



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

Planning Committee North

Members:

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

Members are invited to a **Meeting** of the **Planning Committee North** to be held in the Conference Room, Riverside, on **Tuesday, 9 November 2021 at 2.00pm**

This meeting is being held in person in order to comply with the Local Government Act 1972. In order to comply with East Suffolk Council's coronavirus arrangements and guidance, the number of people at this meeting will have to be restricted to only those whose attendance is reasonably necessary.

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead at <https://youtu.be/ix9A7P-NhDs> .

If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to democraticservices@eastsuffolk.gov.uk, of your intention to do so no later than 12 noon on the working day before the meeting so that the meeting can be managed in a COVID secure way and the Team can endeavour to accommodate you and advise of the necessary health and safety precautions.

However, we are not able to guarantee you a space/seat and you are advised that it may be that, regrettably, we are not able to admit you to the meeting room.

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 Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3 Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4 Minutes To confirm as a correct record the Minutes of the Meeting held on 14 September 2021.	1 - 46
5 Enforcement Action - Case Update ES/0936 Report of the Head of Planning and Coastal Management	47 - 65
6 DC/20/1126/FUL - Suffolk Cars, Halesworth Road, Bramfield ES/0937 Report of the Head of Planning and Coastal Management.	66 - 80
7 DC/21/3214/FUL - 54 High Street, Leiston ES/0940 Report of the Head of Planning and Coastal Management.	81 - 88
8 DC/21/4219/FUL - Lowestoft Post Office, 51 London Road North, Lowestoft ES/0942 Report of the Head of Planning and Coastal Management.	89 - 99
9 DC/21/4220/LBC - Lowestoft Post Office, 51 London Road North, Lowestoft ES/0941 Report of the Head of Planning and Coastal Management.	100 - 110

		Pages
10	DC/21/2278/FUL The Gatehouse, Middleton Crossing, Middleton Road, Yoxford ES/0943 Report of the Head of Planning and Coastal Management.	111 - 117
11	DC/21/3608/FUL - Minature Golf Course Kiosk, Dip Farm, Corton Road, Lowestoft ES/0938 Report of the Head of Planning and Coastal Management.	118 - 124
12	DC/21/3919/FUL - 1 Westwood Avenue, Lowestoft ES/0939 Report of the Head of Planning and Coastal Management.	125 - 130

Part Two – Exempt/Confidential

Pages

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>).

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email:

democraticservices@eastsuffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development
East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 14 September 2021 at 2.00pm**

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 Craig Rivett

Other Members present:

Councillor David Beavan, Councillor Frank Mortimer, Councillor Trish Mortimer, Councillor Russ Rainger, Councillor David Ritchie

Officers present:

Joe Blackmore (Principal Planner), Mark Brands (Planning Officer), Sarah Davis (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Steve Milligan (Planner), Alli Stone (Democratic Services Officer), Ryan Taylor (Development Officer), Ben Woolnough (Planning Development Manager)

Announcements

The Chairman opened the meeting and announced that he was reordering the agenda, so that item 2 would be heard before item 1.

2 Apologies for Absence and Substitutions

Apologies were received from Councillor Elfrede Brambley-Crawshaw; Councillor David Beavan attended as her substitute.

1 Declarations of Interest

No declarations of interest were made.

3 Declarations of Lobbying and Responses to Lobbying

Councillor David Beavan declared that he had been lobbied on items 6, 7 and 8 of the agenda; he stated that in all instances he had been contacted by the applicants to discuss the applications.

Councillor Jenny Ceresa declared that she had been lobbied by email on item 6 of the agenda and had not responded.

Councillor Tony Cooper declared that he had been lobbied by email on item 9 of the agenda.

4a Minutes - May 2021

RESOLVED

That the minutes of the meeting held on 18 May 2021 be agreed as a correct record and signed by the Chairman.

4b Minutes - June 2021

RESOLVED

That the minutes of the meeting held on 8 June 2021 be agreed as a correct record and signed by the Chairman.

4c Minutes - July 2021

RESOLVED

That the minutes of the meeting held on 13 July 2021 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0853** 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 31 August 2021. At that time there were nine such cases.

The Chairman invited questions to the officers.

In response to a question on Woods Meadow, Oulton Broad, the Planning Manager advised that this site was not listed in the report as there was no identified breach on site; the Planning Manager confirmed that he would seek information on the status of development at this site and respond to the Member outside of the meeting.

Another member of the Committee sought clarification on the enforcement action at Park Farm, Chapel Road, Bucklesham; The Assistant Enforcement Officer said she would ask the Senior Enforcement Officer to contact the Member outside of the meeting. The Planning Manager added that work was being undertaken to provide greater clarity in future enforcement reports.

The Assistant Enforcement Officer advised that an extension had been sought for compliance at North Denes Caravan Park, Lowestoft, which was granted until October 2021; this related to planting to meet the requirement to return the site to the appearance before development began.

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

RESOLVED

That the information concerning outstanding enforcement matters up to 31 August 2021 be noted.

6 DC/19/1141/OUT - Land to the West of Copperwheat Avenue, Reydon, IP18 6YD

The Committee received report **ES/0852** of the Head of Planning and Coastal Management, which related to planning application DC/19/1141/OUT.

The application sought outline planning permission for the development of up to 220 dwellings with associated open space. Details of access had been submitted for approval whilst appearance, landscaping, layout and scale are reserved matters for future determination.

The East Suffolk Council (Waveney) Local Plan (March 2019) (the WLP) Policy WLP6.1 allocates 9.8 hectares of land west of Copperwheat Avenue, Reydon for the residential development of approximately 220 dwellings. However, the application site extended farther west to 12 hectares in total but included the entirety of the allocated land and did not exceed the recommended number of dwellings.

Given the scale of the development proposal and the site area extending beyond the allocation, the application was brought direct to the Committee for determination in March 2020, where the Committee resolved to delegate authority to approve the application to the Head of Planning and Coastal Management, subject to conditions.

Since that time, the Reydon Neighbourhood Plan (the RNP) had been formally made following referendum in May 2021. The RNP had become an adopted planning policy document, and this represented a material change in the Development Plan, relevant to the application site, compared to the Development Plan at the time of the resolution to delegate authority to approve the application to the Head of Planning and Coastal Management (where the RNP was at a relatively early stage of the plan-making process and a material consideration of only limited weight).

This required that the application be brought back to Committee for consideration. The National Planning Policy Framework (NPPF) was also updated July 2021, which also represented a notable change to a key material consideration.

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

The Principal Planner highlighted that the proposals remained unchanged from the application determined by the Committee in March 2020; the key change was the making of the RNP and that full weight now had to be given to it when determining the application.

The Committee's attention was drawn to the principal residence clause in the RNP, which sought to promote development in Reydon that would protect the community in a sensitive

location. The RNP was described as a rounded policy document that supported the WLP and the Principal Planner highlighted that second home ownership was a significant issue in the area; the principal residence clause had been designed to ensure homes could be provided for local people.

The Principal Planner confirmed that a Section 106 agreement, to secure the necessary obligations as set out in section nine of the report, was in place and could be completed within the week should the application be approved.

The site's location was outlined, and it was highlighted that the site was allocated for development in the WLP. An aerial image of the site was displayed to provide context of the site in relation to the surrounding area. The Principal Planner noted that the site was well linked to local facilities.

Another map of the site was displayed that showed the site's relationship with two public rights of way. The main access to the site via Copperwheat Avenue and access via the Crescents was demonstrated.

Photographs of the site were displayed showing the proposed access from Copperwheat Avenue, proposed access from the Crescents and various views into the site.

The access and movement proposals for the site were displayed, which set out the parameters for site access for motor vehicles, cyclists and pedestrians. The Principal Planner highlighted where existing public rights of way would connect to the site at the south and west of the site. The map also displayed the areas within the site that would be developed and those areas that would remain undeveloped. The Principal Planner noted an existing play area to the north of the site that would be connected to the development.

Photographs of the proposed access to the site from Copperwheat Avenue and the Crescents were displayed and the Committee was supplied with the details of the vehicle access and off-site highways works associated with the application.

The Principal Planner advised the Committee of the landscape and visual impact assessment that had been undertaken by the applicant and noted how it had influenced the layout to minimise the impact on the Area of Outstanding Natural Beauty (AONB).

The development parameter map was displayed and the Principal Planner highlighted that a future Approval of Reserved Matters application would be required to confirm the exact details of the site layout. The Committee was advised that the parameter plan indicated the areas of the site to be developed, the access, the proposed drainage basin and the green space on the site.

The Principal Planner stated that the design access statement would need to be linked to any Approval of Reserved Matters application as it outlined key areas for future development; the Principal Planner considered that the design access statement ensured a high quality design at the reserved matters stage.

An indicative layout drawing was shown to the Committee; the Principal Planner was of the view that the layout proposed was positive and gave a good provision of green space.

The Committee was advised that it had taken longer than normal to finalise the Section 106 Agreement in order to secure plots on the site for the relocation of those losing their homes to coastal erosion at Easton Bavents, in order to meet the requirements of WLP6.1. This had been achieved and the relocation plots would be transferred to the Council at a cost of £1 in order to then be transferred to residents who wished to relocate as a result of coastal erosion.

The material planning considerations were summarised as:

- Principle of development;
- The 'made' Reydon Neighbourhood Plan;
- Access and connectivity;
- Landscape and visual impact;
- The design of the development;
- Residential amenity;
- Heritage considerations;
- Ecology and European sites;
- Affordable housing;
- Self build and coastal relocation opportunity;
- The public benefits of the development proposal; and
- The principal residence restriction (condition).

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

The Principal Planner confirmed that Suffolk County Council, as the Highways Authority, was now content with the proposals and had withdrawn its holding objection.

The Committee was advised that in the first instance, the relocation plots would be offered to residents of Easton Bavents at risk of losing their homes to coastal erosion; the Principal Planner advised that if there was no interest from those residents, the relocation plots would be offered to residents at risk of losing their homes to coastal erosion from further afield.

If, after five years, these relocation plots were not taken up they could be sold for affordable housing development or the Council could choose to build its own affordable housing on the plots. The Principal Planner stressed that if the plots are not taken up for relocation, the Section 106 Agreement specified that the plots must be used for affordable housing and not open market housing.

The Chairman invited Councillor Roger Cracknell, representing Reydon Parish Council, to address the Committee.

Councillor Cracknell said that Reydon Parish Council (the Parish Council) strongly supported the application of policy RNP4 of the RNP, the principal residence restriction, to this application, as proposed by condition 37 of the recommendation. Councillor Cracknell considered that this would ensure that Reydon's community remained sustainable and would make community housing available to residents, and said that the Parish Council would work with the Council to monitor and enforce this restriction.

Councillor Cracknell said that the Parish Council was pleased that RNP4 had been taken into account in the Principal Planner's report and also referred to policy RNP1 of the RNP, which related to tenure mix. Councillor Cracknell noted that the table of affordable housing in the report suggested that this policy would be complied with and considered this to be another vital strategy to maintain community access to housing. Councillor Cracknell asked the Committee to ensure that this tenure mix was achieved via the Section 106 Agreement when it was submitted for approval.

Councillor Cracknell referred to several other policies in the RNP and acknowledged that some of these key details would be determined at the reserved matters stage, but urged the Committee to record its view on these matters at this time. Councillor Cracknell noted that the application site exceeded what had been allocated for development by WLP6.1 and encroached into the AONB, and acknowledged that this would allow for a landscaping scheme that would both enhance the development and create an environmentally and ecologically interface with the surrounding countryside; the Parish Council was therefore content with the proposed size of the development.

Councillor Cracknell asked the Committee to approve the application with the conditions recommended in the report.

There being no questions to Councillor Cracknell the Chairman invited Mr Paul Clarke, agent for the applicant, to address the Committee.

Mr Clarke highlighted the history of the planning application, including the allocation of the site in the WLP; the application before the Committee was submitted in March 2019 following the adoption of WLP by the former Waveney District Council.

Mr Clarke acknowledged the sensitive nature of the site and assured the Committee that the applicant had worked to the requirements of WLP6.1 when developing the proposals. Mr Clarke stated that half of the built form of the site would be either affordable homes, self-build plots or plots for the relocation of residents at risk of losing their homes to coastal erosion. Mr Clarke added that substantial areas of green infrastructure would be created by the development and that it would generate CIL for the community to use.

Mr Clarke considered that the development needed to be progressed after a significant delay and reiterated that his clients had adhered to the WLP and RNP to create a policy compliant proposal.

The Chairman invited questions to Mr Clarke.

In response to a question on the enforcement of the principal residence restriction condition, the Principal Planner noted that this was something new to the planning system and highlighted St Ives, Cornwall, as an example of its implementation. The Principal Planner said that the condition would allow the Council to obtain evidence from occupants that a dwelling was a principal residence, but could not promise that enforcement action would be taken in the event of the clause being breached. Mr Clarke added that his client did not see second homes being an issue on the site as it was designed as a large estate.

Mr Clarke advised that the applicant did not have a timescale for selling the development and suggested that based on market testing, it was likely to be a housing association that would

take the development on. Mr Clarke confirmed that the applicant did not have a timescale for making an Approval of Reserved Matters application.

The Chairman invited further questions to the officers.

The Principal Planner advised that the condition for 40% affordable dwellings was worded as such to ensure that this ratio is met regardless of the final total of dwellings on the site, in order to be policy compliant.

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

Councillor Beavan considered that it would have been a bad idea to build houses in the AONB that would not be lived in and considered it positive that the principal residence restriction was being applied to this development. Councillor Beavan was of the view that this development could now move forward to the benefit of local people, as housing was sorely needed.

Councillor Beavan expressed some concern about potential flooding that could be caused on Wangford Road, as this was presently the only route in and out of Reydon that did not flood, along with some concerns about the effect of construction on local residents. Councillor Beavan considered that the sewage works proposed by Anglian Water were not practical and that the wider system needed to be considered. Councillor Beavan concluded his remarks and called for a new planning use class for converting homes to holiday lets, to provide greater control, and said that he supported the application.

Councillor Pitchers considered that all parties now appeared to be in agreement on the development and said he was in support of the application. Councillor Pitchers noted the difficulties that could be faced in enforcing the principal residence restriction.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report.

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

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to both the conditions below and the completion of a S106 Legal Agreement to secure the following obligations:

- Provision of 40% of the dwellings as affordable homes;
- Provision of seven plots as part of relocation offer for properties lost/at risk to coastal erosion;
- 5% of the residential development as self-build plots;
- Per-dwelling contribution to the Suffolk RAMS;
- Provision and long-term management of public open space;
- Financial contribution to fund secondary school transport;
- Financial contribution to fund improvement works to local bus stops;

- Travel Plan financial contribution; and
- Financial contribution to fund road safety engineering schemes at local accident cluster sites.

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, and the landscaping of each phase (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced on that phase. Development shall be carried out as approved.

Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.

3. Prior to the submission of the first reserved matters application(s) a site wide Phasing Plan shall be submitted to the local Planning Authority for approval. No development shall commence until such time as the site wide Phasing Plan has been approved in writing by the Local Planning Authority.

The site wide Phasing Plan shall include the sequence of providing the following elements:

- a. All vehicular and pedestrian accesses; the primary estate roads; segregated footpaths and cycle ways; any temporary footpaths and access connections during the construction period; the on-site circular walking route of 1.4km; and the timings of such provision, with recognition of other conditions triggering access completion.
- b. Residential development parcels, including numbers; housing type and tenure; location of self-build plots; and location of the 7no. plots to be set aside for properties lost to coastal erosion.
- c. Surface water drainage features, SUDS and associated soft landscaping.
- e. Accessible natural green space, structural landscape planting on the western edge of the site, and Local Equipped Play Area (LEAP).
- f. Improvement works to the southern public footpath.
- g. Ecological mitigation and enhancement measures.

The site wide Phasing Plan shall be implemented as approved.

Reason: To ensure that key elements of the approved development are delivered at the right time in the interests of securing a sustainable form of development.

4. Means of vehicular access into the site are hereby approved and shall be carried out in accordance with drawing number 1509 03/001 Rev B, received 12 June 2019; and the Movement and Access Parameter Plan (drawing number 18 050 02), received 27 November 2019.

Reason: To ensure that the site is served by safe and suitable vehicular accesses in the interests of highway safety and in accordance with the site allocation objectives of policy WLP6.1 of the Local Plan.

5. The submission of reserved matters applications pursuant to this outline application shall together provide for up to 220 dwellings and demonstrate substantial compliance with the Movement and Access Parameter Plan (drawing number 18 050 02); Land Use and Green Infrastructure Parameter Plan (drawing number 18 050 04); and Massing & Scale Parameter Plan (drawing number 18 050 03), all received 27 November 2019.

Reason: The site is located within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and therefore in order to secure high-quality design and properly mitigate landscape and visual impact, it is essential to establish development parameters to guide future reserved matters application, in accordance with the design and landscape objectives of Local Plan policies WLP8.29 (Design) and WLP8.35 (Landscape Character).

6. All reserved matters applications shall incorporate the relevant elements of the 'Shaping the Character' principles of section 5.4 of the Design Access Statement, demonstrating broad compliance with the design intent reflected on pages 48-49 (Farmland heritage); pages 50-51 (Rural settlement); and pages 52-53 (Village edge) of the Design and Access Statement. Each reserved matters application shall be accompanied by a statement demonstrating this.

Reason: To ensure that the master planning principles of this permission inform detailed designs and in the interests of delivering a distinctive, attractive and sustainable development with high quality design appropriate for the AONB.

7. As part of the reserved matters application(s) for layout and landscaping, plans and particulars of the pedestrian access points on the southern, western and northern site boundaries (if relevant to the relevant phase), as shown on the Movement and Access Parameter Plan (drawing no. 18 050 02), shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include the following:

- (a) the precise location of the pedestrian access points;
- (b) the route of the pedestrian accesses and their integration into the development layout;
- (c) details of any engineering works required to create the accesses; and
- (d) the ground surface treatment of the accesses and any associated landscaping.

Development shall be carried out in accordance with the approved details and the pedestrian access points shall be completed and made available for use in accordance with the triggers approved in the site wide phasing plan under condition 3.

Reason: to ensure that the final development layout incorporates pedestrian connections to the existing public right of way network and residential environment in the interest of creating an integrated and sustainable development.

8. No dwelling shall be occupied until the opening has been formed on the northern site boundary to facilitate the delivery of the pedestrian connection into the existing play area at Barn Close. The completion of the pedestrian access point shall be in accordance with the details approved under condition 7 and the site wide phasing plan approved under condition 3.

Reason: connectivity between the site and the existing play area is a critical element of the proposals, as required by site allocation policy WLP6.1. In order to ensure the delivery of this pedestrian connection the opening must be formed at an early stage of the development.

9. No part of the development shall be commenced until full details of the proposed access and tie-in works shown on Drawing No. 1509 03/001 Rev B have been submitted to and approved in writing by the Local Planning Authority.

The approved access from Copperwheat Avenue shall be laid out and constructed in its entirety prior to occupation of the first dwelling. Both approved accesses (from Copperwheat Avenue, and The Crescents) shall be laid out and constructed in their entirety prior to occupation of the 101st dwelling.

Thereafter the accesses shall be retained in the approved form.

Reason: To ensure that the accesses are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety. The condition is necessary in acknowledgment of the requirement for detailed, technical matters to be agreed through S278 Agreement with the Highways Authority.

10. No part of the development shall be commenced until full details of the proposed pedestrian crossing and other off-site highway improvements (including footway widening, crossing points and traffic calming) shown on Drawing No. 1509 03/001 Rev B, have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be laid out and constructed in its entirety prior to occupation of the first dwelling.

Reason: To ensure that the necessary improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety. The condition is necessary in acknowledgment of the requirement for detailed, technical matters to be agreed through S278 Agreement with the Highways Authority.

11. No part of the development shall be commenced until details of improvements (including widening of the useable width and surfacing) to Footpath 2 – to the south of the site, and also the section between the site and Wangford Road to the northeast - have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety in accordance with the trigger point identified in the approved phasing plan under condition 3.

Reason: To ensure that the necessary improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel and recreational benefit.

12. Prior to occupation of the 101st dwelling, Footpath 2 (within the southern section of the site, and also the section between the site and Wangford Road to the northeast) shall be converted to a public bridleway.

Reason: To ensure that the necessary legal requirements to enable sustainable travel are made available for use at an appropriate time of the development in the interests of sustainable travel and recreational benefit.

13. As part of each reserved matters application for layout, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

14. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

15. As part of each reserved matters application for layout, details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles 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 unless otherwise approved by the Local Planning Authority.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.

16. As part of each reserved matters applications for layout, a plan indicating the positions and design of secure covered and open cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided prior to occupation of each respective residential unit. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development to ensure that residential occupiers of the site have the ability to own, use and securely store cycles as a means of transport.

17. No development shall take place within a phase until the implementation of a programme of archaeological work has been secured for that phase, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with policy WLP8.40 of the Local Plan.

18. No building shall be occupied on a phase until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority for that phase, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 17 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with policy WLP8.40 of the Local Plan.

19. Concurrent with the first reserved matters application(s) for a phase a surface water drainage scheme for that phase shall be submitted to, and approved in writing by, the local planning authority.

The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall event including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;

f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

g. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

1. Temporary drainage systems

2. Measures for managing pollution / water quality and protecting controlled waters and watercourses

3. Measures for managing any on or offsite flood risk associated with construction h. Details of the maintenance, management and adoption of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

20. The development hereby permitted on a phase shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register for that phase.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

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

The intrusive investigation(s) shall include:

- 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 BS 10175:2011+A1:2013 and CLR11.

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.

22. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission on a phase, shall take place on that phase until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA for that phase. 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 CLR11.

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.

23. Prior to any occupation or use of the approved development on a phase the RMS approved under condition 22 must be completed in its entirety for that phase. 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.

24. A validation report for a phase must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development on that phase. 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.

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

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

26. No development shall take place, including any works of demolition on a phase, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority for that phase. The Statement shall provide for:

- o the parking of vehicles of site operatives and visitors;
- o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development;
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o wheel washing facilities;
- o measures to control the emission of dust and dirt during construction;
- o a scheme for recycling/disposing of waste resulting from demolition and construction works;
- and
- o delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

27. With the exception of any site clearance works, site investigation works and tree protection works no development in relation to each phase shall take place unless a Mineral Safeguarding Assessment and Minerals Management Plan for that phase has been submitted to and approved in writing by the local planning authority in consultation with the minerals planning authority. The Mineral Safeguarding Assessment shall assess the potential for the onsite reuse of mineral resource arising from groundwork, drainage and foundation excavations in accordance with an agreed methodology. The Minerals Management Plan will identify for each phase of development the type and quantum of material to be reused on site, and the type and quantum of material to be taken off site and to where. The development shall then be carried out in accordance with the Mineral Management Plan unless otherwise approved in writing by the local planning authority.

Reason: In accordance with the minerals safeguarding objectives of Local Plan Policy WLP6.1 and Paragraph 204 of the NPPF.

28. As part of each reserved matters application for landscaping, a plan indicating the positions, design, height, materials and type of boundary treatment to be erected shall be submitted to and agreed by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the building to which it relates is occupied.

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

29. As part of each reserved matters application for layout and landscaping, details shall be submitted to include:

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on, or adjacent to, the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, details of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

The details provided shall be in accordance with the standards set out in 'BS5837:2012 - Trees in Relation to Design, Demolition and Construction' (or the relevant professional standards should the guidance be updated/modified/superseded).

Reason: to ensure that the detailed design retains important trees on the edges of the development site and incorporates existing and new planting into the development layout.

30. As part of each reserved matters application for appearance, details of all external facing and roofing materials for all buildings within that reserved matters area shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

31. As part of reserved matters applications for appearance, layout and scale, details shall be submitted to the Local Planning Authority for approval demonstrating how 40% of the proposed dwellings shall be designed to meet requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings. The development shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: in accordance with the lifetime design objectives of policy WLP8.31 of the East Suffolk (Waveney) Local Plan.

32. As part of reserved matters applications for appearance, layout and scale, details shall be submitted to the Local Planning Authority through the submission of a sustainability statement which demonstrates that Sustainable Construction methods have been incorporated into the development proposal. The development shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: in accordance with the sustainable construction objectives of policy WLP8.28 of the East Suffolk (Waveney) Local Plan.

33. As part of each layout reserved matters application, details of external lighting to be installed on the site, including the design and specification of the lighting unit, any supporting structure and the extent of the area to be illuminated and how the impact on ecology has been considered shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and no additional lighting shall be installed in public areas without the prior approval of the Local Planning Authority.

Reason: To protect biodiversity and the visual amenity of the surrounding area.

34. The mitigation and enhancement measures outlined on pages 16 to 18 of the Ecology Assessment report (Hopkins Ecology, February 2019) shall be implemented in full unless otherwise approved in writing by the Local Planning Authority.

Reason: in accordance with the biodiversity and geodiversity objectives of policy WLP8.34 of the East Suffolk (Waveney) Local Plan 2019.

35. As part of each reserved matters application(s) for landscaping, layout, appearance and scale, the following ecological plans shall be submitted to the Local Planning Authority for approval:

- o a Construction Environment Management Plan (CEMP) detailing construction mitigation measures; and
- o an Ecology Management Plan (EMP) detailing operational mitigation, management and enhancement measures as part of the final detailed design.

Development shall be carried out in accordance with the approved details unless otherwise approved in writing.

Reason: to mitigate construction impacts and ensure long term biodiversity enhancements in accordance with the objectives of policy WLP8.34 of the East Suffolk (Waveney) Local Plan 2019.

36. No development shall take place in each layout reserved matters area until a scheme for the installation of fire hydrants throughout that part of the site has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Fire and Rescue Service. The fire hydrants shall be installed prior to occupation of dwellings within each part of the development to which they relate, and the phasing of occupation and hydrant installation of that reserved matters area shall be set out in the submission.

Reason: In the interests of fire safety.

37. The dwellings (including any flats and apartments) hereby permitted shall not be occupied otherwise than by a person as their only or Principal Residence. For the avoidance of doubt, the dwelling shall not be occupied as a second home or holiday letting accommodation. The Occupant of each dwelling will supply to the Local Planning Authority (within 28 days of the Local Planning Authority's written request to do so) such information as the Authority may reasonably require in order to determine whether this condition is being complied with.

Reason: in accordance with the requirements of Reydon Neighbourhood Plan Policy RNP4.

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@east Suffolk.gov.uk.

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

CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5.

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

3. Informative from Suffolk County Council Archaeological Service:

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team. I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to East Suffolk Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site, before approval of layout and drainage under reserved matters, and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. We would strongly advise that evaluation is undertaken at the earliest opportunity.

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

4. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

7 DC/20/2917/FUL - Easton Farm (Main Barn), Easton Lane, Easton Bavants, Southwold, IP18 6ST

The Committee received report **ES/0872** of the Head of Planning and Coastal Management, which related to planning application DC/20/2917/FUL.

The application sought permission for the conversion of a barn into two dwellings, along with associated works, at Easton Farm, Easton Bavants.

The proposed development was considered to be acceptable in accordance with the Development Plan as a whole, and the National Planning Policy Framework (NPPF), whereby permission could be granted, as the scheme would re-use and preserve a heritage asset in a manner both consistent with its conservation and also its sensitive Area of Outstanding Natural Beauty (AONB) location.

Officers had recommended approval, but without a principal residence restriction (by condition) being applied to any permission granted. This was due to the unique nature of the scheme, and such a condition was not considered appropriate in this instance for reasons set out in the report.

Granting permission without such a condition would be contrary to comments from Reydon Parish Council, who recommended approval, but drew particular attention to the Principal Residence Requirement of Policy RNP4. For that reason, the application was considered by the Planning Referral Panel who referred the application to the Committee for determination.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The Committee was advised that the presentation was also in respect of application DC/20/3183/FUL, which was for the residential conversion of The Main Barn to the east, and was to be heard by the Committee at item 8 of the agenda.

The locations of both application sites were outlined; the sites were accessed via the track to the existing farmhouse from Easton Lane.

The Committee was shown photographs of the site demonstrating views in and out of the site and identifying the buildings for conversion.

The site layout plans, proposed elevations and floor plans for both applications were displayed, along with the proposed access and parking.

It was noted that the West Barns were Non-Designated Heritage Assets and the conversion would provide a good scheme of conservation by converting the buildings into two dwellings. The link between the applications was highlighted.

The material planning considerations and key issues were summarised as:

- The principle of development;
- Heritage considerations (the Non-Designated Heritage Assets);
- Design and Landscape/Visual Impact;
- Residential amenity - restriction on use of Poultry Houses;
- Highways safety;
- Ecology - RAMS contributions; and
- Principal residence restriction (policy RNP4 of the Reydon Neighbourhood Plan).

The Principal Planner noted that due to the unique circumstances of the proposal, the conversion of a heritage asset in accordance with WLP8.11 along with the fact the applicant had lost land and properties to coastal erosion and the conversions would help their ongoing work to adapt to the significant erosion at Easton Barents, officers did not consider a principal residence restriction to be appropriate.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee.

There being no questions to the officers, the Chairman advised that the Committee would now hear public speaking relating to DC/20/2917/FUL before debating and determining the application, and then hear public speaking and debate DC/20/3183/FUL.

The Chairman invited Ms Anne Jones, the applicant, to address the Committee.

Ms Jones was representing her family's company, Easton Bavents Ltd. Ms Jones explained that her great-grandfather had bought the land in 1925 and since then 120 acres and five properties had been lost to coastal erosion. Ms Jones explained that this had reduced the value of the land and her family had not been compensated and had received little assistance, and could not insure against their losses.

Ms Jones said that Easton Bavents Ltd found itself with a small and dwindling acreage that was no longer viable as a farm and was looking to diversify. Some buildings on the land had already been converted to holiday accommodation and the current proposals were the result of a meeting with Planning and Coastal Management officers in 2018.

Ms Jones said that it had taken some time to develop the proposals and she had been dismayed by the principal residence restriction required by RNP4, of which she had not been previously aware. Ms Jones acknowledged that the site was part of the parish of Reydon but was a very different area due to the constant threat of coastal erosion. Ms Jones said that she had been advised that the development would be viable without the principal residence restriction and only marginally viable with such a restriction.

The Chairman invited questions to Ms Jones.

Ms Jones said that it had not been fully decided what the accommodation would be used for at this time and that residential status was needed to raise the necessary funds. Ms Jones was not able to advise what the poultry sheds would be used for in the future.

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

Councillor Beavan acknowledged that he had originally objected to the application on viability grounds when he had been contacted by the applicant. Councillor Beavan was concerned that exemptions from RNP4 on viability grounds would set a precedent and undermine the RNP, but was content that in this instance it was appropriate to exempt the development from RNP4 and that this would not set a precedent for future applications.

Several other members of the Committee agreed with Councillor Beavan's comments, noting the unique situation caused by coastal erosion at Easton Bavents.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report.

On the proposition of Councillor Gee, seconded by Councillor Brooks it was by a unanimous vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to the conditions below, the completion of a S106 Legal Agreement to secure RAMS contribution and the restriction of the poultry houses to prevent the keeping of livestock.

Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings (received 04 August 2020):

Proposed Plan 05 rev A;
Proposed Site Plan 06 rev B;
Proposed Elevations 07 rev B; and
Proposed Roof Block Plan 08 rev B,

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. No development shall commence until details of the materials to be used in the external surfaces of the approved development have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall, as a minimum, include the following:

roof tiles/covering; cladding and brickwork (including type, bond etc); windows and doors; rainwater goods; and external flues.

Development shall be carried out in accordance with the approved details unless otherwise approved by the LPA.

Reason: to secure an appropriate finish to the development, in the interest of good design in accordance with Policy WLP8.29.

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, September 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected

6. No external lighting shall be installed unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors and the surrounding landscape from external lighting are prevented.

7. The development shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead or demonstration that the appropriate Natural England Class Licence is in place to allow works to commence; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

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

8. The use shall not commence until the area(s) within the site shown on Drawing No. 06 Rev. B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

9. 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: BS 10175:2011+A1:2013 and CLR11.

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.

10. 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 CLR11.

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.

11. Prior to any occupation or use of the approved development the RMS approved under condition [10] 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.

12. 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.

13. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

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

The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

14. 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 and these works shall be carried out as approved.

Hard landscape details shall include: means of enclosure; car parking layouts; hard surfacing materials; minor artefacts and structures; and any other relevant details as requested by the LPA.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); and schedules of plants, noting species, plant sizes and proposed number/densities where appropriate.

Reason: To ensure a high quality site landscaping strategy appropriate for the AONB location.

15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

Reason: to ensure that the appearance of the development is satisfactory

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National

Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. The applicant is advised that this planning permission allows the development of conversion to a C3 (Dwellinghouses) use. Given the size and scale of the permitted dwellings, their use for short-term holiday letting accommodation could amount to a material change of use requiring further planning permission from the Local Planning Authority.

8 DC/20/3183/FUL - Easton Farm (Main Barn), Easton Lane, Easton Bavents, Southwold, IP18 6ST

The Committee received report **ES/0873** of the Head of Planning and Coastal Management, which related to planning application DC/20/3183/FUL.

The application sought planning permission for the conversion of a barn into a single dwelling along with associated works, at Easton Farm, Easton Bavents.

The proposed development was considered to be acceptable in accordance with the Development Plan as a whole, and the National Planning Policy Framework (the NPPF), whereby permission can be granted, as the scheme would re-use and preserve a heritage asset in a manner both consistent with its conservation and also its sensitive AONB location.

Officers had recommended approval, but without a principal residence restriction (by condition) being applied to any permission granted. This was due to the unique nature of the scheme, and such a condition was not considered appropriate in this instance for reasons set out in the report.

Granting permission without such a condition would be contrary to comments from Reydon Parish Council, who recommended approval, but drew particular attention to the Principal Residence Requirement of Policy RNP4. For that reason, the application was considered by the Planning Referral Panel who referred the application to the Committee for determination.

The Committee had received a presentation from the Principal Planner, who was the case officer for the application, at item 7 of the agenda which had been in respect of both this application and application DC/20/2197/FUL, which was for the residential conversion of the West Barns. The details of this presentation are recorded at item 7 of these Minutes.

The Chairman invited Ms Anne Jones, the applicant, to address the Committee. Ms Jones advised that she had nothing further to add to her statement on the previous application.

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

There being no debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report.

On the proposition of Councillor Gee, seconded by Councillor Brooks it was by a unanimous vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to the conditions below, the completion of a Section 106 Legal Agreement to secure RAMS contribution and the restriction of the poultry houses to prevent the keeping of livestock.

Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings (received 19 August 2020):

Proposed Plans 05 rev B;
Proposed Site Plan 06 rev B;
Proposed Elevations 07 rev B; and
Proposed Roof Block Plan 08 rev B,

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. No development shall commence until details of the materials to be used in the external surfaces of the approved development have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall, as a minimum, include the following:

roof tiles/covering; cladding and brickwork (including type, bond etc); windows and doors; rainwater goods; and external flues.

Development shall be carried out in accordance with the approved details unless otherwise approved by the LPA.

Reason: to secure an appropriate finish to the development, in the interest of good design in accordance with Policy WLP8.29.

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, September 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected

6. No external lighting shall be installed unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors and the surrounding landscape from external lighting are prevented.

7. The development shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead or demonstration that the appropriate Natural England Class Licence is in place to allow works to commence; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

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

8. The use shall not commence until the area(s) within the site shown on Drawing No. 08 Rev. B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking

and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

9. 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: BS 10175:2011+A1:2013 and CLR11.

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.

10. 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 CLR11.

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.

11. Prior to any occupation or use of the approved development the RMS approved under condition [10] 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.

12. 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.

13. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

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

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

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

14. 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 and these works shall be carried out as approved.

Hard landscape details shall include: means of enclosure; car parking layouts; hard surfacing materials; minor artefacts and structures; and any other relevant details as requested by the LPA.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); and schedules of plants, noting species, plant sizes and proposed number/densities where appropriate.

Reason: To ensure a high quality site landscaping strategy appropriate for the AONB location.

15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

Reason: to ensure that the appearance of the development is satisfactory

Informatives:

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

2. The applicant is advised that this planning permission allows the development of conversion to a C3 (Dwellinghouses) use. Given the size and scale of the permitted dwellings, their use for short-term holiday letting accommodation could amount to a material change of use requiring further planning permission from the Local Planning Authority.

9 DC/21/1166/FUL - Land off South Close, Leiston

The Committee received report **ES/0874** of the Head of Planning and Coastal Management, which related to planning application DC/21/1166/FUL.

The application sought full planning permission for the development of 10 dwellings and associated infrastructure on land off South Close, Leiston. The application had been referred directly to the Committee by the Head of Planning and Coastal Management under the terms of the Scheme of Delegation, as set out in the East Suffolk Council Constitution, as the development was a departure from the Development Plan.

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 view of the site. The Planner noted the current use of the site for informal parking, on a hardstanding area, by local residents.

The Committee was shown photographs of the site and the surrounding area. The Planner highlighted that the applicant had revised the proposals to use existing access arrangements to the site and as a result, there was no longer a requirement to remove any trees to create a new access to the site. The Committee was advised that the garages currently on the site had not been in use since 2011.

The site layout plan was displayed and the Planner outlined the proposed tenure mix of dwellings. The protrusion of plots 1 and 2 towards South Close was highlighted; the Planner said that it was considered there would be a negligible impact on the loss of light to neighbouring properties.

The Committee was advised that there would be 14 parking spaces for residents and a further eight spaces for visitors. The Planner highlighted the distribution of the visitor spaces across the site. It was proposed that the access roadway would not be adopted and retained by the applicant. The Planner outlined concerns raised by Suffolk County Council, as the Highways Authority, about the visibility of the originally proposed access; the Highways Authority had withdrawn its objection following the revision of the development to use the existing access and recommended a slight reclarification of the work in the vicinity of Quakers Way.

The Planner detailed the proposed house types for the different plots, outlining the mix of materials to be used. The Planner considered that, overall, the scheme would provide an attractive and well connected development; the site was 400 metres from Leiston town centre and was well related to local amenities, including a school.

The Committee was advised that the proposals were contrary to policy TM4 of the Leiston Neighbourhood Plan, which required any redevelopment of communal parking garages to provide equivalent parking. The Planner highlighted that a parking survey had been completed

which showed a low usage of the site, which was outlined in the photographs of the site provided earlier in the presentation. The provision of eight visitor parking spaces was considered an overprovision of the Highways Authority's requirement and therefore sufficient to compensate the level of parking provision currently on the site.

The material planning considerations and key issues were summarised as:

- The loss of the garage court and the acceptability of the level of parking provision (appropriate departure to Neighbourhood Plan); and
- The impact upon residential amenity.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers.

The Planner highlighted that a fully accessible bungalow would be built on plot 7 and highlighted its design.

The Chairman invited Ms Nicola Baggott, who objected to the application, to address the Committee.

Ms Baggott noted that she lived on South Close; she said she was not against the development of the site but objected to the proposals as they amounted to overdevelopment and would have a negative impact on the area through loss of light, outlook and parking.

Ms Baggott considered that plots 1 and 2 would be near to her home's living area and not a garage, as stated by the applicant. Ms Baggott said that the dwellings on these plots would be close to her living room and would impact on its main sources of light, resulting in overshadowing; this overshadowing would also be extended to her home's patio. Ms Baggott was of the view that both plots would overlook her garden and that plot 1 would also overlook her patio. Ms Baggott questioned if a noise assessment had been completed properly.

Ms Baggott considered the loss of 48 garages had already had an impact on the area and stated that the roads in the area were used to access both the local school and leisure centre and would exacerbate existing parking issues in the area. Ms Baggott said that the report did not accurately reflect parking levels in the area and highlighted that a planned one-way system in the area would increase traffic.

Ms Baggott asked the Committee to refuse the application on the grounds that it amounted to overdevelopment and would have a negative impact on the area through loss of light, outlook and parking.

There being no questions to Ms Baggott the Chairman invited Mr David Jones, agent for the applicant, to address the Committee. Mr Jones was accompanied by Ms Lisa Davis of Flagship Homes, the applicant, who was present to answer any questions the Committee had.

Mr Jones advised that Flagship Homes would be building homes for social rent and this would be secured via a Section 106 Agreement. Mr Jones considered that the development would

meet the identified housing need in Leiston and would provide accessible bungalows. It was confirmed that both adaptable and accessible housing would be built on the site.

Mr Jones confirmed that all dwellings would have air source heat pumps; a noise assessment had been completed which had concluded the noise generated by the development would be acceptable to residential amenity. Mr Jones noted that electric vehicle charging points would be provided.

Mr Jones considered the location to be sustainable and was within walking distance of the town centre. Mr Jones said that the development would improve residential amenity by removing a dilapidated area that was no longer in use. Mr Jones agreed with the assessment that the eight visitor spaces was an overprovision of parking and confirmed that these spaces would be available to visitors to the wider area.

Mr Jones noted that since the initial submission changes had been made including the access arrangements and the retention of a tree. Flagship Homes had confirmed that the conditions proposed by the Highways Authority could be met and that the lime and oak trees at the front and rear of the site would be protected.

The Chairman invited questions to Mr Jones and Ms Davis.

Mr Jones said that ground source heat pumps could not be installed on the site as there was not enough land to provide one for each dwelling. Ms Davis confirmed that, following advice from the Council's Housing team, the dwellings had been designed so that accessible bathrooms would be provided in all the properties.

In response to concerns raised about plots 1 and 2 and the need for piles due to land contamination, Mr Jones said that advice provided suggested that houses could be built on those plots and that if piling was necessary this could be controlled and methods used to dampen the noise.

Ms Davis noted that changes to the access arrangements had been made in response to the Highways Authority's comments and a footpath had also now been incorporated into the site. In response to a question regarding parking on the edge of the site, Ms Davis said this was an area not under the applicant's control.

Mr Jones, in response to concerns about loss of green space at the entrance to the site, confirmed that this area was not protected and was therefore not a loss of open space as defined by the NPPF.

Mr Jones reiterated that noise assessments for both the original and revised schemes had been completed as requested and the results had been deemed acceptable by both Planning and Environmental Health. Mr Jones added that mitigation would be put in place and this would be controlled by the recommended conditions.

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

Several members of the Committee expressed concern about the loss of the green space at the entrance to the site. Councillor Cooper said he could not support the development with the inclusion of plots 1 and 2 as there were too many anomalies that had not been addressed, and

noted that the green space in that area of the site had been used by the community for over 60 years.

Officers clarified that the green space in question was not allocated as an open space by planning policy and that its retention needed to be weighed against the benefit of the affordable housing that would be delivered by the site; the Planning Manager noted the definition of a public open space in the NPPF. The Planning Manager advised the Committee that the site was not identified as a public open space in the Leiston Neighbourhood Plan and noted that the Committee could consider the visual impact of the development and if the loss of the open space was a concern in that regard.

Councillor Ashdown sought clarity that plots 1 and 2 would not have a detrimental effect on 3 South Close. The Planner highlighted the 45 degree test used to work out loss of light and said that in this instance there would be a negligible effect on the east-facing windows of 3 South Close and advised that it would be difficult to defend refusal on these grounds.

Councillor Rivett noted the comments of Members about the loss of the green space on the site, in particular Councillor Cooper's comments about the longstanding use of the space by the community, and asked if there was any justification in planning policy to refuse the application. The Planning Manager reiterated his earlier comments on visual impact and the loss of the open space in this regard and suggested that if the Committee was minded to refuse the application, it could consider this against a number of design and open space policies in the Development Plan.

Councillor Pitchers suggested that the application should be reconsidered by the applicant and was advised by the Planning Manager that deferring the application for this reason was an option available to the Committee.

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

RESOLVED

That the application be **DEFERRED** to enable officers to discuss with the applicant the Committee's concerns regarding the proposed number of dwellings and the loss of green space.

10 DC/21/2287/FUL - 7 Holly Grange Road, Kessingland, Lowestoft, NR33 7RR

The Committee received report **ES/0875** of the Head of Planning and Coastal Management, which related to planning application DC/21/2287/FUL.

The application sought full planning permission to demolish the existing bungalow and garage, and sub-divide the plot and erect two contemporary cabins.

Kessingland Parish Council had recommended refusal of the application and therefore due to the contrary officer recommendation the application was referred to the Planning Referral Panel for consideration. At the Referral Panel's meeting of 17 August 2021, it was decided by Members that the application be referred to the Committee for determination.

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

The site's location was outlined, and the Planner highlighted the site's relationship with a mix of dwelling types in the area. The Planner noted that the application description stated that the existing bungalow was uninhabitable; the Planner said that no evidence had been provided to support this and this was therefore not a determining factor.

An aerial photograph of the site was displayed which outlined the site's relationship with the wider area.

Photographs of the access to the site were shown to the Committee. The proposed floor plan and elevations were also displayed.

The Planner advised the Committee that a short-term permission of five years for the siting of the cabins on the land was recommended and would be acceptable on that temporary basis, but longer term, officers expected to see a proposal for a built replacement dwelling of a design standard and built quality that could endure in the context and provide good quality accommodation.

The material planning considerations and key issues were summarised as:

- The principle of development;
- The character and appearance;
- Temporary consent;
- Amenity;
- Highway Safety; and
- 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 proposed temporary dwellings were described as being demountable structures not qualifying as permanent dwellings, that would comply with The Caravan Sites Act 1968.

It was confirmed that the applicants would be living in the structures as permanent residents in two separate dwellings.

The Planning Development Manager advised that, should the Committee be minded to approve the application, it could opt to include a condition that the two separately identified units be sold as a single site and not as two sub-plots.

The Committee was informed that temporary consents are usually issued for either three or five years, with five years being a standard condition. This condition had been agreed to by the applicant's agent.

In response to a question regarding preventing the demolition of dwellings, the Planning Development Manager noted that the principle of replacement dwellings was acceptable in

policy terms; applications for demolition and replacement were generally only resisted when the existing dwelling was a Non-Designated Heritage Asset, in order to retain historic importance. The Planning Development Manager said that Planning would look to control the recycling of materials but was not currently able to curtail demolition and replacement.

The Planning Development Manager confirmed that as the site would be divided into two sub-plots, a future application could be made to put a permanent structure on one part of the site. The Planning Development Manager reiterated his advice about a possible condition to control the sale of the site.

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

Councillor Ashdown proposed that should the application be approved, a condition be imposed that the two separately identified units be sold as a single site and not as two sub-plots.

Councillor Ashdown asked how the five-year limit on the temporary structures would be enforced; the Planning Development Manager advised that any extant consent would expire in five years' time and it would be in the applicant's best interests to either apply to renew the temporary consent or come forward with a long-term solution.

In response to a question from Councillor Ceresa, the Planning Development Manager said that the condition proposed by Councillor Ashdown would not preclude dual access arrangements for the site.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report and with the additional condition proposed during debate.

On the proposition of Councillor Pitchers, seconded by Councillor Ceresa it was by a majority vote

RESOLVED

That the application be **APPROVED** 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 for a maximum period of 5 years from the date of this permission, after which time the structure shall be removed to the satisfaction of the Local Planning Authority and the land reinstated to its former condition.

Reason: Having regard to the non-permanent nature of the structure.

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

- Site Location Plan, received 10/05/2021
- Proposed Block Plan, received 10/05/2021
- Proposed elevation, AB5, received 10/05/2021
- Proposed elevation, AB4, received 10/05/2021
- Proposed elevation, AB3, received 10/05/2021
- Proposed elevation, AB2, received 10/05/2021
- Proposed floorplan, AB1, received 10/05/2021

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.

4. Prior to the placement and/or construction of second hereby approved cabins on site, the existing dwelling of 7 Holly Grange Road, Kessingland, shall be fully demolished.

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

5. No more than 2 cabins shall be erected on site, and they shall be placed as detailed on proposed block plan received 10/05/2021.

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

6. 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 building or structure permitted by Classes A (extensions or alterations), B (changes to the roof), or C (Roof alterations) of Schedule 2 Part 1 of the Order shall be erected 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.

7. The two separately identified units will only be sold as a single site and not as two sub-plots.

Reason: ???

Informatives:

1. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email llpg@eastsuffolk.gov.uk.

2. 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.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk.

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

CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5.

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

11 DC/21/2687/FUL - Land Adjacent 49 Meadow Gardens, Beccles, NR34 9PA

The Committee received report **ES/0876** of the Head of Planning and Coastal Management, which related to planning application DC/21/2687/FUL.

The application sought full planning permission for a single storey 3-bedroom bungalow with associated on plot parking and landscaping, between 49 and 53 Meadow Gardens, Beccles. The application was before the Committee as East Suffolk Council is both the landowner and applicant.

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 photographs of the site (including trees to be removed), the streetscene and views of 49 and 53 Meadow Gardens.

The proposed block plan, floor plans and elevations, including the elevations in the context of the streetscene, were displayed to the Committee.

The material planning considerations and key issues were summarised as:

- The principle of development;
- The design;

- Amenity;
- Highways; and
- Ecology.

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

At this point in the meeting, Councillor Craig Rivett declared a Local Non-Pecuniary Interest in both this item and item 12 of the agenda as the Cabinet Member with responsibility for Economic Development, as his portfolio included assets and both applications were on Council land.

The Chairman invited questions to the officers.

The Planner confirmed that the development was considered as being in keeping with the character of the area.

The Chairman invited Mr Ryan Taylor, Housing Development Officer representing the Council as the applicant, to address the Committee.

Mr Taylor described the application as an exciting opportunity to provide much needed affordable and accessible accommodation. Mr Taylor said that development on the site was supported by previous consents and that the development would complement the local vernacular and would be in keeping with the streetscene.

Mr Taylor said that the design was for a three-bedroom bungalow and was a scheme that was part of a European research project to look at alternative construction methods to bricks and mortar, in relation to energy efficiency. The dwelling would be a pilot home that would feed real time data to the project. Mr Taylor noted that the construction method would not alter the appearance, scale or massing of the dwelling.

Mr Taylor considered that the project was an exciting one for the Council to be involved in and would be a valuable addition to the Council's housing stock, assisting in the Council's carbon reduction.

The Chairman invited questions to Mr Taylor.

Mr Taylor confirmed that the dwelling would be a single building with a recessed area.

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

Councillor Ashdown supported the application and suggested that it be approved.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

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

RESOLVED

That the application be **APPROVED** subject to the conditions set out below:

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, PL-001, received 02/06/2021
- Visibility splay plan, PL-060 Rev A, received 05/08/2021
- Proposed block plan, PL-050 Rev A, received 29/07/2021
- Proposed floor plan, PL-100 Rev A, received 29/07/2021
- Proposed street scene, PL-201, received 02/06/2021
- Proposed elevations, PL-200, received 02/06/2021
- Proposed sections, PL-202, received 02/06/2021

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. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM03; and with an entrance width of 3m and been made available for use.

Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.

5. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

6. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

7. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway 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.

8. Before the development is commenced details shall be submitted to and approved in writing by the Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. 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.

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. PL060 and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

10. The use shall not commence until the area(s) within the site on dwg. no. PL-050 Rev. A for the purposes of Loading, Unloading, manoeuvring and parking of vehicles and secure cycle storage 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

11. Before the development is commenced 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 the use of sustainable transport options.

12. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number PL-050 Rev. A shall be provided 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.

Informatives:

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

2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email llpg@eastsuffolk.gov.uk.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk.

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

CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5.

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

12 DC/21/2836/FUL - Leiston Enterprise Centre, Eastlands Road, Leiston, IP16 4US

The Committee received report **ES/0877** of the Head of Planning and Coastal Management, which related to planning application DC/21/2836/FUL.

The application sought full planning permission for the addition of two external wall mounted condensing units for an air conditioning system at Leiston Enterprise Centre.

The application was before the Committee as it related to a building owned by East Suffolk Council, and therefore the Council's Constitution required the application be determined by Members.

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

The site's location was outlined, and the Committee was shown an aerial view of the site which outlined the application site's relationship with the local area.

The proposed block plan, installation plan and elevations were displayed. The Committee was also provided with photographs of the site detailing the proposed location for the air conditioning units and the site's relationship with a neighbouring property.

There being no questions to the officers or any public speaking, the Chairman invited the Committee to debate the application that was before it.

Councillor Cooper stated that he had no objections to the development. Councillor Beavan expressed some concern about the use of air conditioning, given its environmental impact.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Cooper, seconded by Councillor Ceresa it was by a majority vote

RESOLVED

That the application be **APPROVED** subject to the conditions below:

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 application form (amended certificate 29 June 2021), Daikin product details and drawing no. 2023 01 received 14 June 2021

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

3. Prior to installation a noise assessment shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

Reason: In the interests of residential amenity as noise from fixed plant or machinery can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics.

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.

The meeting concluded at 5.02pm

.....
Chairman

PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

09 November 2021

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 25 October 2021. At present there are 10 such cases.

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

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

RECOMMENDATION

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	31/12/2021

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) 	30/11/2021

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 	
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 	24/11/2024

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"> Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	
ENF/2016/0016 /SIGN	21/07/2017	South	Homeland House, Ashboking Road, Swilland	Storage of mini buses and coaches	<ul style="list-style-type: none"> 21/07/2017 – Enforcement Notice served Non compliance with Notice reported. Correspondence sent to owner requiring compliance Site visited - No compliance 10/06/2021 – Case referred to Legal Department for further action to be taken. Legal action being considered. Case to be heard at Court on 15/10/2021 Court case adjourned until 29/10/2021 	30/11/2021
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 	30/11/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>and has a 4 month compliance period</p> <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 	31/12/2021

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 sever 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 	31/10/2021

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. 	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> • Enforcement Notice served 10/12/2019 • Awaiting site visit to check on compliance • Site visit undertaken, summer house still in situ. Further action to be considered. • Property has now changed hands. Contact with new owner to be established. • Officers are now in contact with the new owners and are discussing a way forward. • Six weeks given for summerhouse, decking and steps to be removed. • New planning application has been submitted. Case on hold until determined. • Planning permission has been granted for retention of the decking element. Removal of 	30/11/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>summerhouse and steps have been conditioned.</p> <ul style="list-style-type: none"> • Summerhouse to be removed by 10th June 2021 • Site visit to be undertaken. • 16/09/2021 – Site visited, summerhouse still in situ, letter sent requiring removal. 	
ENF/2019/0307 /COND	21/10/2021	North	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. 	25/04/2022

Committee Report

Planning Committee North - 9 November 2021

Application no DC/20/1126/FUL

Location

Suffolk Cars
Halesworth Road
Bramfield
Suffolk
IP19 9HP

Expiry date 7 May 2020

Application type Full Application

Applicant Alan Greening Architect

Parish Bramfield

Proposal Change of use from Water machine manufacturing and distribution to Car Repairs and Sales premises by appointment only. Existing workshops at rear, existing showroom at front, existing offices adjoining showroom. Display of vehicles on existing concrete hardstanding at front of buildings.

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

1. Summary

- 1.1 This is an application seeking retrospective planning permission for the change of use from a water machine manufacturing and distribution facility to a car repairs/servicing and car sales use at the premises now named 'Suffolk Cars' (formerly Monarch Water, a B8 use).
- 1.2 The unauthorised use is subject of an open enforcement investigation, and this retrospective application seeks to regularise the situation to consent the continued operation at the site.
- 1.3 Following a lengthy period of consideration and extensive monitoring of the site and dialogue with the applicant and their agent, officers consider that the use can be made acceptable in planning terms through the imposition of planning conditions (which the

applicant is willing to accept, should permission be granted). The mixed use of the site delivers local employment which is an economic benefit, and re-purposes a long-standing commercial site for a viable employment use. With the necessary conditions applied, officers consider the scheme to accord with the Development Plan whereby permission can be granted.

- 1.4 Granting planning permission with clear, enforceable planning conditions means that the Council will be able to ensure compliance with those conditions and that the use is carried out in a manner that is compatible with the semi-rural context, inclusive of several residential properties.
- 1.5 Because the application raises complex planning judgments; is retrospective in nature; and has generated localised public interest, the application has been referred direct to Planning Committee (North) for determination by the Head of Planning and Coastal Management to enable Members to determine the application and for interested parties to be given the opportunity to address the Committee.

2. Site description and Planning History

- 2.1 The application site is located in the countryside on the western side of Halesworth Road (A144). The site lies to the west side of the road, opposite a small group of residential properties at Mill View. To the north of the site is paddocks and stables, and north of that a residential property. Immediately south and west of the site is open countryside. The site is located approximately halfway between the village of Bramfield (to the south) and the town of Halesworth (to the north).
- 2.2 The site was formerly the base of Monarch Water - a company that specialises in the assembly/manufacturing and distribution of water softeners. The building formerly comprised office, warehouse and production floorspace, together with yard and car parking facilities on a site extending to approximately 0.57 acres (0.23 hectares). The building was previously extended to create additional facilities/floorspace and has an approximate gross internal area of 5,000 sq. ft (465 sqm).
- 2.3 The building on site changed to a B8 use (Storage and Distribution Centre) for Monarch Water under planning ref. C/03/0709 - which permitted the change of use from car sales/workshop to use for assembly & distribution of water softeners. It is not clear how the car workshop with ancillary sales use was permitted, however it appears that such a use existed for around 10-or-so years prior to the change to a B8 use in 2003. The B8 use, by Monarch Water, ceased at some point prior to the summer of 2019.
- 2.4 In October 2019, the applicant sought pre-planning application advice from the Local Planning Authority (LPA) on the potential change of use to car servicing and sales. Officers met with the applicant on site in November 2019 to discuss the proposed change of use. At that meeting, officers made expressly clear that planning permission for the use would be required but that, subject to appropriate supporting information and controls of the use through planning conditions, the use could potentially be supported should an application be made.

- 2.5 However, the applicant commenced the use on site at the beginning of 2020 without planning permission. A planning enforcement complaint was raised and the use was subject to investigations in respect of this breach of planning control.
- 2.6 In March 2020, the applicant then submitted this retrospective application seeking planning permission for the change of use, as follows:

“Change of use from Water machine manufacturing and distribution to Car Repairs and Sales premises by appointment only. Existing workshops at rear, existing showroom at front, existing offices adjoining showroom. Display of vehicles on existing concrete hardstanding at front of buildings.”

3. Proposal

- 3.1 This application has been under consideration for a long period of time. This is for several reasons: first, that it was submitted at the beginning of the Coronavirus pandemic, and the challenges faced around adapting to that and undertaking safe site visits etc, meant that it was not possible during lockdown periods to undertake the detailed site assessment needed to properly appraise the scheme; but second, and more significantly, it has been necessary for officers to monitor the ongoing use of the site to assess whether it can be carried out in a manner that is acceptable in planning terms.
- 3.2 The initial information submitted to support the application was also deemed, by officers, to be substandard and there has been considerable discussion between officers, the applicant, and their agent, to get the appropriate level of detail to enable a determination on this application to be made. The key supporting documents provided being a Noise Assessment/Acoustic Report (received December 2020) and then a revised Block Plan (received October 2021).
- 3.3 In terms of the detail of the development, the use of the site is a mixed-use comprising car sales and car servicing/repairs and valeting. This is considered to be a sui generis use, meaning that it does not fall squarely within a defined use class in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.4 The forecourt area of the site is primarily for the parking/display of sales vehicles. Vehicle display is also incorporated into the eastern part of the building. The sales element of the business operates whereby potential purchasers make an appointment to inspect a vehicle, and therefore the internal showroom area is used for those vehicles and to accommodate those appointments. This invariably requires routine and significant manoeuvring of vehicles on the site to rotate vehicles in-and-out of the building.
- 3.5 The western half (approximately) of the building is used for the servicing and repair of vehicles. Vehicles are transported into the workshop area via a concrete access drive that runs from the forecourt to the northern side of the building where there is a loading bay. In the concrete area to the north side of the loading bay, there is some additional car parking (generally vehicles to be serviced/repaired rather than sales vehicles), and some storage containers. This area of hardstanding, to the north side of the building is used for the washing/valeting of vehicles. This washing/valeting of vehicles appears to be linked primarily to those vehicles being sold, although presumably it also covers vehicles being serviced/repaired.

- 3.6 The amended block plan, provided October 2021, shows the parking provision on site. This updated plan included, at the request of officers, clear provision for the parking of visitor's cars (4no. spaces indicated to the northern side of the forecourt). There would then be space within the forecourt and grassed area to the south for the parking of 23 sales vehicles. To the northern side of the workshop/loading bay, there would be space for the parking of four vehicles to be serviced/repaired. Six or seven vehicles for sale can be accommodated within the building display room.
- 3.7 The applicant has set out that they seek planning permission to operate between the hours of 08:00 to 17:00 Monday to Saturday, and with no opening on Sundays and Bank Holidays. Officers have queried this extensively with the applicant, to ensure that this is a realistic and viable way to operate. The applicant has given assurances that is the case, and is willing to accept a planning condition, in the event planning permission is granted, to limit site operation to those hours.

4. Consultations/comments

- 4.1 The application has been subject of significant interest from nearby residents of the site, who raise concerns about the amenity impacts of the ongoing use. The objections to the application have been received from residents to the north at Willow End, and also residents to the East at Mill View.
- 4.2 In terms of the comments received, there is a mix of formal representations published on the public access page, and then also informal correspondence with the case officer raising several matters. Taking all of that communication, the key material planning issues raised are listed as follows:
- Visitors to the site are parking within and immediately around the entrance overlapping onto the A144, this restricts the entrance and is a risk to users of the A144.
 - The site is used from as early as 6am to 7 or 8pm in the evenings.
 - Work is taking place outside the hours of operation put forward in the application.
 - Residents who park in the layby adjacent the site no longer have access to this when returning home from work.
 - The Council should undertake an unannounced site visit.
 - The use should be appointment only.
 - Lack of space for customer parking on the site.
 - Double yellow lines should be painted on the roads around the site.
 - Repeatedly, trucks and large delivery vans park parallel to cars parked in the layby, straddling the A144 and pushing passing traffic onto the centre line.
 - Operation has no regard to local amenity.
 - Continued operation well outside of hours put forward in the application.
 - In excess of forty vehicles parked on the site and out into the layby.
 - Pressure washing on the northern part of the site generates noise and disturbance.
 - The roller shutter doors on the north side are constantly open, and noise transmits out to property to the north.

- Noise from revving car engines, staff shouting and swearing and general noisy activities.
- Repairs and servicing being undertaken outside of the building.
- The noise report is fundamentally flawed and misleading and does not represent the noise that emanates from the Suffolk Cars Operations.
- The noise and disturbance from the site are audible from nearby properties harming living conditions.
- Trucks, large vans, and delivery vehicles reverse out onto the A144.

4.3 Because the application would maintain a comparable employment use, it has not been necessary to formally consult with the ESC Economic Development Team; however, their views will be checked before the Committee meeting.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Bramfield Parish Council	16 March 2020	6 April 2020
<p>Summary of comments:</p> <p><i>Under the present circumstances regarding coronavirus, the Parish Council has been unable to meet to discuss this planning application. However Councillors have consulted by email and the general view is that they cannot support this planning application until the following issues are resolved.</i></p> <p><i>Councillors are very aware of the residents' views who live opposite the planning application site who note that:</i></p> <p><i>1) The current working hours are not the ones stated on the application with the lights being regularly on beyond 10pm and early in the morning;</i></p> <p><i>2) The signage on the A144 are unnecessary distractions;</i></p> <p><i>3) There is 'language'/swearing and shouting, which is inappropriate for a rural site with domestic dwellings opposite;</i></p> <p><i>4) Although the planning application seems to indicate that parking considerations are not relevant, it is felt that the parking of cars in the short layby and the deliveries/collections of several vehicles is very unsafe in view that this stretch of road currently has a speed limit of 60mph. It is believed that even with the new 40mph speed limit, it is still very close to the 60mph sign where it is believed that unfortunately the psychology of many drivers will be to start to speed as soon as they can see the derestricted sign whether or not they have passed it, so that the parking issues will remain:</i></p> <p><i>The Councillors are also concerned that oil, petrol, paint and other liquids and scrap may not be appropriately removed from the site for disposal as this is in an agricultural area and not an industrial area.</i></p>		

Councillors believe that if the working hours are those stated in the planning application, the signage on the A144 is removed, the language is moderated, any pollution is disposed of appropriately and customers have parking spaces within the curtilage of the property and not in the lay-by, then councillors will not object to this planning application.

Consultee	Date consulted	Date reply received
SCC Highways Department	16 March 2020	30 March 2020

Summary of comments:

Notice is hereby given that the County Council as Highway Authority make the following comments: The sites new use would greatly increase the number of vehicle movements from the sites access however, the applicant has not submitted any visibility splays.

An intensification of use of a substandard access would be considered detrimental to highway safety, the existing access must have visibility splays of x=2.4m by=215m in each direction, to the nearside edge of the metalled carriageway, with no obstruction over the height of 0.6m and must not encroach 3rd party land.

If the aforementioned cannot be addressed SCC would be forced to object to DC/20/01126/FUL under highway safety grounds (NPPF 108).

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 March 2020	13 May 2020

Summary of comments:

1. Noise assessment required

A noise assessment will be required at the planning application stage. The applicant may wish to consider the following as part of the assessment:

a) The site layout shall be arranged so as to provide maximum screening of the surrounding residential properties.

In addition, a BS4142 Assessment should be included. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant, vacuuming equipment or pressure washers) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

2. Working hours

Hours of working shall be provided by the applicant. These should be fully justified and supported by the conclusions of the BS4142 assessment so as to adequately protect nearby sensitive residential properties.

The working hours should be agreed in writing by the Local Planning Authority. The working hours should be agreed in advance of planning permission being granted.

Consultee	Date consulted	Date reply received
-----------	----------------	---------------------

East Suffolk Environmental Protection	27 January 2021	24 December 2020
<p>Summary of comments:</p> <p><i>1. I have reviewed the acoustic report by Cambridge Acoustics Ltd and have several comments to make. (I note the context here that these premises were already had B2 planning use which could have included noisy equipment and processes.) In summary, I cannot reach the same conclusion that there would be low impact from noise, and in fact there is the potential for a significant adverse impact from noise.</i></p> <p><i>I do agree with the consultants Section 7 recommendations however, and there are measures that could be taken that would I believe reduce adverse (and perhaps significant adverse) impacts from noise to an acceptable situation.</i></p> <p><i>In terms of the acoustic assessment (BS 4142:2014+A1:2019) my comments are as follows:</i></p> <p><i>1. The most sensitive residential receptor is that to the north of the workshop sections of the premises. The background sound levels however were taken close to the A143 road and therefore likely to be elevated compared with levels in the rear garden areas of the nearest dwelling which are further from the road.</i></p> <p><i>2. I consider that a more representative location should have been selected for the background sound level measurements even if that meant stopping work for a day, or parts of the day to allow those measurements. Ambient and background sound levels could/should have been taken on the northern site boundary, or in the intermediate plot of land. Indeed, were it possible to measure to the north, source and background sound levels could have been measured from the same place.</i></p> <p><i>3. In terms of the assessment therefore, there is uncertainty over a representative background sound level which in turn means the assessment outcome is uncertain.</i></p> <p><i>4. The assessment does not clearly set out how the source noise levels have been calculated over distance to the assessment position. It is not possible either to determine what noise reduction/attenuation has been applied for the boundary fence to the north.</i></p> <p><i>5. I don't agree with the distances adopted in the assessment. Assuming the source to be in the centre of the workshop, 11m to the measurement position extends well out into the yard. The assessment then adds an additional 49m to the garden of the residential receptor to the north. This extends much further into the garden than necessary. I consider there are very likely areas of the garden that residents would use and enjoy several metres closer.</i></p> <p><i>6. I think I would accept the acoustic feature corrections added of +6dB.</i></p> <p><i>7. Overall, therefore these uncertainties over typical background sound levels and predicted or measured source levels at the assessment position mean we cannot be sure that a significant adverse impact from noise would not occur.</i></p> <p><i>Having said all this about the technical aspects of the assessment report, I do agree with the recommendations made, and that these could substantially improve the situation. Closing the roller shutter door to the northern elevation would significantly reduce off-site noise levels in that</i></p>		

direction. Relocating those machines/equipment and tasks that generate the highest noise levels away from the door area could be beneficial particularly if they were in a better insulated room/area. Preventing working on a Sunday through a working hours condition would also be recommended.

6. Planning policy

National Planning Policy Framework 2021 (NPPF)

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP4.3 - Expansion and Intensification of Employment Sites (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.4 - Protection of Employment Premises (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.5 - Economic Development in Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP10.3 - Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

SCLP12.34 - Strategy for the Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning considerations

Planning Policy Background

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *“If regard is to be had to the development plan for the purpose of any determination to be made under*

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

- 7.2 The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“The Local Plan”) and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

Principle of Development

- 7.3 Policy SCLP12.34 of the Local Plan sets out that the spatial strategy for the rural area and seeks to deliver, amongst other things, *“opportunities for employment development alongside the protection of existing employment uses”*.
- 7.4 Policy SCLP4.4 seeks to protect employment premises across the plan area to retain their established B-class uses. Alongside this, policy SCLP4.5 seeks to support proposals that grow and diversify the rural economy where that is compatible with the location. Policy SCLP4.3 permits proposals to expand, alter or make productivity enhancements to existing employment premises subject to certain detailed criteria.
- 7.5 The former use by Monarch Water involved some on-site assembly, but the use was primarily a B8 use being a Storage and Distribution Centre of water softeners by the company. That was an employment use that ceased a few years ago, and the premises was marketed in 2019.
- 7.6 The use of the site for car sales and car servicing, repair, and valeting, is not strictly a B-class use such as B2 (General Industrial) or B8 (Storage and Distribution Centre). It is a mixed use that does not fall within a defined use class and is, therefore, for planning purposes a sui generis use. That being said, the use does provide a source of employment for an industrial activity (car servicing/repairs) along with the employment linked to the car sales element of the use. The intention of the Local Plan spatial strategy and employment policies, when read as a whole, is to retain and support the continued use of existing employment sites, to support the rural economy, and to ensure that changes of use of employment sites are directed toward sequentially preferable uses, and avoid undesirable changes to residential use, amongst other things.
- 7.7 Officers are therefore of the opinion that the change of use is broadly supported by the Local Plan, and that the employment generated is an economic benefit that accords with SCLP4.5.

Residential Amenity and Local Environment Impacts

- 7.8 The key issue with this retrospective application is the impact of the development on the living conditions of local residents, and whether such impact can be made acceptable through conditions on any grant of planning permission.

- 7.9 The main amenity impact arises from hours of operation and the noise and disturbance that is associated with the use, particularly where it is carried out in the evenings, very early mornings, or on Sundays and Bank Holidays. Following consultation with the Environmental Protection Team, it is clear that if planning permission were granted, it would need to include a condition restricting hours of operation. This has been discussed at length with the applicant and their agent, and an agreed position has been reached that a condition could restrict the use to only permit operations between the hours of 08:00 to 17:00 Monday to Saturday; with no operations on Sundays and Bank Holidays. Officers have robustly queried this with the applicant, to seek assurances that it is realistic and viable for the business to only operate at these times. The applicant has confirmed as such and is willing to accept a planning condition to this effect.
- 7.10 Officers in the Environmental Protection Team have reviewed the Noise Assessment/Acoustic Report provided and, although acknowledging some flaws in the assessment, conclude that the suggested mitigation measures would make a significant difference to the noise impacts arising from the use. One of those is, as above, the control of working hours. In addition, a recommendation is that the use of power tools and equipment associated with the servicing and repair of vehicles be confined to within the workshop area, and that the roller door to the loading bay be closed when those tools are being used. This will confine those noises to within the building, whereas the current situation seems to be that the roller door is open throughout the working day, and the noise travel from that is impactful for local residents, particularly those to the north at Willow End. Officers therefore recommend that a planning condition could be applied to require that the roller door to the loading bay is to remain closed and only opened when required for loading of goods/transport of vehicles in-and-out of the workshop area.
- 7.11 The control of hours of operation/working, by condition, will have the most significant impact in ensuring that the use can be carried out in a way that does not harm the living condition of residents at Mill View and Willow End. The additional condition controlling the use of the roller door on the northern side of the building will further help reduce noise impacts.
- 7.12 In terms of general disturbance, it is acknowledged that the activity at the site may be a little noisy or disruptive at times through vehicle movements. Some local feedback has raised concerns regarding the extent of shouting and swearing on site, although officers have no evidence of that; in any case, it is not possible through a planning application to use conditions to control behaviour. Limited to the hours of operation put forward in this application, the general use and associated activity is deemed to be acceptable for what is a long-standing commercial site. There would have been similar impacts arising from the former B8 use, and much of the impact could be obviated by adhering to the hours of operation now agreed to.
- 7.13 In terms of the visual amenity impacts of the development, that is considered in the next section of the report, but again with conditional controls it is felt any impacts in this regard can be mitigated and reduced to an acceptable level.
- 7.14 For the reasons set out, and with the recommended conditions, the use can be made acceptable in amenity terms in accordance with SCLP11.2.

Design, External Appearance and Landscape/Visual Impact

- 7.15 In terms of built form, no building work is proposed or has been undertaken. The building/structures on site are utilitarian and not of any architectural merit, but also not particularly harmful to the wider character of the area. The operator has installed advertisements on the façade of the building, but this is not deemed to cause any harm; previously Monarch Water displayed adverts on the building, and it is an expected appearance for a commercial premises.
- 7.16 The parking of sales vehicles on the forecourt area is quite visible on the approach to the site from the south along the A144. There is a somewhat cluttered appearance to the site due to the extent of vehicle parking. However, it is relevant that the former B8 use likely involved HGV and other vehicle parking in this area, so it is not clear that the current use is significantly more impactful in this regard. However, based on the current appearance of the site and noting the design objectives of SCLP11.1, officers consider that some native hedgerow planting on the southern boundary would be necessary. This planting, once established, would mature to screen the forecourt area from the south and it would just be the main buildings visible beyond that hedgerow. A planning condition would be required to secure the submission of that planting scheme and its timely implementation, should permission be granted.
- 7.17 Officers also raised concerns regarding the proliferation of sales vehicles being parked/displayed extensively across the site and into the grassed area to the south of the forecourt. Following discussion with the applicant and their agent, a compromise position has been reached (and detailed in the revised block plan) where 23 sales vehicles can be parked/displayed in the external areas of the site. The car showroom area of the building allows for another six or seven to be parked/displayed within the building. Of the 23 sales vehicles parked/displayed outside the building, only six would be located on the grassed area to the south. The applicant has advised that this is a sufficient and viable arrangement and has agreed to a planning condition requiring that vehicles be parked/displayed in this manner in accordance with the revised block plan. Officers are comfortable that this will allow for a viable car sales operation at the site without giving rise to an overly cluttered appearance to the eastern part of the site.
- 7.18 With the conditions recommended, the design, external appearance and visual impact of the development would be acceptable in accordance with SCLP11.1.

Highways Safety and Parking Provision

- 7.19 Suffolk County Council Highways Authority commented on the application setting out that the increase in vehicle movements to-and-from the site would require that the applicant provide detailed visibility splays of the vehicle access onto the A144. Detailed visibility splays have not, however, been provided.
- 7.20 It is important to acknowledge though that the site has an existing, established commercial access onto the A144. This access allows for excellent visibility in the southerly direction, where vehicles would be travelling north on the nearside of the highway. Visibility to the

north is not as extensive, but vehicles would be travelling on the far side of the highway when heading south, so this is of less concern.

- 7.21 One of the concerns raised by local residents is regarding vehicle parking linked to the use of the site spilling out onto the local highway network, and also the layby area to the south of the site access. This layby area appears to be used by some of the residents at Mill View, to the east, although it is understood that these properties do not have any ownership of that land, and any reliance of parking there has just happened over time. The Local Planning Authority cannot seek to protect this layby parking for existing residents. However, officers have worked with the applicant and their agent to secure the provision of four (4no.) parking spaces for visitors within the site. These spaces should be secured by planning condition to ensure that they are only used for that purpose and retained as such. This will prevent visitors to the site having to park in the layby to the south of the site access, which is something that appears to happen at the moment.
- 7.22 Having regard to this being an established commercial site, with an established vehicle access with good visibility to the south, officers consider that the change of use would not cause adverse impacts on highways safety. There would not be an unacceptable impact on highways safety, nor would the residual cumulative impacts on the road network be severe. As set out in NPPF paragraph 111, where this is the case there are no highways grounds to refuse permission.

Public Benefits of the Development

- 7.23 The use of the site provides a source of local employment. During the site visit, it was clear that there are several full-time employees on site working both in management and car sales and then servicing, repair, and valeting. When Monarch Water ceased operations at the site, that employment use ended. Therefore, a significant economic benefit of the scheme is that it continues to provide an employment use on site.

Other Matters

- 7.24 The application raises no heritage or ecological considerations. This is an existing commercial site, and involves no sensitive or vulnerable end-uses, therefore no issues in respect of ground contamination or pollution. There are no flood risk or drainage considerations with this scheme.

Planning Conditions and Enforcement Matters

- 7.25 As detailed in this report, there are a number of planning matters that would require appropriate conditions to be fully resolved.
- 7.26 A key condition would be the hours of operation being restricted to between the hours of 08:00 to 17:00 Monday to Saturday, and with no operation/opening on Sundays and Bank Holidays. A second key condition would be for sales vehicles to only be parked for display in those locations clearly set out on the block plan (Drawing No. 82021-PL01); this would ensure that no more than 23 sales vehicles are parked for display across the site, and it would limit that to only the forecourt and a small section of the adjacent grassed area. A third key condition is to secure that the 4no. visitor cars parking spaces on the block plan are retained and only used for that purpose, and not for the display of sales vehicles, or parking

of vehicles to be serviced/repaired. Another key condition would be to require that the loading bay doors on the north side of the building are to be closed and only opened for the purposes of loading and movement of vehicles in-and-out of the workshop areas.

- 7.27 It is not necessary to restrict the use of the site to only car sales and car servicing/repairs, because this is a sui generis use and therefore most other uses would require express planning permission from the Local Planning Authority, in any case.
- 7.28 Officers recommend a standard condition also in terms of the development to be undertaken in accordance with the approved plans. In addition to that, a condition is recommended to secure a scheme of hedgerow/landscape planting on the southern edge of the site, and its timely implementation post-consent. This is necessary to provide some screening of the extensive vehicle parking in the forecourt area of the site, and to mitigate that impact on the character and appearance of the countryside to the south.
- 7.29 The current position is that there is an unauthorised use of the site subject of an open enforcement case but, at this time, no enforcement action has been taken. That remains an option open to the Council as the use has taken place continuously for less than two years, and it would need to be in continuous use and not subject of enforcement notice for a minimum of four years to become lawful through the passage of time. It therefore remains an option to the Council to refuse this application and serve an Enforcement Notice to cease the use of the site.
- 7.30 However, the Government's Planning Practice Guidance sets out, amongst other things, that formal enforcement action might not be appropriate where the Council consider that an application is the appropriate way to regularise the situation, for example, where planning conditions may need to be imposed.
- 7.31 This reflects officer's opinion of the current situation – that is, that the unauthorised, uncontrolled use of the site is unacceptable in terms of residential amenity, particularly where appropriate hours of operation are not adhered to. However, a grant of planning permission would allow for a series of planning conditions to control the use of the site, and these conditions can be enforced should there be a breach. Officers are of the view that with conditions applied, the use of the site would be acceptable in planning terms and planning permission can be granted for that use. The Government's Planning Practice Guidance is also clear that planning conditions should be used appropriately to make development acceptable in planning terms. Paragraph 55 of the NPPF also sets out that: *"Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations."* Indeed, that would be the case here, where conditions can secure an acceptable planning outcome.
- 7.32 Where a condition on a planning permission has not been complied with, the Council can serve a Breach of Condition Notice (BCN). This involves serving a Notice which sets out a period for compliance, and if the "person responsible" has not ensured full compliance with the conditions and any specified steps, then they are in breach of the Notice and guilty of an offence under section 187A(8) and (9) of the Town and Country Planning Act 1990. Summary prosecution can be brought in the Magistrates' Court for the offence of contravening a breach of condition notice. This is a strong enforcement position, because there is no right of appeal to the Secretary of State against a breach of condition notice.

8. Conclusion

- 8.1 Whilst acknowledging that the retrospective nature of the application is unfortunate, that cannot be considered when determining this application. The application must be considered on merit, without prejudice to its retrospective nature.
- 8.2 With appropriate planning conditions as set out in this report, the use of the site can be properly controlled and managed so as to be acceptable in planning terms. This would allow the continued operation of the site and the employment benefits that the use delivers to continue. With the recommended conditions applied, officers consider that the scheme would accord with the Development Plan. On that basis, the recommendation is to approve with the conditions summarised in the recommendation section of this report. The precise wording of those conditions will be detailed in the update sheet published 24-hours before the meeting; this is to enable officers to refine the conditions wording and secure the applicant's agreement to those precise conditions, prior to the meeting.

9. Recommendation

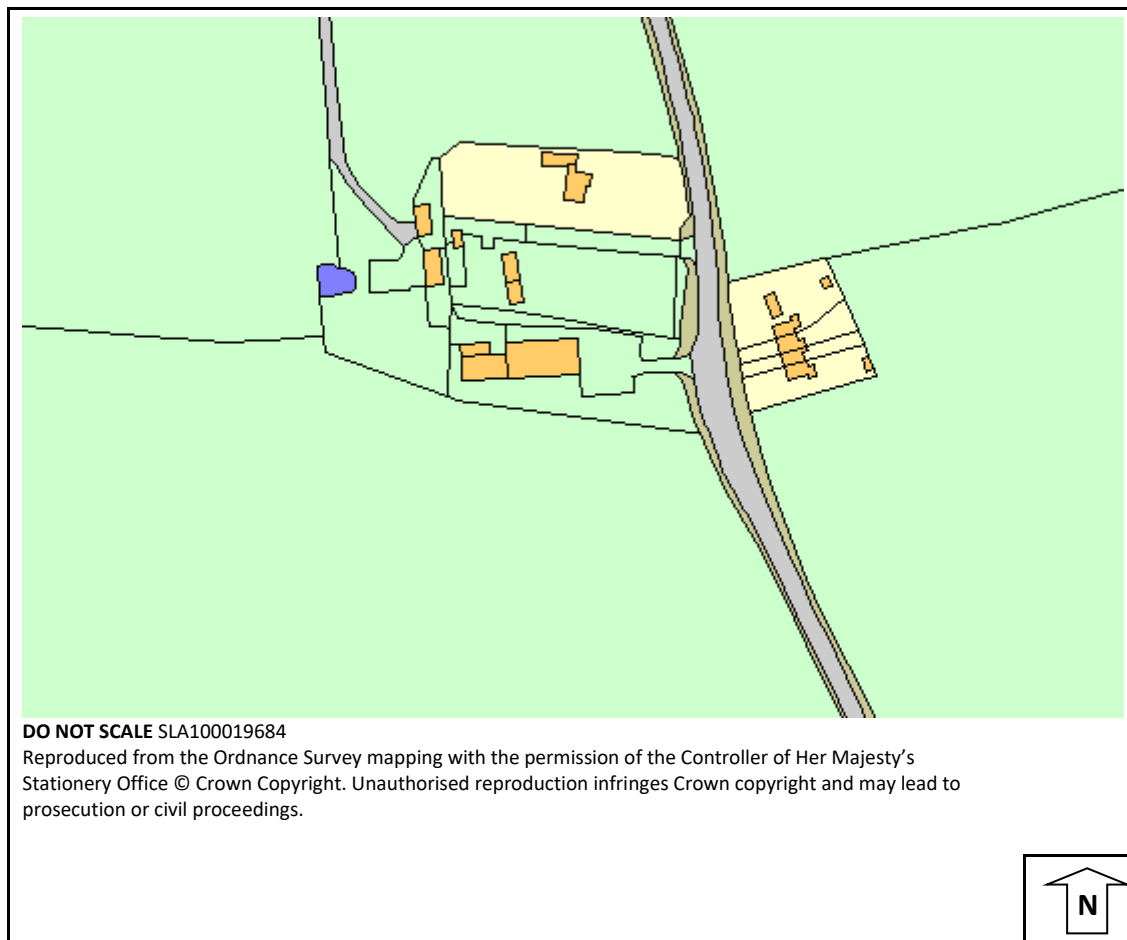
- 9.1 Approve with conditions including those summarised below:

1. Development to be in accordance with the approved plans/details.
2. Hours of working/operation and opening to the public shall not take place outside the hours of 08:00 to 17:00 on Mondays to Saturdays. No working/operation or opening to the public on Sundays or Bank Holidays.
3. The 4no. visitor car parking spaces shall be laid out, marked appropriately and made available within 3 months and to be used only for visitors to the site, and not used for the parking/display of sales vehicles, or for the parking of vehicles subject of servicing, repair, or valeting. The visitor spaces to be retained solely for the approved purpose.
4. Only 23 sales vehicles shall be parked/displayed outside of the building and only in those areas denoted on the block plan.
5. 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 transport of goods and/or vehicles into the workshop areas.
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 to then be implemented at the first available planting season.

10. Background Papers

See application reference DC/20/1126/FUL on [Public Access](#)

Map



Committee Report

Planning Committee North - 9 November 2021

Application no DC/21/3214/FUL

Location

54 High Street
Leiston
Suffolk
IP16 4EW

Expiry date 30 August 2021

Application type Full Application

Applicant MSS Properties EN Ltd

Parish Leiston Cum Sizewell

Proposal Change of use to restaurant & takeaway including installation of external flue

Case Officer Steve Milligan
07867 158060
steve.milligan@eastssuffolk.gov.uk

1. Summary

- 1.1 This is a full planning application for the change of use to restaurant and takeaway including installation of external flue at 54 High Street, Leiston. The property has recent use as a public house, followed by an Indian restaurant and lies within Leiston Town Centre. The proposed use is appropriate for a town centre location. Hours of use are appropriate within such a location. Main issue is in connection with the proposed extract system in terms of visual and operational impact.
- 1.2 The system will use carbon filters and will operate below background noise levels, such that impact should not have significant impact upon the amenity of neighbours. The extract flue does have some visual impact, but it has been boxed in and painted to match the building and on balance impact is not so significant so as to justify the refusal of planning permission. The scheme will ensure that the building is in a commercial use in the town centre, with the restaurant/takeaway use contributing to the vitality and viability of the town centre in accordance with the Local Plan and NPPF.

1.3 Reason Before Committee

The officer recommendation to approve is contrary to the recommendation of the Town Council and Ward Member. The application was subject to consideration by the Scheme of Delegation Referral Panel, with a recommendation that the application be determined under delegated powers. The Panel recommended that the application be referred to Planning Committee (North) for determination.

1.4 Recommendation

The application is recommended for approval.

2. Site description

- 2.1 The site is the property and curtilage of 54 High Street, Leiston which is a building last used as a restaurant with first floor accommodation. The building is a two-storey building that sits in a prominent location in the town on the corner of Cross Street and the High Street.
- 2.2 The site lies on the crossroads where the High Street meets Cross Street and Sizewell Road and lies on the north-western side of the crossroads with frontages to High Street and Cross Street. The current access lies on the western side of High Street, giving access to a 9-space car park. The property has a neighbour to the north 48b High Street, whilst Charles Miller Court, a sheltered housing scheme lies to the west.
- 2.3 The site lies within the settlement boundary/physical limits of Leiston and within Leiston Town Centre. Planning permission was given in 2019 for the change of use and extension of the building to flats under DC/19/2585/OUT.

3. Proposal

- 3.1 The application proposes the change of use of the property to a restaurant and takeaway and the installation of an external flue on the northern side of the property.
- 3.2 The installation of the flue has been carried out without planning permission and is retrospective. It has been boxed in with plywood casing which has been painted to match the existing building. The extract system is carbon filtered and the flue terminates at eaves level.
- 3.3 An acoustic report has been submitted during the course of the application. It confirms *"The fan has already been installed externally at 1st floor level but the duct installation is yet to be completed."*
Proposed hours are 10:00 to 22:00hrs every day.

4. Consultations/comments

- 4.1 No third-party representations have been received.

5. Consultees

5.1 Parish/Town Council

Consultee	Date consulted	Date reply received
Leiston-cum-Sizewell Town Council	14 July 2021	6 October 2021
<p>Summary of comments:</p> <p>Councillors felt this application was in retrospect and raised concerns that the work had already been carried out and the flue installed. Councillors felt the appearance and design of the flue was inappropriate but wanted to ensure if the application was approved that the stipulations from Environmental Health on the noise and extract ventilation be considered. Councillors were also concerned regarding litter around the site. Therefore Leiston Town Council recommend refusal on these grounds.</p>		

5.2 Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	14 July 2021	29 July 2021
<p>Summary of comments:</p> <p>The Highways Authority does not wish to restrict the grant of permission.</p> <p>It is not thought that the change of use will increase the demand for parking over and above the current requirements. Vehicles using the takeaway are likely to experience significantly shorter visits than those visiting the restaurant.</p> <p>There are a couple of public car parks within walking distance of the site to accommodate any additional parking need.</p>		

6. Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 July 2021	21 July 2021
<p>Summary of comments:</p> <p>A noise assessment should be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved.</p> <p>All extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises. Before the installation of such a system, details of -</p> <ul style="list-style-type: none">i) The proposed filtration plant;ii) Its ducted route through the building, and		

iii) Its final discharge point 1 metre above roof level;
 Shall be submitted to the Local Planning Authority. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business, and be retained thereafter.

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	14 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	14 July 2021	23 July 2021
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	2 August 2021
Summary of comments: I must object to this application on grounds that there has no Noise assessments within the application, The ducting has been partially encapsulated and therefore could increase noise levels, It is not installed to correct legislation with the outlet height of ducting. There are no assessment for the design of filtration in terms omitting fumes. I have not had access to the internal layout to ensure there are no H&S issues with the trading area.		

7. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 14 July 2021

Expiry date: 4 August 2021

8. Planning policy

SCLP4.9 - Development in Town Centres (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP10.3 - Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

National Planning Policy Framework 2021 (NPPF)

9. Planning considerations

- 9.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 The property lies within Leiston Town Centre and was formerly a public house (Black Horse Inn) and was last used as an Indian restaurant.
- 9.3 The change of use of the premises to include a takeaway use is considered acceptable in principle within the Town Centre and there is no objection from the highway authority in respect of access or parking. It is an objective of the Local Plan and NPPF to support the vitality and viability of town centres, and a benefit of this scheme is the continued commercial use of the building contributing to this area.
- 9.4 The proposal includes the retrospective installation of an extract system which has some visual impact and the potential for noise and emissions.
- 9.5 The extract is boxed in, and the boxing has been painted to match the existing building. It terminates at eaves level, so that it is viewed against the north wall of the property. Whilst the building lies in a prominent location on the western side of the High Street, the area lies well outside Leiston Conservation Area and visual impact will be limited to a location north of the building between 48b and the property. There is some visual impact, however given the extract system will enable the commercial use of this building within the Town Centre, the level of impact is not considered to be of a magnitude to justify the refusal of planning permission in this instance. The benefits of the commercial use of the building within the Town Centre would outweigh that impact.
- 9.6 Details were submitted during the course of the application in respect of the installation of carbon filters within the system and an acoustic report. The report confirms *"The BS4142:2014 assessment has found that the rating level of the proposal is 10.4 dB below the typical background noise and as such indicates that complaints are not likely. This also meets the requirements of the East Suffolk Council Environmental Health Officer stated in the memo of 21st July 2021."*
- 9.7 The Environmental Protection Team have considered the further information and state: *"I accept the report and the consider that the proposed height of the flue (less than 1m above ridge height), can be accepted at this stage. However, the applicant should be mindful that if*

the installation results in complaints regarding odour or noise, then a change to this approach may be required at a later date."

9.8 This was further clarified (15.09.2021):
"I accept that it will terminate at eaves level. However, if we receive complaints they may need to make adjustments."

9.9 It is not considered that there will be conflict with Policy SCLP10.3: Environmental Quality, nor the amenity objectives of Policy SCLP11.2.

10. Conclusion

10.1 The use is considered appropriate in principle within the Town Centre.

10.2 The main issue is in connection with the proposed extract system in terms of visual and operational impact. The system will use carbon filters and will operate below background noise levels, such that there should not be significant impact upon the amenity of neighbours.

10.3 The extract flue will have some visual impact but is boxed in and has been painted to match the building and on balance impact is not so significant so as to justify the refusal of planning permission. The benefits of a commercial use of the building, supporting the vitality and viability of the Town Centre, is deemed to outweigh any visual impact.

11. Recommendation

11.1 Approve with conditions listed in section 12 of this report.

12. Conditions:

1. 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.

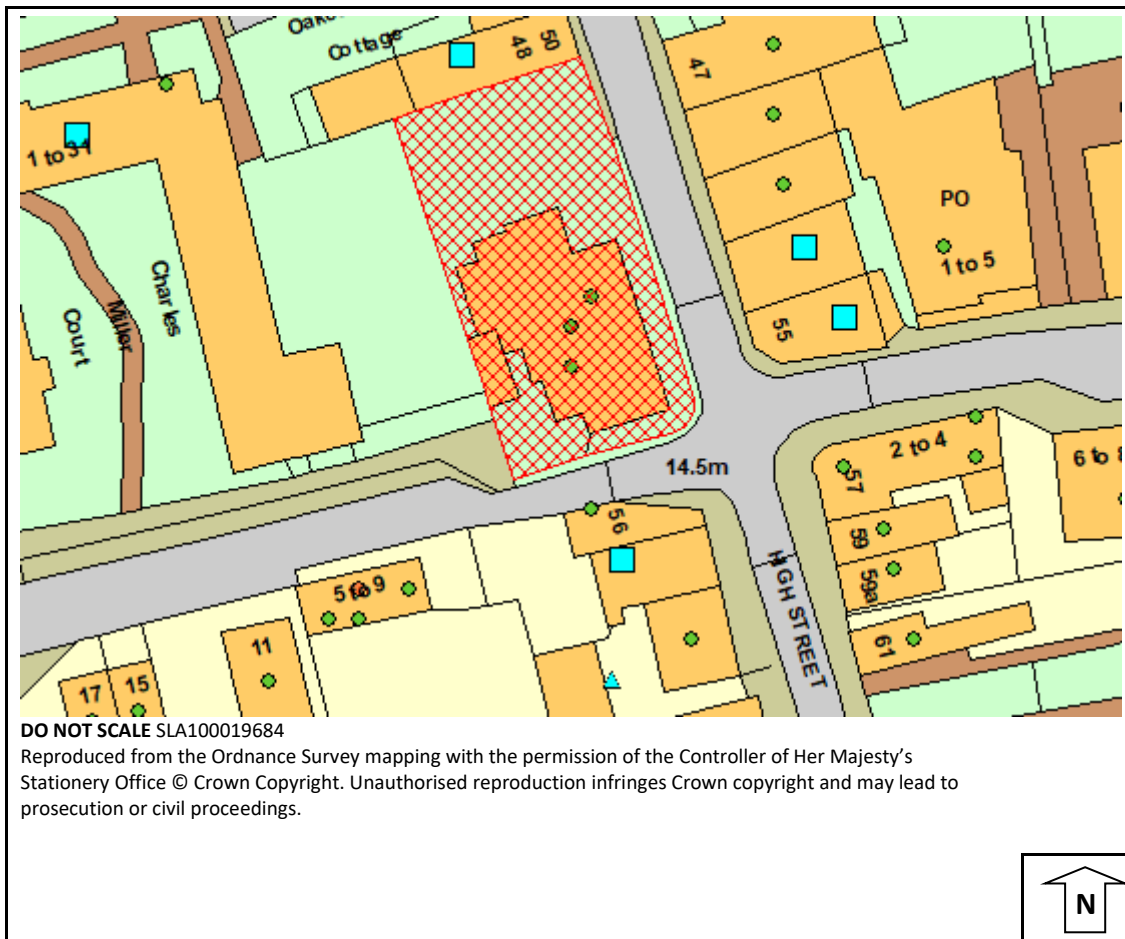
Informatives:

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





Background Papers

See application reference DC/21/3214/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 9 November 2021

Application no DC/21/4219/FUL

Location

Former Post Office
51 London Road North
Lowestoft
Suffolk
NR32 1BJ

Expiry date 7 November 2021

Application type Full Application

Applicant East Suffolk Council

Parish Lowestoft

Proposal Conservation repairs to the former post office, new ground floor fenestration & entrance doors. Removal of external ramp, installation of new ramp to front entrance. Repairs & replacement, to external building fabric.

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

Summary

- 1.1 The application seeks planning permission for works to the Grade II Listed Lowestoft Post Office. The application is made by East Suffolk Council, on council-owned land, therefore the application has been brought direct to Planning Committee (North) for determination.
- 1.2 The proposed works will enhance the special interest of the Grade II Listed Building, with the restoration and renovation works better revealing its significance as a designated heritage asset, enhancing the Conservation Area. There would be no adverse impacts arising, and the scheme accords with the Development Plan. The application is recommended for approval.

2. Site description

- 2.1 The Old Post Office is a Grade II Listed Building dating from the 19th century. The building is three storeys high with a cornice above ground floor level. The first floor has moulded architraves around sash windows with horns and pediments above while the second floor has the same sash windows but with aprons and eared architraves. The ground floor aluminium framed windows are set below a heavy moulded cornice and within deep reveals. The building is constructed of buff brick with stone facing which lends the building a grander appearance than the Grade II Natwest Bank adjacent to it, which is constructed of buff brick with stone window architraves and partly rusticated ground floor.
- 2.2 The Old Post Office sits within the South Lowestoft Conservation Area which is formed by the core of the 19th century expansion of the town once the railway arrived and a new harbour was constructed. Although not a formal planning designation, the site falls within the South Lowestoft Heritage Action Zone (HAZ) which is a heritage-led regeneration project led by Historic England in partnership with ESC.
- 2.3 The building has been vacant for approximately four years. The former post office building is at the south end of London Road North, adjacent to its junction with Surrey Street to the north. The building faces London Road North and is bounded by the Grade II listed NatWest Bank to the north and the unlisted Lloyds Bank to the south. London Road North is a pedestrian street which runs in a north-south direction, parallel to the harbour from the railway station in the south to the High Street in the north.
- 2.4 To the rear of the main (front) Post Office building are a number of ancillary structures and buildings that are within the same ownership, but not subject of this application.
- 2.5 The Lowestoft Post Office site benefits from the following extant planning permission and listed building consent:

- DC/20/1783/LBC

Listed Building Consent - Repair & adaptation to the ground floor of the Post Office building including a new extension to the west, new roof to ground floor extension and re-fenestration at ground floor level.

- DC/20/0653/FUL

Demolition of existing shed buildings and 3/4 storey brick building to rear of Post Office, including adjoining structures to rear of Post Office. Repair & adaptation to the ground floor of the Post Office building including a new extension to the west and re-fenestration at ground floor level. Erection of flats and houses comprising 9 dwellings, with associated landscaping works.

3. Proposal

- 3.1 The application seeks planning permission for works to the Grade II Listed Old Post Office building. The majority of the scheme only requires Listed Building Consent, which is to be considered under tandem application DC/21/4220/LBC.

- 3.2 The scheme is primarily one of repair and refurbishment. Some elements, however, require planning permission (in addition to LBC) because the work relates to a principal elevation/location in the Conservation Area, where permitted development rights have been removed.
- 3.3 This report only covers those elements of the scheme that require planning permission; so, to understand the scheme in the round, this report should be read in conjunction with the report for tandem Listed Building Consent application DC/21/4220/LBC.
- 3.4 The applications do not include any change of use of the building. The applications relate only to conservation repairs and refurbishment, to draw on grant funding profiled in the Heritage Action Zone programme to be spent on the Lowestoft Post Office site, and that funding has to be spent this year. It is for this reason that the scheme has come forward solely for external works/conservation repairs at this stage. Any change of use/conversion scheme would be subject to further applications that may come forward in 2022.

4. Consultations/comments

Consultee	Date consulted	Date reply received
Lowestoft Town Council	16 September 2021	6 October 2021
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 5 October 2021. It was agreed to recommend approval of the application.		

Consultee	Date consulted	Date reply received
SCC Highways Department	N/A	13 October 2021
Summary of comments: As long as no public utilities are affected and can easily be accessed in the adopted highway, then I would have no objection to this application in principle. I note there is a BT cover very close to the proposal and this should be investigated and relocated if needed at applicants expense.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	16 September 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	16 September 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SCC Cycling Officer	16 September 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	16 September 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	16 September 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	16 September 2021	1 October 2021
<p>Summary of comments:</p> <p>This application will result in an improvement to the frontage of the Former Post Office which will serve to preserve or enhance the South Lowestoft Conservation area. The reinstatement of the frontage by restoring the original symmetry of the fenestration of the building and installing timber windows and doors benefits the character of the conservation area by restoring the building's traditional appearance.</p> <p>This application should be looked at "favourably" as it meets paragraph 206 of the NPPF; <i>"206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."</i></p> <p>Therefore, I do not object to this application receiving Planning permission. I do not wish to add</p>		

any conditions.

Consultee	Date consulted	Date reply received
Disability Forum	16 September 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Historic England	16 September 2021	No response

Summary of comments:

Historic England consider that this proposal has the potential to enhance the significance of the Grade II Listed Old Post Office through the restoration of historic features. Although the details of this restoration are lacking within this application, they can be considered through conditions relating to the items listed above and therefore we consider that the scheme is in accordance with paragraphs 199 and 200 of the NPPF.

This scheme will represent change to the historic fabric of the Old Post Office but, subject to conditions concerning the details of the changes listed above, they will not amount to harm and therefore we consider that paragraph 202 of the NPPF does not apply in this instance.

Recommendation

Historic England has no objection to the applications on heritage grounds.

We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 199 and 200.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Consultee	Date consulted	Date reply received
National Amenity Societies	16 September 2021	07 October 2021

Summary of comments:

The Council for British Archaeology

The CBA would like to offer our full support for this application. We believe the proposals are based on an understanding of the significance of this building, its fabric and its contribution to the street

scene. We welcome the proposed renovation of the historically significant windows. We also appreciate the informed approach to the removal of unsympathetic later additions, like the current access ramp, and the replacement of those components that detract from the building's aesthetic values with high quality building materials.

5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	24 September 2021	15 October 2021	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	24 September 2021	15 October 2021	Lowestoft Journal

6. Site notices

General Site Notice	Reason for site notice: Conservation Area Listed Building Date posted: 23 September 2021 Expiry date: 14 October 2021
---------------------	-----------------------------------------------------------------------------------------------------------------------------

7. Planning policy

National Planning Policy Framework 2021 (NPPF)

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

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

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

8. Planning considerations

Planning Policy and Legislative Background

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.
- 8.2 The development plan comprises the East Suffolk Council - Waveney Local Plan (“The Local Plan”) and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in

favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

- 8.3 The South Lowestoft Conservation Area and the Grade II Listed Post Office building are designated heritage assets. The starting point for heritage considerations is the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act").
- 8.4 For Conservation Areas, the statutory duty under s.72 of The Act is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.5 The NPPF identifies conservation and enhancement of the historic environment as an important element of sustainable development. Paragraph 184 of the NPPF makes clear that heritage assets are *"an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*
- 8.6 Paragraph 194 says that when determining planning applications, *"local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*
- 8.7 NPPF paragraph 197 sets out that, *"in determining planning applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness."*
- 8.8 The NPPF at paragraphs 199 and 200 requires planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. It is also clear that *"any harm or loss should require clear and convincing justification."*
- 8.9 The statutory duties of The Act, and heritage objectives of the NPPF, are also reflected in the Historic Environment section of the Local Plan - policies WLP8.37 (Historic Environment); and WLP8.39 (Conservation Areas).

Heritage and Design Considerations

East Elevation Ground Floor

- 8.10 The removal of the existing entrance doors to the left and right of the building and the reinstatement of the main doors centrally in the facade is a positive proposal, together with the new timber windows.

Replacement Windows

- 8.11 Four new timber sash windows are proposed, two to go in the location of former doors and replace the existing metal windows. This is acceptable subject to large scale joinery details being secured either by condition or prior to decision issue.

Treatment to the Far-Right Opening

- 8.12 The doorway here is shown on the plans in 1907 and officers have no objections to this being reversed; however, the stonework below should reflect the history of the building's changes over time, perhaps by having the infill stonework retain a vertical joint to the old opening rather than a toothed in reinstatement. This can be secured either by condition or prior to decision issue.

Treatment of the Left-Hand Opening

- 8.13 This opening was created later than the one created at the other end. Removal of the existing doors and frame is acceptable as these are later 20Cth insertions. The former opening is to be blocked up at lower level in matching stone to the existing with a new window above. This is all acceptable. Details of window and the replacement stonework is required and can be secured either by condition or prior to decision issue.

Central Opening

- 8.14 The removal of the safes/letter boxes and the window above and the reinstatement of central doors is acceptable and welcomed.

Treatment to Far Left Passageway Opening

- 8.15 The removal of the existing door and screen to this passage is not resisted. It is not of historic fabric or significance. The proposal is for a boarded door and a multi paned window screen above to secure the once open passageway. The boarded door is acceptable subject to large scale joinery details being secured either by condition or prior to decision issue.
- 8.16 Officers provided some feedback on the treatment of the opening above, and that element of the scheme has been amended to a simpler/more discrete treatment of the fenestration for this opening which is now acceptable.

Blocking up of Doorway Accessing Cupboard, off the Side Passageway

- 8.17 The opening has been formed using a concrete lintel post 1907 and the existing door is a multipaned pattern not of high historic significance. This proposal is therefore considered acceptable.

Reroofing

- 8.18 The replacement of the artificial slates with natural slates is welcomed. It is presumed that the detailing to eaves will remain the same. The renewal of existing lead flat roofs/the covering over of concrete flat roofs with lead is acceptable and supported.

Access Ramp/Steps

- 8.19 Removal of the existing pedestrian ramp/steps which are located on the pavement to London Road North, is not resisted. This is a relatively modern addition designed to allow level access into the building.
- 8.20 The proposal is to install a new ramp and steps to serve the newly restored central access doors, this is of a much less heavy design and is welcomed, subject to detail which can be secured either by condition or prior to decision issue.

Heritage Conclusions

- 8.21 The proposed works to the Listed Building will significantly improve the external appearance of the building, enhancing the designated heritage asset that is the Conservation Area. The scheme therefore accords with the Historic Environment objectives of the Local Plan (WLP8.37 and WLP8.39), the NPPF, and The Act.

Highways Safety and Accessibility

- 8.22 In highways safety terms, the new ramp access will be an improvement over the existing situation and will allow level access for all. The new ramp access will not restrict pedestrian movement along the high street in any way. The County Council Highways Authority raise no objections to the application. The proposal accords with the sustainable transport objectives of the Local Plan (WLP8.21) and the NPPF.

Residential Amenity

- 8.23 In terms of residential amenity, the works proposed are largely repair, renovation or replacement of existing features at the site. Accordingly, there are not deemed to be any materially significant impacts on local residents or adjacent land uses. The improvement of the external appearance of the building would only be of benefit for the visual amenity of the area. The scheme accords with WLP8.29 (Design).

10. Conclusion

- 10.1 The proposed works will be a positive outcome for the Conservation Area, because the Old Post Office is a prominent and important building in the CA and the restoration of its frontage and the improvements to its fenestration, materials and detailing will all improve its external appearance. The works will also preserve the building because it will ensure the structure is in a weathertight condition going into the future, ensuring its continued positive contribution to the CA. The works to the ramp access are acceptable in terms of highways safety/accessibility, and in all other respects the scheme is acceptable.
- 10.2 The proposal accords with the Development Plan and will enhance the Conservation Area, and therefore planning permission can be granted.

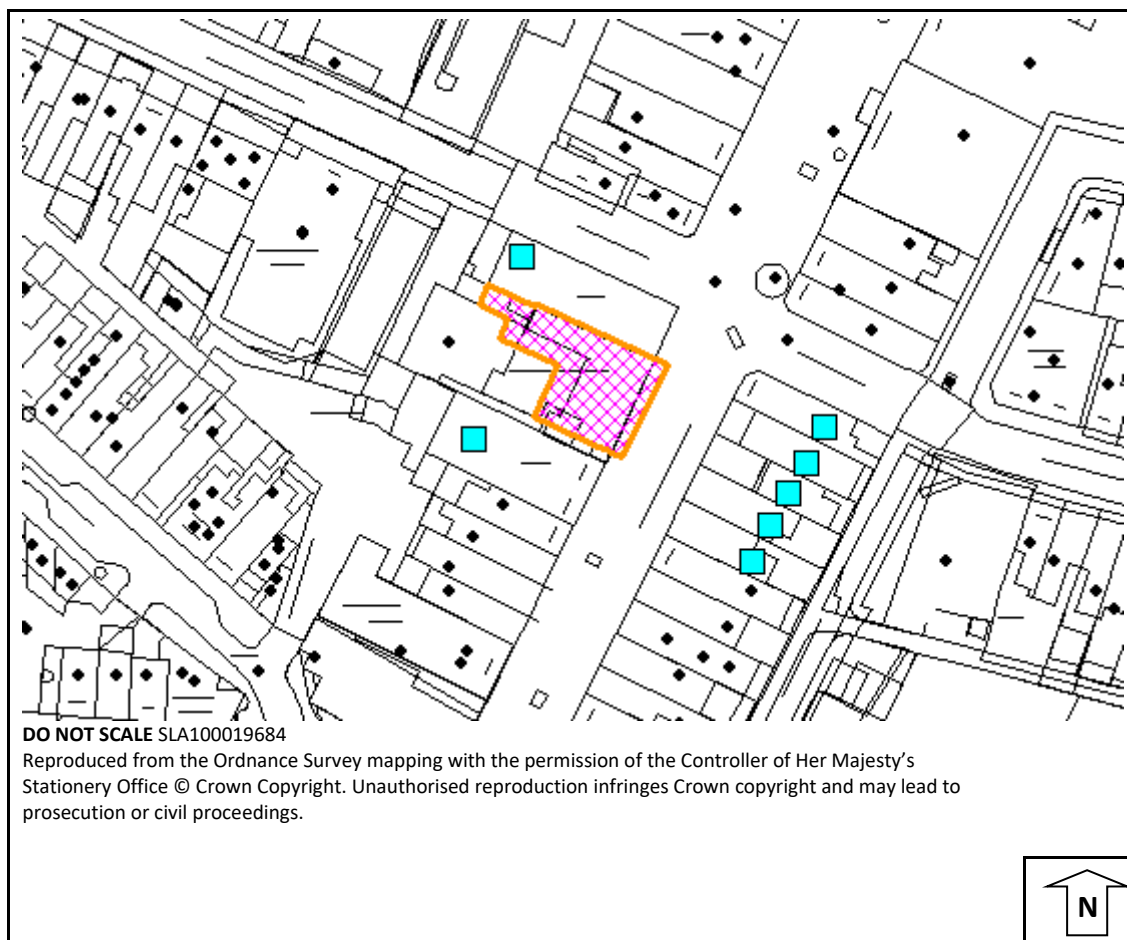
11. Recommendation

11.1 Authority to Delegate Determination to the Head of Planning and Coastal Management to approve with conditions.

Background Papers

See application reference DC/21/4219/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North - 9 November 2021

Application no DC/21/4220/LBC

Location

Former Post Office
51 London Road North
Lowestoft
Suffolk
NR32 1BJ

Expiry date 7 November 2021

Application type Listed Building Consent

Applicant East Suffolk Council

Parish Lowestoft

Proposal Listed Building Consent - Repair & refurbishment of timber sash windows, stone repair & infill at ground floor, new windows & doors at ground floor, new rainwater goods to replace existing, replacement of roof tiles, flat roof covering in lead, stone cleaning on front facade. Minor internal strip out to facilitate repairs & refurbishment and repair & replacement of roof access lantern.

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

1. Summary

- 1.1 The application seeks listed building consent for works to the Grade II Listed Lowestoft Post Office. The application is made by East Suffolk Council, on council-owned land, therefore the application has been brought direct to Planning Committee (North) for determination.
- 1.2 The proposed works will enhance the special interest of the Grade II Listed Building, with the restoration and renovation works better revealing its significance as a designated heritage asset in the Conservation Area. The proposal therefore accords with the Development Plan and the application is recommended for approval.

2. Site description

- 2.1 The Old Post Office is a Grade II Listed Building dating from the 19th century. The building is three storeys high with a cornice above ground floor level. The first floor has moulded architraves around sash windows with horns and pediments above while the second floor has the same sash windows but with aprons and eared architraves. The ground floor aluminium framed windows are set below a heavy moulded cornice and within deep reveals. The building is constructed of buff brick with stone facing which lends the building a grander appearance than the Grade II Natwest Bank adjacent to it, which is constructed of buff brick with stone window architraves and partly rusticated ground floor.
- 2.2 The Old Post Office sits within the South Lowestoft Conservation Area which is formed by the core of the 19th century expansion of the town once the railway arrived and a new harbour was constructed. Although not a formal planning designation, the site falls within the South Lowestoft Heritage Action Zone (HAZ) which is a heritage-led regeneration project led by Historic England in partnership with ESC.
- 2.3 The building has been vacant for approximately four years. There is a side access to the Old Post Office site, from Surrey Street. At the point of access from Surrey Street, this transitions from a highway to pedestrianised street where it then joins London Road North.
- 2.4 To the rear of the main (front) Post Office building are a number of ancillary structures and buildings that are within the same ownership, but not subject of this application.
- 2.5 The Lowestoft Post Office site benefits from the following extant planning permission and listed building consent:
- DC/20/1783/LBC
Listed Building Consent - Repair & adaptation to the ground floor of the Post Office building including a new extension to the west, new roof to ground floor extension and re-fenestration at ground floor level.
 - DC/20/0653/FUL
Demolition of existing shed buildings and 3/4 storey brick building to rear of Post Office, including adjoining structures to rear of Post Office. Repair & adaptation to the ground floor of the Post Office building including a new extension to the west and re-fenestration at ground floor level. Erection of flats and houses comprising 9 dwellings, with associated landscaping works.

3. Proposal

- 3.1 The application seeks listed building consent for works to the Grade II Listed Old Post Office building.
- 3.2 The works are primarily repair and refurbishment, with some minor elements of change, as follows:
- Adjustment of the existing external access ramp.
 - Reinstatement of the central door and flanking sash windows as per the original design.

- Full re-roofing of the main and north range.
- Full repair and refurbishment of all windows.

- 3.3 The intention is to leave the building with a weathertight envelope in readiness for possible future redevelopment as part of a second phase of work.
- 3.4 This application is in tandem with application ref. DC/21/4119/FUL which seeks planning permission for the works.
- 3.5 The applications do not include any change of use of the building. The applications relate only to conservation repairs and refurbishment, to draw on grant funding profiled in the Heritage Action Zone programme to be spent on the Lowestoft Post Office site, and that funding has to be spent this year. It is for this reason that the scheme has come forward solely for external works/conservation repairs at this stage. Any change of use/conversion scheme would be subject to further applications that may come forward in 2022.

4. Consultations/comments

- 4.1 No third-party comments received.

5. Consultees

Consultee	Date consulted	Date reply received
Lowestoft Town Council	16 September 2021	6 October 2021
Summary of comments: <i>The Town Council's Planning Committee considered this application at a meeting on 5 October 2021. It was agreed to recommend approval of the application.</i>		

Consultee	Date consulted	Date reply received
National Amenity Societies	16 September 2021	7 October 2021
Summary of comments: The Council for British Archaeology <i>The CBA would like to offer our full support for this application. We believe the proposals are based on an understanding of the significance of this building, its fabric and its contribution to the street scene. We welcome the proposed renovation of the historically significant windows. We also appreciate the informed approach to the removal of unsympathetic later additions, like the current access ramp, and the replacement of those components that detract from the building's aesthetic values with high quality building materials.</i>		

Consultee	Date consulted	Date reply received
-----------	----------------	---------------------

Historic England	16 September 2021	12 October 2021
<p>Summary of comments:</p> <p><i>Historic England consider that this proposal has the potential to enhance the significance of the Grade II Listed Old Post Office through the restoration of historic features. Although the details of this restoration are lacking within this application, they can be considered through conditions relating to the items listed above and therefore we consider that the scheme is in accordance with paragraphs 199 and 200 of the NPPF.</i></p> <p><i>This scheme will represent change to the historic fabric of the Old Post Office but, subject to conditions concerning the details of the changes listed above, they will not amount to harm and therefore we consider that paragraph 202 of the NPPF does not apply in this instance.</i></p> <p>Recommendation</p> <p><i>Historic England has no objection to the applications on heritage grounds.</i></p> <p><i>We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 199 and 200.</i></p> <p><i>In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.</i></p>		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	16 September 2021	No response
<p>Summary of comments:</p> <p>No comments received.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	16 September 2021	30 September 2021
<p>Summary of comments:</p> <p><i>The proposals in this application will result in a positive outcome for the Listed building in both restoring its frontage, by improvement to its fenestration, materials and detailing, which will better reveal its significance by improving its external appearance as well as works to the external envelope which will ensure the structure will be in a weathertight condition going into the future.</i></p>		

6. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	24 September 2021	15 October 2021	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	24 September 2021	15 October 2021	Lowestoft Journal

7. Site notices

General Site Notice

Reason for site notice: Conservation Area Listed Building
Date posted: 23 September 2021
Expiry date: 14 October 2021

8. Planning policy

National Planning Policy Framework 2021 (NPPF)

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)

9. Planning considerations

Policy and Legislative Background

- 9.1 The Grade II Listed Post Office building is a designated heritage asset. The starting point for heritage considerations is the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act").
- 9.2 For listed buildings, s.66 of The Act imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The duty is engaged when the local planning authority is considering whether to approve development which affects a listed building or its setting.
- 9.3 The NPPF identifies conservation and enhancement of the historic environment as an important element of sustainable development. Paragraph 184 of the NPPF makes clear that heritage assets are *"an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*
- 9.4 Paragraph 194 says that when determining planning applications, *"local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*

9.5 NPPF paragraph 197 sets out that, *"in determining planning applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

9.6 The NPPF at paragraphs 199 and 200 requires planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. It is also clear that *"any harm or loss should require clear and convincing justification."*

9.7 The statutory duties of The Act, and heritage objectives of the NPPF, are also reflected in the Historic Environment section of the Local Plan - policies WLP8.37 (Historic Environment); and WLP8.39 (Conservation Areas).

Consideration of the Detailed Works

East Elevation Ground Floor

9.8 The removal of the existing entrance doors to the left and right of the building and the reinstatement of the main doors centrally in the facade is a positive proposal, together with the new timber windows.

Replacement Windows

9.9 Four new timber sash windows are proposed, two to go in the location of former doors and replace the existing metal windows. This is acceptable subject to large scale joinery details being secured either by condition or prior to decision issue.

Treatment to the Far-Right Opening

9.10 The doorway here is shown on the plans in 1907 and officers have no objections to this being reversed; however, the stonework below should reflect the history of the building's changes over time, perhaps by having the infill stonework retain a vertical joint to the old opening rather than a toothed in reinstatement. This can be secured either by condition or prior to decision issue.

Treatment of the Left-Hand Opening

9.11 This opening was created later than the one created at the other end. Removal of the existing doors and frame is acceptable as these are later 20Cth insertions. The former opening is to be blocked up at lower level in matching stone to the existing with a new

window above. This is all acceptable. Details of window and the replacement stonework is required and can be secured either by condition or prior to decision issue.

Central Opening

- 9.12 The removal of the safes/letter boxes and the window above and the reinstatement of central doors is acceptable and welcomed.

Treatment to Far Left Passageway Opening

- 9.13 The removal of the existing door and screen to this passage is not resisted. It is not of historic fabric or significance. The proposal is for a boarded door and a multi paned window screen above to secure the once open passageway. The boarded door is acceptable subject to large scale joinery details being secured either by condition or prior to decision issue.
- 9.14 Officers provided some feedback on the treatment of the opening above, and that element of the scheme has been amended to a simpler/more discrete treatment of the fenestration for this opening which is now acceptable.

Blocking up of Doorway Accessing Cupboard, off the Side Passageway

- 9.15 The opening has been formed using a concrete lintel post 1907 and the existing door is a multipaned pattern not of high historic significance. This proposal is therefore considered acceptable.

South Elevation Second Floor Window

- 9.16 A new window is proposed to be restored to the top left previously blocked up window opening. This is acceptable subject to joinery details being secured either by condition or prior to decision issue.

Reroofing

- 9.17 The replacement of the artificial slates with natural slates is welcomed. It is presumed that the detailing to eaves will remain the same. The renewal of existing lead flat roofs/the covering over of concrete flat roofs with lead is acceptable and supported.

Replacement Rainwater Goods – Generally

- 9.18 The removal of plastic rainwater goods and the replacement with cast iron versions is welcomed.

Replacement Rooflights

- 9.19 In the roof over the passageway two metal rooflights are proposed to replace the existing ones. This is acceptable subject to size and detailing/manufacturers details being secured either by condition or prior to decision issue.

Replacement of Access to Roof

- 9.20 This relates to the replacement of the access ladder to ensure safe access, and the platform below would be unaltered. This is acceptable.

Access Ramp/Steps

- 9.21 Removal of the existing pedestrian ramp/steps which are located on the pavement to London Road North, is not resisted. This is a relatively modern addition designed to allow level access into the building.
- 9.22 The proposal is to install a new ramp and steps to serve the newly restored central access doors, this is of a much less heavy design and is welcomed, subject to detail which can be secured either by condition or prior to decision issue.

Timber and Glass Draft Lobby

- 9.23 The removal of the inner lobby to the side doorway is acceptable, providing the fabric is retained on site until the internal finish of the main hall is completed as it could be useful in restoring parts of the remaining historic timber panelling to the main hall. An advisory note should be added to any grant of LBC to retain this fabric on site until the internal finish of the main hall is completed ready for new use.

Masonry Enclosure Adjacent to Lobby

- 9.24 Removal of the blockwork and brickwork, adjacent to the passageway and the internal lobby is acceptable. It is not completely clear as to how this doorway was used and why the cupboard was created. The back wall appears to be of an earlier construction, being plastered, than that of the relatively modern exposed blockwork wall to the side of the Lobby, it may be that this was an access at one time.

Panelling/Doors to Letterboxes

- 9.25 The removal of the existing post boxes installed at low level to the central opening, to reinstate the double doors will also require the removal of the internal panelling and low-level access doors. This arrangement obviously only dates from the reconfiguration of the door to the left-hand side of the building, but the fabric used may have been repurposed. These are contaminated with asbestos, so their safe removal/disposal is welcomed.

The removal of the Modern Suspended Ceiling and Room Divisions

- 9.26 Removal of the modern additions to main hall area, including the rooms/enclosures to the side of the hall and the suspended ceiling is acceptable. This work is not deemed to affect the special architectural of historic interest of the Listed Building.

10. Conclusion

- 10.1 The proposed works will be a positive outcome for the Listed Building, restoring its frontage and the improvements to its fenestration, materials and detailing will all improve its

external appearance. The works will also preserve the building because it will ensure the structure is in a weathertight condition going into the future. These are all positive heritage outcomes that accord with the Historic Environment objectives of the Local Plan, NPPF and The Act. There would be no harm arising from the scheme, and there are only benefits resulting from the works.

10.2 The application has been reviewed by Historic England and the Council's own Senior Design and Conservation Officer. These consultees support the application noting the positive heritage outcome from the scheme but request further details by planning condition to ensure the final detailing/finishing is appropriate for the Listed Building, as referenced in the detailed assessment in section nine of this report. Below is a list of those details that officers would be seeking, either by planning condition or prior to decision issue:

- Large scale joinery details showing vertical and horizontal sections through all new windows, including, frame, head and cill, sashes, glazing, sash boxes, material, finish, colour and ironmongery.
- Large scale joinery details of the new central double door set, including frame, doors and fan light, with both horizontal and vertical sections and details of the material, finish, colour and ironmongery.
- Details of the reinstatement of the stonework plinth to the blocked-up door openings including specification and stone bond/joint pattern be supplied and agreed in writing.
- Large scale joinery details of the boarded door, frame and glazed screen above including vertical and horizontal sections through all elements, including, material, finish colour and ironmongery.
- Manufacturers details of the metal rooflights to passageway including size, sections, detailing and colour.
- All new external and internal works and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.
- Large scale constructional details, with sections and heights of the pedestrian access ramp and steps, including walls, upstand, capping, surfacing, balustrade/posts, handrails, materials and finish.

10.3 Where those suggested conditions would be requiring information be submitted to and approved by the Council prior to commencement of development (through a discharge of condition application) the applicant is seeking to provide those details prior to the grant of any Listed Building Consent, so that once Consent is granted, work can commence immediately in accordance with the approved details. Officers are therefore seeking authority to determine the application, to enable these details to be considered by the Senior Design and Conservation Officer, or for appropriate conditions be applied to a grant of Listed Building Consent to ensure those details are secured.

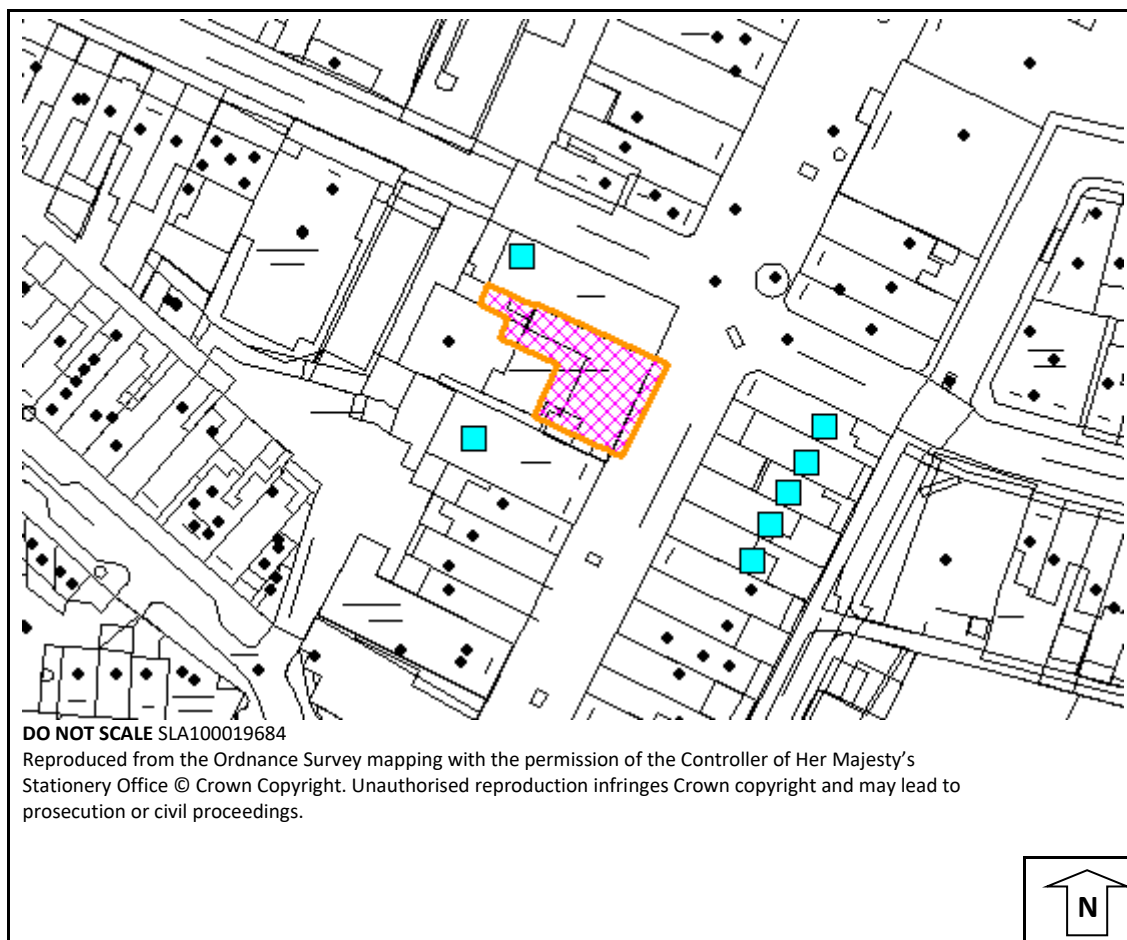
11. Recommendation

- 11.1 Authority to Delegate Determination to the Head of Planning and Coastal Management to approve with conditions.

Background Papers

See application reference DC/21/4220/LBC on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North - 9 November 2021

Application no DC/21/2278/FUL

Location

The Gatehouse
Middleton Crossing
Middleton Road
Yoxford
Suffolk
IP17 3LG

Expiry date 4 July 2021
Application type Full Application
Applicant Mrs Amy Osborne

Parish Yoxford

Proposal This application is to gain planning consent to place a log cabin, which falls under 'The Caravan Sites Act 1968, as amended in England 2006 and Wales' 2007' (as detailed in the attached Certificate of Conformity provided by KEOPS) within the garden curtilage of the main dwelling house at The Gatehouse, Middleton Crossing, Middleton Road, Yoxford, IP17 3LG for residential ancillary use. Further detail is provided in the statement of evidence.

Case Officer Charlie Bixby
07789 549789
charlie.bixby@eastsoffolk.gov.uk

1. Summary

- 1.1 The proposed application seeks to site a log cabin within the garden curtilage of the main dwelling house for ancillary residential use. The log cabin meets the definition of a 'Caravan' as set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
- 1.2 The application is referred direct to Planning Committee (North) due to the applicant being related to an East Suffolk Council member of staff.

- 1.3 The proposal is potentially something that would not amount to development, and therefore not require planning permission. However, an application has been submitted and therefore assessed against the relevant Local Plan policies, and the siting of the log cabin within the curtilage of the property is found to be acceptable. The application is recommended for approval.

2. Site description

- 2.1 The application site comprises a detached single storey property located at the Middleton Crossing within Yoxford Parish, although outside the defined settlement boundaries and is considered to form part of the countryside, for planning purposes.
- 2.2 The property is situated on a large parcel of land running parallel to the train tracks of the associated crossing and continuing to the south. There are no adjacent neighbouring properties.
- 2.3 To the west, opposite the Middleton Crossing, are a couple of residential properties located on the other side of the road, one of which is under construction, these two properties are the nearest residential neighbouring properties to the site.
- 2.4 To the east the road continues at national speed limit and slopes down the hill with a couple of residential properties located further to the east.

3. Proposal

- 3.1 The proposed application seeks planning permission to place a log cabin. The application has been submitted on the basis that the proposed log cabin meets the definition of a 'caravan' under 'The Caravan Sites Act 1968, as amended in England 2006 and Wales' 2007'. The log cabin is therefore a caravan, rather than a building, and this application seeks planning permission for the siting of that log cabin within the curtilage of the dwelling.
- 3.2 The proposed log cabin is to be sited in the location of the existing garage outbuilding on the existing site, within the garden curtilage of the main dwelling house. It would be occupied for residential use ancillary to the main house. The log cabin will be of timber construction.
- 3.3 The proposed dimensions are as follows:
- Length 14m
 - Width 4 to 4.85m
 - Overall height (internally, from the floor at its lowest to the ceiling at its highest) 3.024m
- 3.4 The log cabin is to be occupied by the daughter of the applicants, who will still be dependent on the main house for some of its services and functions for day-to-day living.

4. Consultations/comments

4.1 There are no neighbour comments or third-party representations on this application.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Yoxford Parish Council	17 May 2021	8 June 2021
Summary of comments: Yoxford Parish Council: "Support."		

6. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 25 May 2021

Expiry date: 16 June 2021

7. Planning policy

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

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

SCLP5.13 - Residential Annexes (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.16 - Residential Caravans and Mobile Homes (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

National Planning Policy Framework 2021 (NPPF)

8. Planning considerations

8.1 The proposed log cabin will replace the existing outbuilding in the same location.

8.2 The siting of a log cabin (which in planning terms is a caravan, rather than a building) in the curtilage of a dwellinghouse occupied incidental to the main dwellinghouse, will often not amount to development as it would not create a new planning unit. It is always dependent upon the circumstances of the particular case, but in many instances where a caravan is sited in the garden, and the occupants still rely on the main dwellinghouse for some of their

day-to-day living – for example taking meals in the main house, using laundry facilities etc, then the siting of a caravan would not require planning permission.

- 8.3 Had a lawful development certificate been applied for to establish that the siting of the log cabin in the garden would not be ‘development’, and thus not require planning permission, then it is likely a certificate could have been granted on that basis. However, an application for planning permission has been submitted, and therefore the relevant Local Plan policies will need to be considered in reaching a decision.
- 8.4 For additional context, the definition of a ‘Caravan’ is set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (“The Acts”).
- 8.5 Allowed maximum dimensions:
- Depth - External 6.8metres (22 feet 3 3/4 inches)
 - Length - External 20 metres (65 feet 7 1/2 inches)
 - Ceiling Height - Internal 3.05 metres (10 feet 0 inches)
- 8.6 The Acts also specify that the structure can be transported or removed from the site; this does not necessarily have to be a structure on wheels, but The Acts specify that transported just means that a structure is capable of being removed and transported by road in no more than two pieces; this appears to be the case in this instance and the proposal also meets the above allowed dimensions so is considered to conform with the criteria in The Acts, and constitute a caravan for planning purposes.
- 8.7 Local Planning Policies SCLP5.13 and SCLP5.16 are of relevance in terms of this application.
- 8.8 Local Planning Policy SCLP5.13: Residential Annexes states that:
"An annex to an existing dwelling will be supported where:
a) The annex is smaller in scale and clearly ancillary to the host dwelling;
b) The proposal does not involve the physical separation of the residential curtilage;
c) No separate access is required;
d) The annex is either an extension or is well related to the host dwelling;
e) In the case of a new build annex, it is not feasible to create the annex through an extension or the conversion of an outbuilding;
f) There is sufficient off-road parking; and
g) There is no significant adverse effect on the landscape or visual amenity."
- 8.9 Local Planning Policy SCLP5.16: Residential Caravans and Mobile Homes states that:
"As a residential use, the principal of development of permanent residential caravans and mobile homes will be considered under the relevant policies for housing. Proposals for residential caravan and mobile home sites will be supported where:
a) They are designed and sited in a way which does not result in a harmful impact on the landscape or on the character of a settlement;
b) Amenity space is provided on site;
c) They are located outside of Flood Zone 2 and Flood Zone 3; and
d) Safe access and space for vehicle manoeuvring can be achieved within the site"
- 8.10 The annexe policy in the Local Plan relates more to buildings rather than siting of caravans, but nonetheless, a log cabin/caravan can function as annexe accommodation so similar considerations apply. SCLP5.16 is not directly relevant, as that policy relates more to

independent residential uses, rather than an annexe use as is proposed here, but the consideration about design and siting being appropriate for the context is applicable to this scheme.

- 8.11 The proposed log cabin is fairly modest in size and scale and will be visually recessive to the main host dwelling whilst also being well-related in terms of location. There is little prospect of it ever becoming a separate dwelling due to the constrained site width, and in any event that would require planning permission in its own right (and it is not what has been applied for here). The log cabin would not cause visual or residential amenity harm to the local character of the area, nor the few properties located near the site. The building to be removed is not considered to be of any special interest and its replacement, with the siting of a log cabin, is deemed to be acceptable and compliant with local planning policies SCLP5.13, SCLP5.16, SCLP11.1 and SCLP11.2.
- 8.12 A planning condition is recommended to limit occupancy so that this will not result in the creation of a new dwelling.

9. Conclusion

- 9.1 The proposed siting of a caravan is potentially work that does not require planning permission but, in any event, having assessed the proposal against the Local Plan, it is found to be acceptable and recommended for approval.

10. Recommendation

- 10.1 Approve with conditions as listed in section 11 of this report.

11. Conditions:

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

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

2. The development hereby permitted shall be 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.

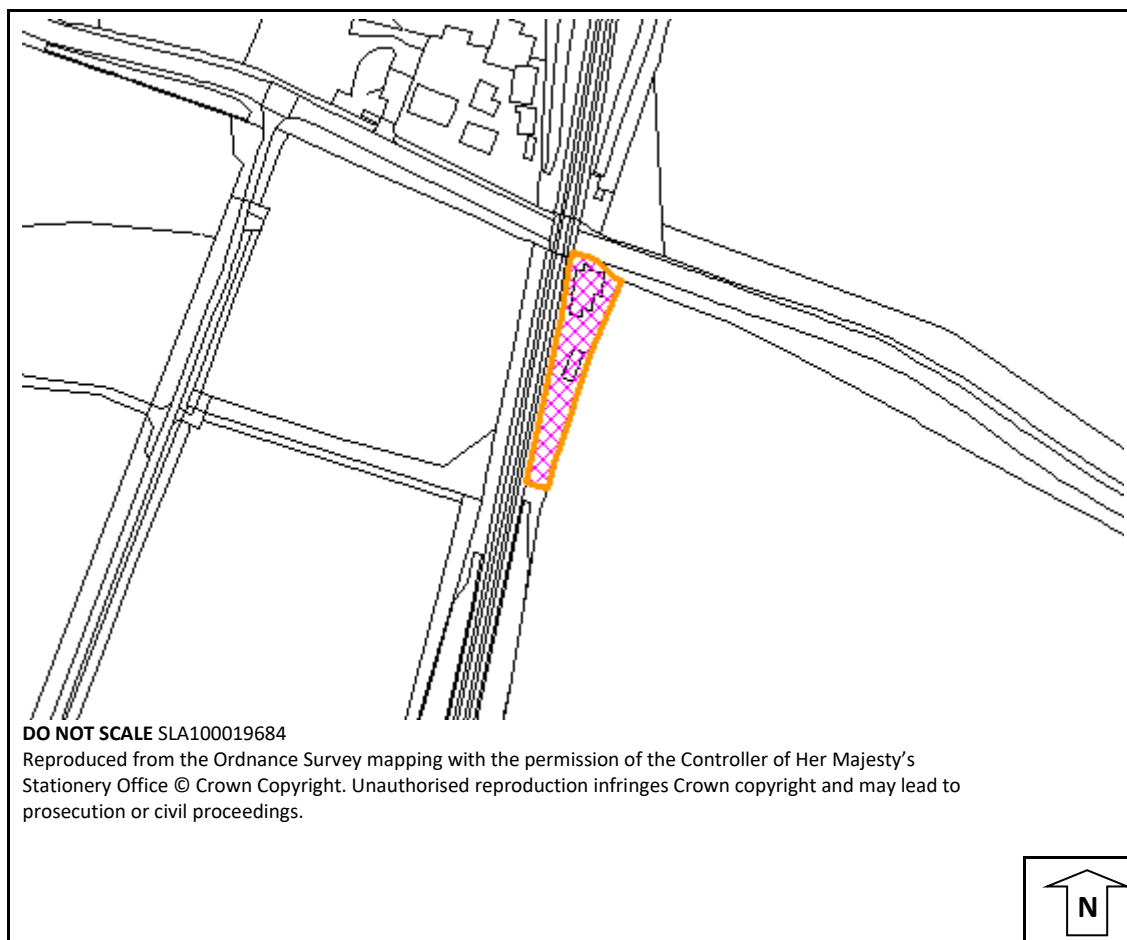
12. Informatives:

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

Background Papers

See application reference DC/21/2278/FUL on [Public Access](#)

Map



Committee Report

Planning Committee North - 9 November 2021

Application no DC/21/3608/FUL

Location

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

Expiry date 30 September 2021

Application type Full Application

Applicant A W Coffee Limited

Parish Lowestoft

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

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

1. Summary

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

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

2. Site description

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

3. Proposal

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

4. Consultations/comments

- 4.1 No third-party representations received.

- 4.2 On the initial prior approval application that was submitted, a round of consultation took place with the Town Council and series of consultees including Suffolk County Highways Authority, Environment Agency, and ESC Environmental Protection. There were no objections from those parties, and no conditions were recommended.
- 4.2 Because the application has been amended to a full application seeking planning permission, officers have undertaken a short re-consultation with the Town Council as a procedural requirement, but it is not anticipated that any different comments will likely be received, or new matters raised. Any further comments from the Town Council, should they be received, will be reported to Members via the update sheet and/or verbally at the Committee meeting.

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

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

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

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

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

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

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 22 October 2021

Expiry date: 12 November 2021

6. Planning policy

National Planning Policy Framework 2021 (NPPF)

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

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

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

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

7. Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.
- 7.2 The development plan comprises the East Suffolk Council - Waveney Local Plan (“The Local Plan”) and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.
- 7.3 The Local Plan spatial strategy generally directs development to within the defined settlement boundaries, and policy WLP8.18 seeks to generally direct new retail, restaurant, leisure uses etc to within defined town centres. But the Local Plan strategy does also

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

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

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

8. Conclusion

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

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

9. Recommendation

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

10. Conditions

- 10.1 The development shall be carried out in accordance with the site location plan received 06 August 2021.
Reason: for the avoidance of doubt as to what has been approved.
- 10.2 The building shall only be used for the purposes of a coffee shop/food takeaway as set out in the application unless otherwise approved in writing by the Local Planning Authority (LPA).
Reason: to ensure the LPA retains control over any future uses of the building to ensure such uses are compatible with the rural location.
- 10.3 The hereby approved use shall only operate between the hours of 06:00 and 22:00.
Reason: to ensure that the use is not carried out overnight.

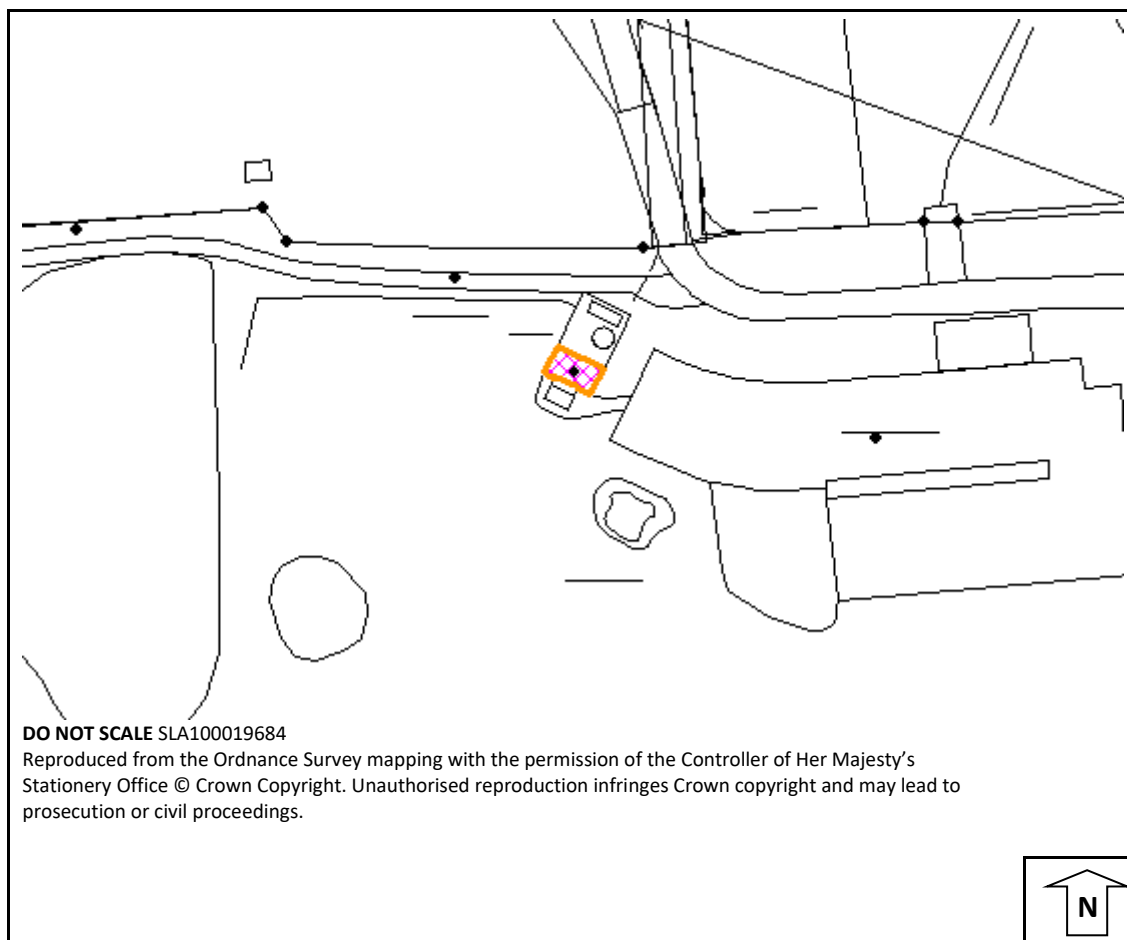
11. Informatives:

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

12 Background Papers

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

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North – 9 November 2021

Application no DC/21/3919/FUL

Location

1 Westwood Avenue
Lowestoft
Suffolk
NR33 9RP

Expiry date 12 October 2021

Application type Full Application

Applicant Ms Hayley Wright

Parish Lowestoft

Proposal Additional storey over existing single storey side extension

Case Officer Debbi Wicks
07584 642000
debbi.wicks@eastsoffolk.gov.uk

1. Summary

- 1.1. This householder application proposes a first-floor side extension above a previous single storey extension at a semi-detached property in Lowestoft. The application is automatically referred to Planning Committee (North) for determination under the Scheme of Delegation as the house is currently still under the ownership of East Suffolk Council. There has been no response from the Town Council at the time of drafting this report.

2. Planning History

- 2.1. DC/04/1400/FUL permitted the existing side extension which comprises a bedroom and wet room in 2004. The tenant is registered disabled.
- 2.2. DC/21/3439/FUL was recently submitted for the same development as currently proposed. However, it came to light that the incorrect ownership certificate had been submitted with regard to the Council's interest in the land and therefore the application was withdrawn

and subsequently superseded by this current submission (where appropriate notice has been served and the relevant certificates on the application form completed).

- 2.3. The property - no.1 Westwood Avenue - is a mid twentieth century red brick house constructed as part of a large development of Council housing stock. The site falls inside the Carlton and Whitton ward, close to the border with the Kirkley area of South Lowestoft. It is not in a Conservation Area and there are no restrictions on permitted development rights. The surrounding neighbourhood comprises similar dwellings to the north side of Westwood Avenue, while to the south there is a primary school directly opposite the site and this is flanked by bungalows of more recent construction. The application dwelling occupies a prominent location as it is a corner plot at a road junction. The side elevation, where development is proposed, fronts onto Briarwood Road to the southeast.
- 2.4. Due to the age and character of these properties, they were not constructed with garaging; the dwellings have single storey links between pairs providing additional storage and there are narrow tracks to the rear of the houses providing pedestrian access. Parking is aided by laybys along the highways and the application site itself benefits from added parking provision in the form of a surfaced strip of land immediately outside the curtilage to the side, in between the garden fence and the highway, which can accommodate 2-3 vehicles.
- 2.5. The proposal does not look to increase the 4.3m wide footprint of the current pitched roof extension; a new ensuite bedroom would be provided directly above the ground floor bedroom, wet room and hallway and this is set back half a metre from the main front wall of the house and finishes in line with the host building at the rear. There will be no first-floor side facing windows and the new bathroom window would face the rear garden. A departure from matching facing brick is proposed for the new first floor element and this would be a pale coloured hardiplank cladding.
- 2.6. There would be no impact upon neighbours' amenity from this proposal due to its siting and the only additional bedroom window would face the road at the front. The existing parking provision is also assessed as adequate in relation to the increase in number of bedrooms and no third-party comments have been received.

3. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	1 September 2021	
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 21 September 2021. It was agreed to recommend approval of the application		

Non-statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Estates Asset Management	2 September 2021	No response
Summary of comments: No response.		

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 1 September 2021

Expiry date: 22 September 2021

4. Planning policy

National Planning Policy Framework 2021 (NPPF)

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

5. Planning considerations

- 5.1. The proposal is assessed having regard to key policy WLP8.29 of the East Suffolk Waveney Local Plan 2019 which sets out that proposals must:
- 5.2. Demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness;
- 5.3. Respond to local context and the form of surrounding buildings in relation to the overall scale and character, layout, site coverage, height and massing of existing buildings in addition to respecting the relationship between buildings and spaces and the wider street scene or townscape and by making use of materials and detailing appropriate to the local vernacular.
- 5.4. Applying the policy aims to this application, the proposal is judged to be in harmony with the design, scale, height and general proportions of the site, being positioned 3.8m from the splayed boundary at the front corner, increasing to 10 metres from the side boundary at the rear corner and following the form of the main dwelling with a slightly lowered ridge.

- 5.5. With regard to the choice of external materials, this is seen to be acceptable in this particular site context as the property is positioned directly across from a new dwelling, no.78 Briarwood Road, which was permitted and built in 2017 (DC/17/1404/FUL) at the end of the brick terrace and this new build is faced in grey/ blue hardiplank at upper floor level with white render below, thus there is a precedent for coloured cladding already adjacent to this site and several other neighbouring dwellings have also painted over the original dark red brick with a pale coloured paint finish. The resultant streetscape is already now a varied mix and the addition of further cladding to the first-floor extension proposed is judged to be in keeping with its surroundings, with no adverse visual impact created.

6. Conclusion

- 6.1. The scheme is judged to be policy compliant, with no objections raised. Planning permission can therefore be granted.

7. Recommendation

- 7.1. Approve.

8. 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.

Informatives:

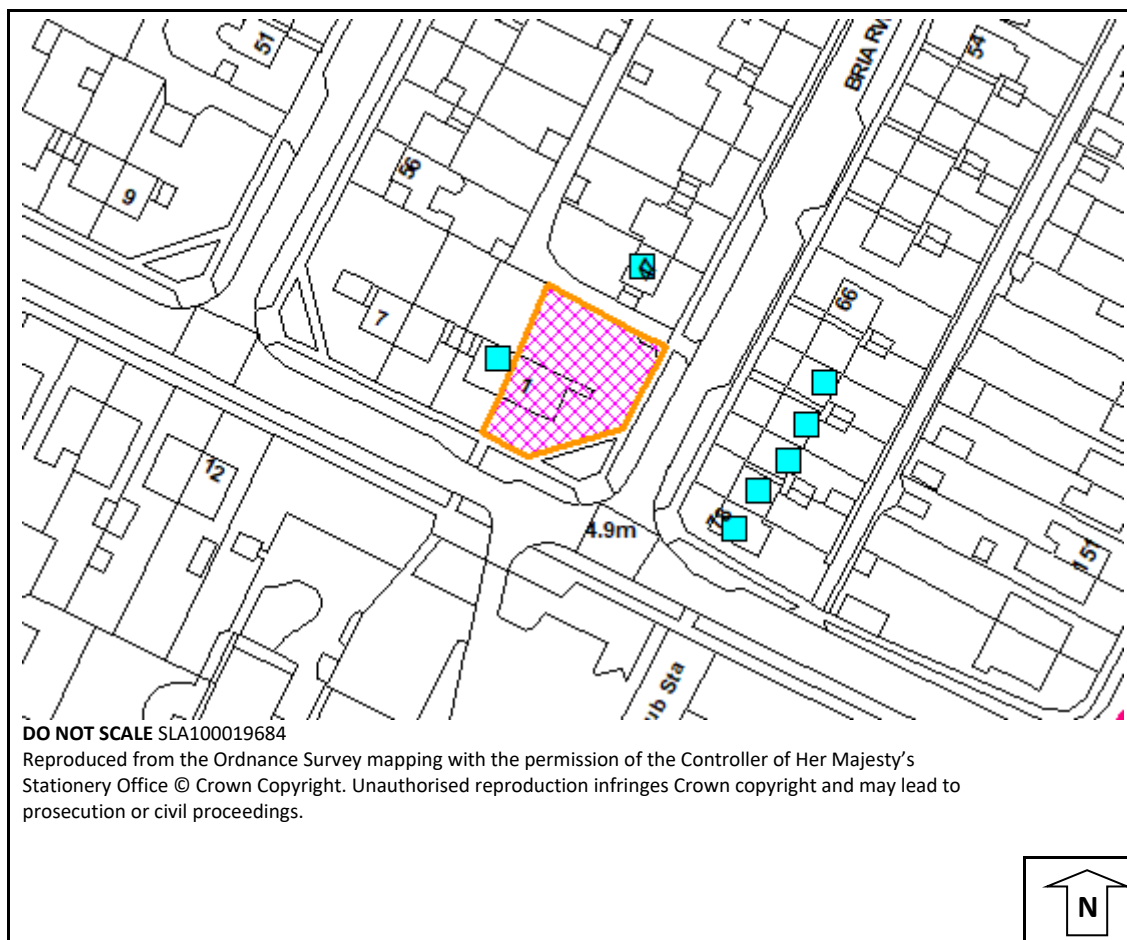
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning

application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background Papers

See application reference DC/21/3919/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support