



Committee Report

Planning Committee North - 9 January 2024

Application no DC/23/2832/RG3

Location

Public Realm Spaces Of Royal Plain,
Royal Terrace, Royal Green And
Adjacent Seafront Esplanade, Plus
South Quay (west) Beside Bascule
Bridge Centred Around East Point
Pavilion
Royal Plain
Lowestoft
Suffolk
NR33 0AP

Expiry date 2 November 2023
Application type Deemed Council Development
Applicant East Suffolk Council

Parish Lowestoft

Proposal Royal Plain: New fountain installation in existing location, including hard and soft landscape improvements with plantation & boulder features, raised planters with trees, and lighting improvements.
Royal Green: New access routes and soft landscape improvements including trees with bespoke seating and outdoor gyms, plus EPP courtyard improvements, and new play area, also cycle hub to existing car park.
South Quay: Hard & soft landscape improvements as pocket park.

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1. Summary

- 1.1 This application seeks planning permission for public realm works across three areas in Lowestoft. The application is made by East Suffolk Council, on Council-owned land, and therefore the application is brought direct to the Planning Committee (North) for determination.
- 1.2 The proposed public realm works will create an array of attractive and enjoyable spaces that will contribute to wider regeneration efforts in the town. This project is one of the key schemes to be delivered via the Towns Fund, and the detailed works set out in this planning application are in accordance with the Development Plan. Therefore, planning permission can be granted.
- 1.3 The recommendation is Authority to Approve, subject to any final (minor) design revisions; and receipt of comments from the Local Lead Flood Authority (LLFA) and Suffolk Highways Authority confirming no objections.

2. Site Description

2.1 The application site covers three distinct areas:

- Royal Plain;
- Royal Green (including the Esplanade edge, East Point Pavilion (EPP) Courtyard, Car Park, and Play area); and
- South Quay.

Royal Plain

- 2.2 Royal Plain is the gateway to the seafront, and an area of public realm consisting predominantly of square beige granite and precast concrete pavements, block paving to carriageways, stainless steel and timber street furniture, distinctive lighting columns, and in-ground trees, with occasional art-based features. The area is focussed around the East Point Pavilion, which re-opened in 2022. The site is also surrounded by The Royal Norfolk & Suffolk Yacht Club to the north (a Grade II* Listed Building); the South Pier Amusements building to the east; and the Iconic and Harbour Inn bar / restaurants to the west.
- 2.3 Royal Plain is part of a designated Pedestrian Zone, edged to the west and north by the Royal Terrace and South Pier access carriageways, and to the east by the Esplanade. The fountains are not currently functioning. The space includes the Grade II listed War Memorial, adjacent the Grade II* listed Royal Norfolk & Suffolk Yacht Club to the north, and then the more distant Grade II listed Triton Statue to the east across the Esplanade. Other features include the Sunrise scheme Mosaic artwork. Royal Plain is the key gateway space to the seafront leading both to South Pier and the 'Children's Corner' Beach.

Royal Green

- 2.4 Royal Green is the open green space along the start of the Esplanade heading south along the Seafront from Royal Plain / South Pier. It faces onto the area of South Lowestoft's north seafront recently changed by improved sea defences, with its groynes and banks of

boulders. The space is backed by the strong terrace architecture with distinctive chimney stacks of Marine Parade, which is fronted by a continuous car park.

- 2.5 The space is contained along its west and east edges by the car park with its barrier rails and low level wall with events infrastructure (feeder pillars, etc) along the esplanade respectively. There are existing cross-routes, but these are not well-aligned with zebra crossings in the car park and are all obstructed by car parking. The car park has progressively increased in size over time, and now functions as a barrier between Marine Parade and the Esplanade. There is no shade or shelter provided across Royal Green, and no planting.

South Quay

- 2.6 South Quay is a separate and distinct space from the Seafront on the other side of Pier Terrace / A12, to the immediate south west of the Bascule Bridge. It faces the old Port House site to the north, with which it forms a gateway to the Inner Harbour, Lake Lothing, and Oulton Broad.
- 2.7 This area is a space between the redundant dock edge to north, terrace end/rear to south, and Associated British Ports' (ABP) undeveloped land to the west. The site is mostly dominated by informal parking, as well as various infrastructure features relating to underground utilities (including sewer). The site is used as a cut-through by cyclists, as well as pedestrians, along the terrace rear. ABP are due to remove the suspended concrete dock section, and ESC own a portion of land further west along the quayside.

3. Proposal

- 3.1 The detailed proposals are broadly summarised below.

- Royal Plain: New fountain installation in existing location, including hard and soft landscape improvements with plantation & boulder features, raised planters with trees, and lighting improvements.
- Royal Green: New access routes and soft landscape improvements including trees with bespoke seating and outdoor gyms, plus EPP courtyard improvements, and new play area, also cycle hub to existing car park.
- South Quay: Hard & soft landscape improvements as pocket park.

- 3.2 In response to feedback from various consultees, amended plans were provided on 16 November 2023; key changes are described and considered in the Planning Considerations section of this report.

4. Third Party Representations

- 4.1 One letter of objection has been received from a resident at 2 Pier Terrace, raising the following concerns:

"I am writing regarding the plans for South Quay along the side of pier terrace. We are number 2 pier Terrace and taking the car park away will result in us breaching our planning consent from 1991-1992. I gave the relevant info and paper work at the East pavilion when you did a public consultation but havnt [sic] heard back since apart from the email to confirm it was being looked at. Please can you let me know what is going to happen on this matter."

Officer commentary on this objection:

- 4.2 In 1991, planning permission ref. DC/91/0320/FUL (alt. reference W6677/11) was granted for the change of use at No.2 Pier Terrace to a Taxi-Office (ground floor) and three flats (upper floors). There were no planning conditions on that consent requiring the provision of any specific parking spaces in perpetuity; there were actually no conditions at all in regard to parking. However, the Planning Committee at that time resolved to grant planning permission subject to a lease agreement being entered into with the Council to secure three additional car parking spaces to the rear of No.2. From discussion with colleagues in the Asset Management Team, it appears that there was likely an annual licence agreement/parking permit for the spaces, rather than any formal lease. In any case, there is no record of a formal lease in the name of the resident at No.2 that has raised objections.
- 4.3 From a planning perspective, there are no conditions or section 106 obligations requiring long-term provision and retention of parking spaces linked to No.2 Pier Terrace. Therefore, whilst understanding the concern raised, this proposal would not lead to any conflict with existing planning permissions. Officers have also reviewed the entire planning history for Pier Terrace and found no other issues of this nature. The ground floor uses of the terrace now all appear to be a mix of restaurants/hot-food takeaways and retail, with the Taxi-Office use changing to a retail use sometime around 2017/2018.

5. Consultees

Consultee	Date consulted	Date reply received
Lowestoft Town Council	11 August 2023	3 November 2023
<p><i>Apologies for the delay in coming back to you but there has been quite some debate over this one.</i></p> <p><i>The Town Council's recommendation is for refusal of the application as it is currently presented. There is still concern for the design and layout and how that will impact on the use of the area. There are many comments listed in the ESC Landscape Officer's response particularly about the physical and visual barriers elements of the scheme will create.</i></p> <p><i>The Town Council would also wish to support the concerns from Suffolk CC Flood and Water and note that Suffolk Highways require additional information before they can support the scheme.</i></p>		

The boulder structures are felt not appropriate for the setting and add nothing to the use of the public realm.

It is difficult to pick our assurances regarding the protection of the war memorial in the application form and details submitted. We would ask that any grant of permission has this built in.

Also, one public comment on the planning portal, perhaps, as the Town Council commented at the time, a very poor public consultation period for this one?

Consultee	Date consulted	Date reply received
Historic England	11 August 2023	30 August 2023

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
SCC Flooding Authority	11 August 2023	29 August 2023

A holding objection is necessary because the applicant should provide details of new impermeable area created by the proposal.

The point below details the action required to overcome our current objection:

1. Provide details of the new impermeable area created by the proposal and any associated alternations to the existing drainage network or new drainage required.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	11 August 2023	1 September 2023

Internal Planning Consultee; comments incorporated and addressed in planning considerations section of report.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	11 August 2023	4 September 2023

Internal Planning Consultee; comments incorporated and addressed in planning considerations section of report.

Consultee	Date consulted	Date reply received
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East Suffolk Ecology	11 August 2023	No response
No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	11 August 2023	17 August 2023
We have no comments to make regarding this application.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	11 August 2023	No response
No comments received.		

Consultee	Date consulted	Date reply received
Disability Forum	11 August 2023	No response
No comments received.		

Consultee	Date consulted	Date reply received
SCC Emergency Planning	11 August 2023	11 August 2023
I have no comments on this application.		

Consultee	Date consulted	Date reply received
SUSTRANS	11 August 2023	No response
No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Police Design Out Crime Officer	28 September 2023	No response
No comments received.		

Consultee	Date consulted	Date reply received
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SCC Highways Department	11 August 2023	5 September 2023
<p>Notice is hereby given that the County Council as Highway Authority cannot make a comment at this time due to a lack of information to make an informed decision.</p> <p>The Highway Authority would recommend a holding objection until the information has been submitted:</p> <ul style="list-style-type: none"> • New pedestrian permeability through car park – safety. • Utility surveys. • Statutory undertakers’ utilities access. • Swept path plan – Pier Terrace. • Re-locate proposed trees adjacent to Coaches Only Limited Waiting Bay. • Cycle parking provision. 		

6. Publicity

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

Category	Published	Expiry	Publication
Major Application	18 August 2023	11 September 2023	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Affects Setting of Listed Building	18 August 2023	11 September 2023	Lowestoft Journal

7. Site notices

General Site Notice	Reason for site notice: Major Application; Conservation Area; Affects Setting of Listed Building. Date posted: 24 August 2023 Expiry date: 15 September 2023
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8. Planning policy

National Planning Policy Framework 2023 (NPPF)

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

WLP2.10 - Inner Harbour Port Area (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.23 - Protection of Open Space (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)

WLP8.30 - Design of Open Spaces (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.35 - Landscape Character (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)

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

9. Planning Considerations

Planning Policy Background

9.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that all decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this case comprises the East Suffolk (Waveney) Local Plan 2019 [“The Local Plan”], and its supporting supplementary planning documents. The Lowestoft Neighbourhood Plan is currently in draft form but at early stages in the consultation process and therefore of little relevance to this planning application. In any case, the emerging Neighbourhood Plan refers to the Seafront Masterplan as a guiding document for development in the area, seemingly acknowledging and endorsing the broad intent of that plan (which relates directly to the works subject of this application).

Principle of Development

9.2 The Seafront Vision project is one of five regeneration projects which are detailed within the Town Investment Plan, which received £24.9m from the Government’s Towns Fund. The project sets out the proposed regeneration of the Royal Plain, Royal Green and South Quay Wharf areas.

9.3 This application sees the detail of that regeneration project come forward for planning consideration.

- 9.4 Local Authorities (“LA”) benefit from extensive permitted development rights under Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 [“The GPDO”] for various works on land in Local Authority ownership, as follows:

“The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

- 9.5 It is likely that significant elements of the work detailed within this application are in fact ‘permitted development’ and thus not strictly requiring planning permission. However, given the extensive site(s) area and nature of the works, it was judged by officers that a planning application should be made to ensure that the development is properly consented (if approved) and, also, so there is the opportunity for public consultation and community input into the scheme. However, the relevance of the extensive LA permitted development rights under the GPDO should be borne in mind when considering this application for planning permission.
- 9.6 The proposal to carry out public realm enhancements is supported in principle by the Development Plan. The area at Royal Green is designated under Local Plan Policy WLP8.23 as a designated Open Space, to be protected; however, the nature of these works to improve and enhance that area is entirely consistent with the aims of WLP8.23. It turns to more detailed development management considerations that are key issues in the determination of this application, notably: Design, Public Realm/Place-Making, and Heritage; Highways Safety and Sustainable Transport; Ecology; and Flood Risk & Drainage.

Design, Public Realm/Place-Making, and Heritage

- 9.7 The site falls within the Seafront character area of the South Lowestoft & Kirkley Conservation Area, and within the South Lowestoft Heritage Action Zone.
- 9.8 The Conservation Area Appraisal identifies the following features:
- Marine Parade, the terrace to the west of Royal Green is identified as a positive unlisted building.
 - The whole site, including South Quay, is identified as important open or green space.
 - Important views are identified across Royal Green towards Marine Parade, across Royal Plain towards the sea from the A12, east-west along the river from the bridge, and views from the South Pier back towards land.

'Large portions of the area are also devoted to open spaces, gardens and greens, which make a key contribution to its character and appearance... These spaces are all unique in character and design, however each make a positive contribution to the way in which the area is experienced. They also reflect the careful masterplanning of the seafront, to provide such spaces for residents and visitors to spend time and appreciate the sea to the east and grandiose architecture to the west.'

9.9 There are several listed buildings within and adjacent to the site:

- Lowestoft War Memorial – Grade II listed, within site the boundary – important place for community congregation and commemoration
- Two statues of Triton – Grade II listed, one within the site boundary one to the south of the site – commissioned by Sir Peto as part of the town's transformation into a coastal resort and sculpted by John Thomas a nationally recognised sculptor.
- Royal Norfolk and Suffolk Yacht Club – Grade II* listed, adjacent to site to the north of Royal Plain – built in 1902 by George Skipper a great architect of the period. It has an advanced Art Nouveau design and is a rare example of a purpose built yacht club by a prominent architect. It has group value with the War Memorial and Statue of Triton creating the formal public space of Royal Plain
- Port House – Grade II listed, situated on the opposite side of the river from South Quay – was originally built, in 1831, as the customs house for the Port of Lowestoft as part of the original phase of the harbour's construction, it has a close relationship with the river.

9.10 The Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act") sets out, in section 66, the statutory duty of decision-takers in respect of listed buildings: *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

9.11 The Act sets out, in section 72, the statutory duties in respect of Conservation Areas: *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

9.12 These statutory requirements are reflected in the objectives of Local Plan policies WLP8.37 & WLP8.39, and the Historic Environment objectives of the NPPF.

9.13 Policy WLP8.35 relates to Landscape Character and requires that development proposals demonstrate their location, scale, form, design, and materials will protect, and where possible enhance, the special qualities and local distinctiveness of the area, the visual and historical relationship between settlements and their landscape settings, and visually sensitive skylines, seascapes and significant views towards key landscapes and cultural features.

9.14 In respect of this application Policy WLP8.35 works in conjunction with general design policy WLP8.29 (Design), WLP8.30 (Design of Open Spaces), and then the historic environment policies set out above. The collective aim of these policies, in this case, is to ensure that the scheme creates a sense of place that is usable, attractive, well-designed and preserves the historic environment within which it is located.

Royal Plain/EPP

- 9.15 At present, the site has a cluttered feel, with bollards, benches, lighting columns, and existing features such as the War Memorial and mosaic, combining to create a muddled aesthetic. Throughout the pre-application process officers have advised that the proposals need to provide a clear vision and integrated palette of materials and colours to ensure that the addition of more features to the space does not exacerbate the existing problems. Officers questioned whether the boulders/stone platforms are a necessary addition, or whether they will simply provide more obstacles to movement. The applicant has responded on this point, explaining that at Royal Plain the boulders will be part of the language and setting of the new fountains and mirror pool, providing additional amenity and value to this facility. They are described as multi-functional features, providing important play value for children and young people using the water features, as well as informal seating / perching opportunities for users of all ages, including parents or grandparents who may be enjoying the water features in proximity to their children / grandchildren. The number of boulders has reduced through design development between from 14no to 11no now. Their positioning is fine-tuned to relate to the mirror pool edges (aiding its legibility), respond to approaches (e.g., framing EPP entrance), ensure accessibility (clear widths around mirror pool), and augment seating provision (near to planters / benches). The applicant is firmly of the view that, given their inherent functionality, the boulders cannot be described as 'clutter', which is commonly understood as duplicated and unnecessary items of street furniture; it is argued that these are integral features to the fountain / mirror pool, and that there are significant existing elements of street clutter that are more impactful across the space, such as the light columns and bollards, which the increased layering of the space by the scheme seeks to redress / compensate for.
- 9.16 That being said, the applicant has acknowledged that if the boulders are a concern for the decision-taker, then they could be removed from the scheme.
- 9.17 The applicant has provided confirmation that the square will remain fully usable and not materially affect people attending commemorations around the War Memorial (the main relevant day being Armistice Day 11/11).
- 9.18 Reinstating a fountain at Royal Plain will help to ensure that this space is a destination and a place to gather and linger which will also contribute to the character of the Conservation Area. The Incorporation of the fountain plant room into the existing Pavilion building is a positive move as having to locate this in the square would be detrimental to its sense of openness and would interrupt existing views across the site.
- 9.19 The Council's Senior Landscape Officer has advised that raised planters here are inappropriate because they are not a suitable means for providing healthy urban tree planting. This is already an incredibly hostile location for planting, which is subject to extreme weather conditions such as prolonged periods of drought and high winds. Urban tree pit systems, such as crates or structural soils, would be the preferred approach here.
- 9.20 This has been fed back to the applicant team, but unfortunately the scheme has not been positively amended in response. The applicant/design team response is that in-ground trees, as originally proposed, are not affordable within the project budgets, so planters have been proposed instead in order not to lose the opportunity for increased greening /

biodiversity. It is claimed that planters will provide a different opportunity to introduce increased colour to the space of the public realm, which is also a part of the brief and that, in addition, raised planters are preferred because they require less on-site construction and excavation work (a greener option) and will prevent spill, less mess particularly in Royal Plain where the mulch/bark can be washed, trodden, and kicked across to the fountains area. Officers note this response, and in planning terms, the raised planters are visually acceptable and there would be no grounds to refuse the application over this design choice – which is clearly an improvement over the existing situation on-the-ground. However, conditions requiring long-term management and maintenance of this planting will be required to ensure that the planting establishes well and endures long-term.

- 9.21 The setting of the Yacht Club and the Statue of Triton would not be harmed by the proposals. The proposed public realm improvements would reinvigorate the Royal Plain while retaining the formal character of this historic piece of the public realm in the Conservation Area. This proposal will preserve the special interest of the nearby designated heritage assets. There would be no harm to these designated heritage assets, in conformance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF and the historic environment objectives of the Local Plan.

Royal Green

- 9.22 The area to the south of the East Point Pavilion (EPP) is proposed to be landscaped and continue to act as a spill out space for the EPP. The bins storage that would be displaced by the fountain plant room is proposed to be relocated to the west of this space. Details of the enclosure have been provided to ensure that this does not have too much of a back of house character. Realigning the east-west pathways to link with the existing car park crossing and openings in the boundary with Marine Parade is a significant positive of the scheme, creating more practical and legible routes for pedestrians. The proposed planting will provide a more defined edge to the space and important separation from the adjacent car park.
- 9.23 The repositioning of access across the green will help to activate the space, improving access into and across the space. There is also potential for these routes to maintain a visual connection between the promenade and the architecture behind the green as noted in the CAA, and this could be explored further in any future proposals.
- 9.24 The introduction of dune structures along the edge of the green could be an attractive feature, however, these will need to be carefully designed so that they are not easily affected by adverse weather conditions. The roots of native plants and grasses are integral to the structure of natural dunes, and these will develop over long periods of time. Strawberry trees and pine species are both appropriate for the setting; it would be nice to see a mix of some larger pine species and some smaller/multi-stem species to create an attractive structure. Planting details would be needed by condition.
- 9.25 The introduction of a bouldering area and a new fenced games area in place of the existing car park to the south end of Royal Green is positive, creating a better environment around the existing play area with better separation from the car park. Full details of the floor finish, boundaries etc of these areas are needed. Utilising the existing curved boundary to form a more organic, playful seating area next to the esplanade is also positive.

- 9.26 Officers provided feedback that the seating is solely focused along the exposed eastern edge of the green, and that pockets of sheltered seating should also be incorporated into the design to accommodate all users. It was also advised that outdoor gym equipment is more likely to get used if it is located in one place away from the Promenade where people like to stroll and sit; and that the location of active recreation to the south of the site would allow the green to be used as a more relaxed leisure space.
- 9.27 Despite this feedback and public consultation feedback also recommending sheltered seating, the applicant team have not been able to amend the scheme to incorporate this element; whilst unfortunate, it does not make the proposal unacceptable. In respect of the Outdoor Gym Equipment, the applicant team have responded that it is quite common for Outdoor Gym Equipment to be distributed along public thoroughfares in parks and other public realm spaces – people jog along the Seafront Esplanade in Lowestoft like they do anywhere else and the distributed exercise stations will respond to this. Officers acknowledge this and the siting of the Outdoor Gym Equipment is acceptable.
- 9.28 Improvement works to the EPP Courtyard at the northern end of the green will provide an attractive arrival space from the Pavilion and Royal Plain.
- 9.29 As with officer's feedback on Royal Plain, the applicant team were advised that the boulder features are not in keeping with the context. While this space is more informal and organic the planting scheme is designed to reflect the dunes where this type of engineered sea defence would be out of place. The use of non-local materials compounds this feeling of them being out of place. The applicant team have responded in a similar manner to the bouldering at Royal Plain, that these elements are playful and an integral part of the scheme. Whilst officers would have preferred to see this feedback taken on board and positively actioned, in the context of the overall scheme the boulders along Royal Green are acceptable and will have play benefits outweighing any visual impact.
- 9.30 Further details have been provided on the circular bespoke seating and outdoor gym zones; this is judged to be of good design and acceptable.

South Quay

- 9.31 South Quay is currently an ad hoc parking area with very little character or definition. The proposals to create a pocket park would enhance the space. At the moment it is not an attractive or useable area; it is really just a cut-through with a pretty sterile feel. Similar to earlier feedback on the use of raised planters, officers have advised that these are extremely high maintenance. It was recommended that a light touch approach would probably be best here, including a rationalising of existing features (bollards, lamps etc) and the introduction of a few street trees. The applicant team have reiterated their preference for raised planters in the context of the project budget. It has also been emphasised that the design / arrangement of the proposed pocket park to South Quay, with its increased accessibility, aspect, seating, shade / shelter from planting, and lighting, will make this a more attractive space for people to use. Whilst it would have been preferable for the design/landscape feedback to be taken further and the scheme amended, the planning consideration here is the quality of the proposed development measured against the existing site condition. With that consideration in mind, the proposal is clearly a positive outcome. Conditions securing long-term maintenance and management of the planting, to ensure its long-term success would be essential.

Conclusions in respect of Design, Place-Making, and Heritage

- 9.32 The proposals will preserve the character and appearance of the Conservation Area, in addition to the setting of nearby listed buildings. The overall outcome will be an improvement to the quality of place in this area, benefitting the local community and improving the tourism offer. Whilst further revisions could have been made in response to detailed officer feedback, there are no unacceptable elements or grounds to refuse the application. The scheme accords with the relevant design and historic environment policies of the Local Plan and NPPF.

Highways Safety and Sustainable Transport

- 9.33 Policy WLP8.21 promotes sustainable transport, which also includes development that is safe in highways terms.
- 9.34 The NPPF sets out (inter alia) that:

Paragraph 114 - "it should be ensured that... (b) safe and suitable access to the site can be achieved for all users";

Paragraph 115 - "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." Paragraph 116 relates to broader sustainable transport objectives and reads:

Paragraph 116 - "applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."

- 9.35 The County Highways Authority requested further information, in respect of the following points:
- New pedestrian permeability through car park – safety.
 - Utility surveys.
 - Statutory undertakers' utilities access.
 - Swept path plan – Pier Terrace.
 - Re-locate proposed trees adjacent to Coaches Only Limited Waiting Bay.
 - Cycle parking provision.

Royal Green

- 9.36 The Highways Authority set out that there is a cycle route on both Marine Parade and the Esplanade, and it would be preferred that the pedestrian permeable routes proposed are improved to provide a 3-meter-wide shared surface for both pedestrian and cyclists.
- 9.37 The scheme has been amended, with proposed relocated cross-routes for Royal Green being 3m wide and the vehicle barriers noted are proposed for removal, with new removable bollards proposed instead to manage vehicle ingress to Royal Green at these points.
- 9.38 The Highways Authority raised that, when the bays adjacent to the proposed pedestrian routes are populated, a pedestrian, wheeled user and driver will have limited or no visibility to one another. The internal straight design of Royal Green car park may contribute to increased mean speeds that may increase the likelihood of harm at any of the proposed crossings. However, as the applicant has explained – this is an existing car park with established pedestrian prioritised routes signalled by existing ground markings. The proposal does not necessarily increase usage, it simply organises pedestrian routes in a more logical/readable way. The condition is no different to that beside the EPP at the north end of the car park where the full Marine Parade to Esplanade cross-route is already established.
- 9.39 The Highways Authority had also recommended a re-design of the pedestrian crossings to a flat tabletop design that will actively reduce the speed of vehicles; visibility splays were also requested. However, this area is a car park owned and managed by East Suffolk Council; it is not a public highway or highway land where such measures can be required in order to make the scheme acceptable. The applicant has explained that there is not scope within the project budget to make such changes and officers do not consider them to be necessary to make the scheme acceptable. There are existing pedestrian crossings that are functional and acceptable, albeit it any future upgrades to those crossings would be welcomed.
- 9.40 The Highways Authority also requested utilities surveys, overlaid against the of location of proposed trees, planters, and amenity furniture. In addition, they also requested written confirmation from all affected statutory undertakers that they are satisfied with the proposed works and how their utilities may or may not be affected. Officers are of the view that these are not matters related to highways safety, and it is unclear why the Highways Authority have requested such information. If permission is granted then this is a matter for the developer to resolve through separate, non-planning, processes.

South Quay

- 9.41 In respect of the South Quay Pocket Park scheme, the Highways Authority requested a swept path plan to show an 18 metre turning head suitable for a HGV manoeuvre, i.e., refuse vehicle to the rear of Pier Terrace. Officers have discussed this matter with colleagues in the Council's Waste Management Team and at East Suffolk Services. It has been confirmed that waste/recycling bins are currently placed in a relatively large presentation area at the southern end of Pier Terrace, close to its junction with Belvedere Road. Refuse trucks therefore do not drive down Pier Terrace and turnaround at the end when collecting, thus the request from the Highways Authority to provide an 18 metre turning head to facilitate this is unnecessary. Colleagues have confirmed that the proposed development at South Quay will not impact on their waste collection operations.

- 9.42 The Highways Authority have requested that the proposed new trees within the highway adjacent to the Coaches Only Limited Waiting Bay are re-located to within the existing ESC car park. The applicant has indicated that these trees can be removed if required, however it would be unfortunate given that the proposed planting of this area would improve a bare and unsightly piece of public realm at a prominent location visible by all drivers coming around onto Marine Parade. There is presently no space to relocate the trees into the car park area without reduction of cycle parking provision. Officers are exploring this further with the applicant and Highways Authority, but it may be that the final scheme presented to members sees these trees removed from the scheme, if that is absolutely required by the Highways Authority.

Conclusion on Highways Safety and Sustainable Transport Matters

- 9.43 The proposed works will have no adverse impact on the safety/usability of the highway network. In terms of other modes of transportation, this scheme is a positive outcome and meets the objectives of the NPPF and policy WLP8.21.

Ecology

- 9.44 Policy WLP8.34 (Biodiversity) sets out, inter alia, that development will be supported where it can be demonstrated that it maintains, restores, or enhances existing green infrastructure network and positively contributes towards biodiversity through the creation of new green infrastructure and improvement to linkages between habitats.
- 9.45 The application is supported by a Preliminary Ecological Appraisal (PEA) that surveys the full extent of all development areas. The PEA concludes that:

“The site was found to contain predominantly developed land, modified grassland, urban individual trees and a vegetated garden. The habitats on site have very low to medium distinctiveness and are of poor to moderate condition.

The site currently offers little suitable habitat for a range of Protected and UK Priority species but is most notable for its potential to support hedgehog, BOCC5 red list bird species such as house sparrow, swift and starling, common lizard and a greater diversity and abundance of invertebrates after enhancement.

Guidance has been provided to avoid any impacts upon habitats and species, and minor negative impacts will be temporary whilst works are being undertaken. In the long term, this proposal may result in a habitat condition improvement of very low to an increased proportion of the site to moderate.”

- 9.46 Whilst this application technically constitutes a ‘major’ application, due to the extensive site area, in reality it does not have major development implications given that elements (such as planting/soft landscaping) does not amount to ‘development’ in planning terms, and that many other aspects of the scheme are permitted development. In respect of Biodiversity Net Gain (BNG) that comes into effect in January 2024, BNG does not apply to this application, because it was submitted in 2023 prior to BNG regulations coming into force. In

any case, the application is supported by a Preliminary Ecological Appraisal (PEA) that applies Biodiversity Net Gain Calculations to the scheme, concluding:

“The planters and addition of shelter trees into a highly urban area has greatly improved and increased the biodiversity units on site, whilst there is a small loss of modified grassland (0.04ha) to accommodate an expansion of the play area and sports facilities. The net gain potential of the site could be 324.96%, from a baseline calculation of 1.89 BU to 8.04 BU giving an on-site net gain of 6.14 biodiversity units once the planters and trees achieve maturity.”

- 9.47 Officers are of the view that, irrespective of the precise BNG calculations, this scheme clearly improves the biodiversity of this area and offers ecological benefit through the significant planting/soft landscaping proposed. The scheme accords with policy WLP8.34. Standard conditions to secure the recommendations and mitigation measures in the PEA would be appropriate in the event permission is granted.

Flood Risk and Drainage

- 9.48 Policy WLP8.24 relates to flood risk and, broadly, requires that development proposals should consider flooding from all sources; locate vulnerable uses outside of flood risk areas; and ensure that new developments creating surface water run-off use sustainable drainage systems to drain surface water.
- 9.49 The application site is wholly within flood zone three (Environment Agency mapped); this is the highest risk flood area. However, the proposal is not introducing any vulnerable uses or forms of development. This proposal is for public realm works comprising of landscape works and minor associated works – none of which are of concern in a flood zone.
- 9.50 The proposed development does not introduce significant new impermeable areas; thus, the works will not create significant surface water run-off. However, the Local Lead Flood Authority (LLFA) have requested the applicant provide details of any new impermeable area created by the proposal and any associated alternations to the existing drainage network or new drainage required. Any recommendation to approve will be subject to receiving a response of ‘no objection’ from the LLFA, but officers are satisfied that this scheme is acceptable in terms of flood risk and drainage where it is anticipated that resolving this consultee response will be a straightforward matter. For the reasons set out there is judged to be no conflict with policy WLP8.24.

Other Matters

- 9.51 The proposed development areas are outside of the designated Coastal Change Management Area (WLP8.25) and, given the nature of the works, there would be no harmful interaction with that nearby designation.
- 9.52 Lowestoft Town Council have raised a concern that there has been inadequate consultation on this project. In terms of this planning application, a site notice was displayed at the site(s); an advert was put in the Local Newspaper publicising the application; and 251 letters of notification were sent directly to local resident addresses adjacent the development areas. This meets the statutory publicity requirements and the guidance within the Council’s Statement of Community Involvement. The applicant team also carried out a public

consultation exercise in advance of the application submission; the Design and Access Statement supporting the application explains that as follows:

“On 26th May 2023, ESC undertook a leisure workshop with pupils from Pakefield High School to explore play and related provision opportunities for Royal Plain.

Most recently, on 6th July 2023, a public engagement event was also held at East Point Pavilion to share proposals ahead of Planning Application submission. 91 people recorded their attendance at this event on the ‘sign-in’ sheets, although an estimated 200+ people attended overall throughout the day. The majority of attendees were residents, although businesses were also represented, as well as local organisations.”

9.53 Therefore, officers do not agree with the comment from the Town Council that the lack of local commentary on the application is indicative of a poor consultation process; it may just represent that locally there are no concerns with the proposed works. It is not uncommon through the planning process for comments to only be made, understandably, by those wishing to object and raise concerns with proposed development.

10. Conclusion

10.1 The proposed public realm works will create an array of attractive and enjoyable spaces that will contribute to wider regeneration efforts in the town. This project is one of the key schemes to be delivered via the Towns Fund. The creation of a pocket park and enhanced open spaces, provision of leisure equipment and play space will all contribute to the tourism offer in Lowestoft – but also benefit the local community who can enjoy these spaces as part of their day-to-day lives. The detailed works set out in this planning application are in accordance with the Development Plan. Therefore, planning permission can be granted.

11. Recommendation

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

12. Conditions

12.1 Work is ongoing with the applicant to finalise and agree conditional matters; therefore, a list of draft conditions will be provided to members in the Update Sheet published 24 hours prior to the meeting.

13. Background information

See application reference DC/23/2832/RG3 on [Public Access](#)