

**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft on **Tuesday, 13 August 2019 at 2:00 pm**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Craig Rivett

**Other Members present:**

Councillor David Beavan, Councillor Alison Cackett, Councillor Tony Goldson

**Officers present:**

Katherine Abbott (Democratic Services Officer), Liz Beighton (Planning Development Manager), Mia Glass (Assistant Enforcement Officer), Chris Green (Senior Planning Officer), Liz Martin (Senior Design and Conservation Officer), Phil Perkin (Team Leader), Philip Ridley (Head of Planning and Coastal Management), Melanie van de Pieterman (Planning Officer)

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**1 Apologies for Absence and Substitutions**

Apologies for Absence were received from Councillor Graham Elliott. Councillor David Beavan acted as Substitute.

Before turning to the remainder of the Agenda, the Chairman paid tribute to Mr Martin Plane, a former Head of Planning Services at Waveney District Council, who had passed away in July. The Committee stood for a minute's silence as a mark of its respect and in memory of the late Mr Plane.

**2 Declarations of Interest**

Councillor Ashdown declared a Local Non-Pecuniary Interest with respect to the application at item 10 (Green Farm House, Green Lane, Somerleyton) as the responsible Ward Member. Councillor Ashdown also stated that, for information and openness, he wished to have it noted that the applicants for item 11 (Sandalwood, Stirrups Lane, Corton) had signed his Nomination Form but, in so doing, it had been the first time he had met them.

Councillor Beavan declared a Local Non-Pecuniary Interest with respect to the applications at items 13 and 14 (The Old Chapel, Mill Lane, Southwold) as a member of

Southwold Town Council's Planning Committee; for additional clarity, Councillor Beavan stated that he had not been present at the Town Council's meeting which had discussed the applications.

Councillor Coulam declared a Local Non-Pecuniary Interest with respect to item 12 (24 Suffolk Road, Lowestoft) as the applicant had formerly acted as her accountant.

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

Councillor Ashdown declared that he had received one telephone call regarding the application at item 8 (Spexhall Hall, Spexhall) but had made no formal response.

Councillor Beavan declared that he had independently requested a visit to the site of the application at item 8 (Spexhall Hall, Spexhall) with the owner. He stated that this had been for fact-finding purposes and the application had not been discussed with the landowner, nor had he (Councillor Beavan) expressed an opinion.

### **4 Minutes**

#### **RESOLVED**

That the Minutes of the Meeting held on 11 June 2019 be confirmed as a correct record.

### **5 Appointments to the Local Plan Working Group**

The Planning Committee received report **ES/0100** by the Leader of the Council and introduced by the Democratic Services Officer. The report sought the Committee's consideration of an appointment to the membership of the Council's Local Plan Working Group for the 2019/20 Municipal Year.

The Planning Committee noted that the Local Plan Working Group was one of several internal Working Groups which had been established as part of the Council's corporate governance framework and in support of democratic processes and decision-making arrangements. The Planning Committee was also referred to the Local Plan Working Group's Terms of Reference, attached as an appendix to the report, which stated that two members of the Planning Committee be appointed to the Working Group. It had been agreed at the Full Council meeting on 24 July 2019 that a representative from each of the two Planning Committees be sought and appointed.

The Chairman sought nominations for a representative of the Planning Committee North to the Working Group. It was proposed by Councillor Ceresa and seconded by Councillor Rivett that Councillor Brooks be nominated for this appointment. There were no other nominations.

#### **RESOLVED**

That, by unanimous vote, Councillor Brooks be appointed as the representative of Planning Committee North to the Local Plan Working Group, for the remainder of the 2019/20 Municipal Year.

## **6 Enforcement Performance Report - April to June 2019**

The Planning Committee received report **ES/0101** by the Head of Planning and Coastal Management. The report provided information on the performance of the enforcement section for the quarter April to June 2019.

It was noted that, in future, the report would be presented to the Strategic Planning Committee on a quarterly basis.

There being no questions or matters raised for debate, the Chairman moved to the recommendation which was proposed, seconded and by unanimous vote

### **RESOLVED**

That the report on the Enforcement Team's statistics be received.

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

The Planning Committee received report **ES/0102** by the Head of Planning and Coastal Management. The report provided a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had either been sanctioned under delegated powers, or by the Planning Committees, up to 30 July 2019. It was noted that there were currently 16 such enforcement cases.

There being no questions or matters raised for debate, the Chairman moved to the recommendation which was proposed, seconded and by unanimous vote

### **RESOLVED**

That the report on outstanding enforcement matters, up to 30 July 2019, be received.

## **8 DC/19/0061/FUL - Spexhall Hall, Hall Road, Spexhall, Halesworth**

The Head of Planning and Coastal Management introduced this item.

The Head of Planning and Coastal Management stated that this application was re-presented for determination and referred to section 2 of the report, **ES/0036**, which provided detail on the background to the application and the current position. In particular, the Head of Planning and Coastal Management stated that, following the Committee's previous determination in June 2019, the advice of counsel had been sought on the lawfulness of that resolution. Counsel's advice was that the application be referred back to the Committee so that it might consider whether its June decision should be confirmed, subject to conditions or not, and if so what the planning reasons for approving planning permission were - having particular regard to the statutory primacy of the development plan, the specific requirements of the National Planning Policy Framework (NPPF) and case law as to how harm to designated heritage assets should be treated. Equally, if the Committee considered a different determination should be made, it was asked to provide its planning reasons for so doing. The Head of Planning and Coastal Management also referenced relevant appeal decisions regarding the development of dwellings outside settlement boundaries and quoted the Planning

Inspectorate's findings on sustainable development matters in terms of the NPPFs criteria.

The Planning Committee received report **ES/0036** by the Head of Planning and Coastal Management. The Case Officer summarised the revised submission following an application for four dwellings, refused by the former Waveney District Council's Planning Committee in August 2018. The application sought to demolish an agricultural building and replace it with two detached four bedroom houses. The application also proposed to convert and extend an existing outbuilding to create a further two bedroom house; therefore, the application proposed three dwellings on the site. The site lay in open countryside, outside any defined physical limits where, in accordance with local and national planning policy, there was a presumption against new residential development. No exceptions to set aside the policies of restraint were applicable and the applicants had not proposed that the application met any of these exceptions as part of the formal submission; therefore, the proposed development was contrary to adopted policy. Spexhall Hall was a Grade II listed building and the Case Officer said the proposed development would be harmful to its setting and that any benefits which might arise from permitting the scheme would not outweigh the harm it would cause and these would also be private, not public, benefits. The application, therefore, failed the test for preservation of the setting of listed buildings, as set out in the National Planning Policy Framework (NPPF) and legislation. The Case Officer referred to section 3 of the report, site description, and highlighted that the listing description (paragraph 3.3) noted the importance of the Hall as an acknowledged moated site, therefore, it was a building of historical importance. The Committee was also referred to the Update Sheet which advised that, as at 6 August 2019, the Council had formally published that it had 6.58 years supply of housing and that this should be considered, alongside the NPPF, relevant case law and appeal decisions when making its determinations. The Committee also noted that the applicant had submitted additional correspondence on 12 August 2019, precised in the Update Sheet and published in full on the website, since the Committee had previously considered the item in June 2019.

The Chairman invited questions.

A member of the Committee asked about the size of the proposed gardens; he also asked about the effect on the existing building. The member further asked about the potential effect on existing buildings. In response, the Committee was advised that the proposed garden would be the size of the former courtyard it would replace. In addition, the Case Officer said there was a listed building in one corner of the site but the indicative layout took this into account and a proposed "buffer zone" had been incorporated to minimise impact. The Case Officer added that the original layout had been amended to indicate single storey dwellings.

The Chairman invited Mr Ian Miller, acting as Agent on behalf of the Applicant, to address the Committee.

Mr Miller referred to there being no objections to the application from the local community or statutory bodies. Mr Miller said the application was now before its third meeting of the Committee and referred to the original submission having been

amended and accepted in June 2019. Mr Miller said he found it astonishing that the application was before the Committee once again.

Mr Miller said the Council's Local Plan sought a 10% growth in housing in rural areas, such as this application, and this was further encouraged by the National Planning Policy Framework. Mr Miller further referred to the Local Plan policy which sought small scale residential developments of up to five dwellings which had local support; Mr Miller stated that this application had such local support and the proposal was for a small scale development to the north of Spexhall Hall with a southerly aspect. Mr Miller referred to the Case Officer having repeatedly said that the agricultural buildings at the site were of no heritage or historic significance or benefit but, he considered that approval of the application would, as well as permanent development, enable the site to be enhanced and tidied. Mr Miller also referred to the Part Q conversion of the agricultural barn to three dwellings which had received prior approval in December 2016 and highlighted that the Part Q had not been referred to in the approval letter; he commented that such Part Q arrangements required that projects commenced within three years and not that they be completed within three years. This assertion was, he said, at odds with the report's paragraphs 2.7 to 2.13 regarding the prior approval application (Part Q). In conclusion, Mr Miller asked the Committee to approve the application without a re-vote.

The Chairman invited questions.

A member of the Committee referred to Mr Miller's assertion that a Part Q agreement required commencement within three years and asked why the previously approved application, from December 2016, had not yet commenced. Mr Miller replied that the applicant had wished to deal with the site as a whole. Another member of the Committee asked if the brick building would be retained or demolished if the application was refused. Mr Miller said he anticipated that it would remain, as it was, while permanent development was pursued.

The Chairman invited the two Ward Members to address the Committee. Councillor Cackett stated that she was very disappointed that the application had returned to the Committee for further consideration. Councillor Cackett said the applicant continued to try and satisfy the wishes of the Committee and the original design had been substantially altered. She added that the site was not a working farm and its barns were derelict. The site was, she said, in close proximity to two other properties with no objections raised and Councillor Cackett also highlighted that the Parish Council supported the need for new housing in the area. Councillor Cackett said the site was well-shielded being located behind Spexhall Hall and was within walking distance of bus routes, a church and village shop. Councillor Cackett considered the site to be sustainable and also said the village boundary, as indicated in the Local Plan, was incorrect. Councillor Goldson said the Planning Committee had voted to approve the application at its meeting in June 2019, that he believed in democracy and, if the Committee were to alter its decision, he considered it would bring the Committee into disrepute. Councillor Goldson further suggested that, if the application was refused, the Local Plan might need to be challenged because it supported a development of 20 dwellings in Rumburgh which, he said, had no street lighting or transport links, yet the Local Plan considered this proposed development to be unsustainable despite it being

accessible and having access to public transport. Councillor Goldson also considered the village boundary, as indicated in the Local Plan, to be incorrectly identified.

A member of the Committee, referred to paragraph 2.6 of the report relating to the legal advice of Counsel that, whether the Committee confirmed its decision from its June 2019 meeting or came to a different decision, valid planning reasons for the decision needed to be given and asked Councillor Goldson to comment on this. Councillor Goldson replied that the application should be approved for the reasons that it was accessible, that if it were refused it would mean the Local Plan was "flawed" and because he considered many of the points made in the report by Officers to be incorrect. The member of the Committee suggested that this would not constitute sufficiently valid planning reasons with which to overturn the recommendation.

The Head of Planning and Coastal Management referred to the very detailed report and presentation which had been provided to the Committee. He added that the Council's new Local Plan had been adopted in March 2019 and been found to be sound by the Planning Inspectorate, therefore, he said, Councillor Goldson's statement would not stand as valid in planning terms. The Committee was referred to the overall balance and conclusion of the Planning Inspector with regard to a similar and relevant appeal decision (Hill Farm Barn, Weston) and provided in full at appendix 1 to the report, specifically the statutory primacy of an adopted development plan. The Head of Planning and Coastal Management added that the report and presentation by the Officer, and his advice to the meeting, were provided to ensure the full range of planning considerations were identified to enable the Planning Committee to reach decisions which were evidenced, lawful and defensible. In addition, he said, if the Planning Committee was of the view that a contrary outcome was to be forthcoming, whilst it was entitled to reject an Officer's recommendation, the Planning Committee was cognisant of the associated implications of so doing. The Head of Planning and Coastal Management said his strong advice would be that Councillor Goldson's reasons would not withstand challenge and, therefore, the Committee would need to state valid planning reasons if it wished to overturn the Officer's recommendation.

Councillor Goldson reiterated that the location was sustainable and would also provide support for the local pub and school; he repeated that it was a more sustainable than other locations, such as Rumburgh, where development had been approved. Therefore, he said, he disagreed with the Head of Planning and Coastal Management's statement.

The Chairman invited the Committee to debate.

During debate, the following points were made by some members of the Committee:

- That the outbuildings were not in current agricultural use and were now "derelict shells"
- That the site was sustainable
- That the application would result in no material harm
- That the lack of progress on the Part Q was unhelpful as it did not show or support the intention to develop the site
- That the removal of the derelict buildings would make the site more visually appealing

- That the site was outside the defined physical limits and, therefore, there was a presumption against new residential development
- There were concerns that the application would result in a total of six units and that this was over-development outside the settlement boundaries
- The lack of objections to the application needed to be considered equally against the fact that no third party support had been received beyond Parish and Ward Councillors
- That no valid planning reason had been provided for voting against the Officer's recommendation and the Local Plan
- That the Local Plan had been newly adopted by a significant majority of the Council

In response to a query by a member of the Committee regarding the Part Q and the date for commencement of works, the Planning Development Manager advised that the related decision notice from 2016 had provided a deadline for the commencement of works, that being December 2019; completion of those works needed to be within three years, as per the legislation (Town and Country Planning (General Permitted Development)(England) Order 2015). The Head of Planning and Coastal Management said there had been an administrative error in the issue of the Part Q in 2016 and that, having met with the Applicant and their agent on site recently, and notwithstanding the Part Q, there was an opportunity to have further discussion regarding the concluding of the Part Q and to work to identify a mutually acceptable resolution, irrespective of the Committee's determination of the application.

The Head of Planning and Coastal Management, with reference to points made during debate, referred to discussions on the sustainability of settlements by the members of the Local Plan Working Group and that these now formed the parameters within the adopted Local Plan to ensure sound planning decisions. He added that the application site was not well-related to a settlement, was an isolated site and, if approved, would result in the development of six residential dwellings plus Spexhall Hall in a location which did not meet the criteria within the Local Plan.

The Chairman asked if the Committee would wish to visit the site. There was no support for this proposal.

The Chairman moved to the recommendations which were proposed by Councillor Pitchers, seconded by Councillor Gee and by a majority vote

## **RESOLVED**

That the Head of Planning and Coastal Management be delegated to **REFUSE** planning permission upon the expiry of the advertisement period for the following reasons:

1. The site lies in open countryside outside the physical limits defined by Policy WLP1.2 of the East Suffolk Council Waveney Local Plan (March 2019). The application site does not constitute a clearly identifiable gap within a built up area of a settlement in the countryside neither does it have existing residential properties on two sides. The proposal is therefore contrary to Policies WLP1.2, WLP8.7 (Small Scale Residential Development in the Countryside) and WLP7.1 (Rural Settlement Hierarchy).

2. The existing brick building is not a heritage asset nor is it locally distinctive and of architectural merit. The proposed conversion and extension constitutes more than minimal alteration to the building contrary to the provisions of Policy WLP8.11 (Conversion of Rural Buildings to Residential Use).

3. The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to Policy WLP8.37 and paragraphs 193 and 196 of the National Planning Policy Framework. The harm that would be caused to the character and appearance of the area and the setting of the listed building would significantly outweigh the limited benefits which would accrue.

## **9 DC/19/2129/FUL - Hall Farm, Flixton Road, Bungay, Suffolk, NR35 1PD**

The Planning Committee received report **ES/0103** by the Head of Planning and Coastal Management. The application sought full planning permission for the sub-division of the dwelling at Hall Farm in order to create two dwellings together with a replacement side extension. In summarising the report, the Case Officer advised the Committee that the principle of the creation of a new dwelling through sub-division was contrary to the Local Plan which did not explicitly permit such development. However, he added that the National Planning Policy Framework (NPPF) 2019 (paragraph 79) supported new isolated homes in the countryside where it comprised sub-division of an existing residential dwelling. Therefore, the Local Plan was inconsistent with the NPPF; Officers considered that the conflict with the Local Plan's policy was outweighed by the supported policy of the NPPF. Therefore, the application was before the Committee as a departure from the Local Plan. The Case Officer further advised that the application site was located in the countryside, less than one mile from Bungay and was proximate to a sustainable development with good access to local shops, services and facilities. The Case Officer said no significant adverse impacts had been identified and the proposed development was considered to be sustainable.

There were no public speakers.

The Chairman invited questions of the Case Officer.

In response to a query from a member of the Committee, the Case Officer referred to his presentation to clarify the location of the Grade II listed building at Upland Hall, some 145m to the southwest of the application site's farmhouse.

Another member of the Committee asked for clarity on the extent, or otherwise, of any alteration to the external appearance of the farmhouse, as an historic building of character, as a result of the proposed sub-division. The Case Officer responded that the proposed sub-division would not compromise the external appearance of the building and extensively any changes would be internal.

The Chairman moved to debate. A member stated that he supported the application and welcomed the addition of a modest, additional dwelling. Other members agreed with this statement. The Committee noted that, as stated within the Update Sheet, an amendment to the published recommendation was sought to reference the required payment of a Recreational Avoidance and Mitigation Strategy (RAMS) contribution.



The Chairman moved to the amended recommendations which were proposed by Councillor Beavan, seconded by Councillor Pitchers and by unanimous vote

## **RESOLVED**

That the application be **APPROVED**, subject to the following planning conditions and receipt of the required contribution to the Recreational Avoidance and Mitigation Strategy (RAMS):

1. Time Limit

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. Plan Compliance

The development hereby permitted shall be carried out in accordance with the following plans and documents: Application Form, Planning & Heritage Statement, Drawing Nos. 20-001, 20-003, 20-004, 20-005, 20-007 and 20-008; all received 28 May 2019.

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

3. External Materials of Extension

There shall be no development above slab level until precise details of the materials to be used in the construction of the external surfaces of the hereby approved extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interest of good design to secure a high quality finish.*

4. Parking and Manoeuvring Areas pre-occupation

The use shall not commence until the area(s) within the site shown on Drawing No. 20-004 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

*Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained.*

5. Removal of Permitted Development Rights (fences and means of enclosure)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, [or any order revoking/re-enacting the said order with or without modification] no screen wall, boundary fence or other means of linking or enclosure shall be erected on the site (denoted by the red line area indicated on Site Location Plan Drawing No. 20-001) unless express planning permission is granted by the Local Planning Authority for such development.

*Reason: In the interest of preserving the setting of the Grade II Listed Upland Hall.*

The Planning Committee received report **ES/0104** by the Head of Planning and Coastal Management. The application sought consent for internal alterations and the removal of the external modern chimney stack. The application sought consent for the removal of an internal wall between the kitchen and dining room, which would require the insertion of a supporting timber structure, and the installation of a shower. The internal changes would remove an historic portion of the original fabric of wall and a change to the cellular room form found in traditional design. The property was a listed Grade II building. The Case Officer referred to the planning considerations detailed within the report and to the pre-application advice which had been given but had not been followed within the submission. The Case Officer stated that approval of the application was not recommended due to the harm caused to the significance of the listed building through the merging of internal spaces, and the loss of elements of the original fabric in the form of an historic doorway and walling.

The Chairman invited questions.

A member of the Committee, with reference to the wording of the recommendation to refuse, asked for additional clarity about the statement regarding public benefit not having been identified and how this related to a private residence. The Case Officer referred to the National Planning Policy Framework (NPPF) paragraphs 193 to 196 which were absolute in stating that harm to a heritage asset should reflect the value of that asset as well as the degree of harm, or be justified by public benefit. The Head of Planning and Coastal Management, in response to a further question about reflecting the value of an asset, said that although a listed building might be owned and inhabited by an individual, in many ways the owner was the custodian of the property. He added that it was important to consider the retention of the integrity of the wall and the reading of it; if the external wall was demolished it raised concerns that no detail to indicate an historic structure would remain. The Head of Planning and Coastal Management referred to the plans within the Case Officer's presentation which indicated demolition of the entire wall but, when asked, Mr Fennell (the Applicant) stated that, because it was a single storey and sloped roof, it was proposed to remove no more than 3/5ths of the wall. Mr Fennell indicated, on the revised plan, the elements which would be retained. This was noted as a variance to the application before the Committee.

There being no further questions, the Chairman invited Mr Jon Fennell, the Applicant, to further address the Committee.

Mr Fennell said he had found the Case Officer's report to be "opinionated and subjective". Mr Fennell advised that the house was constituted of three parts, one being Georgian, another constructed in the 1880s with the third, the dining room, being a later addition with an unknown date of construction. Mr Fennell said that the wall in question was an external wall and that the chimney stack had been installed in 2001 for use with an Aga range. Mr Fennell said the Aga had not been suitable for his family's use and therefore the chimney stack was no longer needed. He added that the chimney stack had been built outside of the period when the house had been listed (in 1997) but this could not be evidenced; Mr Fennell said he was therefore within his rights to remove it. Mr Fennell added that the insertion of a supporting timber structure would be at a reasonable height and that the proportions of the building

would be retained. With regard to the bathroom, Mr Fennell said that, behind the plaster, there was a modern wall.

The Chairman invited questions.

A member of the Committee asked if the application would make the house more user friendly for Mr Fennell's family. Mr Fennell replied that the dining room, with the chimney stack, was too small and that the proposed alterations would mean it could be utilised more often. He added that the additional shower and toilet would also provide more space and facilities.

The Chairman moved to the original recommendation which failed. It was suggested that, subject to the submission of a revised plan (with revision reference attached) and the Case Officer being satisfied that no more than 3/5ths of the wall would be removed, the recommendation within the report be amended to delegate authority to determine. A new recommendation was proposed by Councillor Brooks, seconded by Councillor Coulam and by majority vote

### **RESOLVED**

That **AUTHORITY TO DETERMINE** be granted to the Head of Planning and Coastal Management to determine the application subject to the submission of revised plan (with revision reference attached) and satisfaction that no more than 3/5ths of the internal wall between the kitchen and dining room be removed.

#### **11 DC/19/2286/LBC - Sandalwood, Stirrups Lane, Corton, Lowestoft, NR32 5LD**

The Committee received report **ES/0105** which sought full planning permission for the demolition of existing outbuildings and the construction of a new garage and stable block. The application was presented to the Committee because the applicant was a relative of a serving Councillor. The Case Officer summarised her report which described the site as a one and half storey brick and tile modern property located on the eastern side of Stirrups Lane close to the junction with the A47. To the west, there were a pair of semi-detached late Victorian/early Edwardian two storey dwellings, facing directly on to the A47 and with gardens extending to the application site. The gardens were approximately 30m long and contained some outbuildings which were separated from the application site by mature hedging and a 1.8m close boarded fence. The proposed garage would be comprised of a single 5m high storey, brick and tile construction and accommodate three cars measuring 12.6m by 6.1m. The garage would be linear in form and would abut the western boundary of the dwelling, running north to south, and would be served by the established access directly off Stirrups Lane. The proposed stable block would be in a traditional 'L' shaped design, be 4.5m in height and measure 7.6m by 3.6m. It would contain two stables and a tack room. This would be located in the south-western corner of the site and be served by an existing access track around the perimeter to form an access to the eastern end of the curtilage.

There being no questions, public speakers or matters raised for debate, the Chairman moved to the recommendation which was proposed by Councillor Pitchers, seconded by Councillor Rivett and by unanimous vote

## RESOLVED

That planning permission be **APPROVED**, subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with plans numbered 200519-1A (Block Plan) and 200519-3 (proposed floor plans and elevations) received 6 June 2019, 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 to be used in the construction of the external surfaces of the buildings hereby permitted shall match those used in the existing building unless annotated otherwise on the drawing hereby approved.

*Reason: To ensure the satisfactory external appearance of the development.*

### **12 DC/19/2007/FUL - 24 Suffolk Road, Lowestoft, NR32 1DZ**

The Committee received report **ES/0106** which sought permission for the replacement of windows to the frontage of a commercial property in the adopted Lowestoft Conservation Area with uPVC replacements. The application was presented to the Committee because the applicant was a relative of a serving Councillor. The Case Officer summarised his report which described the application site which was located within the town centre of Lowestoft as defined in the Local Plan. The application sought the installation of uPVC vertical sliding sash windows and a composite timber door to the frontage of the unlisted commercial building within the extended Lowestoft Conservation Area. The Case Officer referred to the planning considerations detailed within his written report including the fact that the applicant's design and access statement had not described the condition of the existing windows beyond reference to their poor thermal performance. The Committee was also referred to the Council's relevant planning policy (WLP8.39 of the East Suffolk Local Plan 2019) which stated that applications for replacement doors and windows, within conservation areas, needed to be of suitable design, construction and materials. Further, the policy stated that such applications would be assessed with reference to the prominence of the location, the historic and architectural value of the building and of the feature to be replaced. The Case Officer concluded that the application was recommended for refusal as it was contrary to the planning policy with regard to the retention of historic features and congruity within a conservation area, with no proposed retention of original materials.

There being no questions for the Case Officer, the Chairman invited Mr James Rudd, the Applicant, to address the Committee.

Mr Rudd referred to the poor state of disrepair in the vicinity of the property. He stated that the proposed replacement windows would enhance the professional appearance of his business premises and would also provide improved thermal efficiency, safety by facilitating fire egress, and security. Mr Rudd referred to the Full Council's unanimous decision in July 2019 to declare a climate emergency and its aspiration to work towards carbon neutrality. Mr Rudd said the current door to the premises would expand and shrink in the summer and winter causing it to either stick or blow open. He continued to say that the windows on the first floor were original and likely to be those which would be replaced. Mr Rudd referred to the poor state of the windows and expressed concern at their continued deterioration if they were not replaced.

The Chairman invited questions.

A member of the Committee asked if Mr Rudd had had the opportunity to pass the report of the company which had assessed the windows to the Case Officer. Mr Rudd explained that he had not received a formal quote following the company's visual inspection. The member then referred to the current recommendation to refuse and asked Mr Rudd if he would agree that it might be helpful to his case if he were willing to explore and provide a report on whether the windows were beyond economic repair. The Case Officer further explained that a report, provided by a specialist joiner, of the cost to bring the windows back into use and of their estimated life could then be compared to the cost of the replacement uPVC windows and, if demonstrably more and so economically unviable, the application could, potentially, be reconsidered. Another member asked if Mr Rudd had photographs of the proposed replacement windows; Mr Rudd replied that he had photographs of the existing windows. Mr Rudd confirmed that the replacement door would be of a similar design as the current door with glass panels. A further member of the Committee said it was important, in reaching a decision on the application, to refer to the planning policy but, he suggested, equally important to consider the environmental issues, including the potential use of sustainable, natural resources and, of course, the need to support a local business. The member said that if, having considered all aspects, the Committee was minded to approve the application it would be important to ensure this was with suitable conditions to ensure the integrity of the conservation area was not adversely impacted upon.

Another member said that, in light of the Case Officer's report and recommendation, he considered an economic assessment to be required which would identify if costs were disproportionate and economically unviable.

There being no further questions or matters raised for debate, the Chairman moved to the recommendation to refuse permission as detailed in the written report. The recommendation was not proposed and therefore failed. A new recommendation was proposed by Councillor Rivett, seconded by Councillor Brooks and by majority vote **RESOLVED**

That delegated authority to determine and approve be granted, subject to it being proven that repair costs were economically unviable.

**13 DC/19/2004/FUL - The Old Chapel, 5 Mill Lane, Southwold, Suffolk, IP18 6HW**

The Committee received a joint presentation from the Case Officer for this agenda item and the next, reports **ES/0107** and **ES/0108**, respectively. Report ES/0107 and ES/0108 sought permission to vary a previous approval (DC/17/4306/FUL) for the removal of a 1980 vintage side extension to a listed non-conformist chapel near the centre of Southwold with a linking mainly glazed building, a substantial rebuild and enlargement of an outbuilding at the rear of the property to replace lost space and provide additional space for living accommodation. Subject to approval, two parking spaces would be provided on the site of the demolished extension. It was proposed to increase the length of a new build extension by 900mm, to increase privacy by raising the conservatory wall to 2m, alterations to the windows of the new build extension and removal of an external door. The building was a Grade II listed building situated in the Southwold Conservation Area. The Case Officer referred to planning considerations, detailed with the related reports, and stated that the proposed scheme was in accord with policies WLP8.29 (Design), WLP8.37 (Historic Environment) and WLP8.39 (Conservation Areas) which, collectively, sought to protect and enhance the historic environment.

The minute at item 14, below, also refers.

There being no questions, the Chairman invited Mr Simon Flunder, Southwold Town Council, to address the Committee. Mr Flunder said he was pleased that the Council's policies were committed to the protection and enhancement of Grade II Listed Buildings. Mr Flunder referred to Southwold Town Council's objections to these proposals and those that had preceded it, as reproduced within the Committee report, which were, he said, mainly to do with parking and associated health and safety concerns. Mr Flunder said a typical new build with 3 or 4 bedrooms would have three parking spaces but the proposal sought two open front parking spaces and, he added, it was difficult to establish if the parking area would be level with, or forward of, the front elevation. Mr Flunder said Mill Lane was a single track road, 3.9m wide, with no footpath, therefore, he said, it would be a very tight turn for a vehicle to access or egress the parking spaces and, in his opinion, this raised serious health and safety concerns. Mr Flunder suggested that, for safety, a 5m width would be required. Mr Flunder welcomed the proposed increased height of the conservatory walls as, he said, this would marginally reduce light pollution. Mr Flunder concluded by referring to the conditions to the recommendations which sought the full specifications of all external materials in order to preserve and enhance the character of the building and appearance of the Conservation Area, he queried how the Council would administer this if the details were unknown.

The Chairman invited questions.

In response to a query by a member of the Committee seeking confirmation of the impact on the amount of accommodation as a result of the proposed variations to the approved planning permission, it was stated that additional accommodation would be created.

The Chairman invited Mr John Bennett, Architect, to address the Committee.

Mr Bennett said the main objective of the variations was to restore the existing form, improve the privacy of neighbouring properties and increase parking spaces. In response to Mr Flunder's earlier remarks, Mr Bennett said that 5m to assist parking was already in place. Mr Bennett said that he considered the proposal ameliorated the parking arrangements and did not aggravate this provision.

The Chairman invited questions.

A member of the Committee said that the footprint of the variation was the same as the previous application which was larger than what was in existence. Mr Flunder referred to outbuildings which had been removed but, he said, had added only 3 feet to the rear of the site. Another member of the Committee asked the Case Officer if the parking met minimum standards. The Case Officer confirmed that a standard car parking space was 5m x 2.5m and that this was the size indicated on the plans.

The member of the Committee, with reference to Mr Flunder's earlier remarks about light pollution, asked if the Case Officer considered a condition in this regard might be required. The Case Officer responded that the conservatory was not a living space and, also, such a condition had not been applied in 2017 when approval was granted. He added that the screening on the glazing would help to minimise light spillage.

The Chairman moved to debate.

A member of the Committee considered the parking issues to be important and that 5m may not be sufficient and, potentially, parked vehicles might protrude on to a narrow road with, he said, significant numbers of pedestrians. Another member said that 5m was the minimum required standard.

There being no further questions or matters raised for debate, the Chairman moved to the recommendations which were proposed by Councillor Pitchers, seconded by Councillor Brooks and by majority vote

## **RESOLVED**

**APPROVED** with the following conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos 140905A; 140914C; 00902B; received on 17/05/19 and 140909 received on 10/10/17.

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

3. No development shall commence until details/detailed drawings of the following matters shall be submitted to the local planning authority for approval in

writing:

[i] full specification of external materials, including hard surfacing within the curtilage;

(ii) boundary walls and gates.

The approved details shall be implemented in their entirety before the extensions are first occupied.

*Reason: To ensure the works preserve and enhance the special character of the building and the character and appearance of the Conservation Area: the application did not include the necessary details for consideration.*

4. The first floor windows in the west elevation of the two-storey extension shall be fitted with obscure glazing and shall thereafter be retained.

*Reason: To avoid undue loss of privacy to neighbouring residents in the interests of residential amenity.*

#### **14 DC/19/2005/LBC - The Old Chapel, 5 Mill Lane, Southwold, Suffolk, IP18 6HW**

The Committee received a joint presentation for this agenda item and the next, reports **ES/0107 and ES/0108**, respectively. Report ES/0107 sought full planning permission for material amendments to approval DC/17/4306/FUL - increasing the length of a new build extension by 900mm, increasing privacy by raising the conservatory wall to 2m, and alterations to windows of new build extension and removal of external door. Report ES/0108 sought listed building consent for the same material amendments also to DC/17/4306/FUL.

The minute at item 13, above, refers.

The Chairman moved to the separate recommendations for this report which were proposed by Councillor Pitchers, seconded by Councillor Brooks and, by majority vote

#### **RESOLVED**

**APPROVED** with the following 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 18 of the Act (as amended).*

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos 140905A; 140914C; 00902B; received on 17/05/19 and 140909 received on 10/10/17.

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

3. No development shall commence until details/detailed drawings of the following matters shall be submitted to the local planning authority for approval in writing:

[i] full specification of external materials, including hard surfacing within the curtilage;



- [ii] restored balconies;
- [iii] restored arched windows;
- [iv] new opening to the chapel to the first floor flank; other works to remediate and repair historic brick where uncovered by the works to remove the 1980 vintage extension.
- [v] boundary walls and gates.

The approved details shall be implemented in their entirety before the extensions are first occupied.

*Reason: To ensure the works preserve and enhance the special character of this listed building: the application did not include the necessary details for consideration.*

The meeting concluded at 4.45pm

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Chairman