



# 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, 12 December 2023 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/25gWY33IX8U?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 14 November 2023.	<b>1 - 23</b>
<b>5</b>	<b>East Suffolk Enforcement Action - Case Update ES/1778</b> Report of the Head of Planning and Coastal Management.	<b>24 - 39</b>
<b>6</b>	<b>DC/23/2317/FUL - 47A Marlborough Road, Southwold, IP18 6LS ES/1770</b> Report of the Head of Planning and Coastal Management.	<b>40 - 50</b>
<b>7</b>	<b>DC/22/2364/FUL - Cornfield Mews, 6A Stradbroke Road, Southwold, IP18 6LQ ES/1773</b> Report of the Head of Planning and Coastal Management.	<b>51 - 62</b>

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>8</b>	<b>DC/22/4540/FUL - The Anchor, Iken Cliff, Iken, Woodbridge, IP12 2EN ES/1774</b> Report of the Head of Planning and Coastal Management.	<b>63 - 72</b>
<b>9</b>	<b>DC/23/0297/FUL - 17 Market Place, Southwold, IP18 6EB ES/1779</b> Report of the Head of Planning and Coastal Management.	<b>73 - 89</b>
<b>10</b>	<b>DC/23/0298/LBC - 17 Market Place, Southwold, IP18 6EB ES/1780</b> Report of the Head of Planning and Coastal Management.	<b>90 - 102</b>
<b>11</b>	<b>DC/23/1674/FUL - Hamilton Docks, Hamilton Road, Lowestoft, NR32 1XF ES/1776</b> Report of the Head of Planning and Coastal Management.	<b>103 - 114</b>

**Part Two – Exempt/Confidential** **Pages**

There are no Exempt or Confidential items for this Agenda.

**Close**



Chris Bally, Chief Executive

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## Speaking at Planning Committee Meetings

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

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

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

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

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

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

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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 14 November 2023 at 2:00 PM**

**Members of the Sub-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, Councillor Alan Green

**Officers present:** Jamie Behling (Assistant Planner), Joe Blackmore (Principal Planner (Development Management, North Area Lead)), Katy Cassidy (Democratic Services Officer), Matthew Gee (Senior Planner), Grant Heal (Planner), Matt Makin (Democratic Services Officer (Regulatory)), Andrew Martin (Principal Planner (Major Sites)), Steve Milligan (Senior Planner), Agnes Ogundiran (Conservative Political Group Support Officer), Alli Stone (Democratic Services Officer), 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 received.

**2 Declarations of Interest**

Councillor Parker declared an Other-Registerable interest in items 6 and 7 of the agenda as he was a member of the Lowestoft Town Council.

Councillor Pitchers declared a Non-Registerable Interest in item 10 of the agenda as the application was located within his ward.

Councillor Ashton declared a Non-Registerable Interest for item 9 as he was the Vice-Chair of Southwold Harbour Committee. He also declared Non-Registerable interests in items 10 and 11 of the agenda as his Cabinet portfolio included responsibility for Council's non-housing assets.

Councillor Hammond declared a Non-Pecuniary Interest in items 5 and 6 of the agenda as he was the Cabinet member for Economic Development.

Councillor Ashdown declared a Non-Pecuniary Interest in items 5 and 6 of the agenda as he was a member of the Lowestoft Place Board.

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

There were no declarations of lobbying received.

#### **4a Minutes - September 2023**

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

#### **RESOLVED**

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

#### **4b Minutes - October 2023**

On the proposition of Councillor Parker, seconded by Councillor Gee, it was by a unanimous vote

#### **RESOLVED**

That the minutes of the meeting held on 10 October 2023 be agreed as a correct record and signed by the Chair.

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

The Committee received report ES/1726 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 26 October 2023. At that time there were 19 such cases.

The Chair invited the Enforcement Planner to comment on the report, who advised that there were no updates from the published report.

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

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

#### **RESOLVED**

That the outstanding enforcement matters up to 26 October 2023 be noted.

## **6 DC/23/2049/FUL - Former Town Hall, High Street, Lowestoft, NR32 1HU**

The Chair advised the Committee that agenda items 6 and 7 were associated applications and would be presented jointly.

The Committee received report **ES/1729** of the Head of Planning and Coastal Management which related to planning application DC/23/2049/FUL. The application sought full planning permission for the alteration, extension and change of use of the Former Town Hall, a Grade II listed building, to form a heritage hub, café, gallery, community event space, Town Council office, and registrar offices.

The Committee received report ES/1730 of the Head of Planning and Coastal Management, which was for the associated listed building consent DC/23/2050/LBC. The listed building consent was sought for works of alteration and extension of the former Town Hall, a Grade II listed building, as part of proposals to form a heritage hub, café, gallery, community event space, Town Council office, and registrar offices.

Both applications were before the Committee for determination at the request of the Head of Planning and Coastal Management as it was considered to be significant due to the Council's previous ownership of the site and the importance of the project for the town of Lowestoft.

The Committee received a presentation from the Principal Planner, who was the case officer for these applications. The site's location plan was outlined, and an aerial photograph of the site was displayed. The Principal Planner noted the denser development at the east of the property on the High Street and the surrounding residential areas to the north, west and south. Immediately to the west of the property was unoccupied land which the Principal Planner outlined was owned by the Council and was formerly occupied as offices.

As the application was for both full planning permission and listed building consent, the Principal Planner noted that it was important to set out the heritage context of the site. A map was shown to the Committee which displayed the location of the former town hall, Grade II listed building, and its relationship to the conservation area. The Principal Planner pointed out that part of the site was within the conservation area and some of the new build elements and extensions were outside of the conservation area and adjacent to it.

The Principal Planner reiterated the linkage of the two items and the committee was shown slides which outlined the proposed developments to be carried out under planning permission consent along with the proposed listed building works. It was pointed out that due to the building being in a conservation area setting, some of the external alterations in their own right would require planning permission.

The Committee was shown a variety of external photographs of the site demonstrating its context within the North Lowestoft Heritage Action Zone. Internal photographs

were then displayed, highlighting the features which would be retained and the architectural detail. The Principal Planner advised the Committee how the internal space reconfiguration would provide enhanced function and improved accessibility. Existing and proposed elevations of the development were displayed.

The material considerations and key issues were summarised as the principle of development, heritage, design, amenity, highways, ecology, contamination, UXO and archaeology. The recommendation to approve both applications was outlined to the Committee.

The Chair invited questions to the officers. In response to Councillor Pitchers question the Senior Planner confirmed that there was a discrepancy from Historic England referring to two public houses in the application. This had been noted by the Officer and the application just refers to the New Market Inn.

Councillor Ewart asked the Principal Planner to revisit the wall on Mariners Street. Given the location of the wall and the long flat elevation design with one window, she had concerns that this could be subject to graffiti and questioned whether consideration would be given to the installation of posters/billboards for advertising. Councillor Ewart felt this would offer more to the design and also prevent recurring applications for advertising. In response the Principal Planner confirmed that careful consideration had been given during both the pre application and planning application and it was noted that putting advertisements there would benefit the site, but consideration would need to be given as to their own heritage impacts, adding that the area discussed was not a principal frontage but a secondary one. Councillor Ewart questioned how the building would be identified without signage. The Principal Planner confirmed that there would be a dramatic improvement to the whole street scene which would draw people into the main building, highlighting also that the wall on Mariners Street would act as a screen from the courtyard/events hall and therefore have a public realm advantage. The Planning Development Manager added that the area to the rear of the site belonged to East Suffolk and there had already been discussions regarding the best long-term solution for this area, i.e. development or public realm. The Planning Development Manager envisaged that there would be a future opportunity for listed building advertisement consent or application for signage. Councillor Ewart confirmed, therefore, that the Principal Planner and the Planning Manager had the understanding of what needed to happen.

Following no further questions from the Committee, the Chair invited the representative from Lowestoft Town Council, Sarah Foote, to speak.

Sarah Foote thanked the officers for the work to date particularly the Principal Planner and the Planning Manager, recognising the considerable public engagement, design and market analysis that had occurred behind the scenes. Sarah Foote reported that Lowestoft Town Council were very excited for the developments, which she felt would result in an outstanding community facility bringing forward social and economic benefit. Sarah Foote confirmed that throughout, all on the Town Council had considered sustainability and the environment and ensured that all designs have taken on board the heritage requirements.

Sarah Foote, in response to a question from Cllr Hammond, confirmed that following

numerous consultations the overwhelming response was the desire to have a Council presence return to the town. She felt that the restored town hall would increase footfall to the area and the presence of the registrars at the town hall would create a unique facility for the area.

Councillor Gee was delighted that there would be a registry office in the Council Chambers in the Town Hall.

The Chair commented on the exciting work being carried out, adding that they were all very much looking forward to seeing the outcome.

The Chair invited the Committee to debate the application that was before it. Councillor Pitchers said that he remembered the building very well, having had 16 years as a Councillor there, he was looking forward to seeing the changes. Councillor Pitchers proposed that the application be approved as set out in the recommendation. Councillor Ashton commented on the quality of the application and thanked the Planning Officer and Planning Manager for their work, Councillor Ashton seconded the proposal. Councillor Ashdown fully supported the application, commenting that he was a Councillor who had used these buildings for many years and it was nice to see them being brought back to their appropriate use. Councillor Ewart asked for context as to when the planning started and how this came into play. The Principal Planner confirmed that the pre-application site meeting was Summer 2022 and there had been considerable collaborative work since. In response to a question from the Chair regarding timescales for work to start, should the application be successful, the Principal Planner confirmed that all of the conditions had been shared with the design team to allow preparatory work to be planned.

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

## **RESOLVED**

Planning permission be approved, subject to 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 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:

- 194\_HAT\_PL\_P01 Rev. PL (Location Plan and Block Plan)
- 194\_HAT\_PL\_P10 Rev. B (Proposed Ground Floor Plan)
- 194\_HAT\_PL\_P11 Rev. A (Proposed First Floor Plan)
- 194\_HAT\_PL\_P12 Rev. A (Proposed Second Floor Plan)
- 194\_HAT\_PL\_P13 Rev. A (Proposed Roof Plan)
- 194\_HAT\_PL\_P14 Rev. PL (Proposed Landscape Plan)



- 194\_HAT\_PL\_P15 Rev. A (Proposed North and South Elevations)
- 194\_HAT\_PL\_P16 Rev. A (Proposed East and West Elevations)
- 194\_HAT\_PL\_P17 Rev. PL (Proposed Sections A and B)
- 194\_HAT\_PL\_P18 Rev. PL (Proposed Sections C, D, and E)
- 194\_HAT\_PL\_P19 Rev. PL (Proposed Treatment of Existing Windows)
- 5170-MOM-XX-XX-DR-C-62000 Rev. P03 (Proposed Drainage Layout)
- J7182-MXF-ZZ-01-DR-M-20100 Rev. P3 (Ventilation Level 01 Layout)

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

3. 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 contractors 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 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.

4. No development shall commence until a full specification of all external materials to be used in the approved extensions and alterations, including rainwater goods, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the development does not harm the architectural and/or historic character of the existing building.

5. Prior to development above slab level, a sample of the proposed Canadian slate shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approval sample and thereafter permanently retained as such.

Reason: To ensure that the development does not harm the architectural and/or historic character of the existing building.

6. Prior to development above slab level, details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include:

- Means of enclosure and retaining structures;
- Boundary treatments;
- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, railings, refuse or storage units, etc.)
- Water features;

- Planting plans;
- Written specification, including cultivation and other operations associated with plant and grass establishment;
- Schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- An implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme.

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

7. Prior to the installation of any photovoltaic panels, full details of the photovoltaic panels, including size, final positions, and method of fixing, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure that the development does not harm the architectural and/or historic character of the existing building.

8. Prior to the installation of the external awnings, manufacturers details for the proposed Markisolette external awnings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure that the development does not harm the architectural and/or historic character of the existing building.

9. The infill brickwork to existing external openings shall match the existing, adjacent brickwork in size, colour, face, coursing, and bonding.

Reason: To ensure that the development does not harm the architectural and/or historic character of the existing building.

10. The recommendations and mitigation measures outlined within the Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment, prepared by 6 Alpha Associated Ltd and dated 18 April 2023, shall be undertaken in full alongside the implementation of any other necessary mitigation required under Government guidance.

If, at any time during development, high risk UXO not previously identified in the aforementioned report is encountered/found to be present on the site, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a revised and/or additional UXO risk management and mitigation programme/plan is submitted and approved detailing how the high risk UXO not previously identified shall be dealt with. The revised and/or additional UXO risk management and mitigation programme/plan shall be implemented as approved and, following the completion of the mitigation, a completion verification report confirming

that all risks to (including the possible evacuation of) existing and proposed premises have been satisfactorily mitigated shall be submitted in writing to the local planning authority for approval.

Reason: To ensure that the risks from site wide unexploded ordnance to future users of the land and existing neighbouring land are eliminated and or minimised, so that the development can take place without unacceptable risk to workers, residents and neighbours.

11. The development shall be carried out in full accordance with the approved Noise Impact Assessment, prepared by Max Fordham LLP and dated 26 April 2023.

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

12. The development shall be carried out in full accordance with the approved Kitchen Ventilation Odour Control document, prepared by Max Fordham LLP and dated 18 May 2023.

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

13. The premises shall only be open to the public between 07:00 and 00:00 Monday to Friday; between 07:00 and 00:00 on Saturdays; and between 08:00 and 23:00 on Sundays and Bank Holidays. The premises shall be closed to the public at all other times.

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

14. The development must be undertaken in full accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Assessment (Abrehart Ecology, October 2022, Revision 1) and Bat Roost Characterisation and Mitigation Report (Abrehart Ecology, September 2023, Revision 1) 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.

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

Reason: To ensure that nesting birds are protected.

16. The development shall be carried out in full accordance with the approved Ground Investigation Report, prepared by Listers Geotechnical Consultants Ltd.

If, during development, contamination not previously identified is found to be present, then no further development shall be carried out until a remediation scheme, detailed how the contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.

Reason: In the interests of public health and to avoid pollution of the water environment.

## **7 DC/23/2050/LBC - Former Town Hall, High Street, Lowestoft, NR32 1HU**

The Committee received report **ES/1729** of the Head of Planning and Coastal Management which related to planning application DC/23/2049/FUL. The application sought full planning permission for the alteration, extension and change of use of the Former Town Hall, a Grade II listed building, to form a heritage hub, café, gallery, community event space, Town Council office, and registrar offices.

The Committee received report **ES/1730** of the Head of Planning and Coastal Management, which was for the associated listed building consent DC/23/2050/LBC. The listed building consent was sought for works of alteration and extension of the former Town Hall, a Grade II listed building, as part of proposals to form a heritage hub, café, gallery, community event space, Town Council office, and registrar offices.

Both applications were before the Committee for determination at the request of the Head of Planning and Coastal Management as it was considered to be significant due to the Council's previous ownership of the site and the importance of the project for the town of Lowestoft.

The Chair advised the Committee that agenda items 6 and 7 were associated applications and would be presented jointly. The minute from the presentation was recorded under item 6 of the agenda.

The Chair invited questions and comments to Sarah Foote, Lowestoft Town Council regarding the listed building consent.

The Chair invited questions and comments to members regarding the listed building consent.

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

Councillor Ashdown felt that the listed building consent should be approved and proposed that it was accepted. Councillor Hammond concurred with Councillor Ashdown's comments and seconded the proposal.

Councillor Pitchers agreed, commenting that he was looking forward to seeing the finished project, particularly the difference to the inside.

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

**RESOLVED**

Listed building consent be granted, subject to conditions.

Conditions

1. The development hereby consented 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 18 of the Act (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:

- 194\_HAT\_PL\_P01 Rev. PL (Location Plan and Block Plan)
- 194\_HAT\_PL\_P10 Rev. B (Proposed Ground Floor Plan)
- 194\_HAT\_PL\_P11 Rev. A (Proposed First Floor Plan)
- 194\_HAT\_PL\_P12 Rev. A (Proposed Second Floor Plan)
- 194\_HAT\_PL\_P13 Rev. A (Proposed Roof Plan)
- 194\_HAT\_PL\_P14 Rev. PL (Proposed Landscape Plan)
- 194\_HAT\_PL\_P15 Rev. A (Proposed North and South Elevations)
- 194\_HAT\_PL\_P16 Rev. A (Proposed East and West Elevations)
- 194\_HAT\_PL\_P17 Rev. PL (Proposed Sections A and B)
- 194\_HAT\_PL\_P18 Rev. PL (Proposed Sections C, D, and E)
- 194\_HAT\_PL\_P19 Rev. PL (Proposed Treatment of Existing Windows)
- 194\_HAT\_PL\_P20 Rev. PL (Council Chamber Service Penetrations)
- 5170-MOM-XX-XX-DR-C-62000 Rev. P03 (Proposed Drainage Layout)
- J7182-MXF-ZZ-01-DR-M-20100 Rev. P3 (Ventilation Level 01 Layout)

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

3. No development or works shall commence until a comprehensive schedule of all external repairs to the building have been submitted to and approved in writing by the local planning authority. The repairs shall be carried out in full accordance with the approved details and any amendments to the approved schedule must first be agreed in writing with the local planning authority before that work takes place.

Reason: This is a pre-commencement condition in the interests of the conservation of the historic structure and fabric of the building.

4. No development or works shall commence until a conservation strategy for retained key features (including the decorative encaustic floor tiling to entrance areas; radiator screens to the Council Chamber; entrance staircase and stairhall) has been submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

Reason: This is a pre-commencement condition in the interests of the conservation of

the historic structure and fabric of the building.

5. Prior to the commencement of any development or works, email confirmation of the deposition of the Statement of Significance (Alan Baxter Ltd, 2019), and all of the as-existing plans and elevations, to the Suffolk Historic Environment Record (HER), shall be submitted to the local planning authority.

Reason: This is a pre-commencement condition to ensure the proper recording of the historic building.

6. Prior to the replacement of any windows, details of the replacement windows, showing the appearance, materials, glazing type, ironmongery, and finish, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

Reason: In the interests of the conservation of the historic structure and fabric of the building.

7. Prior to the restoration of any stained glass windows, a detailed restoration strategy for the stained glass windows and associated secondary glazing shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

Reason: In the interests of the conservation of the historic structure and fabric of the building.

8. Prior to the installation of any new internal doors, representative new internal door details, showing the appearance, materials, ironmongery, and finish, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

Reason: In the interests of the conservation of the historic structure and fabric of the building.

9. Prior to the installation of any banner signage, representative details of the banner signage, including method of fixing, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

Reason: In the interests of the conservation of the historic structure and fabric of the building.

10. Prior to the commencement of any works within the Council Chamber, a detailed design for the proposed high-level ventilation nozzles within the Council Chamber shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

Reason: In the interests of the conservation of the historic structure and fabric of the building.

The Committee received report **ES/1731** of the Head of Planning and Coastal Management, which related to planning application DC/22/4746/FUL. The application sought planning permission for the erection of a two bedroom, one and a half storey dwelling on a site to the rear of 35 King Georges Avenue, Leiston.

The site was subject of outline permission for the erection of one single storey dwelling in 2020 under DC/20/3958/OUT. Access was agreed under DC/20/3958/OUT and was via an unmade track which served an area of allotments.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management because of the backland location of the plot and objection to use of the access by the Town Council.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The site's location plan was outlined and an aerial photograph of the site was displayed. The Senior Planner noted that the property was accessed off an unmade track that served an allotment area to the rear of the properties in King Georges Avenue. The access track was owned by Leiston Town Council and the Senior Planner advised that the correct notices had been served.

The Senior Planner informed the Committee that the application followed on from one previously submitted in 2020, which had since expired. The Senior Planner advised that there hadn't been any changes in circumstances in respect of policy considerations or the ground in the surrounding area and therefore the Committee were considering an alternative application to that previously submitted.

The Committee was shown, for noting, a street scene from the original application and that of the current application. The Senior Planner highlighted that the orientation had improved to facilitate parking and a southerly facing private garden. The Committee was notified that an amendment to the plan had been received the day before, this amendment changed the parking to two parallel spaces and was in response to a concern regarding vehicles accessing the parking spaces. The Senior Planner felt that this was satisfactory as it would facilitate the turning of vehicles in the track and the level of vehicles using the track to the adjacent allotments was not believed to be significant.

The Senior Planner notified the Committee that a tree was proposed to be removed as part of the plan and in its place, birch and ornamental plum trees were suggested as replacements. These were deemed suitable trees to put close to a dwelling.

The material considerations and key issues were summarised as being impact on neighbours, impact upon street scene and access. 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 Officers. In response to a question from Councillor Ashdown regarding consultation of the Town Council, the Senior Planner responded

that there had been no further comments and they were aware of the application being presented at Committee. Councillor Ewart sought clarification on the part of the Town Council and whether they had all of the information required. Furthermore Councillor Ewart questioned if the Town Council was happy with a 1 story and not a 1.5 storey dwelling. The Senior Planner confirmed that the Town Council objected to the principle of a dwelling and objected to the original application, this had been reiterated with the current application. Councillor Ewart quoted the concerns from the Ward Councillor, specifically the draining concerns. The Senior Planner confirmed that the drainage recommendation had been included in the current conditions.

Councillor Gee stated that it was clear from the report that the Town Council were totally against the application, and therefore they should have been consulted again for their current views. In reply, the Planning Development Manager stated that the report gave a response with good judgement to the original consultation and had addressed their concerns, adding that the minor changes that were incorporated would not necessarily warrant a full consultation to inform the decision. The Senior Planner had also taken into account the previously approved planning permission and this was a material consideration to judge the proposal against. The Planning Development Manager stated that overall they were satisfied that the level of engagement with the Town Council was sufficient.

Councillor Gee questioned could planning permission be granted and then access be refused from the Town Council. The Planning Development Manager confirmed that was possible, and although he couldn't say whether the Town Council had the right to refuse access, there was a land ownership issue. He added that they had been served notice and it would be an issue for the developers.

In response to a request from Councillor Ewart, the photograph showing the allotments was displayed. Councillor Ewart's observation was that this was a shared space, used by locals and she noted that with the proposed development being 1.5 storey, people using the allotment would be viewed more than they were currently.

There being no further questions, the Chair invited the Committee to debate the application that was before it. Councillor Ashdown said this site already had planning permission granted and the change from 1 to 1.5 storey but with a change of orientation would not make a significant difference. Therefore, in those circumstances Councillor Ashdown was happy to recommend approval and proposed that it was accepted.

Councillor Pitcher agreed stating the building already had planning permission granted and if it was turned down there would be a costly appeal. The only changes were the orientation and an extra half a storey, as there were no real differences Councillor Pitcher was happy to second it.

Councillor Ewart raised a concern that there was no representation from the town and as a Committee, decisions would be made without them being present.

The Chair commented that they were given the opportunity to participate and the item was on the agenda. The Planning Development Manager confirmed that all Planning



Committee dates and agendas were published and that all Town and Parish clerks were notified.

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

**RESOLVED**

Approve, 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 accordance with the following approved plans/reports:

- Drg No: 2240 PP10 received 02.12.2023

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

3. The use shall not commence until the area(s) within the site shown on drawing no. PP 10 for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

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

4. Before the development is first occupied, details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2019).

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

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

6. 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.

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting the said Order, no development of any kind specified in Parts 1 & 2 of Schedule 2 of the said Order shall be carried out unless otherwise agreed in writing with the local planning authority. (Parts 1 & 2, refer to external alterations and extensions, hard surfacing, means of enclosure etc.).

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment

9. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such.

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

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

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

#### Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been

received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

## **9 DC/23/3038/FUL - Sole Bay Fish Company, 22E Blackshore, Southwold, IP18 6ND**

The Committee received report **ES/1732** of the Head of Planning and Coastal Management which related to planning application DC/23/3038/FUL. The application sought permission to reinstate part of the building following fire damage, to enable continuation of the business. This is a partial re-instatement and the wider area of the fire damage and surrounding sites would be subject to future planning applications.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management due to the proposal being on land owned by East Suffolk Council.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location plan was outlined and an aerial photograph of the site was displayed. The Assistant Planner noted the site's close proximity to the river and highlighted the surrounding buildings.

The Committee was shown the original and proposed layout plans of the site, highlighting the extent of the damage caused by the fire which consumed the western side of the property.

The Assistant Planner notified the Committee that this was a temporary application to make good the seating area and install fencing to hide some of the fire damage behind the site. The Assistant Planner confirmed that some areas would remain unbuilt until a more cohesive planning application was submitted in the future. The Committee was shown a variety of external photographs of the site demonstrating its context.

The material considerations and key issues were summarised as being appearance and impact to Conservation Area and AONB. 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 officers. Councillor Ashdown referred to the Town Council's comments regarding the Fire Service and the Fire Service's summary in the report, questioning if that was standard advice. The Assistant Planner confirmed that the advice received back from consultation with the fire and emergency services standard conditions, the installation of sprinkler systems and ensuring access, there was nothing above and beyond what they would normally propose. The Assistant Planner confirmed that this could be looked at in more depth in the future when the permanent planning request comes forward. The Planning Development Manager elaborated that they were working with their assets team to look at long term safe solutions such as safe gas storage and safe access, he confirmed that they were looking at this with the surrounding buildings as well and that this was a work in progress.

Following a question from Councillor Ashton, the Planning Development Manager confirmed that they were satisfied with the safe gas storage for this application. The

Planning Development Manager added that they were working with their Health and Safety team to explore solutions for any future applications.

There being no questions for the applicant, the Chair thanked the applicant for attending and invited the Committee to debate the application that was before it.

There being no debate, the Chair sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management. On the proposition of Councillor Pitchers, seconded by Councillor Hammond, it was unanimously

## **RESOLVED**

The application is recommended for Approval.

### Conditions:

1. This permission shall expire three years (36 months) from the date of this consent, by which date 'The temporary walls and roof' hereby permitted shall have been removed from the site and the land reinstated to its former condition within a further 28 days, unless prior to that date planning permission is renewed or a new permission is begun.

Reason: The structures are unsuitable for permanent consent by virtue of a more detailed scheme needing to be agreed.

2. The development hereby permitted shall be completed in all respects strictly in accordance with 3086.23.2B received 10/10/2023, 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 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.

## **10 DC/23/3635/RG3 - Jubilee Parade, Lowestoft, NR33 0DG**

The Committee received report **ES/1733** of the Head of Planning and Coastal Management, which related to planning application DC/23/3635/RG3. The application sought temporary planning permission for the siting of WC facilities and café on Jubilee Parade, along with the temporary relocation of beach huts.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management as East Suffolk Council were the applicant.

The Committee received a presentation from the Senior Planner who was the case officer for the application. The site's location plan was outlined and an aerial photograph of the site was displayed. The Senior Planner highlighted the location of the beach huts that were proposed to be relocated and the recessed area of the promenade where the temporary café would be located. Existing and proposed elevations of the café and toilet block were shown to the Committee.

The material considerations and key issues were summarised as being principle of development, design and conservation area, amenity, coastal erosion and flood risk. 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 officers. Councillor Pitchers sought clarification as to where the beach huts would be temporarily relocated to.

Councillor Ashton questioned if there should be conditions attached to the success of the application, meaning that it was only successful if the future planning application was approved and the work was to go ahead. The Planning Development Manager confirmed that they should avoid having conditions that meant one application is dependent on the success of another.

The Chair invited the Collaboration and Connecting Programme Manager to address the committee, he outlined that this project was part of the wider ongoing Lowestoft Seafront improvements and emphasised that much of this programme was being delivered and gathering momentum. To clarify an earlier question, the Programme Manager confirmed that the 6 beach hut owners had been communicated with and served notice. In addition the Programme Manager notified the Committee that they were working closely with service providers and contractors, and having ongoing conversations with the existing tenants.

The Chair invited questions to the Programme Manager. Councillor Ashton asked if there would be any issues with the First Light Festival planned to return in 2024. The Programme Manager confirmed that they were holding regular meetings with the festival committee to minimise impacts and it was part of application considerations for any contractors.

Councillor Byatt thanked the officers for the presentation and stated his support for the whole of this project and the seafront regeneration, stating he was very keen that it goes ahead, as it was part of the whole vision of improving facilities for residents and tourism.

There being no further questions, the Chair invited the Committee to debate the application that was before it. There being no further debate, the Chair sought a proposer and a seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management. On the proposition of Councillor Ashdown, seconded by Councillor Hammond, it was by a majority vote

**RESOLVED**

Authority to approve with conditions subject to the submission of a Flood Risk Assessment (FRA) to officer satisfaction in consultation with the Environment Agency.  
Conditions:

1. This permission shall expire on 30 June 2025, by which date the W.C. Facilities and Cafe, hereby permitted, shall have been removed from the site and the land reinstated to its former condition within a further 28 days, unless prior to that date planning permission is renewed.

Reason: The structures are unsuitable for permanent consent by virtue of its character/impact upon the locality.

2. The development hereby permitted shall be carried out in accordance with:

- Site Location Plan, 250 P1, received 20/09/2023,
- Proposed Site Plan, 252 P1, received 20/09/2023,
- Proposed Temporary Food Container Elevations, 255 P1, received 20/09/2023,
- Existing and Proposed Temporary Toilet Elevation, 256 P1, received 20/09/2023,
- Existing and Proposed Temporary Toilet Plan, 254 P1, received 20/09/2023,
- Existing and Proposed Temporary Food Container Plan, 253 P1, received 20/09/2023,
- Proposed Temporary Facilities Planning Supporting Statement, P2, received 20/09/2023,

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.

## **11 DC/23/3171/FUL - The Walled Garden, High Street, Wickham Market, IP13 0QS**

The Committee received report **ES/1734** of the Head of Planning and Coastal Management, which related to planning application DC/23/3171/FUL. The application sought full planning permission for the replacement of an existing outbuilding with a single-storey market dwelling (following recent approval of a similar scheme within DC/23/0234/FUL) at The Walled Garden, High Street, Wickham Market.

The application was before the Committee for consideration as East Suffolk Council controlled the access between the proposed parking area and publicly adopted highway at the High Street.

The Planning Development Manager advised the Committee that due to time constraints the application was not completed to make the October Planning Committee (South) meeting and therefore it was agreed with the Committee Chairs and Vice-Chairs that this application could be determined by the Planning Committee (North).

The Committee received a presentation from the Planner who was the case officer for

the application. The site's location plan was outlined and an aerial photograph of the site was displayed. The Planner highlighted that the existing access was from the High Street which wasn't a particularly safe access, and this was being addressed within the application. Photographs showing the site in context were shared with the Committee along with existing and proposed elevations. The main addition to the previously approved scheme was the basement and the elevations shown to the Committee demonstrated that.

The material considerations and key issues were summarised as design, agricultural and landscape impact, low level impact on the character of the area, it was in a conservation area and the scheme was heritage led. 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. In response to a question from Councillor Gee, it was confirmed that the main perimeter and boundary flint wall would be retained.

Councillor Ashdown raised questions regarding the access, seeking clarification about the use in an emergency and whether it would be used during construction. The Planning Officer confirmed that it was a shared access and due to the substandard condition of that access, it was proposed to avoid the use of that access, therefore the applicant had agreed to only use it as a pedestrian access. The Planning Officer added that it was not possible to stop it up as it was shared access. It was confirmed that during construction access would be via the Council car park and materials taken in by hand so as not to damage the perimeter wall.

There being no further questions, the Chair invited the Committee to debate the application that was before it. There being no further debate, the Chair sought a proposer and a seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management. On the proposition of Councillor Hammond, seconded by Councillor Ashdown, it was by a unanimous vote.

## **RESOLVED**

Approve with 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 development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s) and document(s):

- 22-021-PL-01G (Proposed layouts and elevations);
- 22-021-PL-02G (Existing and proposed site plans, location plan);
- 22-021-PL-03A (Basement layout and building section);

- P3255-TS01 V1 (Tree Survey);
- P3255-TPS01 V1 (Tree Protection Scheme);
- Demolition and Construction Management Plan (Received 11 August 2023).

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

3. No building work shall take place above slab level until large scale details of parapet, eaves, verges, external flue, rainwater pipes and rainwater goods, including materials and finishes have been submitted to and approved in by the Local Planning Authority. Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building as the application does not include the necessary details for consideration.

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved by the Local Planning Authority.

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

5. The use shall not commence until the area(s) within the site shown on Drawing



No. 22-021-PL-02G for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

6. The use shall not commence until the area(s) within the site shown on Drawing No. 22-021-PL-02G for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

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

7. Before the development is occupied the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be made available for use and shall be retained thereafter and used for no other purpose.

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

8. Prior to occupation an Ecological Enhancement Strategy demonstrating how ecological enhancements will be achieved on site, shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved measures will be delivered prior to first use and retained in accordance with the approved strategy.

Reason: To ensure that the development delivers ecological enhancements.

9. The development shall be undertaken in complete accordance with the measures outlined within the approved Tree Protection Scheme document 'P3255-TPS01 V1' with protective measures fully implemented prior to commencement of any development, site works or clearance and shall be maintained and retained until the development is completed, unless otherwise agreed by the Local Planning Authority.

Reason: Required to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Local Plan Policy SCLP10.4.

10. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the Local Planning Authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

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

Reason: To ensure that nesting birds are protected.

12. The approved hard and soft landscaping and planting works shall be implemented not later than the first planting season following occupation of the development (or within such extended period as the Local planning Authority may allow) and shall thereafter be retained and maintained for a period of 5 years.

Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

13. The existing site entrance off High Street shall be used for pedestrian access only as shown on approved drawing no.22-021-PL-02G and at no time shall this access be used by vehicles for purposes associated with the hereby approved development.

Reason: In the interest of highway safety and the protection of the local environment.

14. The demolition and construction phases of the hereby approved development shall be undertaken in complete accordance with approved document 'Demolition and Construction Management Plan' (Received 11 August 2023) unless otherwise agreed by the Local Planning Authority.

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.

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

The meeting concluded at 3:44pm.

.....  
Chair



## Planning Committee North

**Title of Report:**

East Suffolk Enforcement Action – Case Update

**Meeting Date**

12 December 2023

**Report Author and Tel No**

Mia Glass  
01502 523081

Is the report Open or Exempt?

Open

## REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 23 November 2023. At present there are 18 such cases.

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

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

The cases are organised into categories based upon current status:

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

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *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. *1 current case*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *4 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 23 November 2023 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.	
<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/21/0460/DEV
<b>Location / Address</b>	21 Mill View Close, Woodbridge
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	13.10.2021
<b><u>Nature of Breach:</u></b> Erection of large fence	
<b><u>Summary timeline of actions on case</u></b> <b>06/07/2023</b> -Enforcement Notices served. Comes into effect on the 06/08/2023 <b>17/11/2023</b> -Case closed, notice complied with.	
<b><u>Current Status/Position</u></b> Case closed	
<b>Date by which Compliance expected (or prosecution date)</b>	Complied.

A.4

<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
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A.5

<b>LPA Enforcement Case Reference</b>	ENF/23/0375/COND
<b>Location / Address</b>	Part Os 238 North Of Barley Mow Inn, Mow Hill, Witnesham
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	27.10.2023
<b>Nature of Breach:</b> Breach of condition 33 DC/23/2682/DRC, failure to implement surface water management.	
<b>Summary timeline of actions on case</b>	
<p><b>27/10/2023</b> – Temporary stop notice served.</p> <p><b>15/11/2023</b> – Notice withdrawn due to the Council being satisfied that the obligations within the signed Unilateral Undertaking address the reasons for serving the Temporary Stop Notice.</p>	
<b>Current Status/Position</b>	
Case closed	
<b>Date by which Compliance expected (or prosecution date)</b>	N/A

**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>Nature of Breach:</b> Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
<b>Summary timeline of actions on case</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>Current Status/Position</b> Awaiting Planning Inspectorate Appeal Decision	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependant 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>Nature of Breach:</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>Summary timeline of actions on case</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>Current Status/Position</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> <b>28/11/2022</b> – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance <b>09/01/2023</b> - Pre-start letter from Planning Inspectorate	
<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> <b>28/11/2022</b> – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance <b>09/01/2023</b> – Pre-start letter from Planning Inspectorate <b>31/01/2023</b> –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
<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>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><u>Current Status/Position</u></b> In compliance period following appeal.	
<b>Date by which Compliance expected (or prosecution date)</b>	12/01/2024

**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**

E.1

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

**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>  <p><b>07/02/2022</b> - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p><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.</p> <p><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.</p> <p><b>10/03/2023</b>- Site visit conducted, notice not complied with. Matter passed to Legal for further action.</p> <p><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>	
<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>



**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>	31/12/2023
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## Committee Report

### Planning Committee North – 12 December 2023

**Application no** DC/23/2317/FUL

**Location**

47A Marlborough Road  
Southwold  
Suffolk  
IP18 6LS

**Expiry date** 7 August 2023

**Application type** Full Application

**Applicant** Mr & Reverend Alan & Lesley Crawley

**Parish** Southwold

**Proposal** Conversion of the existing garage into an office for home use, and for the re-ordering of the rear access staircase and rear gardens of No 47 & 47A and the provision of a PV array on the rear extension roof.

**Case Officer** Katherine Rawlins  
01502 523018  
[Katherine.Rawlins@eastsoffolk.gov.uk](mailto:Katherine.Rawlins@eastsoffolk.gov.uk)

## 1. Summary

- 1.1 Permission is sought for the conversion of the existing garage into an office for home use, and for the re-ordering of the rear access staircase and rear gardens of No's 47 & 47A and the provision of a PV array on the rear extension roof.
- 1.2 The application has been referred to the Planning Committee (North) by the Referral Panel as it is considered that the views of the Town Council, should be further discussed. The Officer recommendation of approval is contrary to the views of Southwold Town Council as follows:
- 1.3 "Southwold Town Council would ask ESC TO REFUSE permission for this application.

### Loss of parking

The loss of parking by applying to convert the existing garage into an office would be against Southwold Neighbourhood Plan policies SWD7 and SWD12. The application would not be compliant with the SCC onsite residential parking Policy.

### Request to convert garage

The request for an office within an exterior garage space would not be compliant with the Southwold Neighbourhood Plan policies SWD7 and SWD12.

The application can therefore be refused on the above planning policies.

Should ESC choose to ignore these material planning policies then The Southwold Neighbourhood Plan policy SWD12 would still apply to the application – and any permission to convert should be conditioned with a statement that the building containing the office space must always be for a use which is ancillary to the main residence and not permitted to be used as an additional room or property in its own right."

- 1.4 The existing garage is too small to be considered a usable parking space according to SCC guidelines. The proposal would therefore not result in the loss of a useable parking space and while the proposal would result in only one parking space for a three-bedroom property, it is in a sustainable location and the parking provision would not be reduced.

## 2. Site Description

- 2.1 The application property is a non-listed, two storey terraced property, forming two maisonettes (no's 47 and 47A) located on Marlborough Road, within the settlement boundary of Southwold. The property is located outside the boundary of Southwold Conservation Area but is located within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The property has 3 bedrooms, including the extant permission for the rear dormer in the roof space.
- 2.2 Permission was granted in 2022 for front and rear dormers, and conversion of attic space to living accommodation (DC/22/1066/FUL).

### 3. Proposal

- 3.1 Permission is sought to convert a single garage at the rear to a home office, containing shower room/tea and coffee making space, to re-order the rear staircase with a spiral staircase and rear balcony, and the installation of solar PV on the rear roof slope of No. 47A which occupies the first and second floors of the building.
- 3.2 Certificate B has been completed by the applicant and the relevant notice served on no. 47 Marlborough Road (ground floor maisonette).

### 4. Consultees/comments

#### 4.1 1 Third Party Representation

- Property is being altered by stealth;
- Use of garage is being changed to a residence and will be living accommodation;
- Sewage and waste will add to drains;
- New balcony to staircase will overlook my garden and be intrusive;
- How will it affect my party wall;
- Bricking up garage out of character and will lead to parking problems.

Comment: Matters in relation to foul drainage and party wall are not material planning considerations but are addressed by separate legislation.

The loss of parking, design and amenity issues are addressed below.

Planning conditions are necessary to ensure that the accommodation is ancillary to the host property, and not severed and used as independent, self-contained living accommodation.

### Parish/Town Council

Consultee	Date consulted	Date reply received
Southwold Town Council	22 June 2023	13 July 2023
<p>Summary of comments: Southwold Town Council would ask ESC TO REFUSE permission for this application.</p> <p>Loss of parking The loss of parking by applying to convert the existing garage into an office would be against Southwold Neighbourhood Plan policies SWD7 and SWD12. The application would not be compliant with the SCC onsite residential parking Policy.</p> <p>Request to convert garage The request for an office within an exterior garage space would not be compliant with the Southwold Neighbourhood Plan policies SWD7 and SWD12 .</p> <p>The application can therefore be refused on the above planning policies.</p>		

Should ESC choose to ignore these material planning policies then The Southwold Neighbourhood Plan policy SWD12 would still apply to the application – and any permission to convert should be conditioned with a statement that the building containing the office space must always be for a use which is ancillary to the main residence and not permitted to be used as an additional room or property in its own right.

### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Rights Of Way	22 June 2023	30 June 2023

Summary of comments: We accept this proposal but ask that the following is taken into account:

1. PROW MUST remain open, unobstructed, and safe for the public to use at all times, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed (please see points 4 and 5 below).

Consultee	Date consulted	Date reply received
SCC Highways Department	27 July 2023	4 August 2023

Summary of comments:

The existing garage is not deemed a sufficient area to park a vehicle. As a result of this development 47A Marlborough Road would have 1 vehicle parking space in tandem to the garage. Whilst this would not accord with Suffolk Guidance for Parking (2019), we recommend the below condition where the loss of the garage removes any existing provision for secure cycle storage. Secure and covered storage for 2 cycles should be provided per Class C3 dwelling and consideration should be given to exceptional standards of sustainable transport where a reduction in vehicle parking standards has been allowed.

### Non statutory consultees

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	N/A	17 July 2023

Summary of comments:

Having discussed this application, the Executive Committee think that there may be issues regarding disruption to the public right of way in the garden and fully support the conditions requested by GHI PROW Planning that the PROW is maintained during construction.

We also think there may be a problem regarding loss of amenity in terms of privacy, as the balcony of the proposed spiral staircase will overlook the garden of a neighbour.

We recommend approval of this application, providing the LPA work with the applicant regarding the above issues.

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	22 June 2023	No response
Summary of comments:		

## 5. Publicity

5.1 This application has been subject to the following press advertisement:

Category	Published	Expiry	Publication
Category	Published	Expiry	Publication

### Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 26 June 2023

Expiry date: 17 July 2023

## 6. Planning policy

6.1 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the East Suffolk (Waveney) Local Plan and the Southwold Neighbourhood Plan.

6.2 National Planning Policy Framework (2023)

6.3 The following policies are considered relevant:

- WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- SWD6 - Design (Southwold Neighbourhood Plan, 'Made' February 2022)
- SWD7 - Parking (Southwold Neighbourhood Plan, 'Made' February 2022)

- SWD12 – Loss of Private Garden Space (Southwold Neighbourhood Plan, 'Made' February 2022)
- National Planning Policy Framework 2023

## **7. Planning Considerations**

### Principle of Development

- 7.1 The site is located within the settlement boundary of Southwold, wherein the principle of new development comprising extensions and alterations to existing dwellings is acceptable, in accordance with policies WLP1.2 and WLP8.12 of the Adopted Waveney Local Plan.

### Design and Streetscene

- 7.2 The building comprising nos. 47 and 47A has a large, mono pitch roof rear addition, faced in cream render, in contrast to the plain red brick and pitch roof design of the immediate terrace. No. 49 is a more modest, two storey property with hipped roof constructed from red brick. There is a Public Right of Way that runs parallel with Marlborough Road at the rear of the application site and the terrace – Southwold Public Footpath 20 – from which the single storey garage block serving the terrace is visible.
- 7.3 The site is located outside the Southwold Conservation Area – the boundary abuts PROW 20 at the rear of the terrace.
- 7.4 The proposed conversion of the rear single garage would alter the character and appearance of what is currently a fairly uniform block of single storey flat roof garages, sited to the rear of the terrace. No alterations are proposed to the footprint or height of the garage, and there would be no discernible impact on the streetscene along Marlborough Road and Field Stile Road, as the proposed alterations would be entirely to the rear of the property. The up and over metal garage door would be replaced with a white painted timber door in a herringbone pattern with fixed fanlights.
- 7.5 Similarly, the introduction of a balcony and staircase would alter this rear elevation, but any visual impact would be very limited from the wider streetscene along Marlborough Road and Field Stile Road, being positioned entirely at the rear of the property, and only visible from the PROW 20 and immediate vicinity. The proposed alterations are considered to have a neutral impact on the neighbouring Conservation Area.
- 7.6 The installation of 14no. solar PV on a domestic dwelling/block of flats on the rear mono pitch roof would be permitted development in the majority of cases, falling under Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended), subject to a number of limitations. The position of the solar PV on the roof plane to the rear mono pitch wing, raises no design or wider landscape issues, and would have a neutral impact on the neighbouring Conservation Area.



- 7.7 Subject to the use of the garage being used as ancillary office space to the host property, no objection is raised to the application on design grounds, in accordance with NP policy SWD06 and WLP8.29 of the Waveney Local Plan (2019).

#### Residential Amenity

- 7.8 An objection has been received from the neighbouring property at no. 49 regarding potential for overlooking and loss of privacy from the proposed rear balcony/spiral staircase. Policy WLP8.29 of the Adopted Waveney Local Plan requires development to protect the amenity of the wider environment and neighbouring uses.
- 7.9 There is a rear external staircase that would be enlarged to provide a balcony at first floor level, measuring 1 x 2.8 metres, beneath which an external store is proposed. The position, depth and height of the rear balcony is such, that this would allow for oblique overlooking towards the closest first floor rear windows of the neighbouring property at no. 49 and potential loss of privacy, contrary to policy WLP8.29. The applicant has provided a privacy screen, shown on drawing no. 008 E to mitigate overlooking and any loss of privacy to the immediate neighbour.
- 7.10 The proposed conversion of the single garage raises no wider amenity issues, subject to its use being ancillary to the host property and to ensure that the home office contains no sleeping accommodation. This is to prevent the formation of a separate unit of residential accommodation, in the interests of amenity, parking and access.
- 7.11 In regard to private external amenity space, this is currently demarcated between the two maisonettes by a close boarded timber fence. The block plan indicates that the fence line would be re-positioned to increase the private amenity space to the ground floor maisonette at no.47, resulting in a reduction to the external amenity space to no. 47A.
- 7.12 NP Policy SWD12 (Loss of Private Garden Space) requires development proposals in courtyards and gardens to be of a size that is generally consistent with the prevailing pattern of garden spaces in the surrounding area; the scale, design, and siting not to detract from the visual amenity of the streetscene; and re-greening of the site where vegetation is removed.
- 7.13 The rear courtyards to the maisonettes comprise of a concrete hardstanding at the rear, behind the garage block, with no vegetation or wider visual impact on the streetscene. The resultant private amenity space to each property would be comparable to neighbouring properties in the immediate terrace.

#### Parking

- 7.14 NP Policy SWD7 (Parking) states that development proposals that create a demand for parking should meet the requirements of the Suffolk Highways Guidance 2019. In this instance, the development proposal would create an ancillary residential room that would not require an additional parking space.
- 7.15 The property would retain one off-street parking space on a hardstanding to the rear of the garage. This falls short of the Adopted Parking Standards (2019) that requires two off-street parking spaces for a three bedroom dwelling. This application is technically contrary

to NP policy SWD7, which requires the same number of new parking spaces in the Parking Zone in which the proposed development is located.

- 7.16 The Suffolk County Council guidance for a garage/carport space is 3m x 6m with a minimum entrance width of 2.4m. The existing garage door width is approximately 2.14m and the internal space is 2.6m by 5.51m. Therefore, the existing internal garage space is not considered a useable size for a car parking space as it falls noticeably short of the required parking standard. There are no parking restrictions along Marlborough Road either; therefore, a refusal based on lack of parking provision would be difficult to sustain in this instance.
- 7.17 SCC Highways has been consulted on this application and states that the garage is not deemed a sufficient area to park a vehicle. As a result of this development, there would be 1 vehicle parking space in tandem to the garage. Whilst this would not accord with Adopted Parking Standards (2019) the Highways Authority does not raise an objection to the application, subject to the provision of secured covered cycle storage for 2 cycles, as shown on amended drawing no. 007 E. The application site is sustainably located within walking distance of all amenities, Southwold Town Centre and the seafront; therefore, the loss of parking is offset by the provision of secure covered cycle storage.
- 7.18 SCC Public Rights of Way Officer raises no objection to the application, subject to informatives to advise the applicant that the public right of way at the rear shall remain open, free of obstruction at all times.

## **8. Recommendation**

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

### **Conditions:**

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Location Plan, Proposed Block Plan, drawing no. 1021 MR 013 Garage Elevations and PV array, received by the Local Planning Authority 12 June 2023, and drawing no's 1021 MR 007 E Proposed Plans, 1021 MR 008 E Proposed Elevations, received by the Local Planning Authority 21 August 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 conversion of the garage to a home office hereby permitted, shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for any business, commercial or industrial purposes whatsoever, and shall at no time be used as or contain sleeping accommodation.

Reason: In the interests of the amenity of the area, access and parking, and to prevent the formation of a separate unit of accommodation.

5. The privacy screen shown on drawing no. 008 E, shall be installed prior to the first use of the access platform/rear staircase, and retained as such thereafter.

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

### **Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the PROW MUST remain open, unobstructed, and safe for the public to use at all times, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed (please see points 4 and 5 below).
3. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.
4. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface, or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:
  - To apply for permission to carry out work on a PROW, or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. PLEASE NOTE, that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not

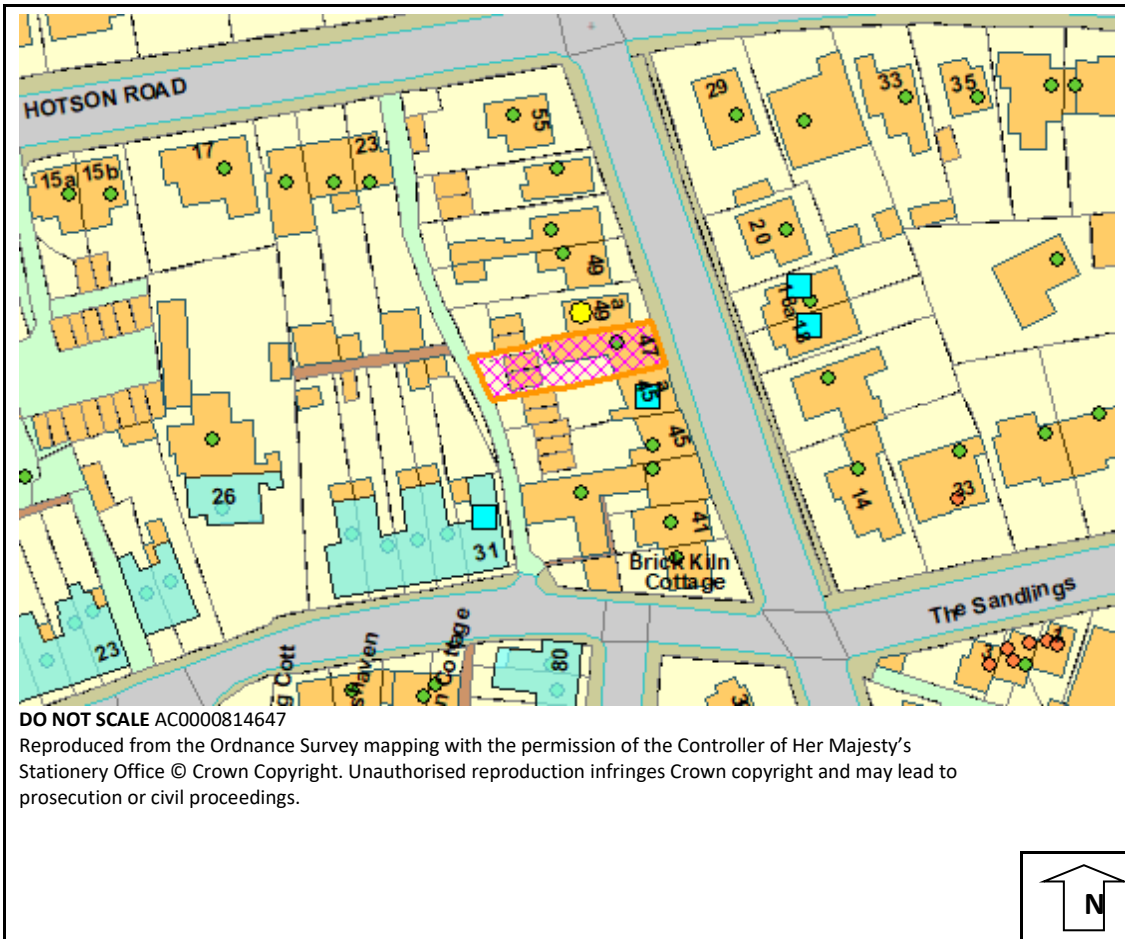
responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

- To apply for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.
  - To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> PLEASE NOTE, that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.
5. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.
6. Any hedges adjacent to PROW must be planted a minimum of 2.0 metres from the edge of the path in order to allow for annual growth. The landowner is responsible for the maintenance of the hedge and hedges must not obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metre from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.





### **Background information**

See application reference DC/23/2317/FUL on [Public Access](#)

# Map



## Key

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

## Committee Report

### Planning Committee North – 12 December 2023

**Application no** DC/22/2364/FUL

**Location**

Cornfield Mews  
6A Stradbroke Road  
Southwold  
Suffolk  
IP18 6LQ

**Expiry date** 7 August 2022

**Application type** Full Application

**Applicant** Mr & Ms Sandra & Greg Devaney & Barnard

**Parish** Southwold

**Proposal** Replacement Dwelling

**Case Officer** Joe Blackmore  
07887 454208

[Joe.Blackmore@eastsoffolk.gov.uk](mailto:Joe.Blackmore@eastsoffolk.gov.uk)

#### 1. Summary

- 1.1 This application seeks planning permission for a replacement dwelling at ‘Cornfield Mews’, Southwold.
- 1.2 The decision on this application has been delayed because officers were originally unconvinced about the claimed residential use of the existing building. The applicant was therefore required to prove this use through an application for a lawful development certificate; evidence was provided in support of that certificate application and on 08 Sep 2023 a lawful development certificate (application ref. DC/23/1493/CLE) was granted to establish that Cornfield Mews had a lawful use as a separate dwellinghouse (use class C3); this establishes the principle of a dwelling on the site.
- 1.3 The proposed replacement dwelling is an interesting design - distinctive and reflects the seaside location in an imaginative, playful way. It is a highly constrained site, and this proposal works within that context. The objection from the Town Council is solely in regard

to the proposed white metal shingle finish; however, officers have sought input from the Council’s Senior Design and Conservation Officer, who notes that there does seem to be a prevalence of light coloured painted brick and render in the vicinity so the proposal would not be as visually jarring as the Town Council suggest - especially considering how tight the site is it would be very difficult to take in the full expanse in a single view. The applicant has been offered the opportunity to amend the colour of the metal shingle finish, but they have decided to stick with the proposed white colour; the applicant’s agent intends to speak at the Planning Committee meeting and provide some information on this design choice.

- 1.4 Given the constraints of the site, a construction management plan and method statement would be required as a pre-commencement condition to manage localised amenity impact during the construction period. The conditions as recommended in this report have been agreed to by the applicant’s agent.
- 1.5 For the reasons set out in the report, the principle of development is established, and this replacement dwelling is of good design in a constrained and historically sensitive location. The Town Council acknowledge positive aspects of the design and the only area of concern is regarding the external materials, which officers are satisfied with following consultation with the Senior Design and Conservation Officer. The recommendation is therefore to grant permission.
- 1.6 The application has been referred to the Planning Committee (North) by the Referral Panel.

**2. Consultees**

Consultee	Date consulted	Date reply received
Southwold Town Council	5 July 2022	26 July 2022

*“Recommendation: No objection subject to changes in materials.*

**Summary**

*STC supports high quality modern design which this application is save for the choice of materials. The use of light coloured metal as the dominant material (metal roof and metal shingle sidings for the elevations), making an otherwise pleasing modern design out of character and over-bearing, causing harm to neighbour amenity by creating visual blight and heat.*

*We note that the applicant’s planning statement refers to the Suffolk Coastal Plan and not the Waveney Local Plan or, more importantly for this application, the Southwold NP.*

**Southwold NP Design Policy Applied to this Application**

*The key planning issue here is design, and the relevant NP policy, which is specifically drafted to deal with the issue raised by this application is Policy SWD 6. The Design policy identifies Recurrent Design Issues, which every application must address. One of these is Visual Amenity – see Paragraphs 5.28 – 5.31.*

*The emphasis on visual amenity – irrespective of whether the site is visible from the street – is one of the most important and distinctive elements of the SNP.*

*Paragraph 5.31, P. 36, states: ‘Poor quality design creates visual blight, which will always have a significant adverse impact on visual amenity. In Southwold, the design of buildings can be experienced not only from the street but also from the public or private domain in the rear of buildings, or public rights of way or shared private paths. Accordingly, when an application is assessed, its impact on visual amenity should be considered from all sides, including from private space from which it would be visible....’.*

*The existing building has been created by cobbling together extensions and outbuildings in a densely developed area, surrounded by residential buildings on three sides. A site visit counted at least six dwellings that would have views of the site from their gardens or first story windows. See photographs at the end of this response on pp 2-4. This is confirmed by the limited selection of photos in the D & A Statement.*

*We support the use of a cobble stone plinth but the all metal siding and roof would create a glaring, light reflective effect that is out of character with its surroundings (self-evident from the photos) and visually over-bearing.*

*Equally important, this choice of material is not environmentally sustainable. It is widely accepted that we will be experiencing higher temperatures for prolonged periods. Reflective light coloured metal would accentuate, not mitigate, the adverse impacts of climate change by generating heat whose impact would be felt in the rear gardens and the rear rooms of the surrounding buildings. We like the idea of shingles, and a light colour would work with the Southwold ‘palette’. However, we strongly urge that the shingles be wood; wood siding is a feature of Southwold and interspersed randomly through the town. An all metal building is a totally alien concept.*

*In sum, this design is not yet good enough to be accepted – see SNP Paragraph 5.15, P. 34. Nor does it yet comply with the National Design Guide (incorporated into the SNP Design Policy in Paragraph 5.16, P. 34), which says that good design is achieved by making the right choices about layout; form and scale; appearance (a concept not included in the Local Plan), landscape, materials and detailing. (Italics added.)*

*Currently, for the reasons set out above, the design does not comply with Policy SWD 6 –Design, set out below – especially A, B, C and D. However, with a change in materials from metal to wood, it would be considered high quality innovative design.”*

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	5 July 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	5 July 2022	25 July 2022
Summary of comments: No objections.		



Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	N/A	16 October 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	5 July 2022	No response
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	5 July 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	5 July 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	5 July 2022	18 July 2022
Summary of comments: No objections, recommend standard conditions.		

### 3. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	8 July 2022	29 July 2022	Beccles and Bungay Journal
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	8 July 2022	29 July 2022	Lowestoft Journal

#### **4. Site notices**

General Site Notice

Reason for site notice: Conservation Area

Date posted: 7 July 2022

Expiry date: 28 July 2022

#### **5. Planning policy**

National Planning Policy Framework 2023 (NPPF)

WLP1.2 - Settlement Boundaries (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)

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

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

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

WLP8.38 - Non-Designated Heritage Assets (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

SWD4 - Principal residence requirement (Southwold Neighbourhood Plan, 'Made' February 2022)

SWD6 - Design (Southwold Neighbourhood Plan, 'Made' February 2022)

SWD7 - Parking (Southwold Neighbourhood Plan, 'Made' February 2022)

#### **6. Site Description**

6.1 The site is situated in a backland position to the rear of No. 6 Stradbroke Road, adjacent to No.11 East Green and is accessed from the rear between the Adnams office and the Southwold Methodist Church. The site is situated within the Southwold Conservation Area on the very edge of the Seaside Corporation Character Area. There are several Grade II Listed buildings in the vicinity including the Sole Bay Inn, nos 8-10 East Green and the Lighthouse. Several others in the vicinity are noted as buildings that make a positive contribution to the character of the Conservation Area, although the building the subject of this enquiry is not noted as such.

#### **7. Proposal**

7.1 The applicant's Design and Access Statement explains the proposal as:

- *“Demolish the existing dwelling and recycling all materials.*
- *Erect a new highly insulated timber frame dwelling. Possibly of thin CLT timber panel construction with external insulation*
- *Coursed pebble ground floor and white feather shingles to first floor inspired by the local bird population, seaside context of white rendered and painted houses and repetition of a pattern as seen in painted brick.*
- *Improve the amenity for the dwelling and for surrounding occupiers.”; and*

*“The first floor in matt white aluminium feathered shingles will improve light and outlook from neighbouring dwellings. This material has been chosen to reflect the colour palette seen locally in numerous houses and the lighthouse. The context is red brick, pebble walls and white rendered flat surfaces.”*

## **8. Third Party Representations**

8.1 Four local residents/neighbours have submitted comments of objection in response to the public consultation period.

8.2 Some objections relate to covenants imposed on property 6A Cornfield Mews; however, covenants are outside of planning process being a civil matter and thus, not a material consideration.

8.3 Objections have also been received in regard to the impact upon local residential amenity through construction work, overlooking, noise and privacy concerns. Objections also have been raised in regard to the marginal increase in footprint of the building, the proposed design, and the layout/access path.

8.4 An additional neighbour letter was received in response to the comments from the Design and Conservation Officer. This objection letter sets out that (inter alia):

*“The proposed development will cause a definite visual blight! I fail to understand what benefit a house in an enclosed alley way with limited or no natural sunlight will benefit Southwold. There is no direct access to the property, so any building work will be a great inconvenience to surrounding properties. I am all in favour of innovative design, which inspires and allows a town to move forward. However, not at the cost of common sense.”*

## **9. Planning Considerations**

### Principle of Development

9.1 The lawfulness of the existing building as a C3 Dwellinghouse has been clearly established through DC/23/1493/CLE. The fall-back position for the applicant is that they could renovate the existing building and allow its occupancy as an unrestricted dwellinghouse without any further permission needed from the Council. As this is an urban location, with the principle of residential development established, there can be no objection to the principle of a

replacement dwelling (especially in this case where the existing building is of no historic or architectural significance). Local plan policy WLP8.33 - Residential Gardens and Urban Infilling, is relevant to the proposals in addition to other detailed Development Plan policies listed in the policies section of this report.

### Design of Development and Historic Environment

- 9.2 The site is located within the Conservation Area and there are Listed Buildings proximate to the site. The Council therefore has statutory duties to preserve the setting of those listed buildings, and also the character and appearance of the conservation area. These objectives are reflected in the Historic Environment objectives of the NPPF and the relevant policies of the Development Plan.
- 9.3 The existing building is not listed, and it is not identified as being of any local or historic importance within the Southwold Conservation Area appraisal; on the appraisal map it shows the building is located to the rear of four grade II listed buildings and, to the west, two buildings of 'local importance' which are Non-Designated Heritage Assets (NDHAs).
- 9.4 A heritage statement has been provided in accordance with the requirements of Paragraph 194 of the National Planning Policy Framework (NPPF), and also to determine if the building itself was a NDHA. A heritage statement has been submitted as part of the application and the findings of the heritage statement clearly show the building has been altered and extended significantly and very little material of the original outbuilding(s) still remain. The Design and Conservation Officer has confirmed its replacement is acceptable.
- 9.5 Noting the Town Council's objection on design grounds, the Council's Senior Design and Conservation Officer has reviewed the scheme and advised as follows:

*"I note the scale is very similar to the existing so assume that is not an issue. The TC only seem to be objecting to the white metal shingle finish, however there does seem to be a prevalence of light coloured painted brick and render in the vicinity so I don't think that this would be as visually jarring as they suggest especially considering how tight the site is it would be very difficult to take in the full expanse in a single view. Bringing the white shingles over the entire roof would make it stand out within the more traditional roofscape but from what I can see there would not be any real views of this other than from a limited number of neighbouring properties. The design is distinctive and reflects the seaside location in an imaginative, playful way. I think that the feather shape is important to the success of this scheme so we should make sure that that can't get watered down if it is to be approved. Changing the metal shingles to wood or clay tile would make the design more muted but is that what we want? Distinctive design should be encouraged in my opinion."*

- 9.6 The proposed design is distinctive and is considered to have no harmful impact upon the setting of the listed buildings. The site is so constrained that there will be little visual impact on the wider conservation area; in any case, even when visible, the design is of a high-quality and will cause no harm to the historic environment. The scheme accords with policies SWD6, WLP8.33, WLP8.37 and WLP8.39 of the Development Plan.

### Residential Amenity

- 9.7 The proposal is unlikely to have any additional impact upon the neighbouring properties or wider residential amenity, as windows have been located to avoid overlooking and the proposed new terrace will be screened and face towards the access point which does not overlook any neighbouring properties.
- 9.8 The existing building already has a large window opening on the eastern side. Whilst it may currently only serve a stairwell, it is a large, glazed area that allows views into neighbouring properties; the proposal creates a window in the same location, and therefore the impact from overlooking will be similar (albeit acknowledged that the use of the upper floor space as living accommodation may be more intense than how the building has previously been used).
- 9.9 In terms of size and scale, the replacement building is very similar to the existing and there is no significant increase in scale proposed. The relationship of the building to surrounding development will therefore be similar to the existing situation and unlikely to cause harm.
- 9.10 Subject to a condition securing a construction method statement and management plan, the scheme is acceptable in amenity terms in accordance with the Development Plan.

#### Highway Safety

- 9.11 Suffolk County Council Highways Authority have commented on the application as follows: *"Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway."*
- 9.12 Officers acknowledge that no on-site parking is to be provided; however, that is exactly the same as the existing situation, and with it being only a 1-bedroom dwelling (again, as existing) there is no increased impact on the local highways network arising from this proposal. The site is sustainably located, and future residents may have to rely on more distant off-site parking. Officers therefore do not consider there to be significant conflict with policies SWD7 and WLP8.21.

#### Ecology

- 9.13 The application has been accompanied by a Preliminary Ecological Assessment (PEA) that has been reviewed by the Council's Ecologist. There are no objections, subject to standard conditions being applied to any permission granted.

#### Principal Residence Restriction

- 9.14 Policy SWD4 of the Neighbourhood Plan seeks to restrict new dwellings to being a principal residence/home, only (i.e., not used for holiday letting or as a second home). However, as a replacement dwelling, no such restriction can be applied in granting planning permission.

### **10. Conclusion**

- 10.1 For the reasons set out in the report, the principle of development is established, and this replacement dwelling is of good design in a constrained and historically sensitive location. The Town Council acknowledge positive aspects of the design and the only area of concern

is regarding the external materials, which officers are satisfied with following consultation with the Senior Design and Conservation Officer. The recommendation is therefore to grant permission.

## **11. Recommendation**

11.1 Approve.

## **12. Conditions:**

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

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

2. The development hereby permitted shall be carried out in accordance with drawing numbers 01, 07C, 08C, 09B, 10A and 11; received 13/6/2022.

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:
  - (i) Details regarding the proposed finish, and 'edging' of the white metal tiles around the proposed terrace and fenestration, and thickness of individual tiles,
  - (ii) A sample panel of the proposed flint/pebble work shall be constructed, with this either being made available for the LPA to physically view on request; or, for photographic details of this sample panel to be provided, and
  - (iii) Details of all other materials to be used in the construction of the external surfaces of the dwelling.

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building; the application does not include the necessary details for consideration.

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings

must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

5. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecology Appraisal (DCS Ecology, April 2022) 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.

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

Reason: To ensure that nesting birds are protected.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority.

The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, if appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;

- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- delivery, demolition and construction working hours.

The Statement shall also set out very clearly the logistics of how the existing building is to be demolished, and a method of construction of the new building; this shall include working practices, machinery/plant/equipment required to carry out the work and how that will be operated on this site to carry out the approved development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: this is a highly constrained site, and the construction process needs to be carefully managed to limit local amenity impact.

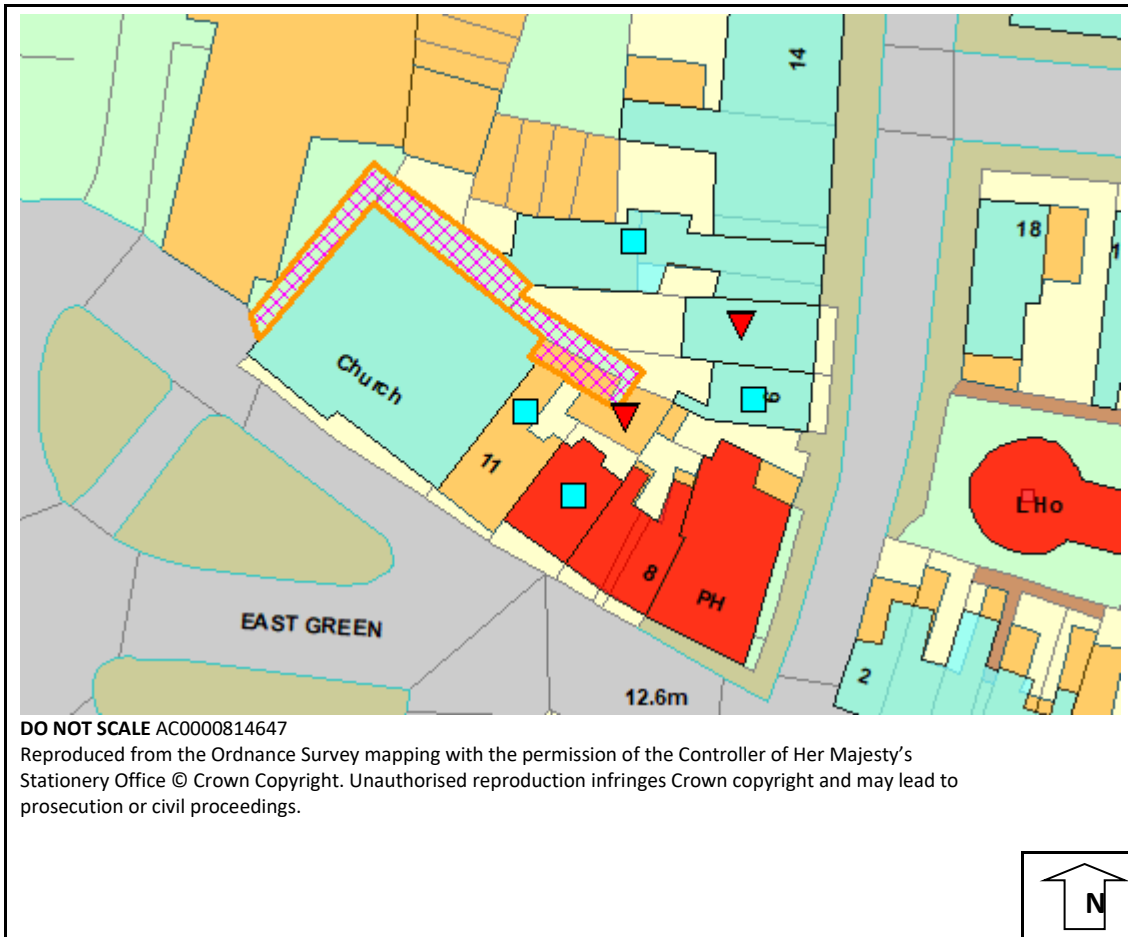
Note: Failure to discharge this condition prior to any work of development (including demolition) will result in this planning permission being invalidated.

### **13. Background information**





See application reference DC/22/2364/FUL on [Public Access](#)



## Map



## Key

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

**Committee Report**

**Planning Committee North - 12 December 2023**

**Application no** DC/22/4540/FUL

**Location**

The Anchor  
Iken Cliff  
Iken  
Woodbridge  
Suffolk  
IP12 2EN

**Expiry date** 13 January 2023

**Application type** Full Application

**Applicant** Mr and Mrs Torna and Mike Russell-Hills

**Parish** Iken

**Proposal** Extension to dwelling. 3 bay cart lodge with studio over.

**Case Officer** Rachel Smith  
Rachel.smith@eastsoffolk.gov.uk

**1. Summary**

- 1.1. Planning permission is sought for a two-storey rear extension with single storey link, and a detached cart lodge. The application site is located within the Parish of Iken and is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).
- 1.2. The application was considered by the Referral Panel as Iken Parish Council’s objection was contrary to the Officer’s ‘minded-to’ recommendation of approval. The Parish Council commented as follows on the scheme as originally submitted:

“Iken Parish Council held a meeting where the majority voted to object to the application. Their comments submitted were as follows:  
*“At the Parish Council meeting held in public in Hardy’s Barn on 25th November 2022 there was a great deal of discussion about the size of the extension, the impact on the view from*

*the river and over development. The Councillors decided that they had a duty of care to respond:*

*4 objections*

*1 in support*

*2 abstentions”*

- 1.3. The Referral Panel considered that the size and scale of the proposed extension; its location in a sensitive landscape; and proximity to Public Rights of Way, warranted further consideration by the Planning Committee.
- 1.4. It is worth noting that after the Parish and other consultee comments were received, the proposals were amended in response. The scale of the link section was reduced from two-storey to single storey, and the rear extension was reduced in scale to lessen views of it from the front elevation of the property.
- 1.5. It is considered that the revised proposals are of an acceptable design and would not have an adverse impact on the character or appearance of the wider landscape. The application is therefore recommended for approval.

## **2. Site Description**

- 2.1. The Anchor is a previous public house, located in the Countryside, within the Parish of Iken and within the AONB. The pub was converted to a dwelling sometime in the 1960's. The property is accessed off a track serving one other neighbouring property, Jumbo's Cottage. There are a number of Public Rights of Way close to the site. The property has a driveway and parking area off the access track to the West and various outbuildings further east within the curtilage.

## **3. Proposal**

- 3.1. The application proposes extensions to the rear of the existing property. A single-storey link would extend from the rear of the property with a two-storey extension located behind this and built into the sloping land. A 3 bay cart lodge is proposed to the East of the dwelling.
- 3.2. The proposed plans have been considerably reduced in scale since their original submission and the proposed finish amended to a natural timber boarding (from white timber) following the Referral Panel meeting.

## **4. Consultees**

Consultee	Date consulted	Date reply received
Iken Parish Council	24 November 2022	26 November 2022
Summary of comments: At the Parish Council meeting held in public in Hardy's Barn on 25th November 2022 there was a great deal of discussion about the size of the extension, the impact on the view from the river and over development. The Councillors decided that they had a duty of care to respond: 4 objections		

1 in support  
2 abstentions

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	24 November 2022	No response
Summary of comments: No comments		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	24 November 2022	25 November 2022
Summary of comments: Informative applied		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	24 November 2022	2 December 2022

Summary of comments:  
I have reviewed the details of this application for a rear extension to The Anchor at Iken, plus a new cart lodge building and I can advise you as follows:

The site falls within the Suffolk Coast and Heaths AONB which is the highest level of landscape designation in UK planning law. In this respect the surrounding landscape is regarded as highly sensitive to change that might arise from proposals for new development. The potential for adverse effects can apply to landscape character as well as visual amenity. The proposed extension is to the rear of the existing house with the cart lodge also to the rear. All new built elements will be within the existing domestic curtilage.

The property faces out over the river and the much-used footpath (also the Suffolk Coast and Heaths Path) from Snape Maltings to Iken Church passes in front of the property. With the extension and cart lodge being contained within the existing curtilage, there will be no impacts on the fabric of the landscape in so far as it contributes to wider landscape character. With the extension and cart lodge set to the back of the property, the most likely potential impact on surrounding landscape character would come from light spill from new domestic living space. I note that the extension is to be set back into the slope to the rear of the property to maintain the existing ground floor level. This will in part help to contain light spill, although there is still potential for light spill where the extension extends beyond the eastward extent of the original building. However, this will be relatively minor and will be reasonably well screened by trees and scrub to the north of the property.

Also substantially screened by the same scrub and trees is the footpath which only briefly offers views of the house before turning to the north of Jumbo's Cottage. Walkers walking east to west will pass Jumbo's Cottage and then turn away from the Anchor behind the existing scrub.

At first site there is potential for this extension to have notable landscape and visual impacts on this sensitive location, but the combination of siting, use of levels, and the nature of existing woody vegetation mean that whilst there may be some impacts, they are not sufficient to warrant reason for refusal on grounds of adverse impacts on local landscape character and visual amenity.

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	24 November 2022	14 December 2022

**Summary of comments:**

The AONB team is not objecting to an extension of the host dwelling in principle and we do acknowledge that significant effort has been made to reduce the landscape and visual impact of the proposed extension for example by reducing the size of the extension and undergrounding the proposed garage. The off white washed weatherboard also being proposed on the east and west elevations seems to fit within the developed colour palette (ref S 1002-Y) for the Rolling Estate Sandlands Landscape Character Type in the Selection and Use of Colour in Development Guide for the Suffolk Coast & Heaths AONB.

Despite these measures, the AONB team has the following concerns about the scheme as proposed.

The proposed extension is still substantial on this elevated position above the river. We recommend that the extension is further reduced especially at the eastern end where it extends beyond the building of the host dwelling. This is necessary to ensure that the extension is subservient to the existing house.

The extension includes a significant amount of glazing particularly on the northern, southern and eastern elevations which means that the potential for light spill into the AONB is substantial. While the roof overhangs will help prevent vertical light spill the risk of horizontal light spill remains an issue without further mitigation being integrated into the design of the building. Such measures could include the use of hanging shutter or louvres. This issue should be revisited with the applicant due to the elevated nature of the site and the schemes potential to impact tranquillity, a defining quality underpinning the designation of the AONB.

It is not clear if any external lighting is being considered at this site. If your planning authority is minded to approve this scheme, the AONB team recommend that a condition is attached to any permission granted seeking the submission of a lighting strategy for approval by your authority prior to its installation. This is being requested to prevent light pollution and to preserve the dark skies in this sensitive riverside landscape within the AONB.

Consultee	Date consulted	Date reply received
Alde And Ore Association	N/A	26 January 2023

**Summary of comments:**

The Association objects to this application on the following grounds:

The National Planning Policy Framework, Ch15 sets out the criteria for development within an Area of Outstanding Natural Beauty, which has the highest status of protection. Para 177 states that applications should be refused unless it can be demonstrated that the development is in the public interest. No such demonstration has been made. The Design and Access Statement asserts that the development remains largely hidden from public views within the AONB but this is not the case. The attached photographs, taken from the public footpath below The Anchor show:

- o The building stands high above the river in a prominent position
- o The view across the river from below the building shows an open view.

The large extension, to the south of the existing house, will be very visible from the river to the east and from the footpath below the building and possibly from the opposite bank of the river to the north east, also within the AONB.

Para 178 states that major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character. The proposed extension is very large, much larger than the original building and of a character very incompatible with the special character of the Heritage Coast.

We are also concerned about the potential for light pollution, contrary to policy SCLP 10.3 of the Local Plan. No information has been provided in respect of light emission from the development.

### Re-consultation consultees

Consultee	Date consulted	Date reply received
Iken Parish Council	30 August 2023	No response
Summary of comments: No further comments provided		

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	30 August 2023	No response
Summary of comments: No further comments provided		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	30 August 2023	No response
Summary of comments: No comments		

Consultee	Date consulted	Date reply received
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SCC Rights Of Way	30 August 2023	7 September 2023
Summary of comments: Informative applied		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	30 August 2023	1 September 2023

Summary of comments:  
I have reviewed the amended plans that have been submitted in respect of this application and I can advise that, in respect of landscape related matters, the reduced profile of the rearward extension link structure and consequent reduction of fenestration and thus light spill, is welcomed. In my previous response I concluded by saying:  
At first site there is potential for this extension to have notable landscape and visual impacts on this sensitive location, but the combination of siting, use of levels, and the nature of existing woody vegetation mean that whilst there may be some impacts, they are not sufficient to warrant reason for refusal on grounds of adverse impacts on local landscape character and visual amenity. The amended plans allow me to confirm this position.

Consultee	Date consulted	Date reply received
Alde And Ore Association	30 August 2023	No response

Summary of comments:  
No further comments

### **Third Party Representations**

One neighbouring comment of support was received 7 December 2022. Another comment was made 29 June 2023; however, no material considerations were raised within these.

### **5. Publicity**

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Public Right of Way Affected	1 December 2022	22 December 2022	East Anglian Daily Times

### **Site notices**

General Site Notice  
Reason for site notice: In the Vicinity of Public Right of Way  
Date posted: 9 December 2022

## 6. Planning policy

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

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

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

SCLP10.3 - Environmental 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)

National Planning Policy Framework 2023 (NPPF)

## 7. Planning Considerations

### Design Quality and Landscape Value

- 7.1. Following concerns regarding the scale of the proposal and potential views of the proposal from the surrounding public footpaths to the North of the dwelling, the proposals have been amended since their original submission. The link extension between the existing main dwelling and proposed rear extension was reduced from two-storey to single-storey. The rear element was also reduced in scale, with the footprint being reduced on the Eastern side, to allow for the rear element to be further obscured from view of the front elevation of the dwelling. These amendments to the proposal were considered to address the concerns around the bulk and visual impact of the proposals. These reductions in scale were accompanied by reductions in the level of glazing, also originally raised as a concern in relation to the impacts of light spill on the 'dark skies' qualities of the AONB.
- 7.2. The amended extensions and alterations are therefore considered to be of an appropriate design and scale in comparison to the current dwelling. The proposed extension will allow for additional space to be provided at the dwelling, as well as a covered parking area to the east. The scale of the proposal is acknowledged as sizeable; however the concept of extending the original red brick cottage over a relatively large footprint in a contrasting design, follows a similar approach to that at neighbouring Jumbo's Cottage which occupies a more sensitive and prominent location, closer to the river.
- 7.3. The roof design of the rear extension is a proposed shallow hipped roof. The shallow nature of the roof will allow for enough space to be gained by the extension, without an intrusive and large roofscape. The link extension was reduced from a large, two-storey extension to a single-storey pitched roof link. Reducing this link in height and scale has greatly reduced the



overall visual impact of the proposed extensions on the surrounding area and light spillage to the east.

- 7.4. The proposed cart lodge is of an appropriate scale and sited within the most appropriate location. The cart lodge will utilise the existing access and driveway and will provide covered parking for three vehicles. Due to the location of the cart lodge and the raised land to the rear and eastern side of the dwelling, the cart lodge will be visually sunken into the surrounding slope, therefore remaining visually modest from the majority of the surrounding area. The view from the front of the cart lodge will reflect a common outbuilding design, with the openings facing north. Its siting, set back from the front of the property, will help to ensure it is not of an over-dominant scale.
- 7.5. Due to the siting of the property and the topography of the land, much of the rear extension will be built into the existing slope thereby reducing the visual impact from outside of the application site. Any views of the dwelling from the South would be limited to the roofline of the rear extension and will visually read as a small scale, single storey development. Existing vegetation around the site, proposed for retention, would also help to reduce any wider visual impacts.
- 7.6. The amended proposal is judged to be an acceptable approach to extensions and alterations at the dwelling. It is considered that the amendments addressed the initial concerns regarding the scale and light spill resulting from the extensions. Therefore, it is judged that the proposals are acceptable and in accordance with Policies SCLP10.4 and SCLP11.1.

#### Residential Amenity

- 7.7. It is judged that the proposals are unlikely to result in a detrimental impact on neighbour's residential amenity. The property is sited in a rural location with the only near neighbouring dwelling being to the northeast, on the opposite side of the access track, approximately 50 metres away. The proposal is therefore not considered to have a significant impact on the occupiers of Jumbo's Cottage and is compliant with Policy SCLP11.2.

### **8. Conclusion**

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

### **9. Recommendation**

- 9.1. Approve, subject to controlling conditions as detailed below.

#### **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 drwg. no. 11 rev. J (proposed floor plan) and drwg. no. 12 rev. G (proposed site plan)

received 30 August 2023 and drwg. no. 14 Rev. i (proposed elevations) received 30 October 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. None of the trees or hedges shown to be retained on the approved plan (drwg. no. 12 rev. G received 30 August 2023) shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

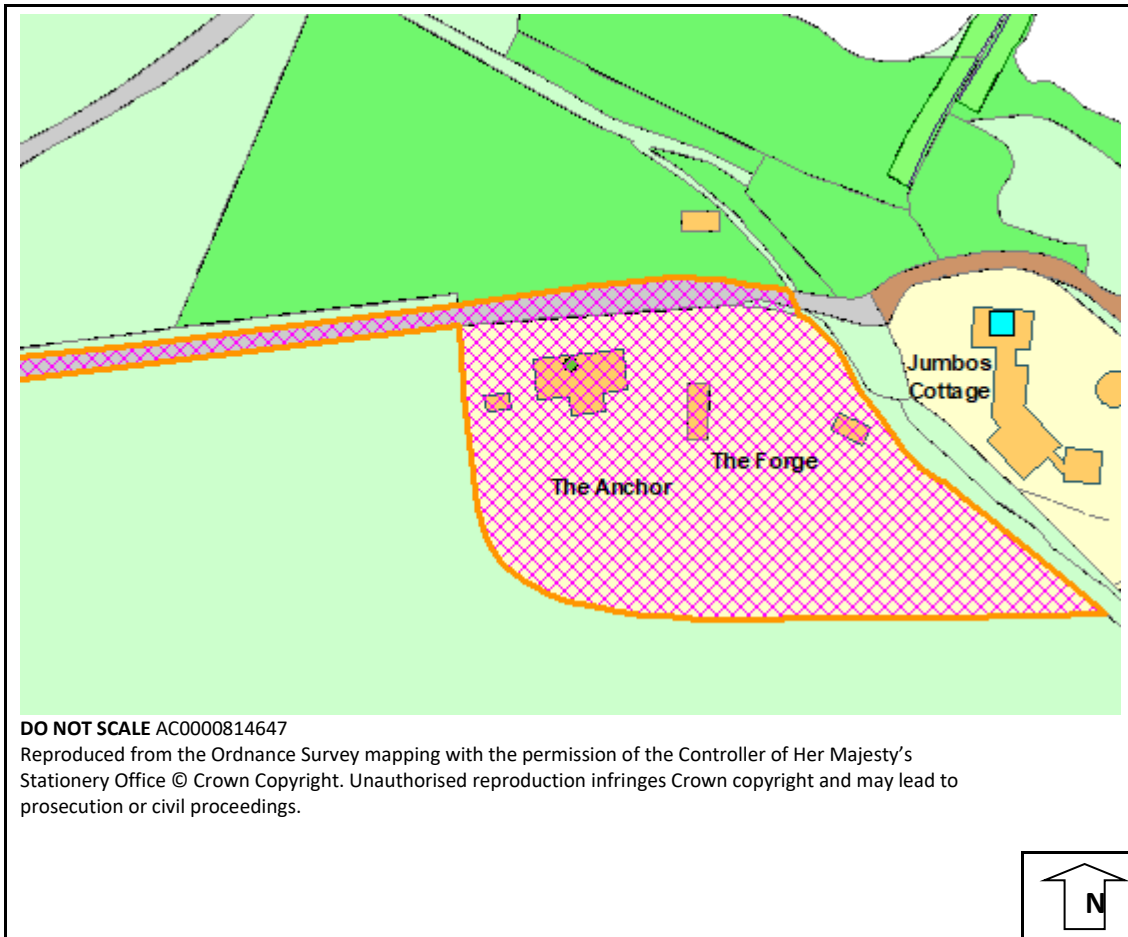
5. Prior to its installation, details of any external lighting shall be submitted to and approved by the Local Planning Authority. Only the approved lighting shall be installed and retained in its approved form.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.





### **Background information**

See application reference DC/22/4540/FUL on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee North** – 12 December 2023

**Application no** DC/23/0297/FUL

**Location**

17 Market Place  
Southwold  
Suffolk  
IP18 6EB

**Expiry date** 2 April 2023

**Application type** Full Application

**Applicant** Howard Market Place Ltd

**Parish** Southwold

**Proposal** Change of use of ground floor from former bank (Class E) to 1 no. dwelling (C3)

**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 convert the ground floor from a bank (use class E) to a (class C3) residential use providing open market accommodation.
- 1.2 The application has been referred direct to the Planning Committee (North) by the Head of Planning and Coastal Management, as it is considered the application holds significant public interest and raises detailed matters around the re-use of the building that warrants committee debate.
- 1.3 Whilst the re-purposing of the building to a residential use would not strictly accord with those Development Plan policies related to town centre and commercial uses, in this case there are material planning considerations that indicate in favour of approval. The site would be better served as a residential dwelling as it would deliver significant heritage benefits to the site which have previously been lost. The National Planning Policy Framework (NPPF) states that the more important the asset the greater the weight should

be. In this case the Grade II\* listed building is highly significant and therefore the heritage benefits arising should be given considerable weight.

- 1.4 On balance, the development would deliver clear heritage benefit, enhancing the historic interest of the building and resultantly enhancing the Conservation Area. Despite its last commercial use, the building does not present clearly as a commercial premises - and this proposal would see it revert back to its original residential use, prior to being a bank. Although the site is limited to providing only a single parking space, this is considered acceptable in the context of the sustainable town centre location.
- 1.5 The proposal is therefore considered to be acceptable and, despite some policy conflict, in other areas there are significant benefits/positives which combine to indicate that planning permission be granted.

## 2. Consultees

Consultee	Date consulted	Date reply received
Southwold Town Council	7 February 2023	
<p><i>This response relates to the proposed change of use of the ground floor of 17 Market Place from Use Class E to C3 (residential, a principal residence) and Sui Generis (holiday let). We ask that these two applications be considered together and with the recently filed VOC in order to assess the cumulative impacts of all the proposals since they relate to the same property – the former Lloyds Bank, a Grade II listed building that is an anchoring commercial building on the Market Square in the High Street.</i></p> <p><i>The site is within the Conservation Area, an Existing Employment Area and the AONB.</i></p> <p><i>The two new full planning applications seek to create a small one bedroom flat out of a garage and other commercial space to the rear of the building but without providing any parking provision within the curtilage or on-street.</i></p> <p><i>This small flat is allocated as a principal residence per the SNP. However, this small flat does not have a good amenity standard and its sale as a principal residence would be difficult.</i></p> <p><i>The larger, spacious flat to the front of the building, which could be attractive as a principal residence, is proposed for holiday letting. (If it were not, it would have to be a principal residence under the SNP.) This proposed holiday let does not include any parking provision.</i></p> <p><i>Taking into account cumulative impacts from the previous consent, the proposed VOC and these two new planning applications, 17 Market Place would become four residential units with only two parking places provided on site.</i></p> <p><i>In a video advertisement, available on <a href="https://youtu.be/H76Nuzud0rg">https://youtu.be/H76Nuzud0rg</a> that appears to have been made after the developer bought the building, the developer makes clear the intention of selling the 1st floor flat (which has always been residential) and the new mews house (previously consented) to holiday let investors.</i></p>		

*Although the VOC application does not specifically state that the mews house will be used for holiday letting, the plans describe it as a holiday let. Clarification should be sought from the applicant.*

*Our response only considers the applicable SNP policies: Policy SWD 3 – Redeveloping Existing Employment Areas for Permanently Affordable Housing; Policy SWD 5 – Holiday Letting; and Policy SWD7 – Parking.*

*We believe that these policies require refusal.*

*We have included in Appendix A an analysis of three Inspectorate decisions related to change of use to Sui Generis (holiday letting) to assist the LPA.*

*One of the decisions – 17 Richmond Road – was used as the basis for developing our holiday let policy.*

*All three decisions make clear that residential units that are NOT ‘party houses can still have unacceptable amenity impacts – both direct, indirect and cumulative – that justify refusal to grant a change of use to Sui Generis (holiday letting).*

*Policy SWD3 - Redeveloping Existing Employment Areas for Permanently Affordable Housing  
In essence, this policy permits a change of use within an Existing Employment Area from Use Class E for to market residential only after the applicant has conducted a sustained marketing campaign that complies with Local Plan Policy 8.12. (See SWD3, Paragraph D.)*

*Under Paragraph A, before a change of use to market residential is permitted, this policy further requires that the marketing campaign demonstrate that there is no interest in the site for, in preferred order:*

- i) solely employment use;*
- ii) a mix of employment and permanently affordable housing;*
- iii) solely permanently affordable housing; or*
- iv) affordable housing delivered by a housing association.*

*Marketing for these uses can all be done at the same time but if someone comes forward with a viable preferred offer, then change of use to market residential will not be permitted.*

*Note that Paragraph 4.16 anticipates that the land value for a preferred use will be lower than market residential.*

*Paragraphs 4.1 – 4.22 explain the context of this policy and how the hierarchy of preferred uses works.*

*Since the marketing campaign required by this policy has not been conducted, no change of use to residential is permitted.*

#### *Policy SWD5 – Holiday Letting*

*This is a proposal for new C3 development for holiday letting (sui generis). Under SWD5, this proposal ‘will only be supported’ if all three of the following requirements are met:*

- a) Car parking can be provided within the curtilage of the building in accordance with Policy SWD7 (Parking);*
- b) the proposed use would not have an unacceptable impact on the amenities of houses in the immediate locality; and*

c) *the wider effect of the proposal would not be unacceptable taking account of the cumulative and indirect impacts of holiday lets in the town.*

*Applying this policy to this application,*

a) *these applications result in the loss of one parking space (a garage), without the provision of any other parking on the site. Alternative on-street provision is not possible because no on-street parking is allowed on Mill Lane. Moreover, this is an area of high parking stress where demand for parking in peak times exceeds provision.*

b) *In a non-exhaustive list, Paragraph 4.45 specifies the types of adverse amenity impacts on houses in the immediately locality. It mentions the impacts of visitors to the premises, the proximity to other dwellings, the number of unrelated parties that would be using the premises, etc. In this densely developed site, the impact of numerous transient visitors on a principal residence next door to a holiday let flat (not to mention the other two residential units that the owner has signalled will be sold for holiday let investment) would be unacceptable.*

*See Appeal Ref: APP/X3540/W/3240658 37 Pier Avenue, Southwold IP18 6BU. In this appeal, the Inspector considered the impact on neighbours of converting a residence to a holiday let. This required the Inspector to anticipate the adverse impacts with regards only to noise and disturbance since the redevelopment had not yet begun. He concluded that these impacts would be unacceptable. Significantly, this was a much a less dense development (a detached residence backing onto the tennis courts, with garden areas separating it from residences to the east and west) than what is being proposed for 17 Market Place where a principal residence would have holiday let flats next door and potentially above and behind it. In addition, the failure to provide on site parking would have an adverse impact on the amenity of residents of Mill Lane.*

c) *The context section set out in Paragraphs 4.38 – 4.46 makes clear that holiday letting in Southwold has reached such a degree that it is making the town unsustainable. Since the evidence base for the holiday let policy was finalised, there has been a further increase in the number of holiday lets stimulated by the Stamp Duty holiday during Covid-19 and the high prices commanded whilst vacationing abroad was not permitted. Any additional increase to the number of holiday lets in the town is unacceptable taking account of the cumulative and indirect impacts of holiday lets in the town.*

*See Appendix A for an analysis of Inspectorate decisions relating to holiday letting, especially Appeal Ref: APP/Q0505/C/18/3193261 17 Richmond Road, Cambridge CB4 3PP, dismissed October 2018. This case was the basis for Paragraph c) of the SNP Holiday Let Policy.*

#### *Policy SWD7 – Parking*

*This site is located in Parking Zone 5 (See P. 40, Figure 6.1 Parking Availability and Requirement by Zone in 2016). This is one of 3 zones that are ‘at capacity, or have exceeded their capacity, to provide for the cumulative parking needs of residents, workers and visitors for on-street parking. These zones are considered to be under such parking stress that applications for development in the area of these zones which propose additional on-street car parking to satisfy the requirements of Suffolk Highway Guidance, will be refused unless the applicant can demonstrate that even in periods of peak demand additional take-up of on-street car parking spaces will not contribute to parking congestion. Peak demand is normally highest in August through the Bank Holiday weekend.’ (See paragraph 6.9).*

*The applicant has not demonstrated this and would not be able to do so given the lack of on street parking in the immediate and surrounding area. See Policy SWD7, Paragraphs A, C and D.*

*Note that even if the LPA were to consider that there is a public benefit because the proposal helps to preserve a heritage asset, the applicant would still have to comply with Paragraph C, which the applicant cannot do, and also with Paragraph D. Paragraph D requires that if off-street parking (a garage in this application) is eliminated by a proposal, then the applicant must provide a new parking space in Zone 5 to replace what has been lost. This is not possible.*

*In conclusion, based on the above SNP policies, consent to this application could not be justified.*  
*Appendix A: Analysis of Inspectorate Decisions Relating to Holiday Letting*

*Note that this analysis is based on research conducted in 2021 at the time of the appeal on 37 Pier Avenue and does not reflect decisions made since then.*

*Three appeals in Cambridge and Bristol show how Inspectors are implementing Moore's "fact and degree"-based approach. The following key themes emerge:*

- *House size is not dispositive. The appeals include 13 one-bedroom flats in two modern apartment blocks; a 3-bedroom house in the middle of a terrace; and a 7-bedroom house, one of a pair of Victorian villas.*
- *The extent to which an owner occupied the property is significant.*
- *Frequency of lettings (transient use) is important. This ranged from 60 short stay holiday lets during a year; 40 days, mostly weekends, during a year; 13 flats in two modern apartment blocks that were being used 80% of the time for short-stay serviced accommodation.*
- *Potential impact on amenity was as important as evidence of actual impact – the Inspectors assumed that holiday makers would behave differently than a full-time neighbour because they were on holiday and their occupation of the property was transient.*
- *Cumulative impacts were taken into account.*
- *The indirect impact on the quality of community was considered important in 17 Richmond Road.*

*Appeal Ref: APP/Q0505/C/18/3193261 17 Richmond Road, Cambridge CB4 3PP, dismissed October 2018*

*The appeal site comprised a three-bedroom house, the middle in a terrace of three houses in a residential neighbourhood in Cambridge. It was let out to a maximum of five guests, not necessarily members of the same family. Its annual occupancy rate for holiday letting was 45%. There were 60 separate stays (mostly of less than five nights) during a 12-month period. The Inspector found that the very frequent turnover of occupants, and the markedly transient pattern of occupancy, were circumstances not normally associated with a dwelling house or even a house in multiple occupation. As a matter of fact and degree, this amounted to a material change of use.*

*In considering whether the change of use should be granted, the Inspector considered direct and indirect impacts, cumulative impacts and actual and potential impacts. Despite limited evidence of actual amenity complaints -- evidence submitted by a local resident's association only referenced late night 'revelries' during a particular weekend and instances of loud voices and car doors slamming – the Inspector noted that he was required to look to the future and, with a different owner or more lettings, amenity complaints could potentially increase from the comings and goings of guests "at times very different from the lifestyles pursued by the more settled populace and when most residents ought reasonably to be able to expect periods of relative peace and quiet." "[Good] neighbourliness is an important yardstick for assessing a use such as this. Even though there is no evidence of a statutory nuisance, activity associated with people entering or leaving the accommodation, even if this amounted to no more than good natured conversation, together with*



*vehicles stopping and starting, and the closing of car doors, could well be disturbing to the neighbours whose living conditions would be adversely affected to a significant degree.”*

*The indirect and cumulative impacts resulted from the property’s transient users not supporting community facilities and amenities, in particular the local Community Centre, which was likely to extend to other community institutions such as libraries, schools and the like. “The consequences attributable to one property in this respect would probably not amount to much. But, were this to be repeated elsewhere, far from helping to create a sustainable community, the cohesion of the local community could well be eroded. This, in turn, could well make the area a less pleasant place in which to live and would be at odds with the social objective to support strong vibrant and healthy communities contained in The [National Planning Policy] Framework. Nor would it be consistent with the promotion of social interaction advocated in The Framework.” (Paras 30-31.) Appeal Ref: APP/F0114/C/18/3217514 – 3 Greenaway Lane, Lyncombe Bath BA2 4LJ, dismissed June 2019*

*The property was one of a pair of Victorian villas, with 7 bedrooms, used for holiday letting to as many as 17 people. The property had no on-site parking although located in an area where on-street parking was difficult. There was evidence of regular weekly visits by laundry lorries and commercial waste vans to a greater extent than would be expected from a family dwelling. Although the owner claimed to reside in the property when it was not let out, the evidence only supported the suggestion that he occasionally stayed there. The property was advertised as available year-round on a weekly or weekend basis. It was, in fact, let for 40 days in the year, mostly on weekends. There were neighbour complaints over a period of three years of people arriving back from the city centre in taxis late at night and hanging around in the garden chatting in the early hours. The landlord’s efforts to control this were not effective, and with more lettings, there was potential for this to become worse. The Inspector wrote: “In my view even a family of only 4 or 5 people are more likely to occupy a dwelling in a different manner when they are on holiday than when they are at home, with a greater potential for comings and goings at anti-social hours, BBQing and eating out in the garden and so on. This impact is made all the greater and the more likely by large groups such as are accommodated here.”*

*The Local Plan’s Core Strategy supported facilitating visitor accommodation and resisting loss of dwellings unless the benefit of providing tourism accommodation outweighed the harm of loss of a family dwelling. The Inspector concluded that the actual and potential adverse impacts on amenity, including increased parking pressure, outweighed the tourism benefits.*

*Appeal A - Ref: APP/Q0505/C/18/3196460 - Notice 1 Flat 3, Roman House (Marino House), Severn Place, Cambridge CB1 1AL, dismissed March 2019 (Appendix 7)*

*This case involves 13 flats in two modern apartment blocks that were being used 80% of the time for short-stay serviced accommodation. Each flat was occupied by a single person or a couple. The flats were typically let from 3-4 nights per week (as a minimum) up to approximately 10 nights or longer. 77% of the lets were for one to two nights. There were over a thousand different bookings for the 13 appeals flats over an 11-month period from March 2017 to January 2018. Applying Moore, The Inspector concluded that: “Although the uses at Roman House and Florian House cannot be compared exactly with the situation in the ‘Moore’ case, I consider that the potential for similar impacts on amenity remain the same.”*

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	7 February 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	7 February 2023	17 March 2023
Summary of comments: Comments included within officers' considerations.		

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	7 February 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	7 February 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	7 February 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	7 February 2023	27 February 2023
Summary of comments: Comments included within officers' considerations.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	7 February 2023	9 March 2023
Summary of comments: Comments included within officers' considerations.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	N/A	17 February 2023
Summary of comments: Standard advice provided.		

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	N/A	7 March 2023
<p>Summary of comments:</p> <p><i>"We object to the change of use of the first floor from commercial to residential/holiday let. We are strongly of the view that this should remain a commercial space to aid the re-generation of the High Street.</i></p> <p><i>We also object to the two new full applications for converting two small buildings behind No. 17, one to a holiday let and the other to a principal residence. The latter in our view seems to be of poor amenity standard for a permanent residence and will, we think, be difficult to sell.</i></p> <p><i>There is totally inadequate parking provision to service these new planning applications in an area that has very little available parking space.</i></p> <p><i>The Committee also fully support the detailed response to these applications that has been submitted by Southwold Town Council, we therefore recommend that they are all rejected."</i></p>		

Consultee	Date consulted	Date reply received
Historic England	1 November 2023	20 November 2023
Summary of comments: No objections.		

## Re-consultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	24 August 2023	31 August 2023
Summary of comments: Comments included within officers' considerations.		

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	24 August 2023	No response
Summary of comments: No comment received.		

Consultee	Date consulted	Date reply received
Southwold Town Council	24 August 2023	8 September 2023
<p>Summary of comments:</p> <p><i>There are a number of applications for this site. All applications should be considered together - not to be considered as piecemeal applications.</i></p> <p><i>How and where has this premises been advertised as a business premises - and for how long? What enquiries have been received? Has it been realistically and widely marketed as a business premises? The Town Council would wish to see data evidence of the marketing carried out on this premises.</i></p> <p><i>Until such time as evidence of the above has been received the Town Council's original objection as attached still stands.</i></p> <p><b>REFUSE</b></p>		

### 3. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	10 February 2023	3 March 2023	Beccles and Bungay Journal
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	10 February 2023	3 March 2023	Lowestoft Journal

#### **4. Site notices**

General Site Notice

Reason for site notice: Conservation Area; Listed Building  
Date posted: 9 February 2023  
Expiry date: 2 March 2023

#### **5. Planning policy**

National Planning Policy Framework 2023 (NPPF)

WLP8.19 - Vitality and Viability of Town Centres (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

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

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

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

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

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

SWD4 - Principal residence requirement (Southwold Neighbourhood Plan, 'Made' February 2022)

SWD6 - Design (Southwold Neighbourhood Plan, 'Made' February 2022)

SWD7 - Parking (Southwold Neighbourhood Plan, 'Made' February 2022)

#### **6. Site Description**

6.1 The ground floor of 17 Market Place lies within the settlement boundary and Neighbourhood Plan Area of Southwold. It also falls within the AONB and the Southwold Conservation Area. At the heart of the town centre, it forms part of the primary shopping frontage which fronts onto the High Street however it does not have a traditional retail frontage. The building is Grade II\* listed, once owned and occupied for much of the eighteenth and early nineteenth centuries by the powerful mercantile Robinson family. It became a bank in the mid nineteenth century and fits a pattern of the town's former banks being largely adaptations of substantial townhouses. The early eighteenth-century façade was retained unaltered after the conversion. Lloyds bank vacated the property in 2017 and the ground floor unit has been vacant since.

- 6.2 The building is a fine large merchant's house of c.1716 with a doorcase similar to those of contemporary houses in Spitalfields in London. The bulk of the surviving façades date from the period c.1750-1900 although the fabric behind them may be considerably earlier. These include a group of distinguished early to mid-eighteenth-century classical merchants' buildings which occupy prominent sites on the western side of Market Place, Queen Street, and High Street.
- 6.3 The site has recently had numerous planning applications submitted which includes the conversion of the first two floors from offices to a single residential flat and a wing to the rear also being converted into a residential dwelling under ref. DC/21/0534/FUL and DC/21/0535/LBC.
- 6.4 Originally there were two applications each proposing a single residential unit over the ground floor of the remaining commercial space of the bank with no parking provided. Since then the applicant has revised plans to cover the ground floor with just a single, two bedroom, residential unit and retaining the off road garage space within the garage.

## **7. Proposal**

- 7.1 The proposal seeks to convert the remaining ground floor bank space (Class E) to a single residential (Class C3) permanent dwelling to be sold on the open market.

## **8. Third Party Representations**

- 8.1 Two representations of Objection raising the following material planning considerations:
- Objection to the large car parking gates abutting the neighbouring property;
  - Over development - The overall proposal now includes four new dwellings on the site;
  - Lack of parking - The four dwellings only have two car parking spaces;
  - Disruption to the busy corner junction with Queen Street; and
  - Objection to change of use in primary shopping area to residential.

## **9. Planning Considerations**

### Principle of Development

- 9.1 The proposal lies within the primary shopping area of Southwold covered by Policy WLP8.19 - Vitality and Viability of Town Centres. Within Primary Shopping Frontages, proposals to change the use of ground floor premises from use classes A1 retail or A3 cafés and restaurants to other uses will only be permitted where:
- The proposal would not result in a concentration of non A1 or A3 uses in the immediate street frontage;
  - The proposal would not detract from the dominant retail appearance of the street frontage; and
  - The proposal does not involve ground floor C3 residential development or A5 hot food takeaways.

- 9.2 The use classes schedule has been updated since the adoption of this policy and classes A1 and A3 would now fall within class E. However, the same principles can be applied for retail and cafes and restaurants within this new class. The policy however clearly states that proposals to convert ground floor units of either retail or cafes and restaurants to a C3 residential use should not be supported, unless material considerations indicate otherwise. As a bank, the use class was previously A2 before it became class E, which is not restricted by the policy, however should be considered on a similar basis.
- 9.3 The site does not lend itself easily to a commercial use, except for its town centre location. It has no commercial frontage and being a Grade II\* Listed Building, any alterations or renovations would have to go through a detailed and comprehensive analysis to ensure it preserves or enhances the heritage asset. This could be a significant financial hurdle to anyone looking for commercial space within Southwold. The premises has also been vacant for approximately six years with no definitive interest in its occupation.
- 9.4 It was raised by Southwold Town Council that a Marketing Strategy was necessary for a 12-month period, in order to determine whether any commercial occupants were willing to take on the property under Policy SWD3 - Redeveloping Existing Employment Areas For Permanently Affordable Housing. However, this requirement only covers Existing Employment Areas designated under policy WLP8.12 - Existing Employment Areas, of the East Suffolk (Waveney) Local Plan and any other extensions covered within Southwold Neighbourhood Plan (p.86). As the site does not fall within an Existing Employment Area, a Marketing Strategy is not necessary, as Policy WLP8.19 - Vitality and Viability of Town Centres does not require one and the Southwold Neighbourhood Plan has no relevant policies covering shopping areas. The Neighbourhood Plan includes additional Employment Areas beyond the Local Plan designations; however, the application site does not fall within a defined employment area. The principle of the change of use to residential is dependent on whether there are other material considerations to support the change of use, further discussed in this report.
- 9.5 The Southwold and Reydon Society initially objected to the principle of the change of use of the ground floor to two flats however later responded to the revised plans on the listed building consent application "The Executive Committee considered the above application and in principle agree to this Change of Use. However, we do question if there is adequate fire safety provision and sufficient off-road parking for this development."

#### Visual Amenity, Street Scene and Heritage

- 9.6 The NPPF identifies the conservation and enhancement of the historic environment as an important element of sustainable development. Paragraphs 199 and 200 of the NPPF require planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. The statutory duties of The Act and heritage objectives of the NPPF are also reflected in the Built and Historic Environment section of the Local Plan and the Historic Environment SPD.
- 9.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.

- 9.8 Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
- 9.9 The continued commercial use of the ground floor is likely to not have any conservation benefits to the site, as the former use of the building was residential, and the ongoing commercial use is unlikely to require the same layout and detailing as a residential property – which is where the historic interest lies. There would be no particular need, nor desire to remove the suspended ceiling and reinstate a domestic decorative scheme of repair and restoration if the building stayed in a commercial use. It is the East Suffolk Councils Principal Conservation officer's opinion that the enhancements set out in this revised proposal are only likely to be accrued through a residential conversion due to the needs of a commercial business that would not be compatible with the building alterations proposed here. There is therefore a strong conservation case in returning the site back to a residential use.
- 9.10 The likely original layout of the central hallway flanked by two principal public rooms will be reinstated and this is a significant benefit. This would unlikely be able to occur if a commercial use was retained. A commercial use would most likely retain the existing open plan layout providing no heritage benefit and perpetuate the great harm caused by later layout and fabric changes effected by the bank use of the building.
- 9.11 The proposal includes internal works such as lining out the interior face of the north wall of the kitchen/dining room, repairs and reinstatement to skirtings, architraves, reveals and panelling across this floor, remove the suspended ceiling across the entire ground floor, to infill the existing arched opening and reinstate the partition line to full enclose the entrance hall, reinstate the cornice to the full extent of the reinstated entrance hall, doors to the dining room/snug and bathroom will be replaced, as will their architraves, internal detailing of the dining room will be retained and repaired, restore the pilasters flanking the fireplace and their capitals to the kitchen/dining room and a fireplace to be reinstated.
- 9.12 All of these alterations have been assessed by the East Suffolk Conservation Team who agree subject to further details the alterations enhance the special interest of the heritage asset. Historic England were consulted and initially raised concern over the position of the new walls to the east and south of the staircase not being in an original location missing an opportunity to improve the layout of the building. However, since then after a discussion with the planning officer and Principal Conservation Officer, Historic England have withdrawn their concerns as it has been shown that these new walls have already been granted consent in previous applications and that the exact position of the original walls is difficult to determine.
- 9.13 Paragraph 197 of the NPPF requires LPAs in determining applications to take account of the desirability of enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The scheme would substantially enhance the significance of this Grade II\* listed building through a scheme of layout, decorative and detailed reinstatement consistent with its importance as a Grade II\* heritage asset, being in the top eight percent of listed buildings.



- 9.14 The proposal provides a conservation-led scheme that provides substantial enhancement to the benefit of the heritage asset's conservation and that there will be no harm arising, thereby.
- 9.15 Paragraph 199 of the NPPF, states that great weight should be given to a designated heritage asset's conservation when considering proposed development that impacts it. It goes on to state that the more important the asset - as here - the greater the weight should be. Thus, very great weight should be attached to the conservation of No.17 Market Place.
- 9.16 The relevant heritage considerations are stated within the NPPF (2021), Section 16: 'Conserving and enhancing the historic environment', Paragraphs 184 - 202. The heritage statement includes all relevant information in regard to the site and satisfies the requirements of Paragraph 194 of the NPPF (July 2021). The scheme complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the listed building's special interest and the Southwold Conservation Area's character and appearance free from harm. NPPF paragraphs 201 and 202 are not here engaged.

#### Residential Amenity

- 9.17 The proposed change of use to residential does not require significant external alterations to the building in order to be habitable. Therefore, the proposal would not lead to any significant loss of light, or sense of oppression to neighbouring properties. Due to the ground floor nature of the site, it would also not lead to any overlooking or loss of privacy to neighbours. Overall, the scheme would not cause any significant harm to the residential amenity of neighbours. Living conditions for future occupiers will be to a good standard.
- 9.18 The parking gates objected to by the neighbour have already been agreed on a previous application and the principle of them has already been established.

#### Landscaping/Trees

- 9.19 The scheme does not require the removal of any trees or any substantial landscaping.

#### Parking and Highway Safety

- 9.20 Since the original submission of this application alongside a separate application for a further dwelling, alterations have been made to cover the entire ground floor with a single residential unit and provide an off-road car parking space. Therefore, the overall scheme has changed from two new units with no parking to a single unit with one space.
- 9.21 The site currently contains a garage accessed off Mill Lane to the side of the property. This is to be retained as the only off-road car parking space for the two-bedroom property. Under Neighbourhood Plan Policy SWD7 - Parking, and Policy WLP8.21 - Sustainable Transport, of the local plan, recommends that development proposals that create a demand for vehicle parking should meet the requirements of the Suffolk Highways Guidance 2019. The Suffolk Highways Guidance 2019 recommends that a two-bedroom flat should have a minimum of two car parking spaces however a reduction in this figure may be considered with robust highway mitigation.

- 9.22 The site lies within the heart of Southwold with all the required amenities of a family within walking distance. Any person occupying the property would have to accept that there is no additional space for parking and no available on street parking and therefore would be limited to one car.
- 9.23 Due to the location of the site in a highly sustainable position within the town centre, the provision of a single space is acceptable in this case as the new residential unit could easily be occupied without the need for multiple vehicles.

#### Ecology

- 9.24 The site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Stour and Orwell Estuaries SPA/Ramsar, Sandlings SPA, and Deben Estuary SPA/Ramsar) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development.

#### Principle Residency

- 9.25 Policy SWD4 - Principal Residence Requirement, states that proposals for all new housing will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence. Therefore, as this is a new residential dwelling, a condition will be added to any decision to restrict the habitation of the unit to be occupied as the sole or main home of its occupants.

### **10. Conclusion**

- 10.1 In conclusion, whilst the proposal appears to be contrary to the aims and objectives of Policy WLP8.19 - Vitality and Viability of Town Centres, as it includes the change of use of a ground floor commercial unit to residential use within a primary shopping frontage. However material planning considerations indicate that the site would be better served as a residential dwelling as it would deliver significant heritage benefits to the site which have previously been lost. The NPPF states that the more important the asset the greater the weight should be. In this case the Grade II\* listed building is considered very important and therefore the heritage benefits should be given considerable weight.
- 10.2 On balance the development would deliver clear heritage benefits which could not be gained from elsewhere within Southwold, enhancing the historic interest of the building and enhancing the Conservation Area. The building is not a clearly commercial building in appearance and would revert back to its original residential use prior to being a bank. Although the site is limited to a single parking space this is considered acceptable in the context of the sustainable town centre location.
- 10.3 Subject to receipt of RAMS payment, the proposal is considered to be acceptable because there are clear material considerations in favour of the proposal that outweigh the conflict with WLP8.19.

## **11. Recommendation**

11.1 Approve, with conditions as below.

## **12. 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 1206-P01, 1101-P01 and 1404-P01 received 24/01/2023, 5842-1401-P02, 1402-P02 and 1403-P04 received 24/08/2023 and 5842-0100-P01 received 25/08/2023 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. 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

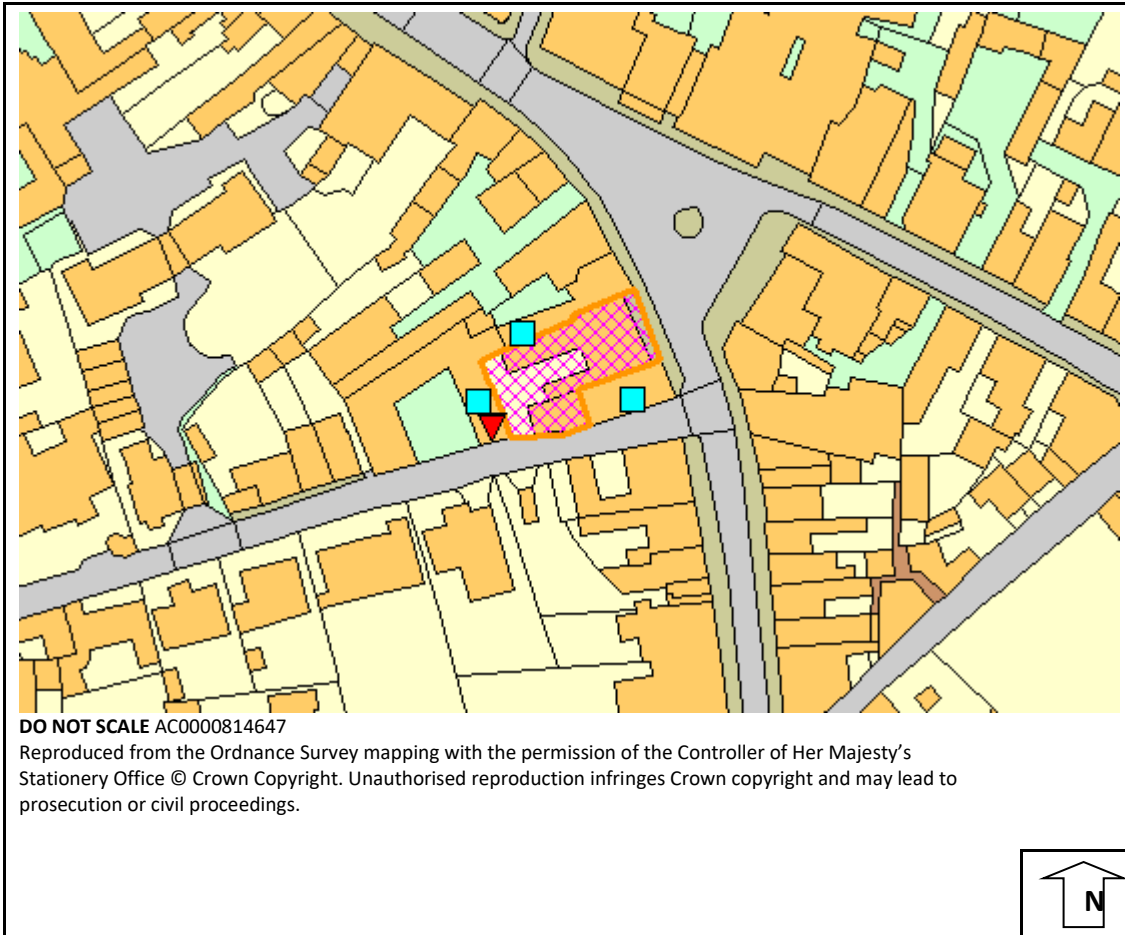
4. The ground floor flat permitted shall not be occupied otherwise than by a person as his or her only or Principal Home. For the avoidance of doubt the dwelling shall not be occupied as a second home or holiday letting accommodation. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request to do so) such information as the Authority may reasonably require in order to determine whether this condition is being complied with.

Reason: To safeguard the sustainability of the settlements in the Southwold NP area, whose communities are being eroded through the amount of properties which are not occupied on a permanent basis and to ensure that the resulting accommodation is occupied by persons in compliance with policy SWD4 of the Southwold Neighbourhood Plan.

## **Background information**

See application reference DC/23/0297/FUL on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support

## Committee Report

**Planning Committee North** – 12 December 2023

**Application no** DC/23/0298/LBC

**Location**

17 Market Place

Southwold

Suffolk

IP18 6EB

**Expiry date** 2 April 2023

**Application type** Listed Building Consent

**Applicant** Howard Market Place Ltd

**Parish** Southwold

**Proposal** Listed building works/alterations in connection with the proposed change of use of ground floor from bank (Class E) to 1no. dwelling (C3).

**Case Officer** Jamie Behling

07919 303788

[Jamie.Behling@eastsoffolk.gov.uk](mailto:Jamie.Behling@eastsoffolk.gov.uk)

### 1. Summary

- 1.1 The application seeks listed building consent (LBC) in relation to works to convert the ground floor from a class E bank use to a class C3 residential use.
- 1.2 The application has been referred to the Planning Committee (North) by the Head of Planning and Coastal Management, as it is considered that the application holds significant public interest and there are detailed matters requiring debate by the Committee.
- 1.3 The scheme will preserve the special interest of the Listed Building in accordance with the Development Plan and National Planning Policy Framework (NPPF); LBC can therefore be granted.
- 1.4 This report should be read in conjunction with the tandem report for DC/23/0297/FUL in order to fully appraise the development proposals.

## 2. Consultees

Consultee	Date consulted	Date reply received
Southwold Town Council	7 February 2023	No response

**Summary of comments:**

*This response relates to the proposed change of use of the ground floor of 17 Market Place from Use Class E to C3 (residential, a principal residence) and Sui Generis (holiday let). We ask that these two applications be considered together and with the recently filed VOC in order to assess the cumulative impacts of all the proposals since they relate to the same property – the former Lloyds Bank, a Grade II listed building that is an anchoring commercial building on the Market Square in the High Street.*

*The site is within the Conservation Area, an Existing Employment Area and the AONB.*

*The two new full planning applications seek to create a small one bedroom flat out of a garage and other commercial space to the rear of the building but without providing any parking provision within the curtilage or on-street.*

*This small flat is allocated as a principal residence per the SNP. However, this small flat does not have a good amenity standard and its sale as a principal residence would be difficult.*

*The larger, spacious flat to the front of the building, which could be attractive as a principal residence, is proposed for holiday letting. (If it were not, it would have to be a principal residence under the SNP.) This proposed holiday let does not include any parking provision.*

*Taking into account cumulative impacts from the previous consent, the proposed VOC and these two new planning applications, 17 Market Place would become four residential units with only two parking places provided on site.*

*In a video advertisement, available on <https://youtu.be/H76NuzudOrg> that appears to have been made after the developer bought the building, the developer makes clear the intention of selling the 1st floor flat (which has always been residential) and the new mews house (previously consented) to holiday let investors.*

*Although the VOC application does not specifically state that the mews house will be used for holiday letting, the plans describe it as a holiday let. Clarification should be sought from the applicant.*

*Our response only considers the applicable SNP policies: Policy SWD 3 – Redeveloping Existing Employment Areas for Permanently Affordable Housing; Policy SWD 5 – Holiday Letting; and Policy SWD7 – Parking.*

*We believe that these policies require refusal.*

*We have included in Appendix A an analysis of three Inspectorate decisions related to change of use to Sui Generis (holiday letting) to assist the LPA.*

*One of the decisions – 17 Richmond Road – was used as the basis for developing our holiday let policy.*

*All three decisions make clear that residential units that are NOT ‘party houses can still have unacceptable amenity impacts – both direct, indirect and cumulative – that justify refusal to grant a change of use to Sui Generis (holiday letting).*

*Policy SWD3 - Redeveloping Existing Employment Areas for Permanently Affordable Housing  
In essence, this policy permits a change of use within an Existing Employment Area from Use Class E for to market residential only after the applicant has conducted a sustained marketing campaign that complies with Local Plan Policy 8.12. (See SWD3, Paragraph D.)*

*Under Paragraph A, before a change of use to market residential is permitted, this policy further requires that the marketing campaign demonstrate that there is no interest in the site for, in preferred order:*

- i) solely employment use;*
- ii) a mix of employment and permanently affordable housing;*
- iii) solely permanently affordable housing; or*
- iv) affordable housing delivered by a housing association.*

*Marketing for these uses can all be done at the same time but if someone comes forward with a viable preferred offer, then change of use to market residential will not be permitted.  
Note that Paragraph 4.16 anticipates that the land value for a preferred use will be lower than market residential.*

*Paragraphs 4.1 – 4.22 explain the context of this policy and how the hierarchy of preferred uses works.*

*Since the marketing campaign required by this policy has not been conducted, no change of use to residential is permitted.*

#### *Policy SWD5 – Holiday Letting*

*This is a proposal for new C3 development for holiday letting (sui generis). Under SWD5, this proposal ‘will only be supported’ if all three of the following requirements are met:*

- a) Car parking can be provided within the curtilage of the building in accordance with Policy SWD7 (Parking);*
- b) the proposed use would not have an unacceptable impact on the amenities of houses in the immediate locality; and*
- c) the wider effect of the proposal would not be unacceptable taking account of the cumulative and indirect impacts of holiday lets in the town.*

*Applying this policy to this application,*

*a) these applications result in the loss of one parking space (a garage), without the provision of any other parking on the site. Alternative on-street provision is not possible because no on-street parking is allowed on Mill Lane. Moreover, this is an area of high parking stress where demand for parking in peak times exceeds provision.*

*b) In a non-exhaustive list, Paragraph 4.45 specifies the types of adverse amenity impacts on houses in the immediately locality. It mentions the impacts of visitors to the premises, the proximity to other dwellings, the number of unrelated parties that would be using the premises, etc. In this densely developed site, the impact of numerous transient visitors on a principal residence next door to a holiday let flat (not to mention the other two residential units that the owner has signalled will be sold for holiday let investment) would be unacceptable.*

*See Appeal Ref: APP/X3540/W/3240658 37 Pier Avenue, Southwold IP18 6BU. In this appeal, the Inspector considered the impact on neighbours of converting a residence to a holiday let. This required the Inspector to anticipate the adverse impacts with regards only to noise and disturbance since the redevelopment had not yet begun. He concluded that these impacts would be unacceptable. Significantly, this was a much a less dense development (a detached residence backing onto the tennis courts, with garden areas separating it from residences to the east and west) than what is being proposed for 17 Market Place where a principal residence would have holiday let flats next door and potentially above and behind it. In addition, the failure to provide on site parking would have an adverse impact on the amenity of residents of Mill Lane.*

*c) The context section set out in Paragraphs 4.38 – 4.46 makes clear that holiday letting in Southwold has reached such a degree that it is making the town unsustainable. Since the evidence base for the holiday let policy was finalised, there has been a further increase in the number of holiday lets stimulated by the Stamp Duty holiday during Covid-19 and the high prices commanded whilst vacationing abroad was not permitted. Any additional increase to the number of holiday lets in the town is unacceptable taking account of the cumulative and indirect impacts of holiday lets in the town.*

*See Appendix A for an analysis of Inspectorate decisions relating to holiday letting, especially Appeal Ref: APP/Q0505/C/18/3193261 17 Richmond Road, Cambridge CB4 3PP, dismissed October 2018. This case was the basis for Paragraph c) of the SNP Holiday Let Policy.*

#### *Policy SWD7 – Parking*

*This site is located in Parking Zone 5 (See P. 40, Figure 6.1 Parking Availability and Requirement by Zone in 2016). This is one of 3 zones that are ‘at capacity, or have exceeded their capacity, to provide for the cumulative parking needs of residents, workers and visitors for on-street parking. These zones are considered to be under such parking stress that applications for development in the area of these zones which propose additional on-street car parking to satisfy the requirements of Suffolk Highway Guidance, will be refused unless the applicant can demonstrate that even in periods of peak demand additional take-up of on-street car parking spaces will not contribute to parking congestion. Peak demand is normally highest in August through the Bank Holiday weekend.’ (See paragraph 6.9).*

*The applicant has not demonstrated this and would not be able to do so given the lack of on street parking in the immediate and surrounding area. See Policy SWD7, Paragraphs A, C and D. Note that even if the LPA were to consider that there is a public benefit because the proposal helps to preserve a heritage asset, the applicant would still have to comply with Paragraph C, which the applicant cannot do, and also with Paragraph D. Paragraph D requires that if off-street parking (a garage in this application) is eliminated by a proposal, then the applicant must provide a new parking space in Zone 5 to replace what has been lost. This is not possible.*

*In conclusion, based on the above SNP policies, consent to this application could not be justified.*

#### *Appendix A: Analysis of Inspectorate Decisions Relating to Holiday Letting*

*Note that this analysis is based on research conducted in 2021 at the time of the appeal on 37 Pier Avenue and does not reflect decisions made since then.*

*Three appeals in Cambridge and Bristol show how Inspectors are implementing Moore’s “fact and degree”-based approach. The following key themes emerge:*



- *House size is not dispositive. The appeals include 13 one-bedroom flats in two modern apartment blocks; a 3-bedroom house in the middle of a terrace; and a 7-bedroom house, one of a pair of Victorian villas.*
- *The extent to which an owner occupied the property is significant.*
- *Frequency of lettings (transient use) is important. This ranged from 60 short stay holiday lets during a year; 40 days, mostly weekends, during a year; 13 flats in two modern apartment blocks that were being used 80% of the time for short-stay serviced accommodation.*
- *Potential impact on amenity was as important as evidence of actual impact – the Inspectors assumed that holiday makers would behave differently than a full-time neighbour because they were on holiday and their occupation of the property was transient.*
- *Cumulative impacts were taken into account.*
- *The indirect impact on the quality of community was considered important in 17 Richmond Road.*

*Appeal Ref: APP/Q0505/C/18/3193261 17 Richmond Road, Cambridge CB4 3PP, dismissed October 2018*

*The appeal site comprised a three-bedroom house, the middle in a terrace of three houses in a residential neighbourhood in Cambridge. It was let out to a maximum of five guests, not necessarily members of the same family. Its annual occupancy rate for holiday letting was 45%. There were 60 separate stays (mostly of less than five nights) during a 12-month period. The Inspector found that the very frequent turnover of occupants, and the markedly transient pattern of occupancy, were circumstances not normally associated with a dwelling house or even a house in multiple occupation. As a matter of fact and degree, this amounted to a material change of use.*

*In considering whether the change of use should be granted, the Inspector considered direct and indirect impacts, cumulative impacts and actual and potential impacts. Despite limited evidence of actual amenity complaints -- evidence submitted by a local resident's association only referenced late night 'revelries' during a particular weekend and instances of loud voices and car doors slamming – the Inspector noted that he was required to look to the future and, with a different owner or more lettings, amenity complaints could potentially increase from the comings and goings of guests "at times very different from the lifestyles pursued by the more settled populace and when most residents ought reasonably to be able to expect periods of relative peace and quiet." "[Good] neighbourliness is an important yardstick for assessing a use such as this. Even though there is no evidence of a statutory nuisance, activity associated with people entering or leaving the accommodation, even if this amounted to no more than good natured conversation, together with vehicles stopping and starting, and the closing of car doors, could well be disturbing to the neighbours whose living conditions would be adversely affected to a significant degree."*

*The indirect and cumulative impacts resulted from the property's transient users not supporting community facilities and amenities, in particular the local Community Centre, which was likely to extend to other community institutions such as libraries, schools and the like. "The consequences attributable to one property in this respect would probably not amount to much. But, were this to be repeated elsewhere, far from helping to create a sustainable community, the cohesion of the local community could well be eroded. This, in turn, could well make the area a less pleasant place in which to live and would be at odds with the social objective to support strong vibrant and healthy communities contained in The [National Planning Policy] Framework. Nor would it be consistent with the promotion of social interaction advocated in The Framework." (Paras 30-31.)*

*Appeal Ref: APP/F0114/C/18/3217514 – 3 Greenaway Lane, Lyncombe Bath BA2 4LJ, dismissed June 2019*

*The property was one of a pair of Victorian villas, with 7 bedrooms, used for holiday letting to as many as 17 people. The property had no on-site parking although located in an area where on-street parking was difficult. There was evidence of regular weekly visits by laundry lorries and commercial waste vans to a greater extent than would be expected from a family dwelling. Although the owner claimed to reside in the property when it was not let out, the evidence only supported the suggestion that he occasionally stayed there. The property was advertised as available year-round on a weekly or weekend basis. It was, in fact, let for 40 days in the year, mostly on weekends. There were neighbour complaints over a period of three years of people arriving back from the city centre in taxis late at night and hanging around in the garden chatting in the early hours. The landlord's efforts to control this were not effective, and with more lettings, there was potential for this to become worse. The Inspector wrote: "In my view even a family of only 4 or 5 people are more likely to occupy a dwelling in a different manner when they are on holiday than when they are at home, with a greater potential for comings and goings at anti-social hours, BBQing and eating out in the garden and so on. This impact is made all the greater and the more likely by large groups such as are accommodated here."*

*The Local Plan's Core Strategy supported facilitating visitor accommodation and resisting loss of dwellings unless the benefit of providing tourism accommodation outweighed the harm of loss of a family dwelling. The Inspector concluded that the actual and potential adverse impacts on amenity, including increased parking pressure, outweighed the tourism benefits.*

*Appeal A - Ref: APP/Q0505/C/18/3196460 - Notice 1 Flat 3, Roman House (Marino House), Severn Place, Cambridge CB1 1AL, dismissed March 2019 (Appendix 7)*

*This case involves 13 flats in two modern apartment blocks that were being used 80% of the time for short-stay serviced accommodation. Each flat was occupied by a single person or a couple. The flats were typically let from 3-4 nights per week (as a minimum) up to approximately 10 nights or longer. 77% of the lets were for one to two nights. There were over a thousand different bookings for the 13 appeals flats over an 11-month period from March 2017 to January 2018. Applying Moore, The Inspector concluded that: "Although the uses at Roman House and Florian House cannot be compared exactly with the situation in the 'Moore' case, I consider that the potential for similar impacts on amenity remain the same."*

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	2 September 2023

Summary of comments:

Cllr David Beavan

*"Southwold Town Council has spent a lot of time and money over the years trying to preserve and run the Market Place as a living commercial attraction for visitors, also serving the community with a twice weekly market. This conversion of the ground floor of Lloyds Bank into a large holiday let destroys that effort by the community."*

*By all means have permanent residents in upper floors, but a search should be made for an alternative commercial retail, office or leisure use of this building which dominates our Market Place.*

Consultee	Date consulted	Date reply received
Historic England	1 November 2023	20 November 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	7 February 2023	17 March 2023
Summary of comments: Comments included within officer's considerations.		

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	N/A	7 March 2023
<p>Summary of comments:</p> <p><i>"We object to the change of use of the first floor from commercial to residential/holiday let. We are strongly of the view that this should remain a commercial space to aid the re-generation of the High Street.</i></p> <p><i>We also object to the two new full applications for converting two small buildings behind No. 17, one to a holiday let and the other to a principal residence. The latter in our view seems to be of poor amenity standard for a permanent residence and will, we think, be difficult to sell.</i></p> <p><i>There is totally inadequate parking provision to service these new planning applications in an area that has very little available parking space.</i></p> <p><i>The Committee also fully support the detailed response to these applications that has been submitted by Southwold Town Council, we therefore recommend that they are all rejected."</i></p>		

#### Re-consultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	24 August 2023	31 August 2023
Summary of comments: Comments included within officer's considerations.		

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	24 August 2023	5 September 2023
<p>Summary of comments:</p> <p><i>The Executive Committee considered the above application and in principle agree to this Change of Use. However, we do question if there is adequate fire safety provision and sufficient off-road parking for this development.</i></p>		

Consultee	Date consulted	Date reply received
Southwold Town Council	24 August 2023	8 September 2023
<p>Summary of comments:</p> <p><i>There are a number of applications for this site. All applications should be considered together - not to be considered as piecemeal applications.</i></p> <p><i>How and where has this premises been advertised as a business premises - and for how long? What enquiries have been received? Has it been realistically and widely marketed as a business premises? The Town Council would wish to see data evidence of the marketing carried out on this premises.</i></p> <p><i>Until such time as evidence of the above has been received the Town Council's original objection as attached still stands.</i></p> <p><b>REFUSE</b></p>		

### 3. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	10 February 2023	3 March 2023	Beccles and Bungay Journal

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	10 February 2023	3 March 2023	Lowestoft Journal

### 4. Site notices

General Site Notice	Reason for site notice: Conservation Area; Listed Building Date posted: 9 February 2023 Expiry date: 2 March 2023
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### 5. Planning policy

National Planning Policy Framework 2023 (NPPF)

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

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

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

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

## **6. Site Description**

- 6.1 The ground floor of 17 Market Place lies within the settlement boundary and Neighbourhood Plan Area of Southwold. It also falls within the AONB and the Southwold Conservation Area. At the heart of the town centre, it forms part of the primary shopping frontage which fronts onto the High Street however it does not have a traditional retail frontage. The building is Grade II\* listed, once owned and occupied for much of the eighteenth and early nineteenth centuries by the powerful mercantile Robinson family. It became a bank in the mid nineteenth century and fits a pattern of the town's former banks being largely adaptations of substantial townhouses. The early eighteenth-century façade was retained unaltered after the conversion. Lloyd's bank vacated the property in 2017 and the ground floor unit has been vacant since.
- 6.2 The building is a fine large merchant's house of c.1716 with a doorcase similar to those of contemporary houses in Spitalfields in London. The bulk of the surviving façades date from the period c.1750-1900 although the fabric behind them may be considerably earlier. These include a group of distinguished early to mid-eighteenth-century classical merchants' buildings which occupy prominent sites on the western side of Market Place, Queen Street, and High Street.
- 6.3 The site has recently had numerous planning applications submitted, which includes the conversion of the first two floors from offices to a single residential flat and a wing to the rear also being converted into a residential dwelling under refs. DC/21/0534/FUL and DC/21/0535/LBC.
- 6.4 Originally, there were two applications submitted each proposing a single residential unit over the ground floor of the remaining commercial space of the bank with no parking provided. Since then, the applicant has revised plans to cover the ground floor only with just a single, two-bedroom residential unit, and retaining the off-road garage space.

## **7. Proposal**

- 7.1 The proposal is works to the listed building in relation to the proposed conversion of the remaining ground floor bank space (Class E) to a single residential (Class C3) permanent dwelling to be sold on the open market.
- 7.2 This LBC application has been submitted in tandem with an application seeking planning permission (ref. DC/23/0297/FUL).

## **8. Third Party Representations**

- 8.1 One representation of Support, that raises no material planning considerations.

## **9. Planning Considerations**

### Heritage and Conservation

- 9.1 The NPPF identifies the conservation and enhancement of the historic environment as an important element of sustainable development. Paragraphs 199 and 200 of the NPPF require planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. The statutory duties of The Act and heritage objectives of the NPPF are also reflected in the Built and Historic Environment section of the Local Plan and the Historic Environment SPD, all of which officers have had regard to in the consideration of these proposals.
- 9.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
- 9.3 Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
- 9.4 The continued commercial use of the ground floor is likely to not have any conservation benefits to the site, as the former use of the building was residential, and the ongoing commercial use is unlikely to require the same layout and detailing as a residential property – which is where the historic interest lies. There would be no need, nor desire, to remove the suspended ceiling and reinstate a domestic decorative scheme of repair and restoration in a commercial use. It is the East Suffolk Council's Principal Conservation officer's opinion that the enhancements set out in this revised proposal are only likely to be accrued through a residential conversion due to the needs of a commercial business which would not be compatible with delivering such benefits. There is, therefore, a strong conservation case in returning the site back to a residential use to restore the significance of the building.
- 9.5 The likely original layout of the central hallway flanked by two principal public rooms will be reinstated and this is a significant benefit. This would unlikely be able to occur if a commercial use was retained. A commercial use would most likely retain the existing open plan layout providing no heritage benefit and perpetuate the great harm caused by later layout and fabric changes effected by the bank use of the building.
- 9.6 The proposal includes internal works such as:
- lining out the interior face of the north wall of the kitchen/dining room;
  - repairs and reinstatement to skirtings, architraves, reveals and panelling across this floor;
  - remove the suspended ceiling across the entire ground floor;
  - to infill the existing arched opening and reinstate the partition line to full enclose the entrance hall;

- reinstate the cornice to the full extent of the reinstated entrance hall;
- doors to the dining room/snug and bathroom will be replaced, as will their architraves;
- internal detailing of the dining room will be retained and repaired; and
- restore the pilasters flanking the fireplace and their capitals to the kitchen/dining room and a fireplace to be reinstated.

- 9.7 All these alterations have been assessed by the East Suffolk Conservation Team who agree that, subject to further details, the alterations enhance the special interest of this designated heritage asset. Historic England were consulted and initially raised concern over the position of the new walls to the east and south of the staircase not being in an original location, missing an opportunity to improve the layout of the building. However, since then - after a discussion with the Planning Officer and Principal Conservation Officer - Historic England have withdrawn their concerns as it has been shown that these new walls have already been granted consent in previous applications and that the exact position of the original walls is difficult to determine in any case.
- 9.8 Paragraph 197 of the NPPF requires that LPAs, in determining applications, to take account of the desirability of enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The scheme would substantially enhance the significance of this Grade II\* listed building through a scheme of layout, decorative and detailed reinstatement consistent with its importance as a Grade II\* designated heritage asset, being in the top eight percent of listed buildings nationally.
- 9.9 The proposal provides a conservation-led scheme that provides substantial enhancement to the benefit of the heritage asset's conservation and that there will be no harm arising, thereby.
- 9.10 Paragraph 199 of the NPPF, states that great weight should be given to a designated heritage asset's conservation when considering proposed development that impacts it. It goes on to state that the more important the asset - as here - the greater the weight should be. Thus, very great weight should be attached to the conservation of No.17 Market Place.
- 9.11 The relevant heritage considerations are stated within the NPPF (2021), Section 16: 'Conserving and enhancing the historic environment', Paragraphs 184 - 202. The heritage statement includes all relevant information in regard to the site and satisfies the requirements of Paragraph 194 of the NPPF (July 2021). The scheme complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the listed building's special interest and the Southwold Conservation Area's character and appearance free from harm. NPPF paragraphs 201 and 202 are not here engaged.

## **10. Conclusion**

- 10.1 As the design is acceptable and there is no harm to the historic interest or fabric of the listed building, the development is therefore considered to comply with the policies listed above, delivering a well-designed conservation-led scheme.

## **11. Recommendation**

- 11.1 Grant Listed Building Consent with conditions, as below.

## 12. 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 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with 1206-P01, 1101-P01 and 1404-P01 received 24/01/2023, 5842-1401-P02, 1402-P02 and 1403-P04 received 24/08/2023 and 5842-0100-P01 received 25/08/2023 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. Prior to commencement of any works, details in respect of the following shall be submitted to and approved by the Council as Local Planning Authority. The work shall be carried out in accordance with such approved details:

- Details of the reinstatement of the corncicing to match the original profile
- Details of the infill construction of the existing arched opening
- Details of all new doors and architraves, including materials, appearance, finish and ironmongery.
- Details for the restoration of the pilasters and capitals and the paint scheme
- Details of the fireplace reinstatement
- Details of the plumbing, drainage and extraction to the kitchen island and base units (sink).

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Prior to commencement a full schedule of repairs and reinstatements shall be submitted to the Local Planning Authority for approval. Works shall be undertaken in accordance with the approved schedule.

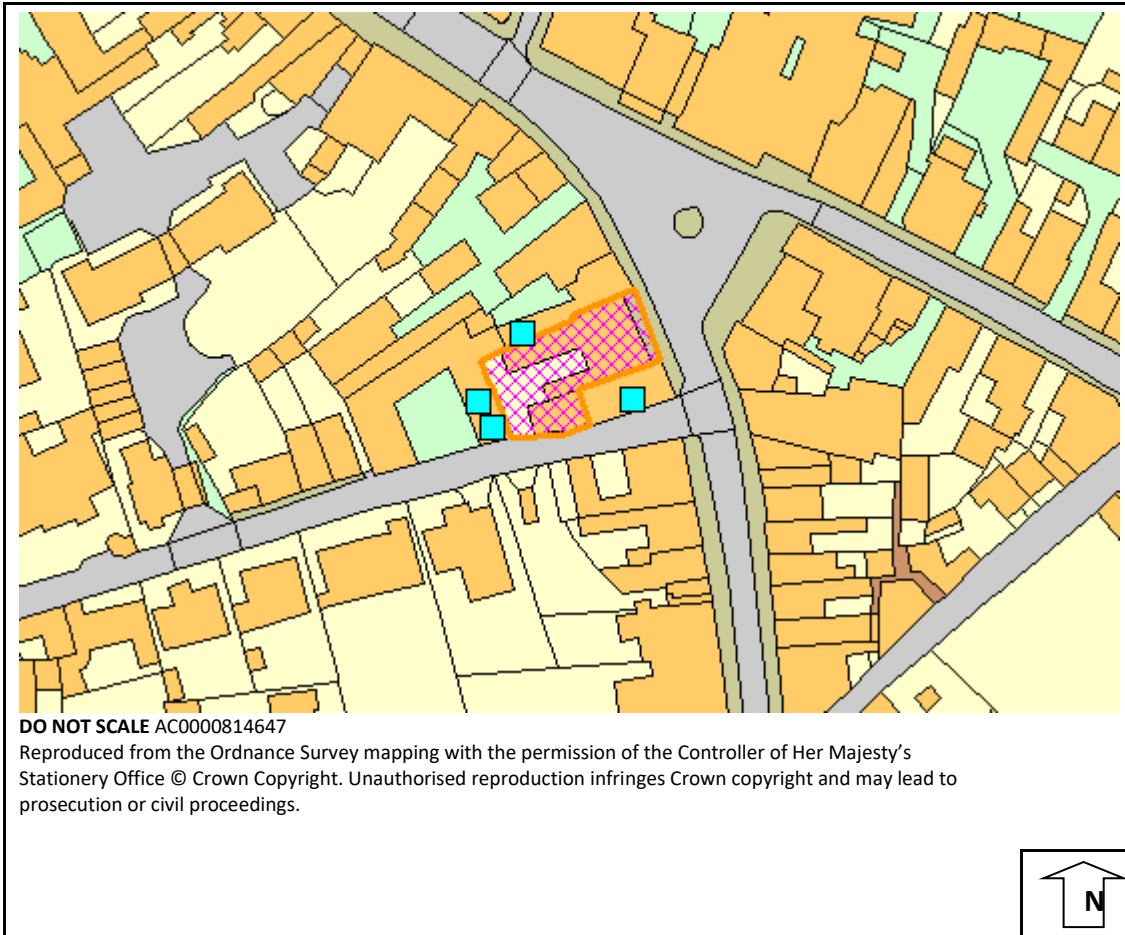
Reason: In order to safeguard the special architectural or historic interest of the building.

## Background information





See application reference DC/23/0298/LBC on [Public Access](#)



## Map



## Key

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

## Committee Report

**Planning Committee North - 12 December 2023**

**Application no DC/23/1674/FUL**

**Location**

Hamilton Docks  
Hamilton Road  
Lowestoft  
Suffolk  
NR32 1XF

**Expiry date** 6 October 2023

**Application type** Full Application

**Applicant** Sembmarine SLP Ltd

**Parish** Lowestoft

**Proposal** Demolition and development of warehousing and offices to store parts for off-shore renewable infrastructure.

**Case Officer** Matthew Gee  
01502 523021  
matthew.gee@east Suffolk.gov.uk

### 1. Summary

- 1.1. Planning permission is sought for the demolition and development of warehousing and offices to store parts for off-shore renewable infrastructure. The site is situated within the Power Park, where the principle of associated and ancillary uses necessary to support the offshore energy and engineering sectors will be permitted. The proposed building is not considered to adversely impact upon the character and appearance of the Industrial Estate, and there would be no adverse impacts arising on surrounding land users.
- 1.2. The Environment Agency has raised no objections in connection with flooding on the site. The Lead Local Flood Authority (“LLFA”) initially raised concerns regarding the lack of information to allow assessment of the surface water flooding issues. This additional information has been provided to the LLFA, and officers are awaiting a response, which will be provided in the update report published the day before the Committee meeting; however, officers are content that the scheme can be made acceptable in terms of surface water drainage. The Town Council objected to reinforce the Highways Authority objection;

however, following re-consultation on amended plans the Highways Authority no longer object. The Town Council have provided no further comments.

1.3. Therefore, the application is considered to accord to local and national planning policy, and as such it is recommended that planning permission be granted subject to conditions and following the final consultation response from the LLFA.

1.4. The application is presented to committee as the land is owned by East Suffolk Council.

## **2. Site Description**

2.1. The site is situated within the settlement boundary and forms part of the wider industrial estate. The area is designated under Local Plan policy WLP2.2 as the 'PowerPark'.

2.2. The site previously comprised a large steel framed storage building measuring 7.9m tall, 10m wide and 18.8m deep. However, it is understood this was demolished prior to the submission of this application. The site also comprises another large steel framed building to the north of the site, as well as a prefab single storey office building.

2.3. The site is accessed from Hamilton Road, which the site bounds to the south; and the site is bounded by industrial land to the north and west, and by the Sea wall and North Sea to the east.

## **3. Proposal**

3.1. Planning permission is sought for the demolition and development of warehousing and offices to store parts for offshore renewable infrastructure.

3.2. The proposed building would be in a squat 'L' shaped form, measuring (at its further extremities) 45m wide, 58m deep, and 9.5m high. The building will be clad in grey profiled cladding, with a glazed front entrance facing south, large roller shutter on the east elevation, and three roller shutters on the north elevation. The building's roof will also include a PV array.

## **4. Consultations**

### Third Party Representations

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

### Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	24 July 2023	15 August 2023
Summary of comments: The Town Council's Planning Committee has considered this application and it was agreed to recommend refusal of the application due to the serious concerns raised by Suffolk Highways and the number of statutory consultee objections.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	16 November 2023	No response
Summary of comments: No comments received at the date of writing.		

#### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	24 July 2023	2 August 2023
Summary of comments: Holding objection raised.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	24 July 2023	9 August 2023
Summary of comments: Holding Objection raised until further information in regards to flood risk is provided.		

Consultee	Date consulted	Date reply received
Natural England	24 July 2023	1 August 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	24 July 2023	15 August 2023
Summary of comments: Holding objection raised until further information is provided.		

#### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	24 July 2023	16 August 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	24 July 2023	9 August 2023
Summary of comments:		

No objections subject to conditions.

Consultee	Date consulted	Date reply received
Anglian Water	24 July 2023	28 July 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	24 July 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	24 July 2023	24 July 2023
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
Disability Forum	24 July 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	24 July 2023	25 July 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	24 July 2023	27 July 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	24 July 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Police Design Out Crime Officer	24 July 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SUSTRANS	24 July 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	24 July 2023	31 July 2023
Summary of comments: No objections, subject to CEMP and mitigation taking place.		

Consultee	Date consulted	Date reply received
East Suffolk Building Control	24 July 2023	25 July 2023
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	24 July 2023	No response
Summary of comments: No comments received.		

### Reconsultation consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	29 September 2023	4 October 2023
Summary of comments: Following the submission of the additional information no objections raised.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	29 September 2023	20 October 2023
Summary of comments: Following the submission of the additional information no objections raised.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	16 November 2023	No response
Summary of comments: No comments received at the date of writing.		

## 5. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Major Application	28 July 2023	18 August 2023	Lowestoft Journal
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Major Application	28 July 2023	18 August 2023	Beccles and Bungay Journal

## 6. Site notices

General Site Notice	Reason for site notice: Major Application
	Date posted: 3 August 2023
	Expiry date: 24 August 2023

## 7. Planning policy

National Planning Policy Framework 2023 (NPPF)  
WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, Adopted March 2019)  
WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)  
WLP2.2 - PowerPark (East Suffolk Council - Waveney Local Plan, Adopted March 2019)  
WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan, Adopted March 2019)  
WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

## 8. Planning Considerations

### Principle

- 8.1. The site is situated within the settlement boundary and forms part of the wider industrial estate. The area is designated under WLP2.2 as the 'PowerPark'. The policy sets out that "Land comprising the PowerPark (23.37 hectares) as defined on the Policies Map is allocated for employment development (use classes B1, B2 and B8) and port related development. Associated and ancillary uses necessary to support the offshore energy and engineering sectors will also be permitted."
- 8.2. The submitted planning statement sets out that "Seatrium ORS will be one of the largest offshore marine groups in the world.

Seatrium has been awarded the contract to supply 3 2GW offshore platforms from TenneT for the Dutch sector totalling €6bn. As part of this award, Sembmarine have been awarded

the Hookup and Commissioning, Logistics Marine Spread and Warranty (maintenance) on all 3 platforms providing an extensive order book over the next 15 years.

Seatrium ORS plans to operate from bases in the Netherland and UK, with Lowestoft being the main UK operational base and Head Office for the renewable offshore services group. Currently 16 people are employed in its Lowestoft office and there are plans for this to grow to 21 by the end of 2023.

There are currently a further 35 sub-contract and contract workers managed from the Lowestoft base. It is anticipated that employee numbers will increase to 35 personnel in 2024 with the number of subcontract and contract works increasing to more than 150 bringing the total number of staff close to 200 in Suffolk and East Anglia.

The current building proposal allows for 60 to 80 full time office-based staff at the Lowestoft HQ, with the structure allowing for future expansion by utilizing more of the warehouse space for offices and wider site for further development should it be required."

- 8.3. As such the proposal is development that supports the offshore energy sector, and therefore complies with the aims of the Power Park policy.

#### Design

- 8.4. Policy WLP8.29 sets out that development proposals should respond to the character and appearance of the surrounding area. The site is situated on the south-east corner of the industrial estate, which has a mixed character of both older and more modern large steel framed buildings. The proposal will be a large steel clad building, which is considered characteristic of the area. The overall scale of the building, whilst large, is also not at odds with the visual appearance of the wider industrial estate, and as such the proposal is considered respectful of the area.

#### Amenity

- 8.5. Policy WLP8.29 sets out that development proposals should have consideration for the amenity of the surrounding area. The immediate area comprises of several industrial plots of land and/or building, with the nearest residential development located approximately 300m west of the application site. None of the immediate surrounding industrial units, have windows that face towards the application site, and it is not considered that any overshadowing that may result from the development would adversely impact upon the use of surrounding plots.
- 8.6. Furthermore, given its location within an industrial estate, and the distance to the nearest sensitive receptor there is not considered to be any adverse impacts arising from the noise or vibration from the site. Environmental Protection have reviewed the application and raised no objections subject to a condition requiring a construction management plan being submitted to protect the wider area.

#### Highways

- 8.7. The application does not propose to amend the existing site access and would provide allocated parking for 37 Vehicles (including 8 EV Space and 2 Disabled), 10 Bikes, and an area for motorcycles. The proposal also includes the addition of two dropped kerbs for pedestrians, to aid presentation movements to and from the site. The application is deemed to provide sufficient onsite parking spaces, and SCC Highways have raised no



objections to the application. Therefore, the proposal is not deemed to result in any adverse impacts upon highway safety or result in inconsiderate parking within the highway.

#### Ecology

- 8.8. The Councils Ecologist has reviewed the submitted Preliminary Ecological Appraisal and are satisfied with the conclusions of the consultant. Ness Point County Wildlife Site (CWS) is located immediately east of the application site, the CWS provides habitat for over-wintering purple sandpiper (*Calidris maritima*), due to the sensitive habitats and species in the vicinity of the site it is recommended that a Construction Environmental Management (CEMP) Plan is produced and followed to ensure that demolition and construction of the proposed development does not result in any impact on these habitats or species.
- 8.9. Natural England have also been consulted and raised no objections to the application

#### Flooding and Drainage

- 8.10. The site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for Demolition and development of warehousing and offices to store parts for off-shore renewable infrastructure, which is classified as a 'less vulnerable' development, as defined in Annex 3:Flood Vulnerability classification of the Planning Practice Guidance. A Flood Risk Assessment (FRA) has been submitted during the course of the application, which the Environment Agency have reviewed and raised no objections too.
- 8.11. The Lead Local Flood Authority have been consulted on the application, following their initial consultation they raised a holding objection as certain information required for them to provide full consideration of the surface water flooding impacts from the site had not been provided. This information has subsequently been provided to the Local Planning Authority, the LLFA have subsequently been reconsulted on this information; however, at the time of writing this report a response has not been provided. Any update on this will be provided in the update report to members. Therefore, any recommendation would be subject to receiving the response back from the LLFA. That being said, officers are satisfied that this scheme can be made acceptable in terms of drainage matters and accordingly the application can be presented to the Committee with a recommendation of approval subject to this matter being resolved.

#### Heritage

- 8.12. The nearest designated heritage assets to the site are the South Lowestoft Conservation Area, and Grade II Listed United Reformed Church on London Road North, both of which are approximately 350m west of the application site. Views of the development from within the Conservation Area may be possible, however, given the separation distance and surrounding development it is not considered by officers that the development would adversely harm the setting of any designated Heritage Asset.
- 8.13. Suffolk County Councils Archaeological Service have reviewed the application and consider them to be no significant impact on known archaeological sites or areas with archaeological potential.

## **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 National Planning Policy Framework.

## **10. Recommendation**

- 10.1. Authority to approve with conditions, as listed below; and subject to any further conditions following final consultation with the Lead Local Flood Authority (LLFA).

## **11. Conditions:**

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

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

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

- Site Location Plan, 22.08 PL1, received 24/04/2023;
- Proposed Block Plan, 22.08.PL3 Rev D, received 15/08/2023;
- Tracking Plan, 22.08.PL10, received 15/08/2023;
- Trip Generation Technical Note (Transport Statement), MA/VL/P23-2958/01TN, received 15/08/2023;
- Preliminary Geo-Environmental Risk Assessment, 91249.578989, received 10/07/2023;
- Preliminary Ecological Appraisal, Sembmarine SLP 2023-001, received 07/07/2023;
- Proposed Ground Floor Layout Plan, 22.08.PL7, received 07/07/2023;
- Proposed First Floor Layout Plan, 22.08.PL8, received 07/07/2023;
- Proposed Elevations, 22.08.PL9 Rev A, received 15/11/2023;
- Proposed Roof Plan, 22.08.PL10, received 15/11/2023;
- Flood Risk Assessment, 6885-AEA-ZZ-XX-RP-Z-2500, received 28/04/2023;
- Flood Risk Assessment - Addendum, 6885\_Hall\_Lowestoft, received 23/08/2023;
- Archaeological Evaluation, SU0559, received 21/05/2023;

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 (360 Ecology, June 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 development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

6. Prior to works above ground level an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

7. 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 contractors vehicles and delivery vehicles, including locations and times
  - A methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur.
  - Measures to contain dust from the site
  - Measure to limit noise and light from the site.

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,

and to limit impact upon the amenity of the area. This is a pre-commencement condition because an approved Management Strategy must be in place at the outset of the development.

8. The use shall not commence until the area(s) within the site shown in Drawing No. 22.08.PL3 Rev. C for the purposes of manoeuvring and parking of vehicles, including electric vehicle charging infrastructure, has been provided, and thereafter, that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway and promote sustainable modes of travel.

9. The use shall not commence until the area(s) within the site shown in Drawing No. 22.08.PL3 Rev. C for the purposes of secure cycle storage has been provided, and thereafter, the area(s) shall be retained, maintained, and used for no other purposes.

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

10. No part of the development shall be commenced until details of the proposed off-site highway improvements indicatively shown on Drawing No. 22.08.PL3 Rev. C have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to first use of the building.

Reason: To ensure that the necessary highway improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety and sustainable travel. This is a pre-commencement condition because the required details relate to off site works that need to be agreed before the development can be said to be acceptable in terms of highway capacity/safety.

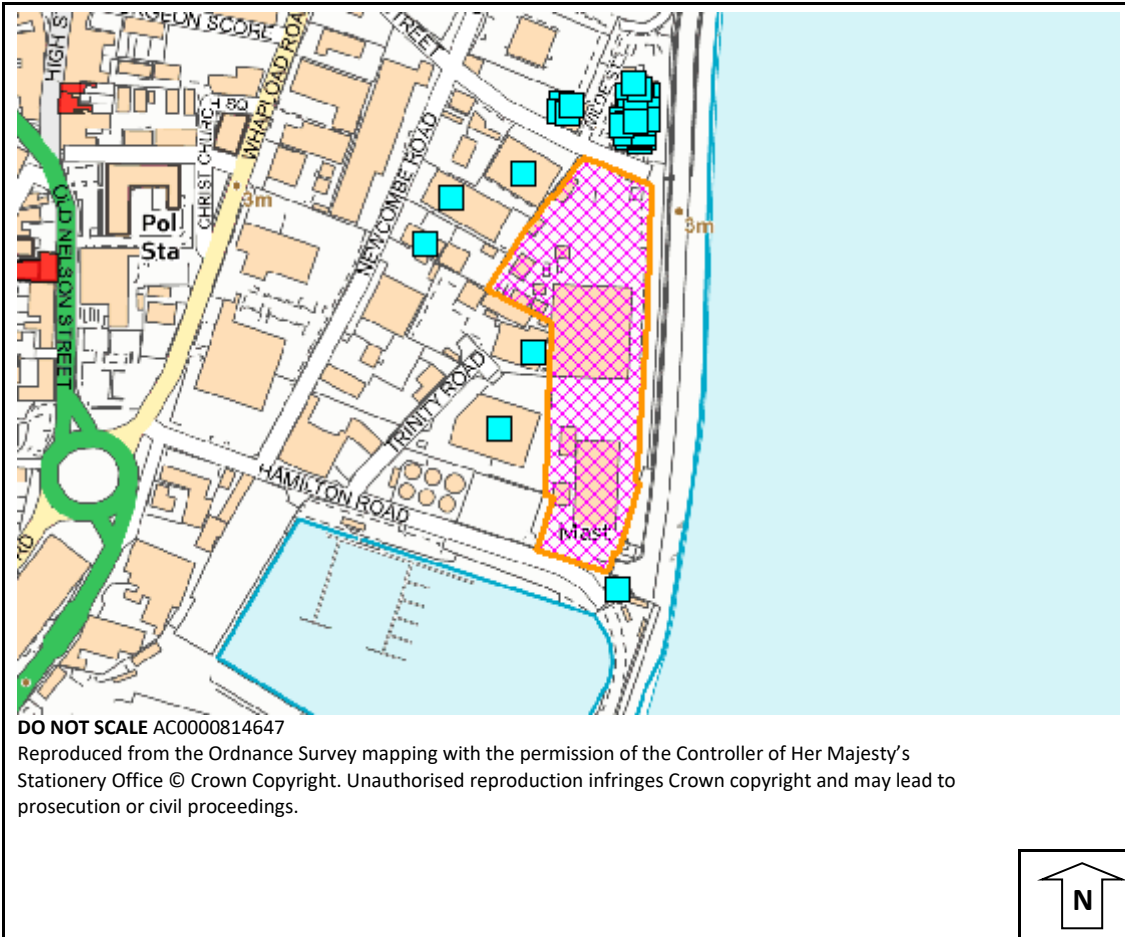
11. Before the development is commenced, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before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

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





## **Background information**

See application reference DC/23/1674/FUL on [Public Access](#)

# Map



## Key

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