

Confirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 9 November 2021** at **2.00pm**

Members of the Committee present:

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

Officers present: Charlie Bixby (Planner), Joe Blackmore (Principal Planner), Sarah Carter (Democratic Services Officer), Mia Glass (Assistant Enforcement Officer), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Development Manager)

1 Apologies for Absence and Substitutions

There were no Apologies for Absence.

2 Declarations of Interest

Councillor Brooks declared a Local Non-Pecuniary Interest in items 8 and 9 – DC/21/4219/FUL and DC/21/4220/LBC – Lowestoft Post Office, as being Cabinet Member for Transport and having voted on financial matters at a Cabinet meeting.

Councillor Ceresa declared a Local Non-Pecuniary Interest in item 12 – DC/21/3919/FUL - 1 Westwood Avenue, Lowestoft, as being County Councillor the area.

Councillor Cooper declared a Local Non-Pecuniary Interest in item 7 – DC/21/3214/FUL – 54 High Street, Leiston. Having commented on the application and being member of the Town Council, he advised that he would leave the meeting and take no part in the discussion or voting thereon.

Councillor Rivett declared Local Non-Pecuniary Interest in items 8 and 9 – DC/21/4219/FUL and DC/21/4220/LBC – Lowestoft Post Office, as being Cabinet Member for Economic Development and Chairman of the Heritage Action Zone. He advised that he would leave the meeting and take no part in discussion or voting thereon.

In addition, Councillor Rivett declared Local Non-Pecuniary Interest in item 11 – DC/21/3608/FUL – Miniature Golf Course Kiosk, Dip Farm, Lowestoft, as being Cabinet Member for Economic Development and having had extensive correspondence under his Portfolio. He advised that he would leave the meeting and take no part in discussion or voting thereon.

3 Declarations of Lobbying and Responses to Lobbying

There were no Declarations of Lobbying.

4 Minutes

RESOLVED

That the minutes of the meeting held on 14 September 2021 be agreed as a correct record and signed by the Chairman.

5 Enforcement Action - Case Update

The Committee received report ES/0936 which summarised outstanding enforcement cases for East Suffolk Council sanctioned under delegated powers or through the Committee up to 25 October 2021. There were currently 10 such cases.

The Assistant Enforcement Officer provided an update with regard to The Street, Darsham, where the case was still with Legal Services who were in discussion with the Senior Enforcement Officer to decide on best form of action on the breaches.

The Planning Development Manager advised that part compliance had been achieved at Dam Lane, Kessingland, with the structures having been removed. However, with regard to the ponds, next steps were being considered due to the water voles now on the site and the ecological implications of any action. With regard to North Denes Caravan Park, Lowestoft, a short extension of two weeks to 15 November for compliance had been granted. Legal advice had been received with regard to the licensing position and a further extension was not expected.

Members sought clarification on some of the cases which had been outstanding for years and in particular Pine Lodge, Hinton, to which the Assistant Enforcement Officer advised that legal advice was being sought on the recovery of costs. The enforcement case itself was closed but it was still on the schedule due to the Council seeking costs.

The Planning Development Manager advised that there were many routes of appeal with regard to enforcement and compliance and lengthy court procedures; timescales were down to the nature of enforcement.

There being no further discussion, it was

RESOLVED

That the report concerning Outstanding Enforcement matters up to 25 October 2021 be received and noted.

6 DC/20/1126/FUL - Suffolk Cars, Halesworth Road, Bramfield

The Committee considered report ES/0937 which gave details of the planning application for the change of use from Water Machine manufacturing and distribution to Car Repairs and Sales premises by appointment only, including existing workshops at the rear, existing showroom at the front, existing offices adjoining the showroom, and the display of vehicles on existing concrete hardstanding at the front of the buildings.

The unauthorised use was the subject of an open enforcement investigation and the retrospective application before the Committee sought to regularise the situation to consent the continued operation at the site.

Members received a presentation showing the site location, aerial view, photographs of the site, access, street scene and the layby which was not in the ownership of either the nearby residents or the applicant. A block plan of the site showed premises for dual use of car sales and servicing/repairs and various parking areas. The roller doors on the workshop were proposed to be kept closed to reduce any noise emanating from the site. The southern boundary was quite open so proposed hedgerow planting secured by condition would provide screening for the future.

The Principal Planner advised on the material planning considerations and key issues and explained that, whilst the retrospective nature of the application was unfortunate, the application had to be considered on merit. With appropriate planning conditions, it was considered that the use of the site could be properly controlled and managed so as to be acceptable in planning terms. It would also allow the continued operation of the site and the employment benefits that the use delivered. Approval was being recommended and the precise wording of the proposed conditions was as set out in the update sheet that had been circulated the previous day.

Members raised questions relating to:

- The effectiveness of the shutter door on the north side being closed.
- Issues associated with the exist splay.
- Removal of Highways objection.

The Principal Planner explained that whilst the terrace of cottages were on the east side of the site, there was one dwelling to the north and the shutter doors being closed would help limit the noise reaching that dwelling. There should be no major issues with access onto the road as the site a long-standing commercial vehicle access and the fall back position for the site was that a B8 use could be carried out.

The Chairman invited public speakers to address the Committee.

As an objector and near neighbour, Mr G Fereday advised the Committee of the disturbances that had been ongoing over the last 22 months with long hours of operation from 6.30am until late at night sometimes up to midnight. The premises were still opening at 7.20am and the roller doors were left open causing constant noise

from the workshop activity. Also, noise and over spray from the pressure washing was ongoing on a site that had no permission for pressure washing. In addition to that over a long period of time, there had been issues with language that was used. Mr Fereday confirmed that he had asked the owner to keep the shutter doors closed and in December 2020 the Council's own Environmental Health Officer had asked for the doors to be kept closed. That had never happened. If permission was to be granted, the least that could be done was to ensure the premises were closed on Sundays and Bank Holidays and on other days, at a sensible time.

The applicant's agent, Mr J Wilkinson, advised that the use of the premises was in accordance with policy and, whilst retrospective was regrettable, the application before Members had progressed through the planning process. The operation was providing an abundance of benefits including 14 jobs and also a service that was in demand in the area. Car sales were to be by appointment only. It should be noted that Environmental Health had no objection and there were no issues with access into the site. Any agreed conditions would be enforceable and he considered that the benefits outweighed any harm. Mr Wilkinson asked that the Committee support the officer's recommendation.

The Chairman invited questions.

Members raised issues relating to the B Class use, oil/water drainage, adequate parking being provided for employees, and compliance with any conditions proposed.

Mr Wilkinson advised that the history of the site was well documented in the officer's report and the Town and Country Planning Act allowed retrospective applications. Tanks were in place for oil collection so that it did not get into surface water drainage system and trade contractors would come in every three months for its removal. Whilst 14 were on the payroll, eight full-time and six part-time, not all staff were on site at the same time. There should be sufficient space for employees to park on site and Mr Ellis, the applicant, confirmed employees should have no need to park in the layby used by local residents. If approved, Mr Wilkinson confirmed the business would comply with operating hours specified in any agreed conditions.

During the ensuing debate, Members commented on their disappointment that the application was retrospective and believed that the proposed conditions to be imposed would help overcome some of the issues and objections that had been raised. Whilst it was noted that pressure washing would continue, any noise issues from that part of the operation could be considered as a potential statutory nuisance via Environmental Health enforcement. There being no further discussion, it was

RESOLVED

That permission be granted, subject to the following conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing No. 82021-PL01 (received 15 October 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.

2. The hours of working and operation, including opening to the public, shall not take place outside the hours of 08:00 to 17:00 Monday to Saturday.

There shall be no working/operation, or opening to the public, on Sundays and Bank Holidays.

Reason: in the interest of the local residential environment, to ensure that the use is not carried out at times that would be harmful to local living conditions.

3. The 4no. visitor car parking spaces shall be laid out, marked appropriately, and made available within 3 months of the date of this permission. The visitor parking spaces shall only be used for visitors to the site, and not used for the parking/display of sales vehicles or the parking of vehicles subject of servicing, repair, or valeting. The visitor parking spaces shall be retained solely for the approved purpose.

Reason: In the interest of local amenity and highways safety, to ensure that visitors to the site do not park on the highway or in the adjacent layby area.

4. No more than 23no. (twenty-three) sales vehicles shall be parked/displayed outside of the building, and those vehicles shall only be parked/displayed in those areas marked for that purpose on the approved block plan (no. 82021-PL01).

Reason: in the interest of visual amenity, and to ensure that there is sufficient manoeuvring space within the forecourt area.

5. During hours of operation, the roller door to the loading bay on the northern side of the building shall remain closed at all times and only opened to allow for the transport of goods and/or vehicles into the building workshop areas.

Reason: in accordance with the recommendations of the submitted Acoustic Assessment, to ensure that noisy activities are confined to the interior of the building and sound levels mitigated by the building fabric.

6. Within three months of the date of this permission, a landscaping scheme to detail hedgerow planting on the southern edge of the site shall be submitted to and approved by the LPA. The planting scheme will then be implemented at the first available planting season and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

Note: Having declared an interest in Agenda item 7, Councillor Cooper left the meeting at 2.51pm.

7 DC/21/3214/FUL - 54 High Street, Leiston

The Committee considered report ES/0940 which set out details of the retrospective planning application for the change of use to restaurant and takeaway including the installation of an external flue.

The report stated that the property located within Leiston town centre, had recent use as a public house followed by an Indian restaurant and the proposed use was considered to be appropriate for its location. Hours of use were also appropriate in the location. One issue was in connection with the proposed extract system in terms of visual and operational impact. However, the system would use carbon filters and would operate below background noise levels so that there should be no significant impact upon the amenity of neighbours. The extract flue was to be boxed in and painted to match the building.

Members received a presentation showing the site location plan, aerial view, photographs of the street scene and the actual building, block plan and elevations. The addition of a cowl would stop rain entering the flue system and there would be additional cladding to ensure all ducting was screened to reduce the visual impact of the flue.

The Planning Development Manger explained that on balance the impact of the extract flue was not so significant as to justify refusal of planning permission. The benefits of a commercial use of the building, supporting the vitality and viability of the town centre, was deemed to outweigh any visual impact and approval was therefore being recommended, subject to the external works, the additional boxing-in of the equipment, being completed within three months of permission being granted.

Members sought clarification on:

- Paragraph 9.7 in the report and any possible increase in the height of the flue.
- Change of use.
- The position and structure of the flue.

The Planning Development Manager confirmed that a further planning application would be required if the height of the flue had to be raised. The change of use was due to the provision of the takeaway business. There was likely to be internal ducting from the kitchen to the outside flue. The Planning Development Manger confirmed he would make the Building Regulations Team aware of the works to ensure there would be checks for building regulations compliance.

Members recognised the need to ensure the building was in use as well as providing an amenity for the town and it was

RESOLVED

That permission be granted, subject to the following conditions:

1. Within 3 months of the date of this permission, the development hereby permitted shall be completed in all respects strictly in accordance with Drg No 20211127/03 received 05.07.2021; Drg No 20211127/01A and 04 received 16/08/2021 and acoustic report received 02.09.2021, 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.

2. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such.

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

3. The premises shall not be open to the public other than between the hours of 10.00am and 10.00pm and all members of the public shall have vacated the premises by 10.30pm.

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

Note: Councillor Cooper returned to the meeting room at 3.03pm.

Having declared an interest in Agenda items 8 and 9, Councillor Rivett left the meeting at 3.03pm.

8 DC/21/4219/FUL - Lowestoft Post Office, 51 London Road North, Lowestoft

The Chairman advised that there would be one presentation for Agenda Items 8 and 9 but the Committee would then need to take separate votes on the Full Application and the application for Listed Building Consent.

The Committee considered report ES/0942 which gave details of the application seeking planning permission for works to the Grade II Listed Lowestoft Post Office in the form of conservation repairs to the building, new ground floor fenestration and entrance doors, removal of external ramp, installation of new ramp to front entrance, and repairs and replacement to the external building fabric, including re-roofing with Welsh Slate.

The application was before Committee as the application had been made by the Council on Council-owned land.

Members received a presentation showing the site location plan, photographs of the building and street scene, elevations and indicative drawings of the proposed works which were to the listed part of the building only. An artist's impression showed views of the building once the works had been completed. In addition, the proposed internal works would help with the future use of the building.

The Principal Planner advised that the scheme was primarily one of repair and refurbishment and required planning permission because the work related to a

principal elevation/location within the Conservation Area where permitted development rights had been removed for such works. If permission and listed building consent was granted, it would be possible to draw on grant funding provided within the Heritage Action Zone (HAZ) programme which had to be spent in the current year. The applications were recommended for approval with authority to delegate to the Head of Planning and Coastal Management to settle the finer details of the conditions, in consultation with the Conservation Officer.

In response to a Member's question regarding the cleaning of both the front and rear brickwork, the Principal Planner believed that cleaning was part of the overall programme and that question could be raised with the applicant.

The Chairman invited Rebecca Styles, Project Officer from the HAZ Team, speaking on behalf of the applicant to address the Committee.

Ms Styles advised that the application for the repair and restoration of the building was a flagship project of the four year programme which was being supported by Historic England, the Council and Lowestoft Town Council. The majority of the works were limited to the external fabric of the building including the replacement of 47 sash windows, and the ramp and main door were to be relocated. The proposal would make the building safe and watertight and improve the appearance of the building from the High Street. If Members were minded to approve the applications, it was anticipated that the works would commence in January and go through to Spring 2022.

The Chairman invited questions.

Members sought clarification on the following:

- Cleaning of the front and rear brickwork.
- What measures would be in place to prevent seagulls from nesting.
- Routine cleaning.
- Available funding for the full refurbishment of the building.

Ms Styles advised that the initial cleaning was to the front façade and she noted that the Committee was requesting cleaning at the rear of the building. It was likely that bird wires would be installed; they were currently going out to contract for bird protection measures. Any wider conversion scheme would be supported by funding from the Council and the Town Council and further applications were likely to be submitted in the future.

Members unanimously supported the proposal and welcomed the works that would bring the building back to its former glory and also support the revitalisation of the town centre. It was hoped that the scheme might encourage others in the town centre to improve their buildings. There being no further discussion, it was

RESOLVED

That authority be given to delegate determination to the Head of Planning and Coastal Management to approve with conditions.

9 DC/21/4220/LBC - Lowestoft Post Office, 51 London Road North, Lowestoft

The Committee considered report ES/0941 which sought Listed Building Consent for repair and refurbishment of timber sash windows, stone repair and infill at ground floor, new windows and doors at ground floor, new rainwater goods to replace existing, replacement of roof tiles, flat roof covering in lead, stone cleaning on front façade. The proposal also included minor internal strip out to facilitate repairs and refurbishment and repair and replacement of roof access lantern.

The application was before Committee as the application had been made by the Council on Council-owned land.

The proposed works would enhance the special interest of the Grade II Listed Building and reveal its significance as a designated heritage asset in the Conservation Area. The proposal also accorded with the Development Plan and approval was being recommended.

Having considered and approved the application under Item 8 on the Agenda, it was

RESOLVED

That authority be given to delegate determination to the Head of Planning and Coastal Management to approve with conditions.

Note: Councillor Rivett returned to the meeting room at 3.22pm.

10 DC/21/2278/FUL The Gatehouse, Middleton Crossing, Middleton Road, Yoxford

The Committee considered report ES/0943 which gave details of the application seeking to site a log cabin in the garden curtilage of the main dwelling house, The Gatehouse, Middleton Crossing, for ancillary residential use. The log cabin met the definition of a 'caravan' as set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. The application was before Committee as the applicant was related to a member of staff.

Members received a presentation showing the site location and block plans, together with photographs of the site and proposed elevations and proposed floor plans.

The Planner advised that the log cabin would be replacing an existing building in the rear garden of the property and would be occupied by the daughter of the applicant, whilst still being dependent on the main house for some of its services and functions for day-to-day living. The style of the log cabin was considered to be acceptable and approval was being recommended subject to appropriate conditions.

Members noted that the new building would be smaller than the existing structure and considered it to be well designed. On a proposal to approve, which was duly seconded, it was

RESOLVED

That planning permission be granted, subject to the following 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 Plan, Proposed Elevations, Floor, and Block Plan received 10/5/2021, 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 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 hereby permitted annexe shall not be occupied or let as a separate dwelling but shall be used only for purposes incidental to the use of the dwellinghouse to which it relates or for occupation by a relative, employee or parent of the householder or his/her spouse.

Reason: The development is not such that the local planning authority would be prepared to approve as a separate dwellinghouse in its own right.

Note: Having declared an interest in Agenda item 11, Councillor Rivett left the meeting room at 3.25pm.

11 DC/21/3608/FUL - Miniature Golf Course Kiosk, Dip Farm, Corton Road, Lowestoft

The Committee considered report ES/0938 which gave details of the planning application for the change of use from ticket kiosk for miniature golf to takeaway site for drinks/snacks, installation of coffee machine, fridges, freezer, griddle, new windows and extractor fan.

The application related to the former ticket kiosk at the miniature golf course at Dip Farm which had closed in 2019; however, the land remained publicly accessible as an open space and was used for dog walking. The application was before the Committee as the land subject of the application was owned by the Council.

The Principal Planner advised that, due to technical matters that had needed to be addressed, the full application was retrospective as the use had commenced in September and the initial application submission had to be amended to a full application.

Members received a presentation showing an aerial view, site location plan, photographs of the site and building and its renovation, and car parking area. The toilets had been renovated and would be available for public use.

The Principal Planner drew attention to the material considerations including the benefit of re-use of the commercial building, the provision would enhance the recreational offer at Dip Farm and there would be economic benefits allowing a business to operate from the kiosk. The proposed hours of operation in the conditions had been proposed so that the site was closed overnight. Because the proposal application had been amended to a full application, a re-consultation had been undertaken and, since the preparation of the update sheet, the Town Council had commented that it agreed to approval of the application. The change of use did accord with the Development Plan as a logical re-purposing of the building and, as there were no adverse impacts, approval was being recommended.

Members questioned:

- The provision of litter bins due to the business being a takeaway.
- Bin storage at the rear of the property.
- Lack of overnight lighting.
- A reduction in opening hours for the winter months being appropriate, for example from 8am to 6pm.

The Principal Planner advised that the trade waste bins were stored at the rear of the property and he proposed discussion with the applicant with regard to the provision of litter bins for customers' use which, if the application was approved, could be the subject of an informative.

It was noted that the applicant had been due to address the Committee under public speaking but they had left the Zoom meeting room prior to reaching this point in the Agenda.

Members unanimously supported the proposal for a change in hours of operation and agreed the summertime opening of 6am to 10pm and 8am to 6pm for winter months would be appropriate. There being no further debate, it was

RESOLVED

That, subject to no new material planning issues being raised in any further comments received prior to 13 November 2021 that have not already been considered and reported to the Planning Committee, planning permission be granted, subject to the following conditions:

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

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

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

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

3. The hereby approved use shall only operate and be open to the public during the following hours:

06:00 to 22:00 during the period beginning 01 April and ending 31 October;

and

08:00 to 18:00 from the period beginning 01 November and ending 31 March.

Reason: To ensure that the use is not carried out overnight and is limited to mostly daylight hours.

Note: Councillor Rivett returned to the meeting room at 3.37pm.

12 DC/21/3919/FUL - 1 Westwood Avenue, Lowestoft

The Committee considered report ES/0939 which gave details of a householder application for a first-floor side extension above a previous single storey extension at a semi-detached property. The application was before Committee as the house was in the ownership of the Council.

Members received a presentation showing the site location plan, aerial site context and views of the street scene, together with the existing and proposed block plan, floor plans and elevations.

The Principal Planner explained the material planning considerations and key issues and that there would be no impact upon neighbour's amenity. He confirmed that there had been no objections and approval was being recommended.

The Committee supported the application and

RESOLVED

That permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing no. 2158-001 and Site Plan received 18th August 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 external surfaces of the extension hereby permitted shall be clad in coloured Hardiplank as confirmed in the email from agent received 20th September 2021, unless varied by a subsequent application to the Planning Authority. Roof tiles shall match as closely as possible those on the existing dwelling.

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

The meeting concluded at 3.41pm.

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Chairman