



Committee Report

Planning Committee North - 9 November 2021

Application no DC/21/3608/FUL

Location

Miniature Golf Course Kiosk
Dip Farm
Corton Road
Lowestoft
Suffolk
NR32 4PR

Expiry date 30 September 2021

Application type Full Application

Applicant A W Coffee Limited

Parish Lowestoft

Proposal Change of use from kiosk for miniature golf to takeaway site for drinks / snacks. Installation of coffee machine, fridges, freezer, griddle, new windows and extractor fan.

Case Officer Joe Blackmore
07887 454208
Joe.Blackmore@eastsoffolk.gov.uk

1. Summary

- 1.1 This application is brought direct to the Planning Committee (North) for determination because the land subject of the application is owned by East Suffolk Council.
- 1.2 The application relates to the former ticket kiosk at the pitch-and-putt/miniature golf course at Dip Farm, which closed in 2019. The land, however, remains publicly accessible and is a popular area of open space, particularly for dog walking.
- 1.3 The re-purposing of the kiosk building will provide a beneficial food/drink offer and enhance the recreational/leisure use of the surrounding area. There will be some economic benefits from the scheme allowing a small business to operate, and the proposed use will cause no

environmental harm. The proposal accords with the Development Plan and is recommended for approval.

2. Site description

- 2.1 Dip Farm is a former Pitch and Putt golf course that closed in 2019. The land has remained accessible to the public as open space and is a popular dog walking location. There is a large existing car park accessed from the B1385 (Corton Road) to the east.
- 2.2 The building subject of this application comprises the former ticket office/kiosk. It is a small, simple, brick building with a dual pitched roof. It is located to the western side of the car park adjacent the main walking routes that run to the west.
- 2.3 The site is located in the countryside for planning purposes, but there are no significant planning designations covering the land.

3. Proposal

- 3.1 The application was originally submitted seeking 'prior approval' for a permitted development change of use; such applications are appropriate where the change of use would be permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (The GPDO), and all that is required is the Council's 'prior approval' of limited technical details. However, officers identified that the former use of the building as a kiosk/ticket office, was likely a 'sui generis' use and, therefore, changes to alternative uses would require planning permission. The application type was therefore amended to this current application seeking full planning permission for the change of use of the building from a ticket kiosk to a takeaway site for drinks and snacks.
- 3.2 The proposal relates to the change of use of the building, and there is no change to the floor area aside from the installation of the equipment required to prepare the food/beverages being sold. The applicant is intending to replace the existing kiosk windows on the main gable end (south side) of the building. However, in this location outside of a conservation area or other designation, the replacement of the existing windows (timber painted red) with aluminium windows painted orange would not require planning permission.
- 3.3 The existing customer toilets in the building have been renovated and are once again available for public use (when the kiosk is open).
- 3.4 The building has been re-purposed by a local business called 'Coffee Rush', who have operated as a mobile coffee bar covering Suffolk and need a static location. The use has already commenced on site, although this is likely due to the applicant considering that the change of use was permitted development. Officers have discussed the need for planning permission with the applicant (hence this amended application) and advised of the officer recommendation of approval.

4. Consultations/comments

- 4.1 No third-party representations received.

4.2 On the initial prior approval application that was submitted, a round of consultation took place with the Town Council and series of consultees including Suffolk County Highways Authority, Environment Agency, and ESC Environmental Protection. There were no objections from those parties, and no conditions were recommended.

4.2 Because the application has been amended to a full application seeking planning permission, officers have undertaken a short re-consultation with the Town Council as a procedural requirement, but it is not anticipated that any different comments will likely be received, or new matters raised. Any further comments from the Town Council, should they be received, will be reported to Members via the update sheet and/or verbally at the Committee meeting.

Consultee	Date consulted	Date reply received
Lowestoft Town Council	13 August 2021	31 August 2021
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 24 August 2021. It was agreed to recommend approval of the application subject to adequate bins being installed at the location.		

Consultee	Date consulted	Date reply received
SCC Highways Department	13 August 2021	25 August 2021
Summary of comments: Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	13 August 2021	No response
Summary of comments: Thank you for consulting us on the above application. Having considered the nature of the proposals and the site I have no concerns or comments to make.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	13 August 2021	No response
Summary of comments: No comments received.		

Re-consultation consultees – period for further comments ends 05 November 2021.

Consultee	Date consulted	Date reply received
Lowestoft Town Council	22 October 2021	
Summary of comments: No further comments received at time of drafting report.		

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 22 October 2021

Expiry date: 12 November 2021

6. Planning policy

National Planning Policy Framework 2021 (NPPF)

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

WLP8.18 – New Town Centre 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))

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

7. Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

7.2 The development plan comprises the East Suffolk Council - Waveney Local Plan (“The Local Plan”) and any adopted Neighbourhood Plans. The 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.

7.3 The Local Plan spatial strategy generally directs development to within the defined settlement boundaries, and policy WLP8.18 seeks to generally direct new retail, restaurant, leisure uses etc to within defined town centres. But the Local Plan strategy does also

promote the re-use of buildings in rural locations for appropriate uses, and the NPPF at paragraph 84 (a) sets out that:

*“Planning policies and decisions should enable:
the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings”.*

- 7.4 The former ticket kiosk use was akin to a retail type use, and therefore the proposal to re-purpose the building for use as a takeaway coffee/snack shop is an acceptable change of use. It will bring a redundant building back into a commercial use, and a food/beverage offer will enhance what is already a popular location for dog walking, amongst other things. There is no planning policy requirement for the use to be directed to a town centre, because the building is already in-situ, and it is clear that the coffee shop needs to be in this countryside location to draw on the footfall of walkers using the surrounding area. In this way, the coffee shop does not compete or detract from any town centre uses, because it is an entirely different offer. The principle of development is therefore supported in accordance with the Local Plan and the NPPF.
- 7.5 Given the rural location of the site and that there are no residential or sensitive uses near the building, the change of use will cause no material impact on any living conditions or the local environment. In any case, it is a low-key use of a modest space that will not generate significant noise, odour or disturbance. There have been no objections from the Council’s Environmental Protection Team, nor conditions recommended.
- 7.6 In highways safety terms, there is an existing access from the B1385 into the large car park, where there is ample provision for parked vehicles. Whilst the change of use may increase visitors to the location, that is not likely to be so significant to cause any highways safety concerns. The Highways Authority raised no objections to the initial consultation. Accordingly, there is no conflict with the sustainable transport objectives of WLP8.21.
- 7.7 In terms of any controls on the use of the building, the rural location of the site means it is not necessary to have very strict controls on hours of operation. However, it would be sensible to limit the operating hours of the business so that it has to close overnight, so as to avoid a situation in the future where a 24-hour use could occur. Officers recommend that the hours of operation be limited to between 06:00 and 22:00. This gives the applicant the flexibility to operate as they need and adjust to demand. These hours of operation could apply 365-days-a-year, as there is no need to have different restrictions on weekends or bank holidays; indeed, those days are likely to see the biggest footfall to the location and therefore unnecessary restrictions on those days would be counterproductive.
- 7.8 In terms of any other matters, there are no detailed ecology, landscape/visual impact, or heritage considerations relevant to this application.

8. Conclusion

- 8.1 For the reasons set out in this report, the change of use accords with the Development Plan as a logical re-purposing of the building to enhance the recreational offer in the locality. There are no adverse impacts or other material considerations that would indicate for a decision other than approval.

8.2 Because the application type has been amended, officers have undertaken a short re-consultation with the Town Council and posted a site notice at the site as a procedural requirement. The site notice has to be displayed for 21-days, and that period ends on 12 November 2021. The officer recommendation, therefore, is one of authority to approve, subject to no new material planning issues being raised in any additional comments received prior to 13 November 2021 (that have not already been considered in this report or via the update sheet to be published the day before the Planning Committee meeting).

9. Recommendation

9.1 Authority to Approve, subject to no new material planning issues being raised in any further comments received prior to 13 November 2021 that have not already been considered and reported to the Planning Committee.

10. Conditions

10.1 The development shall be carried out in accordance with the site location plan received 06 August 2021.

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

10.2 The building shall only be used for the purposes of a coffee shop/food takeaway as set out in the application unless otherwise approved in writing by the Local Planning Authority (LPA).

Reason: to ensure the LPA retains control over any future uses of the building to ensure such uses are compatible with the rural location.

10.3 The hereby approved use shall only operate between the hours of 06:00 and 22:00.

Reason: to ensure that the use is not carried out overnight.

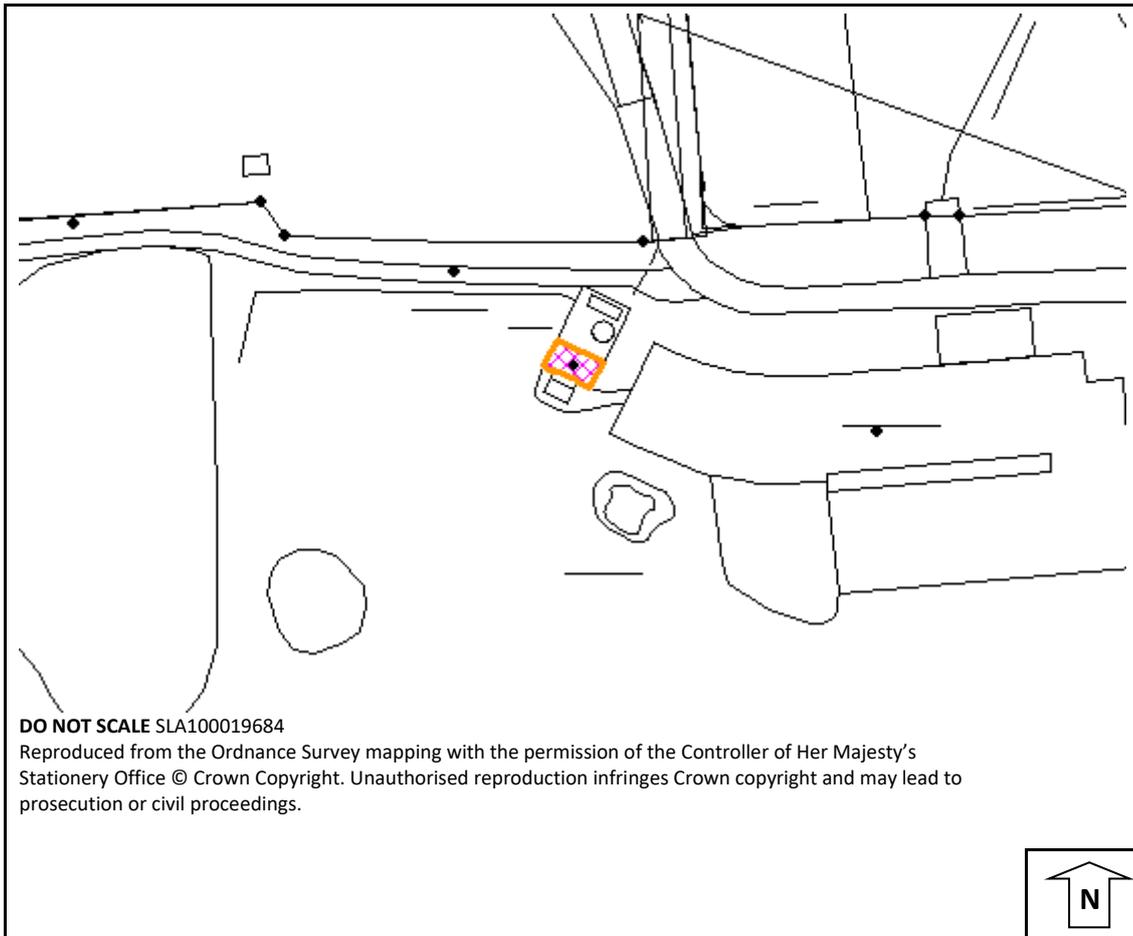
11. Informatives:

11.1 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.

12 Background Papers

See application reference DC/21/3608/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support