



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Norman Brooks
Councillor Tony Cooper
Councillor Linda Coulam
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Sarah Plummer
Councillor Craig Rivett

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside, Lowestoft,
on **Tuesday, 14 June 2022 at 2.30pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://youtu.be/rCR3VxF2SaQ>.

An Agenda is set out below.

Part One – Open to the Public

Pages

1	Apologies for Absence and Substitutions
----------	--

2	Declarations of Interest	
	Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Declarations of Lobbying and Responses to Lobbying	
	To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes	1 - 19
	To confirm as a correct record the Minutes of the Meeting held on 10 May 2022	
5	East Suffolk Enforcement Action - Case Update ES/1178	20 - 39
	Report of the Head of Planning and Coastal Management	
6	DC/21/4436/FUL - Laurel Farm, Hall Lane, Oulton, Lowestoft, NR32 5DL ES/1179	40 - 52
	Report of the Head of Planning and Coastal Management	
7	DC/21/5123/FUL - 251-253 Church Road, Kessingland, Lowestoft, NR33 7SB ES/1180	53 - 59
	Report of the Head of Planning and Coastal Management	
8	DC/22/0842/FUL - 165 Hall Road, Lowestoft, NR32 3NR ES/1181	60 - 66
	Report of the Head of Planning and Coastal Management	
9	Proposed Diversion of Lowestoft Public Footpath No 52 ES/1182	67 - 72
	Report of the Head of Planning and Coastal Management	

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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

To register to speak at a Planning Committee, please visit

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

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

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

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

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

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded.

The Council cannot guarantee public seating areas will not be filmed or recorded. By entering the Conference Room and sitting in the public seating area, those present will be deemed to have consented to the possible use of filmed images and sound recordings. If you do not wish to be recorded, please speak to a member of the Democratic Services team at the earliest opportunity.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: democraticservices@eastsuffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development
East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 10 May 2022 at 2.00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor David Beavan, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Craig Rivett

Other Members present:

Councillor Sarah Plummer, Councillor David Ritchie

Officers present: Joe Blackmore (Principal Planner), Mark Brands (Planning Officer), Sarah Carter (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Steve Milligan (Planner), Philip Ridley (Head of Planning and Coastal Management), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Manager (Development Management))

1 Apologies for Absence and Substitutions

There were no apologies for absence.

2 Declarations of Interest

Councillor Ceresa declared a Local Non-Pecuniary Interest in Item 10 - DC/22/0405/FUL - 4 The Street, Carlton Colville, as being Ward Member.

Councillor Cooper declared a Local Non-Pecuniary Interest in Item 6 - DC/21/1166/FUL - Land off South Close, Leiston, as being Ward Member.

Councillor Coulam declared a Local Non-Pecuniary Interest in Item 7 - DC/21/5044/FUL - 9 Glebe Close, Lowestoft, as being Ward Member.

Councillor Gee declared a Local Non-Pecuniary Interest in Item 9 - DC/22/0387/FUL - 114 Clarkson Road, Lowestoft, as being Ward Member.

Councillor Rivett declared a Local Non-Pecuniary Interest in Item 10 - DC/22/0405/FUL - 4 The Street, Carlton Colville, as being Ward Member and County Councillor for the area.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Coulam declared that she had been lobbied on Item 7 - DC/21/5044/FUL - 9 Glebe Close, Lowestoft. She had made no response.

4 Minutes

RESOLVED

That the minutes of the meeting held on 8 March be agreed as a correct record and signed by the Chairman.

5 Enforcement Action - Case Update

The Committee received report ES/1139 which summarised outstanding enforcement cases for East Suffolk Council sanctioned under delegated powers or through the Committee up to 22 April 2022. There were currently 13 such cases.

The Assistant Enforcement Officer provided an update with regard to the last item on the schedule relating to 26 Highland Drive, Worlingham, in that they had appealed the notice and the Council was therefore awaiting advice from the Planning Inspectorate.

There being no specific questions, it was

RESOLVED

That the report concerning Outstanding Enforcement matters up to the 22 April 2022 be received and noted.

6 DC/21/1166/FUL - Land off South Close, Leiston

The Committee considered report ES/1134 which related to a planning application for the construction of 10 dwellings with associated access, infrastructure, garden sheds, landscaping and the demolition of existing garages.

Members were reminded that the application had been deferred by the Committee on 14 September 2021 to enable officers to discuss with the applicant the Committee's concerns regarding the proposed number of dwellings and the loss of green space. Following that, the application had been subject to amendment, revising the design of plots 1 and 2 to reduce the impact on 3 South Close, and that revised application was now before Committee for consideration. The number of units on the site had not been changed because any reduction would have an unacceptable impact on the viability of the development.

The report stated that the development was providing a scheme of affordable housing within the settlement boundary of Leiston. Whilst the redevelopment of the site did represent a departure to policy TM4 in the Neighbourhood Plan, the garages had not been used since 2011 and replacement parking was being provided. Whilst the

scheme resulted in the loss of an undesignated area of green space, it was not considered that it would result in such an adverse impact upon the character or sustainability of the community area so as to justify the refusal of the scheme for affordable housing.

Members received a presentation showing an aerial view and site location plan, photographs of the site and its surrounds, the dilapidated garages, street scene, properties in the vicinity, the area of open space, the drop off point for the school in Quakers Way and proposed block plan, elevations and floor plans.

The Planner advised that both trees on the site would be retained and the revised plan had made changes to plots 1 and 2 which, taking into account the 45 degree line, it was considered there would be no significant impact on the adjacent existing property No. 3 South Close. It was considered that the design of the proposed dwellings was attractive and the development would provide much needed affordable housing including six bungalows. Plots 6 and 7 had been designed for disabled access and EV parking infrastructure was being provided. Whilst it was recognised that there would be a loss of garages, the eight visitors' spaces being proposed was considered to be adequate and any impact on residential amenity was not significant.

The Planner confirmed that the green space had not been identified as that in the Local Plan. The applicant had submitted a viability statement and any reduction by two units would increase build costs by 10% and that, together with a reduction in rental income would result in the scheme being unviable. There was no guarantee that, if this development did not proceed and the site was sold on, the open area of land would remain. There were currently 117 on the housing waiting list and the proposal before Members was a beneficial scheme that would meet the local need, provide housing for residents with mobility impairments and result in the redevelopment of a derelict site. It would result in the enhancement of the areas in a highly sustainable location within an existing residential area of the town. Subject to the completion of a Section 106 Agreement and relevant conditions, authority to approve was being sought.

The Chairman invited the public speakers to address the Committee.

As an objector, Ms N Baggott advised that she had lived with her family at No. 3 South Close since 2011 and was concerned about the plots adjoining her boundary fitting two houses into a small space. Whilst changes had been made, the projection would overshadow the rear of their property resulting in no light entering the patio doors into main living room. This was not a garage as per proposed site layout. The remaining close proximity of this new build had not made any improvements. The noise from the air source heat pumps had not been properly assessed especially the oscillating. The land to be built on was justified to be kept as open space for children and dog walkers. The loss of 48 garages was due to the condition and disrepair and not lack of demand. The on-road parking would cause problems especially with the school access which was already a cause of local concern and adequate access for emergency vehicles. The survey carried out years ago did not reflect current need. Eight visitor spaces were not adequate or equivalent to what was being lost. With 290 homes built in Leiston since 2015 and 313 housing commitments, the town was reaching maximum capacity. So, things could not be so desperate for these houses and the proposal was in breach of the Neighbourhood Plan.

A Member asked if anyone had required garages in the past or if they had just been left empty. Ms Baggott advised that EADT had posted an article on the site and there had been comments on social media. People had been asked to give up their garages and it should be noted that there was a need and waiting list for garages or parking.

As the applicant's agent, Mr A Curran explained that the application site was in private ownership and could be sold on. However, a small open space was being retained within the proposed build. It was only three minutes' walk to other green open spaces. Flagship had reviewed the necessary dwellings, replaced the windows on plots 1 and 2, would provide trellis on top of the boundary, moved the dwellings in order to reduce any overlooking and ensure privacy. The proposals were satisfactory to the Planners and were in excess of what was necessary. The potential loss of a bin had been highlighted and this could be replaced. Out of those on the housing list, 42 required 2 bedroomed properties and the provision of houses, in addition to the bungalows, would attract families to ensure a diverse community. A reduction in plots from 10 to eight would not make the proposal viable and it was not possible to provide 100% affordable housing on the whole site. The revised plans included solar panels and EV points which would make the development sustainable. The proposal was policy compliant in a sustainable location and would provide affordable housing in Leiston. Mr Curran urged the Committee to approve the application for Flagship.

Members asked questions relating to:

- How moving plots 1 and 2 had stopped overshadowing.
- The need for garages in the locality.
- Issues with groundworks for plots 1 and 2.
- With narrow roads in the area, whether adequate parking was being provided with eight spaces after the loss of 28 garages.
- Availability of parking during construction works.
- If acoustic covers would be used on the heat pumps on those plots adjoining near neighbours.
- The provision of frosted glass on the rear elevation of the dwelling on plot 1.

Mr Curran advised that the distance between the existing dwelling and plots 1 and 2 had been increased and set back to provide less overshadowing. The garages had been unoccupied since 2011; they were in a poor state of repair needing significant refurbishment; however, the garages were actually too small for modern day cars. The relevant assessment had shown the need for five parking spaces and they were proposing an extra three spaces. Any necessary groundworks would be controlled by Building Regulations and foundation design would be adjusted accordingly and there would be no effect on the neighbours. Mr Curran confirmed that multiple visits had been undertaken to provide an analysis on car parking and it had appeared that five people had been using the site so providing eight spaces was considered to be acceptable. Highways had no concerns about the proposals. They would look at acoustic mitigation if necessary. The bathroom window on plot 1 was frosted and the rear elevation was angled at 45 degrees.

Members debated issues relating to the narrow roads, car parking issues, accessibility problems and the need for affordable homes and accessible properties. It was

acknowledged that the Town Council supported the application but was concerned over the loss of the open grass area and that the proposal was in breach of the Neighbourhood Plan.

The Principal Planner clarified the position with regard to the Town Council's comments but it was considered that the proposal did enhance the area. It was acknowledged that there was some loss of green space but that had been balanced against the benefits of the affordable housing being provided. In looking at the floor plans and elevations of the dwellings proposed on plots 1 and 2, the effects on residential amenity was not considered to be significant and the design fitted in well with the street scene.

The Committee acknowledged the fact that the officers considered the benefits for the local community outweighed the loss of the garages and green space and approval was proposed subject to an additional condition ensuring appropriate acoustic barriers between plots 1 and 2 and the neighbouring property. This being agreed, it was

RESOLVED

That authority to approve be granted, subject to the completion of a S106 Legal Agreement within 6 months to secure obligations (including but not limited to):

- Provision of affordable dwellings,
- Per-dwelling contribution to the Suffolk RAMS, and
- Provision and long term management of SUDS,

and 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 Drg No 0462-2000 Rev K; 0462-3000D; 0462-3001D; 0462-3002D; 0462-3003D and 0462-3004D received 30.03.2022; 171566 RLC-00-00-DR C-002 P1 and Noise Report Rev A received 08.07.2021; D & A Statement Rev D received 12.07.2021; FRA/Drainage Strategy 171566 received 10.03.2021; FRA/Drainage Strategy Addendum 171566 (Rev 00) received 21.05.2021 and Drg Nos 5000B; 6000B and C-001 P1 received 10.03.2021 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 strategy for the disposal of surface water & Flood Risk Assessment (FRA) (dated 20/01/2020, ref: 171566) and the FRA Addendum (dated 21/05/2021, ref: EJK/SJB/171566 (Rev 00)) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

4. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>

5. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) by a qualified principle site contractor, detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

6. Before the development is commenced, details of the Quakers Way access and associated 5.5m widening, frontage footway and footway link works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are designed and constructed to an acceptable standard.

7. Before the altered direct access on to South Close (as shown indicatively on C-002-P1) is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4m metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in the north direction, and 21 metres in the southerly direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning

(General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

8. 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. 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.

9. The use shall not commence until the areas within the site shown on Drawing 0462-2000-K for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles and storage of cycles 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 in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway. Provision of storage space required to comply with national and local planning policies relating to sustainable transport.

10. Before the development is commenced details of the areas and infrastructure to be provided for electric vehicle charging points 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: Provision of electric vehicle charging points is required to comply with national and local planning policies relating to sustainable transport. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

11. Before the development is commenced details of the areas to be provided for storage 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.

12. Prior to the commencement of development a detailed Arboricultural Method Statement supported by 1:200 scale technical drawings should be prepared and submitted to the Local Planning Authority for approval in writing. Work shall be carried out, including all tree protection work only in accordance with the approved Statement.

Reason: In the interests of amenity/ecology, insufficient detail has been provided at application stage.

13. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Report (Norfolk Wildlife Services, January 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

14. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

15. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) 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 method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. No development shall commence, including any works of demolition, until a Construction Method Statement 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:

- a. The proposed route for access to the site by plant, operatives and delivery vehicles;
- b. Loading and unloading of plant and materials;
- c. Storage of plant and materials used in the construction of the development;
- d. Materials/plant delivery times;
- e. Construction times;
- f. Parking for construction workers and visitors;
- g. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
- h. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of amenity, highway safety and the protection of the local environment.

17. Within three month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reasons: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

18. The approved scheme of landscape works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter and shall be retained and maintained.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

19. The 8no. visitor spaces, as shown on approved plan 0462-2000 rev K shall be provided and be kept available for the purposes of visitor parking for both on and off-site residential properties.

Reason: In the interests of amenity and highway safety.

Additional condition:

Prior to the first operation of air source heat pumps on plots 1 and 2, noise attenuation screens/baffles shall be installed, in accordance with details which shall first be submitted to the LPA for approval in writing. Only approved screens/baffles shall be installed and they shall be retained throughout the period the air source heat pumps are in operation.

Reason: In the interests of amenity.

Informatives:

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

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

The Committee considered report ES/1135 which gave details of the application for the construction of two detached dwellings and all associated works at 9 Glebe Close, Lowestoft.

Members were advised that a proposal for a single dwelling on the site had been approved under DC/21/0709/FUL, and permission had previously been refused for two dwellings. However, the current application had been amended to address concerns raised and whilst the proposal accorded with the Development Plan, the application had been referred to the Committee via the Referral Panel.

Members received a presentation showing the location plan and aerial photographs and views of the site which was in a residential area. Slides displayed the proposed block plans of the previous applications, together with the proposed block plan, elevations and floor plans for plots 1 and 2 of the amended scheme now before the Committee. Plot 1 would have an integral garage and there would be a detached garage on plot 2.

The Planner advised that the principle and detail of the development was considered to be acceptable. It was a sustainable location within the settlement boundary and would utilise the land by providing two dwellings. It was considered that there would be no amenity impact on immediate neighbours and the proposal was in compliance with the relevant policies. Approval was being recommended subject to appropriate conditions including the removal of permitted development rights to ensure adequate amenity space. The RAMS mitigation had now been paid.

Members asked questions relating to:

- Parking and garden measurements for No. 9.
- The rear door of No. 9 opening straight onto the roadway.
- Road safety issues at the bend in the road and access to rear garages.

- This being back land development.

The Planner confirmed that parking for No. 9 was at the front of the property and garden amenity was considered to be sufficient. He was unable to confirm if No. 9's back door would open directly onto the road. County Highways had assessed traffic movements and had not specifically mentioned any issues relating to the bend in Glebe Close. The site itself had been assessed in accordance with the urban infill policy and approval had already been granted for one dwelling.

The Chairman invited the applicant's agent to address the Committee.

Mr M Dixon thanked Members for being given the opportunity to speak on behalf of the applicant. He confirmed that the principal of residential development had already been accepted and the site was adequate for the construction of two dwellings. Whilst concerns had been expressed, Mr Dixon pointed out that the site would result in the equivalent of 9 dwellings per hectare compared to 12 in the immediate vicinity, so it was not considered to be cramped or overdevelopment. There would be no issues with on-street parking as each property would have a minimum of three spaces which was more than adequate. It was not considered that the proposed development would be overbearing and any light and noise impact would be no more than what already existed in an urban area. Mr Dixon advised that the development was considered to be in keeping with the area, of a high design and compliant with both national and local planning policies. He asked the Committee to approve the application.

In response to a Member's question, Mr Dixon confirmed that the road width into the site was to be 4.5m.

During discussion, Members questioned whether this was an efficient use of the land and if the designs and amenity space were appropriate for the site. Comment was made on the highways issues and use of the road which might result in a fatality particularly with the proposed two additional dwellings and at least a further six vehicles. It was agreed that the proposal did not provide a good layout, nor were the plots satisfactory in size. Comment was made that the design was not particularly attractive.

The Planning Manager advised that the principle of the development had been established and that had been confirmed by the appeal decision. There was a need to make efficient use of available development sites and Highways had no issues. County Highways would still consider the driveway into the plots irrespective of whether or not it was adopted.

During discussion, however, Members noted that it appeared that there were little grounds for refusal. The Chairman sought a proposer and seconder for the recommendation in the report for approval which was then voted on and **LOST**.

A proposal to refuse the application was duly seconded. It was considered that the proposal was not a good use of land and there were concerns over the layout of the development. The Principal Planner referred to policy WLP8.33 in the Local Plan – Residential Gardens and Urban Infilling and suggested refusal on the grounds of scale and design, siting of the proposal and the need to be in keeping with the character and

density of the surrounding area. Developments must provide attractive and usable amenity spaces. Members accepted that Highways had no issues and that would not provide an additional reason for refusal.

A Member then proposed a deferral to enable the applicant to review the Committee's comments about making the site more user friendly and provide a more realistic site layout.

The Democratic Services Officer advised that there was one proposal on the table for refusal which had been seconded. That motion would have to be voted on or withdrawn prior to the consideration of the proposal to defer. Councillors Rivett and Cooper agreed to withdraw their recommendation for refusal, at this stage, to allow consideration of a deferral.

The Planning Manager advised that there was the opportunity for deferral and reconsideration of the plans and current layout. If Members were minded to defer, discussions with the agent and applicant would follow.

The Chairman asked the agent if he wished to respond to that proposal and Mr Dixon confirmed that if deferral was passed, they would take instructions from their client with regard to a better layout.

The proposal for deferral was formally proposed and seconded and it was

RESOLVED

That a decision be deferred to allow the officers to work with the applicant's agent to address design concerns raised by the Committee.

8 DC/22/0493/VOC - Plot 2, Carlton Road, Kelsale, Saxmundham, IP17 2NP

The Committee considered report ES/1136 which was seeking permission for a variation of condition 2 of DS/21/0565/FUL – construction of a single dwelling, alternations to approved drawings for plot 2 adjacent to Spindles, Carlton Road, Kelsale.

The application was before Committee as the officers were minded to approve the application contrary to the objection received from the Parish Council. The Planner advised that the Ward Member had commented that the application should be refused.

Members were advised of the history of the site, whereby an application for one dwelling which was refused as contrary to the development plan had been overturned on appeal as the Inspector had considered the application to be a sustainable form of development. Since that time, the site had received outline consent for two dwellings and garages under reference DC/18/2907/OUT and two separate permissions had been granted for plot 1 and plot 2. The proposal before the Committee was to seek to vary condition 2 of DC/21/0565/FUL relating to plot 2.

Members received a presentation showing an aerial view, site location plan, photographs from the previous application, the street scene in 2022, the frontage of plot 1 and the works that had commenced on plot 2. Previous and proposed block plans, floor plans and elevations were also displayed.

The Planner advised that the annex on the front was to provide independent living for a family member and approval was being recommended subject to appropriate conditions including one to ensure that the annex would only be used for purposes incidental and ancillary to the use of the dwelling house. He advised that the proposed amendments to the scheme were considered acceptable and approval was being recommended.

In response to Members' questions, the Planner advised that the Parish Council was objecting to the principle of the development; however, that had already been approved.

The Committee accepted that the principle of the development had been established and agreed on the need for the occupancy condition. There being no further discussion, it was

RESOLVED

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from 15 April 2021 as the date of original consent.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with the application form, design and access statement, Preliminary Ecological Appraisal (Anglian Ecology, March 2020) received 5th February 2021 and drawing numbers GFD2101-0101 P02 and GFD2101-0102 P03 received 8 February 2022.

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

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

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

4. Within 3 month(s) of commencement of development, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of

plants to be planted) shall be submitted to and approved in writing by the local planning authority.

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

5. The new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM01 with an entrance width of 4.5 metres and has been made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety

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

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

7. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

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

8. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway 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.

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. GFD2101-0101 P01 with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action

10. The use shall not commence until the area(s) within the site on GFD2101-0101 P01 & GFD2101-0102 P02 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

11. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) 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 method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local ORLB URNS Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (Anglian Ecology, March 2020).

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

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

Reason: To ensure that nesting birds are protected.

14. The hereby-approved annex shall not be occupied or let as a separate dwelling but shall be used only for purposes incidental and ancillary to the use of the dwellinghouse to which it relates or for occupation by a relative, employee or parent of the householder or his/her spouse.

Reason: The development is not such that the local planning authority would be prepared to approve as a separate dwellinghouse in its own right as this is located in the countryside where the Local Plan seeks to limit such development, and where it is otherwise considered undesirable for this to be used independently as it would result in insufficient amenity standards should the curtilage be separated.

Informatives:

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

9 DC/22/0387/FUL - 114 Clarkson Road, Lowestoft, NR32 3NX

The Committee considered report ES/1137 which gave details of the application for the demolition of an existing garage, a two storey rear extension and lean-to side extension. The application was before Committee as the applicant was a member of staff.

The Principal Planner reminder Members that they had considered a similar application in January which was refused and the amended scheme now being presented was considered acceptable and recommended for approval by officers.

Members received a presentation showing the site location plan, aerial view, photographs of the street scene, plot and rear garden, the existing and proposed block plans and elevations and, by comparison, the existing, previously refused and current proposed front elevations and proposed floor plans.

The Principal Planner drew attention to the permitted development fallback position and explained the parts that were exempt from planning control. The garage was to be removed and a side extension provided and a two-storey extension was to be added at the rear of the property. Its relationship to the neighbouring property was now considered to be satisfactory; the neighbouring property also had an extension on the rear. The Principal Planner confirmed that the spacing and relationship to neighbouring dwellings on both sides and the impact on the character of the street scene of the revised proposal would not affect the neighbour amenity and approval was therefore being recommended.

Members' questioned:

- The black shiplap on the front of the house.

- If works had commenced according to the photographs, whether the application was now retrospective.

The officers understood that the cement boarding used on the existing porch would continue to be used and, with the garage having been demolished, it could be considered that the development had commenced. It was the applicant's risk if approval was not granted.

Members questioned the infilling of space between the properties and how it would affect the street scene. However, acknowledging the permitted development rights, it was

RESOLVED

That planning permission be granted with materials as per plans and a condition requiring drainage to hard standing/parking area and 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 Drawing 2844.21.2F, including specified materials received 7th March 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 use shall not commence until the area(s) within the site shown on drawing no.2844.21.2F for the purposes of manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Adequate drainage shall be provided in connection with the parking and turning area within the site frontage by either the use of porous materials, a soakaway or drainage channel.

Reason: to ensure that surface water does not flow onto the highway, causing a safety concern and to ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and manoeuvring would be detrimental to the safe use of the highway.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives

of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

10 DC/22/0405/FUL - 4 The Street, Carlton Colville, Lowestoft, NR33 8JW

The Committee considered report ES/1138 which gave details of the application for a detached outbuilding in the rear garden of 4 The Street to be used as a store and garden room. The application was before Committee as the applicant was a close relative of a Council employee.

Members received a presentation showing the site location plan, aerial view, and photographs of the site from the east, north and west, the current outbuilding and garage to be demolished, the existing block plan, together with the proposed block plan which followed the form of the plot, the floor plan and elevations.

The Principal Planner advised that the proposal was acceptable and it was considered there would be no impact on neighbour amenity. Subject to an additional condition as listed in the update report, approval was being recommended.

In response to Members' questions relating to the size and overshadowing on the adjacent footpath, the Principal Planner confirmed that the proposed building would be 3.6m in height with a footprint of 9.1m by 4m. It was considered that there would not be any significant shadow cast on a short section of the footpath and permitted development rights allowed a height of up to 4m.

On a recommendation for approval which was duly seconded, it was

RESOLVED

That permission be granted, 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 the Site Plan received 7th March, in conjunction with the proposed Block Plan, Floor plan 01 and Elevation Drawing 02 (including external materials as specified) received 21st March 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 hereby permitted detached store/dayroom shall only be used for purposes incidental to the main dwelling house at 4 The Street.

Reason: To ensure the use of the building remains incidental to the main house as set out in the application.

Informatives:

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

The meeting concluded at 3.51pm.

.....
Chairman

PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

14 June 2022

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 19 May 2022. At present there are 13 such cases.

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

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

RECOMMENDATION

That the outstanding enforcement matters up to 19 May 2022 be noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	31/06/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice being sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non- 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020 • Site visited. Case currently with the Council's Legal Team for assessment. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Charging orders have been placed on the land to recover costs. 	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> Authorisation granted to serve Enforcement Notice. 13/09/2013 -Enforcement Notice served. 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months 11/07/2014 – Final compliance date 05/09/2014 – Planning application for change of use received 21/07/2015 – Application to be reported to Planning Committee for determination 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. 	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 – Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. • 13/04/2021 – Letter sent to owner to establish current situation • Given until the end of June to either comply or supply the Council with any other information • Case being reviewed. • 22/05/2021 – contact received from site owner. Case reviewed • Due to the receipt of confidential information formal action has been placed on hold. • 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) 	28/06/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/10/2018 – PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served. • 01/04/2019 – Enforcement Notice served. • 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Start date has now been received, Statements are due by 12/12/2019. • Awaiting Planning Inspectorate Decision • Appeal Dismissed with variations. Compliance by 20 January 2021 • Site visit due at end of January 2021. • 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021 • 03/06/2021 – site re visited, no compliance, case passed to Legal Department for further action to be considered. • Legal action being considered. • Case to be heard at Court on 15/10/2021 • Court Case adjourned until 12/11/2021 • Court case adjourned for trial on 24/01/2022 • Court case adjourned until 01/02/2022 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Owners and Tenant pleaded guilty to the charges and were fined £2000 and £1000 respectively plus costs. The majority of the site has now been cleared with the rest to be done by mid May 2022. 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period Appeal submitted. Awaiting Start date 	31/07/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. • 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. • 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use • Appeal started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with some amendments. Compliance by 11/12/2020 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Site visit to be undertaken after 11/12/20 • Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action. • Further visit to be done on 25/03/2021. • Site visit completed, Notices not complied with, file passed to Legal services for further action. 	
ENF/2015/0279/DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with 	31/07/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice served by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. • Court hearing in relation to structures and fencing/gates 03/03/2021 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. • Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. • 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs • 12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed • Site visited on 13/08/21 all structures removed from the site. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543/DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. • Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 • Awaiting date of hearing from Planning Inspectorate. • Hearing date set for 02/02/2021. • Hearing adjourned until 09/03/2021 • Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. • Awaiting Decision • Appeal dismissed and partial costs to the Council 	30/06/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Compliance with Notice by 18/08/2021 • Extension of time granted for compliance until 31/10/21. • Further extension granted until 15/11/2021. • Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered. • Certificate of Lawful Use (Proposed) application submitted. • Certificate of Lawful Use (proposed) refused. 	
ENF/2019/0307/C OND	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> • 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. 	25/02/2022 and 25/04/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022. • Awaiting Planning Inspectorate Decision 	
ENF/21/0441/SEC2 15	03/02/2022	North	28 Brick Kiln Avenue, Beccles	Untidy site	<ul style="list-style-type: none"> • S215 (Land adversely affecting amenity of Neighbourhood) Notice served 07/02/2022 	11/06/2022
ENF/21/0051/USE	10/03/2022	North	Land West Of Guildhall Lane, Wrentham	Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	<ul style="list-style-type: none"> • 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 	11/08/2022
ENF/20/0131/LISTL	17/03/2022	North	6 Upper Olland Street, Bungay	Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	<ul style="list-style-type: none"> • 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 	18/07/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal started. Statements due by 07/06/2022 	
ENF/21/0003/DEV	07/04/2022	North	26 Highland Drive, Worlingham	High fence adjacent to highway.	<ul style="list-style-type: none"> • 07/04/2022- Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. • Appeal submitted. Awaiting start date. 	09/07/2022
ENF/21/0408/CON D	12/05/2022	South	Land at Dairy Farm Cottage, Sutton Hoo	Breach of conditions attached to DC/21/0008/FUL relating to removal of summerhouse and steps	<ul style="list-style-type: none"> • 12/05/2022 – Breach of Condition Notice served. Three months for compliance 	2/08/2022

Committee Report

Planning Committee North - 14 June 2022

Application no DC/21/4436/FUL

Location

Laurel Farm
Hall Lane
Oulton
Lowestoft
Suffolk
NR32 5DL

Expiry date 20 December 2021

Application type Full Application

Applicant Mr Kevin Hodgkin

Parish Oulton

Proposal Barn conversion from derelict footprint, demolition of external walls and erection of cart lodge

Case Officer Matthew Gee
07901 517856
matthew.gee@east Suffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the partial rebuild of an existing derelict barn and change of use to a Holiday let. The site is situated outside, but adjacent to, the settlement boundary for Lowestoft, with the barn being situated adjacent to a grouping of holiday lets located in former stables. The proposed conversion and rebuild seeks to return much of the original appearance and scale of the barn prior to it becoming derelict, thereby giving the proposal a barn conversion aesthetic. The proposed holiday let is located outside of the settlement boundary and would be contrary to policy WLP8.15 as the holiday let would comprise of a permanent building and would not meet any of the criteria as set out in policy WLP8.15.
- 1.2. However, officers consider that whilst the proposal is a technical departure from the policy, there are several mitigating factors that weigh in favour of the proposal and outweigh this conflict with the Local Plan Policy. These include the proximity of the building to the settlement boundary, that the building would form part of an existing grouping of holiday lets on the site, and that it seeks to rebuild what was originally a rather attractive rural building, as well as the additional minor economic benefits that arise from a single holiday let. As such for the reasons set out above it is considered appropriate for officers in this instance to recommend approval of this application on this basis.
- 1.3. As a departure from the Development Plan, the application has been referred direct to Planning Committee (North) to enable consideration of the application.

2. Site Description

- 2.1. The application site is situated outside, but adjacent to, the Settlement Boundary, which runs along the eastern boundary for the application site blue line. The site comprises several buildings, including a two storey dwelling and an array of stables which have been converted to holiday lets located to the east of the derelict barn. To the north of the application barn is Hall Lane, to the south is an area of hard standing with fields beyond, and to the west is an agricultural barn.
- 2.2. The Design and Access Statement sets out a brief history on the barn and its current condition, stating "a main supporting beam was removed by a previous owner to accommodate three silos. This weakened the roof and years later it fell in due to a storm. The building is located within an active working farm courtyard. It is surrounded by buildings on 3 sides, including a modern agricultural shed to the west, a holiday-let facility to the east and north-east, and a smaller outbuilding to the north-west. There are extensive brick external walls and hardstandings which were previously single storey enclosures around the main barn."

3. Proposal

- 3.1. Planning permission is sought for the partial rebuild of an existing derelict barn and change of use to a Holiday let. The proposal will utilise much of the existing brick and flint work using matching brickwork to build up areas that area needed, with larger areas or new extensions being clad in dark weatherboarding. The barn will be finished with rustic red clay pantiles, and timber windows and doors.

- 3.2. The works proposed would take the proposal beyond what could reasonably be considered by officers as a conversion.
- 3.3. The holiday let will comprise of 3 bedrooms, as well as parking for several vehicles and a secure cycle and bin storage area.
- 3.4. The application has been amended during the course of the application to make minor amendments to the design, including removal of a balcony on the north elevation facing the highway, in order to reduce the visual prominence.

4. Consultations comments

- 4.1. No third-party letters of representation have been received.

Parish/Town Council

Consultee	Date consulted	Date reply received
Oulton Parish Council	1 November 2021	15 November 2021
Summary of comments: DC/21/4436/FUL Barn conversion Laurel Farm Hall Lane Oulton NR32 5DL. After careful consideration the Council agreed to SUPPORT this application. The application is an improvement to the existing structure.		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	1 November 2021	22 November 2021
Summary of comments: No objections subject to conditions		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	1 November 2021	3 November 2021
Summary of comments: No objections subject to conditions		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	1 November 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	1 November 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	1 November 2021	18 November 2021
Summary of comments: No objections		

5. Publicity

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

Category	Published	Expiry	Publication
Departure	29 April 2022	23 May 2022	Lowestoft Journal
Category	Published	Expiry	Publication
Departure	29 April 2022	23 May 2022	Beccles and Bungay Journal

6. Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Date posted: 22 April 2022 Expiry date: 16 May 2022
General Site Notice	Reason for site notice: New Dwelling Date posted: 4 November 2021 Expiry date: 25 November 2021

7. Planning policy

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* This is reflected in paragraph 12 of the

NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

- 7.2. The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The key relevant policies of the Local Plan are listed below:
- 7.3. East Suffolk Council - Waveney Local Plan (March 2019) – policies:
- WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP8.7 - Small Scale Residential Development in the Countryside (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP8.15 - New Self Catering Tourist Accommodation (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
 - WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- 7.4. The National Planning Policy Framework (NPPF) is a material consideration.

8. Planning Considerations

Principle

- 8.1. The application site and derelict barn and located outside of, but adjacent to, the settlement boundary for Lowestoft. Policy WLP8.15 sets out that self-catering tourist accommodation comprising permanent buildings will only be permitted within the Settlement Boundaries defined by Policy WLP1.2; through the conversion of rural buildings of permanent structure; or on large scale sites where commercial, recreational or entertainment facilities are provided on site.
- 8.2. In this instance, as the works set out are considered to go beyond what could reasonably be considered a conversion, due to the extent of rebuilding required, it is not considered that it would meet that policy expectation. Furthermore, whilst the building would be within a grouping of other holiday let accommodation, the site is not a large scale site where commercial, recreational or entertainment facilities are provided on site. Therefore, for these reasons set out the proposal is not considered to comply explicitly with the exact wording of the policy requirements, however, this conflict needs to be weighed against the other material considerations of the application.

Sustainability and Tourism

- 8.3. As previously noted, the application site is situated outside of the defined settlement boundary for Lowestoft, however, this boundary is only approximately 70m east of the derelict barn and is within relatively close proximity of services within the Town of Lowestoft, including shops and leisure activities. It is however acknowledged that there is no public footpath linking the site to these services, and therefore the sustainability of the site, whilst close, is not ideal and there would be a reliance of motor vehicles.

- 8.4. The tourism industry plays a very important role both within the economy of Lowestoft and the wider economy of East Suffolk. The East Suffolk Report "The Economic Impact of Tourism", 2019, shows 12.5m trips to the District with an associated spend of just over £43m. The report indicates that tourism within the District continues to increase with an increase in overall trip expenditure and local business turnover supported by tourism. Furthermore, it is accepted that post Covid-19 the domestic staycation market is likely to grow.
- 8.5. The site currently has self-catering tourist accommodation comprising of several former stables that have been converted, located adjacent to the derelict barn, which would complement the existing offering on the site, and would also improve the area and site via the reuse of an existing derelict barn located adjacent to existing holiday lets. It is also not considered that one additional holiday let would result in an intensification of activity in and around the site. Therefore, the scheme is deemed to provide a positive contribution to the tourist offering in the area, and the modest economic benefits that additional tourist accommodation provides to the local and wider area.

Design

- 8.6. From the information provided as part of this application, the barn, prior to the damage occurring, would have been considered as a locally distinctive building of architectural merit, and any conversion could have secured what officers consider would have been a heritage asset.
- 8.7. Officers acknowledge that the proposal does require a significant level of rebuilding of the derelict barn, including the building up of several walls, as well as the erection of a new roof. However, much of the historic wall of the barn has been retained in place, and the submitted structural report submitted identifies that many of the walls can be incorporated into the scheme but will require sections of masonry to be taken down and rebuilt to secure. But there are sections of wall which are in generally in a position were with some remedial works such as openings, they can be reused within the development.
- 8.8. The proposal does involve the removal of the remains of a later lean to extension of the site, and the erection of a new gable end extension of a smaller footprint in its place. The extension will be clad in black weatherboarding in order to different it from the original sections of the barn, however, overall, the extension is considered sympathetic in form to how a barn may have historically been extended. Therefore, officers are of the opinion that the works being undertaken are in a sympathetic manner which replicates much of the original form of the barn and seeks to ensure that the finished scheme appears as an authentic conversion.
- 8.9. Furthermore, the existing derelict barn and its outbuilding can be seen within street scene along Hall Lane, and its junction with the B1074. It is considered by officers that the barn currently detracts from character and appearance of the immediate area given its current condition, and that re-use and partial rebuild of the barn would improve the visual appearance of the street scene. Additionally, given that the re-build and re-use would appear as an authentic barn conversion it is considered that the proposal respects the character and appearance of the street scene, and shows a clear understanding of form and character of the built environment.

Amenity

- 8.10. Policy WLP8.29 sets out that proposed development should protect the amenity of the wider environment and neighbouring uses. As previously set out the proposed holiday let will be located adjacent to existing tourist accommodation on the site. It is not considered by officers that the proposal would result in a marked increase in activity on the site, and given the separation distance, approximately 95m, to the nearest dwelling it is not considered that the proposal would result in any adverse impact on the amenity of neighbouring residents.

Highways

- 8.11. The proposal would utilise the existing access onto the site from Hall lane and will provide on-site parking for at least 2 vehicles within the car port, as well as providing secure cycle storage on site. SCC Highways have raised no objections to the application subject to conditions covering the provision of the parking area, bin storage and cycle storage prior to occupation. Officers do not consider that the proposal would result in marked increased in vehicles movement in the area, or result in any inconsiderate parking on the highway, and as such the proposal is not deemed to have any adverse impacts on highway safety.

Other Matters

- 8.12. The site is located within 13km of the nearest European Protected Site, and therefore consideration needs to be given to the impact of new housing on these sites. In this instance a financial contribution for each dwelling has been made to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This is considered to acceptably mitigate against the impact on these protected sites in accordance with WLP8.34.
- 8.13. The site is also located within Flood Zone 1 and is at low risk of flooding.

9. Conclusion

- 9.1. The scheme would not strictly accord with WLP8.15, as it would comprise of a permanent building outside of the Settlement Boundaries defined by Policy WLP1.2, and the extent of the works detailed could not reasonably be considered as a true conversion of a rural buildings.
- 9.2. However, there are several factors that weigh in favour of the scheme: the relationship of the site to a sustainable settlement, the existing tourist accommodation offering on the site, and that prior to the barn becoming derelict it was locally distinctive and of architectural merit. The rebuild would re-introduce the original form of the barn and appear as an authentic conversion within the street scene. For all these reasons, officers consider that this is an exceptional case where a refusal reason due to non-compliance with policy WLP8.15 would be difficult to defend in any appeal situation. This is a unique site and proposal where a departure from WLP8.16 is considered to be acceptable because of several material considerations in combination; the absence of any significant harm arising from the scheme is also relevant to that balanced judgment.
- 9.3. The overall scale of the proposed development is considered appropriate for the area, and the design is acceptable. There are no objections from Suffolk County Highways Authority, or neighbouring residents, and Parish Council Support the application.

- 9.4. In addition, the proposal would provide some additional, albeit minor, economic benefit through the construction phase and the addition of one additional holiday let. The proposal is also considered compliant with all relevant detailed development management policies within the Local Plan.
- 9.5. For the reasons set out in this report, there are material considerations that indicate for a decision other than in accordance with the Development Plan and, therefore, it is recommended that permission be granted.

10. Recommendation

- 10.1. It is recommended that planning permission be granted subject to conditions.

11. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
- Site Location Plan and Existing Block Plan, 21-218 101, received 23/09/2022,
 - Proposed Block Plan, 21-218 102, received 23/09/2022,
 - Proposed Elevations - East & West, 21-218 108B, received 30/03/2022,
 - Proposed Elevations - South, 21-218 109A, received 30/03/2022,
 - Proposed Elevations - North, 21-218 107A, received 30/03/2022,
 - Proposed Ground Floor Plan, 21-218 105B, received 30/03/2022,
 - Proposed First Floor Plan, 21-218 106A, received 30/03/2022,
 - Structural Report, REPORT NO. 22-024R_001, received 30/03/2022,
 - Design and Access Statement, C (31-03-22), received 31/03/2022,
- 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 (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
 - details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
 - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
 - proposed remediation objectives and remediation criteria; and
 - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including the Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Prior to any occupation or use of the approved development the RMS approved under condition 5 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
 - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
 - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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 method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan, and in order that the local planning authority may retain control over this development.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building, structures, or alterations permitted by Classes A (extensions or alterations), B (additions to the roof), C (Alteration to the roof), D (Porches) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected or made without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development, ensure the property is retained as a holiday let, and protected the character and appearance of the street and building.

11. The use shall not commence until the area(s) within the site shown on Drawing No. 21-218 105B for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2019 to promote sustainable travel.

12. The use shall not commence until the area(s) within the site shown on drawing no. 21-218 105B for the purposes of manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and manoeuvring would be detrimental to the safe use of the highway.

13. The areas to be provided for the storage and presentation of refuse and recycling bins as shown on Drawing No. 21-218 105B shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

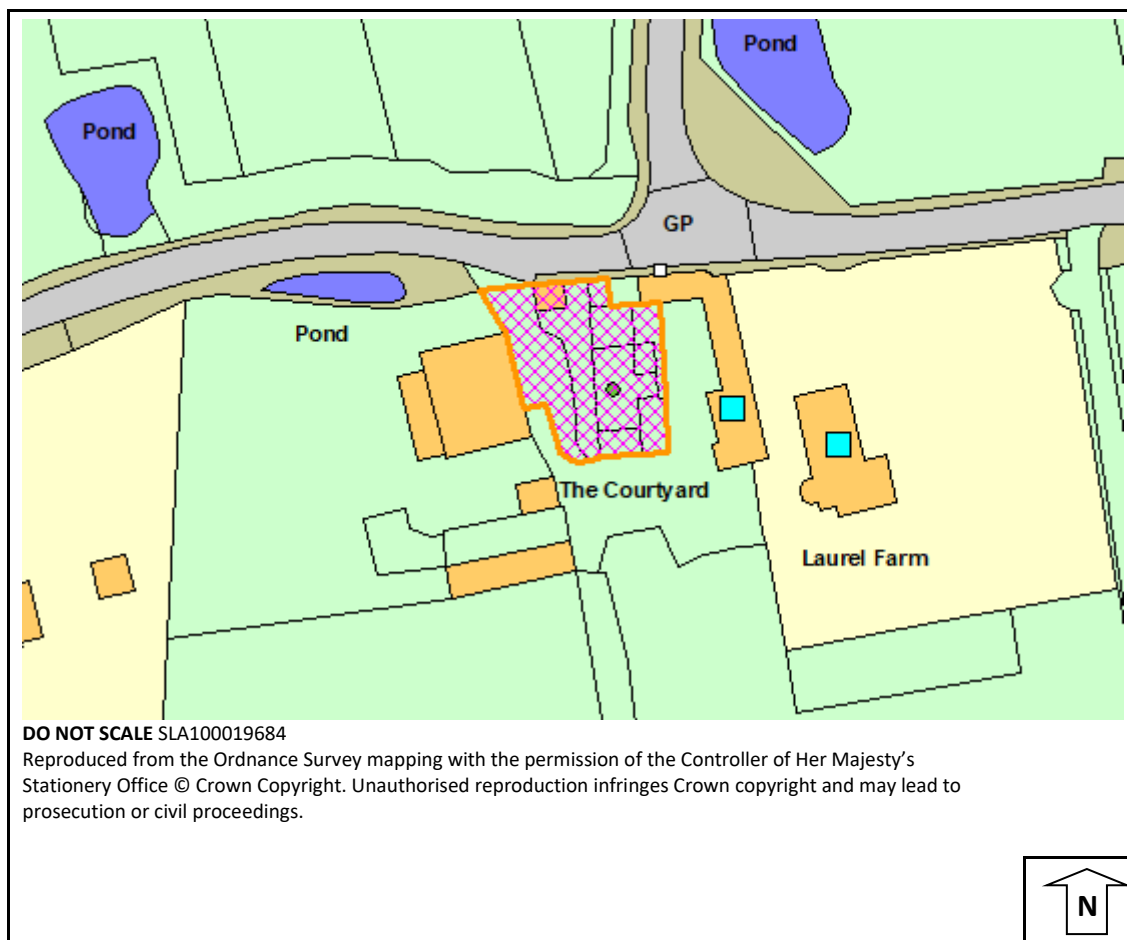
Informatives:

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





Background information

See application reference DC/21/4436/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 14 June 2022

Application no DC/21/5123/FUL

Location

251-253 Church Road
Kessingland
Lowestoft
Suffolk
NR33 7SB

Expiry date 11 January 2022

Application type Full Application

Applicant Mr And Mrs Ricketts

Parish Kessingland

Proposal Change of use to form holiday accommodation

Case Officer Matthew Gee
07901 517856
matthew.gee@eastssuffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the change of use of an outbuilding to the rear of 251-253 Church Road, Kessingland to form 2no. holiday lets. Planning permission was granted for the change of use of these building in addition to the change of use of 253 from a post office to a holiday let. Part of this permission was implemented, and therefore that previous permission is still live and can be implemented. The proposal doesn't seek to make any significant changes to that previous extant permission and as such given the fallback position it is not considered that the proposal would pose any additional impacts on amenity or highway safety. As such the proposal is considered to comply with local and national planning policy, and as such it is recommended that planning permission be granted.
- 1.2. The Parish Council have raised an objection, and therefore due to the contrary officer recommendation the application was referred to the referral panel for consideration. At the referral panel on the 24th May 2022, it was agreed that the application should be referred onto the Development Control Committee for consideration.

2. Site Description

- 2.1. The site is located within the settlement boundary for Kessingland and comprises a pair of semi-detached two storey dwelling with a single and double storey detached outbuildings. The site fronts Church Road to the south, to the east and west are residential properties and to the north are holiday lets.

3. Proposal

- 3.1. Planning permission is sought for the change of use of an outbuilding to the rear of 251-253 Church Road, Kessingland to form 2no. holiday lets.
- 3.2. The application has been amended during the course of the application to remove the proposed change of use of the double storey outbuilding into a holiday let due to concerns on amenity and parking requirements for the site.

4. Consultations / Comments

Third Party Representations

- 4.1. One representation of objection has been received raising the following:
- Overlooking

Parish/Town Council

Consultee	Date consulted	Date reply received
Kessingland Parish Council	24 November 2021	15 December 2021
Summary of comments: The committee discussed this application and felt that there was insufficient parking for the		

number of units in the application. Also, they felt that it was an inappropriate development because due to limited accessibility would cause a bottle neck at the narrow area of the road with parked cars within the 20mph speed limit area. Also, they felt that the application was not in line with the neighbourhood plan and would also add additional pressure on the draining system around Copper Drive.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways	22 November 2021	26 November 2021
Summary of comments: Objection raised on grounds of under provision of on-site parking		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	22 November 2021	26 November 2021
Summary of comments: No objections		

5. Site notices

General Site Notice

Reason for site notice: Change of Use

Date posted: 25 November 2021

Expiry date: 16 December 2021

6. Planning policy

WLP8.15 - New Self Catering Tourist Accommodation (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

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

National Planning Policy Framework 2021

TM1 - Parking Standards for New Residential Development (Kessingland Neighbourhood Plan - 'Made' January 2017)

H2 - Residential Infill and Backland Development (Kessingland Neighbourhood Plan - 'Made' January 2017)

7. Planning Considerations

- 7.1. Planning permission was granted in October 2004, under reference W7219/5 (DC/04/0401/FUL) for the Conversion of Post Office into holiday apartment and two stores into holiday cottages. The applicant has identified that the conversion of the post office at 253 into a holiday let was undertaken and building control records indicate that this was commenced in April 2005, and the property is currently let as a holiday let. Officers are satisfied that the previous permission was implemented and extant. Therefore, the conversion of the outbuildings could be undertaken under that permission, and as such this forms a fallback position on this scheme carrying significant weight in the balance.
- 7.2. The proposal is mainly single storey except for three rooflights which will be positioned at a suitable height to prevent overlooking into neighbouring properties amenity spaces. Currently no.251 is a standard residential property with no restrictions, and no.253 is subdivided into two holiday lets. Given the existing uses on site, and the holiday accommodation to the north of the application site, it is not considered that the proposal would result in a marked increase in background noise in the area, which would adversely impact on the amenity of neighbouring properties. The previous approval includes as part of a condition that the holiday let's not be subdivided from the main residential property to mitigate any potential amenity impacts, and this condition will be incorporated into the standard holiday let condition to ensure amenity impacts are not significant to current occupiers given the close proximity of no.251. Furthermore, as noted previously the scheme is identical to permission W7219/5 (DC/04/0401/FUL) , except for the conversion of the of part of 253 into a holiday let which has already been completed. Therefore, given the fallback position identified above it is not considered that the proposal would result in any additional adverse impacts to the amenity of neighbouring properties.
- 7.3. Policy WLP8.29 does set out that proposals should be respectful of the character and appearance of the surrounding area. The proposed outbuilding to be converted are located at the rear of the site, and limited alterations to the current buildings are proposed, with no new opening proposed except for a single rooflight. It is therefore not considered that the proposal would have any adverse impacts on the character and appearance of the area.
- 7.4. The proposal also includes the creation of a new formalised parking area for 4 vehicles, overall, the site would provide parking for 6 vehicles. SCC Highways have objected to the scheme on the basis of the under provision of parking on the site, and they have calculated the scheme would need to provide parking for at least 8 vehicles on site. However, the proposal would provide a single parking space for each unit, and it is also noted that there is a car park in relatively close proximity of the site, therefore officers consider that the scheme provides sufficient parking for the 2 existing holiday lets and single residential property and the two proposed holiday lets. It is also noted that the parking provision is identical to that of the previously implemented and extant scheme. So, whilst the highways comments are noted, when the extant development could be carried out with the same highways implications, it is considered that the proposal would not result in any additional adverse impacts on highway safety. There would be no highways grounds to refuse permission.
- 7.5. The application also includes the use of the existing double storey smoke house building to be used a cycle and bin storage area on the site.

- 7.6. This development falls within the 13km zone of influence for the Broadlands (RAMSAR), as set out in the emerging Waveney and Suffolk Coast and Estuaries Recreational Disturbance Avoidance and Mitigation Study. It is anticipated that the cumulative impact of increased recreational pressure, as the result of increased housing in this area, will lead to a 'likely significant effect' upon the qualifying features of the designated site identified above. The likely impact as a result of disturbance is a reduction in the number of pairs of Little Terns.
- 7.7. An appropriate assessment has been undertaken, and it is concluded that no site-specific measures for the development of two dwellings within an established residential area are necessary. However, a financial contribution of £321.22 per dwelling to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required to mitigate the in-combination effect of new housing on these European Protected Sites. The appropriate contribution has been made.

8. Conclusion

- 8.1. In conclusion, given the fallback position of the previous approval, it is not considered that the proposal would result in any additional impacts on the amenity of neighbouring properties or on highway safety in the area. The proposal would also provide an economic benefit to the area due to the creation of two additional holiday lets.

9. Recommendation

- 9.1. It is recommended that planning permission be granted subject to conditions.

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - Site Location Plan, 280.21.3A, received 14/04/2022
 - Site Layout Plan, 2870.21.2A, received 14/04/2022
 - Proposed elevations and floor plans, 2870.21.4, received 11/11/2021for 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 dwelling shall not be occupied until the area within the site shown on drawing no. 2870.21.2A for the purposes of loading, unloading, manoeuvring and parking of vehicles and cycle storage has been provided and thereafter the area shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

4. The holiday lets, as shown on drawings 2870.21.4, shall be occupied solely as holiday accommodation and for no other purpose whatsoever including residential use. The unit shall be occupied for no more than 56 consecutive days in any calendar year by the same person or persons. The owner shall maintain, and keep available for inspection at all reasonable times, an up-to-date register of letting's. The Holiday lets, hereby permitted, shall remain within the same ownership as 251 - 253 Church Road, Kessingland in perpetuity, and shall not be subdivided.

Reason: the proposed unit(s) are suitable for holiday accommodation but not suitable for residential use, and subdivision of the site may adversely impact on amenity and highway safety.

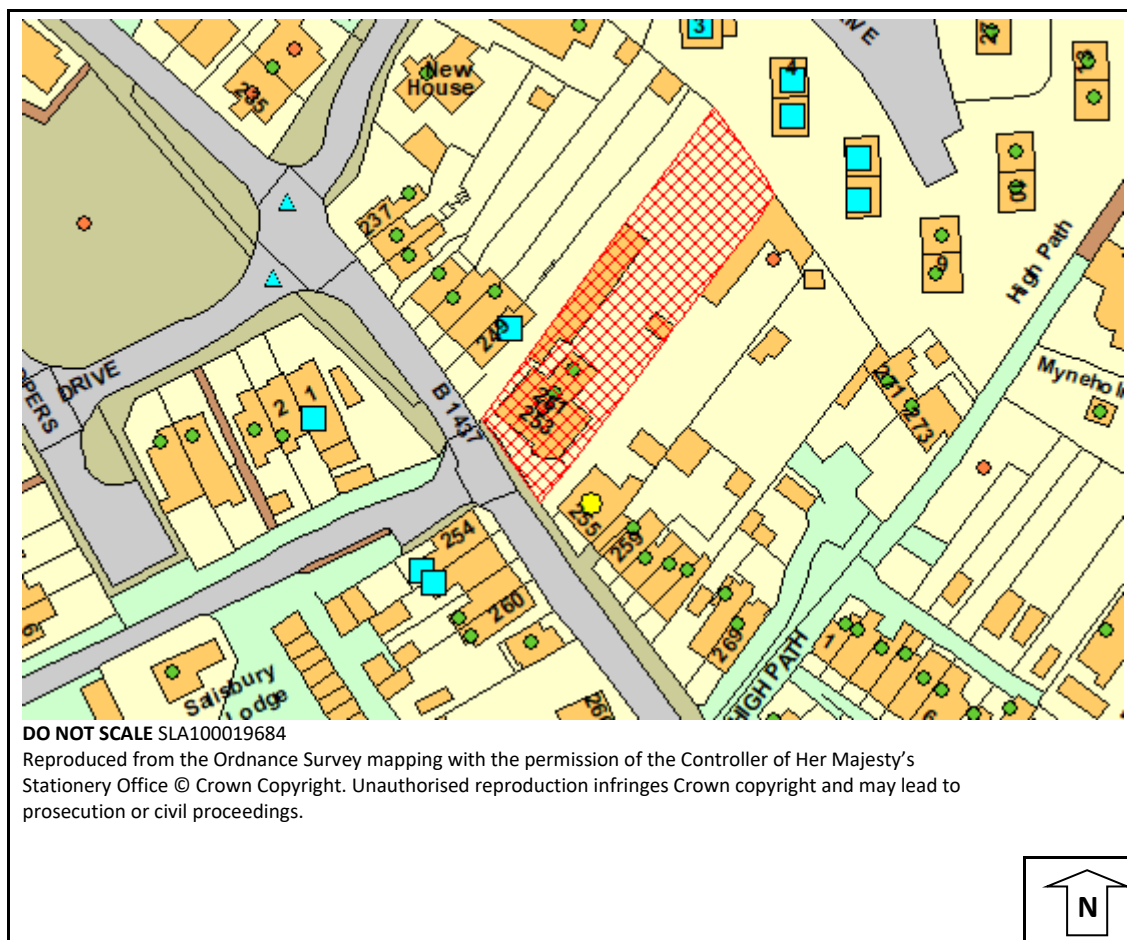
Informatives:

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

Background information

See application reference DC/21/5123/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 14 June 2022

Application no DC/22/0842/FUL

Location

165 Hall Road
Lowestoft
Suffolk
NR32 3NR

Expiry date 8 May 2022

Application type Full Application

Applicant Mr & Mrs Martin

Parish Oulton Broad

Proposal Construction of a detached garage

Case Officer Matthew Gee
07901 517856
matthew.gee@eastsoffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the construction of a detached garage to the rear of 165 Hall Road, Lowestoft. The application has been reduced in height during the course of the application. Following these amendments officers consider that the proposed garage would not result in any adverse impacts on the amenity of neighbouring residents, or on the character and appearance of the site or surrounding area.
- 1.2. Furthermore, the garage is located outside of the Root Protection Areas for the adjacent trees, which are to be retained, and as such it is not considered to have any adverse impact on trees in the area. Therefore, given the potential permitted development fallback position of a similar sized garage in this area, it is considered by officers that the proposal complies with local and national planning policy, and as such it is recommended that planning permission be granted.
- 1.3. The application is referred to planning committee as the applicant is a member of staff for the council.

2. Site Description

- 2.1. The site is located within the settlement boundary for Lowestoft and comprises of a detached single storey dwelling set within a spacious plot extending to the south and west of the dwelling, and dog legging to the east at the very south of the site. The dwelling and site front onto Hall Road to the North, and the application site is bounded by residential development and garden land to the north, east, south and west.

3. Proposal

- 3.1. Planning permission is sought for the construction of a detached garage to the rear of 165 Hall Road, Lowestoft.
- 3.2. The garage would measure 9m wide, 9.5m deep, 2.3m to the eaves, and 4m in height, with a mansard style roof.
- 3.3. The application has been amended during the course of the application to change the initially submitted dual pitched roof to a mansard style roof, to allow for the reduction in height from 6m to 4m.

4. Consultations and comments

Third Party Representations

- 4.1. Representations have been received from 6 neighbouring properties, raising the following concerns:
 - Impact on view and outlook
 - Removal and damage of existing trees
 - Increased noise and activity
 - Why existing garage cannot be extended
 - Out of scale with the area and overdevelopment of the site
 - Loss of light

- Planning Creep
- Loss of privacy and overlooking
- Noncompliance with council planning policies
- Access issues
- Public services installation
- Impact on wildlife
- Increased pollution

Parish/Town Council

Consultee	Date consulted	Date reply received
Oulton Broad Parish Council	30 March 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Oulton Broad Parish Council	15 March 2022	No response
Summary of comments: No comments received		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	7 April 2022	20 April 2022
Summary of comments: No objection to this proposal on tree grounds, with caveat that extreme care is taken especially during the foundation stage.		

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 17 March 2022

Expiry date: 7 April 2022

6. Planning policy

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

National Planning Policy Framework 2021

7. Planning Considerations

- 7.1. Policy WLP8.29 sets out the design considerations that should be given to proposed development, essentially setting out that development should respect the character, design and scale of the site, and the character and appearance of the surrounding area. The proposed garage has been amended to reduce the overall height and is of a relatively simple design albeit with an unusual roof design. The garage will be constructed in black cladding with tiles that match those used in the existing bungalows. Furthermore, the scale of the garage is not considered to represent overdevelopment of the spacious plot, and its views would be largely hidden from the public realm by existing development. It is also noted that an outbuilding of identical footprint and overall height could be constructed under permitted development allowances if it were finished with a dual pitched roof. Therefore, the proposal is not considered to adversely impact on the character and appearance of the site and surrounding area.
- 7.2. Policy WLP8.29 also sets out that proposed development should protect the amenity of the wider environment and neighbouring uses. As previously noted, the garage has been amended from a dual pitch with an overall height of 6m, to a mansard style roof 4m in height. The garage will be set in from the north boundary by 2.5m and from the western boundary by 3m and would be positioned approximately 18m from the rear of the nearest property to the north (no. 167), and approximately 18.5m from no.1 Holden Close to the east, and 16.8m from the rear of no. 3 Holden Close. Given these separation distances and the proposed height of 4m, it is not considered by officers that the proposal would result in any adverse loss of light or overshadowing of neighbouring properties. Furthermore, concerns have been raised regarding loss of view, which is not a material planning consideration, and loss of outlook. Given the separation distance it is not deemed that the proposal would result in any significant impacts on outlook which would adversely impact on the enjoyment of neighbouring dwellinghouses.
- 7.3. Several concerns were raised around the potential use of the garage and the impact that this may have due to increase noise and activity due to its size. It is understood that the design of the roof, which takes it outside of the scope of Permitted Development, is required for storage reasons. However, as previously noted an outbuilding with an identical footprint and up to 4m in height with a dual pitch could be constructed under permitted development allowances. It is understood that the design of the roof, which takes it outside of the scope of Permitted Development, is required for storage reasons. If a garage were to be constructed under permitted development allowances, then it would be required to be used for a purpose incidental to the enjoyment of the dwellinghouse, this could include maintained on vehicles if they were for a personal enjoyment. It is not considered that the outbuilding of this size would result in a marked increase in noise or activity in comparison to the potential permitted development fallback for the use of the outbuilding. However, to ensure that building is used for purposes incidental to the enjoyment of the main dwelling house it is considered necessary to impose a condition stipulating this. In addition, the additional hard surfacing to the rear could be erected under permitted development allowances.
- 7.4. Several concerns have also been raised regarding the impact on several trees which are located to the north and west of the proposed garage. The trees within the site are not-protected but do provide a positive contribution to the character and appearance of the area and are set out to be retained. A plan has been submitted which details that the

proposed garage would not significantly encroach on the root protection areas for the adjacent trees, and therefore the proposed development is not considered to adversely impact on the tree's health or longevity. However, it is unclear on how the foundations will be set out, and therefore an informative is recommended setting out that care should be taken around any roots that may be identified with the foundation area.

8. Conclusion

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

9. Recommendation

- 9.1. It is recommended that planning permission be granted subject to conditions.

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Location Plan (2918.22.2A), Proposed plans (2918.22.1C) received 02/03/2022 _ 22/04/2022, 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.

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. The building hereby approved shall be used only for purposes incidental to the enjoyment of the main dwelling house and shall not be used for any business, commercial or industrial purposes whatsoever or as independent residential living accommodation.

Reason: In the interests of the amenity of the area.

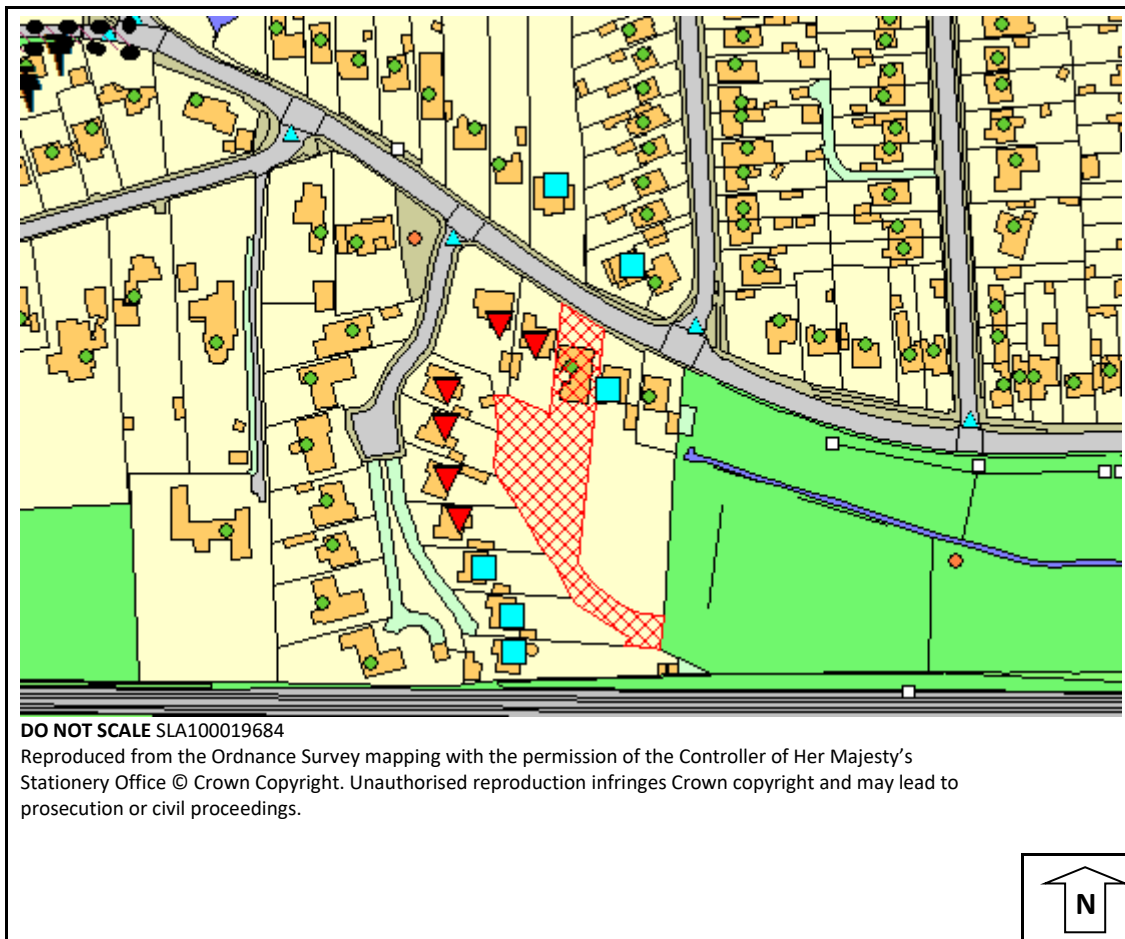
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. Care shall be taking whilst laying the foundations as to avoid impact on roots of adjacent trees. If tree roots are identified during the digging of any foundations, it is recommended that the roots are either lined with polythene to prevent concrete damaging tree roots, or if suitable and the roots are smaller enough then removal of the root. This is to prevent any damage to the roots from laying of the foundation which could impact on the health of the tree.

Background information

See application reference DC/22/0842/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North – 14 June 2022

Proposed Diversion of Lowestoft Public Footpath No 52

Highways Act 1980 Section 119

Planning Officer

Joe Blackmore

07887 454208

Joe.Blackmore@eastsoffolk.gov.uk

1. Summary/Purpose of the Report

- 1.1 To seek authority to make an order to divert Lowestoft Public Footpath No 52 under the provisions of Section 119 of the Highways Act 1980 as shown on the map at Appendix A.

2. Background

- 2.1 East Suffolk Council is proposing to divert Lowestoft Public Footpath No 52 in the interests of the owner of the land crossed by the footpath and of the public. The footpath crosses the site of a regeneration project known as The Ness. The proposal is shown on the map at Appendix A.
- 2.2 The existing definitive (legally recorded) route of the footpath is not currently available. It is obstructed by an earth bund and a fence close to its western end and a fence at its eastern end, all put in place as part of the recent site regeneration works. It is proposed to divert the existing footpath to a new route which has been constructed a short distance to the north of the existing footpath.
- 2.3 The proposal has been brought to the committee for a decision on whether a public path diversion order should be made because the land crossed by both the existing and the proposed footpath was until recently in the ownership of East Suffolk Council.

3. Legislation

- 3.1 Before making an order under section 119 of the Highways Act 1980 ("the Act") an authority must be satisfied that:

- i. it is expedient to divert the footpath in the interests either of the public or of the owner, occupier or lessee of the land: and
 - ii. the diversion order does not alter any point of termination of the path, other than to another point on the same path, or another highway connected with it, and which is substantially as convenient to the public. Nor can the termination point be diverted where this is not on a highway (i.e. a cul de sac)
- 3.2 Before confirming an order an authority must be satisfied that:
- i. the diversion is expedient in the interests of the person(s) stated within the order;
 - ii. the path will not be substantially less convenient to the public as a consequence of the diversion; and
 - iii. it is expedient to confirm the order having regard to the effect it will have on public enjoyment of the path as a whole and on land crossed by the existing path or to be crossed by the new one, taking account of the provisions for compensation.
- 3.3 Section 29 of the Act requires that in exercising its functions under Section 119 of the Act an authority must have due regard to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features. The term 'agriculture' includes the breeding or keeping of horses.
- 3.4 Section 119(6A) of the Act requires that regard must be had to any material provisions of Suffolk County Council's Rights of Way Improvement Plan 2020-2030 (Suffolk Green Access Strategy).
- 3.5 It is appropriate for an authority to consider whether the tests for confirmation can be met when deciding whether to make an order.
- 3.6 An order must satisfy all the legal tests if it is to be confirmed. It is not sufficient for an order to satisfy some of the tests and not others.
- 3.7 The intention of the legislation is to balance the private interests of the owners of land with the public interest.

4. Consideration of the tests

4.1 Expediency in the interests of the owner of the land and of the public

Footpath No 52 crosses the site of a regeneration project known as The Ness. Ownership of the land was recently transferred from East Suffolk Council to Lowestoft Town Council. The site contains drying racks which were once used by the fishing industry for the fishing nets in the heyday of the herring trade. There is soil contamination on the site inherent with its history of use over the last two hundred years.

In accordance with the CLEA (Contaminated Land Exposure Assessment) model, appropriate remediation is necessary in this area to prevent any excessive disturbance of the ground to safeguard the public from over exposure to the soil, which has been determined to exceed the permissible levels of contaminants acceptable under the CLEA model. For this reason, the drying rack area has been fenced off to reduce the risk of ground disturbance and over exposure to the soil in that area. Until recently it was hoped that fencing could be avoided, but further specific testing in these areas confirmed that this was not possible.

Significant investment has been made to ensure that the remediation works conducted on the site ensure that the park is fit for purpose in terms of its future intended use. The main objective of the project is to encourage the public to visit and enjoy the site much more than in the past and this proposed increase in use has dictated the remediation work.

The fencing surrounding the drying rack area and the earth bund constitute obstructions to the existing footpath. Suffolk County Council could seek to remedy this by requesting that the obstructions are removed and taking action against the owner of the land if they do not do so. Therefore, it is in the interests of the owner of the land that the footpath is diverted.

It is in the public's interest to divert the footpath to ensure that walkers do not come into direct contact with the contaminated area.

4.2 Termination points and convenience of the public

The proposed eastern termination point of the footpath is approximately 13 metres to the north of the existing termination point and will link to Lowestoft Public Footpath No 51. The proposed western termination of the footpath is approximately 28 metres to the north of the existing termination point and will link to the public highway (Whapload Road). Both the proposed termination points are considered to be substantially as convenient as the existing termination points.

Paragraph 2.2 above refers to obstructions on the existing route. In considering whether a right of way will be substantially less convenient to the public, advice from the Planning Inspectorate states that any temporary circumstances preventing or diminishing the use of the footpath should be disregarded. The convenience of the existing route is to be assessed as if the way were unobstructed and maintained to a standard suitable for those users who have the right to use it (Circular 1/09 and Rights of Way Advice Note 9).

The existing footpath has a legally recorded width of 1.5 metres. The proposed footpath will be 3.5 metres wide apart from close to its western end where it narrows to 3.35 metres passing adjacent to two cycle racks and where there are two lockable bollards reducing the available width in the centre of the footpath to 0.9 metres and with a width of 1.1 metres passing to each side of the bollards.

The proposed route runs almost parallel to the existing route. It is wider but similar in length. It is direct and easy to follow, with a surface which is part tarmac and part concrete. The surface is suitable for use in all weathers. Some users, such as those with pushchairs or using wheelchairs or mobility scooters, may find the route more convenient than the existing route.

4.3 Effect on public enjoyment of the path as a whole

There will be no adverse effect on public enjoyment of the footpath. For those users who find the tarmac and concrete surface easier to use their experience of the footpath may be more enjoyable. The increased width will be an improvement for those people walking in groups. The views from the existing route and the proposed route are comparable.

4.4 Effect on other land served by the existing public right of way and the effect the new public right of way would have as respects the land over which the right is so created, and other land held with it

There will be no adverse effect on other land served by the existing right of way. The diversion will have the effect of precluding use of the land over which the right of way is created for any purpose which is incompatible with the existence of the public footpath. Lowestoft Town Council has raised no objection to this.

4.5 Duty to have regard to any material provision of Suffolk County Council's Rights of Way Improvement Plan 2020-2030.

The proposal is not contrary to any of the provisions of Suffolk County Council's Rights of Way Improvement Plan 2020-2030 (Suffolk Green Access Strategy).

4.6 Duty to have regard to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiological feature

The area crossed by the existing footpath is a haven for wildlife, unique flora and fauna, and landscapes enriched with history over many decades and due to its ecological value is considered to be in need of conservation. Intense human activity and pedestrian movements in these areas is likely to be detrimental to its preservation. The fencing surrounding the drying rack area will provide the necessary protection.

Suffolk Wildlife Trust was consulted and informed the design and environment protection and management aspects of The Ness. The Trust has been consulted on the diversion proposal and has made no comments.

There are no adverse effects on agriculture and forestry.

5. Consultations

5.1 Informal consultations have been carried out in accordance with best practice guidance. Lowestoft Town Council is the owner of the land. The Town Council has been consulted on the diversion proposal and has raised no objections.

5.2 Councillor Craig has no objections to the proposal, Councillor Patience is in support. Councillor Gandy approves the diversion of the public footpath and thoroughly approves of the improvements made to protect the drying racks and fully appreciates any steps to ensure the protection of the drying racks.

5.3 The Waveney Ramblers are in support of the proposal. The statutory undertakers have no objections. The Auto-Cycle Union Ltd, the British Horse Society, the Byways and Bridleways Trust and the Open Spaces Society did not reply.

5.4 Suffolk County Council supports the proposal.

6. Determination of opposed orders

6.1 If an objection is received to an order, which is not withdrawn, the Council has no powers to determine the objection or to confirm the order. The Council can decide not to proceed with

the order, or it must be referred to the Secretary of State for the Environment, Food and Rural Affairs (SoS) for determination, where an Inspector will normally be appointed to determine it. The SoS has powers to either refuse confirmation of an order, to modify an order or to confirm the order as submitted by the Council. Before doing so he or she is required to hold either a local public inquiry or a public hearing or to consider written representations made by the affected parties.

7. Costs

- 7.1 East Suffolk Council is paying all the costs associated with this proposal.
- 7.2 If a legal order is made and it is opposed, and the Council decides to send it to the Secretary of State for determination, the costs for determination will vary depending on how the order is determined (see paragraph 6 above) but could range from £1000 up to £5000 approximately.

8. Conclusion

- 8.1 The purpose of a public path order is to allow changes to be made to the rights of way network to suit evolving needs and to ensure that, in making those changes, any opposing interests are not disproportionately affected. In this case it is considered that the proposal is in the interests of the owner of the land and of the public and that the tests for an order under section 119 of the Highways Act 1980 can be met.

9. Recommendation

- 1. that Councillors authorise the making of a public path order under s119 of the Highways Act 1980 in the interests of the owners of the land and of the public to divert Lowestoft Public Footpath No 52.
- 2. that subject to no objections being received within the statutory notice period the Order be confirmed.

Map (Appendix A)

