



# 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 February 2024 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/Gq2tkP6mAfk?feature=share>

## 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.

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>1</b>	<b>Apologies for Absence and Substitutions</b>	
<b>2</b>	<b>Declarations of Interest</b> 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.	
<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4</b>	<b>Minutes</b> To confirm as a correct record the minutes of the meeting held on 9 January 2024.	<b>1 - 25</b>
<b>5</b>	<b>East Suffolk Enforcement Action - Case Update ES/1848</b> Report of the Head of Planning and Coastal Management.	<b>26 - 41</b>
<b>6</b>	<b>DC/23/2454/FUL - Doreens Cottage, 3 Bridge Road, Reydon, IP18 6RR ES/1849</b> Report of the Head of Planning and Coastal Management.	<b>42 - 50</b>
<b>7</b>	<b>DC/22/4241/FUL - Site off Denmark Road, Lowestoft, NR32 2EQ ES/1850</b> Report of the Head of Planning and Coastal Management.	<b>51 - 67</b>

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>8</b>	<b>DC/23/0023/FUL - 4 Hazelwood Hall Cottages, Aldeburgh Road, Friston, IP17 1PD ES/1851</b> Report of the Head of Planning and Coastal Management.	<b>68 - 74</b>
<b>9</b>	<b>DC/23/4456/FUL - Briar Cottage, The Green, Walberswick, IP18 6TT ES/1852</b> Report of the Head of Planning and Coastal Management.	<b>75 - 84</b>

<b>Part Two – Exempt/Confidential</b>		<b>Pages</b>
<b>10</b>	<b>There are no Exempt or Confidential items for this Agenda.</b>	

**Close**



Chris Bally, Chief Executive

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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.

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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 9 January 2024 at 2.00pm.**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Paul Ashton, Councillor Julia Ewart, Councillor Andree Gee, Councillor Toby Hammond, Councillor Graham Parker, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor Geoff Wakeling

**Other Members present:**

Councillor Peter Byatt

**Officers present:** Jamie Behling (Planner), Joe Blackmore (Principal Planner (Development Management, North Area Lead)) , Fabian Danielsson (Assistant Planner), Katy Cassidy (Democratic Services Officer (Regulatory)), Matthew Gee (Senior Planner), Mia Glass (Enforcement Planner), Matt Makin (Democratic Services Officer (Regulatory)), James Meyer (Principal Ecologist), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Pitchers declared a non-registerable interest in Item 8 as the application was located within his ward.

Councillor Ashton declared non-registerable interests in items 8, 9 and 11 as he was the Cabinet member for Corporate Services including the Council's non-housing assets.

Councillor Parker declared a non-registerable interest in item 9 as he was a Lowestoft Town Councillor.

Councillor Hammond declared non-registerable interests in items 8 and 9 as he was the Cabinet member for Economic Development.

Councillor Ashdown declared a non-pecuniary interest in item 9 as a member of Lowestoft Place Board.

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

Councillor Ewart declared that she had been lobbied on item 7 of the agenda and that she had made no response.

Councillor Plummer declared that she had received an email regarding item 7 of the agenda and had responded to advise that a further update had been sent round to all Committee members.

Councillor Pitchers declared that he had been lobbied verbally on item 8 of the agenda by his fellow Ward Members and he had made no response.

### **4 Minutes**

On the proposition of Councillor Hammond, seconded by Councillor Ashdown, it was by a unanimous vote

#### **RESOLVED**

That the minutes of the meeting held on 12 December 2023 be agreed as a correct record and signed by the Chair.

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

The Committee received report ES/1805 of the Head of Planning and Coastal Management which provided a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 13 December 2023. At that time there were 16 such cases.

The Chair invited the Enforcement Planner to comment on the report. The Enforcement Planner noted that there was one update to the report provided as item B.6, Maria Wood appeal, had received a start date and this was now going ahead with a statement to be supplied by 15 February 2024.

There being no further updates from the Enforcement Planner, the Chair invited questions from Members.

In response to a query from Councillor Ashdown, the Enforcement Planner confirmed that North Denes had now been closed down and therefore no longer appeared on the report.

There being no further questions or comments, on the proposition of Councillor Ashdown, seconded by Councillor Pitchers it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 13 December 2023 be noted.

## **6 DC/23/2454/FUL - Doreens Cottage, 3 Bridge Road, Reydon, IP18 6RR**

The Committee received report **ES/1799** of the Head of Planning and Coastal Management which related to planning application **DC/23/2454/FUL**. The application sought retrospective planning permission to retain the ground floor single storey side extension and first floor rear gable.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management, this was due to the objections received from the Ward Member, Parish Council and the neighbouring residents. There were inaccuracies with the drawing details contained in the original permission and therefore a new application was submitted for full consideration by the Committee to enable consideration of the impact on the living conditions of adjacent properties.

The Committee received a presentation from the Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the site was displayed, it was noted that on the east side of Bridge Road, the site had a small rear garden and pathway leading to it between number 2 Bridge Road to the north, under the first floor. Original front, side and rear elevations were shown before any extension was originally accepted. The Committee was informed that there was an existing single storey flat roofed rear extension which in paragraph 2.2 of the report was described as never having had planning permission. However, it was confirmed that the applicant had since submitted the original consent from 1974 and this had been reflected/corrected in the update sheet.

The Committee was shown floor plans from the first approved original application and the planner highlighted the flat roof extension and the straight line shown on those plans advising that they were now aware that was inaccurately drawn, as the line leans inwards. The proposed plans and plans that had been built out were shared with the committee, showing the impact of the building line leaning inwards towards the boundary.

Photographs showing the site in context were shared with the Committee along with various elevations and the discrepancy with the calculation of the neighbour's gable explained, highlighting the need for the retrospective planning permission. The Planner confirmed that the difference between the plans meant that the extension, as built, was 20 to 25 cm closer to the neighbour's property than originally stated.

The material considerations and key issues were summarised as loss of light, overlooking and loss of privacy and oppression and sense of overbearing.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application was outlined to the Committee.

The Chair invited questions to the Planner.

Councillor Hammond asked for clarification as to how the mistake was made regarding the measurements, this was referred to the applicant to answer.

Councillor Ewart reviewed the slides to clarify that the property was not overlooked from the other side.

There being no further questions for the Planner, the Chair invited Mr Reynolds, the applicant to speak.

Mr Reynolds told the Committee that the works that were consented in December 2021 were to enlarge a tiny ground floor living area and to provide shower and toilet facilities on the first floor, with the bedroom seeking to respect the neighbours to the north and east. Mr Reynolds pointed out that the extension was to the exact dimensions that were approved with the difference being the dimensions relating to the neighbour's property. It was understood that these were taken from Ordinance Survey maps which were not quite accurate. Mr Reynolds had previously submitted the planning history to the Committee and highlighted that all three properties had started with the same footprint and had subsequently been through a process of upgrading. Regarding the objections, Mr Reynolds accepted and acknowledged the incorrect dimensions. With loss of privacy and overlooking, Mr Reynolds stated that it had always been possible to overlook the gardens when the property was purchased. Regarding loss of light to the property Mr Reynolds had produced a day light report which showed no loss of light. In summary Mr Reynolds felt it was a reasonable application which respected the neighbours.

The Chair invited questions to Mr Reynolds.

Councillor Ashton referred to Councillor Beavan's comments in the report where he (Councillor Beavan) had pointed out to the applicant that it was not in line with planning permission, however the applicant continued unabated. This question was referred to the Architect who confirmed he had spoken to the planners at the time and was told not to stop building, therefore he continued to do so in line with the dimensions on the plans.

The Planning Development Manager confirmed that they would not say to anyone to carry on building, adding that with Planning Enforcement there would be an investigation, which would determine whether action should be taken, or a retrospective planning application should be sought. The Committee was notified that there was an option within the planning toolkit to seek a temporary stop notice if there was actual harm from the development that required an immediate stop, however it was not common practice for this to occur with a household build. The Planning Development Manager added that they would have highlighted the risks going forward, stating that there is nothing in planning legislation that stops someone from seeking planning permission retrospectively and no penalty to do so.

The Chair pointed out that what was built was what the plans said, and the error was in the dimensions of the plan. The architect added that they did show the neighbours property in context on the plans, which they did not have to do.

There being no further questions for Mr Reynolds, the Chair invited Ms Mantin, the objector to speak.

Ms Mantin explained that she was the owner of number 2, which was the middle of the properties, divided from the applicant's property by a very narrow alley way. Ms Mantin noted that when the first-floor extension application was first made she didn't have any objections, the neighbour had explained that they would like to extend out by 593mm, and they gained permission. When the building started Ms Mantin noticed that the gable end was going up approximately 1.5 metres beyond the first-floor property line. Ms Mantin addressed this with the owner and architect and was told that the building was entirely in accordance with planning permission it was her property that was in the wrong place.

The committee was told that the impact of this affected Ms Mantin daily and that the south views from her window were now blocked entirely by a double height solid wall, she added that if the submitted plans were accurate, this would not be the case. Ms Mantin noted that a light survey had been completed but questioned if this looked at winter sun as her property was in shadow. The Committee was shown a photograph of Ms Mantin's garden and Ms Mantin pointed out the only useable part of it where there was sun. Ms Mantin felt that the neighbour's property had almost unimpeded views of the entire garden except from where she had added a semi mature tree and bamboo. Ms Mantin felt that she could not go into her garden without a feeling of being observed even when no one was there due to the "balcony effect", adding that according to planning rules new balconies were not allowed to look into private gardens and yet this had the effect of a balcony. To conclude Ms Mantin notified the Committee that this had ruined the enjoyment of her home and asked them to take that on board.

The Chair invited questions to Ms Mantin.

In response to a question from Councillor Ewart, Ms Mantin confirmed that she did see the first plans, however she was not knowledgeable and did not have the measurements to compare and therefore believed them to be correct.

In response to a question from Councillor Gee, Ms Mantin confirmed that she was losing sunlight from the south, adding that the picture presented demonstrated the gable end in shadow and that they had added cladding to the wall to soften the view from the garden.

There being no further questions for Ms Mantin, the Chair resumed questions to Mr Reynolds.

Cllr Ashton sought clarification on the conversation between Ms Manton and Mr Reynolds. Mr Reynolds confirmed that the conversation had taken place and that he had wanted to speak with Ms Mantin as he was aware that the property was going to project out beyond the back of her property. Mr Reynolds added that during the conversation they viewed where the project would potentially project out to, he regrets that the property projected further but they were looking at original plans which had been drawn.



Councillor Ewart asked what caused Councillor Beavon to make contact, Mr Reynolds responded that he did not know and had not had a conversation with him but presumed that Ms Mantin had notified him.

The Chair noted that Councillor Beavon had wished to attend the meeting today but was abroad and as a Ward member was unable to attend the Committee remotely.

In response to a question from the Chair, Mr Reynolds confirmed that they were aware there was a problem when Ms Manton had raised it and the Planning Enforcement Officer contacted them.

Councillor Hammond asked a hypothetical question of the applicant, asking Mr Reynolds how they would feel if Ms Manton wished to extend and brought her building level with his or beyond it? Mr Reynolds confirmed that when he bought the property the neighbour's property was projecting beyond their house. He added all they had done is added a bedroom on the first floor extension and hadn't taken up all of the space they could have done. Mr Reynolds confirmed the houses were in a suburban setting and quite close together. If his neighbour wished to extend, he would accept it as people want to bring their houses up to the standard of the day. Mr Reynolds had produced the planning history so the Committee could see how the properties had evolved.

In response to the Chair, Mr Reynolds clarified that the room with the Juliet balcony was just a bedroom and not a sitting room. The opening had been reduced and a condition had been agreed to not use the flat roof for any purpose.

In response to a question from Councillor Gee, Mr Reynolds notified the Committee that the alleyway belonged to him and the measurements on the original plans were incorrect. The planner confirmed that the original plans showed a gap of 0.9 metres, but it was 0.6 metres, the new plans now reflected the accurate measurements.

Following no further questions, the Chair invited the Committee to debate.

Councillor Ashdown stated that having listened carefully to everything that had been said, it was necessary to view the property and proposed that a site visit take place and the application be deferred.

This proposal was seconded by Councillor Ashton.

RESOLVED

That the application be **DEFERRED** to enable the Committee to visit the application site.

Officers advised that a site visit would be arranged and that details would be circulated to members of the Committee in due course.

## **7 DC/23/3115/FUL - Seacroft, Millfield Road, Walberswick, IP18 6UD**

The Committee received report **ES/1800** of the Head of Planning and Coastal Management which related to planning application **DC/23/3115/FUL**. The application

sought full planning permission for the partial demolition of the existing property and refurbishment and extension to the property.

The application was before the Committee for determination at the request of the referral panel as it was considered that the views of the Parish Council should be discussed.

The Committee received a presentation from the Senior Planner, who was the case officer for this application. The site's location plan was outlined highlighting the property's location within the Walberswick conservation area and the surrounding green areas. The Senior Planner noted the green area to the south of the application which was the Minsmere and Walberswick special protection area, the Minsmere and Walberswick Ramsar site which overlapped with part of the Minsmere and Walberswick marshes site of special scientific interest. An aerial photograph showing the property in context was shared with the Committee demonstrating the prevailing character of larger properties set within relatively spacious plots.

Photographs were shown to the Committee demonstrating views looking into and from within the site. The Senior Planner displayed the proposed block plan, the existing and proposed elevations and the existing and proposed floor plans. The landscaping details slide was shared with the Committee highlighting which trees were to be retained and identifying those to be removed, the Senior Planner noted that the majority of the trees marked to be removed were of lower value and some removal had been granted consent previously but hadn't yet been removed. The majority of the existing foliage was to be retained as part of the application.

The Senior Planner noted that the visual assessments that had been submitted showed the extended property sitting relatively well within its surroundings and Officers didn't consider it to have any significant impact on the conservation area or national landscape designation.

The material planning considerations and key issues were summarised as design and conservation, amenity, biodiversity and highway safety.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application was outlined to the Committee.

The Chair invited question to the Senior Planner.

Councillor Pitchers requested to revisit the slide showing the trees that were proposed to be removed, questioning why some on the top boundary were being removed. This was to be referred to the applicant or architect.

In response to a question from Councillor Ewart it was confirmed that Walberswick doesn't have a local neighbourhood plan and it was the conservation area that were the key considerations.

The Principal Planner drew members attention to the update sheet, in particular the clear regard that had been given to the conservation area appraisal when assessing this scheme. The Senior Planner worked closely with the Senior Design and Heritage Officer and had clear regard to the guidance within the conservation area appraisal

about the use of particular materials, in this case this dwelling wasn't a building that was noted as of significant interest and it didn't display those historic characteristics. The contemporary design approach was judged to be a good approach to the development of this site. The Principal Planner pointed out that this had been carefully taken into account as the Committee has a statutory duty to make decisions that preserve or enhance the conservation area. The Principal Planner advised that, providing members had that clear statutory requirement in mind, they could move forward in determining the application.

The Chair thanked the Principal Planner for providing the update. Following no further questions from the members, the Chair invited the Objector, Mr Gomm, to present.

Mr Gomm, the direct neighbour of the applicant, asked that members gave consideration to the refusal of the application and summarised his concerns as follows:

- Approval should not be granted without an additional restriction to discontinue the excessive uplighting of trees.
- The proposed materials were not appropriate for the Millfield Road part of the Conservation Area, and in his views the materials were unacceptable where more traditional materials predominate.
- The property would be visible from a number of view points and also to residents of Millfield Road.
- The extent of the rebuilding and extension was excessive. The application would make a 3 bedroom house into a 5 bedroom one and the extension would be larger than the original house.
- Decisions must be made in line with Development plan unless material consideration dictate otherwise, and he didn't consider there to be any other material considerations.
- There were at least 9 letters of objection that had been received citing inappropriate materials, lighting issues, tree loss, scale and massing problems, and residential amenity issues for neighbours.

Following no questions for Mr Gomm, the Chair invited Councillor Lewis from Walberswick Parish Council to speak.

Councillor Lewis summarised the following concerns on behalf of Walberswick Parish Council.

- The size of the property and the development from a 3 bedroom to a 5 bedroom home, led them to believe that this would not be a family home and the intention would be for a holiday home, which is not needed in Walberswick.
- There was concern regarding the lack of a detailed landscaping proposal, trees were planned to be removed without any detailed plan of how they will be replaced or why they were being removed. It appeared opportunistic and it was unclear to see how the conservation area was being enhanced. If there was a replanting plan then some mitigation could be made.
- There were concerns around light pollution from the amount of planned glass and light spillage onto existing properties.
- The pallet of materials was not considered to be appropriate.

The Chair invited question to Councillor Lewis and Walberswick Parish Council

Councillor Ewart questioned whether there were properties of similar size in the area. Councillor Lewis confirmed that Millfield had lots of substantially sized properties within it, but the concern with this development was the changing of size and the style of the property not being in keeping with the nature of the other Jennings properties.

In response to a question from the Chair, Councillor Lewis confirmed that Millfield was the centre of all of the Jennings' houses.

Following no further questions for Councillor Lewis, the Chair invited the applicant's agent, Mr Scott to speak.

Mr Scott stated that their client bought Seacroft a few years ago with the intention of creating a low energy lifetime home to occupy as their main residence. Mr Scott pointed out that both he and his client understood Walberswick and the need to maintain its special and unique character and the intention was to develop a sustainable home which sat comfortably and respectfully in its secluded site. The planned development would mirror the proportions of the existing house and was planned to optimise coastline views and remain well spaced within the boundaries to avoid overlooking. The extension was proportionate in context and did not represent overdevelopment, falling comfortably within its 2 immediate neighbours. Mr Scott stated that the design drew inspiration from the wider Walberswick conservation area, with high quality natural materials used to enhance the existing house and echo the traditional Walberswick palette. It was confirmed that there would be minimal change to landscaping and a comprehensive arboriculture impact assessment has been submitted ensuring minimal tree removal. To summarise Mr Scott stated that the proposal represented significant investment from the applicant, with sensitive architecture, high quality materials and a sustainable home with improved thermal performance.

The Chair invited question to the applicant's agent.

In response to a question from Councillor Pitchers regarding the unnecessary removal of trees, Mr Scott confirmed that there would be minimal removal, noting that the two in question were dead and needed to be removed. Mr Scott added they were happy for a condition to be applied to ensure replacement planting took place.

In response to a question from Councillor Ashdown, the applicant confirmed that it was their intention to make it their primary residence within the next 5 years.

In response to a question from Councillor Ewart, Mr Scott outlined the materials planned to be used, highlighting how they were in keeping with the Walberswick Area.

In response to a question from the Chair regarding lighting, Mr Scott confirmed that the design had done everything to mitigate any lighting issue, with no glazing being added to the existing building and the extension having a very small amount of glazing for its size. Regarding landscaping lighting, Mr Scott confirmed that the current garden

was beautifully maintained and there was no plan to change that, adding there was currently some uplighting and if necessary any external lighting could be conditioned and dealt with.

Following the questions, The Planning Development Manager clarified that how the home was occupied was not a material consideration for today. With reference to the Parish Council Comments, the Planning Development Manager shared the slide to show the context of the buildings in the Millfield area which was a mix of unlisted buildings that make a positive contribution alongside the less remarkable buildings.

There being no further questions, the Chair invited the Committee to move into debate regarding the planning permission. Councillor Pitchers was in favour of the development, adding it improved the existing building and was no bigger than others in the area; he had concerns around the loss of trees and providing there was a condition that they were suitably replaced he was happy to recommend that the planning permission be approved as set out in the recommendation. Councillor Ashton stated that he had listened carefully to the objections, and as there were no material planning conditions, he was happy to second the proposal. The Planning Development Manager advised that interested parties had raised material planning considerations but that those matters had been taken into account in the officer report and presentation to members.

The Planning Development Manager noted Councillor Pitcher's condition recommendation, suggesting that a condition be put in place as follows:

Prior to the commencement of the development a landscaping scheme incorporating any replacement tree planting should be submitted, agreed, and implemented and this should be preserved for 5 years during the course of construction.

It was by a unanimous vote

RESOLVED

to **approve** with conditions listed in section ten of this report.

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 Existing Site Plan, 2214\_IFDO\_XX\_00\_DR\_\_A\_001, received 08/08/2023;

- Proposed Location Plan and Site Plan, 2214\_IFDO\_XX\_00\_DR\_\_A\_100, received 08/08/2023;

- Proposed Site Plan, 2214\_IFDO\_XX\_00\_DR\_\_A\_101, received 08/08/2023;
- Proposed Roof Plan, 2214\_IFDO\_XX\_00\_DR\_\_A\_112, received 08/08/2023;
- Proposed Section B-B, C-C, D-D, 2214\_IFDO\_XX\_00\_DR\_\_A\_200, received 08/08/2023;
- Proposed North & South Elevations, 2214\_IFDO\_XX\_00\_DR\_\_A\_300, received 08/08/2023;
- Proposed East & West Elevations, 2214\_IFDO\_XX\_00\_DR\_\_A\_301, received 08/08/2023;
- Proposed Ground Floor Plan, 2214\_IFDO\_XX\_00\_DR\_\_A\_110, received 08/08/2023;
- Proposed First Floor Plan, 2214\_IFDO\_XX\_00\_DR\_\_A\_111, received 08/08/2023;
- Preliminary Ecological Appraisal, Skilled Ecology Consultancy Ltd., received 14/08/2023;
- Design and Access Statement, received 14/08/2023;
- Light Spill mitigation, received 06/10/2023;
- Arboricultural Impact Assessment (AIA), received 06/10/2023;

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology, July 2023) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected.

6. No external lighting shall be installed unless a"lighting design strategy for

biodiversity” for has been submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

7. All new glazing installed shall have a Visible Light Transmittance (VLT) of 0.65 or lower.

Reason: To reduce the level of light spill from the site to protect nearby European Protected Sites.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no first floor shall be installed above the room labelled snug on drawing 2214\_IFDO\_XX\_00\_DR\_\_A\_110.

Reason: To ensure that the amenity of neighbouring residents is protected.

9. No development shall take place until the existing trees on site to be retained, as shown on drawing J231000-GGC-ZZ-ZZ-D-ARB-0101 P01, have been protected in accordance with the measures detailed in submitted and approved Arboricultural Impact Assessment (AIA).

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

## **8 DC/23/3977/RG3 - Jubilee Parade, The Esplanade, Lowestoft**

The Committee received report **ES/1801** of the Head of Planning and Coastal Management which related to planning application **DC/23/3977/RG3**. The application sought full planning permission for the demolition of the existing single storey café kiosk, store and public WC block and the erection of a two-storey building.

The application was before the Committee for determination as East Suffolk Council were both the applicant and landowner.

The Committee received a presentation from the Senior Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the site was displayed. Photographs showing the site in context were shared with the Committee along with existing and proposed elevations. The proposed site plan was shown, highlighting the new building alongside the enlarged lower promenade area, facilitating a turning area for emergency vehicles and the two-storey development with the lift shaft up to Jubilee Parade enabling increased accessibility.

The material planning considerations and key issues were summarised as principle, economic considerations, design and heritage, amenity, accessibility and highways, coastal erosion, flood risk, sustainability and other matters.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application was outlined to the Committee.

The Chair invited question to the Senior Planner.

The Senior Planner confirmed to Councillor Ashdown that the lift would provide access to the café. A further regarding when the lift would be in use was referred to the applicant.

Following no further questions, the Committee heard from Sarah Foote (SF) from Lowestoft Town Council.

In response to the query from Councillor Hammond regarding Lowestoft Town Council's objection, SF clarified that there was an administrative error in the response and this had been corrected on the update sheet.

Town council considered application and welcomes certain aspects in particular public toilets and changing facilities easy reach of south beach.

To support the application requested that members took into consideration the following:

- Heritage impact statement does not align with the South Lowestoft Kirkley area appraisal as being an area of interest.
- Possible loss of amenity – concern about the post development storage space for Lowestoft volunteer lifeguards.
- Reassurance that the existing business is being supported which is much loved and much used.

The Chair invited questions to Lowestoft Town Council. Councillor Ashton asked the Senior Planner to clarify if the second two points raised by SF were material planning considerations. In response the Senior Planner confirmed that they were not necessarily, however this would be covered as part of the applicant's representation. Councillor Ashton made a personal commitment to take forward those two points.

There being no further questions the Committee heard from Richard Best, the



applicant.

RB outlined the plans to deliver another positive phase of the seafront regeneration programme building with the project providing a first-floor restaurant with balcony, 5 new concession spaces, 2 for existing tenants and 3 for leisure. A new lift was proposed which would comply with DDA standards and would improve access and be available to all users. Modern public toilet facilities and outdoor showers would be development, and further public realm enhancements including lighting to encourage evening use. There would be outside seating and a turning circle for service and emergency vehicles. To summarise the project would provide new jobs, improve public realm and replace a tired existing building with a new seafront facility to support and improve the tourism economy.

The Chair invited question to RB. In response to a question from the Chair, RB confirmed that they had been working closely with both existing tenants to agree satisfactory short-term measures during the construction phase and long term more permanent outcomes once the construction was completed, adding legal teams had been instructed and they were making good progress.

Councillor Pitchers asked if there were any plans to change the cliff face landscape – RB confirmed there were no plans to affect landscape or biodiversity to the cliff itself other than the green roof proposal for the first-floor restaurant. Jerene Irwin, architect, confirmed that there were ongoing conversations with the ecologist to ensure the biodiversity was enhanced as part of the development.

There being no further questions, the Chair invited Ward Member, Councillor Byatt to speak. Councillor Byatt whole heartedly welcomed the proposal, particularly the modernisation of the area, the lift access, the potential solution for the voluntary lifeguards, improved lighting, cliff face diversity and the emergency and service vehicle turning space.

In response to a question from Councillor Ewart, Councillor Byatt confirmed it would be an East Suffolk Owned Building with the tenants still to be announced.

Following no further questions, the Chair invited the Committee to debate. Councillor Ashdown stated that he very much appreciated everything that was going, it was desperately needed, and he was more than happy recommend approval of this application. Councillor Pitchers, as Ward Member, also welcomed the development and seconded the proposal.

Councillor Gee welcomed the concept however was very unhappy with the design of the building, it appeared angular and ugly and not sympathetic with the landscape. In response the Senior Planner confirmed there was a condition on the approval to finalise the materials on the lift shaft following ongoing discussion with the design and conservation team. The Planning Development Manager confirmed that there could be further work to improve the aesthetics of it.

Councillor Ewart agreed it was important to consider the design element and gave an example of developments in Yorkshire.

There being no further debate the Chair moved to a vote and it was by a majority

RESOLVED

that planning permission be granted subject to receipt of comments from the Coastal Management raising no objections, and with the conditions set out in this report.

Conditions:

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

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

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

- Site Location Plan, 210 P2, received 16/10/2023;
- Proposed Site Layout Plan, EEPT-212 P2, received 16/10/2023;
- Landscape Layout, 0501 P04, received 16/10/2023;
- Proposed Elevations, EEPT-301 P4, received 16/10/2023;
- Proposed Ground Floor with Landscape, EEPT-202 P5, received 16/10/2023;
- Proposed First Floor & Roof Plans, EEPT-203 P5, received 16/10/2023;
- Proposed Upper Promenade with Landscape, EEPT-204 P5, received 16/10/2023;
- Coastal Erosion Vulnerability Assessment, 218414-CCL-ZZ-XX-RP-C-05000 Rev:P01, received 16/10/2023;
- Design and access Statement, 6873 / Rev P1 / October 2023, received 16/10/2023;
- Flood Risk Assessment and Drainage Strategy, 218414-KS-00-XX-RP-C-001 Rev:P01, received 16/10/2023;
- Control of odour & noise associated with a commercial kitchen, EEPT-CF-ZZ-XX-RT-A-6899, received 01/12/2023;

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 (except for the cladding to the lift shaft) and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. Prior to first use of the building, hereby approved, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be created in conjunction with

the submitted and approved Flood Risk Assessment (reference 218414-KS-00-XX-RP-C-001 and dated October 2023)

Reason: To ensure the proposal is flood resilient and safe in the event of flooding

5. Prior to the installation of any fixed plant or machinery (e.g., heat pumps, compressors, extractor systems, air conditioning plant or refrigeration plant), a noise assessment should be submitted to include all proposed plant and machinery and be based on BS4142:2014+A1:2019.

A noise rating level (L<sub>A</sub>r) of at least 5dB below the typical background sound level (L<sub>A</sub>90,T) should be achieved at the nearest noise sensitive receptor. Where this noise rating level cannot be achieved, details of any noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

All equipment and/or measures included within the approved noise assessment should be installed in accordance with the approved details.

Reason: To protect the amenity of the area.

6. With reference to best practice contained within the latest edition of EMAQ+ Guidance "Control of Odour and noise from Commercial Kitchen and Exhaust Systems", all extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises.

Before the installation of such a system, details of -

- Type, size and location of the filtration plant, ventilation or similar equipment,
- The sizes and route of the ductwork, and
- The exact location of the final discharge point, including details of odour control and filtration equipment proposed to be fitted.

These details shall be submitted to and approved by the Local Planning Authority prior to the first use of the kitchen. Only the approved scheme shall be installed at the premises and shall be fully functional prior to the first operation of the business, and be retained thereafter.

Reason: To protect the amenity of the area.

7. Development must be undertaken in accordance with the ecological avoidance, mitigation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Wilder Ecology, October 2023) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

8. 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 a competent ecologist has undertaken a careful, detailed check of vegetation for

active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/ or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

9. Prior to the removal and/or replacement of any of the cliff top wall along the upper promenade, full details of the any of the repairs and/or replacements shall be submitted to and approved in writing by the local planning authority.

Reason: To preserve the character and appearance of the Conservation Area.

10. Prior to any new works of construction above slab level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials, and any necessary proposed functional services above and below ground. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

The landscaping scheme shall be completed within 6 months from the completion of the proposal, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

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

11. Prior to construction of the bin storage areas, full details of the bin storage, including means of enclosures, shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage areas shall then be constructed and made available prior to first use of the development hereby permitted.

Reason: To preserve the character and appearance of the Conservation Area.

12. Prior to their first use on site, full details of the proposed cladding material to the lift shaft shall be submitted to and approved in writing by the Local Planning Authority. The lift shaft shall then be clad with the approved materials prior to its first use.

Reason: To preserve the character and appearance of the Conservation Area.

## **9 DC/23/2832/RG3 - Public Realm Spaces, Royal Plain, Lowestoft, NR33 OAP**

The Committee received report **ES/1802** of the Head of Planning and Coastal Management which related to planning application **DC/23/2832/RG3**. The application sought full planning permission for public realm works across three areas in Lowestoft; the Royal Plain, Royal Green and South Quay.

The application was before the Committee for determination as East Suffolk Council

were both the applicant and landowner.

The Committee received a presentation from the Principal Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the site was displayed. Photographs showing the site in context were shared with the Committee. The proposed block plans and visual were displayed for each of the three areas. The Principal Planner noted that events on Royal Green could continue whilst the work was ongoing, with the intention being to improve the connectivity of Royal Green. There was a continued key focus for the war memorial to be retained and for that surrounding area to be used and improved, with the aim being to continue to attract visitors to East Point Pavillion.

The material planning considerations and key issues were summarised as principle of development, conservation area and setting of listed buildings, and public realm improvements and community benefit.

The Principal Planner stated that there were comments still to be received from the Local Lead Flood Authority (LLFA) and Suffolk Highways Authority, but these were not envisaged to be problematic.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application was outlined to the Committee.

The Chair invited questions to the Principal Planner.

In response to Councillor Pitchers question regarding South Quay ownership, the Principal Planner confirmed that the land is East Suffolk land with some of the land belonging to ABP. Clarity was sought regarding the suspended dock area and this was referred to Officer Stephen Hart.

It was clarified that vehicle access to Royal Green was being considered in the plans for events running whilst the area was being developed.

In response to Councillor Ashdown, the Principal Planner confirmed that no disabled car parking spaces would be lost.

In response to Councillor Ewart, the Principal Planner clarified it was a Council led project and the longer-term management and maintenance of it would be from the Council, noting it was a RG3 application type which was for planning permission deemed to be granted for the benefit of East Suffolk Council.

Councillor Ewart questioned the branding within the design and whether there would be an events space. The Principal Planner confirmed that branding had been considered throughout the design phase and the Royal Green had sufficient space to incorporate events alongside the landscaping etc planned.

Following no further questions for the Principal Planner, the Chair invited Richard Best, the applicant to speak.

RB gave an overview of the project, adding further context with the ambition being to

deliver an improved destination place, positively contributing to the tourism economy and delivery of the seafront vision.

The Chair invited question to Richard Best.

In response to a question from Councillor Ashton it was confirmed that the delivery project would be arranged to minimise disruption to East Point Pavilion.

Councillor Pitchers asked about the suspended quay and whether any additional works were intended by ABP. It was confirmed that there were no current plans for the removal of the quay area.

There being no further questions, the Chair invited Councillor Byatt, Ward Member to speak.

Councillor Byatt confirmed that his query regarding low wall being removed were no longer an issue, having seen the presentation. He welcomed the design in terms of tourism and the local economy and suggested the MUGA was fenced and locked at certain times of night.

There being no further questions the Chair invited the Committee to debate the application that was before it. Councillor Gee said it was a brilliant idea, enriching a desolate area and was happy to propose that the application be approved as set out in the recommendation. Councillor Hammond concurred and seconded the proposal.

Councillor Hammond thanked the officers and noted the hard work that had gone into putting the proposals together.

Councillor Pitchers, as a Kirkley resident, appreciated the work that had been carried out.

It was by a unanimous vote

RESOLVED

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

Conditions

\*\*\*\* list of conditions need to be inserted \*\*\*\*

## 10 DC/23/2352/FUL - 1 Adams Lane, Walberswick, Southwold, IP18 6UR

The Committee received report **ES/1803** of the Head of Planning and Coastal Management which related to planning application **DC/23/3527/FUL**. The application sought full planning permission for a new driveway access off the B1387 into the garden of 1 Adams Lane in Walberswick.

The application was before the Committee for determination at the request of the referral panel as it was considered that the views of the Parish Council should be discussed.

The Committee received a presentation from the Assistant Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the property shown, with the Assistant Planner noting that it doesn't currently have access from the street although the majority do. Photographs showing the site in context were shared with the Committee. The proposed block plans and visual was displayed, it was noted there is currently parking to the west and pedestrian access to the garden. Historic photographs showing the previous access point was shared and the poor condition of the hedge that was to be removed was noted.

The material planning considerations and key issues were summarised visual impact and highway safety.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application was outlined to the Committee.

The Chair invited questions to the Assistant Planner. In response to a question from Councillor Ashdown, the Assistant Planner confirmed that the only part of the hedge to be removed was the amount required for the access. It was noted that permission was not required to remove the hedge.

There being no further questions, the Chair invited Councillor Lewis of Walberswick Parish Council to outline the objections.

Councillor Lewis told the committee that when researching back several years there had been no previous vehicle access and the property already had a garage and access. He had concerns regarding highway safety as there were lots of changes of speeds of vehicles at this point in the road. There were already 3 access points and choosing to put another access point in would be dangerous. Councillor Lewis added that there were concerns over changes of biodiversity due to the removal of the hedge.

The Chair invited question to Councillor Lewis.

There being no questions the Chair invited the Committee to debate the application that was before it.

Councillor Gee agreed with what had been said and felt that from a safety perspective this would be highly detrimental adding the hedge should not be removed.

Councillor Ashton agreed about the hedge but could understand why there was the need to have vehicular access nearer to the house and was mindful to support it.

Councillor Ashdown concurred with Councillor Ashton and was happy to support the application.

Councillor Ewart agreed with Councillor Gee and had concerns regarding safety.

Councillor Hammond had to leave the meeting at 5pm.

On the proposition of Councillor Ashdown seconded by Councillor Ashton Cllr Ashdown recommended for approval, it was by a majority vote

RESOLVED

to **Approve** subject to conditions.

Conditions:

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

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

2. The development hereby permitted shall be carried out in all respects strictly in accordance

with the following approved plans and documents for which permission is hereby granted:

- Drawing no. DM01 - Layout received on 03 November 2023.

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

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

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

4. Before the access is first used visibility splays shall be provided as shown on Drawing Ref. DM01 - Layout with an X dimension of 2.4 metres and a Y dimension of 22 metres 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.



5. No other part of the development hereby permitted shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM01 with an entrance width of 3 metres for a distance of 5 metres measured from the nearside edge of the metalled carriageway. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design 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.

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. 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.

8. Gates or other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.

Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.

9. Prior to the development hereby permitted being first occupied, the new vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 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.

10. Before the development is commenced, details of the areas and infrastructure to be provided for the manoeuvring and parking of vehicles 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 ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with the current Suffolk Guidance for Parking (2023) where on-street parking and manoeuvring would be detrimental to highway safety. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the

development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

11. Before the development is commenced, details 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.

Informatives:

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

2. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing, all works within the public highway shall be carried out by Suffolk County Council or its agents at the applicant's expense.

Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information, go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>

or;

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

Suffolk County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to the proposed development.

3. Suffolk County Council's highway apparatus appears to be affected by this proposal. The applicant must contact Suffolk County Council, telephone 0345 606 6067 to agree any necessary alterations to be carried out at the expense of the developer.

4. Sufficient vehicle turning facilities should be provided to ensure vehicles can exit and enter the site in a forward-facing gear. It has not been evidenced that vehicles could complete this manoeuvre when both vehicle parking spaces are occupied.

**11 DC/23/3905/FUL - Leiston Enterprise Centre, Eastlands Road, Leiston, IP16 4US**

The Committee received report **ES/1804** of the Head of Planning and Coastal Management which related to planning application **DC/23/3905/FUL**. The application sought full planning permission for the addition of 2No external wall mounted condensing units for an air conditioning system.

The application was before the Committee for determination as East Suffolk Council owned the building.

The Committee received a presentation from the Assistant Planner, who was the case officer for this application. The site's location plan and an aerial photograph of the property shown, with the Assistant Planner highlighting the location of the proposed unit and noting that the majority of the neighbours were commercial with the exception of some residential properties to the west and to the south. Photographs showing the site in context were shared with the Committee. The proposed block plans and visual was displayed.

The material planning considerations and key issues were summarised as design and amenity impact. The Assistant Planner noted that an objection had been put forward regarding nighttime usage and it was confirmed that there was a limit to the running time to only be 8am to 6pm.

The recommendation to delegate authority to the Head of Planning and Coastal Management to approve the application was outlined to the Committee.

The Chair invited questions to the Assistant Planner.

In response to a question from Councillor Ashton regarding prescriptive running hours, the Assistant Planner confirmed that the hours were proposed by the Applicant.

Councillor Ewart asked if it was a rent-an-office as it was advertised as 24 hours service. It was clarified that there is a management company, NWES, who were the applicant, and they proposed the running hours as they were deemed suitable for neighbours.

There being no further questions the Chair invited the Committee to debate the application that was before it. Councillor Gee noted that as long as the business hours were adhered to then she was happy to approve. Councillor Ashdown commented in light of climate change and warmer climates he was happy to second.

It was by a unanimous vote

RESOLVED

that the application is recommended for approval, subject to controlling conditions.

Conditions:

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

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

2. The development hereby permitted shall be carried out in all respects strictly in accordance with the following approved plans and documents for which permission is hereby granted:

- Drawing no. 1233.D02 Rev A received on 11 October 2023.

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

3. The air conditioning units hereby permitted shall not operate on the premises outside the following opening hours:  
08.00-18.00 hours Monday-Sunday, including Bank Holidays.

Reason: To control the noise emitted from the site in the interests of residential amenity.

4. The units hereby approved shall be installed and maintained precisely in accordance with the information set out in the Plant Noise Impact Assessment by Mach Group.

Reason: In the interest of amenity and protection of the local environment.

Informatives:

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

**There are no Exempt or Confidential items for this Agenda.**

The meeting concluded at 5.14pm.

.....  
Chair



## Planning Committee North

**Title of Report:**

East Suffolk Enforcement Action – Case Update

**Meeting Date**

13 February 2024

**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 January 2024. At present there are 16 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. *3 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *6 current cases*

- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *1 current case*
- 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. *0 current cases*
- 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. *0 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. *5 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 January 2024 be noted.

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

A.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0290/USE
<b>Location / Address</b>	141 Kirton Road, Trimley St Martin
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	17.06.2021
<b><u>Nature of Breach:</u></b> Change of use of cartlodge to a shop.	
<b><u>Summary timeline of actions on case</u></b>	
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	
21/11/2023 -Site visited, partially complied, further visit to be undertaken.	
05/12/2023 -Site visited, unable to see inside cartlodge. Further visit to be arranged.	
<b><u>Current Status/Position</u></b>	
Visit to be undertaken	
<b>Date by which Compliance expected (or prosecution date)</b>	20/10/2023

A.2

<b>LPA Enforcement Case Reference</b>	ENF/22/0133/USE
<b>Location / Address</b>	Patience Acre, Chenerys Loke, Weston
<b>North or South Area</b>	North

<b>Date of Report of Breach</b>	22.04.2022
<b><u>Nature of Breach:</u></b> Residential occupation of holiday let	
<b><u>Summary timeline of actions on case</u></b> <b>28/03/2023</b> –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. <b>05/07/2023</b> - appeal against refusal of planning application refused.	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	27/04/2024

A.3

<b>LPA Enforcement Case Reference</b>	ENF/2018/0476/USE
<b>Location / Address</b>	Part Os 1028 Highgate Lane Dallinghoo
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	15.11.2018
<b><u>Nature of Breach:</u></b> Siting of a converted vehicle for residential use	
<b><u>Summary timeline of actions on case</u></b> <b>11/09/2023</b> –Enforcement Notice served. Comes into effect on the 11/10/2023	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	11.04.2024

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

B.1

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

B.2

<b>LPA Enforcement Case Reference</b>	ENF/21/0121/USE
<b>Location / Address</b>	The Pastures, The Street, North Cove
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	17.03.2021
<b><u>Nature of Breach:</u></b> 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.	
<b><u>Summary timeline of actions on case</u></b> <b>03/11/2022</b> – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance <b>14/11/2022</b> - Pre-start letter from Planning Inspectorate <b>14/12/2022</b> - Appeal started. Written Representations Process, statement due by 6 <sup>th</sup> February 2023. PINS Reference APP/X3540/C/22/3312353	
<b><u>Current Status/Position</u></b> Awaiting Planning Inspectorate Decision.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision



## B.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0201/DEV
<b>Location / Address</b>	39 Foxglove End, Leiston
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	26.04.2021
<b>Nature of Breach:</b> Artificial hedge, support structure and fencing which is over 2m in height	
<b>Summary timeline of actions on case</b>	
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	
09/01/2024- Start letter received from Planning Inspectorate, statements required by 20 <sup>th</sup> February 2024.	
<b>Current Status/Position</b>	
Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

## B.4

<b>LPA Enforcement Case Reference</b>	ENF/22/0158/DEV
<b>Location / Address</b>	11 Wharton Street, Bungay
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	20.05.2022
<b>Nature of Breach:</b> Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<b>Summary timeline of actions on case</b>	
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 <sup>th</sup> March 2023.	
<b>Current Status/Position</b>	
Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

## B.5

<b>LPA Enforcement Case Reference</b>	ENF/21/0006/DEV
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<b>Location / Address</b>	Land at Garage Block North Of 2, Chepstow Road, Felixstowe, Suffolk
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	06.01.2021
<b>Nature of Breach:</b> Erection of large fence	
<b>Summary timeline of actions on case</b> <b>08/08/2023</b> –Enforcement Notice served. Comes into effect on the 08/09/2023 <b>18/10/2023</b> - Appeal submitted, statements due 29 <sup>th</sup> November 2023.	
<b>Current Status/Position</b> Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

B.6

<b>LPA Enforcement Case Reference</b>	ENF/22/0247/USE
<b>Location / Address</b>	Part Land East Of Mariawood, Hulver Street, Henstead
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	15.11.2018
<b>Nature of Breach:</b> Siting of mobile home	
<b>Summary timeline of actions on case</b> <b>21/09/2023</b> –Enforcement Notice served. Comes into effect on the 21/10/2023 <b>23/10/2023</b> - Appeal submitted, awaiting start letter. <b>05/01/2024</b> - Start letter received from Planning Inspectorate, statements required by 15 <sup>th</sup> February 2024.	
<b>Current Status/Position</b> Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	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**

C.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0411/COND
<b>Location / Address</b>	Paddock 2, The Street, Lound
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	17.09.2021
<b><u>Nature of Breach:</u></b> Change of use of land for residential use and stationing of mobile home	
<b><u>Summary timeline of actions on case</u></b> <b>16/06/2022</b> – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance <b>26/08/2022</b> – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 <b>07/10/2022</b> – Appeal statement submitted. <b>28/10/2022</b> – any final comments on appeal due. <b>11/09/2023</b> - Appeal dismissed. 4 months for compliance. <b>15/01/2024</b> - Site visit, partial compliance, use ceased and mobile home removed. 3 month extension given to remove remaining development.	
<b><u>Current Status/Position</u></b> In compliance period following appeal.	
<b>Date by which Compliance expected (or prosecution date)</b>	17/04/2024

**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.**

- 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**

**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

<b>LPA Enforcement Case Reference</b>	EN08/0264 & ENF/2013/0191
<b>Location / Address</b>	Pine Lodge Caravan Park, Hazels Lane, Hinton
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	20.10.2008
<b>Nature of Breach:</b>	
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><b>15/10/2010</b> – Enforcement Notice served  <b>08/02/2010</b> - Appeal received  <b>10/11/2010</b> - Appeal dismissed  <b>25/06/2013</b> - Three Planning applications received  <b>06/11/2013</b> – The three applications refused at Planning Committee.  <b>13/12/2013</b> - Appeal Lodged  <b>21/03/2014</b> – Enforcement Notices served and became effective on 24/04/2014  <b>04/07/2014</b> - Appeal Start date - Appeal to be dealt with by Hearing  <b>31/01/2015</b> – New planning appeal received for refusal of Application DC/13/3708  <b>03/02/2015</b> – 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.  <b>10/11/2015</b> – Informal hearing held  <b>01/03/2016</b> – Planning Appeal dismissed  <b>04/08/2016</b> – Site re-visited three of four Notices have not been complied with.  <b>21/04/2017</b> - 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.  <b>19/06/2017</b> – Site re-visited, no compliance with the Enforcement Notice.  <b>14/11/2017</b> – Full Injunction granted for the removal of the mobile home and steps.  <b>21/11/2017</b> – 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.  <b>27/06/2018</b> – Compliance visit conducted to check on whether the 2010.  <b>06/07/2018</b> – Legal advice sought.  <b>10/09/2018</b> – Site revisited to check for compliance with Notices.  <b>11/09/2018</b> – Case referred back to Legal Department for further action to be considered.</p>	

<p><b>11/10/2018</b> – 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><b>01/11/2018</b> – 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><b>13/12/2018</b> – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p><b>04/02/2019</b> – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p><b>26/02/2019</b> – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p><b>27/03/2019</b> - High Court hearing, the case was adjourned until the 03/04/2019</p> <p><b>03/04/2019</b> - 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><b>11/04/2019</b> – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p><b>07/05/2019</b> – 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><b>05/09/2019</b> – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p><b>28/11/2019</b> - 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><b><u>Current Status/Position</u></b>  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><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Dependent upon potential Legal Process</p>

F.2

<b>LPA Enforcement Case Reference</b>	ENF/2017/0170/USE
<b>Location / Address</b>	Land Adj to Oak Spring, The Street, Darsham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	11.05.2017
<p><b><u>Nature of Breach:</u></b>  Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>16/11/2017</b> – Authorisation given to serve Enforcement Notice.  <b>22/02/2018</b> – 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><b>17/10/2019</b> – 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><b>13/11/2019</b> – 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><b>16/06/2020</b> – Submission of Appeal Statement</p> <p><b>11/08/2020</b> - Appeal dismissed with some amendments.</p> <p><b>11/12/2020</b> - 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><b>25/03/2021</b> - Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p><b>2022</b> - Application for an Injunction has been made to the High Court.</p> <p><b>06/10/2022</b> - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p><b>08/03/2023</b> - Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p> <p><b>30/03/2023</b> - appeal submitted to High Court against Injunction – awaiting decision from Court.</p> <p><b>10/07/2023</b> -Injunction appeal failed, 2 weeks given to comply with Injunction by 10am on 24<sup>th</sup> July.</p> <p><b>25/07/2023</b>-Site Visit conducted; injunction not complied with. Information sent to legal team.</p>	
<p><b><u>Current Status/Position</u></b> With Legal Team</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>24<sup>th</sup> July 2023</p>

F.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0051/USE
<b>Location / Address</b>	Land West Of Guildhall Lane, Wrentham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	10.02.2021
<p><b><u>Nature of Breach:</u></b> 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)</p>	
<p><b><u>Summary timeline of actions on case</u></b> <b>10/03/2022</b> - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance.</p>	



<p><b>25/08/2022</b> - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action.</p> <p><b>19/12/2022</b> – Court date set following non compliance at Ipswich magistrates for 30<sup>th</sup> January 2023.</p> <p><b>30/01/2023</b>- Court over listed and therefore case relisted for 27<sup>th</sup> March 2023</p> <p><b>27/03/2023</b>- Defendant did not attend, warrant issued, awaiting decision from court.</p> <p><b>31/07/2023</b>- Defendant attended court, plead guilty to all charges and was fined £5134.78 in total.</p>	
<p><b><u>Current Status/Position</u></b> Considering legal options following court appearance</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Depending on legal advice</p>

F.4

<p><b>LPA Enforcement Case Reference</b></p>	<p>ENF/21/0441/SEC215</p>
<p><b>Location / Address</b></p>	<p>28 Brick Kiln Avenue, Beccles</p>
<p><b>North or South Area</b></p>	<p>North</p>
<p><b>Date of Report of Breach</b></p>	<p>29.09.2021</p>
<p><b><u>Nature of Breach:</u></b> Untidy site</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>07/02/2022</b> - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022  <b>17/06/2022</b> - 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.  <b>21/11/2022</b>– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24<sup>th</sup> February 2023 to comply with notice.  <b>10/03/2023</b>- Site visit conducted, notice not complied with. Matter passed to Legal for further action.  <b>23/10/2023</b>- Courts decided to adjourn the case for 3 months, to allow further time for compliance. Therefore, a further court date set for 15<sup>th</sup> January 2024.</p>	
<p><b><u>Current Status/Position</u></b> In court compliance period</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>15<sup>th</sup> January 2024</p>

F.5

<p><b>LPA Enforcement Case Reference</b></p>	<p>ENF/20/0404/USE</p>
<p><b>Location / Address</b></p>	<p>200 Bridge Road, Lowestoft</p>
<p><b>North or South Area</b></p>	<p>North</p>
<p><b>Date of Report of Breach</b></p>	<p>24.09.2020</p>

<b><u>Nature of Breach:</u></b> Change of use of land for the storage of building materials	
<b><u>Summary timeline of actions on case</u></b> <b>19/01/2023</b> –Enforcement Notice served. Comes into effect on the 20/02/2023 <b>26/06/2023</b> –Site visited, notice not complied with, case will be passed to the legal team for further action. <b>23/10/2023</b> - Court found defendant guilty and fined a total of £4400. <b>11/11/2023</b> - Further compliance date set for 11 <sup>th</sup> January 2024. <b>15/01/2024</b> - Site visited, notice not complied with, case will be passed to the legal team for further action.	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	11 <sup>th</sup> January 2024.

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

G.1

<b>LPA Enforcement Case Reference</b>	ENF/2015/0279/DEV
<b>Location / Address</b>	Land at Dam Lane Kessingland
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	22/09/2015
<p><b><u>Nature of Breach:</u></b> 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.</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>22/09/2015</b> - Initial complaint logged by parish.  <b>08/12/2016</b> - Case was reopened following further information  <b>01/03/2017</b> - 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.  <b>05/09/2018</b> - Notice served by recorded delivery.  <b>18/06/2019</b> - Appeal started. PINS Reference APP/T3535/C/18/3211982  <b>24/07/2019</b> – Appeal Statement Submitted  <b>05/02/2020</b> - Appeal dismissed. Compliance with both Notices by 05/08/2020  <b>03/03/2021</b> - 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.  <b>30/04/2021</b> - 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.  <b>04/05/2021</b> - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.  <b>05/07/2021</b> – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs  <b>12/07/2021</b> – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed  <b>13/08/2021</b> - Site visited and all structures had removed from the site, but lake remains</p>	
<p><b><u>Current Status/Position</u></b> 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.</p>	

<b>Date by which Compliance expected (or prosecution date)</b>	31/12/2024
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## Committee Report

**Planning Committee North** – 13 February 2024

**Application no** DC/23/2454/FUL

**Location**

Doreens Cottage  
3 Bridge Road  
Reydon  
Southwold  
Suffolk  
IP18 6RR

**Expiry date** 13 October 2023

**Application type** Full Application

**Applicant** Mr & Mrs Brian Reynolds

**Parish** Reydon

**Proposal** Retrospective Application - Single storey side and rear flat roofed extension.  
Rear first floor pitched roof extension

**Case Officer** Jamie Behling  
07919 303788  
[Jamie.Behling@eastsoffolk.gov.uk](mailto:Jamie.Behling@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. The proposed development seeks permission to retain the ground floor side extension and first-floor extension as built.
- 1.2. Planning permission was granted in 2021 under ref. DC/21/4038/FUL for a side and first-floor extension at the property. However, it was found, during the construction process, that the first-floor extension was projecting out further beyond the neighbour's existing extension, and that the original plans had not been accurate in showing where the neighbour's extension was (relative to the proposed development). It was therefore concluded that the development undertaken was not in accordance with a planning permission. The owner consequently has submitted this new householder planning application to retrospectively gain permission for the development as built. This application includes plans that accurately show both the proposed development; and the extent of neighbouring properties.

- 1.3. The application has been referred direct to the Planning Committee (North) by the Head of Planning and Coastal Management. This is because the application has received objections from the Ward Member, Parish Council and Neighbouring residents; the application is also made retrospectively seeking permission for development that has been carried out without compliance with a previous planning permission granted. The impact of the as-built development on the living conditions (amenity) of adjacent properties in this case warrants debate by the Planning Committee and, following consideration by Planning Committee North in January 2024, it was agreed for Members to carry out a site visit.

## **2. Site Description**

- 2.1. Doreens Cottage is an end terraced, two-storey, residential dwelling located within the settlement boundary of Reydon. It lies on the east side of Bridge Road with an attached neighbour to the north. The site lies within the National Landscape (formerly known as AONB) but not within a Conservation Area. The site also falls within the Reydon Neighbourhood Plan Area. The site is located within flood zones 2 and 3. The rear garden of the site is enclosed by No. 8 Long Marsh to the South; and the garden of No. 2 Bridge Road which wraps around it to the north.
- 2.2. There was an existing ground floor, flat roofed extension on the rear of the building which has no planning history but has been there a significant amount of time without complaint or enforcement action that it is now lawful.
- 2.3. Planning permission was originally granted for a first-floor extension under ref. DC/21/4038/FUL. The Parish Council objected to this application due to the extension projecting out 0.6 metres beyond the rear gable of No.2. After approval, and during construction, it became apparent that the new first floor gable of the application property projected out further than what had been shown on the plans and an enforcement case was raised (ref ENF/22/0386/COND). Upon inspection, the original drawings had shown the neighbour's gabled element as being approximately one metre deeper than it actually is. The applicant made an application seeking a variation of condition (on the original permission) in order to revise the plans; however, it was advised that, as the original plans were not accurate, that such a VOC approval would be flawed; and therefore, it would be better to submit a fresh householder application to regularise the situation.
- 2.4. During this application process it was highlighted by the neighbour that the plans were still inaccurate and that the passageway along the side of the house was narrower than that shown. Upon inspection, by officers, it was confirmed that this was the case - and that the passageway should be shown as the correct width. The agent promptly remedied this. Officers now consider that all dimensions are correctly shown on the plans and that the application can be determined with that comfort that the plans are accurate.

## **3. Proposal**

- 3.1. The proposal seeks to retain the small side ground floor side extension and first-floor extension which was originally built under ref. DC/21/4038/FUL. The details of this application were questioned upon construction, and it was therefore pertinent to regularise extension by submitting a revised planning application retrospectively – as explained above.

#### 4. Consultees

Consultee	Date consulted	Date reply received
Reydon Parish Council	6 September 2023	22 September 2023
<p><i>"The Parish Council objects to this retrospective application on the grounds of overbearing development and negative impact on the neighbouring property at No. 2 Bridge Road, resulting in loss of light, amenity and privacy. The submitted drawings on which the original application was approved (DC/21/4038/FUL) show the first floor extension projecting beyond the building line of No. 2 by 0.593m. The case officer's report treated this as a material consideration in that it mitigated the adverse impact of the projection beyond the building line. The Parish Council's objection to the original application because of the deviation from the building line was judged not to be sufficient justification for refusal. However, the extension as constructed, where the applicant is now applying for retrospective permission, has the first floor projecting some 1.5m beyond the building line of No. 2. This is not what was permitted and is completely unacceptable overdevelopment. The subsequent application for VOC DC/22/4409/VOC, now withdrawn accepted that the submitted drawings were wrong and that this key measurement, on which officers relied in using delegated powers to approve the application, is incorrect. Furthermore, there is another material error in the drawings submitted with this application. The alleyway between Nos 3 and 2 is incorrectly shown as straight whereas it bends significantly. This brings the first floor extension of No 3 much closer than shown to No 2 (it is only 600mm apart). This, combined with the excessive distance of the first floor extension beyond the building line of the first floor of No 2, creates the completely unacceptable loss of light, amenity and privacy of No 2. The errors in the original and this new application represent a significant threat to the integrity of the Planning process and we expect the Local Planning Authority to reject this application and proceed forthwith with enforcement action to restore the light, amenity &amp; privacy of No 2."</i></p>		

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	7 September 2023
<p><u>Ward Cllr David Beavan</u></p> <p><i>"Whilst it is not a material consideration, I did point out to the applicant when he started building that his structure was not aligned with the planning permission. He nevertheless continued unabated. There seems no consideration for the neighbour in this re-application to mitigate the effect of this mistake. The loss of light to the neighbour's backyard by protruding beyond the build line has not been re-addressed. The use of a 45 degree angle when the sun's zenith is only 51 degrees in winter is questionable. The fact that this extension is due South of the neighbour is relevant here. I also question the use of the whole garden to calculate a percentage loss of light in section 8 the sunlight assessment. The effect on the backyard is much greater."</i></p>		

*We all know that the backyard is where people spend much of their time and it is the main outlook from the living quarters. The loss of natural light leads to dingy conditions with significant loss of amenity.*

*It would be no surprise if the neighbour was now to build out her side to a new build line, but this is not a reason to allow this retrospective application which could then become a precedent for bidding wars where gardens are overdeveloped locally.*

*In my view, this case calls in to question the integrity of our planning system."*

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	6 September 2023	No response
Summary of comments: No comments received.		

### Re-consultation consultees

Consultee	Date consulted	Date reply received
Reydon Parish Council	31 October 2023	17 November 2023
<p><i>"Reydon Parish Council wishes (a) to reiterate its objection to this application as submitted on 22.09.23 and (b) to add that the amended (and hopefully now correct) drawings submitted as part of this application show that the first floor extension of No3 is even closer to No2 Bridge Road than indicated previously.</i></p> <p><i>This reinforces all the points made in the Parish Council's previous response and gives further weight to our objections. We urge the LPA to reject this application."</i></p>		

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	31 October 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Ward Councillor	31 October 2023	No response
Summary of comments: No further comment received.		

### Third Party Representations

Two representations of Objection raising the following material planning considerations:



- Loss of light - The increased depth leads to a great loss of light to the neighbouring property;
- Oppression and sense of overbearing - The enlarged first floor creates a sense of oppression in the rear garden of No. 2 to the north; and
- Loss of Privacy - The French windows which now positioned deeper into the garden creates a greater overlooking and therefore more loss of privacy to neighbours.

## 5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 6 September 2023

Expiry date: 27 September 2023

## 6. Planning policy

National Planning Policy Framework 2023 (NPPF)

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

RNP10: Reydon Neighbourhood Design Principles (Reydon Neighbourhood Plan, 'Made' May 2021)

## 7. Planning Considerations

### Visual Amenity, Street Scene, and Landscape

- 7.1. Bridge Road is a private road, and all the extensions alterations subject of this application are to the rear and side of the dwelling. Views of the extensions would be visible when approaching from the south; however, the additional flat roof from the ground floor extension would not be overly prominent or out of place extending an existing large flat roof by 0.5 metres in width. The new gable would be seen from the side and would not appear out of place in the context. From a design perspective it is considered that the development carried out still respects the character and appearance of the existing dwelling, and the terrace it forms part of. The development does not harm the character of the village.
- 7.2. It is worth highlighting that the neighbours rear gable, at No.2 (who has objected to the application), has been clad in timber - which was not shown on their original elevational plans under planning permission ref. DC/21/5636/FUL. Cladding was referenced in their Design and Access Statement and description of development but does not appear to be explicitly shown on their drawings. This is not a matter being considered under this application, but it does highlight how genuine mistakes can be made through the application process and discrepancies with drawn detail can happen, without any deliberate attempt to flout planning controls. This only reinforces the requirement to treat retrospective applications without prejudice – and make decisions based solely on the planning merits of the development subject of such applications.
- 7.3. The proposals accord with the design policies of both the Local Plan and Neighbourhood Plan.

## Residential Amenity

- 7.4. The main issue to consider with this application is the impact of the proposal on the amenity/living conditions of the neighbour to the north at No. 2 Bridge Road. After a more accurate assessment of what has been built, the first-floor extension is approximately 0.153 metres deeper than what was shown on the original plans. However, this alone is not the main concern. The original plans showed the neighbour's first floor extension being 3.7 metres in depth when in reality, actually, it was only 2.4 metres in depth. It also showed the gap between both extensions of being 1 metre when the gap, in reality, was only 0.7 metres.
- 7.5. The first permission was granted on the basis that *"The proposed two-storey rear extension reflects a similar addition made to the adjoining property. It does project out further by half a metre but is narrower in width in that the extension does not extend across the full width of the rear elevation."* It is now clear that the first-floor extension projects out by approximately 1.7 metres beyond that of the neighbouring extension, and the determining factor is whether this additional depth and closer physical relationship between the two extended dwellings causes such a degree of harm to the residential amenity of the neighbour that this application should be refused, and enforcement action taken.
- 7.6. Regarding loss of light, the applicant has submitted a Daylight and Sunlight Assessment. Officers generally agree with the conclusions of this document which uses the industry standard BRE guidance. Although larger than originally approved, the additional 1.2 metres depth does not appear to unacceptably block light to the neighbouring windows or the garden to the degree whereby the impact on their living conditions would be contrary to policy WLP8.29 (Design) of the Development Plan.
- 7.7. In terms of whether the development is overbearing, the first-floor extension extends out to the building line of the neighbour's ground floor extension. When viewed together from the neighbour's garden, although appearing slightly deeper within certain areas, the first floor extension does not appear to significantly extend out beyond the built footprint of the neighbour's dwelling. When viewed together, both extensions appear acceptable and suitably related to each other and their respective host dwellings. This is helped by the size of the neighbour's garden with only the area directly behind the house being affected.
- 7.8. In terms of loss of privacy and overlooking the neighbour has planted some trees and bushes to try and screen the views into their garden from the new French doors at the first floor. If the proposal was set back a further 1.2 metres from the neighbour's gable as the original plans had portrayed, it would be unlikely that the eye line into the garden area of the neighbour would be significantly different. Arguably you may be able to see more of the garden with the area directly behind the house coming more into view. In any case, the relative depth of the extension is acceptable, as is the fenestration and any views from those glazed areas.
- 7.9. Overall, it is not considered that a reduction of 1.2 metres in depth of the first-floor extension (to revert to the detail shown within the previous approval) would have any significant beneficial impact on the amenity of the neighbour. Whilst officers acknowledge that retrospective applications are unfortunate, they do by their nature allow an actual assessment of real-life, built development. In this case the site visit findings indicate that the

built development is acceptable and in accordance with policy WLP8.29 in terms of its impact on residential amenity.

#### Flood Risk

- 7.10. The site falls within flood zone two and on the edge of zone three, but in an area benefitting from flood defences. As most of the additional floor space is at the first floor and the original consent did not raise any flood related issues or require a bespoke Flood Risk Assessment, a Full Flood Risk Assessment is not considered necessary in this case.

#### Parking and Highways Safety

- 7.11. The proposal does not increase the number of bedrooms and does not impact on the parking provision of the property.

### **8. Conclusion**

- 8.1. As the design/external appearance has not substantially changed from the original approval and, as noted above, the impact on neighbour amenity is judged to be acceptable, the development is acceptable and in accordance with the Development Plan. That this application has been made retrospectively is immaterial to the decision-taking process and, judged on its merits, this application can be approved.

### **9. Recommendation**

- 9.1. Approve.

### **10. Conditions:**

1. The development hereby permitted shall be completed in all respects strictly in accordance with A04-10-Rev-C received 30/10/23, 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

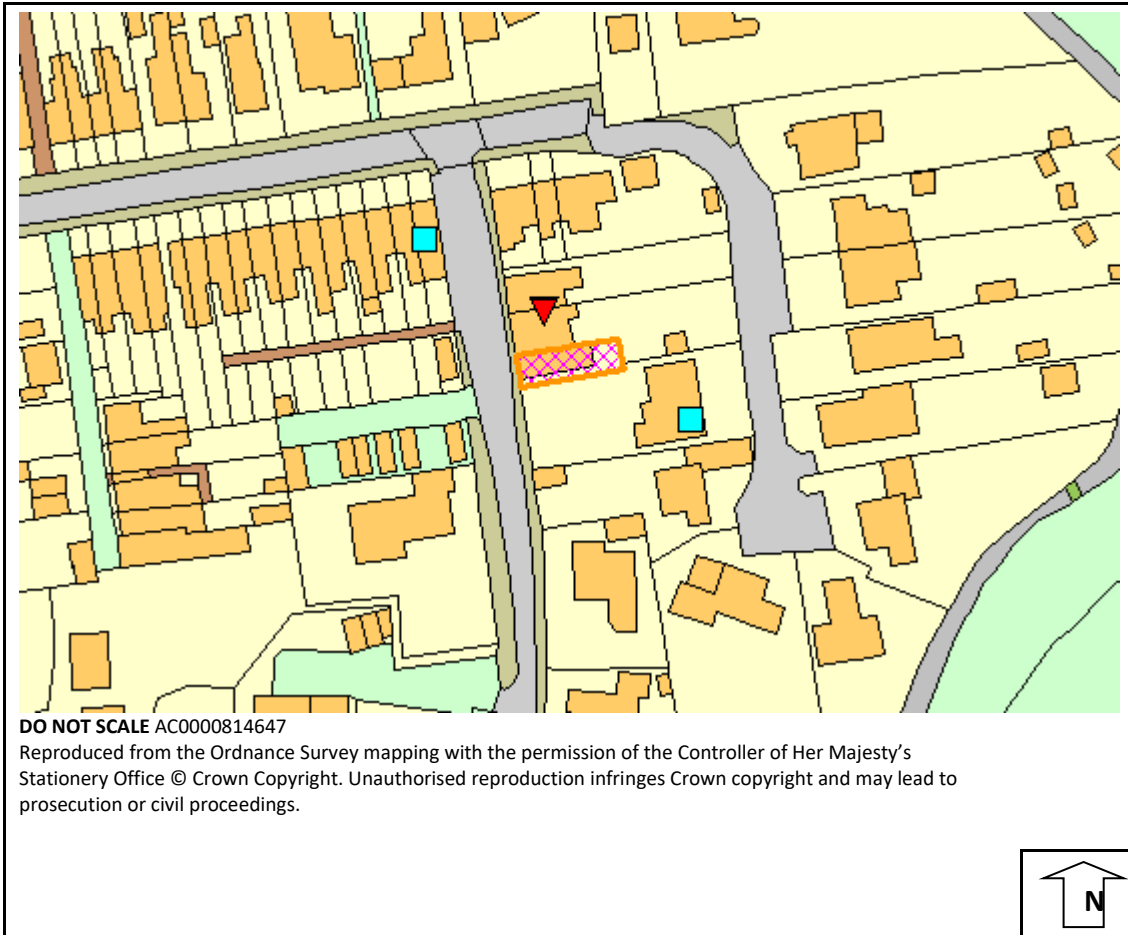
3. The existing and proposed flat roofed areas shall not be used as a balcony, roof garden or similar amenity area.

Reason: In the interests of protecting the amenity of neighbouring residents

## **Background information**

See application reference DC/23/2454/FUL on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support



## Committee Report

**Planning Committee North** – 13 February 2024

**Application no** DC/22/4241/FUL

**Location**

Site Off  
Denmark Road  
Lowestoft  
Suffolk  
NR32 2EQ

**Expiry date** 26 December 2022

**Application type** Full Application

**Applicant** David Wyatt Holdings Ltd

**Parish** Lowestoft

**Proposal** Construction of 3 storey building for 6 self-contained 1 bedroom flats, and 2 ground floor retail units

**Case Officer** Matthew Gee  
01502 523021  
[matthew.gee@eastsuffolk.gov.uk](mailto:matthew.gee@eastsuffolk.gov.uk)

### 1. Summary

- 1.1. Planning permission is sought for the construction of a three-storey building comprising six self-contained one-bedroom flats, and two ground floor retail units. The proposal will enhance the character and appearance of the Conservation Area, and will not have any adverse impacts upon the amenity of neighbouring land users, or on the vitality and viability of the Town Centre. Finally, the proposal is acceptable in terms of highway safety, and the impact on nearby European (Habitats) Protected sites can be mitigated via contribution to the Suffolk Coast RAMS scheme.
- 1.2. The proposal is therefore in accordance with local and national planning policy, and as such it is recommended that planning permission be granted.

- 1.3. The Town Council have objected to the application, and this poses a contrary view to the officer recommendation of approval; the application determination route was therefore considered by the referral panel. At the panel meeting on 16 January 2024, the application was referred to planning committee (north) for determination.

## **2. Site Description**

- 2.1. The application site is located within the Settlement Boundary, as well as the Conservation Area and Town Centre Boundary for Lowestoft. It currently comprises a car park which is accessed via Bevan Street East to the north of the application site. To the immediate north and east of the application site are three storey buildings with commercial uses on the ground floor, and residential on the upper floors. To the south is Denmark Road, and to the immediate west is a car park, with residential dwellings on the opposite side of the car park.

## **3. Proposal**

- 3.1. Planning permission is sought for the construction of a three storey building for six self-contained one bedroom flats, and two ground floor retail units. The building will also include ground floor space for 20 bicycles, and bin storage.
- 3.2. The scheme has been significantly amended during the course of the application, including removal of two flats in the roof space; and amendments to the overall form and detailing to ensure a much higher design quality that is appropriate for the Conservation Area.

## **4. Consultations**

### Third Party Representations

- 4.1. Eight Representations of objection have been received raising the following key concerns (inter alia):
- Loss of existing parking and impact upon area;
  - Overdevelopment;
  - Land ownership concerns;
  - Impact on Conservation Area and Heritage Action Zone;
  - Construction impacts;
  - Delivery issues;
  - Right of Way issues;
  - Anit-social behaviour; and
  - Lack of parking.
- 4.2. Three Representations of support have been received raising the following key points (inter alia):
- Help in long term development;
  - Job growth;
  - Respectful design and appearance;
  - Community engagement;
  - Increased accessibility and convenience for residents and visitors; and
  - Increased housing.

## Consultees

Consultee	Date consulted	Date reply received
Lowestoft Town Council	4 November 2022	16 November 2022

*The Town Council's Planning Committee considered this application at a meeting on 15 November 2022. It was agreed to recommend refusal of the application. The development would have a detrimental impact on both the heritage action zone and conservation area and the street scene where it is located. The number of dwellings on the footprint is considered to be over development of the site. There is no consideration to biodiversity net gain in the proposed development and no sustainability measures such as solar panels. Please note there are discrepancies in the application; the application title and site plan show two bedrooms at Flat 8, the design and access statement reads that all Flats are one bedroom and the plans show the roof space in line with the existing and not being raised to accommodate where two of the flats would be situated.*

Consultee	Date consulted	Date reply received
SCC Highways Department	4 November 2022	25 November 2022

Summary of comments:  
Holding objection raised due to need for further information

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	4 November 2022	22 November 2022

Summary of comments:  
No objections

Consultee	Date consulted	Date reply received
East Suffolk Ecology	4 November 2022	21 November 2022

Summary of comments:  
No objections

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	4 November 2022	No response

Summary of comments:  
No comments received

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	4 November 2022	No response

Summary of comments:  
No comments received



Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	4 November 2022	29 August 2023
Summary of comments: Concerns raised		

Consultee	Date consulted	Date reply received
East Suffolk Private Sector Housing	4 November 2022	18 November 2022
Summary of comments: No comment		

Consultee	Date consulted	Date reply received
Historic England	4 November 2022	23 November 2022
Summary of comments: Concerns raised on heritage grounds		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	4 November 2022	No response
Summary of comments: Concerns raised on design grounds		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	N/A	15 November 2022
Summary of comments: No objections		

#### Re-consultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	21 August 2023	29 August 2023
Summary of comments: Overall, considered that the changes to the design of the proposed building are positive. But recommended making changes to the design of the western elevation unless justification can be given.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	21 August 2023	8 September 2023

Summary of comments:  
No additional comment

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	21 August 2023	No response

Summary of comments:  
No comments received

Consultee	Date consulted	Date reply received
East Suffolk Ecology	21 August 2023	5 September 2023

Summary of comments:  
No additional comment

Consultee	Date consulted	Date reply received
Historic England	21 August 2023	1 September 2023

Summary of comments:  
They note that the revised plans have addressed concerns, with the dormers removed and the rear ridge line dropped slightly (if not substantially). They therefore are content to defer the case to the council for further amendment or determination without further reference to Historic England.

Consultee	Date consulted	Date reply received
East Suffolk Private Sector Housing	21 August 2023	12 October 2023

Summary of comments:  
No additional comment

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	21 August 2023	21 August 2023

Summary of comments:  
No additional comment

Consultee	Date consulted	Date reply received
Lowestoft Town Council	21 August 2023	15 September 2023

Summary of comments:  
*The Planning Committee of Lowestoft Town Council considered this application at a meeting on 14 September 2023. It was agreed to recommend refusal of the application due to the lack of parking provision and the impact of existing car parking for businesses in the area.*

Consultee	Date consulted	Date reply received
SCC Highways Department	21 August 2023	19 September 2023
Summary of comments: Following additional information, no objections raised.		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	21 August 2023	No response
Summary of comments: No objections following revisions.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	21 August 2023	No response
Summary of comments: No comments received.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	11 November 2022	2 December 2022	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	11 November 2022	2 December 2022	Lowestoft Journal

## 6. Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 16 November 2022 Expiry date: 7 December 2022
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## 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)

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.18 - New Town Centre Use Development (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

WLP8.33 - Residential Gardens and Urban Infilling (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

National Planning Policy Framework 2023 (NPPF)

## **8. Planning Considerations**

### Principle of Development

- 8.1. The site is located within the settlement boundary for Lowestoft, and as such the principle of new residential development is deemed appropriate subject to its accordance with all appropriate local and national planning policies.
- 8.2. The proposal seeks to construct 6no. one bedroom dwellings. The local plan identifies that there is an identified need for 1 or 2 bedroom properties across the district.
- 8.3. The application site is also located within the Town Centre Boundary as designated by Policy WLP8.18. The policy permits new town centre use development within Town Centre Boundaries, and as such the principle of the two new retail units is considered acceptable.

### Heritage and Design

- 8.4. The site is currently used as a car park, located on Denmark Road, opposite the train station. This part of the Conservation Area is described in the Conservation Area Appraisal (CAA):
- 8.5. *"Denmark Road is a busy thoroughfare, and runs parallel to the railway line, which creates an open character to the south. To the north, Numbers 2 to 10 are the former Imperial Hotel, one of the few surviving Victorian Hotels in the area; they now form a small row of three storey terraced buildings with modern shopfronts at ground floor level. These buildings contain some features of interest, such as its curved eastern elevation, however most are much altered with large, paved fronts, which make a neutral contribution to the streetscape. Further west is a car park plot with high brick walls, and a small octagonal booth located to its front. These are incongruous with the area, and are a prominent feature of the street, directly opposite the entrance to the station."*
- 8.6. Historic mapping shows that there was a continuous street frontage along this part of Denmark Road in 1903 and 1926. The Design & Access Statement (DAS) states that the

application site was part of the Imperial Hotel which suffered from bomb damage in 1941, and later in the 20th century, the 2 westernmost bays of the terrace were demolished, and the area is now used for car parking. The application site is very prominent within the Conservation Area, and in its current form the interrupted building line detracts from the character of the area.

- 8.7. The Lowestoft Town Centre Masterplan identifies the entire car park as an opportunity site in the Station Square area, which has a focus on creating a positive gateway experience around the railway station and Bascule Bridge and maintaining the coherent and well-articulated character of the area. The site is also located within the London Road, Lowestoft Heritage Action Zone, and within the South Lowestoft/Kirkley Conservation Area. These areas are characterised by principally Victorian and Edwardian buildings and illustrate the expansion of the town from the 1860s with the arrival of the railway and development of the popular seaside resort.
- 8.8. Policy WLP8.29 (Design) sets out that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should: demonstrate a clear understanding of the form and character of the built, and historic environment and use this understanding to complement local character and distinctiveness and respond to local context and the form of surrounding buildings. Furthermore, policy WLP8.33 (Residential Gardens and Urban Infilling) sets out that housing development on urban infill sites will be supported where; the scale, design and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development, and that the proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment.
- 8.9. Both WLP8.29 and WLP8.33 requires that the scale, design, and siting of the proposal be in keeping with the character and density of the surrounding development and would not generate a cramped form of development. Furthermore, the site is situated within the South Lowestoft and Kirkley Conservation Area, and policy WLP8.39 sets out that development should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 8.10. Officers had several concerns regarding the scheme that was originally submitted, these included:
  - The ridge height; eaves height; and proportions of the casement windows which did not match those adjacent. This resulted in a jarring imbalance between the new and the historic elevations, which was exacerbated by the dormer windows, which drew unwanted attention to an otherwise simple roofline.
  - The darker brick band between the ground and first floor appeared to reference the continuous line of the adjacent shopfronts (where a balcony used to be). The idea was sound; however, the band was not on the same line as the eaves of the shopfront and therefore looked out of place.
  - The western elevation of the building would have become quite prominent on Denmark Street, and the rear of the building would have been visible from Bevan Street, therefore officers had concerns regarding the scale of the rear wing, which was considered out of scale with the main block due to having its eaves at a higher level.

- The third floor flats (in the roof) would have had large areas which would likely have been unusable.
- The kiosk located directly in front of the site would have had an awkward relationship with the proposed building, sitting uncomfortably between the two bays of the proposed development, as would the retention of part of the existing wall along the site frontage with Denmark Road.

8.11. Significant revisions were therefore sought to the scheme, to overcome the concerns that were raised these included:

- Lowering the ridge height and matching the eaves height with the existing building.
- Removing the dormers and third floor accommodation.
- Alterations to the rear projection to simplify its appearance.
- Addition of two retail units at ground floor.
- Alterations to front elevation to better reflect the adjacent building and material choice.
- Reducing the footprint of the proposed building.
- Alterations to gable end including brick band detailing.

8.12. Overall, officers are supportive of the changes that have been made to the scheme. Instead of parking at ground floor level, two retail units are now proposed. With a traditional shopfront appearance these are considered to be appropriately designed and are an improvement on the design of the adjacent shopfront (on the former Imperial Hotel). The previous design had arched windows at ground floor, referencing the historic design of the Imperial Hotel. However, as these original bay windows have been removed these appeared to have little reflection, and a simple shopfront as detailed is appropriate.

8.13. Furthermore, the proportions and positioning of the windows on the front elevation align with those adjacent, which allows them to sit more comfortably than the previous design. The removal of the dormers and rooflights to the front of the building, is also a positive and follows that simple roofline, with a reduced ridge height to sit lower than the neighbouring terrace to show a hierarchy. The western elevation has also been simplified, officers note that it is still a very large blank wall, which would be very prominent in the street scene due to the carpark next to it. However, adding openings could prejudice any potential future use of the adjacent site, and overall, it is not considered to be more harmful than what exists currently. Therefore, officers consider that the scheme represents an enhancement to the Conservation Area and presents a high quality design outcome for the area. The scheme meets the historic environment objectives of the NPPF, Local Plan and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Residential Amenity

8.14. Policy WLP8.29 sets out that proposed development should protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development. In addition, policy WLP8.33 sets out that the living conditions of proposed and existing properties are not unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development.

- 8.15. The ground floor windows on the building to the immediate north of the application site are understood to serve a ground floor commercial unit that fronts Bevan Street East, and as such whilst some loss of light might occur through these south facing windows it is not deemed that it would adversely impact upon the usability of that unit. The upper floor windows on that property are understood to serve residential units. It is considered that sufficient light would still be able to enter these windows that any loss of light would not significantly impact upon the enjoyment of those dwellings. The scheme would also result in some loss of light to the windows on the north elevation of the property to the east, however, these windows are largely shadowed already and as such the additional loss of light is not deemed significant.
- 8.16. A degree of intervisibility already exists between windows in the area, and as such it is not considered that the proposal would result in any additional significant loss of privacy to neighbouring residential units.
- 8.17. Some concern has been raised regarding potential impacts during construction; given the confined nature of the site it is considered that a construction hours condition would be appropriate in this instance.

#### Highway Safety

- 8.18. The application does include the complete loss of the existing car park within the red line, although the other half of the car park, which is understood to be in different ownership, will remain. The application will also not include the provision of any parking within the application site. The lack of on-site parking for the proposed scheme is considered acceptable by officers as the site is considered to be within a very suitable location close to local transport links, services, and amenities.
- 8.19. The existing car park is understood to be underutilised and that notice has been given regarding the removal of some parking spaces. However, notwithstanding this point, the car park is privately owned and therefore may be closed at any time, without notice, and therefore cannot be fully relied on as long term parking. The spaces also do not appear to be linked in planning terms to any surrounding development, so their retention as parking would not be feasible through the planning process. It is also noted that there are several car parks within short distance of the site, as well as limited on road parking. Therefore, given the above it is not considered by officers that the loss of this parking would adversely impact upon highway safety, or upon the vitality and viability of Town Centres.
- 8.20. The application also proposes covered space for 20no. cycles, with access available via an alley onto Bevan Street East. There is also provision for EV cycle charging within the cycle storage area.

#### Flood Risk

- 8.21. The site is located solely within Flood Zone 3 of the Environment Agency's Flood Risk areas. National and local policy seek to locate development in areas with a low risk of flooding. Where development is necessary in areas outside of Flood Zone 1, the development should be made safe for its lifetime without increasing flood risk elsewhere. Applications for development within areas at a higher risk of flooding are subject to the

sequential test. This process ensures that the local planning authority considers whether there are any other sites available for the development within an area with a lower flood risk. The National Planning Policy Guidance sets out that a pragmatic approach to the sequential test should be taken. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding.

- 8.22. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In this case, there would be other sites available within Lowestoft and/or the wider area that could provide the same amount of accommodation within Flood Zone 1; however, part of the benefit of the development of this site is the design and regeneration benefits that it would bring to a prominent site within the Town, the Conservation Area, and the wider aspirations for regeneration across the town centre. There are no other, equivalent, sites available where this could be achieved. Therefore, it is considered that the sequential test has been passed.
- 8.23. A flood risk assessment is required to demonstrate how flood risk will be managed now and over the development's lifetime taking climate change into account and with regard to the vulnerability of its users. The lifetime of residential development is considered to be 100 years. As the site lies within Flood Zone 3, National Flood Risk Standing Advice applies. Standing advice for vulnerable developments requires consideration of the following:
- floor levels
  - extra flood resistance and resilience measures
  - access and escape
  - surface water management
- 8.24. The Environment Agency have been consulted on the application and have provided comment on the application. The application has been amended during its course, and the Environment Agency have reconfirmed that their initial comments are still applicable and that they raise no objections to the application. The Environment Agency provided the following key notes in their initial comments which have been amended to reflect the amended scheme and revised Flood Risk Assessment:
- 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 does not benefit from the presence of defences.
  - All living accommodation has been proposed on the first floor and above, with the ground floor designed for 'non-habitable' uses.
  - Finished ground floor levels have been proposed at 3.05m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 4.65m AOD and therefore the non-habitable ground floor is at risk of flooding by 1.6m depth in the design event.
  - Finished first floor levels have been proposed at 6.20 m AOD which is above the 0.5% (1 in 200) annual probability flood level including an allowance for climate change of 4.65m AOD. Therefore, all 'habitable' development will remain dry during the design event. This approach is in accordance with paragraph 5.2.6 of the Waveney Strategic Flood Risk Assessment (SFRA) which states that raising all habitable development above the design flood level and using the ground floor



for water compatible use (e.g., garages), is an acceptable form of flood risk mitigation.

- Finished first floor levels (6.20m AOD) have also been proposed above the 0.1% (1 in 1000) annual probability flood level including an allowance for climate change of 5.17m AOD. Therefore, safe refuge will be available to occupants during an extreme flood event.
- Flood resilience/resistance measures have been proposed.
- Compensatory storage is not required.
- Assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the design event.

- 8.25. The submitted Flood Risk Assessment identifies that the residential units will remain dry during a flood risk. The assessment also identifies several flood resistance and resilience measures that could be incorporated into the scheme to minimise potential risk and/or assist after a flooding event. Furthermore, the report identifies that a Water Entry Strategy should be adopted across the ground floor area of the building to reduce the differential depth to safe limits during the design and extreme event, and to protect property. A warning and evacuation strategy has been developed within the assessment, which proposes that the residential occupants and retail occupants register with the Agency's Flood Warnings Direct, and prepare a Family Flood Plan and Business Flood Plan respectively.
- 8.26. Safe access/egress cannot be achieved during the peak of the design event and extreme event; however, the assessment recommends that the occupants evacuate the site during the early warning stages. However, safe refuge is available for residents during the peak of the flood event across the upper floors.
- 8.27. For all these reasons, the FRA demonstrates that the development can be made safe and the uses are acceptable within the flood risk area in this particular case.
- 8.28. Whilst the development has passed the sequential test, the development comprises a mixture of less and more vulnerable uses. It is noted that the less vulnerable use (retail) is on the ground floor, and this is the area at the highest risk of flooding. The more vulnerable use (residential) is on the first and second floors which is at a lower risk of flooding. However, as the development as a whole includes a more vulnerable use it is necessary to undertake an exception test. There are significant sustainability benefits resulting from the development including the visual benefit of the development within the Conservation Area, the sustainable location of the site, and much needed accommodation and economic development in an area that would benefit from investment. If approved, it is recommended that all the measures within the Flood Risk Assessment are adopted and, therefore, it is considered that the benefits of the development outweigh the flood risk and the scheme passes the exception test.
- 8.29. For the reasons set out, the scheme is in accordance with Local Plan Policy WLP8.24 (Flood Risk).

## Ecology and Habitats Regulations Assessment

- 8.30. The Habitats Regulations Assessments (HRAs) of the Suffolk Coastal District Council Core Strategy and Development Management Policies Development Plan Document (2011 and 2013) and the Waveney District Council Local Plan (2019) identified that increased levels of residential development would have a Likely Significant Effect (LSE) on Habitats sites (European designated sites) on the Suffolk coast. The LSE is predicted to arise from increased levels of recreational use resulting from residents of new development. This would be an in-combination effect as a result of the total amount of new housing growth in the district.
- 8.31. Following the findings of the Local Plan HRAs and under direction from Natural England, the Local Planning Authorities with residential growth in areas which are likely to impact on Suffolk coast Habitats sites have worked collaboratively to prepare and implement a mitigation strategy to address the identified LSE and prevent cumulative new development resulting in an adverse effect on the integrity of the designated sites. The LPAs involved are East Suffolk Council (formerly Suffolk Coastal District Council and Waveney District Council); Babergh and Mid Suffolk District Councils and Ipswich Borough Council. This strategy is currently referred to as the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy or "Suffolk Coast RAMS". The strategy identifies that new residential development within 13km of the Habitats sites identified in the Technical Report will contribute to in-combination recreational disturbance impacts. This area is referred to as the Zone of Influence (ZOI).
- 8.32. Officers have carried out a stage 2 Appropriate Assessment under the Conservation of Habitats and Species Regulations (2017) and conclude that, subject to a per-dwelling financial contribution to fund Suffolk Coast RAMS being secured, the proposed development will not have an adverse effect on the integrity of the European sites within the 13km ZOI, from recreational disturbance, when considered 'in combination' with other development. Any recommendation to grant permission/consent is subject to that RAMS contribution being secured before decision. With mitigation secured the proposal would accord with Policy WLP8.34.

## **9. Conclusion**

- 9.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the NPPF. The scheme will enhance the Conservation Area and makes efficient use of previously developed land in a sustainable location.

## **10. Recommendation**

- 10.1. Authority to Approve with conditions, subject to receipt of per-dwelling contribution toward the Suffolk (Coast) RAMS.

## **11. Conditions:**

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
  - Site Location and Block Plan, P03 Rev B, received 01/11/2023,
  - Proposed Elevations, P05 Rev B, received 01/11/2023,
  - Proposed Floorplans, P05 Rev B, received 01/11/2023,
  - Flood Risk Assessment, 3061/RE/10-22/01 REVISION A, received 18/08/2023,
  - Design and Access Statement, Aug 2023, received 18/08/2023,

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. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

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

4. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work is begun. The work shall be carried out in accordance with such approved details:

- (i) Section drawings and details of windows;
- (ii) Sectional drawing showing window reveals and render panel detail and relationship with frames;
- (iii) Detail of brick bond, and detail of the projecting brick course appearance;
- (iv) Details of signage; and
- (v) Details of rainwater goods and fascias.

Reason: In order to ensure the scheme either preserves or enhances the character and appearance of the Conservation Area.

5. The use shall not commence until the area(s) within the site shown on P04 Rev B for the storing cycles including electric infrastructure 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 (2023) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

6. A Demolition and Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site.

The strategy shall include access and parking arrangements for contractor's vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The strategy should also include clear location and layout plans of these facilities. The development shall only take place in accordance with the approved strategy.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Management Strategy must be in place at the outset of the development.

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (see National Planning Policy Framework) and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) and a written report of the findings must be produced. The written report is subject to the review and confirmation in writing by the Local Planning Authority that likely risks have been identified and will be investigated accordingly.

Where remediation is necessary a detailed Remediation Strategy (RS) must be prepared, and is subject to the review and confirmation in writing by the Local Planning Authority as likely to address the risks identified. The RS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The RS 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 remediation strategy a validation report that demonstrates the effectiveness of the remediation must be submitted to, reviewed by and confirmed in writing by the LPA as likely to have addressed the risks identified.

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

8. Construction of the scheme, hereby permitted, shall only take place between the hours of 08:00 and 18:00 Mondays to Saturdays, and between 08:00 and 13:00 Saturdays, and at no time on Sundays or bank holidays].

Reason: To protect the amenities of the surrounding area by minimising disturbance.

9. The south facing kitchen window in flats 3 and 6 (as shown on drawing P04 B), shall be glazed with opaque glass and shall be retained in that condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity of adjacent properties bedroom windows.

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Evans Rivers and Coastal Ltd, referenced 3061/RE/10-22/01 and dated October.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

11. Prior to occupation of any of the new build flats hereby permitted, details of the Flood Management Plan, including Flood Emergency Kit, and how this will be shared with all future occupiers of any of the properties shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that occupiers of the flats are aware of the risk of flooding and are aware of the best procedures in the event of a flood

12. The premises shall not be open to customers outside of the following hours:  
07:00 to 22:00 Monday to Sunday (including bank holidays)

Reasons: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality

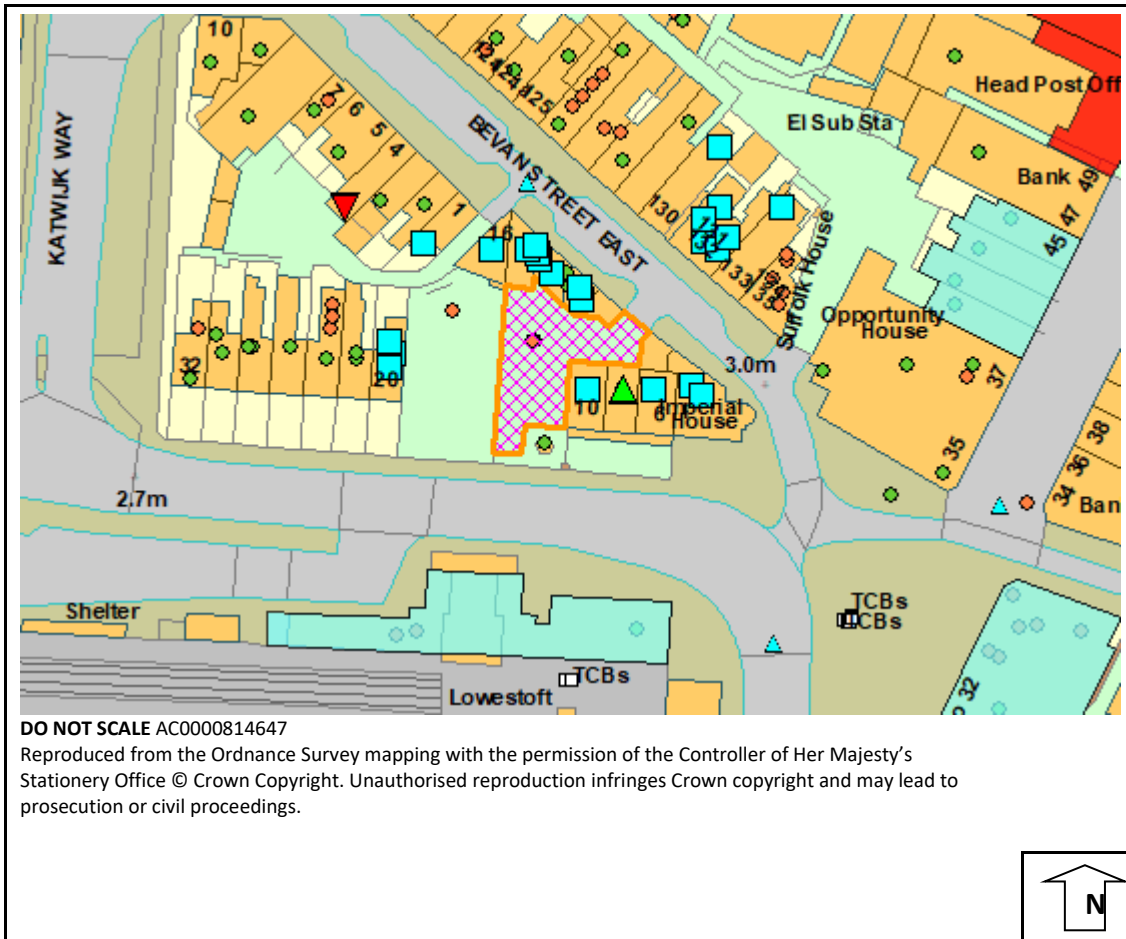
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended, the two retail units, hereby permitted, shall only be used for purposes within Class E (a) (b) (c) (d) (e) (f) (g (i)) of the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any other Order amending, revoking and re-enacting that order).

Reason: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality





## **Background information**

See application reference DC/22/4241/FUL on [Public Access](#)

# Map



## Key

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



## Committee Report

**Application no** DC/23/0023/FUL

**Location**

4 Hazelwood Hall Cottages  
Aldeburgh Road  
Friston  
Saxmundham  
Suffolk  
IP17 1PD

**Expiry date** 7 March 2023

**Application type** Full Application

**Applicant** Mrs Jacqueline Quin

**Parish** Friston

**Proposal** Use of no. 4 Hazelwood Hall Cottages for business tourism and holiday accommodation

**Case Officer** Rachel Smith  
07887 452719  
rachel.smith@eastsoffolk.gov.uk

## **1. Summary**

1.1 The application property is part of a complex of seven units of holiday accommodation that were converted from former agricultural buildings. They currently have permission to be used as holiday accommodation. This application relates to one of the seven units, no. 4, and seeks to amend the approved use to enable it to be used as holiday accommodation as well as by business tourists. The applicant considers that this additional occupation will aid the viability of the business.

1.2 The application is considered to comply with the Local Plan and not undermine its tourism objectives. Officers are 'minded to' approve the application which is contrary to the view of Friston Parish Council who comment:

*"Friston Parish Council do not support this application. This variation of a condition will take holiday lets out of the tourist sector which is an industry already under threat by the proposed energy projects in the area."*

1.3 The application was therefore presented to the Referral Panel where it was decided that the occupation of holiday accommodation by workers should have further debate, particularly given high demand for such accommodation locally. The application is therefore being presented to Planning Committee (North) for determination.

## **2. Site Description**

2.1 The application site is located in the Countryside in the Parish of Friston, on the northern side of the A1094, the main route in and out of Aldeburgh. The property is a mid-terrace property that was part of a scheme creating seven units of holiday accommodation from the conversion of redundant barns. The wider application site is now understood to be owned by different individuals, but all units retain occupancy restrictions and are not permanent, unrestricted C3 dwellinghouses.

2.2 The application relates to only one of the seven units, no. 4, which is a two-storey property located centrally within the terrace which extends north from the highway, away from the road.

## **3. Proposal**

3.1 This application seeks to expand upon and detail the specific uses permitted at the site to include holiday use and business tourism. Reference to 'short-term lets' was removed from the application following concerns raised by the Parish Council.

3.2 The first application made under this reference number sought to vary condition 2 of the 2003 permission (detailed below); however, on consideration of this, it became clear that this was not the right application type in this instance. A full application form was later received relating only to property no. 4, and this is what is now being considered.



#### 4. Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Friston Parish Council	11 September 2023	14 September 2023
Summary of comments: <i>Friston Parish Council do not support this application. This variation of a condition will take holiday lets out of the tourist sector which is an industry already under threat by the proposed energy projects in the area</i>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	13 January 2023	25 January 2023
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	13 January 2023	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SCC Highways Department	13 January 2023	16 January 2023
Summary of comments: Does not wish to restrict the grant of permission.		

#### 5. Site notices

General Site Notice

Reason for site notice: General Site Notice  
Date posted: 13 September 2023  
Expiry date: 4 October 2023

General Site Notice

Reason for site notice: General Site Notice  
Date posted: 27 January 2023  
Expiry date: 17 February 2023

## **6. Third Party Representations**

- 6.1. One letter of objection was received in relation to the original variation of condition application. This raised concerns regarding the use of the properties as business lets as this would not be in keeping with what the cottages were intended for, and there are concerns over how this would be policed.
- 6.2. One letter of objection from the same neighbouring resident has been received in relation to the revised proposal. This notes that the properties were sold with restrictions and therefore it is not acceptable to change the letting conditions just because either the current conditions do not generate enough income or because short term lets, and business tourism will be more lucrative. It also raises concerns that the enjoyment of the other cottages and their home will be severely affected by the coming and going of workmen. It is claimed that the entrance to the cottages from the road and the parking spaces on site are completely unsuited to the 'white vans' and work vehicles that such workmen inevitably use.

## **7. Planning policy**

National Planning Policy Framework 2023 (NPPF)

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

SCLP6.5 - New Tourist Accommodation (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.6 - Existing Tourist Accommodation (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **8. Planning Considerations**

- 8.1. There are a number of historical applications relevant to this property and the wider site. Planning permission for the conversion of the barns was originally granted by application ref. C03/0165 - 'Conversion of existing outbuilding to form 7 dwellings for holiday lets (revised scheme to planning reference C02/1061)'. Condition 2 of this permission reads as follows:  
*"The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Town and Country Planning (Use Classes) Order 1987). The duration of occupancy by any one person or persons shall not exceed 56 days in any calendar year, unless otherwise agreed in writing by the local planning authority."*
- 8.2. Following this, an amendment to that permission was agreed varying the '56 day' occupancy restriction to 'three months'.
- 8.3. In 2006, application C06/0069 was made, and approved. This application sought the *"Variation of Condition 2 of planning permission C03/0165 to read: each of the seven units of accommodation hereby permitted shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town &*

*Country Planning (Use Classes) Order 1987. Each of the units shall be vacated between 6 January and 17 February in each year."*

- 8.4. It is unclear exactly which permission was implemented, but it is likely to be the most recent given it is understood that the development was completed after this permission was granted and this application states that they have been observing the 'closed period', but now wish to expand the use to year-round.
- 8.5. The units have previously had permission to be occupied as holiday accommodation with varying time restrictions. While different permissions have agreed different restrictions, namely: no more than 56 days in a calendar year; no more than three months in a calendar year; and observing a six-week closed period, only one condition can apply at any one time - that which is included on the implemented planning permission. What remains constant throughout the planning history is that the use permitted is for holiday accommodation.
- 8.6. The 2006 permission (detailing the closed period) is the most recent and that which applies to the wider site, including no. 4. The application seeks to remove the 'closed period' restrictive condition to enable year-round occupation of the property to maximise the business potential. It also seeks to expand the use of the property to include business tourism in addition to holiday use.
- 8.7. The Local Plan is generally supportive of tourist accommodation and policy SCLP6.5 - New Tourist Accommodation sets out that any such permission would commonly include a condition restricting the occupancy of such units to a maximum of 56 days for any individual. This condition would enable year-round occupancy, with no closed period, by different people. The Local Plan also encourages tourism uses to be year-round. The ability to occupy no. 4 as holiday accommodation on a year-round basis is therefore in accordance with the provisions of the Local Plan.
- 8.8. Consideration must also be given to the additional use now proposed. Business tourism is commonly understood to apply to people travelling and staying away from their usual place of residence for work purposes. This is therefore a type of tourism and while not a 'holiday' as previously referred to in the relevant condition, the tourist and short-term nature of such a use is considered to be in broad accordance with the tourism aims of the Local Plan. Those staying for work purposes often spend in the local economy in a similar way to holiday makers, for example eating at local restaurants and shopping at local stores, because they do not have all the home comforts of their permanent residence. Therefore, business tourism uses contribute to the rural economy in a way that is supported by the Local Plan tourism strategy.
- 8.9. Although the current proposal would remove the 'closed period' therefore enabling year-round occupation, the '56 day' condition is that which is preferred and stated within the Local Plan as the most appropriate for tourist accommodation. The applicant has confirmed that they are content with this condition being imposed and, further, that they would not let the property to the same person/persons for more than 37 days for tax reasons. Whilst that is not a planning matter, it adds some further context and some reassurance that the property will not be occupied as a permanent residence.

- 8.10. The most recent consultation was carried out with reference to the proposal also including 'short-term lets' with an occupancy of up to three months. This has since been removed from the application description and is no longer being considered.

#### Residential Amenity

- 8.11. The proposal would not result in a significant change to the character of the occupancy of the property - it would remain for short term tourism uses either for holiday or work purposes. While the property could, as a result of this application, be occupied all year, a residential (C3) use is not considered to be one that creates such a significant noise or disturbance to significantly impact on residential amenity.

### **9. Conclusion**

- 9.1. The existing property has permission to be used as holiday accommodation. The current application seeks to extend that use to refer specifically to holiday accommodation and for business tourism. The proposed inclusion of reference to business tourism is considered to comply with the aims of the Local Plan in supporting the provision of tourist accommodation and similarly, expanding the accommodation offer such that occupancy is available all year is also encouraged in the Local Plan.

### **10. Recommendation**

- 10.1 Approve, subject to controlling conditions.

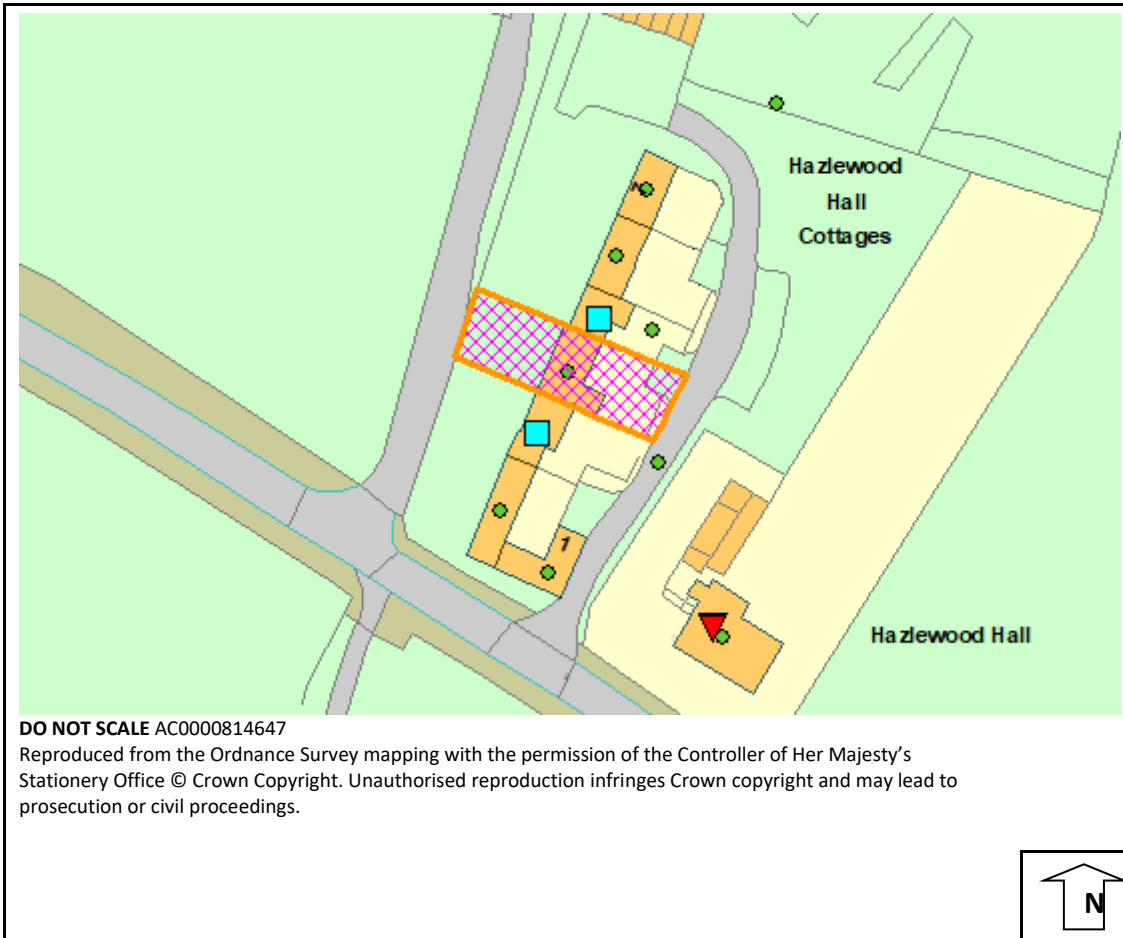
#### **Conditions:**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The premises herein referred to shall be used for holiday letting accommodation or business tourism and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons shall not exceed a period of 56 days in total in any calendar year.  
The owners/operators of the unit hereby referred to shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the unit during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.  
Reason: To ensure that the development is occupied only as holiday accommodation or for business tourism purposes, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.





#### **Background information**

See application reference DC/23/0023/FUL on [Public Access](#)

## Map



## Key

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



**Committee Report**

**Planning Committee North – 13<sup>th</sup> February 2024**

**Application no** DC/23/4456/FUL

**Location**

Briar Cottage  
The Green  
Walberswick  
Southwold  
Suffolk  
IP18 6TT

**Expiry date** 18 January 2024

**Application type** Full Application

**Applicant** Rebecca Lewis

**Parish** Walberswick

**Proposal** Installation of double glazing. Removal and replacement of existing shed in rear garden. Removal of existing conservatory. Removal and replacement of oil tank.

**Case Officer** Fabian Danielsson

[fabian.danielsson@eastsuffolk.gov.uk](mailto:fabian.danielsson@eastsuffolk.gov.uk)

## 1. Summary

- 1.1. This application seeks planning permission for replacement windows, the removal of an existing shed and the replacement of the same in the rear garden, the removal of an existing conservatory, and the removal and replacement of an oil tank at Briar Cottage (and formerly Ash Cottage), The Green in Walberswick. The application site is located within the Walberswick Conservation Area and the Suffolk and Essex Coast and Heaths National Landscape. The proposals relate to changes to the property involving Briar and Ash Cottages being converted from two dwellings into one dwelling but this change does not require planning permission.
- 1.2. Walberswick Parish Council object due to the following summarised reasons (included in full below):

*It is the view of the Parish Council that the amalgamation of Briar and Ash Cottages is not permitted development, given the material changes that result, ie potential use of the new dwelling and associated parking deficiencies.*

*The physical alterations are generally acceptable, except the introduction of the bike shed on the front elevation.*

*Parking standards for a house with more than 4 bedrooms would require at least 3 parking spaces. No parking spaces are shown on the plans. A garage is being lost from the property to form a gym, and there is already limited local parking in that area.*

*The precise style and specifications of new replacement windows should be conditioned for approval before installation.*

*In consideration of the potential detrimental effects of the amalgamation of the two cottages on the Conservation Area; immediate locality and wider village it is the Parish Council's opinion that the application should be refused.*

- 1.3. The objections from the Parish Council were contrary to the officer's 'minded-to' recommendation of approval, therefore the Planning Referral Process was triggered. The application was presented to the Referral Panel on 30th January 2024 with a recommendation that the decision be delegated to the Head of Planning and Coastal Management. At this meeting, Members of the Referral Panel concluded that the issues within and surrounding the application should be debated further by Planning Committee.

## 2. Site Description

- 2.1. The application property, formerly two neighbouring semi-detached properties under the names of Briar Cottage and Ash Cottage, consists of two adjoined cottages of late 19th to early 20th century date, facing onto The Green within the Walberswick Conservation Area. A small, enclosed garden sits in front of the property, while to the south runs a gravelled drive belonging to the neighbouring property. To the northern side and to the rear is an enclosed garden of a modest size. Neighbouring properties are varied, including detached, semi-detached and terraced properties, with most being of some historic significance.

2.2. The application property is mentioned in the Walberswick Conservation Area Appraisal as making a positive contribution to the character of the conservation area and is described thus:

*"Late nineteenth / early twentieth century pair of cottages. Rendered elevations with weather boarded gable. Projecting eaves with red clay pan tile roof. Good, simple vernacular detailing, particularly to the open porch area of Briar Cottage."*

2.3. The property is also located within the Suffolk and Essex Coast and Heaths National Landscape.

### 3. Proposal

3.1. Planning permission is sought for replacement windows, the removal of an existing shed and the replacement of the same in the rear garden, the removal of an existing conservatory, and the removal and replacement of an oil tank.

### 4. Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Walberswick Parish Council	28 November 2023	12 December 2023

#### Summary of comments:

##### Opinion

In consideration of the potential detrimental effects of the amalgamation of the two cottages on the Conservation Area; immediate locality and wider village it is the Parish Council's opinion that the application should be refused.

Parking standards for a house with more than 4 bedrooms would require at least 3 parking spaces. No parking spaces are shown on the plans. A garage is being lost from the property to form a gym, and there is already limited local parking in that area.

##### Description

Briar / Ash Cottages comprise a prominent pair of semi-detached houses on the north east corner of Walberswick village green as Leveretts Lane enters on to the green. They are within the Conservation Area. The proposal is described as: installation of double glazing; removal and replacement of existing shed in rear garden; removal of existing conservatory; removal and replacement of oil tank; and a new secure bike store.

##### Comment

The proposal as presented does two things:

- Amalgamate both cottages into one large dwelling.

The design and access statement suggests that East Suffolk have given an opinion that this amalgamation of two dwellings into one larger unit does not require planning permission.

This view is possibly misplaced. Permitted development allowances are unclear. The courts have held that where there are material changes that would affect the area then express permission for the change should be sought (RB Kensington and Chelsea 2016). There is clearly a shortage of



smaller units of accommodation in Walberswick, and this change would reduce that availability further. The cottages have in the past been rented by local people.

The change to one dwelling with seven bedrooms brings forward the prospect of large groups of people renting it for holiday lets / party house use, to the detriment of the village and the immediate local character.

- Undertake various small alterations and insert a number of new windows.

There are internal and external alterations. Two heating systems are to be made one with a new boiler location and new shed for it. An oil tank is to be removed from the front elevation and replaced with a bike shed. There are extensive new windows which are noted in the window schedule to be matching replacements, although it is not clear what exact style is being referred to amongst the catalogue details given. It will be important that precise types are approved before installation.

Whilst the relocation of the oil tank is welcomed, its replacement with a prominent bike shed on the front elevation neither preserves or enhances the Conservation Area. The boiler shed details are acceptable.

#### Summary

- It is the view of the Parish Council that the amalgamation of Briar and Ash Cottages is not permitted development, given the material changes that result, ie potential use of the new dwelling and associated parking deficiencies.
- The physical alterations are generally acceptable, except the introduction of the bike shed on the front elevation.
- The precise style and specifications of new replacement windows should be conditioned for approval before installation.
- In consideration of the potential detrimental effects of the amalgamation of the two cottages on the Conservation Area; immediate locality and wider village it is the Parish Council's opinion that the application should be refused.

#### Non statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	28 November 2023	5 December 2023

#### Summary of comments:

We have looked at the proposal and in our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	28 November 2023	4 December 2023

#### Summary of comments:

No comment.

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	28 November 2023	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	28 November 2023	30 November 2023
Summary of comments: We have no comments to make regarding this application.		

### Third Party Representations

No third-party comments have been received.

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	7 December 2023	2 January 2024	East Anglian Daily Times

### Site notices

General Site Notice  
Reason for site notice: Conservation Area  
Date posted: 4 December 2023  
Expiry date: 27 December 2023

## 6. Planning policy

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

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)

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

Walberswick Conservation Area Appraisal Supplementary Planning Document (December 2013 and updated January 2024)

## **7. Planning Considerations**

### Visual Amenity, Street Scene and Landscape

- 7.1. Policy SCLP11.1 sets out that proposed development should respond to local context and the form of surrounding buildings in relation to the overall scale and character of the development, that the layout should fit in well with the existing neighbourhood layout, that the height and massing of developments should be well related to their surroundings, that there should be clear relationships between buildings and spaces, and that high quality materials appropriate to the local context should be used.
- 7.2. Planning policy SCLP11.5 - Conservation Areas states that proposals for development within a conservation area should demonstrate an understanding of the significance of the conservation and the potential impact of the proposal, they should preserve or enhance the character of the conservation area, be of an appropriate design, scale, form, height, massing and position, retain important settlement form features, and that they should use high quality materials and methods of construction.
- 7.3. Planning policy SCLP11.3 - Historic Environment also states that any development, where possible, should make a positive contribution to the historic environment.
- 7.4. The current planning application concerns what formerly amounted to two separate properties, Briar Cottage and Ash Cottage, which are being amalgamated into a single property. Combining two residential properties into a single residential property does not constitute a change of use or development and therefore does not require planning permission. The Parish Council have argued that there is a precedent for planning permission being required in some cases, as has been seen in appeal decisions elsewhere in the country. While the Parish Council's comments regarding the undesirability of losing two smaller properties to form one larger property are valid, the Council does not consider that the amalgamation of one five-bedroom and one three-bedroom property into a single seven-bedroom property constitutes a material change of use and therefore it follows that it does not require planning permission. Any changes that occur as a result of this amalgamation therefore are not considered as part of the planning application, which specifically concerns the external changes to the property. Other cases elsewhere where it has been held that amalgamation requires planning permission appear to be in very urban locations such as London and involving conversions of multiple flats. It is well established across East Suffolk that amalgamation of two properties into one does not require planning permission and circumstances do not dictate that this should be approached differently. In any case, the planning application hereby considered is not asking for such a change and therefore it is not a judgement this determination can make, rather it would be for a future application or enforcement investigation if the Council did believe the position was different.
- 7.5. It is noted that the Parish Council raise concerns that the property could be rented out to a large group as holiday accommodation. The lawful use of the property, with the two cottages combined, would be C3 as a dwellinghouse. If the property were to be rented out to large groups of people or not occupied as a C3 dwellinghouse, planning permission may

be required for this if it was considered to be a very large 'party house' holiday let and the merits of any such application judged at that time.

- 7.6. The Parish Council have also raised concerns over the parking situation at the property. While it is acknowledged that the parking situation at the property should likely be seen as inadequate, the amalgamation of the two properties, which in any case does not form part of the current application, is likely to reduce the demand for parking at the property. One five-bedroom dwelling and one three-bedroom dwelling would, ideally have a total of five off-road parking spaces. The County Council's guidance for parking would require three spaces for a seven-bedroom property.
- 7.7. The proposal also shows the conversion of an existing garage into a home gym. It is unclear whether the garage is currently used for parking – the garage space measures 4.3 metres deep which does not conform to the recommended garage dimensions and is unlikely to be able to accommodate a modern sized car. Additionally, the internal conversion of a garage does not require planning permission and is therefore not considered as part of this application. There is therefore no potential reason for refusal of this proposal based on the lack of off-street parking.
- 7.8. In terms of the external changes, the Parish Council have also suggested that further details are required with respect to the replacement windows proposed. Sufficient details have been provided as part of the proposal to conclude that the replacement windows proposed will be of a similar appearance to the existing windows; the only new window proposed will be on the ground floor. Therefore, the window replacements proposed would qualify as permitted development, and there are no grounds to require further details for this aspect of the scheme.
- 7.9. Other external changes proposed include the removal of an existing conservatory, which is located to the rear of the property. There are no concerns about this aspect of the proposal. It is also proposed to demolish an existing garden shed and to replace this with a new shed in the same position. The new shed will be of a similar material to the existing shed, but with a simpler design and a mono-pitch roof instead of the current dual-pitch roof. The design of the shed is simple and unassuming, and will have less of a visual impact than the current shed. This aspect of the proposal is therefore acceptable.
- 7.10. The Parish Council have also objected to the construction of a bike shed in the former location of an oil tank to the front of the property. Concerns over the visual impact of this bike shed were shared by officers and following discussions with the agent, this has been removed from the scheme.
- 7.11. Based on the above considerations, the proposals are acceptable and in compliance with the relevant policies of the Local Plan.

#### Residential Amenity

- 7.12. Planning policy SCLP11.2 states that the council should consider the impact of any proposed development on privacy/overlooking, outlook, access to light, noise and disturbance, the physical relationship with other properties, light spillage, air quality or other pollution, and safety and security.

- 7.13. The main external changes relevant to neighbouring residential amenity are the removal of the existing conservatory and the replacement of the existing garden shed. Both of these changes are likely to improve neighbouring amenity, given that the potential access to light and privacy impacts of the conservatory are removed, and the replacement shed will be of a lower roof height than the existing shed and there are no new privacy impacts.
- 7.14. The replacement windows, which will be in the same location as the existing windows with the exception of one ground floor window, are not considered to have a negative impact on the residential amenity of neighbours.
- 7.15. Residential amenity impacts as a result of the proposed scheme are likely to be neutral to positive and are therefore acceptable.
- 7.16. For the reasons set out above the proposal is acceptable and planning permission can be granted (and it is possible to grant planning permission for development that also benefits from permitted development rights).

## **8. Conclusion**

- 8.1. The proposals accord with the relevant national and local policies and guidance listed above and are therefore acceptable.
- 8.2. As the Parish Council have objected, the application was presented to the Planning Referral Panel, which decided that the case should be presented to Planning Committee North for determination.

## **9. Recommendation**

- 9.1. Approve subject to conditions as detailed below.

## **10. Conditions:**

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

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

2. The development hereby permitted shall be carried out in all respects strictly in accordance with the following approved plans and documents for which permission is hereby granted:

- Drawing nos. SBDC:0921:ABC:008 and Window and Door Schedule received on 17 November 2023, SBDC:0921:ABC:007A received on 18 January 2024 and SBDC:0921:ABC:003F received on 19 January 2024.

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

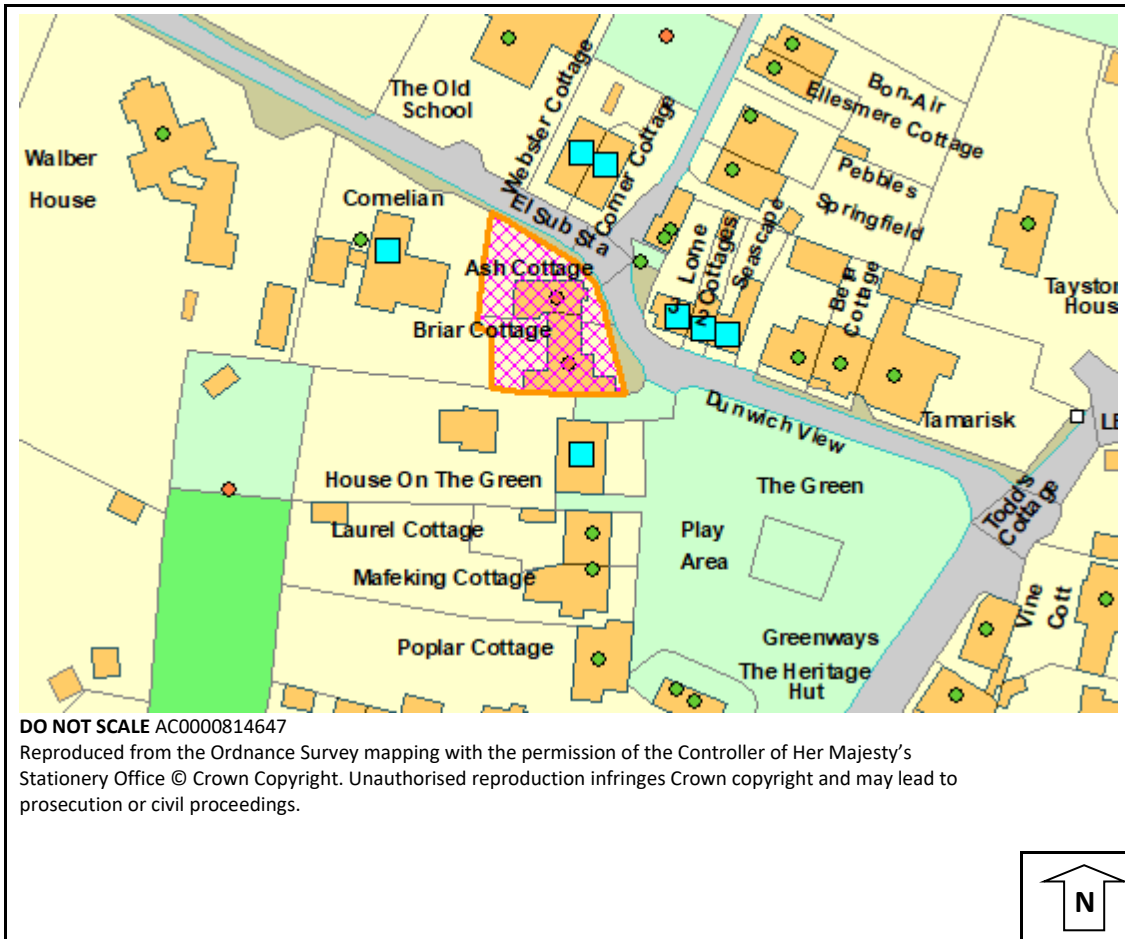
**Informatives:**

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





**Background information**

See application reference DC/23/4456/FUL on [Public Access](#)

# Map



## Key

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