



East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, IP12 1RT

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Jocelyn Bond
Councillor Norman Brooks
Councillor Linda Coulam
Councillor Graham Elliott
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Craig Rivett

Members are invited to a **Meeting** of the **Planning Committee North**
to be held on **Tuesday, 10 November 2020 at 2.00pm**

This meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel
at <https://youtu.be/qxZ3yzX9rFg>

An Agenda is set out below.

Part One – Open to the Public

Pages

2	Declarations of Interest	
	Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests 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.	
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.	
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Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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

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

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

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

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

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PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

10 November 2020

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 26th October 2020. 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 report concerning Outstanding Enforcement matters up to 26th October 2020 be received.

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 • 01/03/2016 – Planning Appeal 	31/12/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>dismissed</p> <ul style="list-style-type: none"> • 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. • Review site regarding day block and access after decision notice 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>released for enforcement notice served in connection with unauthorised occupancy /use of barn.</p> <ul style="list-style-type: none"> • 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 remedy sought. Verbal update to be given. 	

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"> • 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-attendance as was required in the Order of 27/03/2019. 	

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"> 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. Charging orders have been placed on the land to recover costs. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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. • Further enforcement action to be put on hold and site to be 	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>monitored</p> <ul style="list-style-type: none"> • 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. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further 	20/01/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>action.</p> <ul style="list-style-type: none"> • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 - PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served. 	

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"> 01/04/2019 – Enforcement Notice served. 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. Start date has now been received, Statements are due by 12/12/2019. Awaiting Planning Inspectorate Decision Appeal Dismissed with variations. Compliance by 20 January 2021 	
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/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> EN served on 21/12/2016 Notice becomes effective on 25/01/2017 Start date has been received. 	31/12/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Public Inquiry to be held on 08/11/2017</p> <ul style="list-style-type: none"> • Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. • 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). • Site visit to be conducted once compliance period has finished. • 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. • Site visit due on 07/01/2019. • 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. • 26/02/2019 – Update to be given at Committee. • Awaiting update from Legal. • 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Injunction was granted and the owner is required to comply with the Injunction by 03/09/2019</p> <ul style="list-style-type: none"> • 05/09/2019 – Site visit undertaken, case 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. • Charging orders have been placed on the land to recover costs. 	
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 	11/12/2020

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"> • Appeal submitted. Awaiting Start date • Appeal started, final comments due by 08/02/2019. • 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 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					11/12/2020	
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. Notice sever by recorded delivery 05/09/2018. Appeal has been submitted. Awaiting Start date. Start letter received from the Planning Inspectorate. 	30/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Statement due by 30/07/19.</p> <ul style="list-style-type: none"> • 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. 	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision 	30/11/2020

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"> • Appeal dismissed and amended. Compliance with both Notices by 13/08/2020 • Site visit conducted. Some works have been completed but due to Covid-19 pandemic work to remove refrigeration units has been delayed. Extension of time given until 02/10/2020. • Further extension of time given until 30/11/20. 	
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> • Listed Building Enforcement Notice served on 17/05/2019. • Notice takes effect on 20/06/2019. Three months for compliance • Appeal has been submitted, awaiting a start date. • Start date now received by the Council, Statements due by 12/12/2019 • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with Notice due by 21/10/2020 	21/11/2020

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 visit on 27/10/2020 to check for compliance. 	
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, 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"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • 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. 	30/03/202

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> • Breach of Condition Notice served 01/08/2019. • DC/19/4557/VOC Planning application submitted 21/11/2019 • Application refused 15/01/2020 • Currently within appeal period. • Application received DC/20/1387/AME to amend roof material. • DC/20/1387/AME approved 28/04/2020. • Team monitoring progress • Work due to commence early November 2020. 	01/12/2020
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> • Notice served 26/11/2019 • Compliance visit to be conducted when possible. • Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step. • Enquires being made to take 	30/11/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>direct action.</p> <ul style="list-style-type: none"> Contractors arranged to undertake the required work. Owner arranged for workers to undertake required work in place of Council Contractors. Site visit due to check compliance. 	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> Enforcement Notice served 10/12/2019 Awaiting site visit to check on compliance Site visit undertaken, summer house still in situ. Further action to be considered. Property has now changed hands. Contact with new owner to be established. Officers are now in contact with the new owners and are discussing a way forward. Six weeks given for summerhouse, decking and steps to be removed. 	31/12/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> 17/01/2020 – Enforcement Notice served. Appeal received. Statements due by 27/04/2020 Awaiting Planning Inspectorate Decision Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted. Judicial review dismissed. Compliance date 26/12/2020 	26/12/2020
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> 30/06/2020 – Enforcement Notice served. Appeal submitted awaiting start date. 	03/12/2020

Committee Report

Planning Committee North – 10 November 2020

Application no DC/20/1352/FUL

Location

Royal Court Hotel
146 London Road South
Lowestoft
NR33 0AZ

Expiry date 15 July 2020

Application type Full Application

Applicant Lowestoft Court Apartments Ltd

Parish Lowestoft

Proposal Redevelopment and extension of the former Royal Court Hotel to provide a café (A3) at ground level and 16 residential flats

Case Officer Joe Blackmore
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1. Summary

- 1.1 The application seeks full planning permission for the re-development and extension of the former Royal Court Hotel to provide sixteen residential flats, and a café at ground floor level.
- 1.2 The application was initially submitted seeking planning permission for twenty-nine flats and a café. The scheme has been significantly amended and reduced in response to officer feedback. The revised scheme for sixteen flats and a café is now supported by Lowestoft Town Council, and all previous objections from statutory consultees have been positively resolved.
- 1.3 The Royal Court Hotel has sat vacant for many years in a highly prominent location within the South Lowestoft Conservation Area and Kirkley District Shopping Centre. The existing flat-roofed additions to the rear, along with the tired and vacant appearance of the building, detract from the character, appearance, and vitality of the area. The proposed development would see the building brought back into a viable use with a ground floor café fronting London Road South and well-designed residential accommodation within the existing

building and new rear extensions. The remodelling and rear extensions are high-quality contemporary design that will enhance the character and appearance of the Conservation Area. The proposal will bring more residents into the town centre who will then likely spend at local shops and services. The regeneration of a key site in such a prominent location will be a significant public benefit for the town and will make an important positive contribution to the wider work of the Lowestoft South High Street Heritage Action Zone that is about to commence.

- 1.4 Officers consider that the proposed development accords with the Development Plan and represents a sustainable form of development delivering significant public benefits. Accordingly, the application is recommended favourably.
- 1.5 The application was considered by the Planning Committee (North) meeting of 13 October 2020. Members expressed concerns with the proposed development regarding the size of the units of accommodation (in terms of floor area and living conditions); bin presentation and storage areas; and car/bicycle parking provision. A decision on the application was deferred to enable officers to work with the applicant and their agent on amended plans to address those concerns raised, by the Committee.
- 1.6 Further to the item being deferred, officers have discussed the proposals with the applicant and his agent, and they are in the process of working up amended plans/drawings. At the October Committee meeting, officers had given an undertaking to bring the application back to the Committee meeting of 10 November 2020 for a decision. At the time of drafting this report, those amended plans/drawings have not yet been received by officers. However, these details will have been submitted prior to the Committee meeting, and therefore officers will report the detail of the amended scheme, to members, via the update sheet to be published on 09 November 2020. Officers will present the amended scheme, in the usual PowerPoint and verbal format, at the Committee meeting. Any amended scheme will also be published on the planning page of the Council's website, in the usual manner, as soon as possible after receipt. Therefore, the Planning Considerations section of this Committee Report is unchanged from that which was considered at the October meeting, and this report will be supplemented by the appropriate detail and assessment of the amended scheme in the update papers to be circulated to members on 09 November 2020.

2. Site description

- 2.1 The application site is located in the Lowestoft settlement boundary and the South Lowestoft Conservation Area. The site falls within the Kirkley District Shopping Centre - which is located along London Road South between Parade Road South and Lorne Park Road.
- 2.2 The Royal Court Hotel is located at 146 London Road South. The majority of the site is taken up by the former hotel building which faces west, fronting London Road South. A gated point from the road provides access to the remaining area of hardstanding at the rear of the property which has historically been used for vehicular parking. The site covers an area of approximately 0.07 ha and is bounded to the north by a vacant retail store and to the east by a private surface level car park that is used in conjunction with Hatfield Lodge Hotel. To the south lies The Kirkley Centre, a business and training venue.

- 2.3 The building is a classically proportioned, red brick building with decorated overhanging eaves. It has a tall, projecting southern chimney stack. A modern two storey flat roof extension has been added to the rear facing Wellington Esplanade. The rear elevation of the Royal Court Hotel is situated a plot width back from Wellington Esplanade. The terrace of four storey buildings adjacent to the rear of the site is noted in the Conservation Area Appraisal as being Grade II listed and buildings to the front and rear of the site are local list candidates.
- 2.4 The site lies within tidal Flood Zone 3a (according to Environment Agency mapping).
- 2.5 There is a flat saturation area a short distance south of the site; however, the site falls outside this designated area.

3. Proposal

- 3.1 As set out in the summary section, the application originally proposed a much larger scheme comprising 29 flats and a ground floor cafe. The proposals have been significantly amended and reduced. The application was formally amended by revised submission received 17 August 2020, and public consultation undertaken on the amended scheme.
- 3.2 The proposed development is for the redevelopment of the existing building and provision of sixteen flats, with a café space at ground level.
- 3.3 Car and cycle parking provision is proposed to the rear of the building in the form of eight car parking spaces, and a secure cycle parking area accommodating, potentially, up to 40 bikes via secure/covered two tier cycle racks.
- 3.4 To facilitate this development a number of physical works are proposed including the extension of the building and insertion of dormers, doors and windows. The existing building comprises 651 square metres (sqm). The new building would comprise 1006 sqm of new floor space; 74 sqm would be occupied by the café with the rest given over to residential and communal areas.
- 3.5 The overall design retains and converts the existing building to provide a number of residential units, with areas of extension provided to add additional floor space. A vertical extension on the existing rear flat roof building provides additional units with the stair core also vertically extended to allow access to this new second floor level. The main element of the rear block would be clad in a brick slip system. The new second floor and roof terrace have been stepped back, with the second floor clad in a contrasting material to recess this element against the lower brick building.
- 3.6 The two flats within the new vertical extension would have large glazed openings on the south east elevation which allows the internal spaces to open up onto their private roof gardens/ terraces.
- 3.7 Access to the new apartments and café spaces would be gained via the existing front entrance that was used in conjunction with the hotel; access to the apartments is designed with a double door entry system.

- 3.8 Of the 16 flats/apartments proposed - twelve would be 1-bed (2-person); two would be 2-bed (3-person); and two would be 2-bed (4-person).
- 3.9 On the ground floor, fronting London Road South, 74sqm of floor space would be used as a café.

4. Consultations/comments

- 4.1 In response to the original proposals (for 29 flats and a cafe) 10 letters of objection were received that raised a number of key material planning issues (inter alia):

- Doubling the height of the building will result in overlooking of nearby properties and harm to outlook.
- 29 flats is much more than the 20 previous hotel rooms.
- The accommodation is poor quality bedsit/HMO type accommodation.
- The proposals will generate significant noise.
- So many flats and a commercial use will create lots of rubbish.
- The application is 'dressed up' as accommodation for the offshore energy sector but will actually result in a poor-quality HMO.
- There are long standing problems in the area of poor-quality HMOs and social deprivation.
- There is no mechanism to secure the units to only offshore energy workers.
- No parking for 29 flats will cause problems locally.
- The development is unacceptable in the conservation area.
- Proposal will harm the character of the existing building.
- Not convinced the client base will be solely corporate lets for offshore sector.
- Over development in a flat saturation zone.
- Already local problems with bedsits and HMOs; this will add to those problems.
- Property should return to a hotel use.
- Over development of the site.
- Small unit size will attract transient tenants and bring about antisocial issues and decline in the area.
- No need for further commercial premises in this area of the town.
- This site would ideally suit a development of fewer but higher quality residential units contained within the existing building.

Three letters of support were received that raised several key material planning issues (inter alia):

- The development will bring new people working in the area to the town.
- Development will support local trade and investment into the community.
- Design should be commended.
- Parking will not be an issue for professionals employed in the offshore energy sector, as their vehicles can be parked at the docks for the duration of their work trip.
- The development will free up other houses for long term residents/families that are currently being rented to businesses.

- 4.2 In response to the amended proposals for sixteen flats and a cafe, one previous objector has submitted a letter to state that, after reviewing the amended plans, they withdraw their

objection. Another previous supporter has reiterated their support for the amended scheme.

Three further letters of objection have been received that raise several key material planning issues (inter alia):

- Overdevelopment of the site and only 8 parking spaces is inadequate.
- The proposal has no outdoor space, limited parking, and limited bin space.
- No parking provided and parking on nearby streets is not an option.
- The grey annex at the back should be pulled down to allow for parking.
- It is unclear who the residents will be, and the result could be a HMO.

5. Consultees

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	16 April 2020	14 May 2020
Summary of comments: The Planning and Environment Committee considered this application at a meeting on 12 May. It was agreed to recommend approval of the application.		

Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	5 June 2020	25 June 2020
Summary of comments: Concerns with the design of the scheme and impact on the conservation area.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	5 June 2020	25 June 2020
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	5 June 2020	11 June 2020

Summary of comments: Recommend approval.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	16 April 2020	18 May 2020

Summary of comments: Holding objection due to lack of parking provision.

Non statutory consultees

Consultee	Date consulted	Date reply received
Economic Development (Internal)	N/A	30 April 2020

Summary of comments: Support the application.
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Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	5 June 2020	6 July 2020

Summary of comments: Internal planning consultee. See planning considerations section.

Consultee	Date consulted	Date reply received
Design Council	16 April 2020	No response

Summary of comments: No response.

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	16 April 2020	No response

Summary of comments: No response.

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	16 April 2020	29 April 2020

Summary of comments: No objections.
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Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	16 April 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
CIL (Internal)	16 April 2020	17 April 2020
Summary of comments: Internal planning consultee; see planning considerations section.		

Consultee	Date consulted	Date reply received
Police - General	16 April 2020	21 April 2020
Summary of comments: Advice given.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	N/A	27 August 2020
Summary of comments: No objections. No archaeology conditions required.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
CIL (Internal)	20 August 2020	4 September 2020
Summary of comments: Internal planning consultee; see planning considerations section.		

Consultee	Date consulted	Date reply received
Design Council	20 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
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Design And Conservation (Internal)	20 August 2020	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	20 August 2020	20 August 2020
Summary of comments: No objections. See previous comments.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	20 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	20 August 2020	No response
Summary of comments: See previous comments.		

Consultee	Date consulted	Date reply received
Historic England	20 August 2020	28 August 2020
Summary of comments: No objections to amended plans.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	20 August 2020	24 August 2020
Summary of comments: No objections. Conditions recommended.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	20 August 2020	9 September 2020

Summary of comments:
The Town Council's Planning and Environment Committee considered this application at a meeting on 8 September 2020. It was agreed to recommend approval of the application.

Consultee	Date consulted	Date reply received
Police - General	20 August 2020	No response

Summary of comments:
No response.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	20 August 2020	25 August 2020

Summary of comments:
Recommend approval.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	20 August 2020	14 September 2020

Summary of comments:
Holding objection removed. Conditions recommended.

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	20 August 2020	No response

Summary of comments:
No response.

6. Publicity

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

Category Major Application	Published 28 August 2020	Expiry 21 September 2020	Publication Beccles and Bungay Journal
Category Listed Building	Published 28 August 2020	Expiry 21 September 2020	Publication Lowestoft Journal
Category Affects Setting of Listed Building	Published 24 April 2020	Expiry 18 May 2020	Publication Lowestoft Journal

Category	Published	Expiry	Publication
Affects Setting of Listed Building	24 April 2020	18 May 2020	Beccles and Bungay Journal

7. Planning policy

National Planning Policy Framework (NPPF)

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019)

WLP2.1 - Central and Coastal Lowestoft Regeneration (East Suffolk Council - Waveney Local Plan (March 2019)

WLP2.12 - Kirkley District Shopping Centre (East Suffolk Council - Waveney Local Plan (March 2019)

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

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.4 - Conversion of Properties to Flats (East Suffolk Council - Waveney Local Plan (March 2019)

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

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

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

WLP8.20 - Local Shopping Centres (East Suffolk Council - Waveney Local Plan (March 2019)

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

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan (March 2019)

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

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan (March 2019)

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

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

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

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

8. Planning considerations

Policy Background

- 8.1 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."* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-taking.
- 8.2 The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

Principle of Development

- 8.3 The application site is located within Lowestoft settlement as defined in the Local Plan. Local Plan spatial strategy policies WLP1.1 and WLP1.2 set out, broadly, that new development should generally be directed to within the defined settlement boundaries, with the majority of development over the plan period allocated to Lowestoft as the largest town in the District. The principle of residential development, in that context, is entirely supported by the Local Plan.

Change of Use and Kirkley District Shopping Centre

- 8.4 Policy WLP8.17 of the Local Plan seeks to protect existing tourism accommodation from change of use to residential. Changes 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.
- 8.5 Policy WLP2.12 relates to the Kirkley District Shopping Centre and sets out that new town centre use development will be permitted within this area where the scale and function is consistent with the role of the District Centre and not harmful to the vitality and viability of the town centre. Although now superseded due to recent Government changes to the Use Classes Order, the desired ground floor uses in this area include A class uses such as retail, financial and professional services, cafes, and restaurants etc.

- 8.6 The proposal seeks to introduce a ground floor café use into the District Centre and this is supported by WLP2.12 which clearly sets out to promote new restaurant and café uses in the area. The provision of a café would enhance the commercial offer in this location, and it would not detract from Lowestoft Town Centre.
- 8.7 The Royal Court Hotel was first put up for sale in 2009, and was marketed again in 2011, with reportedly little interest aside from as a residential development opportunity. The property was marketed by Steel & Co from 2016 to its point of sale in 2019, although the developer has clearly purchased the property with the intention of change of use. Whilst the marketing information provided with the application submission is limited, it is clear that the building has not been in a tourism/hotel use since 2009 and has been subject of extensive marketing for that consented use over the last eleven years. The building has sat vacant throughout most of this period which does detract from the vitality and appearance of the area. Proposals to bring the building back into a viable use, with commercial floorspace at ground floor level, fronting onto London Road South, will bring significant benefit to the area. Given the length of time that a hotel has not viably operated at the site, any 'loss' of tourism accommodation does not weigh significantly against the application, and the regenerative benefits from its development would far outweigh that limited conflict with WLP8.17. That the proposal meets other policy objectives for the District Centre, in terms of WLP2.12, again supports the comprehensive re-development proposal. There is also the added benefit that future residents of the development will likely spend in the local economy, further enhancing the vitality and viability of the area.
- 8.8 Within the initial proposals, the applicant's intention was to provide the accommodation for workers in the offshore energy sector. Whilst that is an idea with merit, officers raised concerns that there was no realistic way to ensure the accommodation was solely for that demographic. And then, there was concern over the future use of the accommodation should that sector change, and the flats no longer needed. The amended proposal, therefore, is residential accommodation that *could* be for offshore energy workers but, irrespective of that, it is accommodation designed to endure and meet the needs of all future occupiers in terms of amenity space and functionality. Officers consider that this is the correct long-term strategy for this area where there has been a history of substandard HMO and bedsit-type accommodation bringing problems of crime and anti-social behaviour. The nature of the spacious flats and functional ancillary space makes it unlikely the building use would deteriorate into that which would harm the vitality of the area.
- 8.9 For the reasons given, the change of use is considered to be acceptable and in accordance with WLP8.17 and WLP2.12, when read collectively.

Design and Heritage Considerations

- 8.10 The South Lowestoft Conservation Area and the Grade II Listed Post Office building are designated heritage assets. The starting point for heritage considerations is the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act").
- 8.11 For Conservation Areas, the statutory duty under s.72 of The Act is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

- 8.12 For listed buildings, s.66 of The Act imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The duty is engaged when the local planning authority is considering whether to approve development which affects a listed building or its setting.
- 8.13 These statutory duties are reflected in national and local planning policy. The NPPF identifies conservation and enhancement of the historic environment as an important element of sustainable development. Paragraph 184 of the NPPF makes clear that heritage assets are *"an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*
- 8.14 Paragraph 189 says that when determining planning applications, *"local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*
- 8.15 NPPF paragraph 192 sets out that, *"in determining planning applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness."*
- 8.16 The NPPF at paragraphs 193 and 194 requires planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. It is also clear that *"any harm or loss should require clear and convincing justification."*
- 8.17 The NPPF paragraph 196 sets out that:
- "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
- 8.18 In the case of non-designated heritage assets (NDHAs), paragraph 197 of the NPPF says that the effect of a proposed development on their significance should be taken into account, and that where a development would affect a non-designated heritage asset either directly or non-directly, *"a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
- 8.19 The NPPF at Paragraph 200 highlights the opportunity for local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that therefore preserve those elements of the setting that make

a positive contribution to or better reveal the significance of the asset should be treated favourably.

- 8.20 The statutory duties of The Act, and heritage objectives of the NPPF, are also reflected in the Historic Environment section of the Local Plan - policies WLP8.37 (Historic Environment); WLP8.38 (Non-Designated Heritage Assets); and WLP8.39 (Conservation Areas). Policy WLP8.29 (Design) promotes high quality design.
- 8.21 To support the amended proposals, the applicant has submitted a Heritage Statement that assesses the impact on: the South Lowestoft Conservation Area; Nos. 9, 10 and 11 and Eastleigh Waterloo Road (Grade II listed building); and Victoria House, and St Georges House and Gresham House (non-designated heritage assets/locally listed buildings). The Heritage Statement is comprehensive and complies with the NPPF requirement.
- 8.22 The Royal Court Hotel lies within the London Road South character area of the South Lowestoft Conservation Area. It is not mentioned within the character statement, but it is a classically proportioned, red brick building in English Bond with decorated overhanging eaves. It has a tall, projecting southern chimney stack. A modern two storey flat roof extension has been added to the rear facing Wellington Esplanade. The rear elevation of the Royal Court Hotel is situated a plot width back from Wellington Esplanade which is explained by the presence, on historic maps, of a building which has been long since demolished. The land is now used as a car park for an adjacent business.
- 8.23 The character of the South Lowestoft Conservation Area reflects the development of the late Georgian/early Victorian seaside resort. Much of the building occurred with Peto's development of Lowestoft as a pleasure resort and the coming of the railway to the town in the 19th century. London Road South developed as the commercial centre of South Lowestoft with many houses being converted to commercial use and rows of tall townhouses being built along Wellington Esplanade to take advantage of the sea views.
- 8.24 The significance of this building and site therefore lays in its architectural design, reflecting the fashion of the period and the predominant style within the conservation area. Its position close to the heart of the 19th century expansion of the town illustrates the town's development as a pleasure resort.
- 8.25 Whilst the original building has character, its current vacant appearance detracts from the significance of the conservation area. To the rear, the site is very prominent from Wellington Esplanade and presents unsightly flat roofed additions; hard surfaced car park; and poor-quality boundary enclosure. From this perspective, the site seriously detracts from the significance of the conservation area.
- 8.26 It is proposed to convert the red brick building on London Road South to a café venue on the ground floor and use part of the ground floor - and all of the upper floors - as residential accommodation. An extension fronting Wellington Esplanade would be used as residential flats.
- 8.27 The conversion and reuse of the building fronting London Road South would involve restoration work, in particular to the windows. This, subject to appropriate detailing, is likely to result in an enhancement to the character of the building and, to the conservation area.

The additions of dormers in the roof slope is not unusual in buildings of this type and, subject again to details, is acceptable.

- 8.28 The new development to the rear of the site looks out over the existing car park and onto Wellington Esplanade. The site is extremely visible from this road. The new extension has been significantly amended and reduced in scale since first submission. A vertical extension on the existing rear flat roof building provides additional units with the stair core also vertically extended to allow access to this new second floor level. This also provides the opportunity to insert a vertical break in the elevation and visually separate the existing building from the reconfigured rear block, using a contrasting cladding material. The main element of the rear block would be clad in a brick slip system, with a brick to complement the existing light/buff brick on the corner/rear of the original building. The new second floor and roof terrace have been stepped back to reduce the overall massing of the building, with the second floor clad in a contrasting material to recess this element against the lower brick building. The two flats within the new vertical extension benefit from large glazed openings on the south east elevation which allows the internal spaces to open onto their private roof gardens/terraces.
- 8.29 The proposal represents good design in accordance with WLP8.29 (Design) that will enhance the appearance of the building within the conservation area, thereby enhancing the significance of this designated heritage asset and the setting of nearby listed buildings. There would be no harm to any designated or non-designated heritage assets arising from this development proposal, which would accord with the historic environment objectives of the NPPF and Local Plan policies WLP8.37, WLP8.38 and WLP8.39. As no harm would arise, the balancing test of NPPF paragraph 196 is not engaged for decision-taking.

Residential Amenity

- 8.30 In terms of local living conditions, the site is located within a busy urban area and the introduction of sixteen flats and a café is unlikely to bring significant impact. The new extension would be flanked by deeper plan development to the north and south, and then new upper floor (west facing) windows and outdoor spaces would provide an outlook not dissimilar to the existing situation. This would allow for some overlooking of the rear of properties on Wellington Esplanade, but with back-to-back building separation distances of over 20 metres, such overlooking would not be unacceptable in the urban context.
- 8.31 The scale and massing of the building has been significantly reduced since the first submission, and the result is that the development – particularly the rear additions – are well related to the built context. The development would not be overbearing to neighbouring property.
- 8.32 The mix of café use and residential flats could bring some disruption to future occupants of the development. Therefore, a condition is recommended to restrict the café public opening hours to ensure that any disruption is limited to daytime hours. There is no extract or ventilation equipment proposed for the café use, which will not likely bring significant noise and odour, in any case. Officers recommend though that permitted development rights for changes of use of the commercial space be removed on any grant of planning permission, to ensure that commercial use on the ground floor is compatible with the residential use of the development.

- 8.33 For the reasons given, the amenity impact of the development is acceptable in accordance with Local Plan Policy WLP8.29.

Affordable Housing and Vacant Building Credit (VBC)

- 8.34 Local Plan Policy WLP8.2 sets out that new housing developments over eleven dwellings must make provision for a proportion of the total dwellings to be affordable housing. In the Lowestoft area such developments must provide 20% affordable housing.
- 8.35 However, in accordance with NPPF paragraph 63, the National Planning Practice Guidance sets out that:
“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”

- 8.36 The former Suffolk Coastal and Waveney DC’s published a VBC Advice Note that provides guidance on how the Council will apply the VBC:

“The vacant building credit will only be applied where the building has not been abandoned and has not been demolished prior to the date when an application has been validated.

The national guidance does not specify how to calculate floorspace. For consistency Gross Internal Area (GIA) will be used for both vacant and proposed floorspace.

The NPPG does not provide a definition of “vacant building” so the two Council’s will apply the CIL definition, which is a building that has not been in continuous use for any 6 month period during the last 3 years. This means the whole building must have been vacant, not just a single planning unit or part of the building. The building must be vacant at the time the application is validated for the VBC to be applied. This approach has been used by a number of councils across the country.

In addition it will not apply in situations where there is a valid live consent on the site, or where consent has recently lapsed, or where a site has had an application considered since the reintroduction of the guidance in the NPPG and the VBC was not sought.”

- 8.37 The applicant has supplied information within their updated Planning Statement to cover this. The building has been vacant for at least three years and it has not been in any continuous use for any 6-month period during the last three years. The building was vacant at the time the application was validated, and there is no live or recently elapsed consent for development. Accordingly, the VBC applies to the Royal Court Hotel site and therefore needs to be calculated to determine any affordable housing requirement arising from the proposed development.

- 8.38 The process to calculate the VBC is:

- Calculate the Gross Internal Area (GIA) floorspace of the existing building/s as a proportion of the proposed GIA floor space of the proposed redevelopment to give the

Credit Proportion (Note: for wholly residential schemes this will be the total GIA of all proposed dwellings, for mixed use schemes the GIA of the proposed future residential elements only will be used).

- All calculations will be rounded to the nearest square metre.
- Apply this Credit Proportion as a reduction to the Affordable obligation.
- Where a VBC calculation results in a part dwelling requirement this will be rounded up to the next whole affordable dwelling, e.g. 1.25 affordable dwellings after VBC has been applied will be rounded to 2 whole affordable dwellings.

8.39 In terms of the current application site, the VBC calculation is as follows:

Existing GIA (sq.m.) = 651

Proposed residential GIA (sq.m) = 932

Existing ÷ Proposed = 0.698

20% Affordable Rate on 16 units = 3.2 units

Reduction = (0.647 x 3.2) = 2.235

3.2 units – 2.235 units = 0.965 affordable dwellings required

8.40 With the application of the VBC, therefore, just under one affordable dwelling would be required on this development proposal. The 0.965 figure would be rounded up to 1 as the nearest whole number.

8.41 A single affordable dwelling within the development, above and adjacent to a commercial unit, is not likely to be attractive to a Registered Social Landlord. Normally, for management reasons, RSL's affordable housing stock is grouped and on a single site they would look to take on more than a single dwelling. On that basis, the residual affordable housing requirement of one dwelling can be provided for in the form of a commuted sum to fund the provision of offsite affordable housing in the District. This would need to be secured by S106 legal agreement prior to any planning permission being granted.

8.42 With the application of the Vacant Building Credit, and the residual affordable housing requirement delivered in the form of a commuted towards off-site affordable housing, via a S106 agreement, the proposed development would accord with Local Plan Policy WLP8.2.

Flood Risk and Surface Water Drainage

8.43 The site is located within Environment Agency (EA) Flood Zone 3a – this is an area identified as having a high probability of flooding. The application is therefore supported by a site-specific Flood Risk Assessment (FRA).

8.44 Local Plan policy WLP8.24 relates to flood risk and sets out, amongst other things, that:

“Development proposals should consider flooding from all sources and take in to account climate change. Proposals at risk of flooding (taking in to account impacts from climate change) should only be granted planning permission if it can be demonstrated that:

- *There are no available sites suitable for the proposed use in areas with a lower probability of flooding;*
- *The development provides sustainability benefits which outweigh flood risk; and*
- *A site specific flood risk assessment has been submitted which demonstrates that the flood risk can be satisfactorily mitigated over the lifetime of the development. This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere including on the natural environment.*

New residential development on sites not allocated in this Local Plan or a Neighbourhood Plan will not be permitted on sites at risk from flooding.”

8.45 As the proposal is for residential development in flood zone 3a, the EA has been consulted. The EA raise no objection to the proposals as follows:

“Thank you for your consultation dated 5 June 2020. We have reviewed the application as submitted and have no objection because the site is currently defended and the SMP policy for this area has an aspiration for hold the line.”

8.46 The NPPF seeks to mitigate the risk of flooding by restricting vulnerable new development (such as housing) within areas at risk from flooding. It does this by requiring development proposals in areas at risk from flooding to be subject to a sequential test where it has to be proven there are no suitable areas of land with a lesser risk of flooding and an exception test which identifies sustainability benefits of development and ensures the development is safe for its lifetime. However, these tests are not applicable to the current proposal because it involves the change of use of an existing building. It should also be noted that the consented use for the building is that of a hotel which, in flood risk terms, is a ‘more vulnerable’ development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. The proposed residential use is the same category of vulnerability.

8.47 The site-specific FRA recommends a number of measures that can be incorporated into the development proposal to ensure that, irrespective of ‘hold the line’ flood defences in the future, the development can be made safe and account for climate change. Officers recommend a pre-commencement condition be applied to any permission granted, in order to secure the final, precise details of the flood risk mitigation and evacuation measures that are to be incorporated into the development.

8.48 The FRA also details strategies for surface water drainage that would be acceptable to the Local Lead Flood Authority.

8.49 The proposal is acceptable in accordance with the objectives of WLP8.24 and the NPPF.

Ecology and Habitats Regulations

8.50 The Habitats Regulations Assessments (HRAs) of the Suffolk Coastal District Council Core Strategy and Development Management Policies Development Plan Document (2011 and 2013) and the Waveney District Council Local Plan (2019) identified that increased levels of residential development would have a Likely Significant Effect (LSE) on Habitats sites

(European designated sites) on the Suffolk coast. The LSE is predicted to arise from increased levels of recreational use resulting from residents of new development. This would be an in-combination effect as a result of the total amount of new housing growth in the district.

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

9. Conclusion

- 9.1 The application was initially submitted seeking planning permission for twenty-nine flats. The scheme has been significantly amended and reduced in response to officer feedback. The revised scheme for sixteen flats and a café is now supported by Lowestoft Town Council, and all previous objections from statutory consultees have been positively resolved.
- 9.2 The Royal Court Hotel has sat vacant for many years in a highly prominent location within the South Lowestoft Conservation Area and Kirkley District Shopping Centre. The existing flat-roofed additions to the rear, along with the tired and vacant appearance of the building, detract from the character, appearance, and vitality of the area. The proposed development would see the building brought back into a viable use with a ground floor cafe fronting London Road South and well-designed residential accommodation within the existing building and new rear extensions. The remodelling and rear extensions are high-quality contemporary design that will enhance the character and appearance of the Conservation Area. The proposal will bring more residents into the town centre who will then likely spend at local shops and services. The regeneration of a key site in such a prominent location will be a significant public benefit for the town and will make an important positive contribution to the wider work of the South Heritage Action Zone that is about to commence.

- 9.3 Officers consider that the proposed development accords with the Development Plan and represents a sustainable form of development delivering significant public benefits. Accordingly, the application is recommended favourably.

10. Recommendation

- 10.1 Authority to Approve, subject to a S106 legal agreement being signed to provide a per-dwelling contribution to fund the Suffolk (Coast) RAMS, and a commuted sum to fund off-site affordable housing.
- 10.2 If the S106 Agreement is not signed within six months of the resolution to grant permission, or a revised timescale for such agreed in writing with the LPA, then permission be refused due to the impact on designated (habitats) sites and lack of affordable housing provision/contribution.

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 carried out in accordance with the following approved plans/documents: Drawing Nos. 1854-00-10, -1854-00-11, 1854-00-12, 1854-00-13, 1854-00-14 received 18 August 2020; and Site Location Plan Drawing No. 1726-002, received 31 March 2020.

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

3. No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the approved development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of good design. To ensure that final finish is of a high-quality and will preserve and/or enhance the Conservation Area.

4. No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

These details shall include: any means of enclosure; areas to be provided for the secure, covered and lit cycle storage; parking layouts; the areas and infrastructure to be provided for the manoeuvring and parking of vehicles including electric vehicle charging points and powered two wheeled vehicle provision; hard surfacing materials; bin storage areas; and any other minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise approved by the local planning authority.

Reason: to secure a well-designed functional layout for the external areas of the site that provides for multiple modes of sustainable transport in accordance with Local Plan policies WLP8.29 and WLP8.21.

5. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until an assessment of UXO (unexploded ordnance) risk is undertaken. The assessment must be taken by a competent person and conform with current guidance and best practice.

Reason: In the interest of ensuring construction works can be undertaken safely; a precautionary approach is required.

6. Prior to commencement of development, plans and details shall be provided to show how the recommended Flood Risk Mitigation and Evacuation measures outlined in Chapter 6 of the submitted Flood Risk Assessment (MARCH 2020 REPORT REF: 2484/RE/03-20/01) are to be precisely incorporated into the development. Thereafter the development shall be carried out in accordance with the approved details.

Reason: to ensure the new residential accommodation is resilient to tidal flood risk for the long term accounting for climate change, in accordance with Local Plan policy WLP8.24.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.

8. The ground floor commercial space (as shown on Drawing No. 1854 00 11) shall only be used as a café.

The area shall not be used for any other purpose within use Class E (Commercial, business and service uses) of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 unless expressly permitted in writing by the local planning authority.

Reason: in the interest of the amenity of residents above the café; and to ensure that the ground floor commercial use accords with the policy objectives for the Kirkley District Shopping Centre.

9. The ground floor cafe use hereby permitted shall not be open to customers outside the following times:

- 07:30 to 18:00 (Mondays to Saturdays)

- 08:30 to 17:00 (Sundays and Bank Holidays)

Reason: in the interest of the amenity of residential occupants of the building.

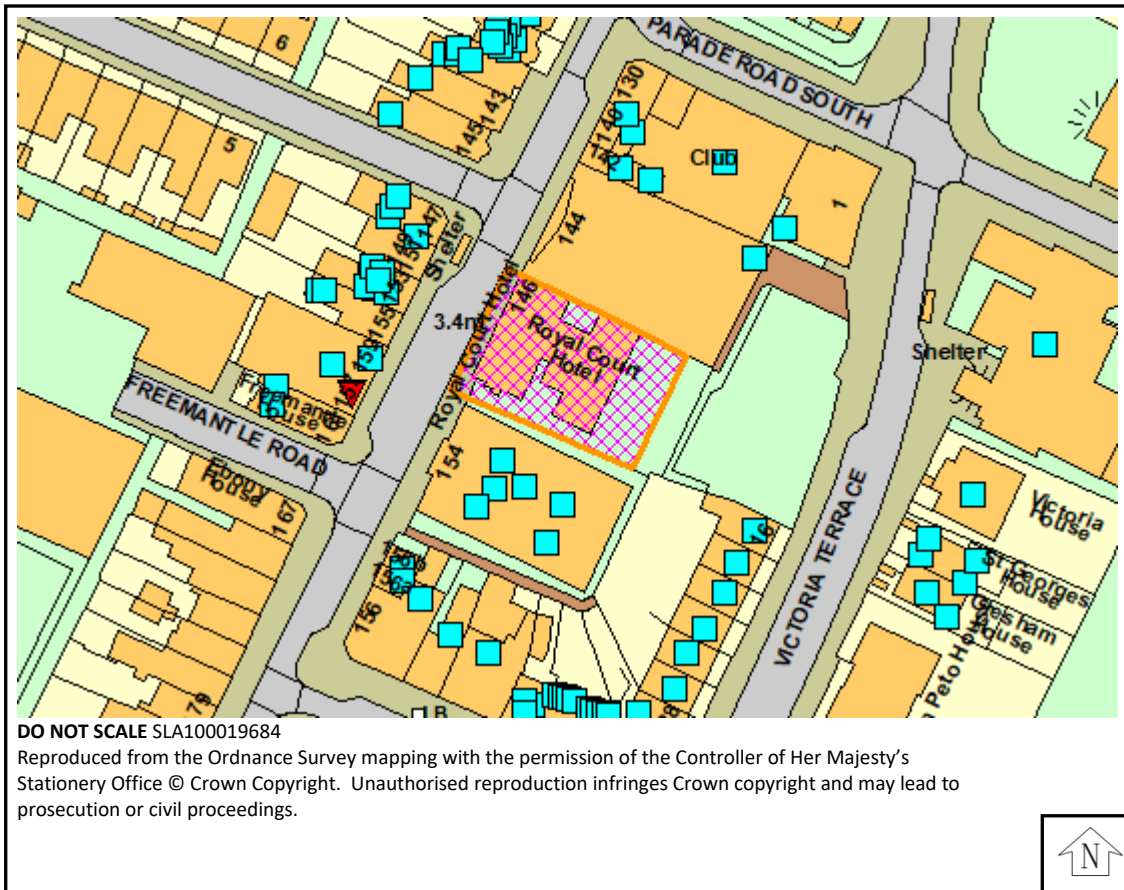
Informatives:

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 Papers

See application reference DC/20/1352/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North – 10 November 2020

Application no DC/18/0789/FUL

Location

Car Park And Adjacent Land At
Links Road
North Denes
Lowestoft
Suffolk
NR32 4PQ

Expiry date 16 April 2018

Application type Full Application

Applicant Peter Colby Commercials Ltd

Parish Lowestoft

Proposal Construction of a restaurant/cafe with public toilets and play area

Case Officer Melanie Seabrook

Melanie.Seabrook@eastsuffolk.gov.uk

1. Summary

- 1.1 The application seeks planning permission for a single storey café, with play area and toilet facilities to be located adjacent to the car park on Links Road. Links Road is a popular area within the town serving dog walkers and nature enthusiasts who visit the adjacent nature reserve. Links Road is accessed via Gunton Cliff, the southern portion of which is partially within the North Lowestoft Conservation Area; however this does not include the Denes area subject to this application although it is designated as public open space within the adopted East Suffolk (Waveney) Local plan 2019.
- 1.2 Members considered the application at the Planning Committee Meeting of 19 December 2019, resolving to grant authority to approve subject to the submission of further ecological and contaminated land assessments to officer agreement. Further negotiations have taken place between officers and the applicant in the intervening period regarding matters of contaminated land and ecology. However, as these issues have not been addressed through the required survey work, the application has been returned to Committee, with the

recommendation for refusal due to insufficient information regarding ecological impacts and ground contamination investigation. These matters cannot be dealt with by planning conditions, in this instance, because of the interrelationship between potential remediation works and ecological impacts – all of which need to be understood prior to any planning permission being granted.

- 1.3 As noted in the December 2019 Committee Report (see appendix 1 for a copy) there are a number of issues surrounding this site including the civil covenant which, although not a material planning consideration, but a civil matter, remains an area of concern particularly given the 'Note of Implementation' that was instigated by the then Waveney District Council in 2012 following issues arising from the extension of the North Denes Caravan Park to the south of this site. The 'NOI' confirms the use of the land as public open space with the Denes area being transferred to the ownership of Lowestoft Town Council upon their creation. As landowners they have the final agreement as to consents to use the land; however they have objected - and continue to object - to the proposed café for a number of reasons and have stated that if planning permission is granted it does not necessarily follow that landowner consent will be granted to implement the development. This is not a planning matter, but the information has been provided to give members the full context to the application.

2. Site description

- 2.1 The site subject to this application is located to the west of the Links Road car park, which is accessed via Links Road, which in turn is accessed off Gunton Cliff to the west. The North Denes is a predominantly undeveloped, un-landscaped parcel of land which stretches some 1.2km from the Birds Eye factory in the south to Links Road and it is popular location for local people accessing the adjacent County wildlife site/local nature site or beach for dog walking and other leisure purposes. The East of England park is to the south, adjacent to the factory and there is a caravan park on the eastern side of the Denes. Alongside this there is currently a fenced off area adjacent to the caravan park that is subject to an ongoing enforcement appeal. The last part of the built environment which characterises this area is the Denes Oval cricket ground and tennis courts.
- 2.2 The land to the south of the site which forms the current open area has been used for camping and caravanning (touring) in the past, with the land to the north of Links Road forming the Gunton Denes and a County Wildlife Site/local nature site as defined on the adopted proposals map.
- 2.3 Gunton Cliff, which is the residential area, runs from north to south along the western side of the Denes in an elevated position with views over the Denes and beach with direct views out to sea. The dwellings vary in scale, age and design from very grand and imposing Victorian Villas to mid to late 20th century properties, many of which have been previously altered and extended. The whole Denes area measures approximately 33 acres (13.3 hectares) with the site area of this application measuring a little over 1.5ha including the car park which represents 0.1995% of the whole site.

- 2.4 The site is adjacent to but is outside the physical limits boundaries of the town as defined in the adopted local plan and is therefore classed as open countryside despite its relationship to the town.

3. Proposal

- 3.1 Construction of a restaurant/cafe with public toilets and play area.

4. Consultations/comments

- 4.1 Further to the December 2019 Committee Report, no new representations have been received; however, Lowestoft Town Council maintain their objection, although they have been in discussion with the applicant and their agent, and their stance has not changed insofar as they are proceeding with their Neighbourhood Plan and are considering this site within the context of that work.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	22 February 2018	8 March 2018
<p>Summary of comments:</p> <p>The Planning Committee of Lowestoft Town Council considered this application at a meeting on 6 March 2018. It was unanimously agreed to recommend refusal of the application. The Council noted that the application was not in line with the development of the East of England Park and had not been considered as part of the wider plans for the area (WDC Policy WLP2.5). The Council felt that the generic design and style of building were not appropriate for the unique area and had many concerns regarding the environmental impact of the development; building on previous landfill site, contamination, noise pollution, smells and increased traffic. (WDC Policies WLP8.22 and 8.164 refer).</p> <p>It was also to be noted that the Town Council were the owners of the site proposed for development and no consultation had been undertaken with them by the developer and no permissions had been granted for use of land.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	22 February 2018	5 March 2018
<p>Summary of comments:</p> <p>Suffolk County Highways: Holding refusal, further information required regarding access for vehicles and pedestrians, width of current access, servicing and impact on parking in the vicinity.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
WDC Environmental Health - Contaminated Land	22 February 2018	No response
Summary of comments: Object to the granting of permission (conditional or otherwise) until such time as it can be demonstrated that the site is or can be made suitable for the proposed development.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	9 March 2018
Summary of comments: No objection, standard comments received		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	N/A	31 October 2018
Summary of comments: The idea of a café is not without merit and will bring economic benefits to the area however it appears premature and lacking in detail as to how it will fit in with the wider vision for the area. However, officers are keen to see this underutilised area brought back into use as a priority for the both community and visitors.		

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 February 2018

Expiry date: 15 March 2018

6. Planning policy

WLP8.22 - Built Community Services and Facilities (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.23 - Protection of Open Space (East Suffolk Council - Waveney Local Plan (March 2019)

WLP2.5 - East of England Park (East Suffolk Council - Waveney Local Plan (March 2019)

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

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

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019)

7. Planning considerations

Policy and Principle

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 The site is situated within the East Suffolk (Waveney) Local Plan area. A number of policies were considered at the December Committee meeting, as covered in the Committee Report (appendix 1). Members resolved to grant planning permission on the basis that the proposed development was in compliance with policies WLP2.5, WLP8.22, WLP8.23, WLP8.29, WLP8.35 and WLP8.37 of the Local Plan.
- 7.3 However, the Committee resolution to approve was subject to matters of ground contamination and ecological impact being addressed through submission of further details, prior to any permission being granted.

Ecology

- 7.4 The ecological concerns relate to policy WLP8.34 - biodiversity and geodiversity – which sets out that developments will be supported where it can be demonstrated that it maintains, restores or enhances existing green infrastructure. Consideration needs to be given to developments that directly or indirectly impact on County Wildlife Sites to ensure appropriate mitigation.
- 7.5 As already noted, this site is close to a County Wildlife Site which is on the opposite side of Links Road. However, whilst the proposed structure itself is unlikely to have any significant or detrimental impact on the designated site, there is the issue of potential importation of soil to resolve the potentially contaminated land where the development would be sited. The Council's Ecologist has commented on the application and has confirmed that the proper ecological surveying of the site needs to be undertaken and submitted prior to any permission being granted, so as to ensure that the LPA can properly consider the ecological impacts of the development including any required ground remediation works. Ecology is an important consideration given the site location and the habitats currently present on site. Importing soil to cover the site would effectively have the same impact on the habitats and species potentially present as stripping the site back to bare ground. Therefore, the impacts need to be assessed and mitigation identified prior to the determination of the application.
- 7.6 However, as noted at the December 2019 Committee Meeting, precise construction details are unknown, and the applicants had stated that, subject to consent being granted, they would submit an assessment prior to issuing of decision. Whilst this was not an ideal solution, it would have allowed the LPA to fully and robustly consider ecological implications on the County Wildlife Site, and suggested mitigation measures, prior to granting any planning permission. Members resolved to grant authority to approve the application subject to these matters being addressed.
- 7.7 Following the resolution of the Planning Committee, further discussions have taken place with the landowners, who maintain their refusal to issue a lease to the applicant. Thus, the

applicants are unable to carry out the assessments without the support of the landowner. As such the application cannot be supported as the ecological impact of the development has not been fully assessed and is therefore contrary to policy WLP8.34.

Contaminated Land

- 7.8 With regards to the issue of contaminated land, this has been subject to considerable discussions and the most suitable way to deal with this matter. The land is known as a former landfill site, amongst its previous uses, and therefore contamination is a key issue. Despite ongoing discussions, with the applicants, since the December Committee Meeting, no agreement has been reached about ground investigation work being undertaken prior to decision.
- 7.9 The Council's Environmental Protection Officer maintains an objection to the proposed development until such time as it has been proven that the land can be made safe; however it remains that the applicants are unwilling to undertake such work without a planning permission in place, as it will be expensive to carry out the ground investigation and tests required. However, without evidence that the land can be made safe, the Environmental Protection Officer cannot suggest conditions as, given the former use of the land and potential risk, this needs to be addressed up-front. This leads to a similar situation with the lack of ecological assessment.
- 7.10 Consequently it is not possible to keep the application open for an indeterminate amount of time and, as it is not possible to resolve the issues of ground contamination and ecology, the application is being brought back to Committee with a recommendation of refusal due to insufficient information in regard to these matters.

8. Conclusion

- 8.1 Whilst the Committee previously resolved to grant authority to approve the application, the matters of ecology and ground contamination investigation have not been addressed to enable permission to be granted. Officers continue to support the application insofar as the proposed café would offer an attraction to this part of the town as an enhancement of the Denes area but, in the absence of the required assessments (which need to be provided prior to determination of the application and not by pre-commencement planning condition) officers are now recommending refusal of the application on the grounds of insufficient information.

9. Recommendation

- 9.1 Refuse due to insufficient information in respect of ecological and contaminated land assessments.

The reason for the decision to refuse permission is:

1. Insufficient information has been submitted to allow the local planning authority to make a full assessment of the proposed development particularly in relation to ecological impacts and imported soil and remediation of any potentially contaminated land.

In the absence of these surveys the proposed development is considered to be contrary to the adopted East Suffolk (Waveney) Local Plan 2019 policy WLP8.34 Biodiversity and Geodiversity.

Informatives:

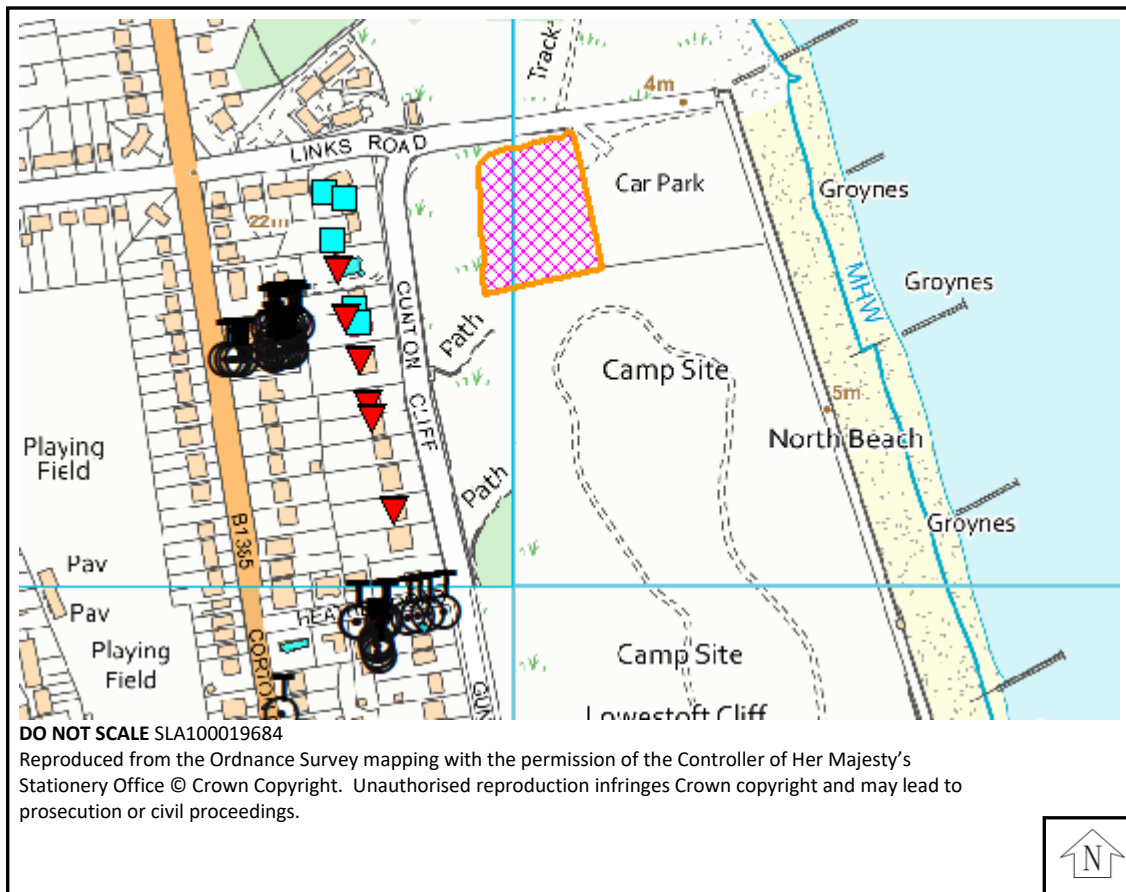
1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

Background Papers

See application reference DC/18/0789/FUL on [Public Access](#)

Appendix 1 – 19 December 2019 Committee Report (Item 6 – DC/18/0789/FUL)

Map



Key

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

Committee Report

Planning Committee - 19 December 2019

Application no DC/18/0789/FUL

Location

Car Park and Adjacent Land At
Links Road
North Denes
Lowestoft
Suffolk
NR32 4PQ

Expiry date 16 April 2018

Application type Full Application

Applicant Peter Colby Commercials Ltd

Parish Lowestoft

Proposal Construction of a restaurant/cafe with public toilets and play area

Case Officer Melanie Pieterman
01502 523023
Melanie.VandePieterman@eastsuffolk.gov.uk

1. Summary

1.1. The submitted application has been subject to significant discussions between a number of parties including the Environmental Protection Officer, SCC Highways and Lowestoft Town Council as landowner.

1.2. The application seeks planning permission for a single storey café, with play area and toilet facilities to be located adjacent to the car park on Links Road. Links Road is a popular area within the town serving dog walkers and nature enthusiasts who visit the adjacent nature reserve. Links Road is accessed via Gunton Cliff, the southern portion of which is partially within the North Lowestoft Conservation Area, however this does not include the Denes area subject to this application although the land is designated as public open space within the adopted East Suffolk (Waveney) Local Plan 2019.

- 1.3. There are a number of issues surrounding this site including the civil covenant, which although not a material planning consideration, but a civil matter, remains an area of concern particularly given the 'Note of Implementation' (NOI) that was instigated by the then Waveney District Council in 2012. This 'NOI' followed issues arising from the extension of the North Denes Caravan Park to the south of this site and associated problems therein. The 'NOI' confirms the use of the land as public open space, and the Denes area was transferred fully into the ownership of Lowestoft Town Council, from the Waveney District Council, upon the creation of the Town Council in 2017. As landowners they have the final agreement as to consents to use the land, however they have, and continue to object to the proposed café for a number of reasons and have stated that if planning permission is granted it does not necessarily follow that landowner consent will be granted; however this is not a planning matter. Nevertheless, this information has been included to help outline the current situation and some of the issues therein. All other issues will be addressed further in the report.
- 1.4. Whilst the broad principles of a café of in this area are not without merit, as the area is lacking any such facilities, and the proposal is supported by officers, there have been concerns raised by consultees around how it would impact on the successful implementation of the East of England Park which is located a kilometre to the south of this site (to the immediate north of the Birds Eye factory). Whilst this park does not have a café facility itself there is a café within the Sparrows Nest Gardens and the Lighthouse Café is approximately 500 metres to the south of the new park along Whapload Road. However, consent cannot be withheld on the grounds of competition and the potential impact on the new park is unlikely to be significant.
- 1.5. Construction on the park is due to be completed by the end of 2019 or early 2020 and will include improved access to the sea wall; renovated net drying racks; and a performance area, and it is intended to increase visitors to the area as a whole in conjunction with improved access along the sea wall from Ness Point along the coastal path which will also potentially increase visitors to the North Denes and adjacent County Wildlife Site. As such, a café style facility, with publicly accessible toilets in this location is seen as a potential gain to the wider area.
- 1.6. It is clear that there are significant economic benefits to the construction of a café in this area and there will be local employment opportunities. Although the impact will be modest there will be a meaningful benefit to the local economy through three full time equivalent staff and five part time, with the potential for increased use of seasonal staff.
- 1.7. The application was presented to the referral panel who requested it be presented to committee members given the level of interest the application has generated and the sensitive nature of the site, however the café/restaurant facility is being supported at officer level and the application is recommended for approval in recognition of the economic and tourism benefits that would accrue therein.

2. Site description

- 2.1. The site is located to the west of the Links Road car park, which is accessed via Links Road, which in turn is accessed off Gunton Cliff to the west. The North Denes is a predominantly undeveloped, un-landscaped parcel of land which stretches some 1.2km in length from the Birds Eye factory in the south to Links Road and it is popular location for local people

accessing the adjacent County wildlife site/local nature site or beach for dog walking and other leisure purposes. The East of England park is to the south, adjacent to the factory and there is a caravan park on the eastern side of the Denes. Alongside this there is currently a fenced off area adjacent to the caravan park that is subject to an ongoing enforcement appeal. The last part of the built environment which characterises this area is the Denes Oval cricket ground and tennis courts.

- 2.2. The land to the south of the site which forms the current open area has been used for camping and caravanning (touring) in the past, along with leisure purposes generally associated with open space, with the land to the north of Links Road forming the Gunton Denes and a County Wildlife Site/local nature site as defined on the adopted proposals map.
- 2.3. Gunton Cliff, which is the residential area, runs from north to south along the western side of the Denes in an elevated position with views over the Denes and beach with direct views out to sea. The dwellings vary in scale, age and design from very grand and imposing Victorian Villas to mid to late 20th century properties, many of which have been previously altered and extended.
- 2.4. The whole Denes area measures approximately 33 acres (13.3 hectares) with the site area of this application measuring a little over 1.5ha including the car park which represents an area of just under 0.2% of the whole site.
- 2.5. Finally, the site is adjacent to but is outside the physical limits boundaries of the town as defined in the adopted local plan and is therefore classed as open countryside despite its relationship to the town.

3. Proposal

- 3.1. The submitted application seeks approval for the construction of a single storey octagonally shaped restaurant/café with spurs or arms to either side which accommodate the service areas and toilets and there is a play area also proposed. The building would be constructed from wooden (possibly cedar) shingles which would be tarred/charred or painted black to give it a 'boat shed' type of appearance. The café would have ramps and steps from the car park and a decking area facing east to the sea. The play area would be sited on open land between Gunton Cliff to the west and the café.
- 3.2. The applicant's intention is to create an iconic and attractive building in the area to reflect the seaside nature and setting of the building and the Denes. The building would give 215m² of internal floor space and would include public toilets that would be accessible without going into the café. It is also suggested that there would be employment for three full-time and five part-time staff. The proposed opening hours are 08:00 to 21:15 Monday to Saturday and 08:00 to 17:00 on Sundays and Bank Holidays.

4. Consultations/comments

- 4.1. Twenty letters of objection have been received in relation to this application. Comments have been précised below with the key concerns identified:

- The application site is in/next to a former landfill site;
- Granting consent will be in breach of the Note of Implementation which states that the area shall be used exclusively for public open space;
- No assessment has been carried out showing the open space is surplus to requirements;
- No equivalent or replacement space has been provided in a suitable location;
- Unsustainable location due to isolated position, no streetlights and double yellow lines on Links Road;
- Café would block access to the Denes from Links Road;
- Inappropriate design;
- Inadequate reinstatement of landscaping;
- Lack of public consultation;
- In contradiction to the local authorities own adopted local plan;
- the current application fails to minimise its impact on the landscape which it seeks to serve, it interrupts an existing green wildlife/landscape corridor and fails to address the problems of the existing carpark;
- If the people of Lowestoft want a cafe on the Denes, then let's have something exciting;
- Inappropriate in a Conservation Area;
- Landscape impact;
- Wildlife and proximity to wildlife site;
- Over development;
- Contrary to covenants of 1891 and 1875 covering the land in question and which passed it to the citizens of the Lowestoft town with the following stipulation "the purchased land should be forever kept and used as and for a public recreation or pleasure ground".
- Mains gas pipe runs under the proposed site;
- Two sewer pipes are also near this site which affects air quality;
- The site itself on the northern edge of Links Road is a piecemeal proposal, as the North Denes needs to have an overall strategy re its future use and plonking a restaurant and toilets on this site could affect future plans for amenities and block off access from Links Road;
- Potential for anti-social behaviour;
- Loss of outlook;
- Loss of open space;
- Noise and smells generated by the café;
- Poorly laid out development and the proposal does not meet the standards of design excellence that one would expect for such a significant building in a public open space;
- The provision of public toilets is minimal and appears to be a token gesture; and
- Proposed café wouldn't fit into this neighbourhood.

Consultees

Lowestoft Town Council

Consultee	Date consulted	Date reply received
Town Council	22 February 2018	8 March 2018
Summary of comments: The Planning Committee of Lowestoft Town Council considered this application at a meeting on 6		

March 2018. It was unanimously agreed to recommend refusal of the application. The Council noted that the application was not in line with the development of the East of England Park and had not been considered as part of the wider plans for the area (WDC Policy WLP2.5). The Council felt that the generic design and style of building were not appropriate for the unique area and had many concerns regarding the environmental impact of the development; building on previous landfill site, contamination, noise pollution, smells and increased traffic. (WDC Policies WLP8.22 and 8.164 refer).

It was also to be noted that the Town Council were the owners of the site proposed for development and no consultation had been undertaken with them by the developer and no permissions had been granted for use of land.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	22 February 2018	5 March 2018
Summary of comments: Suffolk County Highways: Holding refusal, further information required regarding access for vehicles and pedestrians, width of current access, servicing and impact on parking in the vicinity.		

Non statutory consultees

Consultee	Date consulted	Date reply received
WDC Environmental Health - Contaminated Land	22 February 2018	No response
Summary of comments: Object to the granting of permission (conditional or otherwise) until such time as it can be demonstrated that the site is or can be made suitable for the proposed development.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	9 March 2018
Summary of comments: No objection, standard comments received.		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	N/A	31 October 2018
Summary of comments: The idea of a café is not without merit and will bring economic benefits to the area however it appears premature and lacking in detail as to how it will fit in with the wider vision for the area.		

However, officers are keen to see this underutilised area brought back into use as a priority for the both community and visitors.

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 February 2018

Expiry date: 15 March 2018

6. Planning policy

WLP8.22 - Built Community Services and Facilities (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.23 - Protection of Open Space (East Suffolk Council - Waveney Local Plan (March 2019))

WLP2.5 - East of England Park (East Suffolk Council - Waveney Local Plan (March 2019))

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

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

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

7. Planning considerations

Policy and Principle

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 7.2. All submitted planning applications will be determined in accordance with the planning policies set out by East Suffolk District Council. A list of all planning policies can be found in full on the council's website at <http://www.eastsuffolk.gov.uk/planning/local-plans/suffolkcoastal-local-plan>
- 7.3. The site is situated within the East Suffolk (Waveney) Local Plan area, which was adopted in March 2019, and submitted applications will be considered against the policies noted below.
- 7.4. Policy WLP8.22 relates to the built community services and facilities which states that proposals for new community services will be supported if the proposal meets the needs of the local community, it is of a proportionate scale, is well related to the settlement which it will serve and will not adversely affect the existing facilities that are easily accessible and available to the local community. However, policy WLP8.22 also

states that proposals to use or redevelop (for non-community use) a facility registered as an asset of community value will not be permitted.

- 7.5. There are some finely balanced considerations required in relation to this policy insofar as the café is a private venture, although there are appreciable community benefits insofar as increasing footfall and visitors to an area where there are currently no facilities. The Denes are already popular with dog walkers with the area heavily used by this section of the community, however the café would have the potential to attract other visitors to the area, to walk to the coastal path or visit the adjacent wildlife site. The proposed play area would be open to public use and the toilets would also be available to non-patrons and would be compliant with DDA regulations.
- 7.6. Furthermore, whilst the North Denes have not been registered as an asset of community value there can be no doubt that this is valuable and cherished open space within the local community and it also has the benefit of being designated as public open space in the adopted East Suffolk (Waveney) Local Plan 2019. Nevertheless, whilst the café would be located on this designated space, it would be representative of a small portion of land with the remainder of the Denes remaining available for public use and officers are of the opinion that the proposed café would not have a significant or detrimental impact on the existing facilities of the larger area and it would create an attraction that would be widely available for the local community and visitors alike thereby increasing the public accessibility and appreciation of the Denes.
- 7.7. Notwithstanding the constraints surrounding policy WLP8.22, officers consider that policy WLP8.23 is perhaps more pertinent in relation to this application as it relates to the protection of open space and the presumption against any development that involves the loss of open space and that proposals for development of open spaces will only be permitted in exceptional circumstances where:
- The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;
 - An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses; or
 - The loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity, quality and in a location that is equally or more accessible to the community.
- 7.8. However, given the number of objections received from the Town Council and local residents, the issues surrounding the covenant and the 'Notice of Implementation' along with ongoing concerns and issues surrounding the Denes, this application requires very careful consideration. However, as noted above, officers are of the opinion that the proposed café and associated play area represent a very small portion of the Denes as a whole and although there are local concerns about the gradual enclosure of the Denes, the café would not have a significant impact on the available space overall, and the use of the land as a whole can be controlled via the need for a planning application for any form of future development either of the café, outside seating areas and the play area; thereby retaining the general openness and space available whilst providing a public facility thereby increasing the amenity value of the land.

- 7.9. Nevertheless, whilst the open space cannot, and should not, be considered surplus to requirements the potential loss of land would be minimal and with the exception of the café (which would of course have permitted opening times) the area would remain open to members of the public at all times thereby retaining the open space aspect of the Denes and therefore the proposed development is considered to comply with policy WLP8.23 in this particular instance.
- 7.10. Policy WLP2.5, which relates to the East of England Park, does mention the creation/use of a café within the park however at the time of writing this report there do not appear to be any intentions for the creation of a café on the park area, although this may or may not change in the future. However, planning permission cannot be reasonably withheld on the possible future development of the park. Additionally, it is a significant distance away from this site and any such applications would be assessed on its own merits and therefore officers do not consider that this application would prejudice the implementation of policy WLP2.5 either now or in the future.
- 7.11. Policy WLP8.29 also requires consideration in respect of design, and development proposals will be expected to demonstrate a high quality design which reflects local distinctiveness, demonstrates a clear understanding of the form and character of the area, the historic and natural environment and finally the development should complement local character and distinctiveness.
- 7.12. The café building has been designed in an octagonal form with two wings accommodating toilets and kitchen and service areas respectively, and it is to be clad in charred/tarred timbers to reflect a boat house or beach hut appearance to embrace its seaside location and the use of the area for fishing purposes historically when it formed part of the larger North Denes area and associated beach village. There are to be large glazed openings facing the sea to make the most use of the views along with a decking seating area and access ramps from the car park.
- 7.13. The overall design is unusual in form; however this unusual design does not make it unacceptable, with the design intended to reflect, and take inspiration, from the history of the area by using 'traditional' beachside materials, but with modern glazed elements along with the form of the building. The café would represent a new feature in an area where people are, perhaps, used to seeing open spaces but nevertheless it is of an interesting form that would add to, and not detract from, the overall appearance and visual amenities of the North Denes and surrounding areas as a whole and therefore it is considered that the café would be compliant with policy WLP8.29.
- 7.14. Policy 8.34 relates to biodiversity and geodiversity where developments will be supported where it can be demonstrated that it maintains, restores or enhances existing green infrastructure, however consideration needs to be given to developments that directly or indirectly impact on County wildlife Sites need to demonstrate that new opportunities to enhance the area will be provided. As already noted, this site is close to a County Wildlife Site which is on the opposite side of Links Road however whilst the structure itself is unlikely to have any significant or detrimental impact on the designated site, there is the issue of potential importation of soil to resolve the contaminated land concerns.

- 7.15. The councils Ecologist has commented on the scheme and has confirmed that ecology needs to be a consideration given the location of the site and the potential habitats therein. Importing soil to cover the site is effectively going to have the same impact on the habitats and species present as stripping the site back to bare ground and so the impacts need to be assessed and mitigation identified prior to the determination of the application. However, precise ground construction details are currently unknown, and the applicants have agreed that they will submit the requisite assessments once the application has been determined by committee and prior to issuing of a decision. Whilst this is not ideal, and it would be preferable to have these details submitted prior to committee to allow for full consideration, this route would still allow the council to fully consider ecological implications on the County Wildlife Site prior to the issuing of a decision and mitigation measures can be conditioned should members be amenable to this suggested route. If, however such harms are found to be present terms of in ecological impact then the application would be re-presented to members for further determination.
- 7.16. Policy 8.35 relates to landscape character and this policy requires development proposals to consider the special qualities and distinctiveness of the area and the visual and historical relationship between settlements and their landscape settings. In this instance the proposed café building would not have an unacceptable or demonstrably negative impact on the landscape. It would be sited in a location and is of a form designed to give reference to the use of the land in the past, although it is appreciated that this portion of the Denes is unlikely to have had permanent structures on it and would have been used for more temporary fishing uses and later leisure use and the harms to the landscape would be less than substantial. As such the proposed development is considered to accord with policy WLP8.35.
- 7.17. Finally, consideration must be given to the Historic Environment and policy 8.37. It has been raised within representations that the development is inappropriate in a Conservation Area; however, the North Denes is not located within a Conservation Area as this stops on Gunton Cliff at Heather Avenue. Nevertheless, whilst the land does not have a historic designation it is clear that there is historic importance associated with the area, first via the fishing industry on which the town was built and then as pleasure grounds for local residents. Nevertheless, the café would not have such a significant and detrimental impact on the area to warrant refusal on historic impact and is therefore compliant with policy WLP8.37.

Flooding and Coastal Change

- 7.18. Although the site is in close proximity to the North Sea it is located within Flood Zone 1 as shown on EA flood Map for Planning and is outside the defined Coastal Change Management Area. Furthermore, it is outside of the flood zone identified in the 2018 Strategic Flood Risk Assessment and therefore there are no issues or concerns surrounding flooding or coastal change arising from this proposed development.

Contaminated Land

- 7.19. With regards to the issue of contaminated land, this has been subject to considerable discussions and the most suitable way to deal with it. The land is known as a former landfill site, amongst its previous uses, and therefore contamination is an overriding issue, however despite ongoing discussions no agreement has been reached.

- 7.20. The Council's Environmental Protection Officer maintains his objection until such time as it has been proven that the land can be made safe, however the applicants are unwilling to finance this until they have a consent as it will be expensive to carry out the tests required. However, without evidence that the land can be made safe, the Environmental Protection officer will not suggest conditions as he feels that this needs to be addressed up-front. However, in order to find a way forwards it is suggested that a similar method to the ecological issues are considered and that should members be minded to approve the application, then it is with a caveat that contaminated land is addressed prior to the decision being issued and to allow for conditions to be attached if appropriate.
- 7.21. The applicants have suggested that it is possible to import soil to counteract the need to disturb the existing soil levels, however there are implications to the wildlife and flora of the area which is adjacent to a county wildlife site and is in close proximity to the Gunton Cliffs SSSI as noted above. However, the Environmental Protection Officer has stated that he cannot recommend conditional approval in this instance. The land in question is part of a former landfill site and there are obvious contamination questions from this application, however a way forwards and sensible, balanced solution to these issues does need to be found.

Highways

- 7.22. Suffolk County Highways have lodged a holding objection to the proposed development and have requested further information regarding access for vehicles and pedestrians, width of current access, servicing and impact on parking in the vicinity. Whilst this view is understood, it remains that the café would be located adjacent to a very large public car park where there is existing access for cars and pedestrians and is an area used by dog walkers and other local residents as well as visitors to the area and there would be a limited increase above and beyond the existing levels of use and there remains sufficient parking in the existing parking area and it is unlikely to have a significant impact on the highways network. The remainder of the issues can be dealt with via highways conditions.

Economy

- 7.23. As an A3 café/restaurant use the proposal will introduce public activity and groups of people socialising. The proposal will add substantially to the regeneration of this part Lowestoft Denes and associated access to the coastal path and Ness Point which requires public investment for economic growth. It will help to make Lowestoft a more attractive destination for visitors and will add to the resort's visitor economy. The proposal will also generate jobs (as listed earlier in the report) with a direct economic benefit and it will also provide indirect benefits to the area through greater footfall along the Denes by acting as a destination complementing the Gunton Wildlife Site and Coastal Path.
- 7.24. The proposal will provide a substantial social benefit through job creation and its ability to deliver a space which can be used for community events and groups. This will support the community's health, social and cultural well-being. In addition, this facility will include a small play area and will be adjacent to significant open space will enhance the use of that area by families, encouraging healthy activities and access to open space, including the sea wall and wider beach.

Third party Representations

- 7.25. With regards to the letters of objection received these have been addressed in the main body of the report, however it is important to reiterate that should planning permission be granted, subject to the satisfactory resolution of land contamination and ecology, the consent of Lowestoft Town Council as the landlords will be required. The covenant is a civil issue and is not a material planning consideration, although officers are fully aware of this and the associated Note of Implementation. Conditions can be attached to ensure that details of extraction equipment are submitted for agreement and that all extraction equipment is turned off when not in use to ensure the noise levels are not intrusive particularly overnight. Anti-Social behaviour has also been raised and whilst furniture can be taken indoors overnight, there will be access to the proposed play area and outside seating, which could encourage out of hours use, however the Denes is quite isolated and is not, historically, a popular spot for gatherings of this type. Nevertheless, the fears of local residents are understood and if anti-social behaviour arises then this can be addressed via the council's Community Team and Suffolk Constabulary. Ecology, highways and contaminated land can all be dealt with as noted above and if consent is granted and reports submitted as suggested, appropriate conditions will be attached.

8. Conclusion

- 8.1. Whilst officers appreciate that the decision is balanced, and there remain some concerns with certain aspects of the scheme such as ecology and contaminated land, these issues can be properly dealt with via conditions. Officers are of the opinion that the proposed café would offer an attraction to this part of the town where facilities are limited but is popular with locals and visitors alike, and the café would offer an enhancement of the Denes area. Furthermore, there are considerable public benefits associated with a café/restaurant building in terms of local economy and employment opportunities, and the creation of an attraction in this otherwise under-provided for location. The proposal is considered to represent sustainable development and officers are seeking authority to approve.

9. Recommendation

- 9.1. Authority to approve with conditions, subject to submission of further ecological and contaminated land assessments to officer agreement with relevant internal consultees.

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 plans numbered 1610.138.02A received 20 February 2018;,, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates 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. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

4. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.

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

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation,

unless otherwise agreed in writing by the Local Planning Authority. 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 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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. The application site is within 250m of a former landfill site and the development could be at risk from ground gas ingress. Prior to the commencement of the development hereby approved, one of the following shall be submitted to and approved in writing by the Local Planning Authority. Either of:

(A) An appropriate study assessing the risk posed from landfill gas migration to be conducted in accordance with BS 8485 and CIRIA 665. The findings and proposed mitigation methods shall be agreed in writing prior to the commencement of development.

or (B) Details showing a high level of gas protection by way of mitigation. The minimum standard of gas protection required (should no study be submitted) shall accord with the Amber level of the NHBC standard or CS level from BS 8485 and plans of intended measures should be submitted for approval. Installation should be conducted in accordance with BRE 212 and 414 and a post development validation report should be submitted verifying this.

With each option, the development shall be carried out in accordance with the approved details.

Reason: In accordance with PPS23 and because of the unknown characteristics of local former landfill sites.

7. The use hereby permitted shall only take place between the hours of 08:00 and 21:15 Mondays to Saturdays and between 08:30 and 17:00 on Sundays or bank holidays.

Reason: To protect the amenities of the surrounding area by minimising disturbance from the use of the cafe

8. No sound amplifying equipment which is audible outside the premises shall be installed without the written consent of the Local Planning Authority.

Reason: to protect the amenities of the occupiers of nearby premises.

9. Precise details of any equipment to be installed must be submitted to, and approved by, the Local Planning Authority prior to installation. The equipment must be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the

commencement of use. The equipment must be effectively operated for so long as the use continues; unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that unsatisfactory cooking odours and noise outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

10. No deliveries shall be taken at or despatched from the site outside the hours of 09:00 to 17:00 Monday to Friday 09:00 to 13:00 Saturday; nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance from delivery vehicles

11. The materials to be used in the construction of the external surfaces of the cafe hereby permitted shall be as annotated on the drawing hereby approved.

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

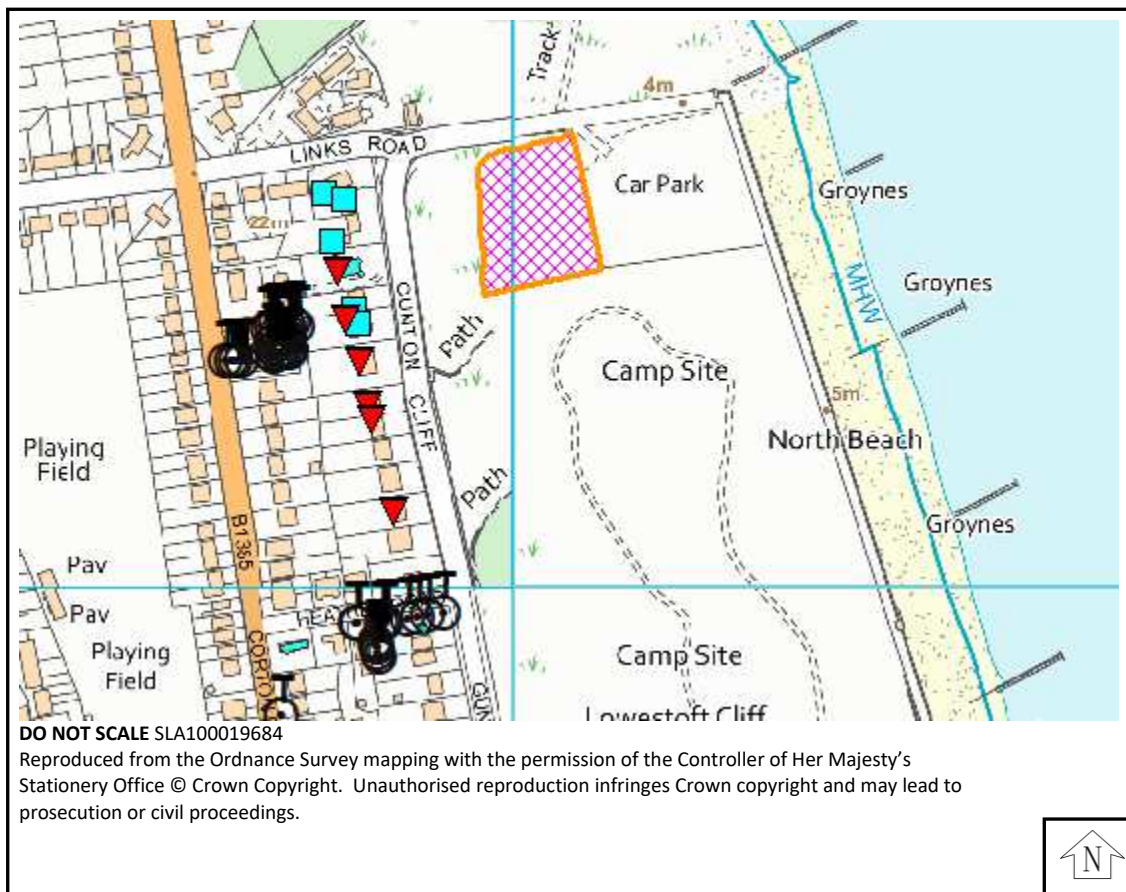
Informatives:

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/18/0789/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4HQA6QX06O00>

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North - 10 November 2020

Application no DC/20/2737/FUL

Location

Os 7554
Mill Road
Peasenhall
Suffolk

Expiry date 21 September 2020

Application type Full Application

Applicant Mr & Mrs O'Neill

Parish Peasenhall

Proposal New two storey, 8-bedroom house, with up to four of the rooms let for Bed & Breakfast accommodation, with studio and carport, and associated landscaping works.

Case Officer Iain Robertson
(01502) 523067
iain.robertson@eastsuffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the construction of a two-storey dwelling comprising eight bedrooms, with up to four of the rooms let for Bed & Breakfast accommodation, with studio and carport, and associated landscaping works.
- 1.2. The site is situated outside but adjacent to the settlement boundary of Peasenhall. The site benefits from an extant outline planning permission for four residential properties (Ref: DC/15/2706/OUT) for which an application for approval of reserved matters is currently under consideration (Ref: DC/20/0075/ARM).
- 1.3. Although this proposal is contrary to the Local Plan the extant permission for four dwellings is a material planning consideration that should be given significant weight when determining this application. The proposal as shown within this application is of a very high

design quality and is preferable to the previously approved scheme for four properties and is therefore recommended for approval.

- 1.4. This application is before members as it is a departure from the Local Plan being residential development situated outside the settlement boundary.

2. Site description

- 2.1. Peasehall is a settlement located to the West of the neighbouring villages of Yoxford and Sibton accessed from the A12. Mill Road runs east to west, starting at Mill Hill near the village centre, and ending by Old Hall Road near Badingham. The application site is situated on Mill Road, just on the outskirts of the settlement boundary for Peasehall and has a north-south orientation.
- 2.2. The existing site is currently a vacant field which contains a pond to the north and is bounded by tree lines, mature hedging and fencing. There are residential houses to the north and the east of the site consisting of a mix of traditional and modern detached homes; pasture fields to the west; and a public footpath that runs along the south boundary with further agricultural land beyond. The site has historically been agricultural and has an existing site entrance on the eastern boundary off Mill Road.
- 2.3. In 2017, an outline planning approval was granted for the erection of 4no. dwellings on the site (DC/15/2706/OUT). The dwellings approved within that application would be two-storeys in height, with two being detached and the other two semi-detached. This is an extant permission which remains so due to the reserved matters application currently under consideration (Ref: DC/20/0075/ARM).

3. Proposal

- 3.1. The proposal is for a new two-storey 8-bedroom house with a single storey studio and car port, and associated landscaping works, with up to four of the rooms let for Bed & Breakfast accommodation. The proposal neither falls within use class C3 (Dwelling houses) or C1 (Hotels) of the Use Classes Order and is therefore considered to be a 'Sui Generis' use.
- 3.2. The proposal takes inspiration from the traditional 3-cell Suffolk farmhouse typology, which, although not present in the immediate vicinity, provides the basis for the simplified, linear form of typical rural dwellings.
- 3.3. The main house is situated on the southern end of the site and will include the living spaces and bedrooms. The studio is situated on the northern end and will provide annexe accommodation to be used in association with the main property and will also contain further utility and storage spaces. An adjoining car port will provide sheltered parking spaces in addition to the driveway parking available.
- 3.4. The proposed external cladding for the main house, studio and carport and fencing/ gates will primarily consist of vertical black stained sawn softwood cladding, however the main house will also feature horizontal English oak cladding with a natural finish to provide visual differentiation across the elongated volume.

- 3.5. Timber cladding has been chosen due to its sustainability, and because it is a light material which will be suitable for outwardly expressing the lightweight timber construction that will be used for the structure. The roofs will also be clad in vertical black stained timber cladding to create a seamless look continuing up from the walls. A hidden gutter detail will be used to retain this effect.
- 3.6. Large, glazed elements will be incorporated into the ground floor to emphasise the lightness of the structure and to create stronger connections between the buildings and its surrounding natural landscape.
- 3.7. It is intended that this structure will be a timber truss or beam and will be an innovative structural design.

4. Consultations/comments

- 4.1. Three letters of objection have been received raising the following material planning considerations (inter alia):
- Highways - Suitability of Mill Lane for increased traffic - Visibility.
 - Guest house use is inappropriate in this location.
 - Design out of keeping with other properties.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Peasenhall Parish Council	1 September 2020	17 September 2020
Summary of comments: <i>"No objection."</i>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	1 September 2020	20 August 2020
Summary of comments: No objection subject to standard Archaeological investigation conditions.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights of Way	28 July 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	28 July 2020	19 August 2020
Summary of comments: No objection subject to conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	28 July 2020	30 July 2020
Summary of comments: Comments include the need for a condition relating to unexpected contamination and that a noise assessment for the proposed plant equipment should be carried out.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	28 July 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Ecology (Internal)	30 July 2020	21 August 2020
Summary of comments: Internal - Comments included in main report		

Re-consultation consultees

Consultee	Date consulted	Date reply received
Peasenhall Parish Council	28 July 2020	17 September 2020
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	02 September 2020	23 September 2020
Summary of comments: No objection subject to conditions.		

5. Publicity

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

Category	Published	Expiry	Publication
Departure	10 September 2020	1 October 2020	East Anglian Daily Times

6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 6.2. National Planning Policy Framework (NPPF) (2019)
- 6.3. National Planning Policy Guidance (NPPG)
- 6.4. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant
- SCLP3.2 - Settlement Hierarchy
 - SCLP3.3 - Settlement Boundaries
 - SCLP5.3 - Housing Development in the Countryside
 - SCLP5.4 - Housing in Clusters in the
 - SCLP5.13 - Residential Annexes
 - SCLP6.1 - Tourism
 - SCLP6.5 - New Tourist Accommodation
 - Policy SCLP9.2 - Sustainable Construction
 - SCLP10.1 - Biodiversity and Geodiversity
 - SCLP10.4 - Landscape Character
 - SCLP11.1 - Design Quality
 - SCLP11.2 - Residential Amenity
 - SCLP11.7 - Archaeology

7. Planning considerations

Principle of development:

- 7.1. The main village of Peasenhall is situated approximately 1/2 mile to the south east of the application site. Within Policy SCLP3.2: "Settlement Hierarchy" Peasenhall is classified as a 'smaller village', within such areas housing development is restricted to small groups of new housing and infill within the Settlement Boundaries.

- 7.2. Policy SCLP3.3: "Settlement Boundaries" are defined on the Policies Map and apply to Major Centres, Market Towns, Large Villages and Small Villages. Land which is outside of Settlement Boundaries and which isn't allocated for development in the Local Plan and Neighbourhood Plans is defined as Countryside.
- 7.3. In such locations Policy SCLP5.4: "Housing in Clusters in the Countryside" is relevant and allows development of a clearly identifiable gap within a continuous built up frontage. This site does not meet the criteria for this policy.
- 7.4. As this site is outside of the settlement boundary and does not meet the requirements for development within a cluster in the countryside the proposal represents a departure from the Local Plan.
- 7.5. However, in this case, due to the fact that the site benefits from an extant permission for four residential properties; and that the site is now situated adjacent to the settlement boundary as extended within the newly adopted local plan the principle of residential development on this site is considered to be acceptable, subject to other policy requirements of the Local Plan.

Bed and Breakfast Use:

- 7.6. The proposal has been described as an 8-bedroom property and the purpose of this is to provide an element of B&B accommodation (up to 4 bedrooms).
- 7.7. As highlighted in Policy SCLP6.1, tourism is an important part of the economy of the former Suffolk Coastal area, contributing 12% to total employment across the District in 2017. Whilst Policy SCLP6.5 does require that tourist accommodation comprising permanent buildings be situated within settlement boundaries; this site does abut the settlement boundary. Furthermore, the additional scale of development on the site to provide this element of the proposal is minimal and in any case is less than that previously approved within the extant outline permission for four residential properties.
- 7.8. Therefore, although this is a departure from this policy the only harm arising from this element of the proposal would be from additional traffic movements which would still be less than from four dwellings.

Design:

- 7.9. Policy SCLP11.1: "Design Quality" states that the Council will support locally distinctive and high-quality design that clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means.
- 7.10. Paragraph 131 of the NPPF gives great weight to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.11. The application is supported by a Design and Access Statement which is comprehensive and well detailed as a summary of the planning and pre-application process that has led up to this submission. Additional information in the form of coloured plans, visualisations,

sectional details and streetscene drawings to show this scheme in its context has also been provided.

- 7.12. The addition of a pitched roof to the design has positively enhanced the design by providing a fully modelled 3-D form that is contextual and which represents a design hybrid that combines traditional vernacular forms with contemporary forms of construction and appearance. These latter express modern ideas of living and sustainability and which then take on their own form of appearance providing a high-quality design that is clearly of its time which will read more comfortably within its hamlet and landscape setting.
- 7.13. A pitched roof also provides the opportunity to provide a PV array that here is designed flush and which will appear as an integral feature of the building which is supported. Paragraph 150 of the NPPF supports the reduction of greenhouse gas emissions through well planned developments. Policy SCLP9.2: "Sustainable Construction" encourages on-site renewable energy generation such as this. Other renewable energy and water saving measures incorporated into the design is an air source heat pump and integral rainwater harvesting water butts.
- 7.14. It is proposal to use a mix of untreated oak and black stained softwood in horizontal and vertical configurations, respectively, to mitigate the visual bulk of the building. This is chosen as a more sustainable material choice and would reflect the 'aim to have a lightweight timber structure'. There is no objection to its use on the walls and roof and this approach is welcomed to refine the design of this key element, the result of which is attractive.
- 7.15. It is considered that the architectural design of the main dwelling to be high quality, well considered, sophisticated and subtle. The annexe building (studio) is appropriately subdued in scale and appearance whilst sharing similar design attributes in terms of simplicity of form and materials choice. It is right that it leaves the architectural interest of the main house to do the eye-catching at this site.
- 7.16. When built the property will appear distinctive locally as a bespoke, site-responsive design and, therefore, add into the local distinctiveness of the area, instead of diluting it with bland pastiche. The approach taken here is supported and would comply with the aims of Policy SCLP11.1 and the NPPF.

Highways:

- 7.17. A small access does exist to this site, which historically has had very limited use and does not provide suitable visibility for the development proposed.
- 7.18. A speed traffic survey has been submitted with the application which has resulted in acceptance from SCC Highways Authority of reduced visibility splay of 35m in either direction. Conditions are therefore recommended that the hedge be removed/reduced to a height of 0.6m within the splay as shown on drawing no PL_P100 rev B and retained in that condition in order that any significant impacts on highway safety that may result from limited visibility are mitigated as required by Policy SCLP7.1. With conditions as recommended, the proposal is acceptable in terms of highways safety.

Landscape Character:

- 7.19. The provision of an improved vehicular access suitable for residential use would result in harm to Landscape Character from the loss of a large section of this hedge. Policy SCLP10.4: "Landscape Character" requires that development proposals will be expected to demonstrate that they will protect and enhance the special qualities and features of the area including distinctive landscape elements such as hedgerows.
- 7.20. The loss of the extent of hedging proposed will have a harmful impact on this landscape feature. It is proposed to replant the hedge behind the existing to mitigate to some extent the loss of the existing hedge; additional native species hedges and tree planting are also proposed within the site. Details have been provided within the Hedgerow Plan and Management Statement by Abrehart Ecology Ltd, which will be required to be adhered to by condition.
- 7.21. Although this will not fully mitigate the harm arising from the provision of this improved access; it is accepting that there is an extant permission for four dwellings which would result in an equal or greater loss of hedgerow than that proposed within this application. Therefore, the proposal as submitted is considered to be acceptable.

Ecology:

- 7.22. The proposed site plan PL_P100 rev B shows an area around the onsite pond to be retained and managed as terrestrial habitat for great crested newts, in accordance with requirements set by Natural England as part of the required licence.
- 7.23. Inappropriate management of this area would result in the loss of the last piece of terrestrial habitat on the site suitable for great crested newts, which in turn could have wider impacts for the population present in the area.
- 7.24. This area is shown to be separated from the residential curtilage by a hedge with a gate to access this area for maintenance purposes. Long term management should be undertaken in accordance with a management plan written by a suitably qualified ecologist, whilst this will form part of the Natural England licence its implementation should also be secured by planning condition.
- 7.25. There is some biodiversity loss from removal and replanting of the roadside hedge as discussed above, although this loss would reduce in time as the new hedgerow planting matures on the site. It is considered that the proposal would adhere to the hierarchical approach within Policy SCLP10.1: "Biodiversity and Geodiversity" in that losses that cannot be avoided are mitigated for through the development.

RAMS:

- 7.26. In addition to the above, the site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). This has been secured as a S111 payment.

Archaeology:

- 7.27. This site lies in an area of archaeological potential recorded on the County Historic Environment Record, in an area that has not been subject to systematic investigation. The site is close to the historic core of Peasenhall and two sections of Roman road. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 7.28. In accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. With these conditions in place the proposal would also accord with Policy SCLP11.7: "Archaeology" of the Local Plan.

Other matters - Neighbour amenity:

- 7.29. Policy SCLP11.2: "Residential Amenity" requires that development proposals provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity. The closest residential property is 'Byways', situated approximately 30 metres to the south east of the proposed property. The floor plans show glazing to the south elevation at first floor level which serves the master bedroom. This would enable views to be gained over the fields to the south and south west.
- 7.30. The separation distance between the properties is generous and there is mature planting on this southern boundary. Due to orientation of 'Byways' and the design and location of the proposed dwelling no direct overlooking of this property or their garden would occur on the site.
- 7.31. An air source heat pump is shown on the proposed plans, whilst these installations have the potential to cause noise, if installed in accordance with Microgeneration Certification Scheme (MCS) standards it is considered that this would not impact on the amenities of surrounding residential properties. A condition is included to ensure that this is installed by an MCS certified installer.
- 7.32. There would be minimal impact on neighbour amenity from this proposal and it therefore complies with the requirements of Policy SCLP11.2

Annexe accommodation:

- 7.33. Policy SCLP5.13: "Residential Annexes" requires amongst other things that the annexe is smaller in scale, well related to and clearly ancillary to the host dwelling, not requiring a separate access or physical separation of the residential curtilage. In this case it is considered that this aspect of the proposal would comply with this policy and a condition is proposed to prevent future use as a separate dwelling.

8. Conclusion

- 8.1. This site is situated outside of the settlement boundary of Peasehall and therefore falls within an area of Countryside. Development in this location does not meet any of the exceptions within Policy SCLP5.3: "Housing Development in the Countryside" and therefore this proposal for a dwelling represents a departure from the Local Plan.
- 8.2. Section 38 (6) Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the development plan unless material considerations indicate otherwise. In this case there is an extant outline planning permission in place for four residential properties on the site; this is a viable 'fallback' position which is a material planning consideration which must be given significant weight when determining this application. Furthermore, since the adoption of the new local plan and the re-drawing of the settlement boundary to include much of Mill Road, the site is considered to be in a more sustainable location.
- 8.3. The development as proposed would provide less built development on the site than that previously approved; the design of which would be of very high quality and would appear distinctive locally as a bespoke, site-responsive design and, therefore, add in to the local distinctiveness of the area. The smaller building mass on the site would have less visual impact than the 'fallback' position and would result in less impact on landscape character. The site layout would allow for a higher quality landscaping proposal which would positively contribute towards biodiversity.
- 8.4. Overall, this application presents a high-quality development proposal, which has benefits over the existing extant permission as detailed within this report. The 'fallback' position is an important material consideration which is considered to outweigh the conflict with Local Plan Policies and approval is recommended.

9. Recommendation

- 9.1. Approve subject to the following conditions:

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos.PL_P200, P300, P101 and PL_E001 received on 22 July 2020 and drawing nos. P201, P200 Rev A, 301 and the Hedgerow Plan and Management Statement by Abrehart Ecology Ltd received on 29 September 2020 and drawing no. P100 rev B received on 02 October 2020 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. Before the access is first used visibility splays shall be provided as shown on Drawing No. PL_P100 Rev B and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (As amended) (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would provide sufficient visibility for vehicles to enter the public highway safely and that vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action

5. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No. PL_P100 Rev B and with an entrance width of 3m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety

6. The use shall not commence until the area(s) within the site shown on Drawing No. PL_P100 Rev B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

7. The residential studio/annex hereby approved shall only be occupied and used for ancillary accommodation or for a purpose incidental to the enjoyment of the dwelling house and shall at no time be subdivided from the curtilage of the main dwelling, or used as an independent unit of residential accommodation.

Reason: The building is not suitable for use as a separate residential property.

8. The air source heat pump shown on the drawing no PL_P100 rev B shall be installed in accordance with the Microgeneration Certification Scheme (MCS) Planning Standards or equivalent and shall thereafter be maintained to that standard.

Reason: To protect the amenities of the occupiers of nearby premises in terms of noise nuisance.

9. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (Abrehart Ecology, May 2020) and Great Crested Newt Survey (Abrehart Ecology, May 2020).

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

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

Reason: To ensure that nesting birds are protected.

11. The development shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a. a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead; or
 - b. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development.

12. Prior to first occupation a long-term management plan for retained and created habitats on the site (including those retained or created for great crested newts) will be submitted to and approved in writing by the local planning authority. Habitat management will be delivered in accordance with the approved Strategy.

Reason: To ensure that optimal habitat management for biodiversity, including protected species, is undertaken on site in the long term.

13. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording

- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7: "Archaeology" of East Suffolk Council - Suffolk Coastal Local Plan (Adopted September 2020) and the National Planning Policy Framework (2019).

14. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 13 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).

15. The landscaping scheme shall be carried out in accordance with the details shown on drawing no. P100 Rev B and the Hedgerow Plan and Management Statement by Abrehart Ecology Ltd and shall be completed in the autumn (October -December) planting season following occupation of the property, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason To ensure a satisfactory appearance within the landscape

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

- Representative details of fenestration and external doors and the position relative to the external cladding.
- Detail of the hidden gutter and downpipes.
- Detail of cladding to soffits where there are overhangs and projections.
- Exact height of stainless-steel flue above roof level.

Reason: In order to ensure the property is suitably detailed.

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

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

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

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

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

Informatives:

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

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail , your development may be liable to pay CIL and you

must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsoffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsoffolk.gov.uk
4. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service.

SCC would be pleased to offer guidance on the archaeological work required and, in their role as advisor to East Suffolk Council, SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

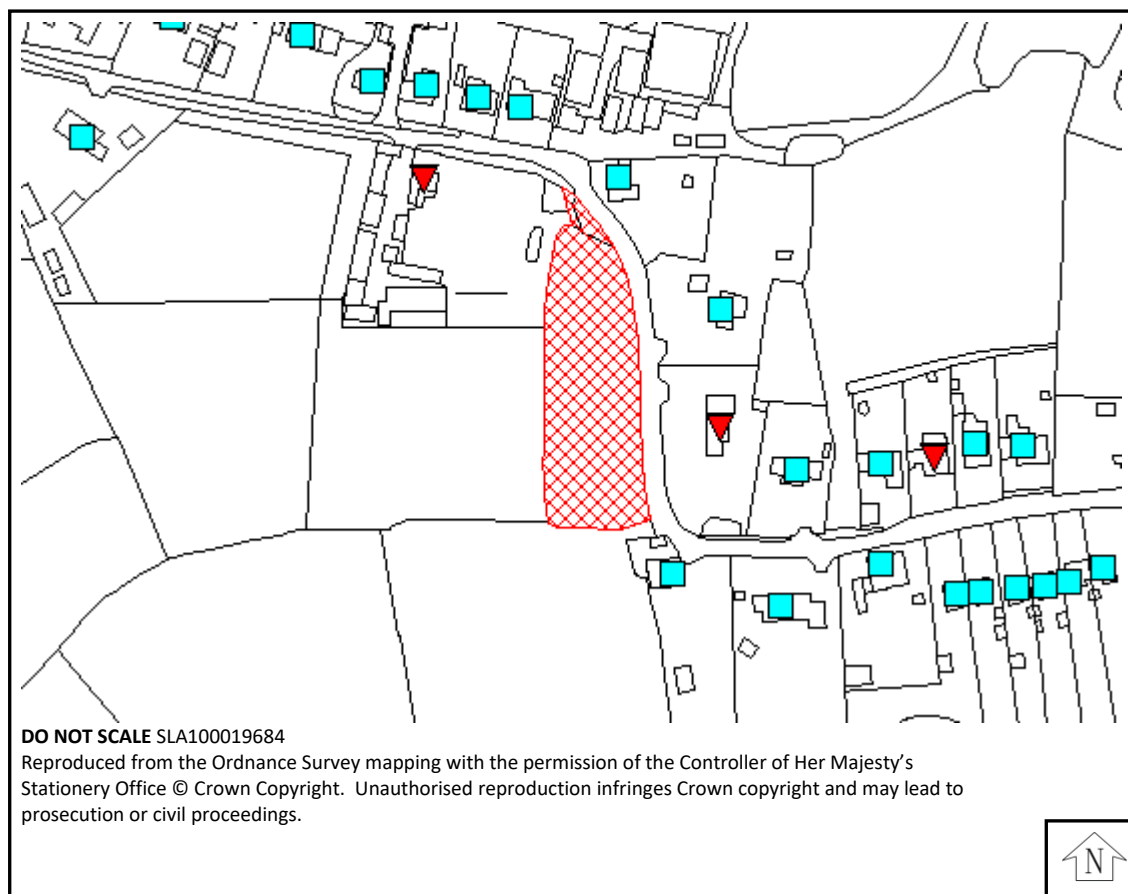
Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

5. The mixed-use nature of the proposal hereby approved is not considered to fall within any specific use class within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and is therefore considered to be 'Sui Generis'. Therefore, planning permission would be required for any change of use to the property.

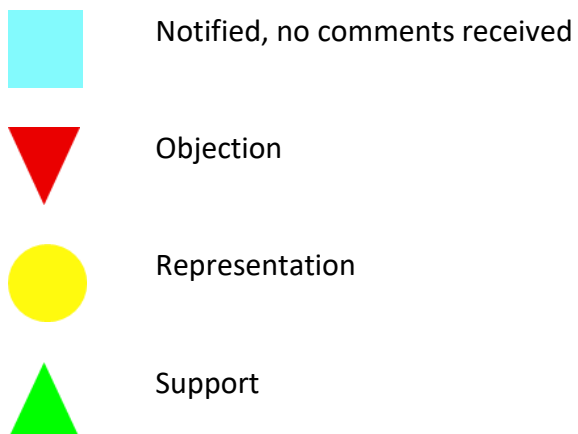
Background Papers

See application reference DC/20/2737/FUL on [Public Access](#)

Map



Key



Committee Report

Planning Committee North - 10 November 2020

Application no DC/20/2440/FUL

Location

Country Cottage
Black Street
Gisleham
Lowestoft
Suffolk
NR33 8EN

Expiry date 26 August 2020

Application type Full Application

Applicant Mr John Peak

Parish Gisleham

Proposal Construction of building for storage of wood and equipment in association with the management of woodland at Home Covert

Case Officer Mark Brands
mark.brands@eastssuffolk.gov.uk

1. Summary

- 1.1 This planning application is for the construction of a building for storage of wood and equipment in association with the management of woodland at Home Covert.
- 1.2 The Gisleham Parish Council has raised concerns over the access, siting, and size of the proposal.
- 1.3 The Waveney Local Plan does not contain policies relating directly to rural activities in the countryside, with only policy WLP8.13 providing guidance on where employment uses would be permitted referring to uses B1, B2 and B8. Due to the lack of a standalone policy for agricultural or forestry development, and in the absence of exceptions to WLP1.2 (that seeks to restrict development outside of the settlement boundaries in the countryside) the proposed development is considered to be contrary to the local development plan. Based on the scheme of delegation, and because of these policy limitations, it is considered by

officers that the proposed development represents a departure from the Local Plan that would need to be determined by the planning committee.

- 1.4 While the local plan does not set out policies or exceptions of where development relating to rural activities would be supported, the National Planning Policy Framework does promote and support such development where this meets rural needs and is sensitive to the surroundings, as such based on the nature of the usage of the proposed development in relation to the named woodland the recommendation by planning officers is to approve the proposed development.
- 1.5 It should be noted that this scheme is similar to the refused planning application DC/16/5409/FUL for the construction of an agricultural storage building (the building proposed was in the same in scale, siting and form). This was refused based on the impact on the landscape and a lack of justification presented with the application submission. There was a similar concern over the justification originally submitted with the current application but, through the further submissions and details received by the LPA, there is considered to be sufficient justification for such a building located on the site and all previous refusal reasons have been overcome to enable the proposal to be recommended favourably.

2. Site description

- 2.1 The application site is located in the countryside, there is a dwelling to the North of the site (where the applicant resides at Country Cottage, Black Street), with established hedgerow by the highway, the opposite side of the road to the West and South is an AONB with good tree and hedge cover on both sides of the lane. The extent of the land at Country Cottage is 0.404 hectares (ha); the dense woodland at Home Covert in Henstead is 2.43ha, which is around 1.5 miles to the Southwest of the proposed siting of the building. The landholding is limited to the woodland area only, as shown on the site plans and Ariel for Home Covert, with designated assets to the West in the form of the Grade I listed St Mary Church and war memorial (II) and Henstead Hall and Hall Cottage Grade II, designated assets to the South of the woodland site. The woodland is contained by roads on three sides.

3. Proposal

- 3.1 The proposal is for the construction of a building for the storage of wood and equipment in association with the management of woodland at Home Covert.
- 3.2 This description was amended and confirmed by the agent on the 20th October to better reflect the purpose of the building and refer to the specific woodland site at Home Covert at Henstead that the building would be linked to, as the woodland is detached from the site where the proposed building is to be located. Further clarification and details were also received setting out the nature of the business, operations and specific needs and vehicular movements to provide further justification for the building. The applicant has summarised this as follows:

“The movement and storage of timber is cyclical. The process is cutting, logging, storing for drying [both long term and short term] and storage for dispatch. Usually in three cycles, the final cycle split into two. Cycle 1 - wet 30% stock, Cycle 2 semi dried [moisture content down by one third] 30% stock, Cycle 3 dry 15% stock and dry enough for dispatch 25%. The timber is stored in 650 Kg netted, specially vented bag bales, these measure 1m x 1m.

There is a need to have mobile moving and lifting operations in front of the storage taking up a ground footprint of approximately 5.5m. The building has been worked out to accommodate the storage cycle of 100 bags. Whilst limiting the process and making the operation more difficult the building could be reduced by half a meter to 4.5m in height if that would assist to gain the consent required. This would mean the storage, which is currently three bales high may have to spread in plan, as lifting space would be limited at the eaves.

The traffic movement would be reduced as the application site is adjacent to the business owner's home, Country Cottage. Country Cottage is closer to Home Covert than the current rented storage facility. Therefore journey time would be reduced. The logging and bagging has to be done at the point of storage. This would be adjacent to Country Cottage, the home of the applicant. This means the logging, bagging and storage movements can be done at any time without the need to travel. This is not only economic but cuts out travelling time. Tree felling is a seasonal activity mainly over the December to January period each year unless there are dangerous trees to attend to i.e. Ash die back or storm damage. This is at the quietest traffic time of the year. Attendance to these matters will be from Country Cottage which is much closer to the applicant's place of residence than the former storage facility where the equipment for this type of work is retained. Deliveries of dried logs to the market will be from adjacent to the applicants home therefore there will be no travel time from his home to the store. The logs can be loaded for delivery without any transport movement."

- 3.3 On the 17th August 2020 details and evidence was submitted to the LPA including setting out the extent of land ownership, and confirming ownership since 1985. The correspondence also sets out the reasoning for the proposed development to provide storage for 100 bags of logs for revolving winter disposal (and associated equipment and movements), the building will suit the needs of the business, and the location closer to the woods and by the applicant's home will reduce the environmental impact with shorter vehicular movements between the sites.

4. Consultations/comments

- 4.1 No third-party representations received.

5. Consultees

Parish/Town Council

Consultee_consulted	Date reply received	
Gisleham Parish Council	17 July 2020	5 August 2020
<p>Summary of comments:</p> <p>Members have viewed the documents submitted and consider the size of the building, and its proximity to the road, is inappropriate to the size of the plot and its relationship with adjoining dwellings.</p> <p>Members were also concerned about the position of the access and visibility for large vehicles entering and leaving the site, taking into account the proximity of the sharp bend on Black Street</p>		

Statutory consultees

Consultee_consulted	Date reply received	
Suffolk County - Highways Department	17 July 2020	13 August 2020
Summary of comments: Notice is hereby given that the County Council as Highway Authority make the following comments: The current proposal would not generate additional vehicle movements onto the highway network at this location. Therefore, SCC does not wish to raise an objection to DC/202440/FUL		

Non statutory consultees

Consultee_consulted	Date reply received	
Suffolk Wildlife Trust	17 July 2020	No response
Summary of comments: No response received; consultation period has expired		

Consultee_consulted	Date reply received	
Environmental Protection (Internal)	17 July 2020	22 July 2020
Summary of comments: Thank you for consulting me on the above application but I have no concerns or adverse comments to make.		

Publicity

Category	Published	Expiry	Publication
Departure	6 th November 2020	27 th November 2020	Beccles and Bungay Journal Lowestoft Journal

6. Planning policy

National Planning Policy Framework

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

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

WLP8.13 - New Employment Development (East Suffolk Council - Waveney Local Plan (March 2019))

7. Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 7.2 This is a somewhat unconventional arrangement for such a building to be erected on a detached site, but based on further details that have been received on the context of the woodland site at Home Covert, this is considered to be a more suitable location. The woodland area is dense and a sensitive landscape, and there is a lack of space available on that site to accommodate such a building in a manner that would be acceptable in terms of landscape and heritage impact. Siting the building at Black Street would not be as visually intrusive based on the current screening that can be further enhanced to protect the wider landscape.
- 7.3 As noted, there are not specific policies in the development plan relating to such rural development, however paragraph 83 of the National Planning Policy Framework does seek to support the rural economy through sustainable development and growth of land based rural businesses including through new buildings to support such activities. Additionally paragraph 84 recognises that, to meet local needs, such development may have to be located outside of existing settlements, for which such development should be sensitive to the character of the wider landscape and not result in an unacceptable impact on the local highway network.
- 7.4 The supporting documentation sets out that the siting of the proposed building is located closer to the woodland than the existing rented premises. The proposed development relating to a rural land based activity would realistically be expected to be located in the countryside, rather than in a designated village or employment area. The closer proximity to the woodland, and the applicants being able to live to the North, adjacent to the site, would reduce vehicular movements and duration of trips. As such the proposed development would not significantly impact the traffic flow in the vicinity, for which the vehicular activity would be somewhat limited, in any case, given the felling season mainly being in the months of December and January. The County Council Highways Officer has raised no objection and does not consider the proposal to result in a significant intensification of vehicular usage. The proposed development is acceptable, in highways safety terms, in accordance with policy WLP8.21.
- 7.5 The building will have a footprint of 9m by 18m, with an eave height of 4.572m. The building will be a steel portal framed building clad in Eternit profile 6 natural grey fibre cement sheeting, with translucent roof light sheeting within the profile of the roof to be incorporated. Given the rural location, such a building will not appear an incongruous feature in the landscape. The design and profile are of a utilitarian agricultural style unit with roller steel shutter, given the rural setting and conventional profile and form of such a

building, this is considered to be visually acceptable. The size of the building is justified for the purpose of storage and associated operations; as such the design is considered in accordance with local design policy WLP8.29. The nearest neighbouring property to the North is in the ownership of the applicants, with other properties beyond not likely to be materially impacted by the development proposal. The environmental health team raise no objections to the scheme.

- 7.6 The impact on the AONB across the road is partly mitigated with existing hedging and tree cover along Black Street, the building will also be in a setdown position with the levelling of the land to accommodate the proposed development that will help keep the profile down. The Council's Arboriculture and Landscape Officer has no significant concerns over the impact of the proposed development subject to a recommendation to seek further mitigation by condition to provide a native shrub-based planting scheme around the two field aspects of the site. With this condition attached to a grant of planning permission, the proposal accords with the landscape objectives of policy WLP8.35.

8. Conclusion

- 8.1 The NPPF advocates supporting rural based land activities through sustainable growth and new buildings. The proposed development would help support such a rural land based activity where such development needs to be located outside of the village boundaries. The applicant has provided evidence of the land ownership related to the woodland site and has set out sufficient justification for the scale of the building. The design is of a conventional form and profile for a rural activity, the impact of which can be mitigated and softened on the wider landscape through enhanced hedgerow planting. Whilst the principle of development is not specifically supported by the spatial strategy and policies of the Local Plan, officers consider that the need for the development has been demonstrated, and that such development is supported by the NPPF as a rural land based activity. There are no significant adverse impacts arising and the proposed development accords with the detailed policy requirements in terms of specific matters such landscape impact, design, amenity, and highways safety. Thus, for the reasons given, officers consider that there are material considerations that would indicate a decision be made contrary to the adopted Local Plan. The application is recommended for approval.

9. Recommendation

- 9.1 Authority to Approve, subject to no additional material planning objections being received prior to 28 November 2020 (the date of expiry of the press advert); and subject to the following conditions:

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the plans and supporting documentation received 2nd July 2020, 17th August 2020 and 20th October 2020.

Approved drawings

Block plan S 1754

Proposed floor plans and elevations and site location plan S 1754 01

Site plan of Home Covert S 1754 10

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

3. The two field aspects of the site shall be planted with a triple row of native shrub based hedgerows within 12 months of the commencement of the development or such other period as shall be agreed in writing by the Local Planning Authority. Planting shall take place in the autumn planting season to a planting and maintenance specification that shall be agreed in advance in writing with the Local Planning Authority, and any plants which die during the first 3 years shall be replaced in the next planting season.

Reason: In the interests of amenity and the appearance of the locality.

4. The building shall be used for the storage of wood and equipment associated with the woodland at Home Covert (drawing no S 1754 10) and for no other purpose, unless otherwise approved by the local planning authority through the grant of planning permission.

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.

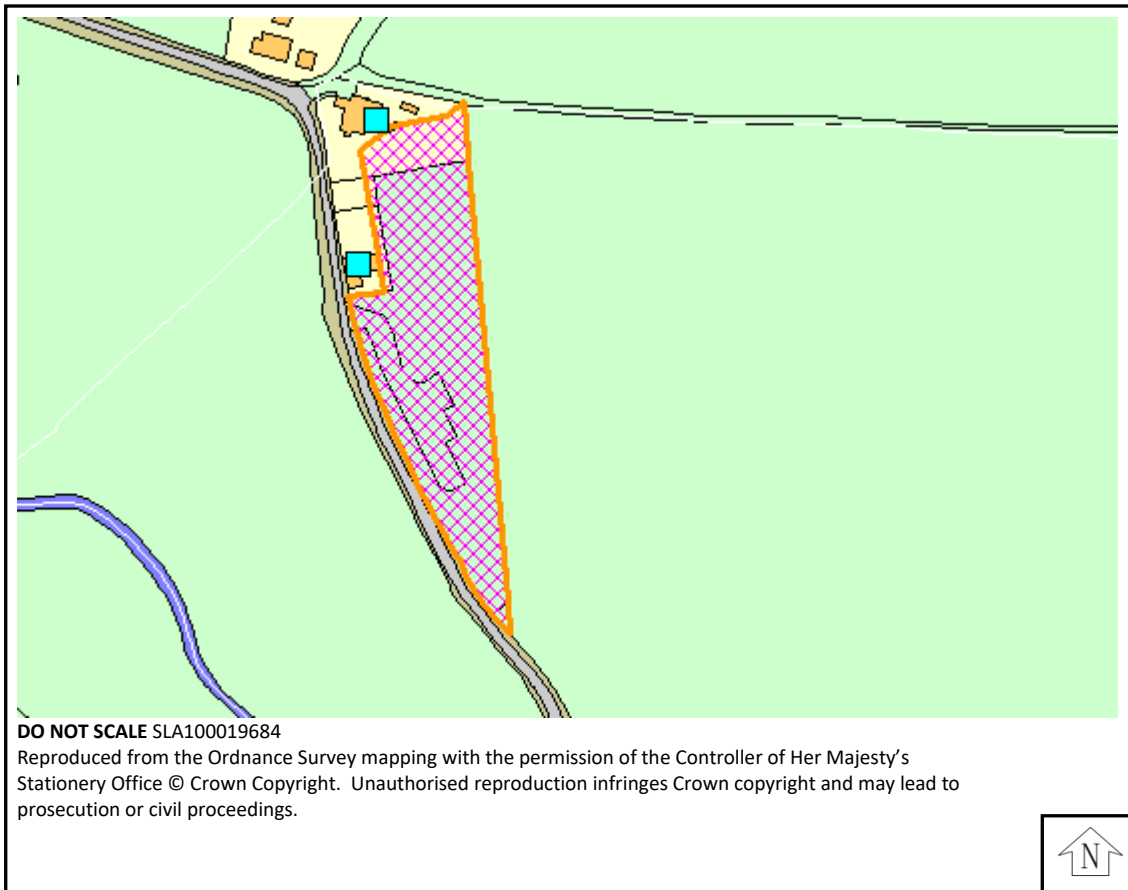
Informatives:

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





Background Papers

See application reference DC/20/2440/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 10 November 2020

Application no DC/20/2905/FUL

Location

Land Behind
Velda Close
Lowestoft
Suffolk

Expiry date 7 October 2020

Application type Full Application

Applicant Tamzen Pope

Parish Lowestoft

Proposal This application covers a new pumping station, kiosk and telemetry mast. The application links to DC/19/0210/FUL. The kiosk is 2m and sits on a plinth 0.8m above EGL. The mast is 6m high.

Case Officer Matthew Gee
01502 523021
matthew.gee@eastsuffolk.gov.uk

1. Summary

- 1.1. The application is before the Planning Committee (North) as it has been submitted on behalf of East Suffolk Council.
- 1.2. Planning permission is sought for alterations to the pumping station and ancillary equipment approved under planning permission ref. DC/19/0210/FUL, for flood defence works around Velda Close/Aldwyck Way. The proposed alterations are considered relatively minor in comparison to the overall scheme and would not result in any alterations to the overall aims of the scheme or result in any increased flooding risk. In addition, the proposed alterations and ancillary equipment are considered functional and utilitarian in design and would not adversely impact on the character and appearance of the surrounding area or on the amenity of neighbouring residents. The proposal is therefore considered compliant with local and national planning policy, and as such it is recommended that planning permission is granted.

2. Site description

- 2.1. The application site is located within the Physical Limits of Lowestoft, and currently comprises of part of the Kirkley Stream, ponds, and surrounding banks, and a car park off Aldwyck Way.
- 2.2. The site is bounded by residential development on Velda Close and Aldwyck Way to the north, Tom Crisp Way (A12) to the East, Bloodmoor Roundabout to the south, and Bloodmoor Road to the west.

3. Proposal

- 3.1. Planning permission is sought to make alterations to the pumping station and ancillary equipment linked to the flood defence works approved under application DC/19/0210/FUL. The alterations include:
- Larger Control Kiosk measuring 3.25m long, 0.75m deep, and 2m in height, on a 0.8m high concrete plinth to elevate above flood waters.
 - A telemetry mast. The pump station provides data to Anglian Water's maintenance teams via a radio link. The radio link requires a 6m high mast to raise its aerial sufficiently high to enable the link to transmit reliably.
 - A floodlight on a 4m high column to ensure staff can work safely in dark conditions during repairs/maintenance operations.

4. Consultations/comments

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

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	13 August 2020	26 August 2020
Summary of comments: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 25 August 2020. It was agreed to recommend approval of the application.		

Statutory consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	13 August 2020	3 September 2020
Summary of comments: No additional comments to DC/19/0210/FUL.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	13 August 2020	24 August 2020
Summary of comments: No objection, advised that a construction management plan should be submitted.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	13 August 2020	7 September 2020
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	13 August 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	13 August 2020	19 August 2020
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	13 August 2020	13 August 2020
Summary of comments: No objections subject to condition		

Consultee	Date consulted	Date reply received
WDC - Drainage And Coast Protection	13 August 2020	No response
Summary of comments: No comments received		

5. Planning policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 5.2. National Planning Policy Framework (NPPF) (2019)
- 5.3. National Planning Policy Guidance (NPPG)
- 5.4. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
 - WLP1.3 – Infrastructure East Suffolk Council - Waveney Local Plan (March 2019)
 - WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)
 - WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan (March 2019)

6. Planning considerations

Principle of development

- 6.1. The proposed works are in connection with the previously approved flood scheme DC/19/0210/FUL. The approved scheme included a pump station and underground storage facility at Velda Close/Aldwyck Way, and these proposed alterations are in connection with this approved pump station.
- 6.2. The works form part of the fluvial element of the Lowestoft Flood Risk Management Project (FRMP). Policy WLP1.3 identifies the Lowestoft Flood Risk Management Project (FRMP) as a piece of key infrastructure that will ensure the growth identified within the Waveney Local Plan. As such it is considered that the principle of this part of the Lowestoft Flood Risk Management Project is acceptable, subject to adhesion to other policies in the Local Plan, namely around, ecology, transport, design and amenity.

Character and appearance

- 6.3. The proposed masts and control kiosk are of a functional utilitarian design, and approximately 60cm will be visible above the proposed palisade. The proposed compound is located to the side of an existing dwelling; however, views will be limited due to existing surrounding development. As such the proposal is considered to have limited impact on the character and appearance of the surrounding area. In terms of design and external appearance, the proposal accords with policy WLP8.29 of the Local Plan.

Amenity

- 6.4. The proposed masts and kiosk are located to the side of 22 Aldwyck Way. This property has no windows that face onto this compound, the property does have windows on the front and rear elevations but these are considered to be located a sufficient distance or angle from the kiosk and masts that there would be no loss of light or outlook. Furthermore, the proposed flood light will only be used when maintenance or operation is

required in connection with the compound, and it will face into the site and away from residential properties. Therefore, given its occasional use and direction, it is not considered that it would adversely impact on the amenity of neighbours.

- 6.5. A construction management plan has been submitted and approved under DC/19/0210/FUL, in relation to the wider scheme, and is still considered applicable to this proposal. In addition, the minor works proposed under this application are not considered to materially impact on amenity during the construction phase in comparison to the approved scheme. As such in this instance it is not considered applicable to add a further construction management plan condition. In terms of residential amenity, the proposal accords with policy WLP8.29 of the Local Plan.

Flood Risk

- 6.6. The proposal is not considered to result in any increase in flood risk to the area, and no objections have been raised by either the Environment Agency or the Local Lead Flood Authority (LLFA). The LLFA has requested a condition that details of all Sustainable Urban Drainage System components and piped networks be submitted to the LPA within 3 months of completion. However, this relates to the wider SUDS components installed under application DC/19/0210/FUL, and as such is not considered applicable to this application. The proposal facilitates the delivery of important flood defence works which accords with key policy objectives of policy WLP1.3 of the Local Plan.

7. Conclusion

- 7.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

8. Recommendation

- 8.1. It is recommended that planning permission be granted subject to the following conditions

9. 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, 72114-JBAU-ZZ-01-DR-C-1002, received 16/07/2020
 - Proposed pumping station sections, 72114-JBAU-VP-01-DR-C-1302, received 16/07/2020
 - Proposed pumping station sections, 72114-JBAU-VP-01-DR-C-1321, received 16/07/2020
 - Proposed elevations and details, AO/15541/B, received 16/07/2020for 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.

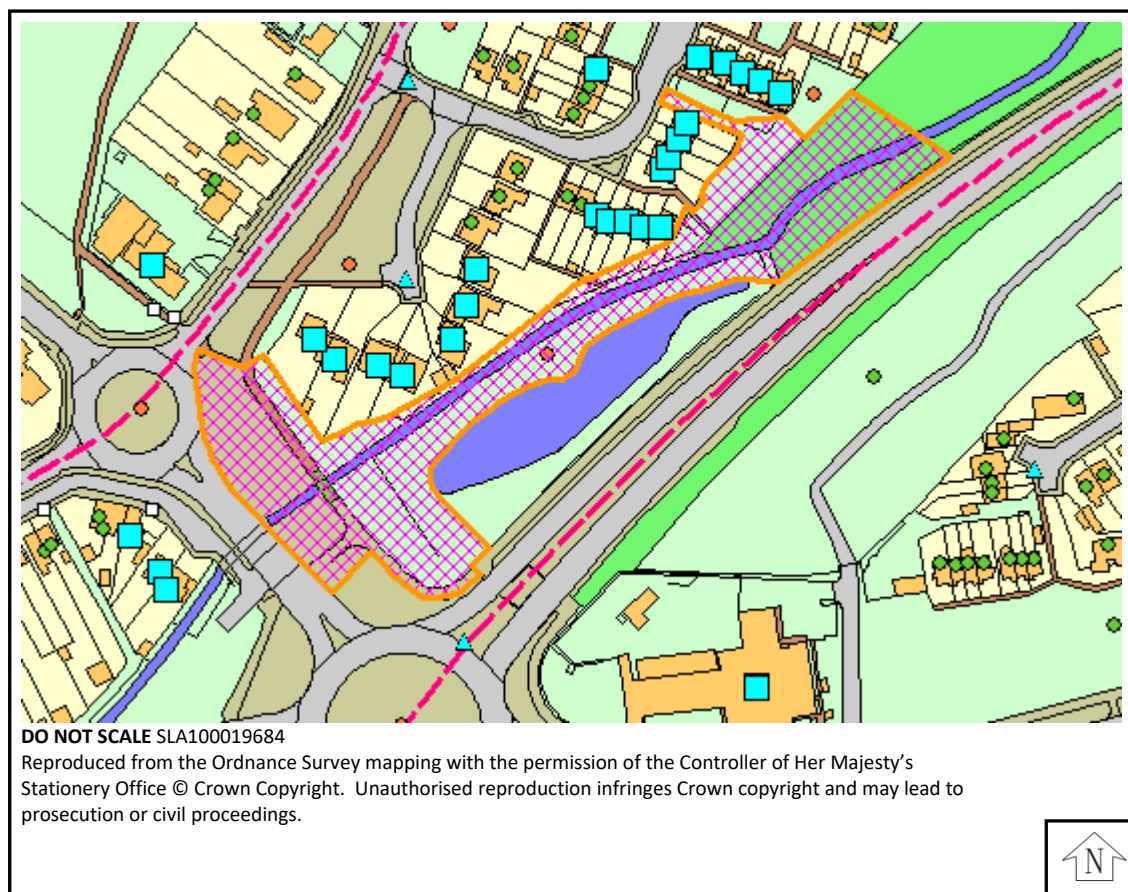
3. The floodlight hereby approved, shall only illuminate the site whilst repairs/maintenance operations and other work is taking place at the pumping station, and shall be switched off when such work is not taking place.

Reason: To protect the amenity of neighbouring residents.





Background Papers

See application reference DC/20/2905/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 10 November 2020

Application no DC/20/3386/FUL

Location

1A Princes Walk
Lowestoft
Suffolk
NR32 2QW

Expiry date 12 November 2020

Application type Full Application

Applicant Mrs Samantha Cook

Parish Lowestoft

Proposal Side extension to kitchen

Case Officer Joe Blackmore, Principal Planner (Development Management)
Joe.Blackmore@eastsuffolk.gov.uk

1. Summary

- 1.1 The application seeks planning permission for a single storey side extension to the dwelling.
- 1.2 The proposed development is considered to be acceptable in all respects in accordance with the Development Plan and thus recommended for approval.
- 1.3 The application is presented to the Planning Committee (North) for determination because the applicant is an employee of East Suffolk Council.

2. Site description

- 2.1 1A Princes Walk is located to the east side of the road and to the northeast of the junction where Princes Walk meets Parkside Drive. The site hosts a detached dwelling with an outbuilding in the rear garden. The existing dwelling is constructed of red brick and is one-and-a-half storeys in scale with a long catslide roof extending down to provide the porch enclosure.

- 2.2 The area generally is characterised by detached dwellings in spacious plots. Normanston park is a short distance to the west of the site. There is no relevant planning history to report.

3. Proposal

- 3.1 The proposed development is a single storey side extension to the south side of the house. The extension would have a plan depth the same as the existing house, with a width across of three metres, enlarging the kitchen/diner accommodation. The roof form would be a steep dual-pitch to mimic that of the existing house. Ridge level of the extension would be almost two metre below the existing roof of the house.

4. Consultations/comments

- 4.1 No third-party representations received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	9 September 2020	23 September 2020
Summary of comments: The Town Council's Planning and Environment Committee considered this application at a meeting on 22 September 2020. It was agreed to recommend approval of the application.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	9 September 2020	11 September 2020
Summary of comments: No objections. Standard informative recommended re ground gas protection measures to be incorporated into the development.		

6. Planning policy

National Planning Policy Framework

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

7. Planning considerations

- 7.1 Local Plan policy WLP8.29 (Design) is a general design policy and promotes development that, amongst other things, is aesthetically pleasing and preserves the amenity of neighbouring residential property.
- 7.2 Because of the single storey nature of the extension, and that it would be adjoined to the south wall of the existing house at least 15 metres from any neighbouring dwellinghouse, the development would have no material residential amenity impact. The extension would be visible from the highway and nearby properties, but that will not cause harm to their outlook.
- 7.3 The proposed extension follows the plan depth of the house with the roof pitch also mimicking that of the existing roof. The stepped-down form makes the extension a subordinate addition to the house. The proposal is a simple side extension that will relate well to the house, meeting the design objectives of policy WLP8.29.

8. Conclusion

- 8.1 The proposed extension is acceptable in terms of design and residential amenity in accordance with Policy WLP8.29 (Design) of the Local Plan.

9. Recommendation

- 9.1 Approve with conditions as below.

10. Conditions:

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

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

- 2. The development hereby permitted shall be carried out strictly in accordance with Drawing No. PW-PL01, received 02 September 2020.

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

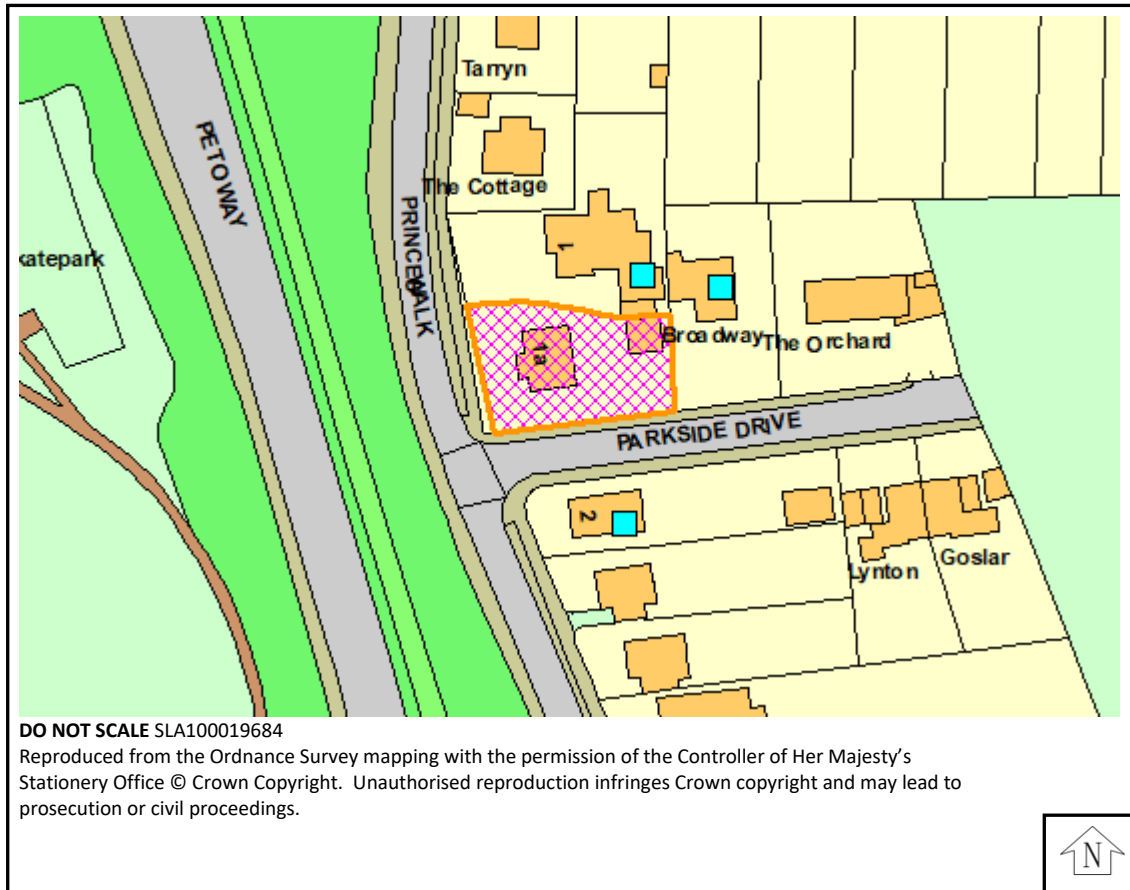
Informatives:

- 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 Papers

See application reference DC/20/3386/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support