



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Norman Brooks
Councillor Tony Cooper
Councillor Linda Coulam
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Sarah Plummer
Councillor Craig Rivett

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside, Lowestoft
on **Tuesday, 9 August 2022 at 3.30 pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://www.youtube.com/watch?v=f6-kCsl4uFg>

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

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| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Minutes
To approve as a correct record the Minutes of the Meeting held on 12 July 2022. | 1 - 12 |
| 5 | East Suffolk Enforcement Action - Case Update ES/1247
Report of the Head of Planning and Coastal Management | 13 - 30 |
| 6 | DC/22/1885/FUL - 322 London Road South, Lowestoft NR33 0BG ES/1248
Report of the Head of Planning and Coastal Management | 31 - 36 |

Part Two – Exempt/Confidential

There are no Exempt or Confidential Items for this Agenda.

Close



Stephen Baker, Chief Executive

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room,
Riverside, on **Tuesday, 12 July 2022 at 2.00 pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Sarah Plummer

Other Members present:

Councillor Stephen Burroughes

Officers present: Ben Bix (Democratic Services Officer), Joe Blackmore (Principal Planner), Sarah Davis (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Iain Robertson (Senior Planner), Ben Woolnough (Planning Manager - Development Management)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Ceresa and Rivett. Councillor Burroughes was in attendance as substitute for Councillor Ceresa.

2 Declarations of Interest

Councillors Brooks and Burroughes declared a Local Non-Pecuniary Interest in Item 8 of the agenda as Cabinet Members.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Ashdown, Brooks, Coulam, Gee, Pitchers and Plummer declared that they had been lobbied on agenda item 7 - DC/22/0891/FUL - Land to the North of Old Mill House Huntingfield, via email, and had not responded. Councillor Coulam declared that she had been lobbied on agenda item 6 - DC/21/5044/FUL - 9 Glebe Close Lowestoft, and had not responded.

4 Minutes

RESOLVED

That the minutes of the meeting held on 14 June 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1201** of the Head of Planning and Coastal Management, which was 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 27 June 2022. At that time there were 16 such cases.

There were no questions from the Committee. The Chairman stated that he was pleased to note that an Enforcement Notice had been served on Paddock 2, The Street, Lound.

RESOLVED

That the outstanding enforcement matters up to 27 June 2022 be noted.

6 DC/21/5044/FUL - 9 Glebe Close, Lowestoft, NR32 4NU

The Committee considered report **ES/1203** which related to planning application DC/21/5044/FUL. The application sought planning permission for the construction of two single storey dwellings and associated works. The application had previously come before the Committee on 10 May 2022 and had been deferred due to concerns around the amenity space provided for the proposed dwellings. The application had been referred to the Committee by the Referral Panel.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, aerial photographs were displayed, and photographs of the site were viewed by the Committee. The existing and proposed block plans and elevations were displayed to the Committee, including illustrations of the variances between the original and the amended scheme.

The material planning considerations and key issues were summarised as principle, design, amenity, highways, biodiversity and other matters. The Chairman clarified that whilst a Member had referenced another application on the site that had been refused and appealed, the Committee had to decide only the application before it.

In response to Members questions, Officers explained that when consulted, Highways had not responded on the original scheme, and made no objection; and had made no comment on the amended scheme. Car parking had been considered by Officers in accordance with County Council guidance.

The Chairman invited Lowestoft Town Councillor Wendy Brooks to address the Committee. Town Councillor Brooks said that Lowestoft Town Council (LTC) had objected to the original scheme on the site in 2017 on the grounds of vehicular access, but had not objected to the revised scheme in 2018. In 2019, LTC had declared a climate emergency and had objected to revised plans in 2021 on the grounds that two dwellings constituted over development, and loss of habitat. No mitigations had been proposed and the development was not sustainable as there was no bus service in the

area.

There being no questions to Town Councillor Brooks, the Chairman invited Mr Nourse, agent for the applicant, to address the Committee. Mr Nourse explained that the reasons for deferral by the Committee in May had been addressed in the revisions to the site layout, including the rotation of one of the proposed dwellings. Both plot sizes had been increased and the garden sizes were now suitable for family use. Highway standards would be met, and highway safety would not be compromised.

In response to questions from Members, Mr Nourse stated that each site could accommodate parking for up to four cars. Whilst Members were concerned about the potential impact of the 8 additional vehicle movements in addition to the 3 cars that could potentially park at 9 Glebe Close, the Chairman cautioned that Highways had been consulted and had not objected. The Planning Development Manager clarified that the Highways team were familiar with the East Suffolk district, and their responses to Planning consultations were informed by both technical knowledge and experience.

The recommendation to approve the application, as set out in the report, with an additional condition regarding a construction management plan, was proposed and seconded, and the Chairman moved to the vote and it was by a majority

RESOLVED

That the application be **APPROVED** subject to conditions.

Conditions

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

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

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

- Site Location and Proposed Block Plan, 18/112/03 Rev O, received 24/05/2022
- Proposed Elevation and Floor plans, 18/112/05 Rev A, received 07/03/2022 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. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include; means of enclosure; car parking layouts; hard surfacing materials. Soft landscape works shall include planting plans; schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

The approved landscaping scheme shall then be completed prior to first occupation of the dwelling, hereby approved. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

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

5. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

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

6. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highways shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

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

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

8. The use shall not commence until the area(s) within the site on dwg. no. 18/112/03 Rev. L for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has

been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

9. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/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 refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

10. Details of the areas to be provided for electric vehicle infrastructure 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 transport options

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no alteration or extension shall be carried out at first floor level, or higher, to any dwelling hereby permitted which materially affects the appearance of the dwelling, unless the prior written consent of the Local Planning Authority has been obtained.

Reason: To ensure the satisfactory appearance of the area as a whole, and protect the amenity of neighbouring residents.

12. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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 scheme must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures

identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the development is safe for future occupants and to ensure that any contamination is dealt with correctly.

13. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities
- v. Construction and working hours
- vi. Measures to control the emission of dust and dirt during construction
- vi. Measures to limit noise disruption during construction

Reason: to avoid unacceptable impact upon residential development during the construction phases

7 DC/22/0891/FUL - Land to the North of Old Mill House, Linstead Road, Huntingfield

The Committee considered report **ES/1206** which related to planning application DC/22/0891/FUL. The application sought planning permission for the conversion of three redundant barns to one dwelling. The application was referred to the Committee by the referral panel in order that a detailed discussion and debate could take place. The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, and photographs of the proposed buildings for conversion were viewed by the Committee. The Committee also viewed the existing and proposed elevations, layout and floorplans and the landscaping plan.

The Planner advised that the application was recommended for refusal due to non-compliance with Policy. The site was situated in the countryside outside of the boundary of any sustainable settlements. In the absence of conformity, the principle of residential development on the site was contrary to the Local Development Plan, including policies SCLP 3.1, SCLP 3.3, SCLP 5.3 and Policy SCLP 5.5 that dealt with the conversion of buildings in the countryside and which sought to allow limited development opportunities within areas that did not benefit from settlement boundaries. The proposal was not considered to comply with the requirements of Policy SCLP 5.5 as the principal criteria would not be satisfied: SCLP 5.5 (b) required that the building would provide a positive contribution to the landscape and (c) that the conversion would not require significant alteration to the building. The site was in an unsustainable location where access to everyday services and facilities would only be possible by car, contrary to Policy SCLP 7.1.

The Planner explained that case law in the form of the Hibbitt judgment explored the term 'conversion' and identified the extent of works that would go beyond what could 'reasonably be described as being a conversion'. Officers were of the view that the works would be significant and would amount to the rebuilding of the structures. The Planner additionally explained that the proposal did not meet the criteria for conversion to residential use under Class Q of the General Permitted Development Order. The Planner cautioned that approval of such an application could allow other similarly unsuitable structures to be converted across the district.

At the invitation of the Chairman, Members asked questions relating to:

- The alternative apparent acceptability of the site once converted on Policy grounds, for holiday let, rather than residential use
- Whether any of the existing concrete floors and materials would be suitable for the proposed conversion

The Planning Manager responded that Policy would potentially support conversion or repurposing of redundant buildings such as a garage for holiday lets, due to the tourism benefit that would be generated, in an area where there was a deficit. However, the application before Members was for a residential conversion only. Officers considered that the concrete floors appeared insubstantial, and that the proposed construction appeared to be a rebuild in nature, rather than a conversion as proposed.

At the invitation of the Chairman, Huntingfield Parish Councillor D Blackmore spoke in support of the application. Parish Councillor Blackmore said that the Parish Council had supported the application, as the village needed residential accommodation, rather than additional second homes or holiday lets. The application was the first residential development proposal for more than a decade and would be a sustainable and beneficial development. Without the development, the plot would continue to fall into disrepair or could become holiday accommodation instead, which would not benefit the community. Parish Councillor Blackmore emphasised that residents viewed the structures as agricultural buildings, that had previously been put to an agricultural use, and that the conversion would make a positive contribution to the landscape.

In response to Members' questions, Parish Councillor Blackmore clarified that much of the previously residential housing in the village had been turned into holiday lets and urged that residential development would instead benefit the community, including the church, pub and community hub.

The Chairman invited Mr Parker, agent for the applicant, to address the Committee. Mr Parker drew Members attention to the recent Badingham appeal decision which had found that a similar development had satisfied Policy SCLP5.5, as the extant building was redundant, the proposed building would provide a positive contribution to the landscape and would not require significant alteration. The design would maintain or enhance the structure, form and character of the rural building. Mr Parker explained that the proposal was so similar in nature that the Badingham appeal decision provided a precedent.

In response to Members' questions, Mr Parker said that the development would be a conversion, as the extant buildings would not be demolished, and the structure, frame and cladding would be retained where possible. The conversion would still be a single storey and the footings and floors would be made suitable during the conversion. The Badingham appeal had clarified that the redundant building need not be within the settlement boundary to be considered sustainable and did not have to have been of architectural merit.

The Chairman invited the Committee to debate the application before it.

Councillor Burroughes had noted the support of the Parish Council, along with the reasoning of the Badingham appeal decision, and considered that the application before the Committee was similar in nature. Councillor Burroughes set out how the proposal appeared to satisfy Policies SCLP 5.5, 7.1 and 7.2; in addition to NPPF paragraphs 80 and 111, insofar as:

- The site had historically been in semi-agricultural use, and it was clear that Policy referred to buildings, rather than being limited to barns.
- The proposed conversion of the redundant building would provide a positive contribution to the landscape.
- The structural engineer's report highlighted that the building was capable of being converted.
- Any effect on the natural environment would be adequately mitigated, and the primary ecological appraisals had been satisfied
- The site was served by an appropriate existing access and would not be isolated as it was next to Old Mill House.
- A residential conversion would satisfy SCLP 7.1 more so than any alternative holiday let conversion, as holiday makers would have to use their cars to access the site and visit other parts of the district.

Councillors Coulam and Gee were concerned that if the proposal was refused then the site would become dilapidated; and regarded the community support for the proposal as significant. Councillor Brooks was concerned about any future application for a holiday let conversion, in the event of refusal. Councillor Pitchers was not convinced that it would be a conversion at all.

The Planning Manager reminded Members that the Committee could only consider the application before it, and not speculate about any future alternative proposals. Furthermore, each appeal decision related to a specific case, with specific circumstances, and there were other appeal decisions that concluded differently to the Badingham case, and upheld the Council's concerns that the building could not be converted in accordance with the requirements of the Local Plan. An extract from an appeal decision at Bawdsey was read to Members as an example.

Councillor Burroughes was persuaded by the similarities to the Badingham case and was content that the application satisfied policy. Councillor Burroughes proposed that the application be approved. Councillor Brooks seconded the proposal to approve the application. Having been duly proposed and seconded, the Chairman moved to the vote on the proposal to approve the application and it was by a majority

RESOLVED

That the application be **APPROVED**

Reason: That the application demonstrated accordance with Policy SCLP 5.5; specifically i) the conversion of the redundant building would provide a positive contribution to the landscape, ii) the design maintained or enhanced the structure, form and character of the rural building, iii) the impact on the natural and ecological environment would be adequately mitigated; and iv) the site is served by an appropriate existing access.

8 DC/22/1581/ADN - 87 High Street, Lowestoft, NR32 1XN

The Committee considered report **ES/1208** which related to planning application DC/22/1581/ADN. The application sought Non-Illuminated Advertisement Consent for a mural printed onto aluminium board to be installed over a vacant shopfront. The proposed mural was of a stylised delicatessen which would maintain the existing shopfront behind. The application was referred to the Committee as the applicant and landowner was East Suffolk Council.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, and photographs of the site were viewed by the Committee. An illustration of the proposed mural, superimposed onto a photograph of the building was shown for the Committee to consider.

The material planning considerations and key issues were summarised as the impact on the conservation area, amenity, and highways.

In response to a question from a Member, it was clarified that funding had been granted by Cabinet for improvement to the area, and that the application had been brought forward by the Lowestoft Heritage Action Zone.

During debate, Members expressed concerns about the appropriateness of the design of the mural and that it featured a delicatessen rather than a shop that was more in keeping with the area. Officers clarified that the mural would be a meanwhile use of the shop front and was temporary, and cautioned that shop fronts were ever-changing, rather than of a fixed design. The Chairman requested, and Officers confirmed that they would ask that the façade above the proposed mural be tidied-up at the same time as the installation of the mural.

The recommendation to approve the application, as set out in the report was proposed and seconded, the Chairman moved to the vote, and it was by a majority

RESOLVED

That advertisement consent be **GRANTED** subject to the standard advert conditions set out below.

Conditions:

1. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.

2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Reason: as required by the Town and Country (Control of Advertisements) Regulations in force at this time.

3. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.

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

- Site Location Plan, EX-001 Rev B, received 11/04/2022
- Proposed Elevations, received 11/04/2022
- Proposed Mural, received 11/04/2022

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.

9 DC/21/4834/FUL - 36 Ashburnham Way, Lowestoft, NR33 8SJ

The Committee considered report **ES/1209** which related to planning application DC/22/4834/FUL. The application sought planning permission for a front porch extension, a two-storey side extension, and a rear extension to 36 Ashburnham Way, Lowestoft. The proposal included a comprehensive renovation of the property, encompassing the rendering and painting of the existing dwelling, and installation of vertical cedar board cladding on the two-storey extension. The existing serpentine brick wall would be replaced with a linear wall. The application was referred to the Committee as the applicant is a close relative of an East Suffolk Council employee.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location and the block plan were displayed along an aerial

photograph of the site. Photographs of the existing building and the surrounding area were viewed by the Committee along with the existing and proposed elevations. The material planning considerations were summarised as design and street scene impact, and amenity.

At the invitation of the Chairman, Members asked questions relating to:

- the replacement of the serpentine wall, as it was part of the landscape of the estate
- the potential impact that the two-storey extension would have on the footpath that ran alongside the western end of the site, and whether low-level lighting could be provided
- the appropriateness of the rendering that was proposed to be used

The Planner explained that whilst the serpentine wall had been included on the plans, its demolition and replacement would not require planning permission. The footpath that ran alongside the site was already generally dark and the extension would not cause a tunnelling effect nor make that alleyway dangerous for pedestrians. The Planner commented that it would not be desirable for a private residential dwelling to be asked to light a public footpath and it could be counterproductive in terms of amenity impact. The proposed rendering and cladding would transform the dwelling from a typical estate home to a more contemporary dwelling.

There being no public speaking on the application the Chairman invited the Committee to debate the application that was before it.

Members expressed their concerns that the well-used footpath would become dangerously dark, and potentially harmful to public safety during the winter months. The replacement of the serpentine wall with a linear wall would be detrimental to the estate, and the proposed rendering and cladding were not in keeping with the neighbouring properties.

The Planning Manager cautioned that Members concerns had been accounted for by Officers in preparing the report.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. The recommendation was proposed by Councillor Brooks, seconded by Councillor Burroughes and by a majority vote **FAILED**.

The Chairman voiced his concerns about the potential impact on public safety, particularly that the scale of the proposal would cause a tunnelling effect on the public footpath. The proposal was not complementary to local character and distinctiveness and did not have regard to the relationship between buildings and spaces in the wider street scene. An alternative recommendation therefore to refuse the application on the proposition of Councillor Ashdown, seconded by Councillor Burroughs was by a majority vote

RESOLVED

That the application be **REFUSED**

Reason: That the application conflicted with Policy WLP 8.29, in that the proposal did not complement local character and distinctiveness, did not retain an existing landscaping feature, and had not taken into account the need to promote public safety and deter crime and disorder.

The meeting concluded at 4.30 pm

Clerk's note: *After the meeting, and in response to feedback from Councillor Brooks, Officers reviewed and regularised the start-time of the Planning Committee North meetings to 2.00pm, from the September 2022 meeting.*

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Chairman

PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

9 August 2022

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 21 July 2022. At present there are 15 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column 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.

RECOMMENDATION

That the outstanding enforcement matters up to 21 July 2022 be noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	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.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	30/09/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice being sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non- 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020 • Site visited. Case currently with the Council's Legal Team for assessment. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Charging orders have been placed on the land to recover costs. 	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> Authorisation granted to serve Enforcement Notice. 13/09/2013 -Enforcement Notice served. 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months 11/07/2014 – Final compliance date 05/09/2014 – Planning application for change of use received 21/07/2015 – Application to be reported to Planning Committee for determination 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. 	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 – Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. • 13/04/2021 – Letter sent to owner to establish current situation • Given until the end of June to either comply or supply the Council with any other information • Case being reviewed. • 22/05/2021 – contact received from site owner. Case reviewed • Due to the receipt of confidential information formal action has been placed on hold. • 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period Appeal submitted. Awaiting Start date Appeal started, final comments due by 08/02/2019. 	31/08/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Waiting for decision from Planning Inspectorate. • 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. • 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use • Appeal started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with some amendments. Compliance by 11/12/2020 • Site visit to be undertaken after 11/12/20 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action. Further visit to be done on 25/03/2021. Site visit completed, Notices not complied with, file passed to Legal services for further action. 	
ENF/2015/0279/DEV	05/09/2018	North	Land at Dam Lane Kessingland	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.	<ul style="list-style-type: none"> Initial complaint logged by parish on 22/09/2015 Case was reopened following further information on the 08/12/2016/ Retrospective app received 01/03/2017. 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. 	31/08/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Notice served by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • 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. • Court hearing in relation to structures and fencing/gates 03/03/2021 • Case adjourned until 05/07/2021 for trial. Further 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>visit due after 30/04/21 to check for compliance with steps relating to lake removal.</p> <ul style="list-style-type: none"> • Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. • 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs • 12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed • Site visited on 13/08/21 all structures removed from the site. 	
ENF/2018/0543/DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway,	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 	30/08/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. • Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 • Awaiting date of hearing from Planning Inspectorate. • Hearing date set for 02/02/2021. • Hearing adjourned until 09/03/2021 • Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. • Awaiting Decision • Appeal dismissed and partial costs to the Council • Compliance with Notice by 18/08/2021 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Extension of time granted for compliance until 31/10/21. • Further extension granted until 15/11/2021. • Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered. • Certificate of Lawful Use (Proposed) application submitted. • Certificate of Lawful Use (proposed) refused. • Appeal submitted in relation to LDC refusal. Statements by 08/07/2022 	
ENF/2019/0307/CON D	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> • 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a 	25/02/2022 and 25/04/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>scheme of landscaping within 3 months.</p> <ul style="list-style-type: none"> • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022. • Awaiting Planning Inspectorate Decision 	
ENF/21/0441/SEC215	03/02/2022	North	28 Brick Kiln Avenue, Beccles	Untidy site	<ul style="list-style-type: none"> • S215 (Land adversely affecting amenity of Neighbourhood) Notice served 07/02/2022- compliance due by 11/06/2022 • Site visit undertaken on 17th June 2022 to check compliance. Site remains untidy. Internal discussion to be held regarding further action. • File passed to Legal Department for further action. 	11/08/2022
ENF/21/0051/USE	10/03/2022	North	Land West Of Guildhall Lane, Wrentham	Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential	<ul style="list-style-type: none"> • 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 	11/08/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				use /erection of structures and laying of hardstanding)		
ENF/20/0131/LISTL	17/03/2022	North	6 Upper Olland Street, Bungay	Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	<ul style="list-style-type: none"> • 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal started. Statements due by 07/06/2022 • Awaiting Planning Inspectorate Decision 	18/08/2022
ENF/21/0003/DEV	07/04/2022	North	26 Highland Drive, Worlingham	High fence adjacent to highway.	<ul style="list-style-type: none"> • 07/04/2022- Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. • Appeal submitted. Awaiting start date. • Appeal started. Statements by 30/06/2022 • Awaiting Planning Inspectorate Decision 	30/09/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/21/0408/COND	12/05/2022	South	Land at Dairy Farm Cottage, Sutton Hoo	Breach of conditions attached to DC/21/0008/FUL relating to removal of summerhouse and steps	<ul style="list-style-type: none"> 12/05/2022 – Breach of Condition Notice served. Three months for compliance 	12/08/2022
ENF/21/0027/USE	16/06/2022	North	18 The Esplanade, Lowestoft	Mobile homes for residential use	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 18/07/2022. 4 months for compliance 	18/11/2022
ENF/21/0359/CONL	16/06/2022	North	40 Victoria Street, Southwold	Insertion of a rooflight on principal elevation	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 25/07/2022. 3 months for compliance 	25/10/2022
ENF/21/0411/COND	16/06/2022	North	Paddock 2, The Street, Lound	Change of use of land for residential use and stationing of mobile home	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 18/07/2022. 4 months for compliance 	18/11/2022

Committee Report

Planning Committee North - 12 August 2022

Application no DC/22/1885/FUL

Location

322 London Road South
Lowestoft
Suffolk
NR33 0BG

Expiry date 30 June 2022

Application type Full Application

Applicant Mrs Ann Ceresa

Parish Lowestoft

Proposal Change of use from guest house and residential to solely residential.

Case Officer Matthew Gee
07901 517856
matthew.gee@east Suffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the change of use from a guest house (C1) and residential use, into a solely residential dwelling (use C3). The site is located within the settlement boundary and Conservation Area for South Lowestoft. The property has been on the market with no interest in taking it on as a guest house, and it is not considered that the loss of 3/4 bedrooms of tourist accommodation would adversely impact upon the tourism offer within the Town and wider district. Furthermore, the proposal will also result in a reduction in the demand for parking on-street, and potentially reduce the impact on neighbours due to decreased activity at the site.
- 1.2. It is therefore considered that the proposal broadly complies with the requirements set out within Policy WLP8.17, and as such it is recommended that planning permission be granted for the change of use.
- 1.3. The Town Council have recommended approval and no comments have been received from consultees or neighbouring residents.

- 1.4. The application has been referred direct to committee as the applicant is a close relative of an East Suffolk District Councillor.

2. Site Description

- 2.1. The site is located within the settlement boundary and Conservation Area for Lowestoft and comprises a semi-detached two storey dwelling with rooms in the roof. The property contains 4/5 bedrooms with 3/4 of those bedrooms generally guest rooms. The property has no on-site parking.

3. Proposal

- 3.1. Planning permission is sought for the change of use from a guest house and residential use (C1) into a solely residential dwelling (C3 use). No physical, external works are proposed, and this application relates only to the internal use of the building.

4. Consultees

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	20 May 2022	10 June 2022
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 7 June 2022. It was agreed to recommend approval of the application.		

Ward Member Comments

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	25 May 2022
Summary of comments: Cllr Byatt - Approve		

5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	27 May 2022	21 June 2022	Beccles and Bungay Journal

Category	Published	Expiry	Publication
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Site notices

General Site Notice

Reason for site notice: Conservation Area

Date posted: 27 May 2022

Expiry date: 21 June 2022

6. Planning policy

WLP8.17 - Existing Tourist Accommodation (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

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

National Planning Policy Framework 2021

7. Planning Considerations

Principle of the loss of tourist accommodation.

- 7.1. The applicant has set out that the property has been used as a guest house for several years. Whilst no record of planning permission being granted for its use as a Guest House can be found, it is clear that C1 (hotels and guest houses) is its current use class and has been for a significant period of time. Within the supporting statement it identifies that the guest house is no longer appropriate on a residential street and that parking for multiple visitors to the guest house has become an issue due to the demand for on-street parking in this location.
- 7.2. Policy WLP8.17 (Existing Tourist Accommodation) sets out that existing tourism accommodation will be protected, and that change of use will only be considered in exceptional circumstances where it can be fully and satisfactorily demonstrated that there is no demand for the tourist accommodation. This includes marketing evidence which demonstrates the premises have been marketed for a sustained period of a minimum of 12 months.
- 7.3. The property was first placed on the market in August/September 2021 and was subsequently marketed by other RCIS accredited agents in the following months. Officers consider that the value of the property was correctly derived, and evidence provided to officers of the marketing and agreements is deemed acceptable. It has also been confirmed that no reasonable offers were put forward to buy the guest house in its current form. Therefore, whilst the full 12 months of marketing has not taken place, and that marketing does not fully conform to the requirements of marketing as set out in appendix 4 of the Local Plan, it is considered that a fair and reasonable approach has been taken in this instance.

- 7.4. Furthermore, the loss of 3/4 bedrooms of accommodation is not considered to adversely impact on the tourism offer within the town, with several properties in and around the town having been granted consent for holiday lets and other associated uses.
- 7.5. It is therefore deemed that the proposal is broadly compliant with local policy WLP8.17.

Design

- 7.6. The site is located within the Conservation Area, and policy WLP8.39 sets out 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". No alterations to the external appearance of the building are proposed and therefore the proposal will have no impact on the character and appearance of the Conservation Area.

Amenity

- 7.7. Policy WLP8.29 sets out that proposals will be expected to "protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development". Whilst a relatively minor benefit, given the small-scale nature of the current use, the proposal will nonetheless result in a decrease in the number of people going to-and-from the property, and therefore the impact on neighbour amenity will be improvement. Certainly, the reversion back to a single dwellinghouse will cause no adverse amenity impacts.

Highways

- 7.8. The application site has no on-site parking, relying solely on on-street parking along London Road South. The applicant has identified this lack of on-street parking and the high levels of demand for on-street parking in the area as one of the issues with the current use as a guest house. The proposed change of use will result in a reduction in the demand for on-street parking, with the guest house likely requiring parking for approximately 5/6 vehicles when fully occupied, as opposed to the Suffolk County parking standards which would generally require parking for 3 vehicles for a 4/5-bedroom dwelling. Therefore, the reduction in the demand for on-street parking is likely to benefit local residents. This factors into the consideration and makes up for a minor 2-month shortfall of the marketing process undertaken.

8. Conclusion

- 8.1. In conclusion, the proposal is considered broadly in line with the requirements for policy WLP8.17 in terms of marketing, and it is not considered that the loss of the small scale guest house offer would adversely impact on the tourism provision with the town and wider district. There is also likely to be a minor benefit to the amenity of neighbouring residents, and the reduction in the demand for on-street parking along this section of London Road South. It is therefore considered on balance that the proposal is acceptable and planning permission can be granted.

9. Recommendation

9.1. It is recommended that planning permission be granted subject to conditions.

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - Site Location Plan, received 06/05/2022
 - Existing and proposed floor plans, received 06/05/2022for 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.

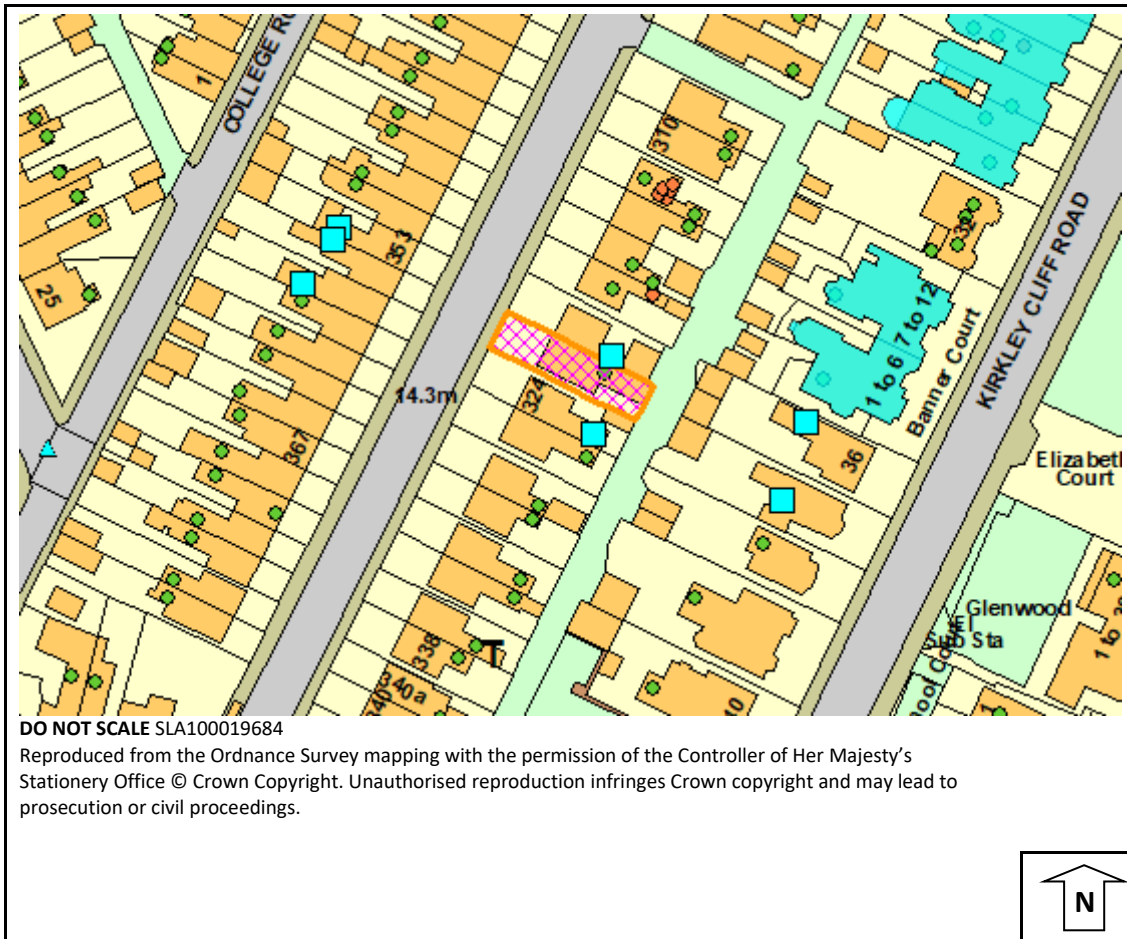
Informatives:

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





Background information

See application reference DC/22/1885/FUL on [Public Access](#)

Map



Key

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