



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

Planning Committee North

Members:

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

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside,
on **Tuesday, 12 July 2022 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://youtu.be/nTPba0pgZuk>.

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

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

3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To approve as a correct record the Minutes of the Meeting held on 14 June 2022	1 - 16
5	East Suffolk Enforcement Action - Case Update ES/1201 Report of the Head of Planning and Coastal Management	17 - 37
6	DC/21/5044/FUL - 9 Glebe Close, Lowestoft, NR32 4NU ES/1203 Report of the Head of Planning and Coastal Management	38 - 55
7	DC/22/0891/FUL - Land to the North of Old Mill House, Linstead Road, Huntingfield ES/1206 Report of the Head of Planning and Coastal Management	56 - 66
8	DC/22/1581/ADN - 87 High Street, Lowestoft, NR32 1XN ES/1208 Report of the Head of Planning and Coastal Management	67 - 72
9	DC/21/4834/FUL - 36 Ashburnham Way, Lowestoft, NR33 8SJ ES/1209 Report of the Head of Planning and Coastal Management	73 - 78

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.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

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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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 14 June 2022 at 2.30pm**

Members of the Committee present:

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

Other Members present:

Councillor David Ritchie

Officers present:

Richard Best (Collaboration and Connecting Programme Manager), Nicola Biddall (Rights of Way Officer), Ben Bix (Democratic Services Officer), Joe Blackmore (Principal Planner), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Manager (Development Management))

Others present:

Sharon Berry (Communities Officer (Public Rights of Way), Babergh & Mid Suffolk District Councils)

Announcement

When opening the meeting, the Chairman announced that he had reordered the agenda to bring forward items with public speaking and that item 8 would be heard after item 5 and would be followed by item 7, before items 6 and 9 were then heard.

1 Apologies for Absence and Substitutions

No apologies for absence were received.

2 Declarations of Interest

Councillor Paul Ashdown declared a Local Non-Pecuniary Interest in item 9 of the agenda as a member of Lowestoft Place Board.

Councillor Norman Brooks declared a Local Non-Pecuniary Interest in item 9 of the agenda as the Cabinet Member with responsibility for Transport, noting that rights of way was an area of responsibility in his portfolio.

Councillor Andree Gee declared Local Non-Pecuniary Interests in items 6 and 8 of the agenda as the Ward Member for Oulton Broad.

Councillor Craig Rivett declared a Local Non-Pecuniary Interest in item 9 of the agenda as the Chairman of the North Lowestoft Heritage Action Zone Board.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Paul Ashdown declared that he had been lobbied on item 8 of the agenda by one of the Ward Members for Oulton Broad; he had responded to advise the Member that they were entitled to speak on the application at Committee as the Ward Member for the application.

4 Minutes

On the proposition of Councillor Cooper, seconded by Councillor Pitchers it was by a unanimous vote

RESOLVED

That the minutes of the meeting held on 10 May 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1178** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 19 May 2022. At that time there were 13 such cases.

The Chairman invited the Assistant Enforcement Officer to comment on the report. The Assistant Enforcement Officer noted that the site at Top Street, Martlesham had been fully cleared and the associated enforcement case would be closed and removed from future update reports.

The Chairman invited questions to the officers.

The Assistant Enforcement Officer advised that those enforcement cases with the Council's legal team were progressing and it was hoped that a more substantial report could be made to the Committee in the coming months.

The Planning Manager (Development Management) added that Planning Enforcement was being considered by the Scrutiny Committee at its meeting of 16 June 2022 and that he and the Head of Planning and Coastal Management would be attending the meeting alongside the Cabinet Member with responsibility for Planning and Coastal Management to answer any questions the Scrutiny Committee might have.

The Planning Manager advised that an application for a certificate of lawful use for land at the North Denes caravan park had been refused and this decision was now subject to appeal; officers were awaiting an appeal date from the Planning Inspectorate and the Planning Manager confirmed that this would not hold up the enforcement of non-compliance on the site.

The Planning Manager explained that although the appellant at North Denes caravan park was not the landowner, anyone could apply for planning permission on any land, providing they served the appropriate notice on the landowner, and that the appellant had a right to pursue applications and appeals on the site.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Brooks, seconded by Councillor Pitchers it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 19 May 2022 be noted.

8 DC/22/0842/FUL - 165 Hall Road, Lowestoft, NR32 3NR

The Committee received report **ES/1181** of the Head of Planning and Coastal Management, which related to planning application DC/22/0842/FUL.

The application sought planning permission for the construction of a detached garage to the rear of 165 Hall Road, Lowestoft. The application had been referred directly to the Committee for determination as the application was a member of staff for East Suffolk Council, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planner, who was the case officer for the application.

The site's location was outlined, and an aerial photograph of the site was displayed. The Committee was also shown three-dimensional visualisations of the site looking north, west and south.

The Committee received photographs looking into the site from the south, east and north, the frontage of the host dwelling. The Planner noted the photograph submitted by one of the objectors that demonstrated the site's proximity to 167 Hall Road.

The existing and proposed block plan and elevations were displayed to the Committee. The Planner noted that following concerns expressed by officers regarding the original roof design, this was amended by the applicant. The proposed floor plans and sections were also displayed.

The Committee was advised that a similar ancillary building could be constructed under permitted development regulations (pdrs) and that this scheme only required planning

permission due to the proposed roof design and the Planner outlined the fallback position available to the applicant if the scheme should be refused.

The material planning considerations and key issues were summarised as the design and amenity.

The recommendation to approve the application, as set out in the report, was outlined to the Committee and the Planner drew attention to the additional proposed conditions set out in the update sheet, which had been published and circulated on Monday 13 June 2022.

There being no questions to the officers the Chairman noted that there were two sets of objectors speaking on this application, who agreed to split the three minutes between them.

The Chairman invited the first objector, Mr Sawyer, to address the Committee for the first minute.

Mr Sawyer pointed out that the large structure proposed would be near to all six residences which had objected to the application and was designed to accommodate a large number of vehicles despite limited access and not being easily accessible for the fire service. Mr Sawyer was concerned about the impact on the amenity of those who objected to the application and considered it to be against the Local Plan's policies on restricting harmful development in residential areas.

The Chairman invited the second objector, Mrs Hudson, to address the Committee for the remaining two minutes.

Mrs Hudson was concerned about the flammable materials that would be stored in the building and said that waiting for Environmental Health to deal with the issue would be too late, as the building would have already been constructed.

Mrs Hudson cited drainage as a key issue given the local soil and surrounding area and considered that the development would have a negative impact on the nearby water table and wooded wildlife area. Mrs Hudson was of the view that the concerns raised by objectors were valid, regardless of what could be built under pdrs.

Mrs Hudson noted that the plans showed a new driveway to the development as a result of the demolition of the existing garage and considered this unnecessary as there was already a driveway on the other side of the property; Mrs Hudson considered that demolition work so close to 167 Hall Road to be inappropriate.

Mrs Hudson expressed her concerns about the impact on the amenity for residents at 167 Hall Road and said this did not accord with Council's ambitions for the wellness of its residents.

There being no questions to Mr Sawyer or Mrs Hudson the Chairman invited Mr Garrett, agent for the applicant, to address the Committee.

Mr Garrett reiterated that that the development could largely be built under pdrs and only required planning permission due to the type of roof proposed. Mr Garrett acknowledged the concerns about the possible use of the garage and advised the Committee that the applicant intended to use it only to maintain his classic car, which his current garage could not accommodate.

Mr Garrett assured the Committee that the applicant did not intend to use the development as a commercial premises and would not be working on the car continuously. Mr Garrett noted that the applicant had chosen to retain the trees and hedgerow on the site.

The Chairman invited questions to Mr Garrett.

Mr Garrett explained that the existing garage would become the drive through to the new garage and could not be used to maintain the applicant's current car as it was not wide enough.

Mr Garrett confirmed that the building's closest point to 167 Hall Road was approximately 18 metres away, its closest point to 169 Hall Road was approximately 25 metres away, its closest point to 1 Holden Close was approximately 19 metres away and its closest point to 3 Holden Close was approximately 16 metres away. The Principal Planner (Development Management) identified that the precise distances were set out in paragraph 7.2 of the report.

The Chairman invited any further questions to the officers.

The Planning Manager advised that as a domestic outbuilding, the fire safety standards quoted by objectors were not a matter for considerations and any fire safety issues could be addressed via the Building Control process.

The Planner confirmed there had been no noise complaints from the site and that a taller building could be constructed under pdrs.

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

Councillor Brooks noted the fallback position under pdrs and considered what was proposed by the application was more attractive than what could be built without planning permission. Councillor Brooks highlighted the significant distances between the development and neighbouring properties and that it would be for private/hobby use and proposed that the application be approved as per the recommendation in the report.

Councillor Rivett was happy to second the proposal to approve the application and said he was no longer concerned that the development would be used for commercial purposes.

Councillor Gee, who was also Ward Member for Oulton Broad, said she had been worried about the concerns raised by objectors about the possible spillage of liquids into the neighbouring fen, explaining the marshy nature of the area. Councillor Gee outlined concerns in the area about the water table and issues with reeds been

excessively cut back in the past and asked if there was anything that could be done to prevent accidents such as the ones suggested by objectors from occurring.

The Planning Manager, in response to Councillor Gee's question, noted that the storage of liquids in a domestic outbuilding was not controlled by planning and said that considering the fallback position, additional conditions to control this were not required.

The recommendation to approve the application having been proposed and seconded, the Chairman moved to the vote and it was by a majority

RESOLVED

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

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Location Plan (2918.22.2A), Proposed plans (2918.22.1C) received 02/03/2022 _ 22/04/2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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. The building hereby approved shall be used only for purposes incidental to the enjoyment of the main dwelling house and shall not be used for any business, commercial or industrial purposes whatsoever or as independent residential living accommodation.

Reason: In the interests of the amenity of the area.

5. The trees and hedges, as shown on drawing 2918.22.1C, shall be retained. If tree roots are identified during the digging of any foundations for the garage hereby permitted, an impermeable membrane shall be laid to prevent leachates from

concrete. Any roots under 25mm in diameter may be pruned using sharp clean secateurs.

Any trees or shrubs which die or become severely damaged within 3 years of the construction of the garage, hereby permitted, shall be replaced in the next planting season with a tree or shrub or similar scale and species.

Reason: To protect the character and appearance of the area.

6. The three Silver birch (T1-T3 on drawing '2918.22.1C') shall be safeguarded by the installation of tree protection fencing. This shall be a Heras style fencing and be erected no closer than 1 metre from the outer edge of the crowns of the trees. The fencing shall be installed prior to the commencement of any development, site works or clearance, and shall be maintained and retained until the development is completed.

Within the fenced areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: Required to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Local Plan Policy SCLP10.4.

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.

7 DC/21/5123/FUL - 251-253 Church Road, Kessingland, Lowestoft, NR33 7SB

The Committee received report **ES/1180** of the Head of Planning and Coastal Management, which related to planning application DC/21/5123/FUL.

The application sought planning permission for the change of use of an outbuilding to the rear of 251-253 Church Road, Kessingland to form two holiday lets. As Kessingland Parish Council had raised an objection, contrary to the officer recommendation of approval, the application was referred to the Planning Referral Panel in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution. At the Planning Referral Panel's meeting of 24 May 2022, it was agreed that the application be referred to the Committee for determination.

The Committee received a presentation from the Planner, who was the case officer for the application.

The site's location was outlined, and the Committee was shown an aerial photograph of the site.

The proposed block was displayed and the Planner outlined the extant consent on the site, approved in 2005, which had not been built out in its entirety. The Planner noted the change to Building C, which was now proposed to be used for cycle storage.

The proposed elevations and both the existing and proposed floor plans were displayed.

At this point the meeting was adjourned to address a technical issue which had impacted both the participation of attendees remotely and the live broadcast of the meeting. The meeting was adjourned at 3.10pm and was reconvened at 3.19pm.

The material planning considerations and key issues were summarised as the principle of development, the previously implemented planning permission, design, amenity, highways and parking, and the Recreation Disturbance Avoidance and Mitigation Strategy (RAMS).

The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

The Planner advised that the proposals were not compliant with the Highways Authority's parking provision standards but the Highways Authority had not objected to the application.

The Planner, in response to a question on the weight of the Kessingland Neighbourhood Plan compared to the extant planning consent, explained that both matters should be given appropriate weight, noting that the Neighbourhood Plan was not in place at the time the extant consent was given and that officers considered the parking provision on the site to be appropriate. The Principal Planner (Development Management) advised that the Highways Authority had not objected to the original application and had proposed conditions in its response at the time.

The Chairman invited Mr Garrett, agent for the applicant, to address the Committee.

Mr Garrett said he had nothing further to add to the information given by the Planner and noted the changes made to the cycle and bin storage arrangements.

There being no questions to Mr Garrett the Chairman invited the Committee to debate the application that was before it.

Councillor Brooks recalled the original application and seeing no material reasons to refuse the current application, he proposed that the application be approved as per the

recommendation set out in the report. This proposal was seconded by Councillor Cooper.

The Chairman moved to the vote and it was unanimously

RESOLVED

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

Conditions:

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

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

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

- Site Location Plan, 280.21.3A, received 14/04/2022
- Site Layout Plan, 2870.21.2A, received 14/04/2022
- Proposed elevations and floor plans, 2870.21.4, received 11/11/2021

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 dwelling shall not be occupied until the area within the site shown on drawing no. 2870.21.2A for the purposes of loading, unloading, manoeuvring and parking of vehicles and cycle storage has been provided and thereafter the area shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

4. The holiday lets, as shown on drawings 2870.21.4, shall be occupied solely as holiday accommodation and for no other purpose whatsoever including residential use. The unit shall be occupied for no more than 56 consecutive days in any calendar year by the same person or persons. The owner shall maintain, and keep available for inspection at all reasonable times, an up-to-date register of lettings. The Holiday lets, hereby permitted, shall remain within the same ownership as 251 - 253 Church Road, Kessingland in perpetuity, and shall not be subdivided.

Reason: the proposed unit(s) are suitable for holiday accommodation but not suitable for residential use, and subdivision of the site may adversely impact on amenity and highway safety.

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.

6 DC/21/4436/FUL - Laurel Farm, Hall Lane, Oulton, Lowestoft, NR32 5DL

The Committee received report **ES/1179** of the Head of Planning and Coastal Management, which related to planning application DC/21/4436/FUL.

The application sought planning permission for the partial rebuild of an existing derelict barn and change of use to a holiday let. The proposed holiday let would be located outside of the settlement boundary and would be contrary to policy WLP8.15 of the Waveney Local Plan (the Local Plan) as the holiday let would comprise of a permanent building and would not meet any of the criteria as set out in policy WLP8.15.

As the application was a departure from the development plan it had been referred directly to the Committee for determination.

The Committee received a presentation from the Planner, who was the case officer for the application.

The site's location was outlined, and the Committee was shown an aerial photograph of the site. The Planner displayed three-dimensional visualisations looking north into the application site.

The Committee received photographs looking into the site, within the site and showing historic views of the derelict barn prior to its roof collapsing. The Planner outlined that the proposed development sought to replicate much of the form of the original building.

The Planner displayed the existing and proposed block plans and elevations, highlighting that much of the existing brickwork would be retained in the development. The Committee was advised that the proposed development was within the existing footprint.

The material planning considerations and key issues were summarised as the principle of development, sustainability and tourism benefits, design, amenity, highways and RAMS.

The Chairman invited questions to the officers.

The Planner explained that although some areas of the existing structure required complete reconstruction, the overall project was considered a partial rebuild as existing structural framework and brickwork would be retained.

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

Councillor Rivett said he was aware of the site and welcomed it coming back into use in a new way. Councillor Rivett was content with the design and proposed that the application be approved.

Councillor Ceresa seconded the proposal to approve the application and considered it positive that existing brickwork was being utilised in the development.

The recommendation to approve the application having been proposed and seconded, the Chairman moved to the vote and it was unanimously

RESOLVED

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

Conditions:

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

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

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

- Site Location Plan and Existing Block Plan, 21-218 101, received 23/09/2022,
- Proposed Block Plan, 21-218 102, received 23/09/2022,
- Proposed Elevations - East & West, 21-218 108B, received 30/03/2022,
- Proposed Elevations - South, 21-218 109A, received 30/03/2022,
- Proposed Elevations - North, 21-218 107A, received 30/03/2022,
- Proposed Ground Floor Plan, 21-218 105B, received 30/03/2022,
- Proposed First Floor Plan, 21-218 106A, received 30/03/2022,
- Structural Report, REPORT NO. 22-024R_001, received 30/03/2022,
- Design and Access Statement, C (31-03-22), received 31/03/2022,

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM).

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. 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 a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA.

The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including the Land Contamination Risk Management (LCRM).

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. Prior to any occupation or use of the approved development the RMS approved under condition 5 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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.

7. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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.

8. 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. 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 BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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.

9. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan, and in order that the local planning authority may retain control over this development.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building, structures, or alterations permitted by Classes A (extensions or alterations), B (additions to the roof), C (Alteration to the roof), D (Porches) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected or made without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development, ensure the property is retained as a holiday let, and protected the character and appearance of the street and building.

11. The use shall not commence until the area(s) within the site shown on Drawing No. 21-218

105B for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2019 to promote sustainable travel.

12. The use shall not commence until the area(s) within the site shown on drawing no. 21-218 105B for the purposes of manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and manoeuvring would be detrimental to the safe use of the highway.

13. The areas to be provided for the storage and presentation of refuse and recycling bins as shown on Drawing No. 21-218 105B shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

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.

9 Proposed Diversion of Lowestoft Public Footpath No 52

The Committee received report **ES/1182** of the Head of Planning and Coastal Management, which sought the authority to make a Public Path Order to divert Lowestoft Public Footpath No 52 (the footpath) under the provisions of Section 119 of the Highways Act 1980.

The proposal had been brought to the Committee for a decision as the land crossed by both the existing and the proposed footpath had until recently been in the ownership of East Suffolk Council.

The Committee received a presentation on the proposal from the Principal Planner (Development Management). The Principal Planner noted that the Council's Rights of Way Officer and the Communities Officer (Public Rights of Way) from Babergh and Mid Suffolk District Councils were both present to answer any questions the Committee might have.

The site's location was outlined. The Principal Planner noted that the footpath realignment was in relation to the creation of Ness Park, part of regeneration works in the area. The Committee was shown a map detailing the current alignment of the footpath.

The Committee received photographs of the site showing Ness Park, the footpath from the western side of the site towards Ness Park (noting the location of the drying racks) and the realigned area from both the east and west. The Principal Planner considered there was a beneficial outcome for all footpath users from the widening and resurfacing works.

The recommendation, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

The Principal Planner identified where realignment works had already taken place and explained that the Public Path Order was required to formally confirm the realignment.

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

Members were supportive of the realignment works, although it was noted that the path was very straight. It was noted during the debate that the area and the footpath itself was well used and that original grass planting had not taken due to the level of footfall in the area.

There being no further debate the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Cooper, seconded by Councillor Coulam it was by a unanimous vote

RESOLVED

1. That the making of a Public Path Order under Section 119 of the Highways Act 1980 in the interests of the owners of the land and of the public to divert Lowestoft Public Footpath No 52 be authorised.
2. That subject to no objections being received within the statutory notice period the Order be confirmed.

The meeting concluded at 3.42pm.

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Chairman

PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

12 July 2022

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 27 June 2022. At present there are 16 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

RECOMMENDATION

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

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

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

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

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

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

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/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 action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) 	28/06/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/10/2018 – 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. • 01/04/2019 – Enforcement Notice served. • 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. 	

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"> • 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 • Site visit due at end of January 2021. • 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021 • 03/06/2021 – site re visited, no compliance, case passed to Legal Department for further action to be considered. • Legal action being considered. • Case to be heard at Court on 15/10/2021 • Court Case adjourned until 12/11/2021 • Court case adjourned for trial on 24/01/2022 • Court case adjourned until 01/02/2022 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Owners and Tenant pleaded guilty to the charges and were fined £2000 and £1000 respectively plus costs. The majority of the site has now been cleared with the rest to be done by mid May 2022. 13/06/2022 – Site visited, Enforcement Notice has now been complied with in full. Case closed 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period 	31/07/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 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 	

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 with some amendments. Compliance by 11/12/2020 • Site visit to be undertaken after 11/12/20 • Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action. • Further visit to be done on 25/03/2021. • Site visit completed, Notices not complied with, file passed to Legal services for further action. 	
ENF/2015/0279/DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and 	31/07/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice served by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 	

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"> • Court hearing in relation to structures and fencing/gates 03/03/2021 • Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. • Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. • 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs • 12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed • Site visited on 13/08/21 all structures removed from the site. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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. • Hearing adjourned until 09/03/2021 • Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. • Awaiting Decision • Appeal dismissed and partial costs to the Council 	30/08/2022

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

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

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

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

Committee Report

Planning Committee North – 12 July 2022

Application no DC/21/5044/FUL

Location

9 Glebe Close
Lowestoft
NR32 4NU

Expiry date 30 December 2021

Application type Full Application

Applicant Mr Russell Ritchie

Parish Lowestoft

Proposal Construction of two detached dwellings and all associated works.

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

1. Summary

- 1.1. Planning permission is sought for the construction of two single storey dwellings and associated works. A proposal for a single dwelling has previously been approved under DC/21/0709/FUL, and permission was previously refused for two dwellings. However, the application has been amended to address the concerns raised by officers in the previous scheme by increasing the site area and amending the general layout to provide a more spacious layout and better-quality garden spaces for the dwellings. The amended scheme is not considered to have any significant adverse impacts on the character and appearance of the area and would not harm the amenity of neighbouring residents. Furthermore, it is considered to provide suitable amenity for future residents and would have no adverse impacts on highway safety in the area.
- 1.2. The proposal accords with the Development Plan and is recommended for approval.
- 1.3. The application has been referred to Planning Committee via the Referral Panel.
- 1.4. The application came before the committee on the 10 May 2022 and was deferred by members due to concerns around the amenity space provided for the proposed dwellings.

The application has subsequently been amended to re-orientate the dwelling on plot 2 as the applicant considers that the site area provides more than adequate amenity space and the re-oriented dwellings is set away from the site boundaries. The proposal is still considered acceptable by officers and again recommended for approval.

2. Site Description

- 2.1. The site is located within the settlement boundary for Lowestoft, and within no special planning protection areas. The site comprises a single storey detached dwelling, with sizeable rear garden, and forms part of the Glebe Close cul-de-sac. The application site is situated to the rear of no.8 with access gained from the turning head area of Glebe Close to the west and is surrounded by residential development.

3. Proposal

- 3.1. Planning permission is sought for the construction of 2no. three-bedroom single storey dwellings with garages. Plot 1 will have an integral garage with a combined floor area of 173sqm and contains 3/4 bedrooms. Plot 2 has a detached garage with the dwelling having a floor area of 151sqm and containing 3/4 bedrooms. Each dwelling will measure 5.2m at the highest point.
- 3.2. The proposal has been amended during the application to better utilise the site area and provide better amenity for future and existing residents, particularly in terms of their gardens and outlook from rooms. The scheme has been further amended since the item was deferred from the May committee meeting.

4. Consultees

Third Party Representations

- 4.1. A total of 15 representations of Objection have been received during the initial and re-consultation, raising the following key material planning considerations (inter alia):
- Impact on flora and fauna
 - Uncharacteristic development for the area
 - Impact on character and appearance of area
 - Impact on amenity from overlooking and overbearing
 - Increased noise and activity
 - Highway safety impacts from increased traffic movements
 - Impact on drainage and water pressure
 - Setting a precedent
 - Overdevelopment of site
 - Increased light pollution
 - Impact on security
- 4.2. One representation from the local Ward Member has also been received raising the following concerns:

"I am quite concerned about this planning application for two bungalows again.

Could you please confirm to me the exact situation with the planning applications in which what has been approved and what has not as this is going on for quite some time.

I have walked and driven in the Close and also one of my residents uses the pavement to go to see her son on the close and she uses a mobility scooter and she says on many occasions she has difficulty getting past cars that are partly parked on the pavement now. Surely with the likelihood of six further cars using the close this is not acceptable. I believe that this should be refused unless you can come up with a reason why this should go ahead."

4.3. Four representations of objection were received during the re-consultation of the amended plans following deferral from committee. The following key material planning considerations raised include (inter alia):

- Impact on trees
- Impact on wildlife
- Incorrect drawings
- Increased pollution
- Increased noise and activity
- Highway safety
- Overdevelopment of the site
- Setting a precedent

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	14 March 2022	30 March 2022
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 30 March 2022. It was agreed to recommend refusal of the application. The Town Council's position on this application remains the same; there are no positive changes to the application and the ecological impact is undiminished.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	15 November 2021	2 December 2021
Summary of comments: This application was considered at a meeting of the Town Council's Planning Committee on 30 November 2021. It was agreed to recommend refusal of this application, due to overdevelopment of the site, the ecological impact and loss of habitat for wildlife, particularly due to the presence of a wildlife corridor. This application had previously been recommended for refusal by the Town Council and there was no additional detail in the revised application that could mitigate the original reasons for refusal.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	25 May 2022	10 June 2022
<p>Summary of comments:</p> <p>The Town Council's Planning Committee considered this application at a meeting on 7 June 2022. It was agreed to recommend refusal of the application. Concerns for over development, privacy, conservation and nature had not been mitigated and the Town Council original opinion that this development is not appropriate remains.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	15 November 2021	25 November 2021
<p>Summary of comments:</p> <p>No objections subject to conditions</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	15 November 2021	22 November 2021
<p>Summary of comments:</p> <p>No objections subject to conditions</p>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	15 November 2021	No response
<p>Summary of comments:</p> <p>No comments received</p>		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	15 November 2021	No response
<p>Summary of comments:</p> <p>No comments received</p>		

Consultee	Date consulted	Date reply received
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Waveney Norse - Property And Facilities	15 November 2021	No response
Summary of comments: No comments received		

Re-consultation consultees

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	14 March 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	14 March 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 March 2022	14 March 2022
Summary of comments: No objections subject to conditions		

Consultee	Date consulted	Date reply received
SCC Highways Department	14 March 2022	16 March 2022
Summary of comments: No objections subject to conditions		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	14 March 2022	No response
Summary of comments: No comments received		

Re-consultation consultees

Consultee	Date consulted	Date reply received
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Essex And Suffolk Water PLC	25 May 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	25 May 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	25 May 2022	6 June 2022
Summary of comments: No additional comments to make		

Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	25 May 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	14 March 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	14 March 2022	No response

Summary of comments: No comments received
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Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 March 2022	14 March 2022

Summary of comments: No objections subject to conditions

Consultee	Date consulted	Date reply received
SCC Highways Department	14 March 2022	16 March 2022

Summary of comments: No objections subject to conditions

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	14 March 2022	No response

Summary of comments: No comments received
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5. Site notices

General Site Notice

Reason for site notice: New Dwelling
Date posted: 19 November 2021
Expiry date: 10 December 2021

6. Planning policy

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

WLP8.33 - Residential Gardens and Urban Infilling (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

National Planning Policy Framework 2021 (NPPF)

7. Planning Considerations

Site History

- 7.1. Planning permission was previously refused for a similar scheme under reference DC/19/2051/FUL, due to the impact that the proposal would have on the nearby European Protected Sites, and on the character and appearance of the surrounding area. This decision was appealed and ultimately the appeal was dismissed; however, that appeal decision raised no concerns about the principle of developing the site, and the only reason the appeal was dismissed was due to the impact that the proposal, in combination with other residential development, would have on the nearby European Protected Site (essentially a lack of RAMS contribution). A copy of the appeal decision is appended to this report. Following this appeal planning permission was granted under DC/20/1359/FUL in June 2020 for a single dwelling, and this scheme was later amended under DC/21/0709/FUL in April 2021; this 2021 permission remains extant and represents the 'fallback' position for the site.
- 7.2. In September 2021 permission was refused under DC/21/3570/FUL, for two dwellings, as officers considered that the layout and design of the scheme resulted in a visually cramped and poor-quality layout, which could also adversely impact on the amenity of neighbouring residents. Since that time, the applicant has acquired further land to increase the size of the application site, allowing the layout to be amended to address this most recent refusal.

Principle

- 7.3. The first issue to be considered is that of principle. Whilst the site is located within the physical limits boundary for Lowestoft and as such does accord with the broad provisions for the location of development, it is not automatically assumed that the site is suitable for development and several other considerations and policy implications will need to be assessed. However, the extant planning permissions for development of the site do establish that backland housing development in this location is acceptable in principle. This is a matter first established in the appeal, and then has been reinforced by the LPA in subsequent planning permissions.

Design

- 7.4. Policy WLP8.29 sets out several criteria which mean that proposed development should be respectful of the character and appearance of the surrounding area. In addition, policy WLP8.33 sets out housing development on garden and other urban infill sites will be supported where they satisfy several criteria including:
- The scale, design and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development.
 - The proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment.
- 7.5. In the previous appeal, the Planning Inspectorate concluded that *"the proposed development would not harm the character and appearance of the area. As such, it would not conflict with Policies WLP8.29, WLP8.32 and WLP8.33 of the Waveney Local Plan (2019) (WLP, which together seek to ensure that seeks to ensure that development complements local character."*
- 7.6. Permission has previously been granted for a single dwelling of similar design to the two now proposed. Following refusal of the most recent application (for two dwellings) the overall site area has been increased by incorporating an additional parcel of land to the north-west. This increase has facilitated an improved development layout with the scheme appearing far less cramped than the previous refusal.

- 7.7. The overall design of the dwellings is similar to that of the previously approved single dwelling, and it is considered that the simple design and sympathetic use of materials would respond to the character and appearance of the area in an acceptable way.
- 7.8. The feedback from Members at the May committee meeting has been taken on board and relayed to the applicant, with the amended proposals seeking to re-orient the dwelling on plot two, with no change in site area. It is noted this is not a hugely significant change, but officers again judge the layout to be acceptable and reach the same conclusion as before in terms of layout design and policy compliance.

Amenity

- 7.9. Policy WLP8.29 and WLP8.33 set out that the living conditions of proposed and existing properties should not be unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development. Furthermore, policy WLP8.33 also requires that proposed development provide "attractive, useable and proportionately sized amenity spaces ... for the proposed and existing dwellings". The donor property retains a proportionate rear garden to the size of the property and those around. The two proposed dwellings and their layout has been amended during the application to better utilise the space on site and provide appropriately sized amenity spaces for each property. It is considered that the proposed dwellings will provide acceptable levels of amenity for their residents, and that the outside amenity space is proportionate to the size of the dwellings.
- 7.10. The proposed dwellings are located a sufficient distance from neighbouring properties, with the nearest existing dwelling located approximately 16m from a proposed dwelling. It is therefore not considered that the single storey dwellings would result in any adverse impacts on the amenity of neighbouring residents through loss of light or privacy. Furthermore, it is not considered that the dwellings would result in a marked increase in noise levels, in what is predominantly a residential area.
- 7.11. Access to the proposed dwellings and its off-street parking would run adjacent to the side of the host bungalow and the side boundary of neighbouring dwelling No 8 Glebe Close. The proposed access would be approximately 4.5m wide, and there is a separation gap between the side boundary wall and some of the southern elevation of the building at No 8 which has windows facing the site.
- 7.12. Permission was previously granted for a single dwelling using the same access point; however, it was acknowledged by officers that the scale of vehicle movement is considered to be limited in a proposed single-unit development, and that the impact would be offset to some extent by removal of car parking from beside the northern elevation of the host bungalow. The erection of two dwellings is considered to result in additional vehicle movements past the house, however, it is not considered that the amenity impacts would be significant enough to warrant refusal of this application. Vehicle movements would be infrequent and not be so noisy or disruptive to cause significant issues.

Highways

- 7.13. The proposed development of 2no. single storey three-bedroom property is not considered to result in a significant increase in vehicle movements in the surrounding area that could adversely impact on the existing highway network. SCC Highways have raised no concerns regarding an increase in vehicle movements. Therefore, officers do not consider that the

proposed development would have any adverse impact on the highway safety. The scheme accords with WLP8.21 (Sustainable Transport).

- 7.14. Concerns have been raised regarding the suitability of Glebe Close for additional traffic movement, given the curve in the road towards the entrance to the site. SCC Highways have further reviewed the application to consider this matter, and it is considered that whilst inconsiderate parking may occur near or on the bend, the raised concerns are not a material planning consideration.
- 7.15. In addition, the collision data for this bend has been checked, and there are no recorded incidents which suggests that there is not a significant highway safety concern. If it is felt that some inconsiderate parking is to blame for some of the near misses, this is an enforcement issue and not a material planning consideration from a planning perspective. It would not lead to a refusal reason here on highways grounds.
- 7.16. In regard to the proposal, it is not felt as though the extra trips generated from an additional 2 dwellings would create a severe impact upon highway safety at this location and therefore it is deemed that permission could not be refused under para. 111 of the NPPF.

Biodiversity

- 7.17. This development falls within the 13km zone of influence for the Broadlands (RAMSAR), as set out in the emerging Waveney and Suffolk Coast and Estuaries Recreational Disturbance Avoidance and Mitigation Study. It is anticipated that the cumulative impact of increased recreational pressure, as the result of increased housing in this area, will lead to a 'likely significant effect' upon the qualifying features of the designated site identified above. The likely impact as a result of disturbance is a reduction in the number of pairs of Little Terns.
- 7.18. An appropriate assessment has been undertaken, and it is concluded that no site-specific measures for the development of two dwellings within an established residential area are necessary. However, a financial contribution of £321.22 per dwelling to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required to mitigate the in-combination effect of new housing on these European Protected Sites. The appropriate contribution has been made. The scheme therefore accords with WLP8.34.

Other Matters

- 7.19. The site is in Flood Zone 1 and is at limited risk of flooding. Therefore, the proposed risk to residents is very low and acceptable.
- 7.20. Concerns have been raised regarding water pressure and drainage issues. The applicant will need to make the appropriate connections, and it is the duty of the individual bodies to ensure that this is completed to an acceptable standard.

8. Conclusion

- 8.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the NPPF.

9. Recommendation

- 9.1. Approve.

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - Site Location and Proposed Block Plan, 18/112/03 Rev O, received 24/05/2022
 - Proposed Elevation and Floor plans, 18/112/05 Rev A, received 07/03/2022for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include; means of enclosure; car parking layouts; hard surfacing materials. Soft landscape works shall include planting plans; schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

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

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

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

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

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

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

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

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

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

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

9. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

10. Details of the areas to be provided for electric vehicle infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable transport options

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

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

12. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

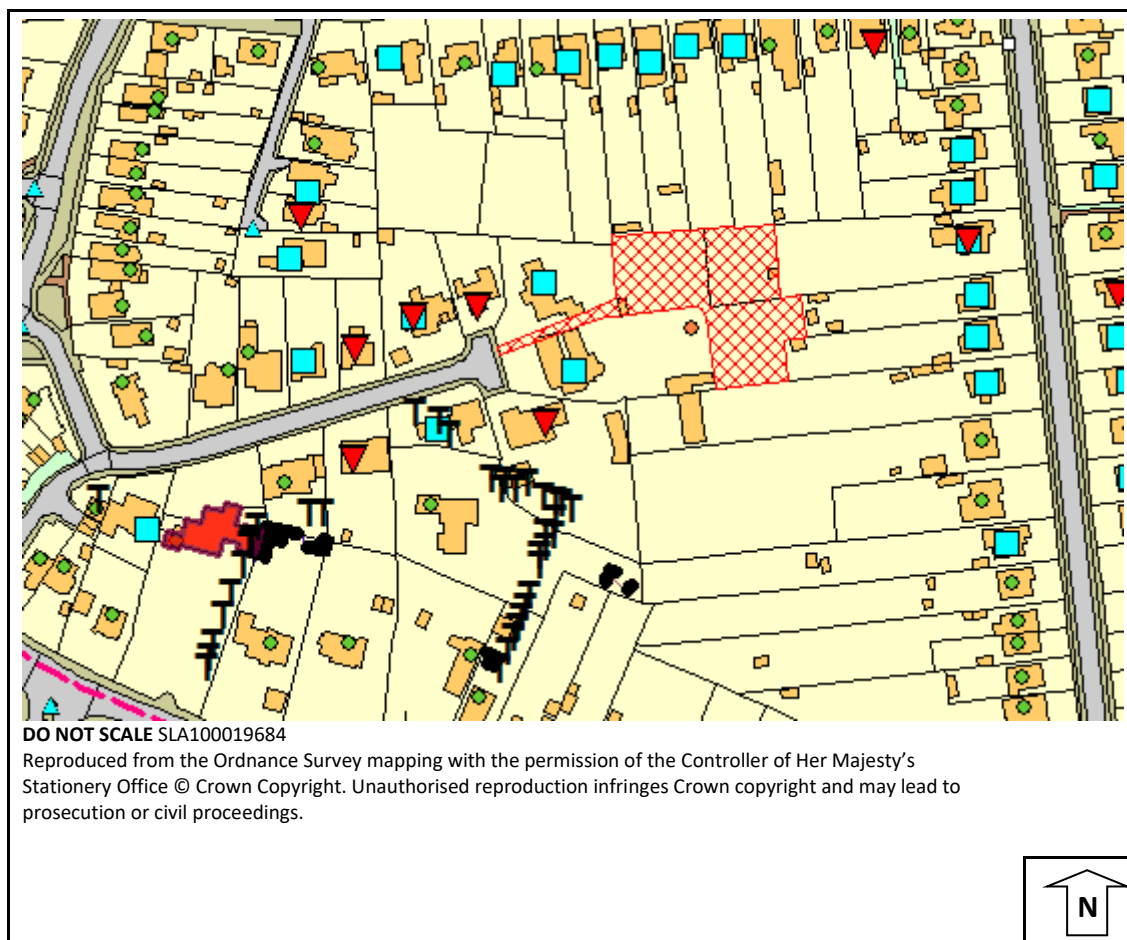
Reason: To ensure the development is safe for future occupants and to ensure that any contamination is dealt with correctly.

Background Papers





See application reference DC/21/5044/FUL on [Public Access](#)

Appendix A: Appeal Decision Ref: APP/X3540/W/19/3235216

Map



Key

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

Appeal Decision

Site visit made on 7 January 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/X3540/W/19/3235216

9 Glebe Close, Lowestoft, NR32 4NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Russell Ritchie against the decision of East Suffolk Council.
- The application Ref: DC/19/2051/FUL, dated 20 May 2019 was refused by notice dated 2 July 2019.
- The development proposed is erection of detached residential bungalow and all associated works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - European designated habitats
 - The character and appearance of the area
 - The living conditions of neighbouring occupiers, with particular regard to noise and disturbance, and
 - The living conditions of future occupiers.

Reasons

European designated habitats

3. The appeal site falls within the 13km zone of influence for the following European protected sites: the Benacre to Easton Bavents Special Protection Area (SPA) and the Sandlings SPA.
4. In connection with the appeal, the appellant has submitted an undated and unsigned (and thus unexecuted) Unilateral Undertaking (UU). The UU is intended to obligate the appellant to make a contribution of £321.22 towards the operation of Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) initiatives. As the submitted UU has not been fully executed it does not contain binding obligations.
5. In the light of the UU's deficiencies I consider the mitigation required to safeguard the SPAs' integrity would be unavailable. As there would be no

appropriate mechanism to mitigate the development's effects on the SPAs, I can only conclude that the development would unacceptably harm the SPAs. The absence of mitigation gives rise to the potential for the SPAs to be harmed, resulting in conflict with Policies SP14 and DM27(i) of the LP1, which together seek to protect designated habitats sites.

6. In the absence of suitable mitigation for the development's effects on the SPAs, I consider the requirements of The Conservation of Habitats and Species Regulations 2017 cannot be discharged. That is because insufficient information is available to me to undertake a Habitats Regulations Assessment for the effect of this development, in combination with others, on the SPAs.

Character and appearance of the area

7. The appeal site is within the garden of the bungalow at No.9 Glebe Close. Glebe Close is a cul-de-sac located within a residential 'block' of land which is delineated by Gunton Church Lane, Clover Way, Gunton St Peter's Avenue and the A47 Yarmouth Road. The block, including Glebe Close, is characterised by a mix of two-storey dwellings and bungalows, with a noticeable prevalence of off-street parking and spacious front gardens within residences in the area. Within this block, a spacious green 'U' exists, which comprises the combined rear garden space of dwellings in the area. Based on the aerial view, the rear gardens towards the eastern part of the block are particularly spacious. The above factors, in combination, contribute to a relative sense of spaciousness in the area.
8. Within the above context, the following factors would help to assimilate the proposed dwelling within its site and area: the somewhat individual nature of the appeal site, given its location off the head of the cul-de-sac in a relatively large rear garden within Glebe Close, towards the centre of the block and the green 'U'; the relative visual containment of the site provided by intervening trees and garden boundaries in the neighbourhood; and the lower-rise, single-storey profile of the proposed bungalow.
9. I note the Council's view that the proposal would sit awkwardly within its plot and undermine the spacious 'ethos' of the area. However, whilst the spaciousness and verdancy of the rear garden of No. 9 would be reduced, the host property's remaining front and rear garden areas would not be significantly out of scale and character within Glebe Close. Furthermore, the spacious and verdant character of the bulk of the green 'U' would be retained. As such, the somewhat bespoke footprint of the proposed bungalow would integrate satisfactorily on the plot, which is of somewhat individual character and configuration.
10. Trees in the front and rear garden, including an established cedar type tree to the rear, would be removed to accommodate the proposed development. Whilst this is not ideal, the impacts would be relatively localised, and replacement trees and other wildlife-friendly planting could be provided through a landscape scheme. The latter, along with an arboricultural method statement to protect retained trees on and overhanging the site, could be secured by planning condition.
11. Taking the above together, I conclude that the proposed development would not harm the character and appearance of the area. As such, it would not conflict with Policies WLP8.29, WLP8.32 and WLP8.33 of the Waveney Local

Plan (2019) (WLP, which together seek to ensure that seeks to ensure that development complements local character.

Living conditions of neighbouring occupiers

12. Access to the proposed dwelling and its off-street parking would run adjacent to the side of the host bungalow and the side boundary of neighbouring dwelling No 8 Glebe Close. The proposed access would be approximately 4.5m wide, and there is a separation gap between the side boundary wall and some of the southern elevation of the building at No 8.
13. Vehicles and pedestrians accessing the proposed dwelling would create some noise in the space between the bungalows at Nos 8 and 9. However, the scale of vehicle movement would be limited by the scale of proposed single-unit development. The impact would be offset to some extent by removal of car parking from beside the northern elevation of the host bungalow. The side boundary wall would help to contain the effects. Within the suburban area around the site, it is not unusual for areas of driveway down the side of dwellings to be used for parking residents' cars and accessing garages. Moreover, the front door of the proposed dwelling would be more than 30m from the bungalow at No 8.
14. The above factors together lead me to find that the increase in vehicle and pedestrian movement and reduction in tranquillity between Nos 8 and 9 Glebe Close would not be significantly detrimental to neighbouring occupiers' enjoyment of their dwellings, in respect of noise and disturbance.
15. I note neighbours' concerns about a number of matters regarding their privacy and outlook, which go beyond the scope of the reasons for refusal. Given the following, I do not find harm in these respects: the single-storey nature of the proposed dwelling; the separation between the proposed building and dwellings on neighbouring sites; and the relative visual containment of the appeal site.
16. To conclude, the proposal would not significantly affect the living conditions of neighbours. As such, it would not conflict with Policies WLP8.29 and WLP8.33 of the WLP. Together, the policies seek to ensure that development safeguards the living conditions of residents.

Living conditions of future occupiers

17. The Council states that the proposal would have an unacceptable impact on the amenity of future occupiers. However, I find that no substantive evidence leads me to such a conclusion, in relation to living conditions of future occupiers of the proposed dwelling. Therefore, the proposal would not lead to demonstrable harm in this respect, and would not conflict with Policies WLP8.29 and WLP8.33 of the WLP, which seek to safeguard living conditions of residents.

Other Matters

18. The appellant cites backland development on another site in Lowestoft. Nevertheless, the proposal has its own setting and circumstances, and, as such, I assess it on its own merits.
19. I note residents' concerns about intensification of traffic and highway safety on and around Glebe Close. Nevertheless, I saw during my site visit that Glebe Close is a relatively quiet cul-de-sac in traffic terms, albeit at a 'snapshot' in

time. Moreover, given the modest scale of the proposed development and its provision for off-street parking, a significant increase in on-street traffic volume and manoeuvring is not anticipated. As such, I find that the proposal would not harm highway safety.

20. Resident concerns about disturbance from construction works could be addressed by a construction phase management plan, which could be secured by planning condition.
21. The proposal would provide additional living accommodation, and associated socio-economic activity during and after construction. The combined benefit would be limited by the modest scale of proposed development.

Planning Balance and Conclusion

22. The absence of harm identified in respect of character, appearance and living conditions are neutral factors which do not weigh in favour of the proposal. The identified harm in respect of protected habitats would outweigh the modest benefit. For the reasons given above, I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR

Committee Report

Planning Committee North – 12 July 2022

Application no DC/22/0891/FUL

Location

Land To The North Of Old Mill House
Linstead Road
Huntingfield
Suffolk

Expiry date 1 May 2022

Application type Full Application

Applicant Ms Susie Peel

Parish Huntingfield

Proposal Conversion of three redundant barns to a dwelling

Case Officer Iain Robertson
07827 956946
iain.robertson@eastsoffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the conversion of three redundant barns to a dwelling.
- 1.2. The application is presented to members following referral by the referral panel in order that a detailed discussion and debate can take place.
- 1.3. The proposal is contrary to the Development Plan. It is recommended that the application is refused.

2. Site Description

- 2.1. The site is in a rural location approximately 1.5km from the settlement of Huntingfield and approximately 5km from the Market Town of Halesworth. Huntingfield is not noted within the Settlement Hierarchy as a sustainable settlement due to the lack of services and facilities and it does not benefit from a settlement boundary. The site is therefore within the Countryside, for planning policy purposes.

- 2.2. The buildings that are subject of this application are situated within the curtilage of Old Mill House and are said to have formerly been used as a farm machinery workshop. The buildings are modern timber framed structures, with dual pitched roofs, clad in timber, with fibre cement roofs.
- 2.3. The buildings are situated close to Linstead Road, well screened within the site. The surrounding landscape is not designated (i.e., it is not within the AONB or any other kind of special landscape area).
- 2.4. The existing access also serves as a public footpath (Huntingfield Public Footpath No. 4) as can be seen on the County definitive map.

3. Proposal

- 3.1. The proposal is to create a two-bedroom property through works, described as a conversion, of three redundant barns with a glazed link between barns 1 and 2 which would be clad in timber as existing and corrugated roof sheeting with glazed elements to create a contemporary finish.
- 3.2. A separate residential curtilage to Old Mill House would be created; the existing access onto Linstead Road would be utilised.

4. Third Party Representations

- 4.1. One representation has been received stating that they have no objection to the proposal.
- 4.2. The Ward Member, Cllr Burroughes, requested that this application be referred to Planning Committee for determination.

5. Consultations and Publicity

Consultee	Date consulted	Date reply received
Huntingfield Parish Council	14 March 2022	31 March 2022
Summary of comments: The Council unanimously supported this application on the grounds of it would improve the visual impact in the area by converting redundant buildings into a single storey property. No new access would be required as existing access can be retained. Plans include a Ground Source Heat Pump which is good for the environment.		

Consultee	Date consulted	Date reply received
SCC Highways Department	14 March 2022	1 April 2022

Summary of comments: No objection.

Consultee	Date consulted	Date reply received
SCC Rights of Way	14 March 2022	25 March 2022

Summary of comments: Standard advice provided.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	14 March 2022	No response

Summary of comments: No comment provided.
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Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 March 2022	23 March 2022

Summary of comments: Insufficient information supplied to assess contaminated land implications - Standard conditions required.
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Consultee	Date consulted	Date reply received
East Suffolk Ecology	14 March 2022	5 April 2022

Summary of comments: Internal - comments included in report.

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	14 March 2022	No response

Summary of comments: No comment provided.
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Site notices

General Site Notice

Reason for site notice:
New Dwelling
Date posted: 16 March 2022
Expiry date: 6 April 2022

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, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance (NPPG) are material considerations.
- 6.3. The East Suffolk Council (Waveney) Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
- SCLP3.1 - Strategy for Growth
 - SCLP3.2 - Settlement Hierarchy
 - SCLP3.3 - Settlement Boundaries
 - SCLP5.3 - Housing Development in the Countryside
 - SCLP5.5- Conversions of Buildings in the Countryside for Housing
 - SCLP7.1 - Sustainable Transport
 - SCLP10.1 - Biodiversity and Geodiversity
 - SCLP10.4 - Landscape Character
 - SCLP11.1 - Design Quality
 - SCLP11.2 - Residential Amenity
 - SCLP12.34 - Strategy for the Rural Areas
- 6.4. The Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021) is also material consideration.

7. Planning Considerations

Principle of Development

- 7.1. The site is closest to Huntingfield which is highlighted within the settlement hierarchy Policy SCLP3.2 as ‘Countryside’, of which the policy approach in terms of housing is discussed within Policy SCLP5.3: "Housing Development in the Countryside". There are several exceptions for the housing outside of settlement boundaries discussed in this policy, of most relevance is Policy SCLP5.5: "Conversions of Buildings in the Countryside for Housing".
- 7.2. Policy SCLP5.5: Conversions of Buildings in the Countryside for Housing

The conversion of buildings in the countryside for residential use will be permitted where:

- *The building is redundant;*
- *The building provides a positive contribution to the landscape;*
- *The conversion does not require significant alteration;*
- *The design maintains or enhances the structure, form and character of the rural building;*

- *The design of the conversion, including any necessary works to the curtilage, does not have a harmful effect on the character of the landscape;*
- *Any impacts on the natural environment are adequately mitigated for;*
- *The conversion enhances the immediate setting of the area; and*
- *The site is served by an appropriate existing access.*

- 7.3. The NPPF at paragraph 80 seeks to avoid the development of isolated homes unless there are special exceptions. There is no fixed legal definition of "isolated homes". However, certain principles can be extracted from various case law, which should be considered when seeking to understand if a dwelling can be treated as an "isolated home" and, therefore, whether paragraph 80 should be applied to a case:
- whether or not it is located within the settlement boundary;
 - proximity to other dwellings;
 - proximity to local services and facilities;
 - access to public transport services; and
 - physical and visual separation from the settlement.
- 7.4. In the view of Officers this site would be isolated as, although the buildings are close to the host dwelling and the neighbouring property, this site is physically and visually separated from the settlement, with minimal local services and facilities in the locality and poorly served by public transport.
- 7.5. Paragraph 80 of the NPPF is a material consideration, however Policy SCLP5.5 sets out the detailed approach to conversions of buildings in the countryside which goes into greater detail than Paragraph 80 and, therefore, although para.80 is relevant, it offers no additional guidance to Policy SCLP5.5.
- 7.6. Firstly, criterion (a) of Policy SCLP5.5 requires the building to be redundant; when visiting the site, the buildings were clearly empty and appeared to be redundant.
- 7.7. Criterion (a) (b) of this policy refer to 'the building' and it would be generally considered that the policy refers to the conversion of a single building. That said, if a building or group of closely related buildings were considered to provide a positive contribution to the landscape then the proposal may be considered to be acceptable.
- 7.8. A fairly recent appeal decision in Badingham (REF: APP/X3540/W/20/3246134) has been highlighted by the applicant where the Inspector concluded that the building in that case had a neutral appearance within the landscape, but its functional use provided a positive contribution and therefore complied with criterion B of SCLP5.5. Although this was the conclusion that this inspector reached, it is not considered that this proposal is comparable, and this scheme must be assessed on its own merit.
- 7.9. Furthermore, since this appeal decision the Council has adopted the Historic Environment Supplementary Planning Document (SPD) (June 2021), which seeks to establish further guidance on this matter; within this document Part 11 sets out guidance in respect of SCLP5.5. Paragraphs 11.19 - 11.22 are most relevant and outline characteristics which would result in a building having/making a positive contribution.

- 11.19 *"In determining landscape value an assessment should be made of the importance of the building in relation to the landscape generally and how much the building adds to its visual attraction. Consideration needs to be given to whether the quality of the landscape would suffer if the building were to be removed or altered".*
- 11.20 *"In the landscape, buildings are important because they provide scale and character to the rural scene. Buildings In the middle, or even far distance, when viewed from a vantage point may still provide a valuable contribution, if they are significant structures which positively contribute to an otherwise open landscape".*
- 11.21 *"A building which is judged to make a significant contribution to the character of the countryside in its existing form must be sympathetically converted if it is to continue to fulfil that function".*
- 11.22 *"In determining landscape value an assessment should be made of the importance of the building in relation to the landscape and how much the building adds to its visual attraction. Landscape Character Assessments are an important part of the Local Plan evidence base. They provide an assessment of the different types of landscapes throughout East Suffolk, together with their key features and constituent parts. These include elements of the appearance of a particular type of landscape, which make it unique. Landscape character assessments are a useful and important tool to be used when deciding if a building makes a positive contribution to the landscape".*
- 7.10. There is no reference in the applicant's Planning Statement to the Historic Environment SPD and no such assessment has been made against the Suffolk Coastal Landscape Character Assessment (LCA) (2018) or the Suffolk LCA.
- 7.11. The site is situated within the I5 Linstead and Framlingham Plateau Character Area of the Suffolk Coastal LCA and Plateau Claylands at County level. The LCA for the area notes, in relation to built form, the positive contribution that listed timber framed buildings, particularly farmhouses and cottages make to the area, with reference to a strong Suffolk vernacular; 20th century additions are noted as negative in terms of traditional form and appearance of villages and hamlets in the LCA.
- 7.12. Although there is no description of the age of these buildings in the planning documents, they certainly appear to be more modern additions to the site. Although Officers do not dispute that they may have been used for small scale agricultural machinery or as workshops, in terms of their contribution to the landscape and their heritage they do not speak of agricultural use and instead due to their scale and age they appear more as garden structures and, as stated in the structural assessment supporting the application, building 2 in particular is constructed in the style of a domestic shed.
- 7.13. In the view Officers it is not considered that this group of buildings provides a positive contribution to the landscape and the proposal would not comply with policy criterion (b).
- 7.14. Criterion (c) requires that the conversion does not require significant alteration. In order to seek to meet the requirements of this criteria a structural survey has been provided which highlights that a visual inspection of the buildings has been carried out which describes each building 1, 2 and 3.

- 7.15. This report concludes that the principal structures appear to be in relatively good condition and can continue to provide the primary structural support within the proposed conversion without substantial repair or rebuild and that the proposed extension will not compromise the stability of the buildings. The introduction of doors and windows and formation of new openings to connect the buildings is proposed to only require minor structural intervention.
- 7.16. The proposed conversion works highlighted in paragraphs 18 to 20 are suggested to be limited to the introduction of new roof finishes, and highlights that existing walls will be retained (Para. 18). Paragraph 19 highlights that a new insulated floor slab will be constructed in building 1 and an insulated floor finish will be provided for buildings 1 and 3. Paragraph 20 relates to the construction of the extension and highlights that it will provide buttressing stability to the existing buildings.
- 7.17. Given the insubstantial nature of the buildings the suggested 'Proposed conversion works' seem much more limited than what would actually be required to create a residential property. Whilst building 3 is certainly the most substantial structure, it is only presumed that the brick plinth has foundations. Building 2 is described as constructed in the style of a typical domestic shed and has the characteristics of such a structure of which has no attachment to the concrete floor slab, which is unreinforced, evident from the cracking. Building 1 is described as having a 'portalised' timber frame of which the timber posts forming this frame embedded in the concrete pad foundations and the floor is made up of concrete slab paving. This in itself will require significant works to meet building control standards.
- 7.18. Therefore, it is considered by officers that significant works will be required to these structures for these buildings to be used as a residential property, to an extent that the proposal cannot reasonably be deemed a conversion. The proposal would, for all intents and purposes, amount to the construction of a new residential property.
- 7.19. It is the view of Officers that case law in the form of the Hibbitt Judgement is relevant to this case as it investigates the concept of what a 'conversion' is. Policy SCLP5.5 uses the word 'conversion', as does Class Q of the General Permitted Development Order (GPDO) of which this Hibbitt case relates. In the Hibbitt case, the building was of a more skeletal pole barn structure, and it was concluded in that case that *"the works went a very long way beyond what might sensibly or reasonably be described as a conversion"*. In the view of Officers, the works required to these application buildings, particularly barns 2 and 3, would go beyond what might sensibly or reasonably be described as a conversion. The development in the Hibbitt case was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building, which is also the case in this instance.
- 7.20. Forming a property out of this group of buildings is not a conversion and therefore the proposal does not comply with the general principle of the policy, particularly criterion (C).
- 7.21. As the proposal does not comply with the principal requirements of this policy it is not necessary to consider each criterion of this policy thereafter.

Sustainability of Location

- 7.22. Although the exceptions within Policy SCLP5.3 allow development in unsustainable locations in certain limited circumstances, this proposal does not comply with any of those exceptions

and is considered to be an unsustainable location for housing. This is not an area of the district which is served by public transport, and neither would there be any access to everyday services and facilities other than by the private car.

- 7.23. Therefore, the proposal would not accord with the aims of Policy SCLP7.1 which seeks to ensure that development encourages people to travel using non-car modes to access home, school, employment, services, and facilities.
- 7.24. Therefore, this proposal does not accord with the criteria of Policy SCLP5.4 and would be contrary to the aims of Policy SCLP3.3, SCLP5.3 and SCLP12.34.

Highways

- 7.25. SCC Highways Authority do not object to this proposal; it is therefore considered that the site is served by a suitable safe access and therefore the proposal would accord with Policy SCLP7.2, subject to appropriate conditions for EV charging. The proposal would not have an unacceptable risk to highway safety and would accord with Paragraph 111 of the NPPF.

Ecology

- 7.26. A Preliminary Ecological Appraisal (PEA) (Parker Planning, November 2021) has been received of which the Council's ecologist is satisfied with the conclusions of the consultant.
- 7.27. The site is also within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Minsmere to Walberswick SPA; the Minsmere to Walberswick Ramsar Site and the Minsmere to Walberswick Heaths and Marshes SAC) 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) arising from new residential development.
- 7.28. This has been received. The proposal therefore accords with Policy SCLP10.1 of the Local Plan.

Contaminated Land

- 7.29. As stated in the local validation requirements if there is reason to believe contamination could be an issue on the proposed development site, or the application is for a development that has a sensitive use (such as residential), developers should provide proportionate but sufficient site investigation information to determine the risks it may pose to whom/what so that the risks can be satisfactorily reduced to an acceptable level. As a minimum, a Phase 1 study will be required. A Phase 1 study consists of a desktop study, site walkover and initial risk assessment. The study must be carried out by a competent and suitably qualified person.
- 7.30. Therefore, as this development is sensitive to the presence of contamination and the site considered to have potentially contaminative previous uses a Phase 1 CL assessment is required. If the proposal was otherwise considered to be acceptable the standard suite of conditions could be used in order to comply with the requirements of Paragraph 183 of the NPPF.

8. Conclusion

- 8.1. The site is situated in the countryside outside of the boundary of any sustainable settlements as highlighted on the policies maps to the Local Plan.
- 8.2. The proposal does not meet any of the provisions within the Local Plan that seek to permit housing in the countryside contained in Policy SCLP5.3 of the Local Plan. In the absence of such conformity, the principle of residential development on this site runs contrary to the Local Development Plan, including policies SCLP3.1, SCLP3.3, SCLP5.3 and Policy SCLP5.5 that deal with the conversion of buildings in the countryside and which seek to allow limited development opportunities within areas that do not benefit from settlement boundaries.
- 8.3. The proposal is not considered to comply with the requirements of policy SCLP5.5 in that the principal criteria are not satisfied: SCLP5.5 (b) requires that the building provides a positive contribution to the landscape, and (c) that the conversion does not require significant alteration to the building.
- 8.4. Furthermore, the site is in an unsustainable location where access to everyday services and facilities would only be possible by car contrary to Policy SCLP7.1
- 8.5. The small-scale economic benefits of the proposal would be given limited weight which would not outweigh the harm arising, and therefore officers recommend that planning permission be refused.

9. Recommendation

- 9.1. Refuse.

10. Reasons for refusal:

1. The application site is located outside of any sustainable settlements, in an area defined as Countryside as shown in the Policies maps to the Local Plan.

The proposal does not meet any of the provisions within the Local Plan that seek to permit housing in the countryside contained in Policy SCLP5.3 of the Local Plan. In the absence of such conformity, the principle of residential development on this site runs contrary to the Local Development Plan, including policies SCLP3.1, SCLP3.3, SCLP5.3 and Policy SCLP5.5 that deals with the conversion of existing buildings for residential use in the countryside and seeks to allow limited development opportunities in areas that do not benefit from settlement boundaries. The Council is able to demonstrate an up-to-date five-year supply of housing and therefore planning appeals and decisions should be determined in accordance with the Development Plan, for which the Council have an up-to-date suite of documents.

The buildings subject of this application are not considered to provide a 'positive contribution to the landscape' when considered against the guidance within The Historic Environment Supplementary Planning Document (June 2021) as required by Criterion (b) of Policy SCLP5.5 and are therefore not considered worthy of retention.

Furthermore, due to the insubstantial nature of the structures their re-use for residential purposes would require works which would go beyond what would reasonably be described as a conversion. The proposal is therefore contrary to the principal requirements of Policy SCLP5.5, in particular criterion (b) and (c).

There is also no opportunity to access everyday services and facilities other than by private car. The proposal is not considered to accord with Policy SCLP7.1 which inter-alia seeks for new development to incorporate measures that will encourage people to travel by other means than private car.

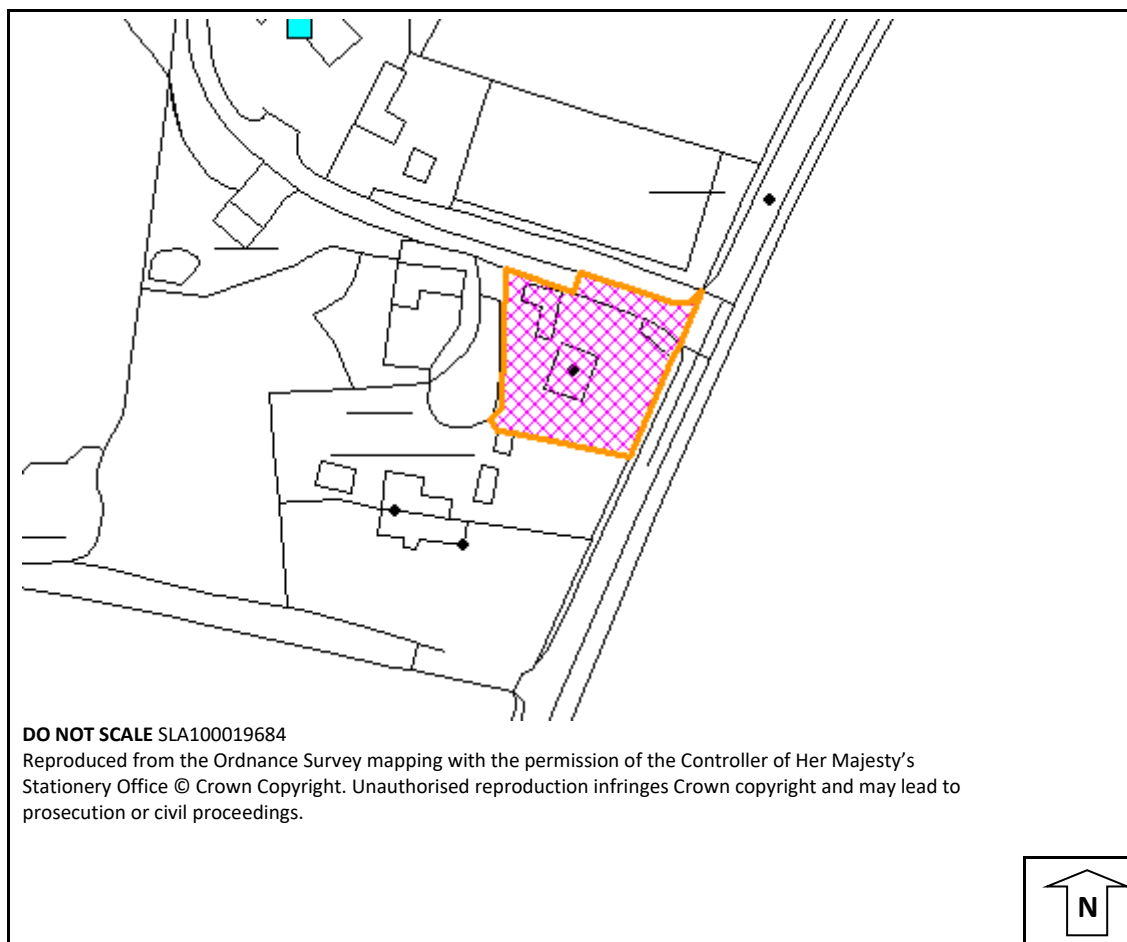
The development proposed would have only limited social and economic benefits. It is not considered that the benefit arising from the delivery of this development would outweigh the harm identified and is not sufficient justification to set aside adopted policies in this instance.

The development proposal is therefore contrary to policies SCLP3.1 "Strategy for Growth", SCLP3.3 "Settlement Boundaries", SCLP5.3 "Housing Development in the Countryside", SCLP5.5 "Conversions of Buildings in the Countryside for Housing", SCLP7.1 "Sustainable Transport" and SCLP12.34 "Strategy for the Rural Areas" and SCLP10.4 "Landscape Character" of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020), the Historic Environment Supplementary Planning Document (June 2021) and also the Environmental and Social dimensions of sustainable development outlined in the NPPF.





Background Papers

See application reference DC/22/0891/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning committee - 12 July 2022

Application no DC/22/1581/ADN

Location

87 High Street
Lowestoft
Suffolk
NR32 1XN

Expiry date 16 June 2022

Application type Non-Illuminated Advertisement Consent

Applicant Mrs Alyson Tipping

Parish Lowestoft

Proposal Non Illuminated Advertisement - A mural printed onto aluminium board and installed over the shopfront. The mural depicts a deli. Access to the shop will remain.

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

1. Summary

- 1.1. Non Illuminated Advertisement consent is sought for the installation of a mural printed onto aluminium board across the vacant shopfront of 87 High Street, Lowestoft. The premises is currently vacant, and the proposed mural is of a stylised deli, which would maintain the existing shopfront behind. It is considered that the proposal preserves the character and appearance of the Conservation Area and would not adversely impact upon the amenity of neighbouring residents or on highway safety. It will bring a point of interest to this part of the Conservation Area and improve the appearance of the building. Therefore, it is recommended that Advertisement Consent be granted subject to conditions.
- 1.2. The application is referred direct to planning committee as the applicant and landowner is East Suffolk Council.

2. Site Description

- 2.1. The site is located within the Settlement Boundary for Lowestoft, the North Lowestoft Conservation Area, and the North Lowestoft Heritage Action Zone (HAZ). The site comprises a two storey mid-terrace building with a vacant commercial unit on the ground floor. The site fronts onto the High Street to the west and is bounded by development to the north and south.

3. Proposal

- 3.1. Non Illuminated Advertisement consent is sought for the installation of a mural printed onto aluminium board across the vacant shopfront of 87 High Street, Lowestoft. The proposed mural is of a stylised deli, which would maintain the existing shopfront behind.

4. Consultees

Third Party Representations

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

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	10 May 2022	19 May 2022
<p>Summary of comments:</p> <p><i>The Planning Committee of Lowestoft Town Council considered this application at a meeting on 17 May 2022. It was agreed to recommend refusal of the application as presented. The property is within the Heritage Action Zone yet it appears that Historic England have not be consulted as they are not listed as a statutory consultee. The Town Council are against the artwork covering the shop front and concerned that there is no understanding of the history of the area portrayed in the artwork and for the cumulative impact of the loss of shop frontages. In an area such as this HAZ the emphasis should be to protect and restore heritage buildings not to cover them over. The application does not meet with the emerging Lowestoft Neighbourhood Plan which seeks to protect and regenerate retail at ground floor level. Furthermore, Waveney Local Plan policy WLP2.9 states changes to shop fronts should respect the historic character of the area and have regard to the guidance within the Built Heritage and Design Supplementary Planning Document and para 2.67 states explicitly states that Historic shop fronts are a key part of the character of the conservation area and these should be retained and enhanced as part of development.</i></p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	10 May 2022	No response
<p>Summary of comments:</p> <p>No comments received</p>		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	10 May 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	10 May 2022	No response
Summary of comments: No comments received		

5. Planning policy

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

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

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

National Planning Policy Framework 2021 (NPPF)

6. Planning Considerations

Conservation Area and Heritage Action Zone

- 6.1. Pursuant to section 38(6) of the Planning and Compulsory Purchase Act (2004), all applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. When considering development proposals that impact the Conservation Area, the Local Planning Authority has a statutory duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to make planning decisions that preserve or enhance that area.
- 6.2. Policy WLP8.39 sets out that "Development within conservation areas will be assessed against the relevant Conservation Area Appraisals and Management Plans and should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area."
- 6.3. The Heritage Action Zones are heritage led regeneration schemes funded by East Suffolk Council and Historic England, delivered in partnership with Lowestoft Town Council, East Suffolk Building Preservation Trust and Lowestoft Vision. The Heritage Action Zones offer grants to priority building owners to reinstate lost architectural features, repair historic fabric and restore the appearance of original shopfronts, as well as deliver a programme of

cultural activity and events, promote community engagement and enhance the public realm to revitalise these areas. As part of this work, the Heritage Action Zones are developing an Art Trail where vacant shops and other underused assets can be used as a canvas for temporary artwork to brighten up the street scene as a meanwhile use whilst a permanent use or tenant for the building can be found. The applicant has advised that these artworks will be produced by local artists and will be a variety of mediums, depending on the artist's preferred approach and requirements of the site. Some of the artworks will be longer term, whilst others, such as 87 High Street, will be temporary until a use can be found. As well as improving the street scene by reducing the prominence of vacant shops, the artwork will also develop into a trail which will connect the two Heritage Action Zones from the historic high street down to London Road South and connect the seafront with the shopfront. The aim is therefore to also encourage footfall and movement around the town through the art trail. 87 High Street is the first of the art trail sites in the Heritage Action Zones to be submitted.

- 6.4. The proposed mural will cover the existing shopfront of no.87, which is currently vacant, with the mural being temporary in nature until such a time that the premises is occupied. The existing shopfront will be retained with no modifications to it, and as such it is not considered that the placement of the mural would have any long term impacts on the Conservation Area. Furthermore, the mural is considered to provide a short-term betterment to the Conservation Area given the existing premises is vacant. Therefore, overall, the proposal is considered to preserve the long-term character and appearance of the Conservation Area and may result in increased footfall as people traverse the Art Trail.
- 6.5. The comments from the Town Council are noted, but Historic England are not a statutory consultee for this development proposal, and decision-taking falls to the Local Planning Authority on the acceptability of the works. Given that the proposal is put forward by the Heritage Action Zone Team at East Suffolk Council, there is clearly an appreciation for the impact of works in the HAZ and that is indeed a driver behind the proposal, to improve the appearance of the building. For the reasons set out, officers support the proposal which will enhance the Conservation Area and by default, therefore, the Heritage Action Zone.

Other Matters

- 6.6. The proposed mural will be installed across the shopfront of the existing shopfront and as such it is considered to have no impacts on the amenity of neighbouring residents or any adjacent land uses.
- 6.7. In addition, the mural will not project out into the footpath and as such it is considered to have no impacts on pedestrian or highway safety.

7. Conclusion

- 7.1. In conclusion, the proposed development is acceptable and in compliance with relevant development plan policies and the NPPF.

8. Recommendation

- 8.1. It is recommended that advertisement consent be granted subject to the standard advert conditions set out below.

9. Conditions:

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

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

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

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

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

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

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

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

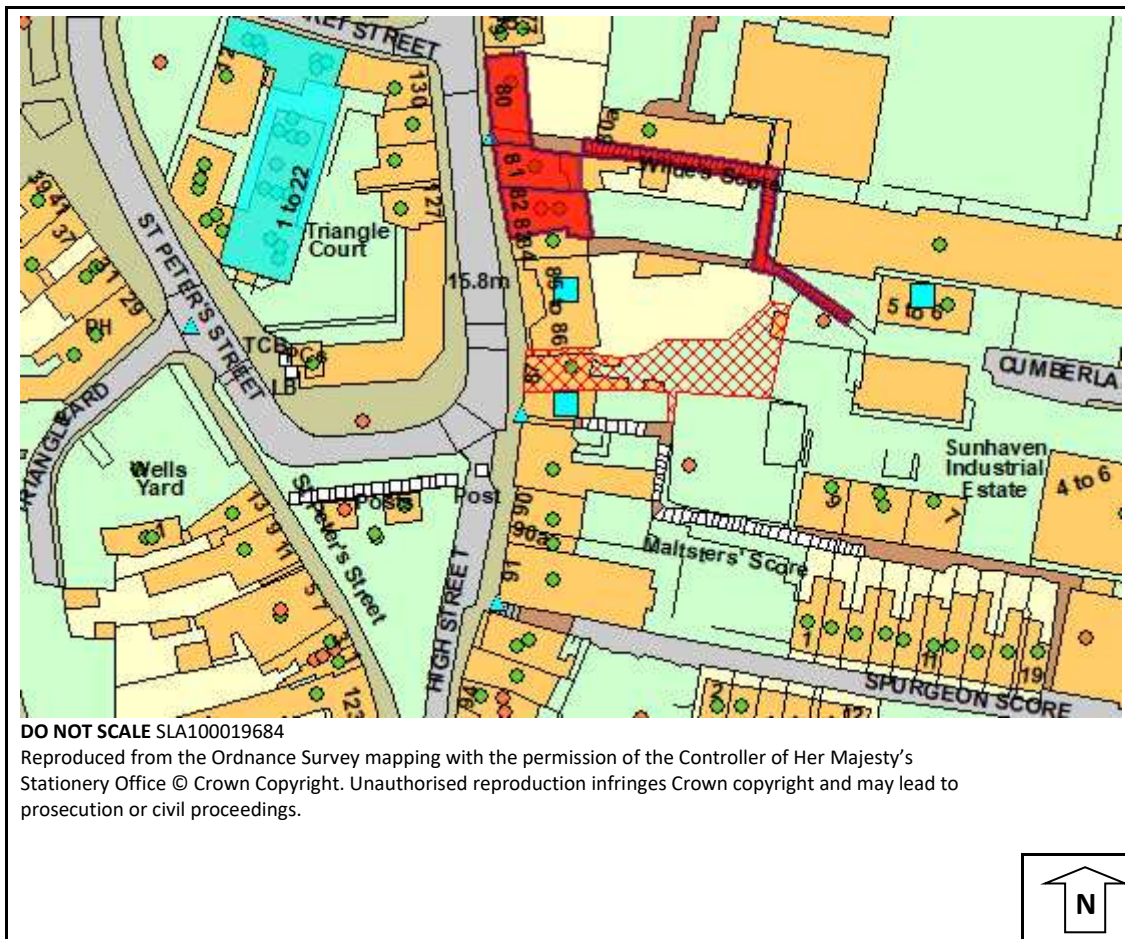
for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

Background Papers

See application reference DC/22/1581/ADN on [Public Access](#)

Map



Key

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

Committee Report

Planning committee - 12 July 2022

Application no DC/21/4834/FUL

Location

36 Ashburnham Way
Lowestoft
Suffolk
NR33 8SJ

Expiry date 20 December 2021

Application type Full Application

Applicant Mr T Rouse

Parish Lowestoft

Proposal Front porch extension, two storey side extension, rear extension, materials

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

1. Summary

- 1.1 This application seeks permission for extensions and alterations to the dwelling at 36 Ashburnham Way. The proposal accords with the Development Plan, and no objections have been received. The application is recommended for approval.
- 1.2 The application is referred direct to the Planning Committee (North) for determination, as the applicant is a close relative of an East Suffolk Council employee.

2. Site Description

- 2.1 36 Ashburnham Way is a two-storey detached dwelling located to the north side of Ashburnham Way – a main estate road that links the A117 (to the east) with the A146 (to the west). The dwelling fronts toward the road and is therefore quite prominent in the streetscene; however, its vehicle access is via the residential cul-de-sac, Thistledown, to the north. There is a footway/footpath that runs to the western side of the site, and this

connects Thistledown with Ashburnham Way. To the south side of the road is the group of shops and services including a supermarket and the health centre.

- 2.2 The site is not in a designated planning location, and therefore no significant planning constraints influence the consideration of this application. It is a suburban residential context within the defined settlement boundary.

3. Proposed Development

- 3.1 The existing dwelling is a simple, modest two-storey dwelling with a narrow rectangular plan form and three bedrooms at first floor. There is a small, detached garage to the rear of the site that is to be demolished and replaced. The proposal comprises a two-storey side extension, along with a single storey rear extension to include a new integral garage. The garage being incorporated into the dwelling in this way will create some space to the northern part of the site for improved off-road parking, and the garage itself also including a parking space. The existing modest canopy over the front door would be replaced with a single storey porch – flat roofed and contemporary in form.
- 3.2 The proposal includes a comprehensive renovation of the property, including the rendering and painting of the existing dwelling (along with the single storey extension, front porch, and existing garage). The two-storey element would be clad in vertical cedar boarding.
- 3.3 The proposal also includes the demolition of the existing serpentine brick wall and its replacement with a wall, of a more linear form, constructed of render panels with engineering brick detailing.
- 3.4 The extended dwelling would provide four bedrooms at first floor and at least two car parking spaces, potentially three.

4. Third Party Representations

- 4.1 No third-party representations received.

5. Consultees

Consultee	Date consulted	Date reply received
Lowestoft Town Council	1 November 2021	22 November 2021
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 16 November 2021. It was agreed to recommend approval of the application		

6. Site notices

- 6.1 General Site Notice Reason for site notice: General Site Notice

7. Planning policy

- 7.1 WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- 7.2 National Planning Policy Framework 2021 (NPPF)

8. Planning Considerations

- 8.1 All planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The key issues to consider with this application are design/impact on character and appearance of the area; and impact on neighbour amenity/living conditions. The relevant policy test is therefore WLP8.29 (Design) of the Local Plan. This policy promotes a high standard of design across all development types. In respect of householder extensions, it is expected that proposals are well-related to the host dwelling and surrounding buildings and designed in a manner that does not harm neighbour amenity.
- 8.2 Initially, officers raised some concerns about the proximity of the two-storey element to the public footpath that runs along the western edge of the site. This is because the proposed extension would be approximately 0.5 metres from the edge of that footpath. Along with the existing enclosure on the western side, officers considered the potential tunnelling effect of the proposed extensions. However, on reflection, this is not a rural walking route; it is an urban connection linking Ashburnham Way to Thistledown. It is a short stretch of footpath, and the two-storey extension will enclose a relatively short section of that whereby there would not be any significant harm to the useability or enjoyment of that route. It will not have such a tunnelling affect to turn that into an alleyway dangerous for pedestrians. For those reasons, officers have concluded the size of the side extension, and its proximity to the footpath, is acceptable.
- 8.3 In terms of the impact on the streetscene, the proposal will be a notable change to the appearance of the dwelling, particularly when viewed from Ashburnham Way. However, the design of the extensions is good with the cladded side extension clearly reading as a separate and new addition. The rendering of the property and single storey elements will transform the dwelling from a typical estate home to a more contemporary, larger dwelling, but that will not cause any harm to the appearance of the area. The new porch is quite a bold feature, but it will fit with the contemporary aesthetic of the extended and renovated dwelling.
- 8.4 Relative to the size of the plot, the extensions are acceptable as sufficient garden space would be retained. Incorporating the garage into the dwelling footprint will improve the rear parking arrangement, which is a benefit, and will ensure that any parking increase linked to the larger dwelling will be accommodated on-site.
- 8.5 In terms of neighbour living conditions, it is noted that no third-party representations have been received. The main neighbouring properties potentially affected are at Nos. 23 and 38 to the north-west and west, respectively.

- 8.6 No.23's rear elevation and garden is south facing, so likely enjoys quite good sunlight to those areas. There may be a minor impact on light levels in the early part of the day but, as the sun tracks around, then the side extension would not block sunlight entering their property. Because the side extension is far enough to the east (relative to No.23) the outlook from that neighbouring property will not be harmed. The extensions will be visible from their property, but not in a way that will be overbearing or erode the enjoyment of their rear garden.
- 8.7 Regarding the neighbour to the west at No.38, this dwelling faces east so its principal elevation looks onto the front of the application site. However, it is positioned farther south, so its outlook to the east is down Ashburnham Way, and the extension will not harm that. For that same reason, the two-storey side extension will not impact on light levels to the front windows of No.38, nor will it be an overbearing form of development, relative to that neighbour.
- 8.8 For a fairly dense pattern of development, this proposal successfully adds sizeable extensions to the dwelling without causing any neighbour amenity harm. The single storey additions to the rear are modest in depth and overall height whereby none of the nearby properties would be materially impacted.
- 8.9 The removal of the serpentine garden wall is unfortunate, and officers would prefer to see that retained as a characteristic feature of the wider development. However, its removal does not require planning permission in this location. Given the proposed position of the new wall, set back considerably from the edge of the highway, it appears that this element of the proposal does not actually require planning permission. This is because a boundary wall/means of enclosure (not adjacent the highway) of up to 2 metres in height is permitted development via the General Permitted Development Order 2015 (as amended). Given this element of the scheme could take place without planning permission being required, there are no grounds to require the retention of the existing wall, nor to specify that the replacement wall be built of brick.
- 8.10 For the reasons given, the proposal accords with the design and amenity objectives of WLP8.29 (Design) and therefore planning permission can be granted.

9. Recommendation

- 9.1 Approve.

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.

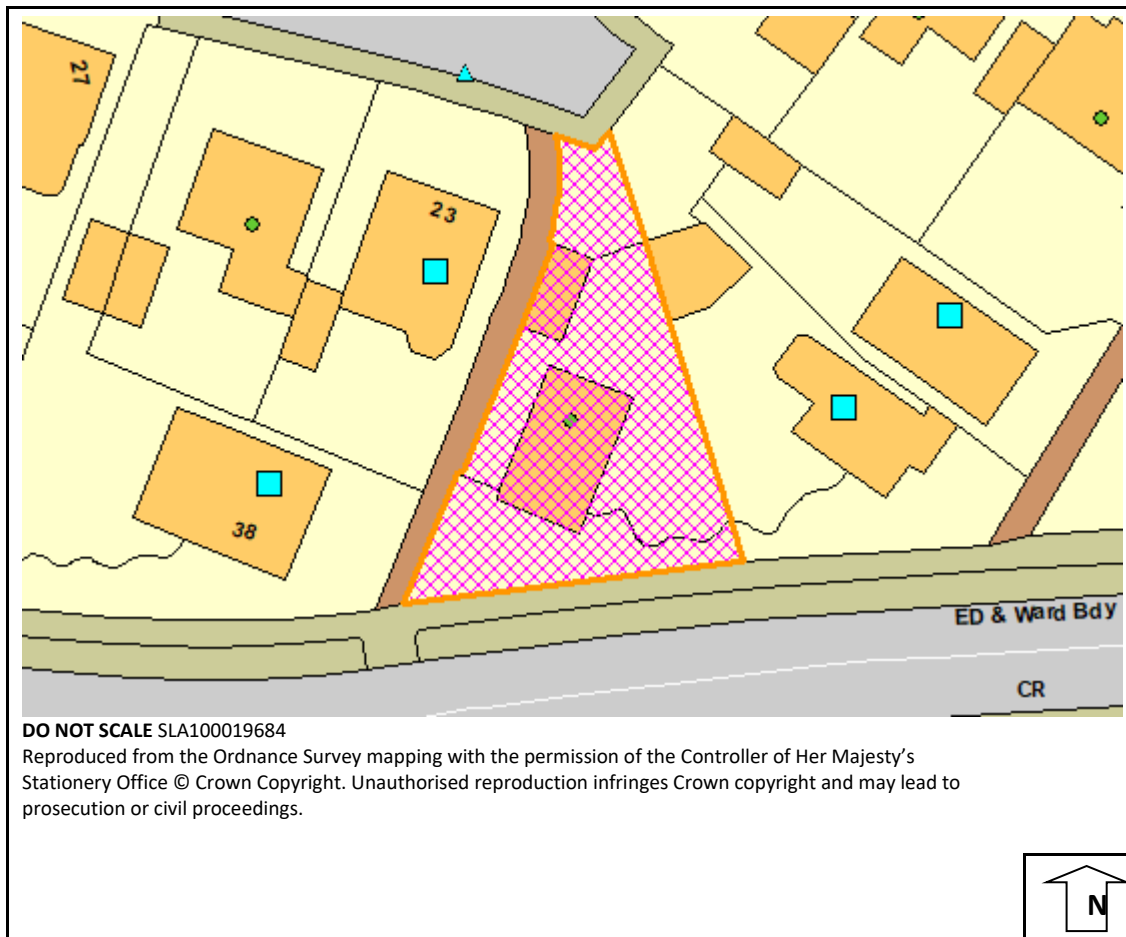
2. The development hereby permitted shall be carried out in accordance with Drawing No. 2851.21.1, received 22 October 2021.

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





11. Background Papers

See application reference DC/21/4834/FUL on [Public Access](#)

Map



Key

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