



## Committee Report

**Planning Committee South – 26 July 2022**

**Application no** DC/21/5698/FUL

**Location**

60 Old Barrack Road  
Woodbridge  
Suffolk  
IP12 4ER

**Expiry date** 29 July 2022

**Application type** Full Application

**Applicant** Mr D Smith

**Parish** Woodbridge

**Proposal** Kitchen Outbuilding for Local Catering Business

**Case Officer** Grant Heal  
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### 1. Summary

- 1.1 Planning permission is sought for a single storey outbuilding within the rear garden of no. 60 Old Barrack Road, Woodbridge to be used for food preparation by the occupiers/owners in connection with their catering company.
- 1.2 Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the adopted development plan.
- 1.3 Reviewed against the Council's adopted scheme of delegation, the applicant is not an elected member, member of staff or close relative. Nor is the land owned by the District Council. The application was presented to the Council's referral panel on Tuesday 19 April 2022 because the 'minded to' decision of the Case Officer is contrary to the Town Council's recommendation to refuse the application.
- 1.4 In-light of concerns raised in relation to potential impacts on local amenity from deliveries and noise/odour nuisance, the Chair and Vice-Chair of planning committee felt there are

sufficient grounds to debate the merits of the application at planning committee. Since the Referral Panel meeting Officers have sought additional clarification from the applicant on the way the use would take place.

## **2. Site Description**

- 2.1 The site is two-storey detached dwelling with frontage and vehicular access onto Old Barrack Road, Woodbridge.
- 2.2 The property benefits from proportionate private front and rear amenity areas, as well as a rear vehicular access off Peterhouse Crescent.
- 2.3 The wider area is characterised as residential.

## **3. Proposal**

- 3.1 This application seeks planning permission for a single storey outbuilding to be used for food preparation by the occupiers/owners of 60 Old Barrack Road in connection with a catering company.
- 3.2 The outbuilding would be approx. 4 x 11 metres with a ridge height of 3.4 metres. It would be situated towards the north-eastern corner of the dwelling's rear garden area and would have a mono-pitched sedum covered roof and rendered elevations.
- 3.3 The building would comprise separate kitchen and store areas served by two doors and two windows and an extraction vent within its principal elevation.
- 3.4 The proposal would provide ancillary space to facilitate cooking and food preparation for an independent catering company operated by the owners/occupiers of the application site.
- 3.5 No employees would visit the site and the scale of the cooking operation would be similar to that which could be undertaken within a large domestic kitchen.
- 3.6 Food produce would be delivered to the site via the property's existing front access off Old Barrack Road and the hours of operation would be:  
08:00 to 20:00 - Monday to Saturday;  
10:00 to 16:00 - Sundays and Bank Holidays.

### Background information

- 3.7 The following background information has been provided to assist members' understanding of the proposed use. This includes information provided by the applicant following a range of questions put to the applicant to clarify the nature of the use:
  - The food preparation operation that would be facilitated by the proposed outbuilding has previously been undertaken within a similar scale outbuilding sited within the curtilage of a family home based in Knodishall for over 20 years. However, this existing business and larger business has since ceased operating following the applicant's business partner's (mother) retirement.

- The applicant has since operated as a sole trader and does not employ anyone else in the preparation, loading or unloading of food produce at the application site.
- A number of waiting staff are casually employed by the applicant to serve food, these staff meet at the venue only and would not be involved in food preparation at the application site.
- At times when the applicant is unable to drive they rely on relatives to assist with deliveries and there would be no third parties collecting produce from the site. They confirm that there will never be any collections of food produced on site from the property and they always deliver.
- The delivery of ingredients would be made to the front of the property as the applicant considers it impractical to use the rear access track (linking the site to Peterhouse Crescent) due to its poor condition and length.
- Access across the garden is adequate to transport food to the front of the property where vehicles are loaded. The applicant has also agreed to the delivery of a footpath linking the outbuilding to the dwelling's existing rear patio to make this arrangement more practical in the longer term.
- Any additional refuse bins (if required) could be stored alongside the property's existing bins and presented for collection from the front of the property, as per the existing arrangement.

#### **4. Third Party Representations**

- 4.1 Twelve third-party representations of objection have been received noting the potential for overdevelopment and loss of light and privacy. Construction and operational noise is also cited as a concern, as well as potential odour impacts and those associated with deliveries to and from the site.
- 4.2 One third-party representation of support has been received which notes that the operational scale of the kitchen and its overall proximity to neighbouring dwelling would not result in any detriment to the amenity currently enjoyed.

#### **5. Consultees**

##### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Woodbridge Town Council	10 January 2022	21 January 2022
Summary of comments: We recommend REFUSAL due to concerns that vehicular access to the proposed business premises at the very rear of the garden is via a long, narrow track from Peterhouse Crescent. Any delivery, waste collection or emergency vehicles e.g. fire, attempting to access the premises via this track would not have the space to turn round and would block access for any other vehicles. We		

therefore consider that this contravenes SCLP11.1 - j) Ensure that the layout and design incorporates adequate provision for the storage and collection of waste and recycling bins in a way which does not detract from the appearance of the development;

We are similarly concerned about the lack of information available on the Planning Portal - the application is currently lacking a report from the Applicant on matters of Environmental Health (venting of fumes, disposal and storage of waste), fire risk management and access for vehicles. We currently consider that there is inadequate information for the Planning authority and consultees to review and approve this application.

We were also concerned about the lack of public notices displayed at the site.

### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	11 March 2022	31 March 2022
Summary of comments: No objection - conditions recommended.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
The Woodbridge Society	N/A	11 February 2022
Summary of comments: We write to object to this application. The applicant proposes a new building in the rear garden to be used for the purpose of a catering business. This garden adjoins private gardens, the enjoyment of which will be damaged by the kitchen being in uses seven days a week. The application is inappropriate in a residential area. We understand that the rear access is used by a number of residents, including children.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	11 March 2022	31 March 2022
Summary of comments: Internal consultation - conditions proposed.		

### Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 21 January 2022

Expiry date: 11 February 2022

## **6. Planning policy**

National Planning Policy Framework 2021

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.31 - Strategy for Woodbridge (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **7. Planning Considerations**

### Planning history:

- DC/20/3250/FUL: Proposed alterations and extensions at 60 Old Barrack Road Woodbridge - permitted 23 September 2020;
- DC/20/2258/FUL: Proposed alterations and extensions at 60 Old Barrack Road Woodbridge - permitted 24 August 2020.

### Planning principle:

- 7.1 The site falls within the Settlement Boundary (SCLP3.3) of Woodbridge (SCLP12.31); which is categorised as a 'Market Town' within the Settlement Hierarchy (SCLP3.2) of the adopted development plan.
- 7.2 Based on the submitted information, the Case Officer is minded that the proposed works represent the erection of a structure that would be used in a way ancillary to the host dwelling.
- 7.3 Indeed, the outbuilding would be used solely by the owner/occupier of the host dwelling for cooking and food preparation to cater for small scale events. The outbuilding would therefore be used in a way similar to a domestic kitchen might be used to facilitate regular family gatherings.
- 7.4 In reaching this conclusion, the Case Officer has also given regard to guidance available on the government's Planning Portal website, which states:

*'You do not necessarily need planning permission to work from home. The key test is whether the overall character of the dwelling will change as a result of the business.*

*If the answer to any of the following questions is 'yes', then permission will probably be needed:*

*Will your home no longer be used mainly as a private residence?*

*Will your business result in a marked rise in traffic or people calling?*

*Will your business involve any activities unusual in a residential area?*

*Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?*

*Whatever business you carry out from your home, whether it involves using part of it as a bed-sit or for 'bed and breakfast' accommodation, using a room as your personal office, providing a childminding service, for hairdressing, dressmaking or music teaching, or using buildings in the garden for repairing cars or storing goods connected with a business - the key test is: is it still mainly a home or has it become business premises?'*

- 7.5 Judged against the above criteria it is considered that the proposal would not serve to change the nature of the site from mainly being used as a private residence. Further, the scale of the proposed operation is unlikely to result in a marked rise in traffic or people visiting the property since the food preparation would be undertaken solely by the owners/occupiers of the host dwelling and no third parties would be employed at the property. The number of deliveries to and from the site would also be unlikely to result in a notable rise in trips on the local highway network.
- 7.6 Given that the scale of the proposed operation could hypothetically be undertaken within the host dwelling's domestic kitchen, the proposal would not represent an activity that could be considered unusual within a residential area. It is therefore also unlikely that the proposed operation holds the potential to disturb neighbours at unreasonable hours.
- 7.7 Notwithstanding the above, the Case Officer is otherwise conscious that the proposal does present the potential to cause nuisance from odour and/ or noise/vibration from mechanical plant used to mitigate such odours. It is therefore on this basis alone that the necessity for the proposed home working use to be regularised by a planning permission with suitably worded conditions is called into question.
- 7.8 The application is otherwise considered acceptable in principle, subject to a satisfactory assessment of other material planning matters, as set out below.

Visual amenity:

- 7.9 The scale, height and proportions of the proposed outbuilding would appear subservient to the host dwelling and the amount of development can be comfortably accommodated without resulting in the site's overdevelopment.
- 7.10 The outbuilding's siting would be positioned a sufficient distance from the nearest neighbouring dwelling (approx. 24 metres) and therefore would not result in any unacceptable erosion of the proposal site's relation with surrounding properties.

- 7.11 The works would have a minimal impact on the public realm and the proposed forms and materials would appropriately appear as a domestic outbuilding which would complement both the subject property and surrounding area's residential character.
- 7.12 Thus, the proposal is judged to represent a sympathetic and well-integrated development which would serve to update the property in-line with modern live-work aspirations.
- 7.13 In-line with the above, the application is deemed to accord with the provisions set out within the NPPF, as well as SCLP11.1 (Design Quality) of the adopted development plan.

Highway safety and parking:

- 7.14 In consultation with the County Council Highway Authority, it is considered unlikely that the proposal would result in any detriment to existing parking/manoeuvring arrangements, which are judged sufficient to serve the subject property and home-based food preparation operation.
- 7.15 Deliveries to and from the site would be undertaken via the existing Old Barrack Road driveway and, in this regard, the presence of a secondary rear vehicular access off Peterhouse Crescent - as shared by other properties of Clare Avenue - holds an inconsequential bearing on the proposed development's ability to function safely in highways terms.
- 7.16 Existing refuse/recycling storage facilities serving the property are considered adequate to support the operation and, with the above in-mind, the proposal is judged to accord with the relevant provisions of the NPPF and SCLP7.2 (Parking proposals and standards) of the adopted development plan.
- 7.17 The Highway Authority have requested the submission of a Construction Management Plan by way of a suitably worded planning condition attached to any consent that may be granted. Given the modest scale of the built development sought by this proposal, suitably worded conditions restricting working and delivery hours would be sufficient to allay concerns regarding amenity and highway safety implications.

Residential amenity:

- 7.18 Given the proposed building's siting, scale, height and orientation in relation to existing neighbouring properties, it is considered unlikely that any meaningful detriment would result to existing neighbouring amenity from loss of light, privacy or outlook.
- 7.19 In consultation with the Council's Environmental Protection Team, the main source of potential detriment to the amenity currently enjoyed by neighbouring properties relates to nuisance that might be caused by excessive cooking odour and/or noise/vibration from mechanical plant used to mitigate such odours.
- 7.20 In this regard, a suitably worded planning conditions restricting working hours could acceptably alleviate such impacts. The submission of a noise and odour risk assessment shall also be required prior to any approved development's occupation, as well as the submission of noise assessment to ensure that installed mechanical extract equipment is of the correct

specification to ensure odours can be extracted effectively while remaining within acceptable noise limits for the surrounding residential area.

- 7.21 With the above conditions implemented, the Case Officer is content that the proposal would accord with the relevant provisions of the NPPF and SCLP11.2 (Residential amenity) of the adopted Local Plan.

## **8. Conclusion**

- 8.1 As per the above assessment, this application accords with the NPPF and all relevant policies of the adopted development plan.

## **9. Recommendation**

- 9.1 The application is recommended for approval with the following conditions.

### **Conditions:**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s):
  - Site location plan (Received 21 December 2021);
  - 8093 - PA/21/01 A (Floor plan);
  - 8093 - PA/21/03 A (Elevations);
  - 8093 - PA/21/02 A (South West Elevations);
  - 8093 - PA/21/04 A (Block Plan).

Reason: For 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 by the local planning authority.

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

4. No construction work shall commence on site before 08:00 and shall not continue after 19:00 Monday to Saturday, with none being undertaken on Sundays and Bank Holidays, unless otherwise agreed by the Local Planning Authority.

Reasons: To prevent noise pollution to adjacent residential properties.

5. Deliveries to and collections from the site as required in connection with the construction phase of the hereby approved development shall not be undertaken between the hours of 07:30 to 09:00 and 15:00 to 16:30 Monday to Friday, with none being undertaken on Sundays and Bank Holidays, unless otherwise agreed by the Local Planning Authority.



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

6. The hereby permitted use relates only to those activities reasonably required in connection with food preparation and for no other purpose whatsoever, unless otherwise agreed by the Local Planning Authority.

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

7. The hereby permitted food preparation use shall be operated solely by the owners/occupiers of the host dwelling with no other employees or third-parties whatsoever shall be allowed to operate from the site in connection with the permitted use unless otherwise agreed by the Local Planning Authority.

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

8. The working hours in connection with the hereby permitted food preparation use, shall only be between 08:00 and 20:00 Monday to Saturday, and between 10:00 and 16:00 on Sundays/ Bank Holidays, unless otherwise agreed by the Local Planning Authority.

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

9. Apart from loading and unloading of produce, no activities or process in connection with the hereby approved food preparation use shall be carried out outside the hereby approved building unless otherwise agreed by the Local Planning Authority.

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

10. Except for the owner's own personal or business vehicle, deliveries to and collections from the site in connection with the hereby permitted food preparation use shall only be made via Old Barrack Road with none being made via the site's Peterhouse Crescent entrance unless otherwise agreed by the Local Planning Authority.

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

11. Prior to the occupation of the hereby approved development, an odour and noise risk assessment in accordance with the updated current guidance (i.e. 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems - An update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs') shall be submitted to and approved by the Local Planning Authority.

The risk assessment shall identify potential sources of odour/noise, pathways and receptors and make recommendations regarding the level of mitigation needed. The Local Planning Authority will be expecting that a rating level (LAeq) of at least 5dB below the typical background (LA90) is achieved. Any required mitigation/control measures shall thereafter be fully implemented in accordance with the approved measures.

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

12. The hereby permitted use shall not commence until a scheme for the extraction, treatment and dispersal of fumes and odours has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the use commencing and thereafter retained and maintained unless otherwise agreed by the Local Planning Authority.

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

13. Before the installation of any extractor systems, fans, air-conditioning plant or refrigeration plant, and any other fixed plant, details of a scheme to attenuate noise and vibration shall be submitted to and approved by the Local Planning Authority.

The noise assessment must be undertaken by a competent person should be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Only the approved shall be implemented and retained thereafter.

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

14. Prior to the hereby approved development's first use, a suitably surfaced footpath linking the proposed outbuilding with the host dwelling's existing rear patio area shall be fully provided. The footpath shall thereafter be retained in connection with the permitted food preparation use.

Reason: To ensure that safe and suitable access between the permitted outbuilding and host dwelling is retained in connection with the permitted food preparation use.

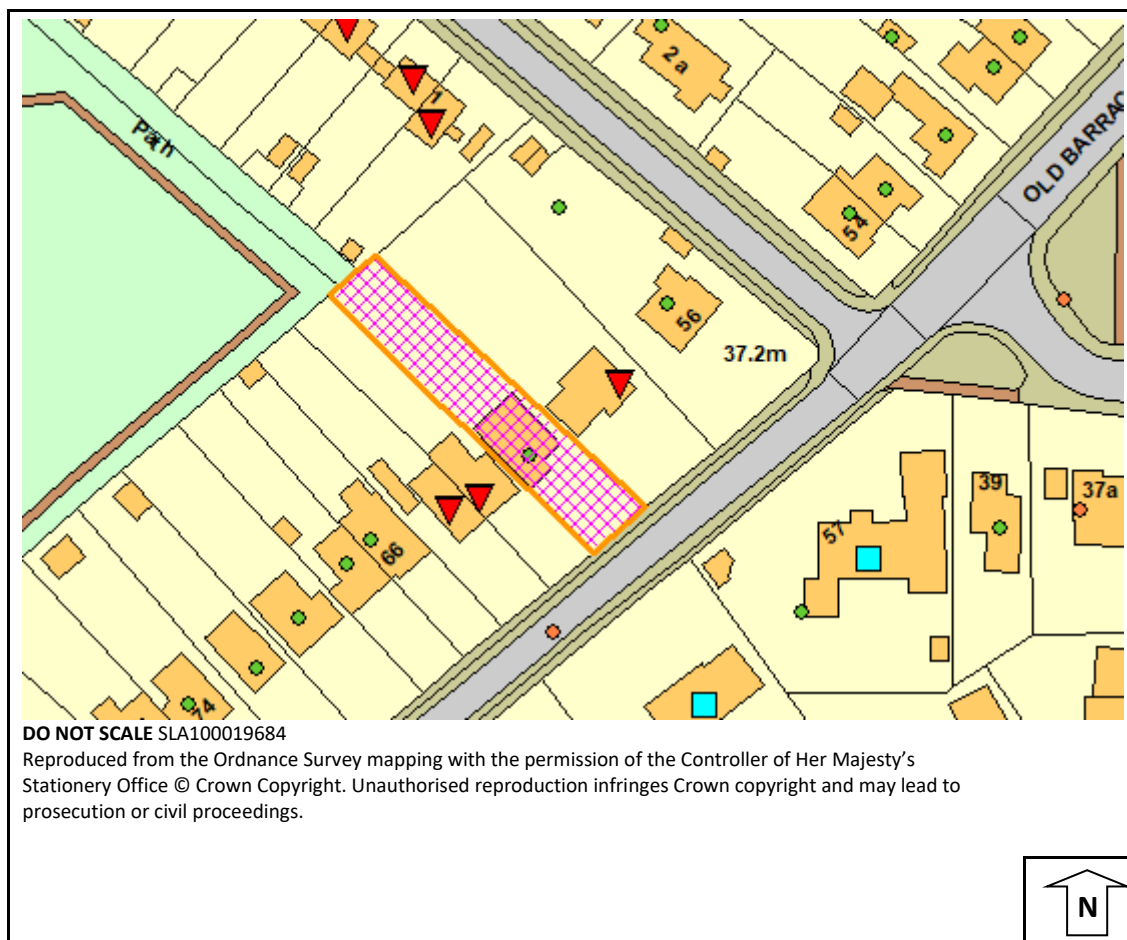
**Informatives:**

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

**Background information**

See application reference DC/21/5698/FUL on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support