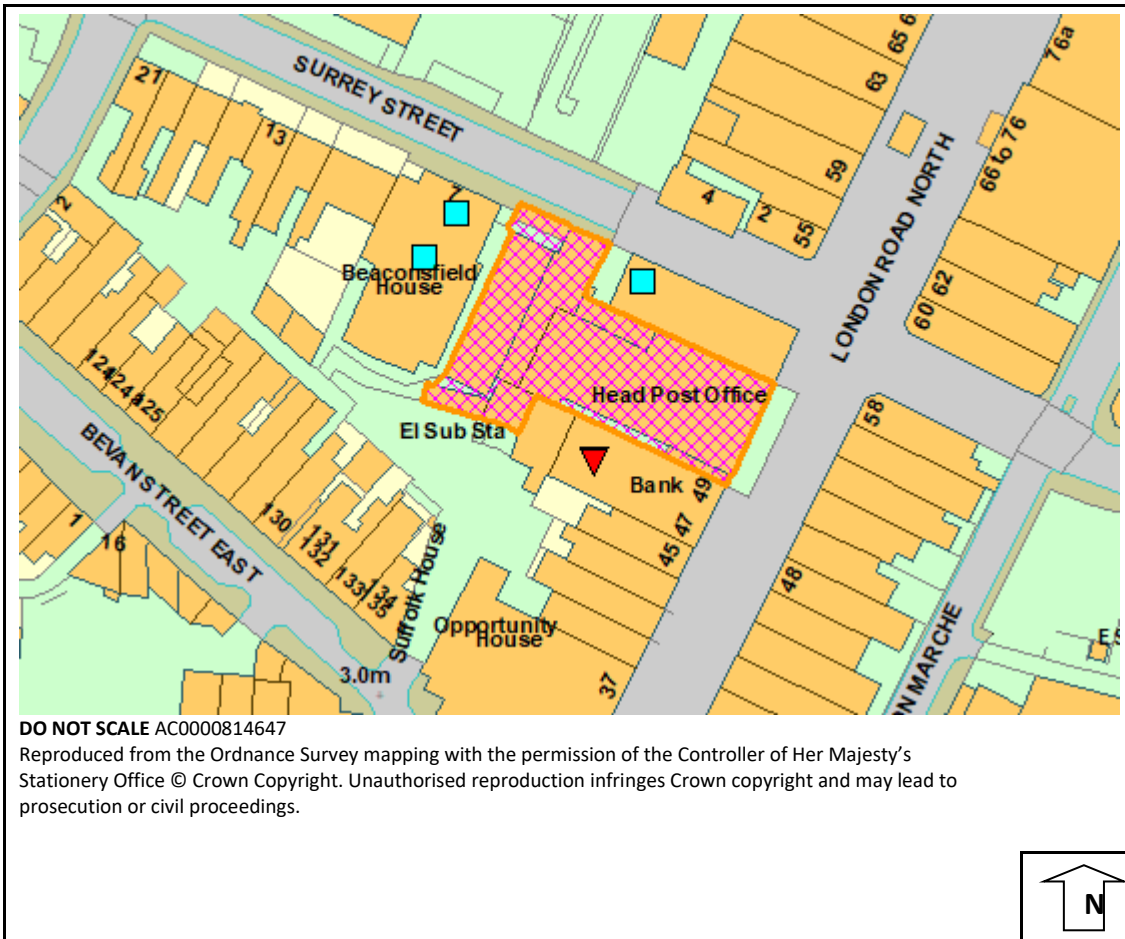
9.1 Grant listed building consent, subject to conditions summarised below:

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

Background information

See application reference DC/23/1407/LBC on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Application no DC/24/0011/FUL

Location

70 Firs Farm Cottages
The Warren
Snape
Saxmundham
Suffolk
IP17 1NS

Expiry date 28 February 2024

Application type Full Application

Applicant Smart Garden Offices

Parish Snape

Proposal Installation of a detached timber outbuilding

Case Officer Becky Taylor

becky.taylor@eastsoffolk.gov.uk

1. Summary

1.1. The application seeks planning permission in respect of the installation of a detached timber outbuilding at 70 Firs Farm Cottages, The Warren, Snape, Suffolk. The application site is located within the Suffolk and Essex Coast and Heaths National Landscape.

1.2. Snape Parish Council object due to the following reason (included in full below):

"We object to this proposal to site the timber outbuilding in front of the main residential building and adjacent to the Sailor's Path PROW. Given the size of the plot on which Firs Farm Cottages stand we feel it would be better located away from the footpath in order to preserve the visual amenity of the footpath and the surrounding area."

1.3. The application was presented to the Referral Panel on the 20th of February 2024 as the objections from the Parish Council are contrary to the officer's 'minded-to'

recommendation of approval. The Panel decided that the application should be determined by the Planning Committee due to the proximity of the proposed development to the Public Right of Way and its position within the National Landscape.

- 1.4. The proposal is compliant with local and national planning policy and therefore it is recommended that planning permission be granted.

2. Site Description

- 2.1. The application site accommodates a two-storey, semi-detached dwelling, situated within the Parish of Snape; though, it is located outside of the Snape settlement boundary. The dwelling does not sit within a conservation area, Site of Special Scientific Interest, Flood Zone, nor is it a Listed Building. It does, however, lie within the Suffolk and Essex Coast and Heaths National Landscape, which has the highest status of landscape protection (as noted in the National Planning Policy Framework).
- 2.2. Firs Farm Cottages comprises of just two semi-detached properties, the application site (No.70) and the adjoining property (No.69), which sit alone within surrounding farmland. Both properties fall on the southern side of the A1094, which runs from Benhall to Aldeburgh, and are accessed by a long private track.
- 2.3. The subject property is bounded by farmland to its north, south and west, whilst the adjoining No.69 Firs Farm Cottages and its curtilage borders the site to the east. The property has a sizable curtilage which wraps around the dwelling and is enclosed with post and rail timber fencing. A restricted byway, which connects the village of Snape to the A1094, is located just south of the site boundary.
- 2.4. The property is accessed from the north which, architecturally, reads as the rear of the dwelling. The principal elevation of the dwelling therefore faces south, towards the public right of way however the main area of garden also lies within this area and therefore functions as the main private amenity space. The main dwelling also includes a single-storey side extension used as a kitchen and dining space, as well as a two-storey infill extension to the south elevation, which was granted planning permission in March 2021 (under planning reference DC/21/0386/FUL). Similar alterations were carried out to the neighbouring property, No.69 Firs Farm Cottages. A paved terrace and a gravel path also surround the main dwelling, with the path leading to the area of the proposed development.

3. Proposal

- 3.1. The application seeks permission for the installation of a detached timber outbuilding in the southwestern section of the curtilage. The proposed outbuilding would have external measurements of 4.259m x 3.913m, with a height of 2.875m.
- 3.2. The proposed outbuilding would be clad in floating Western Red Cedar, with the chassis coloured black. Four pane bifold doors on the eastern elevation, a single door on the northern elevation and windows would also be installed and possess a black UPVC exterior. A patio/decking area would also extend 1.5m from the eastern elevation of the outbuilding towards the curtilage.

4. Third Party Representations

4.1. No third party comments received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Snape Parish Council	16 January 2024	6 February 2024
Summary of comments: We object to this proposal to site the timber outbuilding in front of the main residential building and adjacent to the Sailor's Path PROW. Given the size of the plot on which Firs Farm Cottages stand we feel it would be better located away from the footpath in order to preserve the visual amenity of the footpath and the surrounding area.		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC Rights Of Way	16 January 2024	16 January 2024
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	16 January 2024	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	16 January 2024	31 January 2024
Summary of comments: Comments included within Officers consideration.		

6. Publicity

None

Site notices

7. Planning policy

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

National Planning Policy Framework (2023)

8. Planning Considerations

Design, Visual Amenity and Landscape Character

- 8.1. Policy SCLP11.1 states that the council will support proposed development that demonstrates a clear understanding of the key features of local character of the built environment. Therefore, the overall scale and character of house alterations and extensions should demonstrate consideration of the component parts of the buildings and the development as a whole in relation to its surroundings. Given the dwelling is located within a National Landscape, policy SCLP10.4 must also be considered, as development will not be permitted if it would have a significant adverse impact on the natural beauty and special qualities of that landscape that cannot be adequately mitigated.
- 8.2. The proposed outbuilding will be developed at the southwestern corner of the curtilage and is deemed to be of an appropriate scale in comparison to the main dwelling. The proposal is proportionate to the size of the plot and would not be considered as overdevelopment. The outbuilding is to be partially installed upon an existing concrete foundation, which previously accommodated a garden shed.
- 8.3. When considering design, the proposed outbuilding's shed-like design and flat roof, allows the building to not appear out of place when read within the setting of the existing residential curtilage, and helps the structure to not be overly prominent when considering its position within the surrounding natural environment. The proposed materials are also judged to be appropriate in relation to both the main dwelling and its surroundings. Particularly, the use of Western Red Cedar cladding - which will be left untreated in order to weather naturally - will help reduce and soften the structure's visual impact.
- 8.4. It is proposed that the eastern elevation includes full-length windows and bi-fold doors. The glazing will be recessed which will help reduce unwanted upwards light spill. Glazing is not proposed to the south-facing elevation, therefore light spill directly towards the public footpath and wider countryside will not occur. Similarly, the glazing at the rear is small, and therefore, is not considered likely to produce significant levels of unwanted light spill.

- 8.5. Given the siting of the subject property and its relationship to the highway, the proposed outbuilding will not be visible from the public realm of the A1094; however, views of the development will be achieved from the public rights of way that pass to the west and south of the property. Whilst views of the development directly west are likely to be screened by existing trees, views will be achieved from further north along this footpath. There are also clear views into the site from the restricted bypass located to the south of the property.
- 8.6. The East Suffolk Council's Landscape and Arboricultural Officer recommends that screening planting should be provided along the southern boundary to mitigate the visual effects of the proposed development. The Garden Layout Plan submitted within this application has demonstrated that new native hedging will be planted along this boundary, which is supported. Therefore, whilst the curtilage is undoubtedly exposed to the public right of way, the proposed landscaping to be undertaken at the property will enable the outbuilding to be better related to the host dwelling and its curtilage and will help to mitigate the visual impact of the outbuilding with regard to the surrounding natural landscape.
- 8.7. Therefore, in consultation with the East Suffolk Council's Landscape and Arboricultural Officer, an outbuilding of this scale and design in this location, is not resisted, provided screening planting is implemented. As a result, the proposed development would be compliant with SCLP11.1 and SCLP10.4.
- 8.8. Residential Amenity
- 8.9. Policy SCLP11.2 states that the proposed development is required to be located and designed with regard to the amenity of both existing and future residents. It is also designed to prevent any adverse effects on neighbouring properties, such as overlooking, loss of privacy and loss of daylight or sunlight etc.
- 8.10. The host dwelling only has one immediate neighbour, No.69 Firs Farm Cottages, with which it shares its eastern boundary. The proposed outbuilding is single storey, with a flat roof, and is positioned in the opposite corner of the curtilage to that of the shared boundary. Therefore, by virtue of the scale and the large separation distance between the outbuilding and the neighbouring dwelling, it is not considered to be overbearing, nor likely to generate any residential amenity concerns through the loss of views, sunlight or daylight.
- 8.11. The installation of glazing on the front (eastern) elevation of the outbuilding will, however, provide a line of sight from the outbuilding towards the boundary with the neighbouring property. However, considering the separation distance between the outbuilding and the neighbouring dwelling, it is deemed unlikely to lead to any significant loss of privacy or a sense of oppression. It should also be acknowledged that whilst the existing fencing provides minimal screening and privacy, the Garden Layout Plan indicates that new native hedging will be extended along this boundary and will therefore provide a denser form of screening in time.
- 8.12. Consequently, it is considered unlikely that the proposed development would lead to substantial harm to the residential amenity of its neighbour, and therefore, it is compliant with SCLP11.2.

8.13. Tree Impacts

8.14. Given the outbuilding is proposed to be located in close proximity to an existing tree, an East Suffolk Council Landscape and Arboricultural Officer was consulted on the application. Initially, a request was made for an Arboricultural Impact Assessment to be undertaken in order to provide information regarding tree health and understand the tolerability of works within the Root Protection Area. However, additional information was provided by the Agent, which identified that there was an existing concrete slab that would be utilised as the main foundation for the proposed outbuilding. This concrete area was identified by the Agent as having been laid many years ago, and therefore was not installed as part of this proposed outbuilding. Given this, an Arboricultural Impact Assessment was not deemed necessary, as the majority of foundation works have been completed; instead, the Arboricultural Officer has stated attention must be placed on reducing any further chance of damage to the tree roots. In this case, a request has been made for the additional foundation area - proposed to project 1.3m to the east of the existing concrete - to be an extension of this concrete slab, which is fully lined in order to prevent potential issues with leaching.

9. **Conclusion**

9.1. Overall, it is considered that the proposed development is of an acceptable design that would not have an adverse impact on the character of the Suffolk and Essex Coast and Heaths National Landscape or neighbours' residential amenity. The proposal is therefore considered to comply with the relevant planning policies, and legislation mentioned above.

10. **Recommendation**

10.1. To approve, subject to the conditions below.

11. **Conditions**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in all respects strictly in accordance with Drawing No. UL141B02A (Proposed Block), Drawing No. UL141E01 (Proposed Elevations), Drawing No. UL141P01 (Proposed Floor), Drawing No. UL141L01A (Site Plan), Drawing No. 2313 (Garden Layout Revision A) and the Design Access and Heritage Statement; received 3rd January 2024; for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

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

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

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

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

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

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

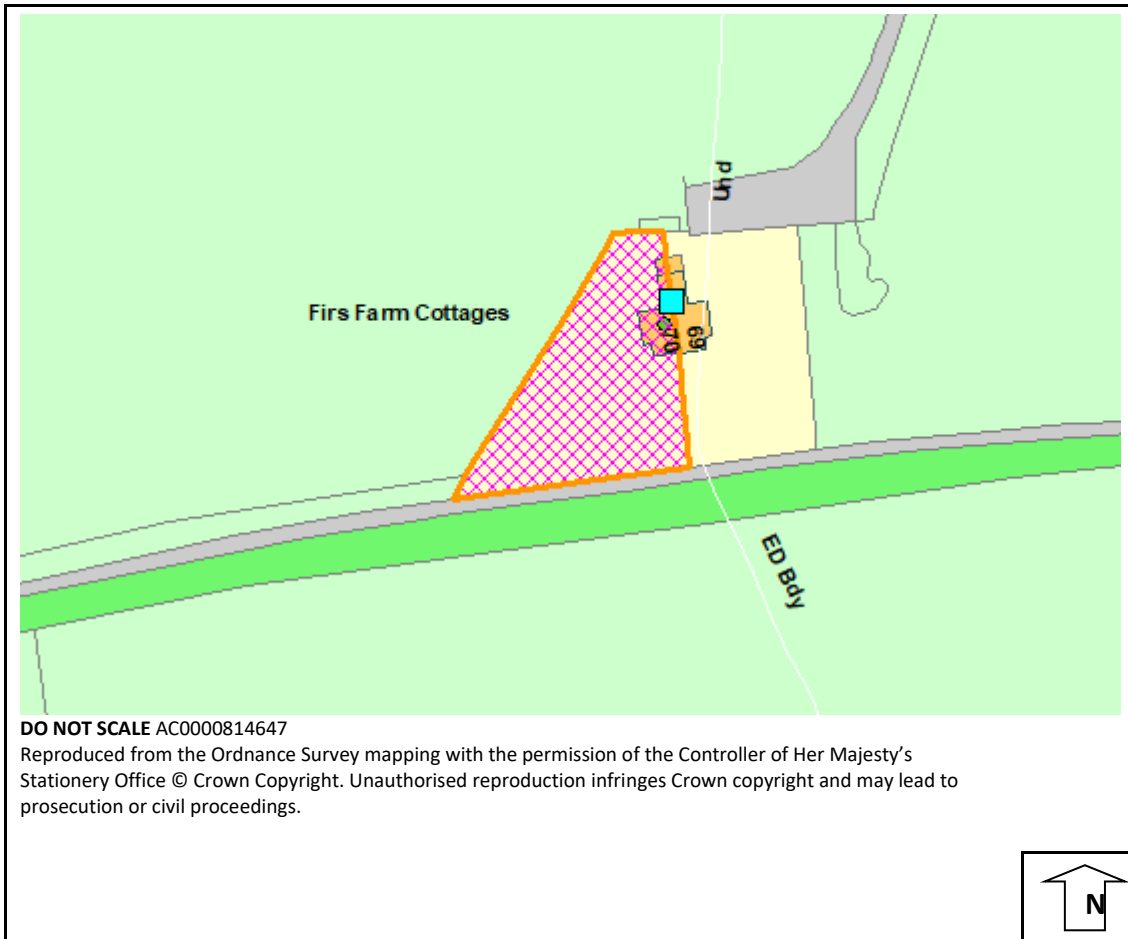
Informatives:

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





Background information

See application reference DC/24/0011/FUL on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support

Committee Report

Application no DC/24/0087/FUL

Location

16 Nicholas Drive
Reydon
Southwold
Suffolk
IP18 6RE

Expiry date 6 March 2024

Application type Full Application

Applicant Mr & Mrs A And J Holmes

Parish Reydon

Proposal Single storey rear extension to provide an open-plan sitting/dining/kitchen area, a utility room and a study.

Case Officer Ellie DeGory

ellie.degory@eastsoffolk.gov.uk

1. Summary

1.1. This application seeks planning permission for a single storey rear extension to provide an additional bedroom, study, open plan sitting/dining/kitchen area, and utility room. The site is situated in the Reydon Settlement boundary and within the Suffolk and Essex Coast and Heaths National Landscape (Article 2(3) land).

1.2. This application was presented to the Referral Panel as the 'minded-to' recommendation of Officers is to approve which is contrary to the comments received from Reydon Parish Council. The Referral Panel concluded that the application should be determined by planning committee. The comments received from Reydon Parish Council are as follows:

"PC recommends refusal on the grounds of loss of light and visual amenity of adjacent properties. In particular, the large scale and height of the pitched roof of the proposed extension will have an overbearing impact on both neighbouring properties and will take all the sunlight from the rear/side garden and adjacent south facing windows of No 14."

- 1.3. The proposal is considered to accord with the Development Plan and it is recommended that the application be approved.

2. Site Description

- 2.1. The application site is located in a small residential estate made up of three cul-de-sacs to the east of the Reydon settlement area. The property is a two-bedroom detached bungalow, with a linked garage to 18 Nicholas Drive. The estate is made up of similar sized and style properties.
- 2.2. The property is on a sloped site with the topography of the land rising to the northwest (rear). The property has a front garden with off street parking and a rear garden with a small retaining wall to a raised garden level.
- 2.3. The adjacent property to the northeast, 14 Nicholas Drive, is a corner plot and has a large public facing front and side garden. This property is set back behind the rear elevation of no. 16 and is orientated at right angles and positioned so it has a shallow rear private garden along the side boundary of the rear garden of the application property. Adjacent to the east and north site boundaries is the garden area of other neighbouring properties.

3. Proposal

- 3.1. A small single storey rear extension is proposed to be demolished and replaced with a larger extension. The larger extension, together with internal alterations, will provide an additional bedroom, study, utility and larger kitchen/dining area. The proposed extension is 5.88 metres at its deepest and will project approximately 3.5m deeper into the garden than the existing rear extension.
- 3.2. It is proposed to rebuild the garden retaining wall deeper into the garden to allow for a modest patio and pathway around the extension. A soakaway to the rear garden is noted to be removed as part of the alterations.
- 3.3. The rear extension is set away from the boundary with the adjoining properties on both sides. The extension has a central pitched roof gable elevation and flat roof either side. The pitched roof of the extension matches that of the main house, and the ridge would be slightly below the main roof and eaves to match the main house. The flat roof eaves are slightly higher than the existing roof eaves. The chimney to the southwest elevation is proposed to be removed.
- 3.4. Generally, proposed materials are to match the existing house with the addition of grey coloured render to elements of the extension.

4. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
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Reydon Parish Council	16 January 2024	2 February 2024
<p>Summary of comments: PC recommends refusal on the grounds of loss of light and visual amenity of adjacent properties. In particular, the large scale and height of the pitched roof of the proposed extension will have an overbearing impact on both neighbouring properties and will take all the sunlight from the rear/side garden and adjacent south facing windows of No 14.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	16 January 2024	23 January 2024
<p>Summary of comments: No objection and no mitigation required.</p>		

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	N/A	6 February 2024
<p>Summary of comments: Support neighbours and Reydon Parish Council in their objections to this application. We think there will be loss of light and visual amenity to nearby properties, and the large scale and height of the pitched roof of the proposed extension will negatively impact both neighbours. The height of the proposed roof will block all sunlight to the rear and side garden, and to the south facing windows of No. 14.</p>		

5. Third Party Representations

- 5.1. Four letters of objection (from three different addresses) have been received from residents of neighbouring properties.
- 5.2. In summary, the comments relate to concerns of loss of sunlight to neighbouring amenity, over development, the potential impact of the proposed extension building works on below ground drainage, and concerns over the potential impact of neighbour's amenity during the building works.

6. Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice
Date posted: 23 January 2024
Expiry date: 13 February 2024

7. Planning policy

National Planning Policy Framework 2023

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

Reydon Neighbourhood Plan

8. Planning Considerations

- 8.1. The proposal is assessed against Policy WLP8.29 of the East Suffolk Waveney Local Plan, which seeks high quality design and no adverse neighbour amenity impact, and against policy RNP10a. of the Reydon Neighbourhood Plan - Design which seeks that the location, scale and design standard of all new development should retain or enhance the character and setting of the village.
- 8.2. The proposed extension is to the rear of the property. The ridge of the pitched roof extension is slightly below the original house ridge level and the flat roof extension eaves are slightly higher than the original house eaves level. The materials proposed largely match the original house except for some areas of colour render to the rear extension. There will be minimal visibility of the extension from the street, and it is therefore considered to have no impact on setting and character of the area.
- 8.3. The proposal is also assessed against the Supplementary Planning Guidance SPG 16: House alterations and extensions including the 45° and 25° rules of thumb to gauge any potential impact on sunlight to neighbouring properties of the proposed extension. Due to the set back of the proposed extension away from the boundary with no. 14 and no. 18, the flat roof form of the extensions closest to those boundaries, and the height of the existing boundary fence, it is concluded that the extensions will not significantly impact on sunlight to either the rear garden amenity space or the habitable rooms of neighbouring properties.
- 8.4. In relation to concerns of over development and loss garden space, the proposed development adds an additional bedroom, a study and larger living spaces. Whilst not modest, the extension is not considered excessive in this context. The development will reduce the rear garden size of the application property however, the resultant garden of approximately 10 metre in depth is considered acceptable.
- 8.5. Whilst most of the properties in the cul-de-sac still have their original chimney in place, removal of the chimney on this property is not considered to have significant visual impact on the character of the area.
- 8.6. The impact of the proposed development on existing below ground drainage is not assess under town planning policy. The design and continuity of below ground drainage during the construction phase is managed under the Building Regulations Act. Any noise and disruption affecting neighbouring residents during construction work would be temporary.

9. Conclusion

- 9.1. In conclusion, the principle and detail of the development is acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

10. Recommendation

- 10.1. Approve subject to conditions detailed below.

11. Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in all respects strictly in accordance with drawing no. 1156/02B received 09/02/2024, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

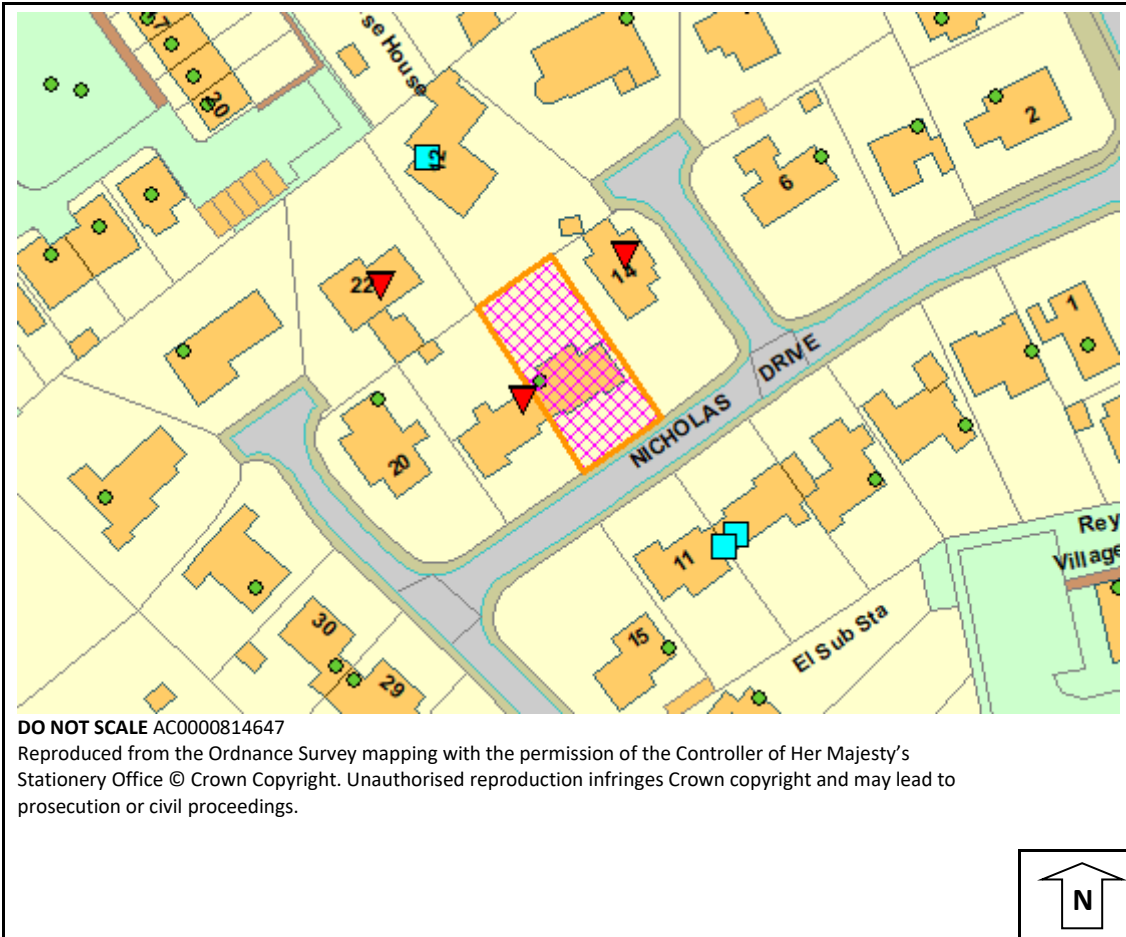
Informatives:

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





Background information

See application reference DC/24/0087/FUL on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support

Committee Report

Planning committee - 12 March 2024

Application no DC/23/4817/FUL

Location

1 Broadland Close
Worlingham
Beccles
Suffolk
NR34 7AT

Expiry date 29 February 2024

Application type Full Application

Applicant Mrs Carol Punt

Parish Worlingham

Proposal Remove hedge on boundary and replace with 2m high close boarded fence

Case Officer Debbi Wicks
07584 642000
debbi.wicks@eastsoffolk.gov.uk

1. Summary

- 1.1 This is a householder application in relation to a proposed section of fencing adjacent to the highway, in lieu of the existing conifer hedge, which is in decline.
- 1.2 The application triggered the referral process as the Parish Council does not support the application, which is contrary to the officer recommendation of approval. The Referral Panel chose to refer the case to Planning Committee (North) for determination.

2. Consultees

Consultee	Date consulted	Date reply received
Worlingham Parish Council	11 January 2024	Late response 12 February 2024
<p><i>There is a need for retaining open plan around Broadland Close. Change of street scene would be the impact of this application. It was agreed by all to REFUSE on these grounds. It was suggested that if the applicant wished to have a fence - this be placed inside the boundary - with the greenery left to create a softer scene for the street.</i></p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	11 January 2024	12 January 2024
<p>Summary of comments: No objection. Does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	11 January 2024	19 January 2024
<p>Summary of comments: <i>Looking at historic Streetview images of this hedge, I can see that it has declined in health and condition over recent years with a number of areas bare of foliage on the outer side. This species of conifer is too big for a garden of this size and I would have no objections to its removal. It would be preferable if it was replaced with a more suitable species of hedge for the sake of the appearance of the locality, but given that there is already a close boarded fence on the other side of the road so it won't be entirely out of place. Overall I have no strong grounds for objection.</i></p>		

3. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 2 February 2024

Expiry date: 23 February 2024

4. Planning policy

National Planning Policy Framework 2023 (NPPF)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

5. Site Description

- 5.1 1 Broadland Close is a bungalow of modern construction, situated on a corner plot at the junction with Sheridan Walk. The site is within a residential setting, where properties are a mix of single and two storey and varying designs, arranged in a regular formation around the cul-de-sac within modest sized plots.
- 5.2 Properties in the vicinity are predominantly open plan to the front, with enclosed rear gardens. The exception to this is numbers 2 and 19 Broadland Close, to the north of the site, which are located either side of the hammer head and have hedging and soft landscaping around their curved front boundaries. The site is not in a conservation area and there are no protected (TPO) trees nearby.

6. Proposal

- 6.1 No.1 faces two highways: Sheridan Walk to the south side, where the applicant's front garden around the corner of the junction has been left open, other than some attractive shrubbery; the main entrance to the dwelling is located on the east side, accessed from, and facing Broadland Close. The rear garden is positioned to the north side and is enclosed along the eastern boundary by a two-metre-tall conifer hedge which directly abuts the pavement. This 14 metre stretch of hedge then adjoins and aligns with the evergreen hedge belonging to no.2; the neighbour behind, to the north of the site.
- 6.2 The conifer hedge along the pavement belonging to no.1 has died back over recent years and now contains several bare patches, which are unable to be maintained any longer. After considering their options, the applicant is requesting to replace the 14 metre stretch with five-and-a-half panels of close boarded fencing, supported by concrete posts and a shallow gravel board base.
- 6.3 The applicant's reason for doing so is to provide an immediate solution to enable their rear garden to continue to be used with privacy and security.

7. Third party Representations

- 7.1 No comments have been received from neighbours or members of the public.
- 7.2 The Council's Principal Landscape Officer raises no concern with regard to impact on character and appearance.
- 7.3 There are no highway concerns/objections as the section is set well back from the junction.
- 7.4 The single objection is from the Parish Council, who consider that the proposed fence would be out of keeping with the open plan nature of the site and result in a harmful change in character.

8. Planning Considerations

- 8.1 Policy WLP8.29 of the East Suffolk Waveney Local Plan is relevant to this proposal. This policy expects proposals to respect the site context and its surroundings, without adverse impact upon neighbouring amenity.

- 8.2 Applying those key considerations to the case in question, the proposal is judged to be mitigated by a number of factors.
- 8.3 The Parish Council is concerned that adverse impact would arise as a result of the change to the streetscene and that there is a need for retaining an open plan feel around Broadland Close. In response to these concerns, officers have made a balanced assessment and conclude that, whilst there will invariably be a change to the streetscape, it will not be entirely out of character or alter the open plan nature of the close for the following reasons:
- The section of boundary treatment under consideration encloses the rear garden of the property, which happens to border the highway on one side. It does not extend across the whole front elevation of the bungalow and the front garden forming the corner of the site will remain open plan, as intended, with no boundary treatment added.
 - As the two metre fence will replace a two metre hedge there is no introduction of a tall enclosure where there is none already, and no increase in the existing height along the highway edge.
 - There is a close boarded fence enclosing the rear garden of the property directly opposite, albeit this is set back from the highway, and also a 2 metre tall fence directly abutting the pavement at no.15 Broadland Close; thus, the character would not be entirely altered as there is already a mix of hedging and fencing in the immediate vicinity, as would be expected in this type of residential neighbourhood.
- 8.4 East Suffolk Council receives a number of applications each year for frontage boundary fences that either exceed the exempt (permitted development) height limit of one metre and/or replacement hedging, usually in connection with enlarging gardens to the side taking in highway verge, or where the hedge is in a poor condition and these requests are assessed on an individual basis, with many refused (and sometimes appealed) where they are deemed to be inappropriate within the specific site context, usually due to their prominence and loss of character in the streetscene.
- 8.5 However, the current case is not judged to be one of those situations where harm would arise. Had the proposal been to continue the fence around the front corner, that would not have been supported by officers due to the appearance, but also highway safety impact; but as the proposal relates only to the side section where there is existing tall boundary treatment and the current hedge is clearly in a poor state and will continue to deteriorate visually, the planning balance weighs in favour of this particular proposal.
- 8.6 Furthermore, the applicant would be able to remove the hedge at any time without consent and replace it with a one metre high fence without requiring planning permission, which would result in the same change of appearance to the streetscape; however, it would not provide them with privacy to their rear amenity space. The Parish Council suggests moving any new fence back from the pavement and planting in front of it, which is a tactic that is often used to soften the appearance when a site is particularly prominent or has high heritage/landscape value for the public realm; however, asking the applicant to reduce the usable garden space and provide public benefit is not considered to be justified in this particular case, given the fence is deemed to be acceptable. A two-metre-high enclosure is,

however, justified alongside a rear garden, and therefore the proposed height is not deemed to be unreasonable.

9. Conclusion

- 9.1 The proposal accords with policy, on balance. The new 14m length of fencing is appropriate within its surroundings and will sit alongside the long stretch of hedging adjoining the site to the north side and the deep grass verge opposite, which in combination with the landscaped front garden, will sufficiently retain the overall character of the neighbourhood. The proposal is therefore in accordance with the Development Plan and officers recommend that permission can be granted.

10. Recommendation

- 10.1 Approve.

11. Conditions:

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

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

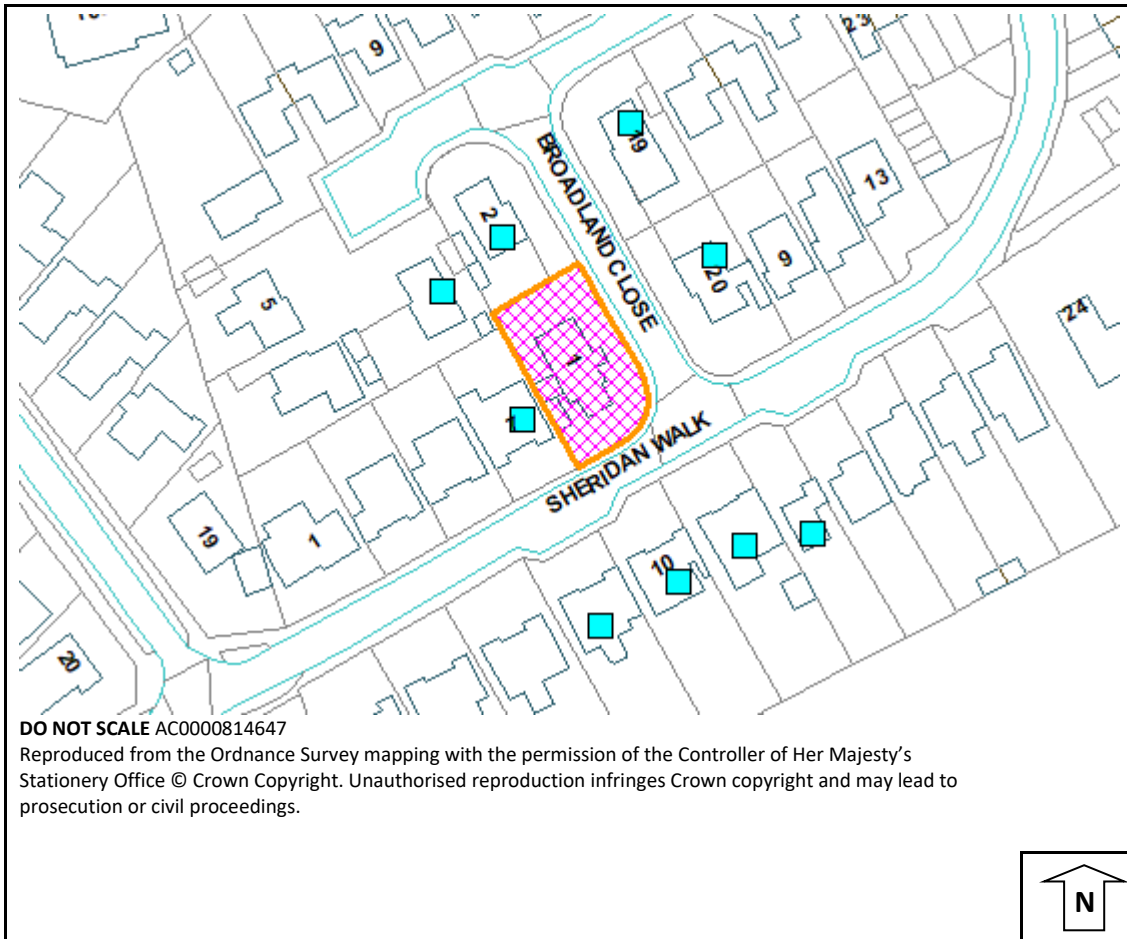
2. The development hereby permitted shall be carried out in accordance with the Site Plan, proposed Block Plan and Elevations received 12th December 2023 and 4th January 2024, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

Background information

See application reference DC/23/4817/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee (North) – 12 March 2024

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

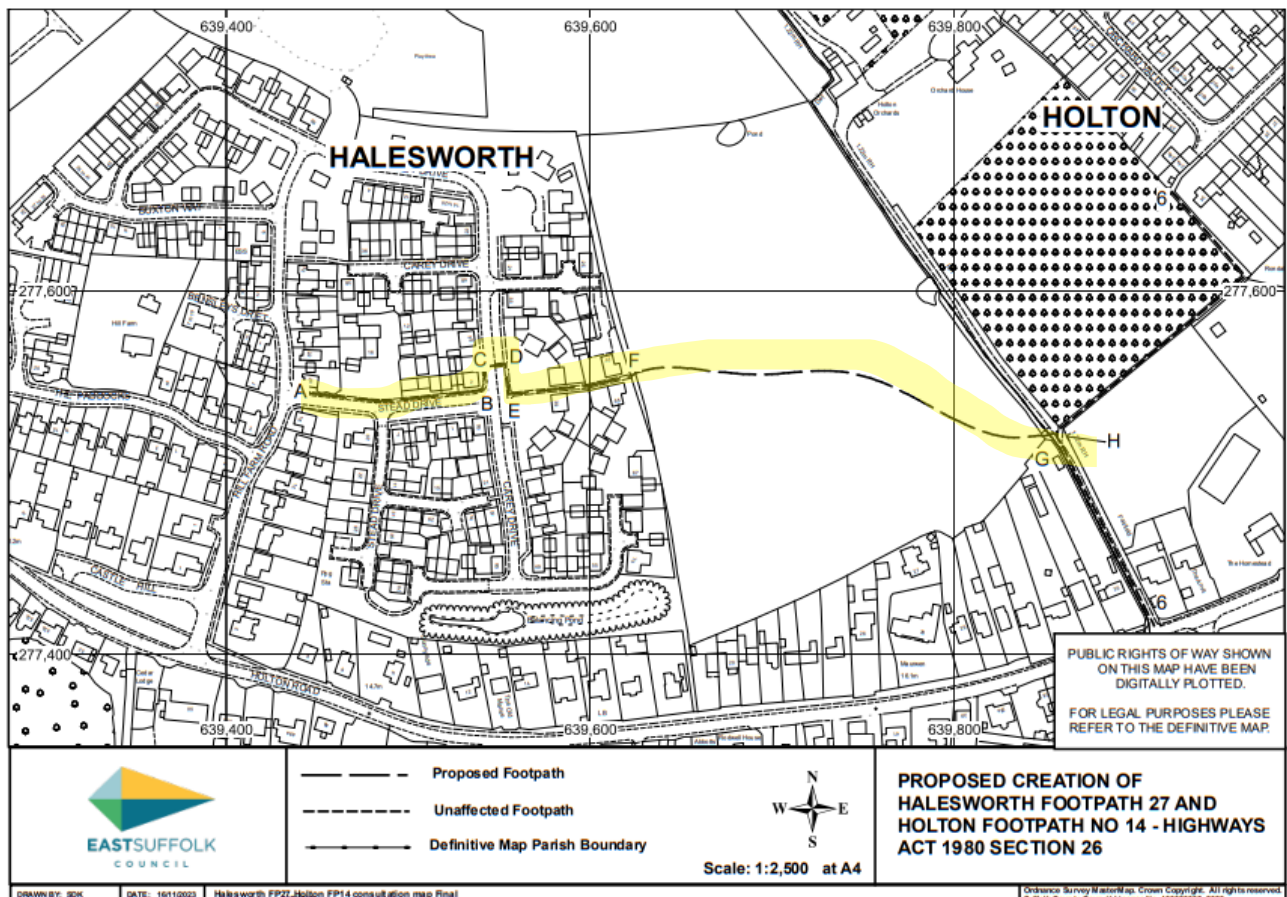
Highways Act 1980 Section 26

Parish Halesworth and Holton

Applicant Philip Ridley, Head of Planning and Coastal Management,
East Suffolk Council

Case Officer Nicola Biddall, Public Path Orders Officer
01394 444508

Nicola.Biddall@eastsoffolk.gov.uk



1. Summary/Purpose of the Report

- 1.1. To seek authority to make an order to create a public footpath (Halesworth No 27 and Holton No 14) under the provisions of Section 26 of the Highways Act 1980 as shown on the plan at Appendix A. The creation of this proposed public footpath involves two areas of private land ownership, one is a development site and its public open space and one is an adjacent landowner. It also involves a small area of unregistered land. This proposal has been subject to an initial consultation process and this report contains the outcomes of that consultation.

2. Background

- 2.1. East Suffolk Council is proposing to create a new public footpath linking Stead Drive, Halesworth to Holton public footpath No. 6 to allow pedestrians safe, off road access from the Hill Street Farm/Blyth Vale development area of Halesworth to Orchard Valley, Holton. From that point there are onward routes to Holton St Peter Primary School, a new Nursery and the Village Hall. It will also aid the cohesion of existing and new communities and increase access to new public open space for the existing community.
- 2.2. This follows the granting of Outline Planning Permission, DC/16/5410/OUT on 7th March 2018 for a residential development of up to 160 dwellings. This also included the provision of a new meadow, additional site wide open space and landscaping and play area, land to enable an extension to the existing cemetery and vehicular accesses off Hill Farm Road. Reserved Matters approval for the detailed design of the development was granted on 9th October 2018 (DC/18/1281/ARM).
- 2.3. That development, built by Hopkins Homes, is now close to its completion. The development included a substantial amount of natural public open space with play area which is also close to being completed. The outline planning permission did recognise that the development would include *'informal footpath links'* directly onto the adjacent footpath No. 6. This was included on the approved 'Access Strategy Plan'. The submitted Design and Access Statement stated that the proposal included the statement *"The provision of an ecologically enhanced and managed meadow with opportunities for public access through defined paths linking to existing rights of way"*.
- 2.4. In listing the amendments made to the application after a pre-application public consultation, the Design and Access Statement stated *"improved linkages to existing footpaths"* as one of the amendments. The Travel Plan submitted with the application recognised that *"The potential issues and barriers to the promotion of sustainable travel in association with the site and its locality have been identified as follows:"*, this then included *"Quality of footway / path routes to school in Holton"*. That Travel Plan also included a plan showing informal path connections linking with footpath No. 6.
- 2.5. In consideration of the application, Suffolk County Council Highway Authority made a request initially for improvements to the footway on Holton Road, recognising that *"The existing footway links from the site to Halesworth and Holton are narrow"*. They then went on to seek mitigation through a range of public right of way improvements, including surfacing improvements, to be secured with Section 106 funding. Included in those was the proposal for *"Holton FP6 - a direct link to Holton Primary School and The Street – 190m of unsealed surface plus improvements to sealed surface at Orchard Valley - £7125 +*

£5000". Eventually these improvements were not secured through the Section 106 agreement, but they were instead funded through a later commitment of Community Infrastructure Levy (CIL) funding to an equivalent amount. Most of the works to footpath No. 6 were later delivered by the County Council, through CIL funding in 2022.

- 2.6. When it came to the approval of Reserved Matters in 2018, the Landscape Strategy and Soft Landscape Proposals plan both showed a path connecting across to footpath No. 6. The Planning Committee report for that application stated *"There are two existing access points from Hill Farm Road, one between 18 and 20 Hill Farm Road where there is an existing road stub and one at the northern end of Hill Farm Road, between 32 Hill Farm Road and 2 Bensleys Drift. Both are shown as being used. Footpaths shown both within the open space and joining existing footpaths at the northern end of the site close to Town Farm and in the south east corner at the access to Orchards Farm are not exactly as per the indicative plan at outline stage, but the routes are preserved."*
- 2.7. It is therefore clear that there was intent to deliver this connection to footpath No. 6 as part of the developer's proposal, there was clear expectation from the Highway Authority that it would be provided and recognition that it was to be achieved as a result of development by the Local Planning Authority in granting planning permission.
- 2.8. Unfortunately, at both the time of granting outline planning permission and reserved matters approval, it had not been recognised that the developer did not own all the land that would need to be crossed to achieve the footpath No. 6 connection they had indicated. Had this been recognised at the time of the outline planning permission, then securing the condition could have been made a requirement of the consent. There is instead a very short strip of land, which is a combination of unregistered land and land owned by the adjacent landowner, between the development site boundary and Holton footpath No. 6.
- 2.9. This shortfall was recognised by the Local Planning Authority in 2022 around the time of completion of CIL funded improvement works to footpath No. 6, which exposed this disconnect. It was at that point that the Council recognised proactive steps would need to be taken to address this shortfall. As a result of progress made with the Hopkins development site, the available resource within the Council for this purpose and the timely importance of this connection, this proposed public path creation order can now be progressed.
- 2.10. This footpath will provide a direct link from the existing public highway boundary on the new road 'Stead Drive', through the Public Open Space to the east of the Blyth Vale development to connect with Holton Footpath No. 6, which connects to Holton Road and Orchard Valley. This provides onward connection to Holton St Peter Primary School, including its new 30 place nursery. It also provides improved access to the Holton village hall and to other countryside spaces such as the now community owned 'Holton Pits'.
- 2.11. The alternative to this route involves either a longer walking route down Hill Farm Road, along Holton Road and then up footpath No. 6 to meet the junction this proposal would connect to. This route is less direct, less legible and not as attractive for users. The other alternative route, particularly to reach the primary school, involves continuing along Holton Road and on to The Street, Holton. This involves a walk of approximately 220 metres where there is no footway or refuge from passing vehicles. Some primary school

children and parents already use this route and it is likely that there will be a large number of pupils at Holton St Peter Primary School (and nursery) living on the Blyth Vale development.

- 2.12. Whilst the site is not specifically identified in the Suffolk County Council Rights of Way Improvement Plan - Suffolk Green Access Strategy 2020- 2030 , ([suffolk-green-access-strategy-2020-2030](#)) it notes that ‘opportunities to develop the network..., in response to a new development... can enable new routes to be created... (p9 & p33)
- 2.13. ‘Where relevant, (we) should seek the improvement and creation of new offsite public rights of way to link to other public rights of way or to features of interest’. (p 33))
- 2.14. The Rights of way Improvement Plan also seeks to produce ‘a public rights of way network that meets the needs of today’s user.’ (p25)
- 2.15. The East Suffolk Cycling and Walking Strategy (adopted 4th October 2022) includes recommendations related to the Halesworth and Holton Healthy Neighbourhood. Included in those is recommendation 9: “9 - *Introduce walking connections between the open space route of the Hill Farm Road development onto Footpath 6, to allow safe off-road access*”. This Strategy also recognises wider improvement, such as to the north of the development across to Loam Pit Lane. This could include a connection through the new Cemetery land transferred to East Suffolk ownership, completing a wider off-road walking network. [East-Suffolk-Cycling-and-Walking-Strategy.pdf \(eastsoffolk.gov.uk\)](#) page 206.
- 2.16. The proposal has been brought to the committee for a decision on whether a public path creation order should be made because objections have been received to the informal consultation.

3. Legislation

- 3.1. Before making an order under Section 26 of the Highways Act 1980 (“the Act”) where (1) it appears to the local authority that there is a need for a footpath over land in their area and they are satisfied that, having regard to:
 - (a)the extent to which the path would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and
 - (b)the effect which the creation of the path would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28;

it is expedient that the path or way should be created, the authority may by order made by them and submitted to the Secretary of State, or confirmed by them as an unopposed order, create a footpath over the land.

3a) The considerations to which—

(a)the Secretary of State is to have regard in determining whether or not to confirm or make a public path creation order, and

(b)a local authority are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the proposed footpath would be created.

- 3.2. Section 29 of the Act requires that in exercising its function under Section 26 of the Act an authority must have due regard to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features. The term 'agriculture' includes the breeding or keeping of horses. Th is not applicable, as this route is no longer agricultural land.
- 3.3. It is appropriate for an authority to consider whether the tests for confirmation can be met when deciding whether to make an order.
- 3.4. An order must satisfy all the legal tests if it is to be confirmed. It is not sufficient for an order to satisfy some of the tests but not others.
- 3.5. The intention of the legislation is to balance the private interests of the owners of the land with the public interest.

4. Consultees

An consultation was carried out between 16th November and 15th December 2023. The consultation letter and response form are provided in Appendix B.

Consultee	Date consulted	Date reply received
Holton Parish Council	16/11/23	05/12/23
We support the above proposal		

Consultee	Date consulted	Date reply received
Halesworth Town Council	16/11/23	08/12/23
The committee agreed to the creation of a link between the public footpath from Stead Drive to connect with footpath 6 in Holton on the proviso that the proposed gate was big enough to allow a double buggy through as it is likely to be used by families going to and from the school in Holton.		

Consultee	Date consulted	Date reply received
District Councillor Beth Keys- Holloway	16/11/23	04/12/23
It is incredibly important to provide residents with a safe footpath that leads them away from the busy roads and creates a safe route. I think this is a great idea.		

Third party comments

- 4.1. One hundred and forty residents of the new Blyth Vale development received hand delivered letters and three adjacent landowners were sent an informal consultation letter. The letter, response form and plan are provided in Appendix A and B.
- 4.2. Five objections to the proposed path were received. This includes two objections associated with land ownership of land over which the path is proposed.
- 4.3. 42 responses in support of the proposed path were received.
- 4.4. One response made points both in support and objection.
- 4.5. **Summarised range of reasons for objection:**
- the terminology 'track' is not the case, it is in fact our tarmac roadway serving our property and House, and our business of touring caravan park.
 - Conflict with vehicle movements associated with the Caravan Park. Near misses have occurred.
 - The creation of this path on and over our roadway is fraught with danger with vehicle movement on a blind bend.
 - Holton Primary school is not the catchment area for Hill Farm Road.
 - Hopkins Homes illegally tore down our fencing and hedging exposing access to our property.
 - Pedestrians have been trespassing and causing damage to reach Footpath No. 6.
 - No mention of compensation has led us to object to this proposal.
 - The position of the connection at the Holton end of the proposed footpath is in a dangerous place, hidden by plants on the property adjacent to the southern end of the driveway. It is also on a corner that serves to further reduce visibility.
 - I object on principal, on how the situation has been handled by various council representatives.
 - I object on the grounds that the impression of having no practical option to prevent the crossing was given, the insinuation that to object would only mean going to higher officials and having the crossing implemented regardless.
 - the footpath has been built right up to the Holton Orchards property line prior to any degree of approval or consultation being sought.
 - This has served no other purpose but to actively incite vandalism and invite trespass to Holton Orchards property.

- It has created animosity from public towards the rightful landowner for protecting their legal rights. The temporary fencing has been an eyesore and can only have negatively affected the owners' business.
- All the above being at no fault of the property owner.
- I object on the grounds that it is not necessary connection, that existing footpath connections are adequate.
- I object to the above proposal for the following reasons: possible youths using pathway and increasing the risk of crime.
- What does 'proposed' mean as the said footpath is already complete? It is not 'proposed' - it has been there several months.
- The footpath has caused several problems i.e. unrestrained dogs in our garden, dog faeces, tennis balls and various pieces of rubbish (beer bottles, crisp packets, etc) which were never a problem before.
- I was never advised of the footpath either by council or Hopkins.
- It would be very dangerous for children to run into the farm drive.
- Dog poo, beer bottles and cans already being thrown into my garden from people who repeatedly broke down the fences erected to stop people going out onto farm drive. This unfortunately it appears to be getting worse since the new footpath situation has arisen.
- Notices at least need to be put in place and people must be made aware of the country code to hopefully make them feel responsible towards where they are, other people and wildlife.
- There also needs to be some form of notices to make sure people do not park on the driveway. this could be extremely dangerous if emergency vehicles were ever needed.
- I don't want to have to make where I live a fortress. The vast majority of my neighbours in Orchard Valley and those walking the path are a delight and always stop to pass the time when I or my husband are working outside.

4.6. **Summarised range of reasons for support:**

- This footpath is vital for the safety of children walking to Primary School in Holton. There are no pavements on part of the route. We feel it would benefit the community greatly, providing safer access to the Holton Primary School. The proposed footpath will greatly improve safety for those children who walk to Holton School/Nursery from Hill Farm Road
- This will link well with the footpath to the west of the junction of Hill Farm Road and Holton Road which leads to Halesworth Town Centre
- It opens a wide selection of paths.
- the idea of a footpath across the newly designated green area is very appealing and I would make use of it.
- This would prove to be an excellent new pathway - safer for children and a shorter route for older people to Holton Village Hall which offers many activities for elderly folk.
- This proposal makes so much sense allowing us to walk safely almost to Holton Village
- We often use the farm shop on Holton Road and the footpath would be a much safer way to walk there than along the busy main road. The path would enable us to walk safely to Holton village to access the bus stop on Bungay Road. This would avoid having to walk along the busy main road to Halesworth to get a bus. It would allow us to enjoy a walk directly from our house onto Holton and around Holton pits without needing to walk along a busy road or drive to a car park. Other safe circular walks could also be done.

- It would be a bonus to walk to Holton Nursery/Garden Centre. It would also cut down the need to use the car to access the garden centre.
- I bought my bungalow because of the close links to the Holton footpath No 6. I have dogs and friends in Holton, this avoids walking near the road and feels safer and quicker.
- As a resident I would use it regularly to access the shops in Holton, visit friends in Holton and to walk in the area.
- It is necessary for dog walkers to get to Holton pits safely.
- I don't have to walk alongside the busy Holton Road, I can follow footpath 6 into Holton, to the Village Hall, the Church and Holton Pits and to the garden centre and shop.
- A new public right of way will benefit both residents and non-residents. It will also be a safer option than walking down the busy Holton Road on skinny footpaths.
- It creates a link to the rest of Holton without walking along the busy main road.
- We do a lot of walking and we will use this new path.

5. Consideration of the legal tests for making an order

5.1. Whether there is a need for the footpath

One hundred and forty residents of Blyth Vale and three adjacent landowners were sent an informal consultation letter, response form and plan, as shown in Appendix A and B. Six objections were received and 42 responses giving positive support for the proposal. As evidenced through the history of this desired route and its intended purpose with the development, there is a need for it.

5.2. Whether it is expedient to create the footpath.

a) The extent to which the creation would add to convenience/enjoyment to the public or convenience to residents.

5.3. This can be clearly seen from the comments received to the informal consultation that local residents wish to use the proposed route and would derive enjoyment and convenience from it

b) the effect which the creation of the path would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28;

5.4. In considering this, the content of objection received are addressed below.

5.5. Objections have been received from the owner of part of the land affected by the proposal. There is a narrow strip of land between the development and Objecting affected owner's land which is unregistered with the Land Registry and despite enquiries it has not been possible to ascertain the ownership. Holton Footpath No. 6 runs from Holton Road up the road owned by the objecting owner towards Holton Orchard and after approximately 117 metres it turns off to run northeast between an orchard and a field, which is outside the objector's ownership. It was diverted out of the orchard in 1957.

5.6. A site meeting was held with the objecting owner on 14 June 2023 and meeting notes were emailed to them on 28 June 2023. See Appendix C. Additional clarification was given

in the site meeting notes with regard to the provisions in Section 28 of the Highways Act 1980 under which compensation may be payable, as this was not verbally covered in the site meeting. A copy of 'Creation of new public rights of way: A code of practice for Local Highway Authorities and landholders involved in negotiating compensation (Countryside Agency 2005)' will be sent to the landowner with this report.

- 5.7. The District Valuer will be requested to calculate a reasonable compensation amount which can then be discussed with the landowner. If an agreement on compensation can be reached this would be able to be paid sooner. Compensation may also be made by introducing works such as a gate and fencing across or beside the route. If a decision is requested by the landowner from the Lands Tribunal on compensation levels, then this request must be made within 6 months of an order coming into effect.
- 5.8. Photos are attached in Appendix D showing lines of sight at the proposed crossing point and the proposed route. At the site meeting on 14 June an offer was made to install a gate to ensure that walkers do not come straight out onto the road to Holton Orchard without stopping. This can be a two-way metal self-closing gate which complies with BS5709:2018.
- 5.9. Offers to install short fences and signs to deter the public from walking up the road were made but refused by the landowner at a subsequent meeting on 15 November 2023. Footpath No. 6 has exited onto the road to Holton Orchard since 1957 with no incidents reported to the Highway Authority but the sight lines at this side are better. See Appendix D. The road here is single track and it is expected that vehicle speeds would be relatively low, particularly as pedestrians could already be walking up the road or its verge on existing alignment of Holton footpath No. 6.
- 5.10. The developer has sought to fence off the proposed connection from their land onto the unregistered land with Heras fencing which has been repeatedly unfastened and moved by persons unknown and the developer has put up notices informing the public that '*This is not a public right of way and access through is not currently permitted. By continuing, you are technically trespassing onto neighbouring private land.*' This has been reiterated in the informal consultation letter and the response sent to those who responded by email. Halesworth Town Council have also been asked to remind residents not to cross over this land. It is recognised that the surfaced path created on the public open space gives a visual impression that there is an onward route and this is an unfortunate consequence of the timing of events.
- 5.11. Other objectors do not own land directly affected by the creation proposal so would not be entitled to compensation.
- 5.12. One objector cites possible youths using pathway increasing the risk of crime. The area between the residential development and Holton Orchards is designated as public open space so anyone has a right to access that area, even if a public footpath is not created. The extent of route to be created which adds any public access will be approximately 5 metres in length. The public are free to access the existing public right of way, and the almost adjacent public open space. The ability to pass through would have no influence on any increased risk of crime. However, this is not a matter that impacts on the legal tests.
- 5.13. Objections cite nuisance from dogs and litter. As mentioned above, the vast majority of the proposed path is already public open space and footpath No. 6 already runs adjacent to

property boundaries. Any nuisance may result from the increased number of residents using the informal pathways in the open space rather than purely from the proposed public footpath and the increased population from the already consented and constructed development. Again, this is not something that impacts on the legal tests to be considered.

- 5.14. Objections cite concern with the process being followed. Consultation has been undertaken as suggested by good practice. It should be noted that this consultation is not an opportunity to question planning permission decisions, only to comment on the proposed creation of a public right of way. Complaints of litter and dog faeces may be a public nuisance and relate to general use of the public open space, rather than the proposed footpath and do not factor in the consideration of the legal tests. It is possible that less walkers will be coming up from Holton Road along the existing route to connect to Orchard Valley and the school site if they can access Holton footpath 6 from the Hill Farm Road through the open space on this proposed route.

6. Determination of opposed orders

- 6.1. Paragraph 9.2 of in the Planning/Rights of way protocol in the constitution, says that ESC applications should not be decided on a delegated basis. Therefore, applications made by ESC and opposed orders need to be determined by the Planning Committee.
- 6.2. The changes made by such orders affect the right of the public to cross private land and so can be contentious and the subject of impassioned debate. Because of this it is important that the system of making decisions on changes to the public rights of way network is seen to be open and impartial, consisting of sound judgements made for justifiable reasons and considering the legal tests required.

7. Costs

- 7.1. East Suffolk Council is paying all the costs associated with this proposal.
- 7.2. If a legal order is made and is opposed, and the council decides to send it to the Secretary of State for determination, the costs of determination will vary depending on how the order is determined- by public inquiry, hearing or written representations but could range from £1000 up to £5000 approximately.
- 7.3. For the implementation of any physical works to deliver this public footpath, a CIL funding commitment to improve Public Rights of Way in this area (and previously used for improvements to footpath No. 6) is available. To date £27,301 of a total available fund of £56,002 has been spent. Available CIL funds committed to improve the rights of way network around this development could be utilised for these administrative, compensatory and construction costs.

8. Conclusion

- 8.1. The purpose of a public path order is to allow changes to be made to the rights of way to suit evolving needs and to ensure, in making these changes, any opposing interests are not disproportionately affected. In this case it is considered that the proposal is in the

interests of the public and that the tests for an order under Section 26 of the Highways Act 1980 can be met when consideration of the provisions for compensation and mitigation are taken into account.

9. Recommendation

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

10. Appendices

- A. Plan showing proposed creation of Halesworth Footpath 27 and Holton Footpath No 14.
- B. Informal response form and consultation letter.
- C. Site Meeting Notes. 14.06.23
- D. Photographs

Background information

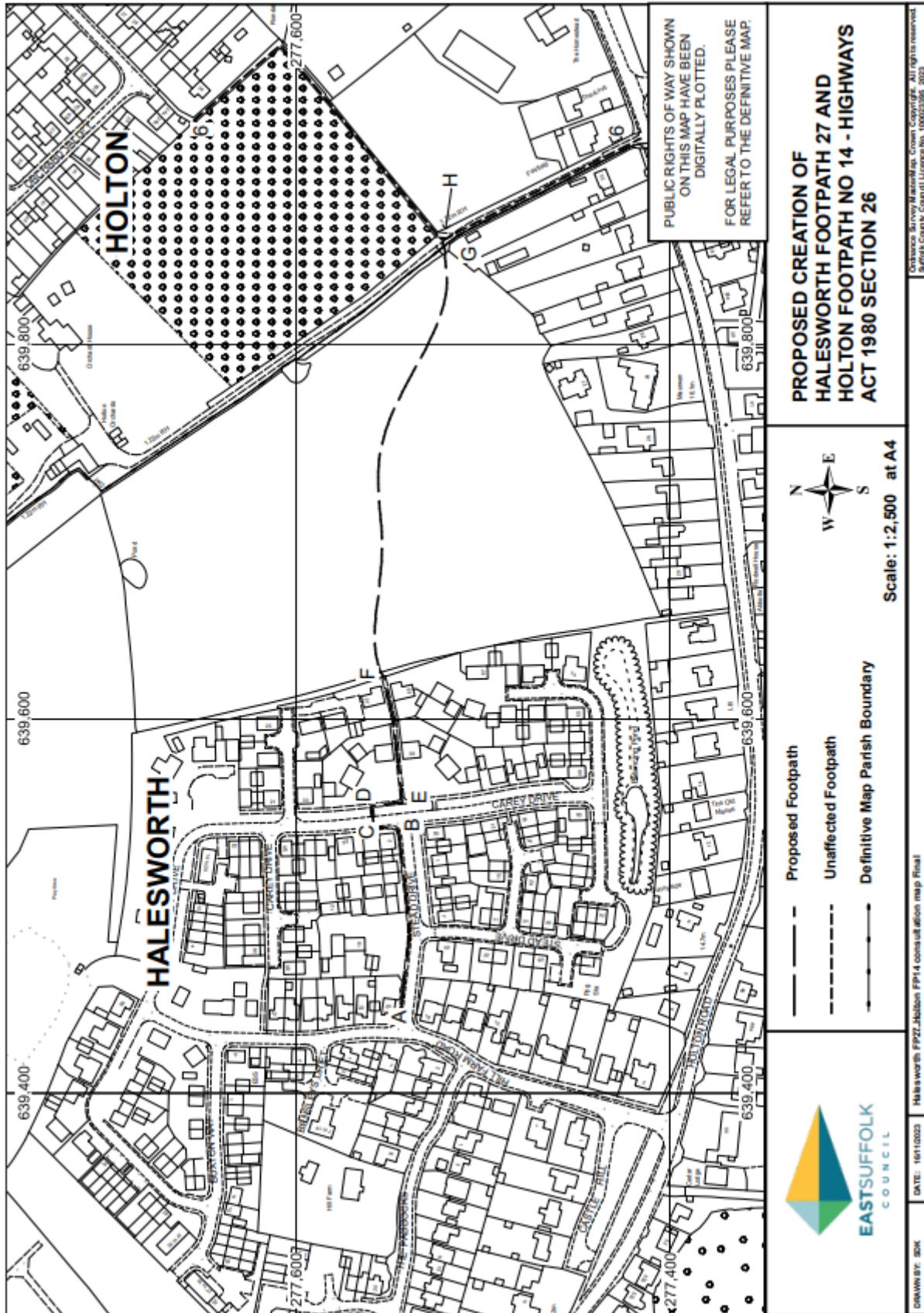
Public path order proposal and consultation.

[DC/24/0754/CON | Proposed Creation of a Public Footpath \(Halesworth No 27 & Holton No 14\) | Land North And East Of Hill Farm Road Halesworth Suffolk \(eastssuffolk.gov.uk\)](#)

Outline Planning application for Blyth Vale: [DC/16/5410/OUT | Outline Application \(with all matters other than means of access reserved\) for residential development of up to 160 dwellings with the provision of a new meadow, additional site wide open space and landscaping, land to enable an extension to the existing cemetery and vehicular accesses off Hill Farm Road | Land North And East Of Hill Farm Road Halesworth Suffolk \(eastssuffolk.gov.uk\)](#)

Reserved Matters application for Blyth Vale: [DC/18/1281/ARM | Approval of Reserved Matters of DC/16/5410/OUT - Outline Application \(with all matters other than means of access reserved\) for residential development of up to 160 dwellings with the provision of a new meadow, additional site wide open space and landscaping, land to enable an extension to the existing cemetery and vehicular accesses off Hill Farm Road - Submission of details of appearance, landscaping, layout and scale of 158 dwellings previously permitted under Outline Planning Permission DC/16/5410/OUT | Land North And East Of Hill Farm Road Halesworth Suffolk \(eastssuffolk.gov.uk\)](#)

Appendix A



Appendix B Response form and consultation letter

EAST SUFFOLK COUNCIL

**Return to: Mrs N Biddall, Public Rights of Way Officer
East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, NR33 0EQ**

Email: rightsofway@eastsoffolk.gov.uk

From:

File Ref: RoW.013.

**SUBJECT:
Highways Act 1980.Section 16.
Proposed creation of footpath between Hill Farm Road and Holton footpath no 6.**

Please delete as appropriate:

- a) I/We have no comments on or objections to the above proposal.
- b) I/We support the above proposal.
- c) My/Our comments on the above proposal are as follows (please expand on a separate sheet if necessary):

.....

- d) I/We object to the above proposal for the following reasons (please expand on a separate sheet if necessary):

.....

Signed:

Dated:



Our ref: RoW.013
Date: 17 November 2023
Please ask for: Nicky Biddall
Direct dial: 01394 444508
Email:
rightsofway@eastssuffolk.gov.uk

**Proposed creation of public footpath to link Hill Farm Road with
Holton footpath no 6 - Highways Act 1980 Section 26**

Dear Consultee,

East Suffolk Council is considering a proposal to create a new public right of way linking Hill Farm Road with the existing Holton footpath no 6 as shown on the attached map.

Under the Highways Act 1980, Section 26 where it appears to the Local Authority that there is a need for a footpath over land in the area and they are satisfied that, having regard to -

(a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and
(b) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 of the Highways Act 1980,

it is expedient that the path or way should be created.

The path would provide a pedestrian link between the residential areas off Hill Farm Road, Halesworth and the area of Holton, including the primary school and nursery. It would avoid the need to walk along the pavement of the busy Holton Road. It will also link up with the public rights of way network to the north through the public open space paths.

Consultees should note that whilst they can walk along the proposed route from A to G to look at it, there is no link between G and H and they should access that section via Holton footpath no 6, either from Holton Road or from Orchard Valley.

The width of the new path would be 1.8 metres. Between A and F it would have a tarmac bound surface. Between F and H it would have an unbound surface comprised of 100-150mm of a type 1 aggregate with approx. 20mm of compacted fines on top. A pedestrian

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

metal two-way self-closing gate is proposed to be sited on the west side of the Holton Orchard track.

I would be grateful if you could let me have your comments on the proposal by returning the attached form to me, preferably by email, or by post to the address below, by 15 December 2023 at the latest. Please note that your comments cannot be treated as confidential and may be inspected by interested parties. For further information please refer to East Suffolk Council's Rights of Way Privacy Notice which can be viewed online at <http://www.eastsuffolk.gov.uk/assets/Your-Council/Access-to-Information/Privacy-Notices/Rights-of-Way-Privacy-Notice.pdf>

If you require any further information from me in order to comment please do not hesitate to contact me. Also, should you have any queries about East Suffolk Council's rights of way policies and administrative process in general, please address these to me at rightsofway@eastsuffolk.gov.uk

Yours Sincerely



Mrs Nicky Biddall
Rights of Way Officer
East Suffolk Council
Riverside
4 Canning Road
Lowestoft
NR33 0EQ

Appendix C

Site meeting at 4.30pm on Wednesday 14 June 2023

Present:

Ben Woolnough (BW) Planning Manager, East Suffolk Council
Nicky Biddall (NJB) Rights of Way Officer, East Suffolk Council
(AD) joint owner of SK99090
(SD) joint owner of SK99090
(RD) son of AD and SD

BW began by outlining the planning application that had led to the development and that it had not been recognised at the time that the developer did not own all the land that would need to be crossed by a new public footpath in connecting it to Holton Footpath No. 6. In the planning application determination, it had been recognised that connectivity of the site was important from the path in the open space to provide a safe and direct route of access to the Primary School. The existing route along the Street is not safe for new development given the lack of pavement. Apologies were given that the XXXXXX were not contacted about this earlier, but it was hoped that we could move forward together now we had made contact. BW set out that the planning officer at the time assumed the new open space path directly met Footpath 6. It does not and there is a gap of separate ownership of approximately 3 metres.

SD and AD explained their concerns about a link from the open space of the Hopkins Development to footpath 6.

- The proposed connection point on the west side of the drive is in a blind spot for vehicles coming up the drive from the road and children/ dogs could run out into the drive - NJB suggested that a staggered barrier or gate could be provided by ESC to ensure that people had to slow down before crossing. The position in detail to be agreed with AD & SD.
- People continuing north once they have come onto the drive, both from the existing path and the proposed one – BW suggested short lengths of fencing parallel to the footpath on the north side on each verge and possible markings on the drive surface to show direction of travel. NJB suggested ESC could provide small signs saying ‘No Public Right of Way. Keep to marked footpath’.
- SD suggested a tall fingerpost with two fingers (similar to what is at the Holton Road end of the path) would be more visible than the waymark post with the yellow waymark disc on it at the corner. – NJB agreed that that would be helpful.
- AD and SD said that people have been breaking through the fence further up to trespass on the land and the developers had removed fencing and hedging on their land and replaced it with Heras fencing – BW agreed to look at the planning application to see what and when the developers are required to deliver in terms of boundary treatments and to request that they put up notices explaining that there is no connection between the new pathways in the open access area and the existing footpath No. 6
- SD asked what would happen if someone fell crossing the drive. NJB explained that Suffolk County Council are responsible for maintaining the surface of a public right of way so that it is suitable and safe to use, rather than the landowner.

NJB outlined the process for creating a new public right of way (Under Section 26 of the Highways Act 1980.

- **As additional clarification** - we will produce a map showing the proposed route and send it to all landowners for them to see exactly what is proposed, before we go any further in the process. This will require input from Suffolk County Council Highways to ensure that we connect onto adopted highway at the Carey Drive/Stead Drive end of the route and Suffolk County Council Public Rights of Way to ensure we connect to footpath 6 at the eastern end of any new /proposed path so may take a while to produce.)
- The proposal is then sent to the local parish council, district councillors and the local Ramblers Association representatives, Auto Cycle Union, Byways and Bridleways Trust, British Horse Society, Cycling UK, Open Spaces Society and a check made to see if any utilities- water, gas, electric, etc would be affected. If objections are received within the 28-day consultation period, then mediation is attempted to come to an agreement.
- A legal order is then made - A Public Path Creation Order - and this has to be advertised on site and in a local newspaper and in a council office or library nearby and on the East Suffolk Council and Suffolk County Council websites for a consultation period of 28 days. If no objections are received, then a report is made to the ESC Planning Committee who agree to the order being confirmed. If objections are received, then the Planning Committee has to decide if they wish to proceed with the order which is then sent to the Planning Inspectorate/ Secretary of State for an Inspector to make to a decision on whether to confirm the Path Creation Order.
- **As additional clarification** - if the order is to be confirmed then different notices are displayed on site and all the other places as before and a period of 42 days is given when the decision can be challenged in the High Court, if the legal process required above has not been correctly followed. This is not another opportunity for any objections to be made to the order.
- Any works necessary for the path to be suitable for use, such as the signage, gates and fence would then be installed and the new route opened for public use.
- **As additional clarification** - under Section 28 of the Highways Act 1980 a landowner may claim compensation for loss caused by a public path creation order if it can be shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land in consequence of the coming into operation of a public path creation order. Any claim must be made within 6 months of the confirmation of an order. Compensation can only be claimed for any loss due to the effect of the order, not for damage caused by persons trespassing prior to the confirmation of the order.)

BW and NJB agreed that they would send a copy of the site meeting notes to AD, SD & RD for them to check and confirm what had been discussed.

Meeting closed at 5.15 pm.

Appendix D – Photographs

Photos showing proposed route and lines of sight at the proposed crossing point



Looking north. (Fallen tree would be cleared if the order was successful)



Looking south towards Holton Road from west side of proposed crossing point



Looking from middle of road south towards Holton

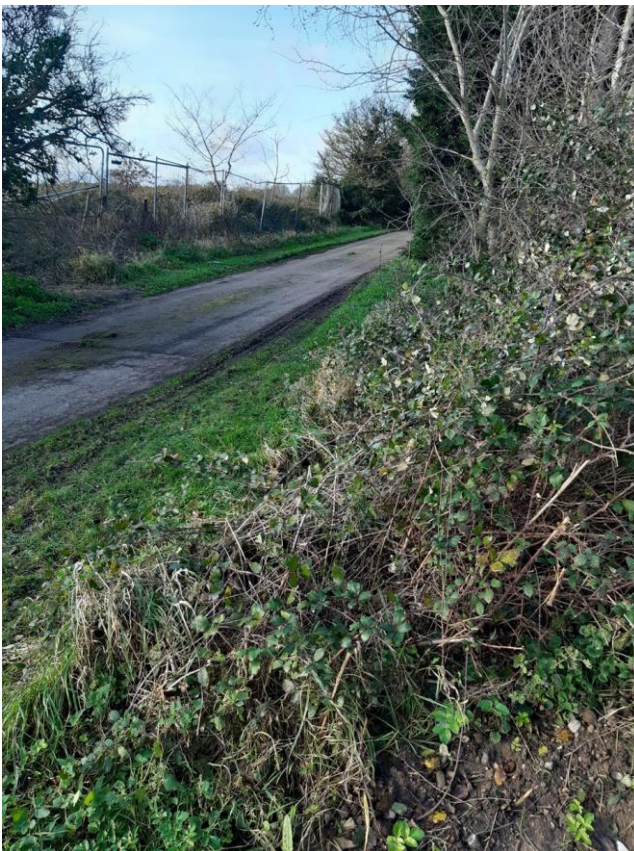


Looking from road towards west into public open space and path beyond the fence. Part of the foreground before the fence is the unregistered land.

Photos showing sight lines from existing Holton Footpath No 6 at junction with road to Holton Orchard



Looking south from existing exit onto road on Holton Footpath No 6



Looking north from existing exit onto road on Holton Footpath No 6



Existing gate from public open space into garden taken from proposed footpath



Existing gate on Holton footpath No 6 into garden