



Planning Committee North

Members are invited to a **Meeting of the Planning Committee North** to be held in the Conference Room, Riverside, Lowestoft on **Tuesday, 13 June 2023 at 2:00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://www.youtube.com/watch?v=LxNeyCgcqnQ>

Members:

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

An Agenda is set out below.

Part One – Open to the Public

Pages

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence and Substitutions | |
| 2 | Declarations of Interest
Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered. | |
| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Minutes
To confirm as a correct record the Minutes of the Meeting held on 11 April 2023. | 1 - 19 |
| 5 | East Suffolk Enforcement Action - Case Update ES/1556
Report of the Head of Planning and Coastal Management | 20 - 37 |
| 6 | DC/21/3687/FUL - The Ship Inn, St James Street, Dunwich, IP17 3DT ES/1557
Report of the Head of Planning and Coastal Management | 38 - 51 |
| 7 | DC/22/4533/FUL - Land Adjacent to Newcombe House, Newcombe Road, Lowestoft, NR32 1XA ES/1558
Report of the Head of Planning and Coastal Management | 52 - 68 |

There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

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Speaking at Planning Committee Meetings

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

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

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

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

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

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

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 11 April 2023 at 2.00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Jenny Ceresa, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor Craig Rivett

Other Members present:

Councillor Tony Goldson

Officers present: Daniel Bailes (Trainee Planner), Ben Bix (Democratic Services Officer), Charlie Bixby (Planner), Matthew Gee (Planner), Mia Glass (Enforcement Planner), Matt Makin (Democratic Services Officer (Regulatory)), Steve Milligan (Senior Planner), Ben Woolnough (Planning Manager - Development Management, Major Sites and Infrastructure), Nicola Wotton (Deputy Democratic Services Manager), Karolien Yperman (Design and Conservation Officer)

Announcement

The Chairman varied the order of business to allow agenda item 10 (Admiral House, Walberswick) to be considered as the first substantive item, due to the registration of a public speaker.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Brooks, Cooper and Coulam. Councillor Goldson was in attendance as substitute for Councillor Cooper.

2 Declarations of Interest

- Councillor Gee declared an Other Registerable Interest in agenda item 7 as a Parish Councillor for Oulton Broad. Councillor Ashdown declared a Non Registerable Interest in the same agenda item as his spouse was an Oulton Broad Parish Councillor.
- Councillor Ceresa declared an Other Registerable Interest in agenda item 8 as Suffolk County Councillor for the division in which the application had been made.
- Councillor Goldson declared an Other Registerable Interest in agenda item 7 as Chair of Halesworth Campus, and a Non-Registerable Interest as Ward Member.
- Councillor Rivett declared an Other Registerable Interest in agenda Item 11 as a Cabinet Member.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Ashdown, Ceresa, Coulam, Gee, Pitchers, Plummer and Rivett declared that they had been lobbied by Ward Councillors on agenda item 8 by email, and had not responded.

4 Minutes

On the proposition of Councillor Ceresa, seconded by Councillor Plummer, it was by a unanimous vote

RESOLVED

That the minutes of the meeting held on 14 March 2023 be confirmed as a correct record and signed by the Chairman.

5 2022 Quality of Place Awards

The Committee received a presentation from the Design and Conservation Officer on the 2022 Quality of Place Awards, which had been held on 8 March 2023. The Committee was advised that this was the first awards ceremony to take place in person for two years and the judging process was explained. There had been no winner in the Building Conservation category in 2022 but the judges had been pleased to see several high-quality submissions for all the other categories, including the new Community category.

The Design and Conservation Officer outlined the winning and highly commended schemes accordingly:

Community Category

- Winner - Aldringham and Thorpeness Heritage Centre
- Highly Commended - The Old Hospital, Southwold
- Highly Commended - Carlton Marshes Visitor Centre

Nature and Landscape Category

- Winner - Garden at Willow Barn, Grundisburgh

Design Category

- Joint Winner - Martello Café, Felixstowe
- Joint Winner - Heath House, Thorpeness
- Highly commended - Eastern Edge Beach Huts, Lowestoft
- Highly commended - Laureate Fields, Felixstowe

The Chairman thanked the Design and Conservation Officer for the presentation on behalf of the Committee.

6 East Suffolk Enforcement Action - Case Update

The Committee considered report **ES/1521** of the Head of Planning and Coastal Management, which was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 27 March 2023. At that time there were 18 such cases.

The Enforcement Planner advised the Committee that since the publication of the report, the court hearing relating to Land West of Guildhall Lane, Wrentham had been held which the defendant had not attended, therefore a warrant had been issued. In response to the Chairman, the Enforcement Planner explained that the court process would continue. Councillor Gee was concerned that the Pine Lodge Caravan Park case had been ongoing since 2008 and sought clarification of its status. Officers responded that subsequent to the suspended sentence served on the Owner in 2019, the case was now with the Council's legal team for assessment and that Charging Orders had been placed on the land to recover costs.

There being no further questions, upon the proposition of Councillor Pitchers, seconded by Councillor Goldson, it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 27 March 2023 be noted.

7 DC/22/4246/FUL - Admiral House, The Street, Walberswick, Southwold, IP18 6UE

The Committee considered report **ES/1524** which related to planning application DC/22/4246/FUL and sought permission for an outdoor swimming pool and associated hardstanding together with retrospective permission for fencing along the front boundary of the site. The application was referred to the Committee by the Referral Panel as the Objection from the Parish Council was contrary to the Officer's recommendation of approval. An update sheet had been published and circulated on 10 April 2023 which provided revised wording for condition 7.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location and block plan together with contemporary photographs of the site, including the extant boundary fence were displayed. A computer-generated plan of the site was shown along with a plan and section plan of the proposed pool which would be located ahead of the main dwellinghouse in the area of the front garden. The Planner then displayed illustrations of the proposed elevations.

The material planning considerations and key issues were:

- Visual Impact
- Residential Amenity Impact/Noise
- Conservation Area Impact

The Chairman invited questions to Officers. In response to Cllrs Ceresa and Pitchers, the Planner clarified that the plant room for the pool would have lighting, and that the dimensions of the proposed pool were 10m x 4m.

There being no further questions to Officers, the Chairman invited the Applicant's agent, Mr Martin Price to address the Committee. Mr Price surmised that there were three areas of objection; firstly, that there would be increased noise pollution, secondly, that the swimming pool was not sustainable due to heating costs and thirdly, that the willow fence was detrimental to the character and appearance of the conservation area.

Mr Price contended that the fence had been in situ for several years and the character of the conservation area was derived from the mix of dwelling types and construction materials, the informality of plot layouts, and the variety of boundary treatments that were visible. Acknowledging that the fence occupied an elevated position approximately 1.2 meters above street level, Mr Price urged the Committee to note that it was set back behind a sloping highway verge and that copper beech hedging had been planted in front of the fence which together with weathering would soften its visual appearance. Other examples of such screen fencing could be found in The Street at 'Eastwood' and at the junction with Palmer's Lane. Mr Price continued that the application demonstrated the preservation of the character and appearance of the conservation area and was therefore policy compliant. Turning to the swimming pool, Mr Price emphasised that there were other swimming pools in Walberswick and the proposal before Members was for a pool for a family home which occupied one of the largest plots on The Street.

Mr Price stated that the Objectors concerns about noise nuisance were not shared by the Council's Environmental Protection Team and contextualised that the noise would be no greater than the noise generated by a garden tennis court or children playing in a garden. The elevated position of the pool had been accounted for with proposed conditions associated with plant and equipment. The pool would not be visible from public vantage points, would not be lit at night, and would not therefore impact on the visual character of the conservation area or AONB. Mr Price surmised that the proposal would cause no demonstrable harm.

The Chairman invited questions to Mr Price. In response to Councillor Ceresa, Mr Price confirmed that if necessary, appropriate acoustic insulation would be sourced to mitigate any noise from the pool filtration pump, details of which would be confirmed pursuant to the noise assessment(s) required by Condition 5. Mr Price further clarified in response to Councillors Goldson and Plummer that the applicant would be likely to install an air source heat pump for the pool, and would wish the hardstanding to be of an environmentally friendly design and construction.

There being no further questions, Members debated the proposal. The Chairman expressed his contentment that the property was and would remain a family home. There being no further debate; upon the proposition of Councillor Pitchers, seconded by Councillor Goldson the Chairman moved to the vote whereupon it was unanimously

RESOLVED

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with 6407-1 & 6407-2 received 25/1/2023, 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.

2. 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

3. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2021).

4. The pool shall not come into use, until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with

Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2021).

5. Prior to the installations of any fixed plant or machinery (e.g. air source heat pumps and water pumps) a noise assessment must be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Only the approved details shall be implemented.

Reason: To protect the amenities of the occupiers of nearby dwellings.

6. Prior to any works commencing in the 'proposed low level store for pool filter etc' full details of its height, width, depth and external appearance including materials and finishes, shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented in their entirety prior any plant within the structure being first used, and it shall be retained and maintained in its approved form.

Reason: The application did not include the necessarily details for consideration, and they are required in the interests of residential amenity, visual amenity and safeguarding the Conservation Area.

7. In respect of the new swimming pool, associated hardstanding, and the associated plant room: no external lighting shall be installed without the prior submission and approval of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels). Thereafter only the approved lighting scheme shall be installed and maintained in that form.

Note: this condition does not affect the existing dwellinghouse and wider site.

Reason: In the interests of amenity, and protection of the character and appearance of the area."

8 DC/22/3156/ARM - Town Farm, Loam Pit Lane, Halesworth, IP19 8EZ

The Committee considered report **ES/1526** which related to planning application DC/22/3156/ARM. The application sought Approval of Reserved Matters for a residential development of up to 190 dwellings, together with associated access, landscaping, open space and drainage infrastructure pursuant to Outline Planning Permission DC/18/4947/OUT which had been granted in October 2019.

The Committee received a presentation from the Planning Manager, who was representing the case officer for the application. The Planning Manager explained that the site formed part of the Halesworth/Holton Healthy Neighbourhood allocation in accordance with Policy WLP4.1. The application sought reserved matters approval for 188 dwellings. The site location was outlined together with illustrations of the indicative masterplan, the wider campus development, and the public rights of way

network. The proposed layout of 188 homes along with photographs of the proposed point of access, the surrounding roads and footpaths, and views of the extant buildings which would be demolished on the site were shown. Illustrations of the dwelling types and heights were displayed, along with the site phasing plan. Street scene visualisations were displayed together with proposed elevations and computer-generated images of the proposed dwelling frontages. The Planning Manager emphasised that the proposal included 30% affordable housing which was policy compliant at the time that outline permission was granted. Attention was also drawn to the significant CIL funded infrastructure improvements that had manifested as part of the Halesworth/ Holton Health Neighbourhood, including the expansion of Bungay High School and the Edgar Sewter Primary School.

The Planning Manager surmised that the principle of residential development on the site was established, and the reserved matters were considered to be acceptable and in accordance with policies in the Local Plan. Sufficient detail had been provided to enable the discharge of conditions. The application was recommended for approval subject to outstanding matters relating to highways, surface water drainage and contaminated land being resolved and was subject to conditions relating to:

- Approved plans
- Highway details approval
- Surface water drainage details approval
- Contaminated Land details approval
- Ecological enhancement measures

The material planning considerations and key issues were:

- Principle of Development
- Highway Considerations
- Housing Mix / Affordable Housing
- Self-Build & Custom Build Housing
- Layout, Scale and Appearance
- Landscape and Visual Impact
- Flood Risk
- Ecology
- Heritage Considerations
- Contaminated Land
- Public Benefits

In response to questions from Councillors Goldson and Rivett the Planning Manager explained that the 'trim trail' identified as part of the wider Halesworth Campus development would be forthcoming. The maintenance of the footpaths around the site would be handed over by the developer to a resident led management company, and maintenance of the Public Right of Way would be the responsibility of Suffolk County Council. Highways had not raised a concern about the suitability of the cycle path junction onto Bungay Road but the Planning Manager had met with the developer and had been assured that the cycle path would end with suitable stop markings, rather than blending onto the road. Landscaping would also improve the visibility of that junction for cyclists and motorists. The attenuation basin would be constructed in accordance with Anglian Water specifications, and would be maintained either by

Anglian Water or a management company. It was emphasised that the development would likely commence after the introduction of new building regulations in June 2023 and would therefore be subject to compliance with superior carbon emission reduction requirements and greater energy efficiency measures, which may include solar installations.

Councillor Pitchers queried the refuse bin presentation arrangements, and whether secure cycle storage would be provided. The Planning Manager explained that the proposal was consistent with refuse bin presentation arrangements for a development of its scale elsewhere. Occupiers of the bungalows to the south of the site would present their refuse bins at the T junction to the north of the bungalows. The Planning Manager was therefore satisfied that the arrangements for refuse presentation and collection was safe and suitable. Furthermore, it was stated that cycle storage arrangements had been secured with the outline permission.

There being no public speakers on the item, the Chairman invited Members to debate the proposal. Councillor Goldson expressed his satisfaction with the proposal and the wider benefits of the Halesworth / Holton Healthy Neighbourhood development, and proposed approval of the application. Councillor Pitchers concurred and seconded the proposal. A vote was taken, and it was unanimously

RESOLVED

That the application be **APPROVED** subject to the outstanding matters referred to in paragraph 7.5 of the officer's report being resolved and subject to the following conditions:

1. The development hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

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

CONDITION 2:

237-20-0200 P8 Master Plan, 237-20-0301 P23 Accommodation Plan, 237-20-0351 P2 Open Space Plan, Soft Landscape Proposals - 21-234-SK01 Masterplan Rev C, Arboricultural Impact Assessment Issue A, 21-234-01 Rev C, 21-234-02 Rev C, 21-234-03 Rev C, 21-234-04 Rev C, 21-234-05 Rev C, 21-234-06 Rev B, 21-234-07 Rev B, 21-234-08 Rev B, 21-234-09 Rev B, 21-234-10 Rev B, 21-234-11 Rev B, 21-234-12 Rev B and HAR-SCH01 Rev A External finishes schedule received 16 January 2023.

Design and Access Statement, 237-20-0150 P1 Site Location Plan, 237-20-0210 P7 Character Plan, 237-20-0353 P1 Vehicular Network Plan, 237-20-0354 P2 Pedestrian Network Plan, 237-20-0355 P2 Storey Heights Plan, 237-20-0356 P2 Dwelling Size Plan,

237-20-0357 P2 Phasing Plan, 237-20-0358 P2 Refuse and Bin Storage Plan, 237-20-0359 P2 Parking and Cycle Storage Strategy Plan, 237-20-0600 P5 Materials Plan, 237-20-6300 P3, 237-20-6301 P2, 237-20-6303 P3, 237-20-6304 P1, 237-20-6305 P1 - Starston Semi Detached House; 237-20-6302 P2 - Starston Terraced House, 237-20-6310 P2, 237-20-6311 P2 - Benacre Semi Detached Bungalow, 237-20-6320 P2, 237-20-6321 P2 - Hales Semi Detached House, 237-20-6330 P3, 237-20-6331 P3, 237-20-6332 P3 - Wangford Detached Bungalow, 237-20-6340 P2 - Haddiscoe Semi Detached House, 237-20-6350 P2 - Hulver Detached House, 237-20-6351 P2, 237-20-6352 P2 - Hulver Semi Detached House, 237-20-6360 P2, 237-20-6361P3 - Thurlton Detached House, 237-20-6370 P2, 237-20-6371 P2 Mettingham Detached House, 237-20-6380 P2, 237-20-6381 P3 - Ellingham Detached House, 237-20-6390 P3, 237-20-6391 P3, 237-20-6392 P1 - Redgrave Detached House, 237-20-6400 P2, 237-20-6401 P3 - Yoxford Detached House, 237-20-6410 P3, 237-20-6411 P2 - Glemham Detached House, 237-20-6421 P3 - Thorpe Detached House, 237-20-6431 P2 - Wrentham Detached House, 237-20-6441 P3 - Blythburgh Detached House, 237-20-6460 P3 - Affordable 2BB Terraced Bungalow, 237-20-6470 P3 - Affordable 2BH Terraced House, 237-20-6480 P3 - SO 2BH Semi Detached House, 237-20-6482 P3 - SO 2BH Terraced House, 237-20-6483 P3 - SO 2BH Terrace of 4, 237-20-6490 P3, 237-20-6491 P4 - 3B SO Semi Detached House, 237-20-6492 P3 - 3B SO Terraced House and 237-20-6500 P4 - 2B and 3B SO Terraced House received 8 August 2022.

237-20-6700 P14 Flat Block 20-27 and 237-20-6705 P2 Flat Block 28-35 received 16 March 2023.

CONDITIONS 5, 6, 7 23 and 24:

201485_C-100_P02 General arrangement and external works sheet 1,
 201485_C-101_P02 General arrangement and external works sheet 2,
 201485_C-102_P02 General arrangement and external works sheet 3,
 201485_C-103_P03 General arrangement and external works sheet 4,
 201485_C-104_P02 General arrangement and external works sheet 5,
 201485_C-105_P02 General arrangement and external works sheet 6,
 201485_C-106_P03 General arrangement and external works sheet 7,
 201485_C-107_P02 General arrangement and external works sheet 8,
 201485_C-108_P03 General arrangement and external works sheet 9,
 201485_C-120_P03 General arrangement & external works s38 agreement plan sheet 1,
 201485_C-121_P03 General arrangement & external works s38 agreement plan sheet 2,
 201485_C-125_P02 General arrangement & external works S278 agreement plan,
 201485_C-126_P02 General arrangement & external works S278 land dedication plan,
 201485_C-130_P02 General arrangement & external works S104 agreement plan sheet 1,
 201485_C-131_P03 General arrangement & external works S104 agreement plan sheet 2,
 201485_C-132_P03 General arrangement & external works S104 agreement key plan,
 201485_C-135_P03 General arrangement & external works impermeable area plan,
 201485_C-140_P01 Off-site works to Loam Pit Lane,
 201485_C-200_P01 Road and sewer setting out sheet 1,
 201485_C-201_P01 Road and sewer setting out sheet 2,
 201485_C-202_P01 Road and sewer setting out sheet 3,
 201485_C-203_P01 Road and sewer setting out sheet 4,

201485_C-204_P01 Road and sewer setting out sheet 5,
201485_C-205_P01 Road and sewer setting out sheet 6,
201485_C-206_P01 Adoptable manhole schedules sheet 1,
201485_C-207_P01 Adoptable manhole schedules sheet 2,
201485_C-208_P01 Adoptable manhole schedules sheet 3,
201485_C-209_P01 Adoptable manhole schedules sheet 4,
201485_C-210_P01 Road and sewer long sections sheet 1,
201485_C-211_P01 Road and sewer long sections sheet 2,
201485_C-212_P01 Road and sewer long sections sheet 3,
201485_C-213_P01 Road and sewer long sections sheet 4,
201485_C-214_P01 Road and sewer long sections sheet 5,
201485_C-215_P01 Road and sewer long sections sheet 6,
201485_C-216_P01 Road and sewer long sections sheet 7,
201485_C-217_P01 Road and sewer long sections sheet 8,
201485_C-300_P01 Anglian Water Construction details sheet 1,
201485_C-301_P01 Anglian Water Construction details sheet 2,
201485_C-302_P01 Anglian Water Construction details sheet 3,
201485_C-400_P01 Suffolk Highway Construction Details S38 Works sheet 1,
201485_C-401_P01 Suffolk Highway Construction Details S38 Works sheet 2,
201485_C-402_P01 Suffolk Highway Construction Details S38 Works sheet 3,
201485_C-502_P02 Private construction details sheet 3,
201485_C-503_P01 Private construction details sheet 4,
201485_C-605_P01 Autotrack Swept Path,
Preliminary SuDS Management and Maintenance Plan
received 8 August 2022 and 16 January 2023.

CONDITION 10:
237-20-0359 Rev P2 received 8 August 2022.

CONDITION 15:
HAR-DOC-01 Rev B Harrisons Lane Construction Management Plan, received 16 January 2023.

CONDITION 16 and 17:
Create Consulting Engineers Phase 1 Contaminated Land Assessment Volume 1 of 2
and Volume 2 of 2;
Ground Investigation (ASL Report No. 450-18-087-10 August 2019)
Supplementary Ground Investigation (ASL Report No. 450-18-087-06 January 2020)
Geo-Environmental and Geotechnical Site Investigation Report (Brown2Green Ref.
2954/Rpt 1v1 January 2022)

received 8 August 2022

CONDITIONS 21 and 22
Written Scheme of Investigation for an archaeological trial trench evaluation (MOLA
2019), received 8 August 2022 and Archaeological trial trench evaluation (MOLA Report
19/99, HWT 053), received 18 January 2023.

CONDITION 23:

Awaiting confirmation from LLFA

CONDITION 24:

SuDs Management and Maintenance Plan Rev 01 December 2022 received 16 January 2023.

CONDITION 26:

Awaiting confirmation from LLFA

CONDITION 27:

237-20-0313 P2 Sustainable Technology Plan received 16 January 2023.

CONDITION 28:

Homeowners Walking Routes Leaflet received 21 March 2023.

CONDITION 29:

Construction Environmental Management Plan (CEMP) for Biodiversity (JBA, July 2022) received 16 January 2023.

CONDITION 30:

Landscape and Ecological Management and Maintenance Plan (JBA 21/234-LEMP1 Rev A, December 2022) received 21 March 2023.

CONDITION 31:

Drawing Number NS/HARR/302504 received 8 September 2022.

CONDITION 32:

Design and Access Statement Appendix C received 8 August 2022.

CONDITION 33:

Sustainability Statement (Eden SAP Services 23 April 2022) received 8 August 2022.

CONDITION 34

Self-Build Design Code and Marketing Strategy Rev P3 received 14 March 2023.

3. Ecological enhancement measures will be delivered and retained in accordance with the Ecological Enhancement Strategy (JBA 21/234 November 2022) received 21 March 2023.

Reason: To ensure the development delivers ecological enhancements.

9 DC/22/4341/FUL - 25 Cotmer Road, Lowestoft, NR33 9PN

The Committee considered report **ES/1552** which related to planning application DC/22/4341. The application sought permission for the sub-division of gardens to create two plots and the construction of two detached bungalows and garages. The application had been referred to the Committee by the Chairman.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, and

photographs of Cotmer Road and the proposed site were shown. The Committee viewed the existing and proposed block plans, together with illustrations setting out the access details, elevations and floor plans.

The material planning considerations and key issues were summarised as:

- Principle
- Design and Layout
- Residential Amenity
- Highways
- Other Matters

The Chairman invited questions to Officers. Councillor Goldson asked what the distance would be between the proposal and the neighbouring dwellings at nos. 25 and 27. The Planner explained the distance between the proposal and the dwelling at no. 25 was 1.5m and there was 2m between no. 27 and the proposal. The Planner restated that vehicular movements were not objectionable and clarified in response to Councillor Gee that the proposed dwellings would be accessed using a new single lane access track from Cotmer Road running between nos. 25 and 27. Councillor Ceresa queried the number of bedrooms at the donor property and whether there would be sufficient parking. It was clarified that the donor property had 4 bedrooms, and enough parking space for two cars, which was one fewer than the 3 spaces that would fully satisfy parking standards. The Planner advised that there had been no Highways objection and that there was deemed to be sufficient visitor parking in the area.

In response to a question from the Chairman, the Planner confirmed that he had visited the site and was content that the proposed dwelling would sit further back into the site in comparison to no.25, and as such the impact on light through the side windows of no.25 would be minimised, furthermore, a degree of loss of light would already occur to the side windows due to the close proximity of the fence. There would not be a significant impact on light to the side windows of no. 25, and there would be no significant impact on light through its rear windows. A condition would be in place to a remove permitted development rights for first floor alterations.

There being no public speakers, the Chairman invited Members to debate the proposal. Councillor Ceresa was concerned about parking capacity in the area and proposed an amendment to seek to provide a further parking space on the site. Councillor Gee empathised with the concerns expressed by Ward Councillors regarding overdevelopment and access to the dwellings and proposed that the decision be deferred to allow for a site visit. There being no seconder for the two proposals put; Councillor Rivett was satisfied that the proposal was of a good design in a sustainable location and considered that a parking intervention would be disproportionate. Councillor Rivett therefore proposed approval of the application in accordance with the Officer recommendation, seconded by Councillor Goldson, a vote was taken and was **NOT CARRIED**.

Councillor Ceresa proposed an alteration in accordance with procedure rule 13.7b that *Officers investigate with the applicant the addition of a further parking space and confirm that addition with the Chairman and Vice Chairman to issue the approval once*

received; seconded by the Chairman, whereupon a vote was taken, and it was by a majority

RESOLVED

That the application be **APPROVED**, subject to Officers investigating with the applicant the addition of a further parking space and confirming that addition with the Chairman and Vice Chairman to issue the approval once received, 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 Site Location and Proposed Plans (1742/5 Rev A) received 13/02/2023, 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. Prior to first use on site, details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Suffolk County Council's Standard Access Drawing no. DM03; and with a minimum entrance width of 3.8 metres for a distance of 10 metres measured from the nearside edge of the carriageway and made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the layout of the existing access is improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

5. The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

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 highway.

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

7. Prior to the development hereby permitted being first occupied, the existing new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

8. Before the access is first used visibility splays shall be provided as shown on Drawing No. 1742/5 Rev A with an X dimension of 2.4 metres and a Y dimension of 43 metres tangential to the nearside edge of the carriageway 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

9. The use shall not commence until the area(s) within the site shown on drawing no. 1742/5 Rev A for the purposes of loading, unloading, 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.

10. Before the development is commenced details of the 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: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the provision of electric vehicle infrastructure if a suitable scheme cannot be retrospectively designed and built.

11. Before the development is commenced details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles shall be

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

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2019). This is a pre-commencement condition because it must be demonstrated that the development can accommodate sufficient cycle storage before construction works may make this prohibitive and in the interests of ensuring that sustainable transport options are provided.

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

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

13. Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and 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 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. 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.

14. 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building, structure, and/or works permitted by Classes B (additions to the roof) or C (other alterations to the roof) of Schedule 2 Part 1 of the Order shall be erected 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, and protect the amenity of neighbouring residents.

16. Prior to occupation, evidence of how the required water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the finished dwelling(s) comply with Policy SCLP9.2 of the East Suffolk Council - Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

10 DC/23/0283/FUL - 6 Healey Close, Lowestoft, NR32 4WZ

The Committee considered report **ES/1523** which related to planning application DC/23/0283/FUL. The application sought permission for the construction a two-storey front and side extension, with internal works to suit, and had been referred to the Committee by the Referral Panel. The Committee received a presentation from the Planner, who was the case officer for the application. The site location and an aerial photograph of the site were displayed. Photographs of the site were viewed by the Committee together with proposed elevations, block plans and floor plans. A slide was also shown to illustrate the 45-degree light test.

The key issues and material planning considerations were summarised as:

- Design
- Impact on Light
- Privacy/Overlooking

At the invitation of the Chairman, Councillors Goldson and Rivett sought clarification of the parking arrangements on the site. The Planner explained that the proposal would result in a reduction of parking spaces to 5 from 6, which would still satisfy parking standards and that there had been no change of use application for the extant garages. The Chairman and Councillor Rivett asked whether a condition would be appropriate to retain the garages as garages to mitigate future development concerns. The Planning Manager acknowledged the concerns of Members but advised that it would not be a proportionate condition, nor would it be typical to remove permitted development rights on such a development.

There being no public speaking, the Chairman invited the Committee to debate the application that was before it. Councillor Rivett proposed that the application be approved subject to the removal of permitted development rights, seconded by Councillor Gee, accordingly the Chairman moved to the vote whereupon it was unanimously

RESOLVED

That the application be **APPROVED** subject to the removal of permitted development rights, 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 Site Location, Proposed Block Plan, Proposed Elevations and Floor Plans, 3028.22.2; received 26/01/2023;, 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

DC/22/4189/FUL - Leiston Town Athletics Association, Victory Road, Leiston, IP16 4DQ

The Committee considered report **ES/1524** which related to planning application DC/22/4246/FUL. The application sought permission for the installation of a replacement floodlighting system at the Victory Stadium, Leiston. The application was for determination by the Committee because the site was in the ownership of East Suffolk Council. The Committee received a presentation from the Planner, who was the case officer for the application. The site location plan together with an aerial image was displayed. Photographs looking toward the site, showing the existing columns were viewed. Particular attention was drawn to technical illustrations relating to light calculations, the type of lamp installation and the replacement column types.

The key issues and material planning considerations were summarised as:

- Visual impact
- Impact upon residential amenity of neighbours

The Chairman invited questions to Officers. In response to Councillor Ceresa, the Planner confirmed that the integral lamp shields recommended in the Suffolk County Council engineers report would be installed where needed on the northern side. Similarly, and in response to Councillor Gee, the Planner explained that light levels would be adjusted to satisfy concerns raised by Environmental Protection.

There being no further questions. Councillor Goldson opened the debate and emphasised that the proposal was to replace existing lighting, which had not been the subject of any concerns previously, with more focussed lighting which would be better for users and for neighbouring dwellings. Councillor Pitchers concurred and proposed approval, seconded by Councillor Coulam. The Chairman moved to the vote whereupon it was unanimously

RESOLVED

That the application be **APPROVED** subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/reports:

LEISTONFC 47080 Rev D received 12.12.2022;

2022/LEISTONFC/01 received 24.10.2022;

2022/LEISTONFC/02 received 24.10.2022;

2022/LEISTONFC/03 received 12.12.2022;

2022/LEISTONFC/04 received 12.12.2022.

Drawing of light shield received 16.03.2023.

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

3. The luminance levels from the floodlighting shall not exceed:

- i) 5 lux measured in a vertical plane at the window of any habitable room of any dwellinghouse in the locality;
- ii) 10 lux measured in the horizontal plane from the curtilage of any dwellinghouse in the locality.

Reason: In the interests of amenity.

4. The lighting shall not be operated outside the following hours: Monday, Wednesday, and Fridays 1800hrs - 2200hrs; Tuesday and Thursday 1800hrs - 2230hrs; Saturdays 1430 - 1830hrs and Sundays 1430 - 1830hrs.

Reason: In the interests of amenity and for the avoidance of doubt as to what has been considered and approved.

The meeting concluded at 4.02pm

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Chairman



Planning Committee North

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

13 June 2023

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 25 May 2023. At present there are 18 such cases.

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

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

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *5 current cases*

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *7 current cases*
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *1 current case*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *1 current case*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *3 current cases*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current case*

RECOMMENDATION

That the outstanding enforcement matters up to 25 May 2023 be noted.

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

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u>	
11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.	
20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
16/05/2023- Boat removed, case closed.	
<u>Current Status/Position</u>	
In compliance period.	
Date by which Compliance expected (or prosecution date)	24/11/2024

A.2

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/06/2023

A.3

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 20/02/2023 – Extension of time agreed to 20/10/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.4

LPA Enforcement Case Reference	ENF/21/0510/DEV
Location / Address	Part Land East Of Chapel Barn Farm, Leiston Road, Aldeburgh
North or South Area	North
Date of Report of Breach	19.11.2021
<u>Nature of Breach:</u> Caravan sited for residential use with new hardstanding and associated works	
<u>Summary timeline of actions on case</u> 16/02/2023 – Operational and material change of use Enforcement Notices served. Both come into effect on the 20/03/2023	

<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/07/2023

A.5

LPA Enforcement Case Reference	ENF/22/0133/USE
Location / Address	Patience Acre, Chenerys Loke, Weston
North or South Area	North
Date of Report of Breach	22.04.2022
<u>Nature of Breach:</u> Residential occupation of holiday let	
<u>Summary timeline of actions on case</u> 28/03/2023 –Breach of Condition Notice served. Comes into effect on the 27/04/2023. There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	27/04/2024

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

B.1

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
<u>Nature of Breach:</u> Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
<u>Summary timeline of actions on case</u> 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. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 – final comments date for comments on Appeal	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.2

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

<u>Current Status/Position</u> Awaiting Planning Inspectorate Appeal Decision	
Date by which Compliance expected (or prosecution date)	Dependant upon date and outcome of Appeal Decision

B.3

LPA Enforcement Case Reference	ENF/21/0003/DEV
Location / Address	26 Highland Drive, Worlingham
North or South Area	North
Date of Report of Breach	30.12.2020
<u>Nature of Breach:</u> High fence adjacent to highway.	
<u>Summary timeline of actions on case</u> 07/04/2022 - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 25/05/2022 - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 23/06/2022 – Statements submitted 21/07/2022 – target date for comments on statement of case.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.4

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	

Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision
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B.5

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

B.6

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

B.7

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

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

There are currently no cases at this stage.

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

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023 27/03/2023 - Defendant did not attend, warrant issued, awaiting decision from court.	
<u>Current Status/Position</u> Awaiting Court outcome	
Date by which Compliance expected (or prosecution date)	Dependant on Court outcome

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

E.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
<p><u>Nature of Breach:</u> 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.</p>	
<p><u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements 11/01/2023 – Council applied to the High Court for an Injunction. 30/01/2023 – Case adjourned for legal reasons, awaiting new court date 03/02/2023 – High Court date for an Injunction hearing 18th & 19th May 2023 22/02/2023 – Hearing on appeal for refused certificate of lawful development set for 12th July 2023. 18/05/2023 – Injunction sought from High Court in relation to non-compliance with EN, Injunction granted – 90 days to undertake the works.</p>	
<p><u>Current Status/Position</u> Appeal date set in relation to Certificate of Lawful Use (proposed) refusal.</p>	

Injunction granted to remove works.	
Date by which Compliance expected (or prosecution date)	Before 18 th August 2023

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

F.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	20.10.2008
<u>Nature of Breach:</u> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	
<p> 15/10/2010 – Enforcement Notice served 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 – Enforcement Notices served and became 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 01/03/2016 – Planning Appeal dismissed 04/08/2016 – Site re-visited three of four Notices have not been complied with. 21/04/2017 - Trial date. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. 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. 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 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. </p>	

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

F.2

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

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

F.3

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
<u>Nature of Breach:</u> Untidy site	
<p><u>Summary timeline of actions on case</u></p> <p>07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p>17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action.</p> <p>21/11/2022– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24th February 2023 to comply with notice.</p> <p>10/03/2023- Site visit conducted, notice not complied with. Matter passed to Legal for further action.</p>	
<p><u>Current Status/Position</u></p>	

In compliance period	
Date by which Compliance expected (or prosecution date)	Depending on legal action

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

G.1

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

Date by which Compliance expected (or prosecution date)	31/12/2023
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Committee Report

Planning Committee North- 13 June 2023

Application no DC/21/3687/FUL

Location

The Ship Inn
St James Street
Dunwich
Suffolk
IP17 3DT

Expiry date 29 September 2021

Application type Full Application

Applicant Chestnut Group Limited

Parish Dunwich

Proposal Retrospective Application - Construction of a new garden to the rear involving the creation of new hard and soft landscaping

Case Officer Steve Milligan
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1. Summary

1.1 This is a retrospective application for the retention of hard and soft landscaping works to the rear garden/curtilage of the Ship Inn, St James Street, Dunwich.

1.2 The works undertaken, have introduced two paved terrace areas, with retaining walls and paved steps up from the lower level at the rear of the public house. The rear service access has been altered to set back the gate and pave a driveway and hard standing down into the garden. A mobile kitchen facility has been parked on the hardstanding but that is not a part of this planning application.

1.3 The works are considered to be beneficial to the operation and use of the premises, being safer for customers and staff. The work is not particularly visible from public views

(Monastery Hill) and is considered to have only limited impact upon the setting of the listed building and character of the Conservation Area. There will be public benefit from the safety improvements and improvements to the viability of the use, which has cultural and heritage importance to residents and visitors. The less than substantial harm, in heritage terms, is considered in this instance to be outweighed by the public benefit.

- 1.4 Whilst it is clearly unfortunate that the work was carried out in advance of the receipt of planning permission and without prior archaeological investigation, this does not justify the refusal of planning permission.
- 1.5 With conditions to control the operation of the mobile food kitchen, the proposal is acceptable in terms of residential amenity impact.
- 1.6 The application is recommended for approval. The decision has been referred to the Planning Committee (North) by the Referral Panel, as the officer recommendation to approve is contrary to the recommendation of Dunwich Parish Meeting who have objected to the application.

2. Site Description

- 2.1 The application site is the garden/curtilage of the Ship Inn, St James Street, Dunwich. Dunwich is a small village that is a popular tourist destination. It does not have the status of a village and is within the countryside for the purpose of applying planning policy.
- 2.2 The Ship Inn is a grade II listed building that dates from the 18th century, and which lies within Dunwich Conservation Area and the Suffolk Coasts and Heaths AONB.
- 2.3 The Ship and the adjoining Ship House are at the east end of a terrace of listed buildings, with nearby buildings of local interest within the Dunwich Conservation Area. The 2013 Conservation Area Appraisal identifies the Ship Inn as forming a part of 'important views along St James's Street with 'important walls on its north-east side, at the bend in the road, and the garden to The Ship is shown as an important open/green/tree space.
- 2.4 The rear garden/curtilage of the Ship is roughly triangular in shape with an eastern boundary to Monastery Hill and the western boundary with the property Black Pig Cottage. The western boundary is hedged. The eastern boundary is a mix of hedging, post and rail and wattle fencing. There is a gated access in the south-western corner of the curtilage. The original garden/curtilage was a grassed bank which has a change in levels of 4-5m. It was informally set out with bench seating.

3. Proposal

- 3.1 The works undertaken, have introduced two paved terrace areas, with retaining walls and paved steps up from the lower level at the rear of the public house. The rear service access has been altered to set back the gate and pave a driveway and hard standing down into the garden. A mobile kitchen facility has been parked on the hardstanding but that is not a part of this application.
- 3.2 The application submission states:

"The hard and soft landscaping works to the rear garden area were undertaken in May and June of this year (2021). As it was seen principally as a landscaping project we did not appreciate that the rule governing the area of hard landscaping relating to a listed building required formal planning approval.

The rear garden area is a steeply banked area which follows the gradient of Monastrey Hill to the southern edge of the garden. The gradient across the garden varies from 8.130 AOD to 12.920 AOD a rise over the rear garden of nearly 5 metres. The garden was previously laid to grass with some limited planting. All the existing trees and boundary hedges have been maintained throughout

This garden has been used by customers of The Ship for a considerable period of time and provides extensive seating for patrons particularly in the summer months when the public house is very busy and the weather permits.

At certain times of the year the garden was extremely muddy and difficult for customers to access. Due to the gradient across the site it was also uncomfortable for customers carrying trays and such like and had the potential risk of customers tripping and falling.

The requirement was to create a garden for The Ship, which was both a practical means of using the garden space, but also one where the space was improved with additional planting to create an attractive feature for The Ship Hotel and bar.

Generally two natural plateau areas existed which allowed for the terraced areas to be formed as two separate flat areas with minimal disturbance to the natural conditions of the hill side.

These two terraces were formed and laid in natural stone paving with a random pattern.

The upper terrace has loose gravel infills. Linking these two levels is a single stairs constructed in the sandstone and supported with timber sleepers.

All the existing trees to the site were maintained and the hard landscaping areas were specifically designed around the planting and tree locations. The central tree strip was planted and enhanced with new plant species suitable for sea exposure. The remaining areas were kept as grass. The 'old boat' was maintained in position.

The existing vehicle access was lengthened and the gradients adjusted to allow for an easier access. The surface finish is to be bonded gravel, albeit the final top surface is still on order and awaiting the subcontractors delivery."

3.3 The scheme includes low level lighting.

4. Third Party Representations

4.1 The application was subject to an initial consultation period and a re-consultation following receipt of more detailed plans/information.

4.2 Thirteen representations were received in objection to the original consultation which object for the following reasons:

- Design
- Dominating/Overbearing
- Drainage
- Flat saturation area
- Harm to Listed building
- Inappropriate in Conservation Area
- Landscape impact
- Light Pollution

- Noise
- Over Development
- Parking
- Scale
- Smells/Air quality: Pollution from diesel vehicles, propane gas burning in the food wagon and noxious cooking smells.
- Sustainability
- Traffic or Highways
- Wildlife

4.3 Four representations in objection to the proposed development were received in response to the re-consultation:

- None of the concerns raised in my previous comments have been addressed.
- They propose to open the garden for business until 10pm which means continuing noise until 11pm way after a civilised bedtime. As a next door neighbour my evenings were ruined last season by the proximity of drinks and food wagons with noise of barrels being changed, loud voices and noises and smells from the food wagon.
- The lights were unnecessarily bright and left on all night. This has resulted in a complete fall off of nocturnal animal and bird activity, particularly owls and bats.
- Design
- Dominating/Overbearing
- Drainage
- Flat saturation area
- Harm to Listed building
- Inappropriate in Conservation Area
- Landscape impact
- Light Pollution
- Noise
- Over Development
- Parking
- Scale
- Smells/Air quality: Pollution from diesel vehicles, propane gas burning in the food wagon and noxious cooking smells.
- Sustainability
- Traffic or Highways
- Wildlife

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Dunwich Parish Council	17 August 2021	7 September 2021
<p>Summary of comments:</p> <p>This Parish Meeting rejects the retrospective planning applications for the garden of The Ship Inn and calls for the full restoration of the garden to its pre-existing condition, the removal of the field kitchen and outdoor bar, all new lighting and additional seating; the garden to be treated as such and not as a commercial extension to the pub/hotel kitchen.</p> <p>The full details of the objection are available on the ES website via Public Access.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	2 September 2021	7 September 2021
<p>Summary of comments:</p> <p>This proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a Highway Authority does not wish to restrict the grant of permission.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	17 August 2021	8 September 2021
<p>Summary of comments:</p> <p>no objections on the grounds that the new landscape works will not have any impact on either the landscape character of the Conservation Area, or the wider AONB landscape, being contained within the curtilage of the pub.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	17 August 2021	31 August 2021
<p>Summary of comments:</p> <p>no objections.</p>		

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	31 August 2021	No response
Summary of comments:		

Re-consultation Comments

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	18 January 2022	21 February 2022
<p>Summary of comments:</p> <p>As the hard surfacing facilitates the business, which in turn enhances its viability and that of the designated heritage asset, the harm arising to the setting may be deemed justifiable. Therefore, I have no objections to this application to retain works existing.</p>		

Consultee	Date consulted	Date reply received
Dunwich Parish Council	18 January 2022	31 January 2022
<p>Summary of comments:</p> <p>Dunwich Parish Meeting was unable to support the amended application and would rather refer to the original strong and comprehensive comments. All these radical works were done without planning permission or any consultation with the Parish or Dunwich residents despite the location and importance of The Ship as a focal point for village life and its grade 2 listing. The imposed changes are not considered in keeping with the local environment despite that being a stated aim of the Chestnut Group.</p> <p>Precedents have been set such as cooking in the garden and lighting. No firm commitments have been made to limit lighting and activity in the gardens to set hours to avoid neighbour disturbance and disturbance to the nocturnal ecology.</p>		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	18 January 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SCC Highways Department	18 January 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	18 January 2022	4 February 2022
<p>Summary of comments:</p> <p>No objections on the basis that the works remain within the context of the pub garden and have no meaningful impact on the wider AONB landscape.</p>		

East Suffolk Council Environmental Protection Team		11 April 2023
<p>Summary of comments:</p> <p><i>"The application is retrospective and relates to work undertaken to improve the pub garden, this work has been undertaken and it's subsequent use continues to be that which was occurring prior to this as a pub beer garden.</i></p> <p><i>I have discussed the field kitchen with the planning officer who has informed me that this activity does not form part of the application and does not require planning permission and therefore I am unable to comment on its presence or it's use at the site.</i></p> <p><i>As the work and application essentially relate to the continued use of the outside space of the pub, have been carried out and have been in use in this form since 2021, there is little I am able to comment on and therefore I have no objection to the application.</i></p> <p><i>The applicant should however be aware that the space should continue to be managed with the prevention of nuisance in mind and my response does not prejudice any future complaints should they be received and substantiated, at which point the applicant's cooperation in resolving that complaint would be required."</i></p>		

6. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	26 August 2021	17 September 2021	East Anglian Daily Times

7. Site notices

General Site Notice	Reason for site notice: Conservation Area; Listed Building
	Date posted: 18 August 2021
	Expiry date: 9 September 2021

8. Planning policy

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

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Dunwich - Conservation area appraisal (East Suffolk Council - Suffolk Coastal District Local Plan - Supplementary Planning Document)

National Planning Policy Framework 2021 (NPPF)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.5 - Economic Development in Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.1 - Tourism (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.3 - Tourism Development within the AONB and Heritage Coast (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.3 - Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

9. Planning Considerations

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case is the Suffolk Coastal

Local Plan 2020 which was adopted on 23 September 2020. The application must be determined in accordance with the planning policies listed in section eight of this report.

- 9.2 Given the site location within the Conservation Area, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant which states that it is the duty of the Council that with respect to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 requires development proposals preserve the special interest of listed buildings, including any contribution made by their setting.

Impact on Conservation Area and setting of Listed Building

- 9.3 This application is for the retention of works which have taken place on the site to the rear of The Ship Inn which include landscaping of the garden to provide two terraces for outside public house use, previously an informal area of picnic tables within the garden.
- 9.4 The application was supported with a Heritage Statement which includes a brief history of the development of the site, a description of the significance of those heritage assets affected and an impact assessment of the works undertaken, which satisfies the requirements of Paragraph 194 of the NPPF.
- 9.5 The Heritage Statement notes that there has been a long and historic association between the public house and the land immediately to the south, since at least 1838. This land has been in use as a pub garden from around 1970, a use considered to be entirely appropriate for a public house catering for families and outdoor eating.
- 9.6 Prior to the recent works, it was an open grassed area laid out with an informal arrangement of tables and seating. The works which have been undertaken have created a more formal layout within the garden, with seating being provided on areas of hard paving along with planting to soften the visual impact. The existing trees have been retained together with the existing planting along the boundary with the road to the south of the site.
- 9.7 The Conservation Area Character Appraisal notes that the village enjoys a public house and a local economy that benefits from substantial visitor numbers and goes on to say that The Ship Inn is an attractive building, the use of which makes an important contribution to the life of the village and is a draw for surrounding visitors to Dunwich and therefore The Ship Inn makes a very important contribution to the Conservation Area.
- 9.8 Although the works which have been carried out have changed the appearance of the area with more formal seating arrangements and the introduction of areas of hard landscaping, it still retains its open character. The retention of the existing trees and boundary planting together with the additional planting which has been undertaken will ensure that there is a soft, green character to the area which will improve with time. It is considered that the works have not resulted in an adverse impact on the setting of the listed building, or its significance and its special interest is therefore preserved. In terms of the impact on the character and appearance of the Conservation Area, there is a very minor degree of harm arising from the works undertaken, although this will reduce as planting matures. This harm is less than substantial requiring the application to be determined in accordance with

Paragraph 202 of the NPPF, whereby the harm identified must be weighed against the public benefits of the development.

- 9.9 There are heritage benefits through the works undertaken helping to ensure the long term use and economic viability of The Ship Inn as an important designated heritage asset and its contribution to the vitality of the Conservation Area. There are also safety benefits for users of the space given the original garden/curtilage was a grassed bank which has a change in levels of 4-5m. The less than substantial harm is considered in this instance to be outweighed by the public benefit. Accordingly, the proposal accords with historic environment objectives of the NPPF and Local Plan policies SCLP11.3, 11.4 and 11.5.
- 9.10 It is clearly unfortunate that the work was carried out in advance of the receipt of planning permission and without prior archaeological investigation, but the impact upon any archaeological features cannot be reversed and therefore this does not justify the refusal of planning permission.

Parking

- 9.11 The existing car park at the front of the building is unaffected and there is parking on both The Street and in the public car park by the beach. Whilst the terracing of the garden has improved its safety and arguably its capacity to accommodate customers, it is not considered that parking is a reason to refuse planning permission in this instance. Concerns have been raised by the Parish Council about refrigerator trailers in the car park, but they are not a part of this application.

Lighting

- 9.12 10 No. low bollard lights are positioned in the planting areas at the rear of the site. The external lighting will be limited to a 9.00pm in the winter months when the garden is open.
- 9.13 The operating times for the garden assume good weather and are: March to October noon until 10.00pm generally, although weather permitting it may open outside of these times. The garden is not necessarily closed during the winter months, but that customers tend not to sit outside in any numbers during the winter.
- 9.14 External lighting is in operation and controlled by a light sensor during the evenings for the summer months.
- 9.15 Given the lighting is low level and required for safety, it is considered reasonable in its impact upon the area and wider AONB.

Mobile kitchen

- 9.16 The alterations to the rear access and extent of hard paving enabled the parking of a mobile food trailer within the area to the rear of the premises adjacent to the western boundary. This has been in place over recent years. Technically the siting of a food trailer within the grounds of a pub may not require planning permission but in this case the physical landscaping works which are being regularised by this application have specifically enabled its siting. For that reason and the impacts which may come from that enabled siting there is

control over the approval of that hardstanding and how use of the hardstanding may need to be controlled.

- 9.17 The Agent confirmed that the mobile food trailer was intended to be moved to various alternative locations during the winter, spring and autumn periods and for it to be sited at The Ship only during the busy summer months; however due to the global pandemic it had not been possible to secure other events to use the mobile food trailer and bar, but that once the economy is fully open the mobile unit will be used in other locations.
- 9.18 Whilst the siting of the mobile food trailer on the land does not amount to a material change of use requiring planning permission in its own right, it is clear that the hard landscape works undertaken facilitate the siting of the trailer in the part of the site, adjacent the western boundary. There is potential for use of the mobile food kitchen/trailer to cause harm to the living conditions of adjacent residential properties, through odour, noise and general activity. Because the hard landscape works subject of this application facilitate the trailer/kitchen siting, it is therefore necessary to add a planning condition controlling the number of days that the trailer/kitchen sited on the land may be used for the cooking of hot food and service to customers in the pub garden. A further condition is also required to secure an odour and noise management plan, to be submitted within three months of the date of any planning permission granted and once approved, fully adhered to.

10. Conclusion

- 10.1 The works undertaken, have introduced two paved terrace areas, with retaining walls and paved steps up from the lower level at the rear of the public house. The rear service access has been altered to set back the gate and pave a driveway and hard standing down into the garden.
- 10.2 The works are beneficial to the operation and use of the premises, being safer for customers and staff. The work is not particularly visible from public views (Monastery Hill) and is considered to have only limited impact upon the setting of the listed building and character of the Conservation Area. There will be public benefit from the safety improvements and improvements to the viability of the use, which has cultural and heritage importance to residents and visitors. The less than substantial harm, in heritage terms, is considered in this instance to be outweighed by the public benefit.
- 10.3 Whilst it is clearly unfortunate that the work was carried out in advance of the receipt of planning permission and without prior archaeological investigation, this does not justify the refusal of planning permission. With conditions controlling the use of the mobile food kitchen, the amenity impact of the development is acceptable.
- 10.4 The development is therefore judged to accord with the Development Plan, and permission can be granted.

11. Recommendation

- 11.1 Approve.

12. Conditions:

1. The development hereby permitted shall accord with the following approved plans/reports: Drg Nos TS/01 Rev A received 18.01.2022; TS/02 and Site Plan received 03.08.2021.
Reason: For the avoidance of doubt as to what has been considered and approved.
2. Within three months of the date of this consent, 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.

3. The approved scheme of landscape works shall be implemented not later than the first planting season following approval of details consented under condition 2 (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

4. External lighting shall not be operated after 21.00 October to April (inclusive) and shall not be operated after sundown May through to September (inclusive).
Reason: In the interests of amenity and to protect the environment and dark skies of this part of the AONB.

5. The hardstanding area where the mobile kitchen/food trailer, named as 'The Field Kitchen' is currently sited shall not be used for siting of any vehicle or trailer for the preparation of food and drink, and service to customers, for more than a total of 28 days in any calendar year and this may only commence following the discharge of and compliance with condition 6. At all other times the mobile kitchen/trailer may only be sited/parked on the land, and not in active use.

Reason: the hardstanding area where the trailer is sited is immediately adjacent residential properties and therefore unrestricted, year-round use of the kitchen facilities in the trailer has the potential to cause amenity impact. This condition is necessary as the work subject of this application facilitates the siting of the trailer. In all other respects the condition meets the tests of paragraphs 55 and 56 of the NPPF.

6. Within 3 months of the date of this planning permission or prior to first use of the hardstanding for any catering vehicle/trailer, a noise and odour control/management plan is to be submitted to the Local Planning Authority for approval in writing. Any mitigation measures required are to be implemented prior to first use and thereafter the control/management plan is to be adhered to whenever the mobile food kitchen/trailer is being used for the preparation and service of food and drink.

Reason: the application does not include detail on the noise and odour impact of the use of the mobile food kitchen/trailer, and it is necessary to secure this information in the interest of neighbour amenity.





13. Background Papers

See application reference DC/21/3687/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 13 June 2023

Application no DC/22/4533/FUL

Location

Land Adjacent To
Newcombe House
Newcombe Road
Lowestoft
Suffolk
NR32 1XA

Expiry date 15 February 2023

Application type Full Application

Applicant East Suffolk Council

Parish Lowestoft

Proposal Demolition of all existing buildings within the boundary except for Newcombe House and the external concrete slab surfacing around Newcombe House up to southern and western boundary and the single storey storage outbuilding on the northern boundary.
The construction of 16 industrial units split between 5 buildings. The scheme will include all associated landscape works.

Case Officer Joe Blackmore
07887 454208
Joe.Blackmore@eastsuffolk.gov.uk

1. Summary

- 1.1 This application seeks planning permission for the re-development of a Council-owned site off Newcombe Road, Lowestoft. The site forms part of the 'PowerPark' – 23.37 hectares of land allocated in the (Waveney) Local Plan for employment development. The proposed development is the construction of sixteen industrial units, split between five buildings, along with associated works.
- 1.2 The proposal is a well-designed re-development of a brownfield site, in accordance with the objectives of the Local Plan. Subject to some minor technical details being resolved with

Suffolk County Council Highways and Local Lead Flood Authority, planning permission can be granted for the proposed development.

- 1.3 The application has been referred direct to the Planning Committee (North) for determination. This is because East Suffolk Council are both the landowner and applicant. In such circumstances, the Council's Constitution makes clear that decisions cannot be delegated to the Head of Planning and Coastal Management, and therefore a Committee decision is required.

Recommendation

- 1.4 Authority to Approve, subject to: any final amendments/revisions required to address comments from the Highways Authority and Local Lead Flood Authority; and confirmation from the Suffolk Resilience Forum Partnership that the emergency flood plan is acceptable.

2. Site Description and Planning History

Relevant Planning History

- 2.1 DC/17/2630/DEM – approved the demolition of the building formerly on site, known as “Starfrost House”.
- 2.2 DC/23/0707/DEM - Prior Notification - Demolition of Newcombe House and clearance of hardstandings etc. Prior Approval Granted (18.04.2023). This has not yet been implemented.

Site Description

- 2.3 The application site is broadly L-shaped and lies to the eastern side of Newcombe Road, and to the western side of Trinity Road. The site covers some 0.46 hectares and lies within the town settlement boundary (as defined by the Local Plan policies maps). The site falls within the Local Plan allocated ‘PowerPark’ (policy WLP2.2) – approximately 23 hectares of land allocated for employment development and port related development.
- 2.4 The site is surrounded by a mix of single and two storey industrial units to the north and south. There are currently four points of vehicle access to the site: three from Newcombe Road to the west; and one from Trinity Road to the east.
- 2.5 In terms of topography, the site is relatively flat with only a slight fall from north to south and east to west. The site is mostly down to a combination of concrete and asphalt surfacing, enclosed by corrugated palisade fencing.
- 2.6 There are four existing buildings on site: a disused office block (Newcombe House); a disused storage building; a disused chemical storage building; and a smaller storage building.
- 2.7 Newcombe Road is located within flood zone 3a and is at high risk from flooding from rivers and the sea. The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.

3. Proposed Development

- 3.1 Newcombe House already has a prior approval in place under DC/23/0707/DEM, enabling its demolition (in September, once bird nesting season has ended). The proposed development subject of this application includes the demolition of all the other buildings on site.
- 3.2 The re-development of the site would consist of sixteen (16no.) units split across five (5no.) buildings. The proposed 16 new industrial units will provide a total gross internal floor area of 1,111m² comprising of the following:
- Unit 01 - 93m²
 - Unit 02 - 96m²
 - Unit 03 - 71m²
 - Unit 04 - 84m²
 - Unit 05 - 84m²
 - Unit 06A – 74m²
 - Unit 06B – 74m²
 - Unit 06C – 74m²
 - Unit 07 – 34m²
 - Unit 08 – 34m²
 - Unit 09 – 34m²
 - Unit 10 – 43m²
 - Unit 11 – 43m²
 - Unit 12 – 43m²
 - Unit 13 – 115m²
 - Unit 14 – 115m²
- 3.3 Access to the site will all be from Newcombe Road, via two vehicle/pedestrian accesses. The existing access from Trinity Road to the east will not be utilised and will be blocked up.
- 3.4 The proposal consists of two building forms: taller with dual-pitched roofs; and lower in height with flat roofs. The materials palette is a mix of dark blue/grey facing brickwork, external composite cladding, and aluminium sheet cladding, windows/doors & rainwater goods. On the south facing slopes of the dual pitched roofs, an array of solar PV panels is proposed.
- 3.5 The proposed units will either be for office or light industrial use. Under the old Use Classes Order (1987), these would have been defined as use classes B1(a) and B1(c), respectively. The Use Classes Order was amended in 2020, and a new Class E (Commercial, Business and Service) was created; the proposed uses would fall within Class E.
- 3.6 The design of the proposals is informed by the PowerPark Design Vision document, which includes this site as part of wider regeneration ambitions for the area.

4. Third Party Representations

- 4.1 No third party / neighbour representations have been received.

5. Consultee Responses

Consultee	Date consulted	Date reply received
Lowestoft Town Council	7 December 2022	14 December 2022

Summary of comments:

The Town Council's Planning Committee considered this application at a meeting on 13 December 2022. It was agreed to recommend approval of the application subject to the ecological enhancements and sensitive landscape scheme, to improve local wildlife post development (as detailed in the design and access statement) being delivered.

The Town Council has declared a Climate Emergency. To support this declaration, the Planning Committee requests that when recommending approval of a planning application the following measures are taken into account: Consideration of biodiversity • Support for new or improved renewable energy including the installation of solar panels, where appropriate, on all additionally created roofs. • Support for alternatives to car use e.g. walking, cycling and public transport, and encourage efficient car use, including through appropriate car parking provision, car sharing, differential car-parking charges, and the use of electric cars including the installation of first fix wiring for car charging points at all new builds. • Encouragement for the management of land for nature and an increase in tree cover. • Resistance of the use of natural open space for development and encourage reuse of brownfield sites. • Support homes which are energy efficient, nature friendly and located close to public transport and amenities.

Consultee	Date consulted	Date reply received
SCC Highways Department	7 December 2022	17 February 2023 27 April 2023 23 May 2023

Summary of comments:

Initial comments of 17 February 2023 raised several questions for the applicant to respond to, regarding parking numbers; and the potential for the existing substation to impede the footway.

Points of clarification noted and accepted by email comments/response dated 27 April 2023.

Final request made 23 May 2023 for the visibility splay plan to be updated.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	7 December 2022	19 December 2022 13 March 2023

Summary of comments:

Comments of 19 December 2022:

"Thank you for your consultation on this proposed development. Given the site location, former use, and uses in the immediate vicinity I have no objections in principle to the proposed development."

Officer note: series of conditions recommended regarding construction management plan; control of hours of working; waste management; and contaminated land remediation and validation.

Additional information supplied by the applicant regarding land contamination, and proposals amended accordingly.

Further comments of 13 March 2023 confirm that the remediation strategy acceptable and recommended conditions therefore revised.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	7 December 2022	21 December 2022 26 May 2023
<p>Summary of comments:</p> <p><i>"Further to my comments of 21 December 2022, a Bat Emergence Survey (James Blake Associates, May 2023) has now been submitted in support of this application. The results of the survey identified no bat roosts within the buildings of the application site. However, the buildings appear to provide some habitat suitable for nesting birds, in particular nesting opportunities for gulls such as kittiwake (Rissa tridactyla), a condition to cover this species is included below. Should permission be granted the following conditions should be included"</i> (summarised):</p> <p>1) Development must be undertaken in accordance with the submitted ecology documents.</p> <p>2) No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 14th February and 31st August inclusive, unless approved in writing by the LPA.</p>		

Consultee	Date consulted	Date reply received
Natural England	7 December 2022	No response
<p>Summary of comments:</p> <p>No comments received.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	7 December 2022	No response
<p>Summary of comments:</p> <p>No comments received.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	7 December 2022	No response
<p>Summary of comments:</p> <p>No comments received.</p>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	7 December 2022	30 December 2022

Summary of comments:

"Thank you for your consultation dated 07 December 2022. We have reviewed the documents as submitted and we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility."

Consultee	Date consulted	Date reply received
SCC Flooding Authority (LLFA)	7 December 2022	22 December 2022

Summary of comments:

Comments of 22 December 2022 raised a holding objection so the following points could be addressed:

- "1. The applicant should provide a contour plan with levels and overlain surface water flood risk and exceedance routes alongside an assessment of surface water flood risk on-site.*
- 2. Calculations provided should be updated to 45% allowance from climate change as per the latest EA guidance.*
- 3. Are the raingardens and permeable paving to be infiltration or piped to a dedicated soakaway?*
- 4. Raingardens have been shown as wetlands in the simple index approach, wetlands and raingardens do not share the same indices and are designed differently, the current proposal cannot be deemed a wetland.*
- 5. An impermeable area plan with total impermeable areas should be provided that clearly shows which areas drain into each feature.*
- 6. The proposed maintenance schedule does not identify who is to maintain the site.*
- 7. The applicant should provide full permeable paving, soakaway, and pipe cross sections. On this site they should clearly show how infiltration features sit in relation to made ground (contamination) and ground water to ensure feature viability.*
- 8. The southern main soakaway should be repositioned to ensure that maintenance access does not block access to the Eastern units of the site.*
- 9. The small, proposed basin for roof water should be implemented to enhance the biodiversity value of the site and not be fenced off if possible."*

Officer Note: the applicant provided a document in response (16 February 2023) and discussion between the applicant team and LLFA has been ongoing since.

Consultee	Date consulted	Date reply received
Disability Forum	7 December 2022	No response

Summary of comments:

No comments received.

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	7 December 2022	8 December 2022
Summary of comments: <i>"We have no objection to the development and do not believe any archaeological mitigation is required."</i>		

Consultee	Date consulted	Date reply received
SUSTRANS	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Building Control	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Water Management Alliance	7 December 2022	7 December 2022
Summary of comments: <i>"Thank you for your consultation on planning application DC/22/4533/FUL. Having screened the application, the site in question lies outside the Internal Drainage District of the Waveney, Lower Yare and Lothingland Internal Drainage Board and as per our Planning and Byelaw Strategy the proposed application is classed as a minor development and does not meet our threshold for commenting. Therefore the Board has no comments to make."</i>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	7 December 2022	3 January 2023
Summary of comments:		

"I have reviewed the landscape details submitted with the above application and can confirm I have no objection. Any approval that might be given should include a condition for landscape to be carried out in accordance with the relevant plans."

Comments from Tree Officer (14 March 2023)

"DC/22/4533/FUL submitted an Arboricultural Impact Assessment by James Blake Associates the findings of which I broadly agree with."

6. Publicity

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

Category	Published	Expiry	Publication
Major Application	9 December 2022	4 January 2023	Lowestoft Journal
Category	Published	Expiry	Publication
Major Application	9 December 2022	4 January 2023	Beccles and Bungay Journal

7. Planning policy

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

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

WLP2.2 - PowerPark (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.12 - Existing Employment Areas (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.13 - New Employment Development (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

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

WLP8.27 - Renewable and Low Carbon Energy (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.28 - Sustainable Construction (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)

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

8. Planning Considerations

Planning Policy Background

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The “Development Plan” comprises the East Suffolk (Waveney) Local Plan (2019) [“The Local Plan”] and any Neighbourhood Plans covering the relevant application site (there is no adopted NP for Lowestoft). Therefore, in determining this application, the planning policies set out in section seven and addressed within this report are critical to guide the decision-taking process. The National Planning Policy Framework (NPPF) is a material consideration and affirms the statutory status of the Development Plan (para.12) and requires a presumption in favour of sustainable development.

Principle of Development

- 8.2 Policy WLP2.2 (PowerPark) allocates approximately 23 hectares of land for employment development and port related development. Policies WLP1.1 and WLP1.2 combine to direct most of the planned growth to the largest and most sustainable settlements. The site falls wholly within the WLP2.2 site allocation, and the Lowestoft town/settlement boundary. The proposed commercial development of offices and light industrial units accords fully with the objectives of the Local Plan spatial strategy. The site is also previously developed (brownfield) land, and therefore its re-development is a positive of the scheme.

Highways Safety and Sustainable Transport

- 8.3 Local Plan policy WLP8.21 relates to sustainable transport and seeks, amongst other things, to locate and design development so it can be accessed via multiple modes of transportation, and with safe and suitable access for all. The NPPF paragraph gives clear guidance that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.4 The proposed layout provides parking for 42 vehicles, inclusive of 16 EV charging points. Cycle parking is provided via a mix of Sheffield stands and covered storage.
- 8.5 The Highways Authority initially raised some concern with the proposed layout, in terms of the relationship of the southern access and footway relative to the existing substation. The issue being that the substation was shown to impede the footway, preventing safe use for pedestrians. The access layout and footway have since been adjusted in response to this feedback.
- 8.6 The only final matter that needs to be addressed to the satisfaction of the County Highways Authority, is for the amended plan to clearly show the visibility splays from the proposed accesses. This has been completed and is with the County Highways Authority to confirm

this is acceptable. Any further comments provided will be provided to the Committee if received prior to the meeting.

- 8.7 Officers consider that visibility along Newcombe Road is good, and this proposal will consolidate existing site access points into two better designed accesses, that are useable for both vehicles and pedestrians. The sustainable location means that travel to and from the site will be possible by multiple modes of transportation, and the design of the development facilitates this.
- 8.8 The proposed office and light industrial uses will clearly generate traffic and activity to and from the site, but this is not likely to be excessive nor pose any highways safety concerns or wider impact. For these reasons, the proposal is considered to be acceptable in accordance with the sustainable transport objectives of the NPPF and policy WLP8.21 of the Local Plan.

Design and Sustainable Construction

- 8.9 Policy WLP8.29 (Design) of the Local Plan sets out that Development proposals will be expected to demonstrate high quality design which reflects local distinctiveness in accordance with the NPPF – of which Chapter 12 sets out how well-designed places can be achieved:
- High quality design is a key aspect of sustainable development (para. 126);
 - "Planning decisions should ensure that developments:
 - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." (para. 130), and
 - "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or

help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.” (para. 134).

- 8.10 The site layout is organised around two vehicle access points from Newcombe Road, creating a development frontage with a mix of building forms. At the northern and southern ends of the site frontage are taller buildings with dual-pitched roofs, gable-end facing toward the road. 8.11 More central is a flat roofed building or larger footprint. To the eastern part of the site, adjacent Trinity Road are two smaller flat roofed buildings.
- 8.11 The local context is a mix of building design and scale, with single and two-storey being most prevalent. Slightly farther afield are much taller, modern commercial buildings at the SPR and Orbis Energy buildings. The design quality in the area is unremarkable, with most buildings being utilitarian, as is expected in a commercial/industrial context.
- 8.12 The proposed development will include fairly tall buildings that will be prominent in the streetscene and notably taller than some of the adjacent buildings, particularly the Canine Creche to the north of the site. However, this is acceptable in a context where there is no prevailing character or uniformity to the built form.
- 8.13 In terms of site layout, the proposal is simple with vehicle parking and associated infrastructure logically organised around the proposed buildings. The site landscaping strategy will introduce notable areas of green space in an area that is otherwise fairly devoid of green infrastructure. The proposed removal of existing trees is acceptable due to the poor quality of these specimens, and that the proposal offers the opportunity for much better replacement planting that can be secured by condition. The Council’s Landscape and Arboricultural Officers have commented on the application, raising no objections and recommending conditions to secure the implementation of the proposed landscaping strategy.
- 8.14 The application is supported by a Sustainability Report that sets out the design of the development is focussed around a ‘fabric first’ approach where thermal performance of the construction is paramount. Design features also include:
- High efficiency LED lighting.
 - High efficiency ventilation systems.
 - High efficiency variable speed pumps.
 - High efficiency hot water systems.
 - High efficiency heating systems.
 - Weather compensated variable temperature heating systems.
 - Smart learning and optimised control Systems.
 - Energy Metering.
 - Passive ventilation approach utilising natural ventilation.
- 8.15 The proposal includes an array of solar PV panels to the southern slopes of the two buildings with dual-pitched roofs. Air source heat pumps are also included within the development layout.
- 8.16 The proposed development is considered to be a high-quality commercial development in accordance with the design and sustainable construction objectives of policies WLP8.28 and WLP8.29, in addition to the NPPF.

Flood Risk and Surface Water Drainage

8.17 Local Plan policy WLP8.24 relates to flood risk and sets out, other things, that:

“Development proposals should consider flooding from all sources and take in to account climate change. Proposals at risk of flooding (taking in to account impacts from climate change) should only be granted planning permission if it can be demonstrated that: • There are no available sites suitable for the proposed use in areas with a lower probability of flooding; • The development provides sustainability benefits which outweigh flood risk; and • A site specific flood risk assessment has been submitted which demonstrates that the flood risk can be satisfactorily mitigated over the lifetime of the development. This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere including on the natural environment. New residential development on sites not allocated in this Local Plan or a Neighbourhood Plan will not be permitted on sites at risk from flooding.”

8.18 The NPPF seeks to mitigate the risk of flooding by restricting vulnerable new development (such as housing) within areas at risk from flooding. It does this by requiring development proposals in areas at risk from flooding to be subject to a sequential test where it has to be proven there are no suitable areas of land with a lesser risk of flooding and an exception test which identifies sustainability benefits of development and ensures the development is safe for its lifetime.

8.19 The application is supported by a site-specific Flood Risk Assessment (FRA) because the site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change. The site benefits from the presence of tidal flood defences. However, the Environment Agency’s 2018 Coastal Modelling for Lowestoft indicates that these defences will overtop in the 0.5% (1 in 200) annual probability flood event including climate change and therefore the site is at risk during a ‘design event’.

8.20 Through the Local Plan making process, the allocation of land within WLP2.2 would have been subject of the sequential test at a strategic level and found to be acceptable. As the allocation policy specifically supports the development of commercial uses (offices and industrial), then the site is clearly sequentially preferable for the proposed development and thus the sequential test is passed. The proposed development also falls within the category of a ‘less vulnerable’ development, in terms of flood risk, and therefore an exceptional approach does not need to be taken here. In any case, again, that the site is allocated in the Local Plan indicates acceptability of the principle of this form of development, in flood risk terms.

8.21 The development has been designed to provide refuge above the predicted flood levels. However, in the 1 in 200 annual probability flood event (including climate change), there would not be means of access to an area wholly outside of the flood plain and therefore an emergency flood plan is necessary. This is to be provided and shared with the Suffolk Resilience Forum Partnership to ensure that any emergency plan is appropriate for the development.

- 8.22 The Environment Agency have reviewed the application and raise no objection to the proposals on flood risk grounds.
- 8.23 In terms of surface water drainage, the proposed drainage strategy is based around ground infiltration which is preferable as set out in the Suffolk SuDS guide. Surface water for new roof areas will be collected via rainwater downpipes, which will then connect to catchpits, carrier pipes or silt trap gullies. Finally, it will then be transported to the soakaway. The parking bays and access points are drained through permeable surface paving which is conveyed via carrier pipes to the soakaway.
- 8.24 The Local Lead Flood Authority (LLFA) registered a holding objection to the scheme, so that the applicant could respond to the following points:
- “1. The applicant should provide a contour plan with levels and overlain surface water flood risk and exceedance routes alongside an assessment of surface water flood risk on-site.*
- 2. Calculations provided should be updated to 45% allowance from climate change as per the latest EA guidance.*
- 3. Are the raingardens and permeable paving to be infiltration or piped to a dedicated soakaway? 4. Raingardens have been shown as wetlands in the simple index approach, wetlands and raingardens do not share the same indices and are designed differently, the current proposal cannot be deemed a wetland.*
- 5. An impermeable area plan with total impermeable areas should be provided that clearly shows which areas drain into each feature.*
- 6. The proposed maintenance schedule does not identify who is to maintain the site.*
- 7. The applicant should provide full permeable paving, soakaway, and pipe cross sections. On this site they should clearly show how infiltration features sit in relation to made ground (contamination) and ground water to ensure feature viability.*
- 8. The southern main soakaway should be repositioned to ensure that maintenance access does not block access to the Eastern units of the site.*
- 9. The small, proposed basin for roof water should be implemented to enhance the biodiversity value of the site and not be fenced off if possible.”*
- 8.25 A response document was provided 16 February 2023, and discussions with the LLFA are ongoing. Officers discussed the scheme with the LLFA on 01 June 2023 and it was verbally confirmed that final revisions required are minor, and that the scheme is broadly acceptable in terms of surface water drainage. Any final, revised comments from the LLFA will be reported to the Planning Committee if they are received prior to the meeting.
- 8.26 For the reasons set out, officers consider that the proposed development is acceptable in terms of flood risk and drainage, in accordance with Local Plan policy WLP8.24.

Ecology

- 8.27 Policy WLP8.34 (Biodiversity and Geodiversity) of the Local Plan sets out, inter alia, that development will be supported where it can be demonstrated that it maintains, restores, or enhances the existing green infrastructure network and positively contributes toward biodiversity; and that, where applicable, applications should be supported by an ecological survey undertaken by a suitably qualified person.

- 8.28 The Council's Ecologist in the Planning and Coastal Management Team reviewed the Preliminary Ecological Appraisal (PEA) submitted in support of the application, and identified that:

"it appears that the existing buildings may provide suitable habitat for protected and/or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), particularly roosting bats. The PEA recommends that further surveys are required in order to assess the likely impact of the proposal on bats. It is noted from the Design and Access Statement (Concertus, November 2022) that "Emergence surveys are programmed on buildings 2 and 4" but the results of these do not appear have yet been submitted as part of this application. In accordance with the NPPF, ODPM Circular 06/2005 and Local Plan policy WLP8.34 this information is required prior to determination of this application."

- 8.29 The Bat Emergence Survey was subsequently provided, and the Council's Ecologist provided revised comments:

"The results of the survey identified no bat roosts within the buildings of the application site. However, the buildings appear to provide some habitat suitable for nesting birds, in particular nesting opportunities for gulls such as kittiwake (Rissa tridactyla), a condition to cover this species is included".

- 8.30 The conditions recommended ensure that the development will be carried out in accordance with the ecological avoidance, mitigation and enhancement measures set out in the submitted PEA; and that no demolition of buildings should take during bird nesting season (14th February 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.
- 8.31 Given the brownfield nature of the site, with these conditions applied there would be no adverse ecological impact. The green infrastructure/planting proposed as part of this application may well offer some ecological benefit beyond the existing situation. The proposal accords with policy WLP8.34 and the ecology objectives of the NPPF.

Amenity

- 8.32 Policy WLP8.29 (Design) seeks, amongst other things, to protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers.
- 8.33 The context is of existing commercial development, rather than any residential development. The proposed uses of light industrial and offices are all relatively low-key, and will not generate significant impact through noise, odour, and pollution. It is not necessary to apply conditions to control hours of operation/working, as this site is within an industrial context where such activity can be accommodated, even at more unsociable hours.

Other Matters

- 8.34 The County Archaeological Unit have been consulted on this application and raise no objections, and no conditions are required. In terms of the historic environment, there are no listed buildings affected by the proposal, and none of the structures/buildings to be demolished are of any heritage value. The Conservation Area setting is not affected by this proposal. Accordingly, there is no conflict with the historic environment objectives of the Local Plan or NPPF.
- 8.35 In the land contamination investigation to date, a hotspot of lead, zinc and PAH concentrations were identified at sampling location in the north-east corner of the site. The Environmental Protection Team recommendations were that the remediation strategy for this part of the site be clarified. This was provided in February 2023 and the Environmental Protection Team have accepted the proposals, that contaminated soil around the WS02 sampling location will all be covered by hardstanding therefore breaking the pathway of those contaminants to future users and occupiers of the site. With a condition securing the landscape plan (including the hardstanding area) and standard conditions regarding ground contamination remediation validation, the proposal is acceptable and will not cause any adverse environmental impact.

Benefits of the Development

- 8.36 The proposed units will provide a combined total of over 1000 square metres of office and light industrial floor space that will be suitable for a range of businesses, potentially creating considerable employment opportunities as a significant economic benefit of the proposals. The design quality of the scheme and positive intention to meet the objectives of the PowerPark Design Vision is a further benefit of the proposals, as it will potentially help improve local design quality of future commercial development in this area. There will be short-term economic benefits through the creation of construction jobs as a more modest benefit.

Conclusion

- 8.37 The proposed development accords with the Development Plan as a re-development of a brownfield, allocated site for a use that will support the PowerPark policy objectives. The proposal will support and facilitate economic growth, providing jobs for the community. Amendments required to address comments from Suffolk County Highways and Local Lead Flood Authority are minor and in progress. For these reasons, the scheme is acceptable and represents a sustainable form of development, and thus planning permission should be granted.

9. Recommendation

- 9.1 Authority to Approve, subject to: any further minor amendments required to address comments from Suffolk County Council Highways and Local Lead Flood Authority; and confirmation from the Suffolk Resilience Forum Partnership that the emergency flood plan is acceptable.

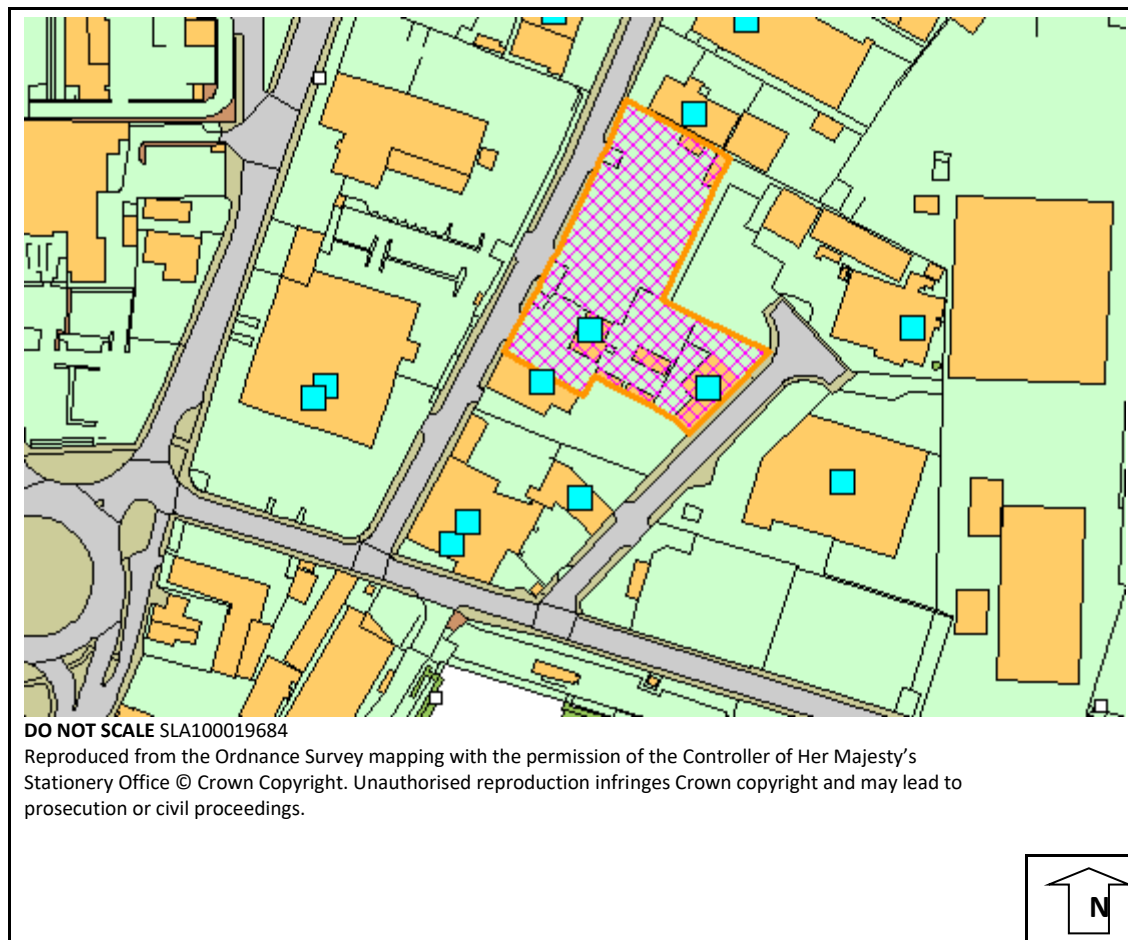
10. Conditions (summarised)

- 1) Three-year time limit to commence development;
- 2) Development to be carried out in accordance with the approved plans;
- 3) External facing materials to be as detailed on the proposed elevation drawings;
- 4) Details of new tree planting to be provided prior to development above slab level;
- 5) Use class – the units to be used for only office and/or light industrial use [Class E(g)];
- 6) Construction management plan to be submitted prior to commencement of any development.
- 7) Ground contamination – validation report to be submitted for approval prior to first use of site;
- 8) Ground contamination – standard condition to cover action in the event unexpected contamination is discovered.
- 9) Site Landscaping to be carried out in accordance with approved plans at first planting season following commencement of development;
- 10) Any soft landscaping/planting to be maintained for a period of five years post-permission, with any felled, diseased, or otherwise removed/damaged planting to be suitably replaced.
- 11) Ecology - development in accordance with the ecological avoidance, mitigation and enhancement measures set out in the submitted PEA;
- 12) Ecology - no demolition of buildings during bird nesting season (14th February and 31st August inclusive), unless otherwise approved;
- 13) Highways conditions (to be provided in update sheet or finalised post-committee in consultation with Highways Authority; and
- 14) Drainage conditions (to be provided in update sheet or finalised post-committee in consultation with the Local Lead Flood Authority).





11. Background Papers

See application reference DC/22/4533/FUL on [Public Access](#)

Map



Key

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