

Confirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room,
Riverside, on **Tuesday, 12 July 2022 at 2.00 pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Sarah Plummer

Other Members present:

Councillor Stephen Burroughes

Officers present: Ben Bix (Democratic Services Officer), Joe Blackmore (Principal Planner), Sarah Davis (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Iain Robertson (Senior Planner), Ben Woolnough (Planning Manager - Development Management)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Ceresa and Rivett. Councillor Burroughes was in attendance as substitute for Councillor Ceresa.

2 Declarations of Interest

Councillors Brooks and Burroughes declared a Local Non-Pecuniary Interest in Item 8 of the agenda as Cabinet Members.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Ashdown, Brooks, Coulam, Gee, Pitchers and Plummer declared that they had been lobbied on agenda item 7 - DC/22/0891/FUL - Land to the North of Old Mill House Huntingfield, via email, and had not responded. Councillor Coulam declared that she had been lobbied on agenda item 6 - DC/21/5044/FUL - 9 Glebe Close Lowestoft, and had not responded.

4 Minutes

RESOLVED

That the minutes of the meeting held on 14 June 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1201** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 27 June 2022. At that time there were 16 such cases.

There were no questions from the Committee. The Chairman stated that he was pleased to note that an Enforcement Notice had been served on Paddock 2, The Street, Lound.

RESOLVED

That the outstanding enforcement matters up to 27 June 2022 be noted.

6 DC/21/5044/FUL - 9 Glebe Close, Lowestoft, NR32 4NU

The Committee considered report **ES/1203** which related to planning application DC/21/5044/FUL. The application sought planning permission for the construction of two single storey dwellings and associated works. The application had previously come before the Committee on 10 May 2022 and had been deferred due to concerns around the amenity space provided for the proposed dwellings. The application had been referred to the Committee by the Referral Panel.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, aerial photographs were displayed, and photographs of the site were viewed by the Committee. The existing and proposed block plans and elevations were displayed to the Committee, including illustrations of the variances between the original and the amended scheme.

The material planning considerations and key issues were summarised as principle, design, amenity, highways, biodiversity and other matters. The Chairman clarified that whilst a Member had referenced another application on the site that had been refused and appealed, the Committee had to decide only the application before it.

In response to Members questions, Officers explained that when consulted, Highways had responded on the original scheme, and made no objection; and had made no comment on the amended scheme. Car parking had been considered by Officers in accordance with County Council guidance.

The Chairman invited Lowestoft Town Councillor Wendy Brooks to address the Committee. Town Councillor Brooks said that Lowestoft Town Council (LTC) had objected to the original scheme on the site in 2017 on the grounds of vehicular access, but had not objected to the revised scheme in 2018. In 2019, LTC had declared a climate emergency and had objected to revised plans in 2021 on the grounds that two dwellings constituted over development, and loss of habitat. No mitigations had been proposed and the development was not sustainable as there was no bus service in the

area.

There being no questions to Town Councillor Brooks, the Chairman invited Mr Nourse, agent for the applicant, to address the Committee. Mr Nourse explained that the reasons for deferral by the Committee in May had been addressed in the revisions to the site layout, including the rotation of one of the proposed dwellings. Both plot sizes had been increased and the garden sizes were now suitable for family use. Highway standards would be met, and highway safety would not be compromised.

In response to questions from Members, Mr Nourse stated that each site could accommodate parking for up to four cars. Whilst Members were concerned about the potential impact of the 8 additional vehicle movements in addition to the 3 cars that could potentially park at 9 Glebe Close, the Chairman cautioned that Highways had been consulted and had not objected. The Planning Development Manager clarified that the Highways team were familiar with the East Suffolk district, and their responses to Planning consultations were informed by both technical knowledge and experience.

The recommendation to approve the application, as set out in the report, with an additional condition regarding a construction management plan, was proposed and seconded, and the Chairman moved to the vote and it was by a majority

RESOLVED

That the application be **APPROVED** subject to conditions.

Conditions

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:

- Site Location and Proposed Block Plan, 18/112/03 Rev O, received 24/05/2022
- Proposed Elevation and Floor plans, 18/112/05 Rev A, received 07/03/2022 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include; means of enclosure; car parking layouts; hard surfacing materials. Soft landscape works shall include planting plans; schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

The approved landscaping scheme shall then be completed prior to first occupation of the dwelling, hereby approved. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

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

5. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

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

6. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highways shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

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

Reason: To prevent hazards caused by flowing water or ice on the highway. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

8. The use shall not commence until the area(s) within the site on dwg. no. 18/112/03 Rev. L for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has

been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

9. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

10. Details of the areas to be provided for electric vehicle infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable transport options

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no alteration or extension shall be carried out at first floor level, or higher, to any dwelling hereby permitted which materially affects the appearance of the dwelling, unless the prior written consent of the Local Planning Authority has been obtained.

Reason: To ensure the satisfactory appearance of the area as a whole, and protect the amenity of neighbouring residents.

12. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures

identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the development is safe for future occupants and to ensure that any contamination is dealt with correctly.

13. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities
- v. Construction and working hours
- vi. Measures to control the emission of dust and dirt during construction
- vi. Measures to limit noise disruption during construction

Reason: to avoid unacceptable impact upon residential development during the construction phases

7 DC/22/0891/FUL - Land to the North of Old Mill House, Linstead Road, Huntingfield

The Committee considered report **ES/1206** which related to planning application DC/22/0891/FUL. The application sought planning permission for the conversion of three redundant barns to one dwelling. The application was referred to the Committee by the referral panel in order that a detailed discussion and debate could take place. The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, and photographs of the proposed buildings for conversion were viewed by the Committee. The Committee also viewed the existing and proposed elevations, layout and floorplans and the landscaping plan.

The Planner advised that the application was recommended for refusal due to non-compliance with Policy. The site was situated in the countryside outside of the boundary of any sustainable settlements. In the absence of conformity, the principle of residential development on the site was contrary to the Local Development Plan, including policies SCLP 3.1, SCLP 3.3, SCLP 5.3 and Policy SCLP 5.5 that dealt with the conversion of buildings in the countryside and which sought to allow limited development opportunities within areas that did not benefit from settlement boundaries. The proposal was not considered to comply with the requirements of Policy SCLP 5.5 as the principal criteria would not be satisfied: SCLP 5.5 (b) required that the building would provide a positive contribution to the landscape and (c) that the conversion would not require significant alteration to the building. The site was in an unsustainable location where access to everyday services and facilities would only be possible by car, contrary to Policy SCLP 7.1.

The Planner explained that case law in the form of the Hibbitt judgment explored the term 'conversion' and identified the extent of works that would go beyond what could 'reasonably be described as being a conversion'. Officers were of the view that the works would be significant and would amount to the rebuilding of the structures. The Planner additionally explained that the proposal did not meet the criteria for conversion to residential use under Class Q of the General Permitted Development Order. The Planner cautioned that approval of such an application could allow other similarly unsuitable structures to be converted across the district.

At the invitation of the Chairman, Members asked questions relating to:

- The alternative apparent acceptability of the site once converted on Policy grounds, for holiday let, rather than residential use
- Whether any of the existing concrete floors and materials would be suitable for the proposed conversion

The Planning Manager responded that Policy would potentially support conversion or repurposing of redundant buildings such as a garage for holiday lets, due to the tourism benefit that would be generated, in an area where there was a deficit. However, the application before Members was for a residential conversion only. Officers considered that the concrete floors appeared insubstantial, and that the proposed construction appeared to be a rebuild in nature, rather than a conversion as proposed.

At the invitation of the Chairman, Huntingfield Parish Councillor D Blackmore spoke in support of the application. Parish Councillor Blackmore said that the Parish Council had supported the application, as the village needed residential accommodation, rather than additional second homes or holiday lets. The application was the first residential development proposal for more than a decade and would be a sustainable and beneficial development. Without the development, the plot would continue to fall into disrepair or could become holiday accommodation instead, which would not benefit the community. Parish Councillor Blackmore emphasised that residents viewed the structures as agricultural buildings, that had previously been put to an agricultural use, and that the conversion would make a positive contribution to the landscape.

In response to Members' questions, Parish Councillor Blackmore clarified that much of the previously residential housing in the village had been turned into holiday lets and urged that residential development would instead benefit the community, including the church, pub and community hub.

The Chairman invited Mr Parker, agent for the applicant, to address the Committee. Mr Parker drew Members attention to the recent Badingham appeal decision which had found that a similar development had satisfied Policy SCLP5.5, as the extant building was redundant, the proposed building would provide a positive contribution to the landscape and would not require significant alteration. The design would maintain or enhance the structure, form and character of the rural building. Mr Parker explained that the proposal was so similar in nature that the Badingham appeal decision provided a precedent.

In response to Members' questions, Mr Parker said that the development would be a conversion, as the extant buildings would not be demolished, and the structure, frame and cladding would be retained where possible. The conversion would still be a single storey and the footings and floors would be made suitable during the conversion. The Badingham appeal had clarified that the redundant building need not be within the settlement boundary to be considered sustainable and did not have to have been of architectural merit.

The Chairman invited the Committee to debate the application before it.

Councillor Burroughes had noted the support of the Parish Council, along with the reasoning of the Badingham appeal decision, and considered that the application before the Committee was similar in nature. Councillor Burroughes set out how the proposal appeared to satisfy Policies SCLP 5.5, 7.1 and 7.2; in addition to NPPF paragraphs 80 and 111, insofar as:

- The site had historically been in semi-agricultural use, and it was clear that Policy referred to buildings, rather than being limited to barns.
- The proposed conversion of the redundant building would provide a positive contribution to the landscape.
- The structural engineer's report highlighted that the building was capable of being converted.
- Any effect on the natural environment would be adequately mitigated, and the primary ecological appraisals had been satisfied
- The site was served by an appropriate existing access and would not be isolated as it was next to Old Mill House.
- A residential conversion would satisfy SCLP 7.1 more so than any alternative holiday let conversion, as holiday makers would have to use their cars to access the site and visit other parts of the district.

Councillors Coulam and Gee were concerned that if the proposal was refused then the site would become dilapidated; and regarded the community support for the proposal as significant. Councillor Brooks was concerned about any future application for a holiday let conversion, in the event of refusal. Councillor Pitchers was not convinced that it would be a conversion at all.

The Planning Manager reminded Members that the Committee could only consider the application before it, and not speculate about any future alternative proposals. Furthermore, each appeal decision related to a specific case, with specific circumstances, and there were other appeal decisions that concluded differently to the Badingham case, and upheld the Council's concerns that the building could not be converted in accordance with the requirements of the Local Plan. An extract from a appeal decision at Bawdsey was read to Members as an example.

Councillor Burroughes was persuaded by the similarities to the Badingham case and was content that the application satisfied policy. Councillor Burroughes proposed that the application be approved. Councillor Brooks seconded the proposal to approve the application. Having been duly proposed and seconded, the Chairman moved to the vote on the proposal to approve the application and it was by a majority

RESOLVED

That the application be **APPROVED**

Reason: That the application demonstrated accordance with Policy SCLP 5.5; specifically i) the conversion of the redundant building would provide a positive contribution to the landscape, ii) the design maintained or enhanced the structure, form and character of the rural building, iii) the impact on the natural and ecological environment would be adequately mitigated; and iv) the site is served by an appropriate existing access.

8 DC/22/1581/ADN - 87 High Street, Lowestoft, NR32 1XN

The Committee considered report **ES/1208** which related to planning application DC/22/1581/ADN. The application sought Non-Illuminated Advertisement Consent for a mural printed onto aluminium board to be installed over a vacant shopfront. The proposed mural was of a stylised delicatessen which would maintain the existing shopfront behind. The application was referred to the Committee as the applicant and landowner was East Suffolk Council.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, and photographs of the site were viewed by the Committee. An illustration of the proposed mural, superimposed onto a photograph of the building was shown for the Committee to consider.

The material planning considerations and key issues were summarised as the impact on the conservation area, amenity, and highways.

In response to a question from a Member, it was clarified that funding had been granted by Cabinet for improvement to the area, and that the application had been brought forward by the Lowestoft Heritage Action Zone.

During debate, Members expressed concerns about the appropriateness of the design of the mural and that it featured a delicatessen rather than a shop that was more in keeping with the area. Officers clarified that the mural would be a meanwhile use of the shop front and was temporary, and cautioned that shop fronts were ever-changing, rather than of a fixed design. The Chairman requested, and Officers confirmed that they would ask that the façade above the proposed mural be tidied-up at the same time as the installation of the mural.

The recommendation to approve the application, as set out in the report was proposed and seconded, the Chairman moved to the vote, and it was by a majority

RESOLVED

That advertisement consent be **GRANTED** subject to the standard advert conditions set out below.

Conditions:

1. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.

2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Reason: as required by the Town and Country (Control of Advertisements) Regulations in force at this time.

3. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.

4. The development hereby permitted shall be completed in all respects strictly in accordance with:

- Site Location Plan, EX-001 Rev B, received 11/04/2022
- Proposed Elevations, received 11/04/2022
- Proposed Mural, received 11/04/2022

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.

9

DC/21/4834/FUL - 36 Ashburnham Way, Lowestoft, NR33 8SJ

The Committee considered report **ES/1209** which related to planning application DC/22/4834/FUL. The application sought planning permission for a front porch extension, a two-storey side extension, and a rear extension to 36 Ashburnham Way, Lowestoft. The proposal included a comprehensive renovation of the property, encompassing the rendering and painting of the existing dwelling, and installation of vertical cedar board cladding on the two-storey extension. The existing serpentine brick wall would be replaced with a linear wall. The application was referred to the Committee as the applicant is a close relative of an East Suffolk Council employee.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location and the block plan were displayed along an aerial

photograph of the site. Photographs of the existing building and the surrounding area were viewed by the Committee along with the existing and proposed elevations. The material planning considerations were summarised as design and street scene impact, and amenity.

At the invitation of the Chairman, Members asked questions relating to:

- the replacement of the serpentine wall, as it was part of the landscape of the estate
- the potential impact that the two-storey extension would have on the footpath that ran alongside the western end of the site, and whether low-level lighting could be provided
- the appropriateness of the rendering that was proposed to be used

The Planner explained that whilst the serpentine wall had been included on the plans, its demolition and replacement would not require planning permission. The footpath that ran alongside the site was already generally dark and the extension would not cause a tunnelling effect nor make that alleyway dangerous for pedestrians. The Planner commented that it would not be desirable for a private residential dwelling to be asked to light a public footpath and it could be counterproductive in terms of amenity impact. The proposed rendering and cladding would transform the dwelling from a typical estate home to a more contemporary dwelling.

There being no public speaking on the application the Chairman invited the Committee to debate the application that was before it.

Members expressed their concerns that the well-used footpath would become dangerously dark, and potentially harmful to public safety during the winter months. The replacement of the serpentine wall with a linear wall would be detrimental to the estate, and the proposed rendering and cladding were not in keeping with the neighbouring properties.

The Planning Manager cautioned that Members concerns had been accounted for by Officers in preparing the report.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. The recommendation was proposed by Councillor Brooks, seconded by Councillor Burroughes and by a majority vote **FAILED**.

The Chairman voiced his concerns about the potential impact on public safety, particularly that the scale of the proposal would cause a tunnelling effect on the public footpath. The proposal was not complementary to local character and distinctiveness and did not have regard to the relationship between buildings and spaces in the wider street scene. An alternative recommendation therefore to refuse the application on the proposition of Councillor Ashdown, seconded by Councillor Burroughs was by a majority vote

RESOLVED

That the application be **REFUSED**

Reason: That the application conflicted with Policy WLP 8.29, in that the proposal did not complement local character and distinctiveness, did not retain an existing landscaping feature, and had not taken into account the need to promote public safety and deter crime and disorder.

The meeting concluded at 4.30 pm

Clerk's note: *After the meeting, and in response to feedback from Councillor Brooks, Officers reviewed and regularised the start-time of the Planning Committee North meetings to 2.00pm, from the September 2022 meeting.*

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Chairman