



## Committee Report

**Planning Committee North** - 12 September 2023

**Application no** DC/23/2151/FUL

**Location**

South Of Technical Centre  
Whapload Road  
Lowestoft  
Suffolk

**Expiry date** 23 August 2023

**Application type** Full Application

**Applicant** Birds Eye Limited

**Parish** Lowestoft

**Proposal** Installation of modular office system adjacent the South elevation of technical centre offices. (proposal required to accommodate personnel from an existing building which is been considered as a high risk to pedestrian safety).

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## 1. Summary

- 1.1 Permission is sought for the installation of a modular building adjacent to the south elevation of the Technical Centre Offices at the Birds Eye Factory, Whapload Road, Lowestoft.
- 1.2 The application has been assessed against relevant policies of the Development Plan and other material considerations and is recommended for approval.
- 1.3 This application is before the Planning Committee (North) as land within the application site is within the ownership of East Suffolk Council.

## 2. Site Description

- 2.1 The site is located within an industrial estate and the settlement boundary of Lowestoft and comprises a food processing plant located over a 26 acre site. The application site is situated on a grassed area to the south of the Technical Centre offices in the centre of the site. Whapload Road is located to the west.
- 2.2 The wider site area extending to land within the blue edge, incorporates large industrial buildings for food processing, parking for staff etc, and the site is enclosed by high perimeter fencing to the eastern boundary fronting Whapload Road. The site is located in an area of medium to high flood risk - Flood Zones 2 and 3.

## 3. Proposal

- 3.1 Permission is sought for the installation of a modular office building adjacent to the south elevation of the Technical Centre Offices at the Birds Eye Factory, Whapload Road, Lowestoft. The modular building would serve as offices for staff inductions.

## 4. Consultations/comments

- 4.1 No comments received.

### Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	13 July 2023	2 August 2023
Summary of comments: Recommend approval.		

## Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	13 July 2023	17 July 2023
Summary of comments: Notice is hereby given the County Council as Highway Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	13 July 2023	18 July 2023
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	13 July 2023	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	13 July 2023	No response
Summary of comments:		

## 5. Publicity

5.1 The application has been subject to the following publicity:

General Site Notice

Reason for site notice: General Site Notice

Date posted: 24 July 2023

Expiry date: 14 August 2023

## 6. Planning policy

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states “*where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material*

*considerations indicate otherwise*". The Development Plan is the Adopted Waveney Local Plan (2019).

6.2 The following policies are considered relevant:

- 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)
- WLP8.12 - Existing Employment Areas (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- National Planning Policy Framework 2021

## **7. Planning Considerations**

### Principle of Development

- 7.1 The modular building is required to decant new/temporary staff from an existing building located further to the east within the wider site area edged blue, to the rear of Denes 3 Packing, which is considered at higher risk of pedestrian safety, owing to its position closer to the main food processing plants.
- 7.2 The site is located within an Existing Employment Area as allocated by policy WLP8.12. This sets out that proposals for new employment development falling within use classes B1, B2 and B8 will be permitted within Existing Employment Areas. As the proposal would be linked to the existing factory site it is considered that the proposal is compliant with policies WLP8.12 and WLP8.13.
- 7.3 The principle of development is therefore acceptable in this location, in accordance with policies WLP1.2, WLP8.12 and WLP8.13 of the Local Plan.

### Design and Amenity

- 7.4 Policy WLP8.29 sets out that proposed development should respect the character, design and scale of the host building and character and appearance of the surrounding area and street scene. New development should also protect the amenity of the wider environment and neighbouring uses.
- 7.5 The modular building would measure 6.05 x 9.87 x 3 metres and have a total footprint of 59.3 sq metres. The exterior of the building would be constructed from walls of 60mm composite PU steel sheet in light grey (walls and fascia) with a 100mm mineral light grey composite roof, light grey uPVC windows with integral security shutters and light grey doors. No lighting is proposed, but the application states that flood lighting may be required upon installation. Access would be from the south elevation of the modular building, with a second opening on the east elevation.

- 7.6 The building is functional in form and design, being a modular office building. It would be centrally located within the wider 26-acre food processing plant, to the south of the Technical Centre building, in an area of incidental grass/landscaping. The proposed building would be a small scale structure viewed within the context of much larger industrial / food processing industrial buildings, with no visual impact from Whapload Road to the west, owing to the presence of high acoustic boundary fencing, 3 metres in height. The proposed siting of the building would therefore have no discernible visual impact on the Historic High Street and Scores Area (policy WLP2.9) located to the west of the site on the opposite side of Whapload Road.
- 7.7 There are residential and commercial buildings further to the east of the site, on the opposite side of Whapload Road, outside the wider application site boundary edged blue. Owing to the location of the proposed modular building within an industrial estate on a large food processing plant, and separation distance from neighbouring properties, there would be no impact on neighbouring amenity.
- 7.8 The proposal is therefore compliant with policy WLP8.29 in regard to design and amenity.

#### Contamination

- 7.9 Environmental Health officers have been consulted on this application, owing to the presence of contaminated land in the wider area, but no comments or objections are raised to this application.

#### Flood Risk

- 7.10 The application site is located in an area of medium to high flood risk (Flood Zones 2 and 3). Policy WLP8.24 is therefore relevant. This states that development proposals at risk of flooding (taking into account the impacts of climate change) should only be granted permission if there are no suitable alternative sites in areas of lower flood risk; the benefits in terms of sustainability outweigh the flood risk; and a site specific Flood Risk Assessment is submitted for all development located in Flood Zones 2 and 3, (and for development of 1ha or more in Flood Zone 1) which demonstrates that the site can satisfactorily mitigate over the lifetime of the development, to comply with paragraph 168 of the NPPF.
- 7.11 This particular area is identified as being located in Flood Zone 3a, and the proposed development is identified as being a less vulnerable land use (buildings used for professional and other services; general industry) under the Technical Flood Risk Guidance to the NPPF. Therefore, only where there are no reasonably available sites in Flood Zones 1 and 2 should the suitability of sites in Flood Zone 3a be considered. Within Flood Zone 3a, there is a 1% or greater annual probability of river flooding, or a 0.5% or greater annual probability of sea flooding.
- 7.12 New development is to take a sequential risk based approach to the location of new development by applying the sequential test and, if necessary, applying the exception test (para 161, NPPF). As the proposal is for a less vulnerable land use, application of the exception test is not necessary in this case (paragraph 163 of the NPPF; Table 3 of Flood Risk Vulnerability and Flood Zone compatibility). No sequential test is provided, but the wider site is located in a medium to high risk flood zone (with the exception of food

processing plants Denes 1 and 2); therefore, there are no other sites that are reasonably available in a lower flood risk category that are linked to the existing factory and food processing facility.

- 7.13 The applicant has submitted a supporting Flood Risk Assessment, which identifies that the wider site is affiliated to the Environment Agency 'Flood Risk Warning Service, with on-site flood defences include localised sand bagging availability and emergency flood evacuation plan, including emergency shut down procedures and personnel evacuation. Operations at the site are also stated as being under the control of the Environment Agency Operating Permit criteria (Birds Eye Lowestoft site permit - NP3333UU/004).
- 7.14 As this is a less vulnerable land use and there are no other reasonably available sites at lower risk of flooding in this case, the proposal is acceptable in flood risk terms, subject to compliance with the Environment Agency 'Flood Risk Warning Service, and emergency flood evacuation plan, including emergency shut down procedures and personnel evacuation, as detailed in the FRA. The proposal therefore complies with policy WLP8.24 of the Local Plan.

#### Parking and Access

- 7.15 The main vehicular entrance to the site is from Whapload Road with staff parking areas to the rear site perimeter, accessed via Wilde Street and Gasworks Road, and opposite the main food processing plant on the opposite side of Whapload Road (drawing no. AG-00-LA-0091-0002 01). Visitor parking is provided at the main entrance to the plant on Whapload Road. There is a secure pedestrian entrance with cycle parking located immediately to the west of the application site on the western site perimeter of Whapload Road, which would provide direct and safer access for new staff undergoing inductions.
- 7.16 The proposed modular building would have a floor area of 59.3 sq metres, which has a parking requirement for 2 spaces. As this application seeks to decant staff from existing office facilities of similar size at the food processing plant, there is no requirement to provide additional parking with this application. The Highways Authority is satisfied that the application would not have detrimental impact upon the adopted highway or highway safety. The proposal complies with policy WLP8.21 of the Adopted Waveney Local Plan 2019.

### **8. Conclusion**

- 8.1 The application would improve the day-to-day operation of the site by decanting new/temporary staff to an area with better pedestrian safety. The proposed design and scale of development is appropriate to the location with no wider adverse visual impact to the locality. There would be no significant impact on residential amenity and parking provision is adequate. Flood risk impacts are adequately mitigated by planning condition.

### **9. Recommendation**

- 9.1 That planning permission is APPROVED subject to the following conditions:

## 10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing no's AG-00-LA-0091-0002 Site Location Plan, AG-00-LA-0091-0001 Proposed Block / Layout Plan, received 13 June 2023, 552360-004 Proposed Floorplans and Elevations, received 30 May 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

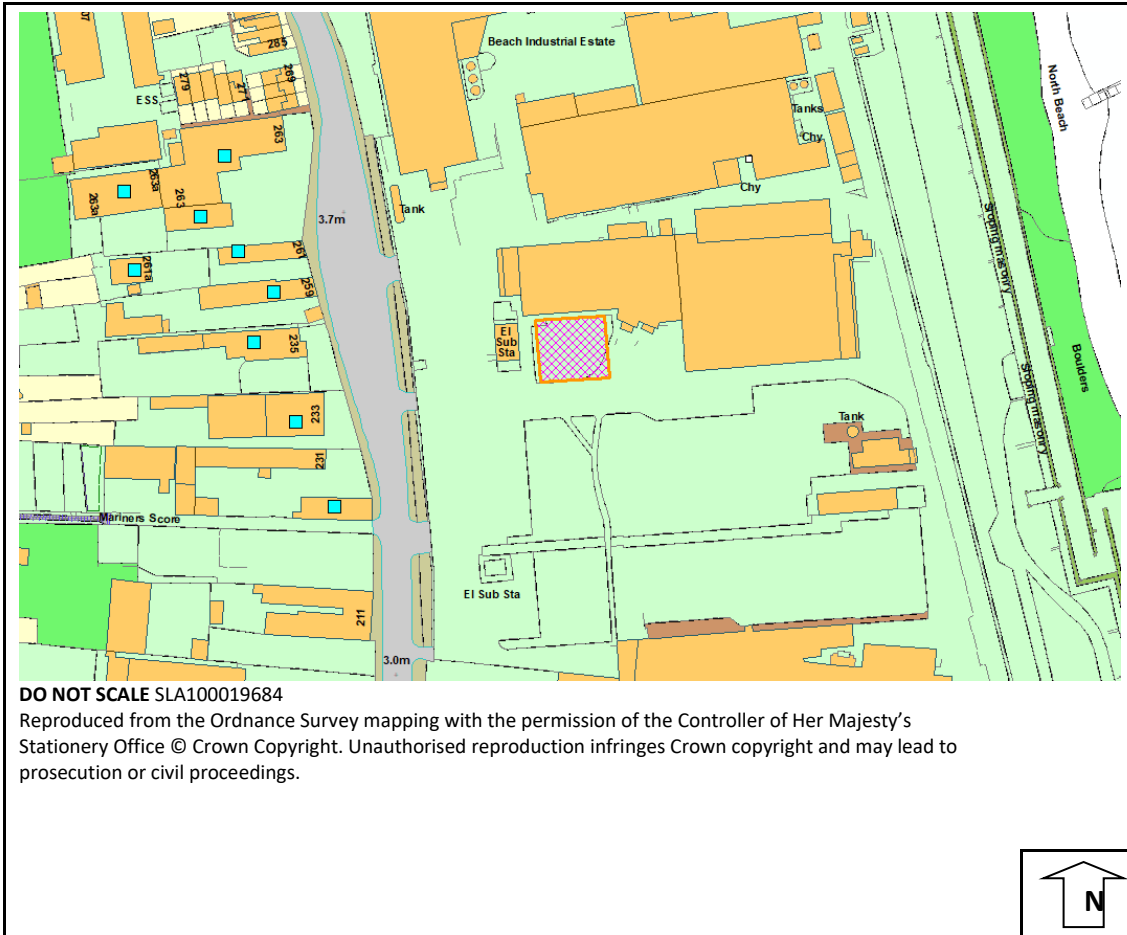
4. The development hereby permitted shall be undertaken in accordance with the submitted Flood Evacuation Procedures, Emergency Plan and Environment Agency Flood Risk Warning Service, as detailed in the submitted Flood Risk Assessment, received by the Local Planning Authority 30 May 2023 (Birds Eye Limited, dated 26 May 2023) and retained as such thereafter.

Reason: In order to mitigate the impacts from flooding and to ensure the development is safe for its lifetime.

## Background Papers

See application reference DC/23/2151/FUL on [Public Access](#)

# Map



## Key



Notified, no comments received



Objection



Representation



Support