



Committee Report

Planning Committee North - 9 January 2024

Application no DC/23/3977/RG3

Location

Jubilee Parade
The Esplanade
Lowestoft
Suffolk

Expiry date 28 December 2023

Application type Deemed Council Development

Applicant East Suffolk Council

Parish Lowestoft

Proposal Demolition of existing single storey cafe kiosk, store and public wc block. Proposed new two storey building with a first floor cafe. On the ground floor there will be concessions space, small kiosk, external showers, toilets, and changing places facility.

Case Officer Matthew Gee
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1. Summary

- 1.1. Planning permission is sought for development comprising the demolition of existing single storey cafe kiosk, store and public W.C. block, and the erection of a two storey building. The proposed structure will comprise concessions space, small kiosk, external showers, toilets, and changing facility (on the ground floor); and a café on the first floor. The application also includes a lift to provide access from the Upper Esplanade to the lower beach level, as well as an extension to the Lower Promenade including a projection out of the existing sea wall in front of the proposed building.
- 1.2. The proposal is considered to enhance the character and appearance of the Conservation Area and, subject to conditions, should not adversely affect the amenity of neighbouring land users. Furthermore, the proposal would provide economic benefits to the area, as well as improving accessibility from the Upper Esplanade to the Lower Promenade, and then onto the beach. The proposal is also acceptable in flood risk terms. Officers are still

awaiting comments from the Coastal Management team who have requested further information in regard to the Coastal Erosion Vulnerability Assessment (CEVA).

- 1.3. Therefore, given the above, officers consider that the proposal would comply with the relevant local and national planning policies, and as such it is recommended that planning permission be granted, subject to receipt of comments from the Coastal Management raising no objections, and with the conditions set out in this report.
- 1.4. The application is referred to the Planning Committee (North), as East Suffolk Council are both the Applicant and Landowner.

2. Site Description

- 2.1. The site is located within the settlement boundary for Lowestoft, and the South Lowestoft Conservation Area. The application site is located at the base of Kirkley Cliffs. To the west is the upper Esplanade and Kensington Gardens. To the east is the pedestrian Lower Promenade (Jubilee Parade South), and then Lowestoft South Beach. The site comprises a 1930s single storey block, containing a food kiosk; Male and Female toilets; and Volunteer lifeguard corps storage. The façade of the pavilion faces east, towards the beach.
- 2.2. The site is accessible by the public on foot from the North and South along the Lower Promenade and from the Upper Esplanade by way of an existing ramped access to the South and stair access to the North.
- 2.3. Vehicular access for emergencies and maintenance is gained from Claremont Pier to the North.

Relevant surrounding planning history

- 2.4. DC/20/1648/FUL - To demolish the concrete beach chalets 1-13 and 22-58. Work necessary to reinforce existing retaining wall and cliff face to prevent land slip and risk to the public. Closure of ramped access - Granted July 2020.
- 2.5. DC/21/1208/FUL - Replacement beach huts on two levels of jubilee parade. Total 72 beach huts, with associated platform, and access stairs. Provision of 6 accessible beach huts. - Granted May 2021.
- 2.6. DC/23/3635/RG3 - Temporary siting of WC facilities and cafe on Jubilee Parade for duration of construction works to new two storey facility. Temporary relocation of beach huts as indicated on drawings – Granted December 2023.

3. Proposal

- 3.1. Planning permission is sought for the demolition of the existing single storey cafe kiosk, store and public W.C. block, and the erection of a two storey building. The proposed structure will comprise concessions space, small kiosk, external showers, toilets, and changing facility (on the ground floor); and a café on the first floor.

- 3.2. The application also includes a lift to provide access from the Upper Esplanade to the lower beach level, as well as an extension to the Lower Promenade including a projection out of the existing sea wall in front of the proposed building.

4. Consultations

Third Party Representations

- 4.1. Two representations of objection have been received raising the following key concerns:

- Lack of seating along the promenade

Consultee Responses

Consultee	Date consulted	Date reply received
Lowestoft Town Council	17 November 2023	5 December 2023
<i>Lowestoft Town Council has considered this application and has agreed to recommend refusal. The Council are concerned there was no permission in place for the construction of the proposed new two storey building and wishes to support the response from the Environment Agency and the evaluation of the Flood Risk Assessment.</i>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	20 November 2023	6 December 2023
Summary of comments: No objections.		

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

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	20 November 2023	28 November 2023
Summary of comments: No objections to the general layout but would want to see further hard and soft landscaping details conditioned.		

Consultee	Date consulted	Date reply received
SCC Highways Department	20 November 2023	8 December 2023

Summary of comments: No objections.
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Consultee	Date consulted	Date reply received
East Suffolk Ecology	17 November 2023	8 December 2023

Summary of comments: No objections, but requested that the feasibility of these additional measures, in particular the planting of shrubs along the cliff, are explored and that they are included as part of the development proposals if they are achievable.
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Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	17 November 2023	6 December 2023

Summary of comments: No objections subject to conditions.
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Consultee	Date consulted	Date reply received
Natural England	17 November 2023	No response

Summary of comments: No objections.
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Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	17 November 2023	No response

Summary of comments: Further information requested.
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Consultee	Date consulted	Date reply received
East Suffolk Private Sector Housing	17 November 2023	No response

Summary of comments: No comments received.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	17 November 2023	24 November 2023

Summary of comments: No objections but further clarification on design requested.
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Consultee	Date consulted	Date reply received
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East Suffolk Economic Development	17 November 2023	No response
Summary of comments: No comments received.		

5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	24 November 2023	15 December 2023	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	24 November 2023	15 December 2023	Lowestoft Journal

6. Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 23 November 2023 Expiry date: 14 December 2023
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7. Planning policy

7.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* The NPPF affirms the statutory status of the development plan as the starting point for decision-making.

7.2. The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The key relevant policies of the Local Plan are listed below:

7.3. East Suffolk Council - Waveney Local Plan (March 2019) – policies:

- WLP8.18 - New Town Centre Use Development
- WLP8.24 - Flood Risk
- WLP8.29 - Design
- WLP8.34 - Biodiversity and Geodiversity
- WLP8.35 - Landscape Character
- WLP8.37 - Historic Environment
- WLP8.39 - Conservation Areas

7.4. The 2023 National Planning Policy Framework (NPPF) is a material consideration.

8. Planning Considerations

Principle

- 8.1. The Local Plan notes the importance of the tourism sector to the area's economy and sets out to generally support tourist offerings where appropriate and compliant with other Local Plan policies. Furthermore, the NPPF sets out the importance of supporting economic growth in areas and achieving well designed places.
- 8.2. The proposal includes a concessions space, a small kiosk, and café, which could be considered as Town Centre Uses. Policy WLP8.18 identifies that where there are no suitable or available sites within town centres or edge of centre sites for the proposed development, town centre use development will be permitted on out of centre sites providing:
- The location is accessible by public transport and is accessible to pedestrians and cyclists;
 - The site has good links to the Town Centre, or links can be improved; and
 - The site will not impact upon other neighbouring uses, in terms of traffic, parking, and amenity issues.
- 8.3. In this instance the proposed uses are intrinsically linked with their position along the sea front, and as such would clearly not have the same benefit were they located within the Town Centre. The application site is also well located and accessible by public transport, pedestrians, and cyclists, with good walking links to the Town Centre and no adverse impacts upon other neighbouring uses as identified within this report. Furthermore, it is noted that the café use, albeit in a different form, is currently in place within the building which is proposed to be demolished. Therefore, the application is considered to accord to policy WLP8.18.
- 8.4. Furthermore, the proposal will also provide facilities for the public including improved public amenities. Policy WLP8.22 sets out that *"Proposals for new community services and facilities will be supported if the proposal meets the needs of the local community, is of a proportionate scale, well related to the settlement which it will serve and would not adversely affect existing facilities that are easily accessible and available to the local community"*. The proposal is considered to fulfil requirement of this policy by providing a development which provides a betterment in terms of facilities to the public. Furthermore, the proposal provides significant accessibility benefits compared to the existing facilities which it is replaces.

Economic Considerations

- 8.5. As set out in the above section, the tourism industry plays a very important role both within the economy of Lowestoft and the wider economy of East Suffolk. Whilst the seafront is rightly considered the jewel in the town's crown, it is in an area of deprivation. Therefore, it is vital that innovative new concepts are created and implemented to regenerate this area. It is important to create an uplift to enhance the lives of the community and radically improve footfall and spend to grow the tourism economy. Covid-19 highlighted the need to develop services which provide a year-round experience and spread income for businesses across a 12-month period. The current proposal is one of several important projects set out within the Seafront Vision, the South Seafront

Masterplan and the Lowestoft Town Investment Plan, which aim to enable much needed regeneration. This current proposal will deliver the outcomes of the strategic objectives that are set out in the Town Investment Plan, which are to:

- Provide a town which retains and attracts young people to work and live here;
- To transform the core of the town centre and seafront to increase footfall to grow the day and evening economy and provide social space for the community and visitors; and
- To enhance facilities and the public realm to provide a safer, more attractive environment that improves the physical and mental wellbeing for the community and visitors.

- 8.6. The proposal is part of an ongoing programme of seafront improvements, that has been in development since 2018, delivering several key projects to provide an uplift to the area. The further delivery of this programme of projects will build upon the investments and improvements already made to the seafront. This will set the foundations for future growth and development that will promote the seafront further, as a destination place to increase footfall and spend.
- 8.7. The design of the pavilion has been carefully considered to respond to the local context and scale, whilst also providing significant public benefit in the form of improved accessibility and facilities, which will create a unique selling point for the town and for the district and will encourage new visitors to come to Lowestoft, which will support the towns tourism economy and encourage future inward investment and growth. It is also envisioned that this, along with the other works along the seafront, will act as a catalyst to bring forward the future ambitions for the wider economic development and regeneration of the area.
- 8.8. The East Suffolk Report 'The Economic Impact of Tourism', 2019, shows 12.5m trips to the District with an associated spend of just over £43m. The report indicates that tourism within the District continues to increase, with an increase in overall trip expenditure and local business turnover supported by tourism. Furthermore, it is accepted that post Covid-19 the domestic staycation market is likely to grow.
- 8.9. In addition, the proposal will provide short term economic gain to the area through job creation linked to the construction phase of the works.
- 8.10. For the reasons given, it is therefore deemed that the proposal would provide significant benefit to the local economy through an enhanced tourism offer, improved seafront, and resultant spend in the local economy.

Design and Heritage

- 8.11. Policy WLP8.29 sets out the local planning authorities design aspirations for new development within the local area, including that proposals should "*demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness*". With it going on to state that development should, respond to local context and the form of surrounding buildings in relation to:

- the overall scale and character
- layout
- site coverage
- height and massing of existing buildings
- the relationship between buildings and spaces and the wider street scene or townscape
- and by making use of materials and detailing appropriate to the local vernacular;

- 8.12. The site is within the South Lowestoft Conservation Area, and as such policy WLP8.39 stipulates that development within conservation areas will be assessed against the relevant Conservation Area Appraisals and Management Plans and should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area. This reflects the statutory duties of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and heritage objectives of the NPPF.
- 8.13. The site is situated within the Seafront character area of Lowestoft South Conservation Area. It is identified, along with the beach huts, as making a positive contribution to the character of the Conservation Area. This contribution is linked more to the communal value of this public building and public realm rather than any architectural merit, with the existing building design being simple and functional.
- 8.14. The Conservation Area Appraisal identifies *'the opportunity to enhance accessibility through some areas of public realm, particularly the steep slopes and steps which currently connect the Upper and Lower Promenades and are currently not suitable for wheelchair users or people with mobility issues'*. It goes on to highlight that *'there are also plans to make the South Beach accessible by wheelchair; this will be hugely beneficial to the area and enhance accessibility of this key asset within the Conservation Area, allowing for larger numbers of visitors to experience and appreciate the area. This is in line with the Lowestoft Coastal Community Seafront Strategy (2015), which prioritises accessibility of the seafront for all.'*
- 8.15. The proposal is a bold approach, both in regard to the two-level design, with protruding lift shaft to the upper esplanade, and the contemporary design of the building. It is appreciated and acknowledged that this is a departure from the traditional form of development along the seafront, but there are similar examples of structures in beach front locations across the UK. The submitted Design and Access Statement sets out the design approach, noting:

"The project will deliver a high quality design which will preserve the character and appearance of the Conservation Area. A heritage impact assessment is included in supporting of the application.

The proposal when viewed from the beach or along the South Parade is designed to have strong linear separation between the levels. It has prominent vertical columns arranged to represent the continuation of the structure of the raised floor of the beach huts to the south which was completed in 2022.

The lift shaft is an important part of the proposal not just as part of accessibility but also as a beacon for the pavilion. It will be visible from a distance and attract people to come, but will not be overbearing at the lower promenade level.

The pavilion material is chosen to be robust, sustainable for the seaside location and enhance the area. With the use of full height glazed walls, coloured glazed bricks, steel / concrete frame and a zinc clad lift tower.

The landscape elements are integral to the overall design to provide accessibility thought the site"

- 8.16. Adjacent to the application site, to the south, are beach huts which are of a contemporary angled design with a mono pitched roof. These are clad in timber boarding in a range of complementary colours. It is considered that the proposed contemporary design relates well to the modern adjacent beach huts. Planning and Conservation Officers consider that the existing single storey block, whilst a historic building at around 100 years old, has limited significance with a simple and functional appearance but is at the end of its useful life. It's replacement with a high quality, contemporary designed building with improved public amenities as proposed would enhance the character and appearance of the Conservation Area. The proposal also brings wider improvements such as accessibility, which are also a significant benefit of the scheme providing access to this part of the beachfront.
- 8.17. The nearest Listed Building to the site is within Kessingland Gardens on the opposite side of the Upper Esplanade. This is the Grade II Listed Richard Henry Reeve Memorial. The only significant visual elements of the scheme that would be seen within the setting of this listed Memorial is the lift shaft.
- 8.18. The DAS calls the lift tower the 'beacon' of the scheme. Officers note that this has an almost simple functional design with a plain grey zinc finish. But its design is essential for its operation as a lift shaft. It is also understood that ongoing maintenance costs as well as life span issues of external materials, given its exposed position, were a consideration in the proposed choice of materials.
- 8.19. Officers do note that this seems like a missed opportunity to have a more decorative element that contributes to the identity of the wider scheme given the prominence of the lift tower in views from the upper promenade and longer views. Therefore, to allow further consideration of any final detailing and/or materials, a condition is proposed to require the submission of further details. This would allow the project to proceed as required.
- 8.20. The proposal is therefore considered to result in a low level of harm to nearby designated heritage assets (Grade II Listed Richard Henry Reeve Memorial), the NPPF balancing exercise at paragraph 208 is engaged. However, given the significant economic and social benefits arising from this scheme which weigh strongly in its favour, it is considered that the minimal degree of harm is far outweighed by the benefits of the scheme.
- 8.21. This proposal is considered by officers to enhance the character and appearance of the South Lowestoft Conservation Area. There would be no harm to this designated heritage asset in conformance with the requirements of the Planning (Listed Buildings and

Conservation Areas) Act 1990. As such it is not deemed that the relevant tests of the NPPF at paragraphs 207 and 208 are not applicable.

Amenity

- 8.22. Policy WLP8.29 sets out that proposed development should, amongst other things, protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development. The proposal does represent an increase in the level of development in the area compared to the existing single storey building, which could result in an increase in activity in the area. However, this is not considered to result in such a marked increase in noise or activity in the area or have any adverse implications on people using the promenade or beach that amenity issues would result.
- 8.23. The development does have the potential to give rise to disturbance to the occupiers of residential premises along Kirkley Cliff Road due to noise and odours from the proposed kitchen facilities. The submitted document 'Control of odour & noise associated with a commercial kitchen' sets out that:
- "Strategies have been embedded into the design to consider the impact of the proposals with detail to be controlled via a suitable planning condition.*
- The ground floor café will be a small kiosk style café with a limited menu. A small kitchen will require suitable ventilation to outside and this forms part of the detailed ventilation & extraction design for the project.*
- The first-floor restaurant will have a larger commercial kitchen with the fitout undertaken by the operator, currently unknown. A strategy will be provided that sets limitations on noise control, the proposed filtration plant, its ducted route and its final discharge position."*
- 8.24. The strategy goes on to set out that potential odour sources would be cooking equipment in the restaurant kitchen and café kitchen. Filtration system design will be put in place so there is little / no residual odour. Noting that these control & mitigation measures can form part of a suitably worded condition.
- 8.25. The environmental protection team have reviewed the information and raise no objections to the principle of the development but have requested that conditions be added requiring details of all fixed plant or machinery, as well as odour control measures be submitted to and approved by the local authority prior to their installation.
- 8.26. In addition, the nearest residential property to the site is located approximately 130m from the cliff, and therefore the proposal is not considered to have any adverse impacts on the amenity of nearby residential properties, in terms of any loss of light or outlook, because of that significant separation distance. It is also considered that the proposal represents an expected seaside activity that will likely add to the vibrancy of the area, rather than causing any harm to local amenity.
- 8.27. The proposed development is deemed to be acceptable in amenity terms in accordance with WLP8.29.

Accessibility and Highways

- 8.28. The proposal does represent a potential marked increase in visitors to this locale, and therefore there is likely to be some increased vehicular activity in the area. However, there are several public car parks along the sea front, and it is not considered that the development would directly result in dangerous parking that would adversely impact on highway safety in the area. The proposal would likely bring some more visitors to the beach, but there is considered to be capacity within the local highways and parking network to accommodate any increase. The proposal also includes cycle storage for visitors to the pavilion both on the Upper Esplanade and as part of the proposed projecting lower promenade.
- 8.29. Suffolk County Highways Authority have raised no objections to the application. Officers have assessed the scheme against the requirements of the NPPF (paragraphs 114 and 115) and the sustainable transport objectives of policy WLP8.21, it is officers view that the scheme is acceptable in highways safety, parking, and accessibility terms.
- 8.30. Currently, the majority of the cliff slopes between the upper and lower promenades are not suitable for wheelchair and buggy users due to the gradient of these slopes. Currently, the nearest wheelchair accessible ramp to access Jubilee Parade is located at Claremont Pier, some 650m away. It is likely that there are many people who cannot, or find it difficult to, access this part of the lower promenade due to this barrier.
- 8.31. One of the significant benefits arising from the scheme would be the improved accessibility. This includes the installation of the lift between the Upper Esplanade and Lower Promenade. The installation of which should address several of these current challenges associated with access. Furthermore, the changing facilities at East Point Pavilion and the boardwalk near the pagoda are well used. The proposed pavilion will also include changing facilities meaning that those with mobility issues or anyone that needs to use a wheeled device, will be able to enjoy this part of the beach as well.
- 8.32. An extension of the promenade is proposed in front of the pavilion building, which would provide the following:
- A turning area for emergency vehicles
 - Additional space for seating near the concessions
 - Space for bin storage
 - Additional access to the beach by ramp and steps
 - Seating with views to the water from seating edging the raised planter or seating steps.
- 8.33. The provision of a turning area is also a key benefit of the proposal as currently emergency vehicles wishing to access this area would need to drive down and then reverse back up the lower promenade. It would also allow for increased accessibility onto the beach, providing a step free access from the Upper Esplanade to the beach. The reconfiguration of the promenade and addition of the build out will also provide an opportunity to subtly adjust the cross fall of the promenade which currently is at 3.5 - 5% which exceeds the standard which is comfortable for disabled users.

Coastal Erosion

- 8.34. A Coastal Erosion Vulnerability Assessment (CEVA) has been prepared with the submission. The Council's Coastal Management Team are currently reviewing the application but have requested further information from the applicants' agents regarding the works. As such, at the time of writing this report, no formal comments have been provided by the team. Therefore, an update will be provided within the update sheet to members before planning committee.

Flood Risk

- 8.35. The site is located in close proximity to the North Sea, and therefore part of the site falls partially within Flood Zone 3a, but when accounting for climate change there is likely to be increased flood risk in the area, and the area is defined as having a high probability of flooding. The proposal is for the demolition of an existing building and replacement with a new two-storey building including a kiosk, toilets, changing facilities, and a café, which the Environment Agency define as a 'less vulnerable' use under Annex 3: Flood Vulnerability Classification of the National Planning Policy Framework (NPPF).
- 8.36. A Flood Risk Assessment has been submitted with the application and details the potential risk from flooding including:
- The site lies partially within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
 - Finished ground floor levels have been proposed at 3.86m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 4.51m AOD. Therefore, the development is at risk of flooding internally by 0.65m depth in this event.
 - Finished first floor levels have been proposed at 7.30m AOD and therefore there is refuge for users of the development above the 0.1% (1 in 1000) annual probability flood level of 5.01 m AOD.
 - The minimum ground level at the site is 3.22m AOD and therefore maximum flood depths on site are 1.29m in the 0.5% (1 in 200) annual probability flood event including climate change. Assuming a velocity of 0.5m/s the flood hazard is a danger for most including the general public in this event.
- 8.37. Therefore, this the proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain. The Environment Agency have advised that they have no objections to the proposed development on flood risk safety grounds because the FRA states that a Flood Warning and Evacuation Plan should be prepared. Therefore, a condition will be applied that a Flood Warning and Evacuation Plan is prepared and approved by the LPA prior to first use of the building.
- 8.38. The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding. This includes that the ground floor is to be constructed from a solid concrete slab which will have a suitable washable surface with carpets avoided. The walls will also be lined using gypsum plasterboard which can easily be replaced if damaged.
- 8.39. Furthermore, all service entries shall be sealed (e.g., with expanding foam or similar closed cell material) to prevent flood water accessing service conduits. Closed cell insulation is

also proposed to be used for pipes which are below the predicted flood level. Where there is a risk of the foul water surcharging, non-return valves in the drainage system have been recommended to prevent back-flow of diluted sewage. Wiring for telephones, TVs, Internet and other services is also proposed to be protected by suitable insulation as well as the distribution ducts to prevent damage.

- 8.40. The proposal is considered compatible development with its surroundings, given the use for amenity and recreation purposes, associated with enjoyment of the seaside. Of course, by this very nature, a pavilion of the purpose proposed would be located in areas where tidal flooding is a risk. Furthermore, the site has previously been used for similar purposes, and therefore the risk is not considered significant. Sequentially it is considered that the pavilion in this location is an appropriate form of development, given the obvious need to be located close to the beach, and that the proposal is unlikely to result in increased flood risk in other areas nearby.
- 8.41. For the reasons given, the scheme is acceptable in flood risk terms in accordance with WLP8.24.

Sustainability

- 8.42. Policy WLP8.28 sets out the local plan policy approach to Sustainable Construction. Whilst this mainly relates to major development, which this development is not, it is still worth consideration. The applicant has submitted an Energy Statement in specific response to Policy WLP8.28 of the Waveney Local Plan (2019), and commitment to sustainability.
- 8.43. To compliment the building fabric improvements, several passive design solutions are proposed inclusive:
- Water efficient sanitaryware fittings to reduce water consumption
 - Variable speed pumps on all secondary circuits to reduce energy consumptions and ensuring pump operation matches demand
 - Optimisation on heating and cooling plant to ensure systems turn on/off at appropriate times based on the buildings thermal response
 - Building services zoning strategy to ensure energy is not wasted by servicing vacant areas of the building
 - On demand ventilation control linked to CO2 sensors in first floor café to ensure energy efficiency is maximised by only delivering the necessary amount of air
 - Highly efficient ventilation systems inclusive of highly efficient, low energy local mechanical heat recovery units in Café (specific fan power - 1.2 W/L/s)
 - Highly efficient, low energy LED lighting throughout inclusive of comprehensive controls and the provision of daylight dimming in spaces with direct access to natural daylight (large expanse of glazing to Sea Front elevation)
 - Metering installation to allow monitoring of major energy uses
- 8.44. The submitted Design and Access Statement sets out that *"Given that the building is located on the Coast with a relatively large flat roof, renewable technologies were considered. The first technology considered being a solar photovoltaics array as they offer proven returns in regards monetary incentives and energy generation. However following discussions with the Client, it was ruled out of the design as concerns were raised over potential issues with vandalism and also life expectancy in such an exposed location therefore have not been included."*

Other matters

- 8.45. Concerns have been raised regarding the loss of seating used in connection with the existing café use. Whilst table and chairs have been placed along the lower promenade it is understood that these are not strictly permitted. Furthermore, it is noted that there is space on the ground floor of the pavilion for some table and chairs, and the proposed planter on the promenade extension also includes a large timber seating wall which will also allow views across the beach.

9. Conclusion

- 9.1. The National Planning Policy Framework sets out the statutory status of the development plan as the starting point for decision-making and requires a presumption in favour of sustainable development. The proposal represents high-quality contemporary design that will be a positive and vibrant feature in the South Lowestoft Conservation Area. The proposed development would have no adverse impacts on the amenity of neighbouring land uses and is considered to have no adverse impacts on highway safety or pedestrian movements in the area.
- 9.2. Furthermore, the proposal is considered to bring public benefit through enhancing the tourist offer within the town and the benefits arising from associated spend in the local economy. The proposal will be a positive for the town through regeneration of a prominent seafront location, as well as providing much improved accessibility to the lower promenade and beach area. Therefore, the proposed development is considered to accord with the Development Plan and is recommended for approval.

10. Recommendation

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

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, 210 P2, received 16/10/2023;
 - Proposed Site Layout Plan, EEPT-212 P2, received 16/10/2023;
 - Landscape Layout, 0501 P04, received 16/10/2023;
 - Proposed Elevations, EEPT-301 P4, received 16/10/2023;
 - Proposed Ground Floor with Landscape, EEPT-202 P5, received 16/10/2023;
 - Proposed First Floor & Roof Plans, EEPT-203 P5, received 16/10/2023;
 - Proposed Upper Promenade with Landscape, EEPT-204 P5, received 16/10/2023;

- Coastal Erosion Vulnerability Assessment, 218414-CCL-ZZ-XX-RP-C-05000 Rev:P01, received 16/10/2023;
 - Design and access Statement, 6873 / Rev P1 / October 2023, received 16/10/2023;
 - Flood Risk Assessment and Drainage Strategy, 218414-KS-00-XX-RP-C-001 Rev:P01, received 16/10/2023;
 - Control of odour & noise associated with a commercial kitchen, EEPT-CF-ZZ-XX-RT-A-6899, received 01/12/2023;
- for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application (except for the cladding to the lift shaft) and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. Prior to first use of the building, hereby approved, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be created in conjunction with the submitted and approved Flood Risk Assessment (reference 218414-KS-00-XX-RP-C-001 and dated October 2023)

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

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

A noise rating level (LAr) of at least 5dB below the typical background sound level (LA90,T) should be achieved at the nearest noise sensitive receptor. Where this noise rating level cannot be achieved, details of any noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

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

Reason: To protect the amenity of the area.

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

Before the installation of such a system, details of -

- Type, size and location of the filtration plant, ventilation or similar equipment,
- The sizes and route of the ductwork, and

- The exact location of the final discharge point, including details of odour control and filtration equipment proposed to be fitted.

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

Reason: To protect the amenity of the area.

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

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

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

Reason: To ensure that nesting birds are protected.

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

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

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

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

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

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

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

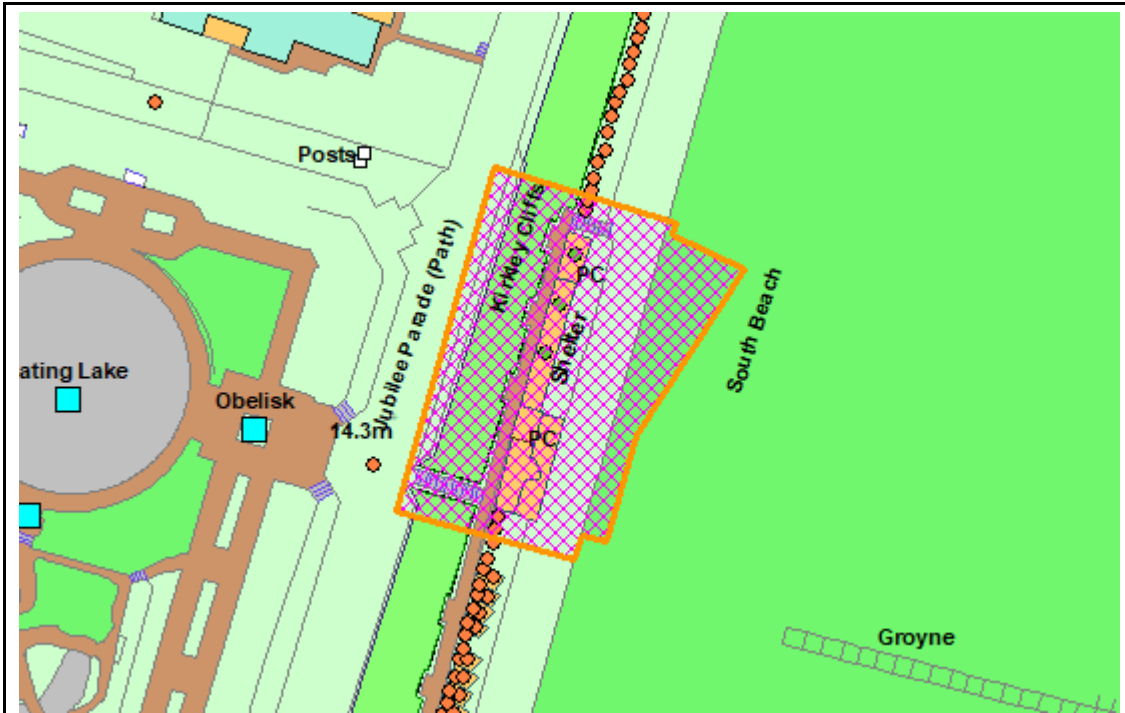
12. Prior to their first use on site, full details of the proposed cladding material to the lift shaft shall be submitted to and approved in writing by the Local Planning Authority. The lift shaft shall then be clad with the approved materials prior to its first use.

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

Background information

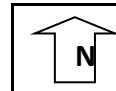
See application reference DC/23/3977/RG3 on [Public Access](#)

Map



DO NOT SCALE AC0000814647

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Key



Notified, no comments received



Objection



Representation



Support