



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

Planning Committee North

Members:

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

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside, Lowestoft
on **Tuesday, 14 March 2023 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://youtu.be/YtuCF36cY3A>

An Agenda is set out below.

Part One – Open to the Public

Pages

1	Apologies for Absence and Substitutions
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2 Declarations of Interest

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

3 Declarations of Lobbying and Responses to Lobbying

To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.

4 Minutes**1 - 30**

To confirm as a correct record the Minutes of the Meeting held on 14 February 2023.

5 East Suffolk Enforcement Action - Case Update ES/1507**31 - 47**

Report of the Head of Planning and Coastal Management

6 DC/22/4432/FUL - 9 Glebe Close, Lowestoft, NR32 4NU ES/1505**48 - 58**

Report of the Head of Planning and Coastal Management

7 DC/22/4881/FUL - Rotterdam Road Depot, Rotterdam Road, Lowestoft, NR32 2EF ES/1506**59 - 63**

Report of the Head of Planning and Coastal Management

Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close

Chris Bally, 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.

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Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

If you are registered to speak, can we please ask that you arrive at the meeting **prior to its start time (as detailed on the agenda)** and make yourself known to the Committee Clerk, as the agenda may be re-ordered by the Chairman to bring forward items with public speaking and the item you have registered to speak on could be heard by the Committee earlier than planned.

Please note that any illustrative material you wish to have displayed at the meeting, or any further supporting information you wish to have circulated to the Committee, must be submitted to the Planning team **at least 24 hours** before the meeting.

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

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<p>Unconfirmed</p>



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 14 February 2023 at 2.00pm**

Members of the Committee present:

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

Other Members present:

Councillor Judy Cloke, Councillor Tony Goldson

Officers present: Daniel Bailes (Trainee Planner), Jamie Behling (Assistant Planner), Ben Bix (Democratic Services Officer), Charlie Bixby (Planner), Freya Carroll (Assistant Planner), Elliott Dawes (Housing Development Officer), Mia Glass (Enforcement Planner), Matt Makin (Democratic Services Officer (Regulatory)), Philip Ridley (Head of Planning and Coastal Management) Iain Robertson (Senior Planner), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

Others present: Sam Bye (Senior Transport Planning Engineer Suffolk County Council Highways), Leigh Parratt (Suffolk County Council Lead Local Flood Authority)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Ceresa and Cooper. Councillor Cloke attended as Councillor Ceresa's substitute and Councillor Goldson was in attendance as substitute for Councillor Cooper.

2 Declarations of Interest

Councillor Goldson declared a Non-Registerable Interest in Agenda items 6 and 7 as Ward Councillor. Councillors Brooks and Rivett declared an Other Registerable Interest in Agenda items 8 and 9 as Cabinet Members. Councillor Cloke declared a Non-Registerable Interest in Agenda items 9 and 10 as Ward Councillor. Councillor Plummer declared a Non-Registerable Interest in Agenda item 12 as Ward Councillor.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Ashdown, Brooks, Coulam, Gee, Goldson, Pitchers and Rivett declared that they had been lobbied by email on Agenda items 6 and 7 and had not responded.

Councillor Goldson declared that he had attended residents' meetings on the same Agenda items as an observer and had not commented.

4 Minutes

Upon the proposition of Councillor Pitchers, seconded by Councillor Coulam, it was unanimously

RESOLVED

That the Minutes of the Meeting held on 10 January 2023 be confirmed as a correct record and signed by the Chairman

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1447** of the Head of Planning and Coastal Management, which was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 30 January 2023. At that time there were 18 such cases.

The Enforcement Planner updated the Committee that the court outcome relating to Land at North Denes Caravan Park was expected by 19 May 2023. In response to Councillor Brooks, the Enforcement Planner confirmed that Land Adjacent to Oak Spring, The Street, Darsham would be subject to a compliance revisit after 6 March 2023. There being no further questions, the Committee congratulated Ms Glass on her promotion to Enforcement Planner.

Councillor Rivett proposed, Councillor Gee seconded, and the Committee unanimously

RESOLVED

That the outstanding enforcement matters up to 30 January 2023 be noted.

6 DC/21/5669/ARM - Land South Of Chediston Street, Halesworth, IP19 8TU

The Committee considered report **ES/1448** which related to planning application DC/21/5669/ARM. The application sought Approval of Reserved Matters for a residential development of 161 dwellings, together with associated infrastructure and open space pursuant to Outline Planning Permission (DC/17/3981/OUT as amended by DC/20/1049/VOC) and details to address the requirements of Conditions 22, 23, 32 and 33.

The Committee received a presentation from the Planner, who was the case officer for the application. The Planner explained that the site was allocated for approximately 200 houses in the adopted Local Plan under Policy WLP4.2 and outline planning permission for up to 200 dwellings was granted in May 2019 (DC/17/3981/OUT as amended by DC/20/1049/VOC). The reserved matters related to the appearance, landscaping, layout and scale of the proposed dwellings, together with areas of new open space and the provision of new pedestrian and vehicular accesses into the site from Roman Way.

The site location was outlined, and an aerial photograph was displayed. Photographs of the access, the surrounding roads, and views of the site were shown. The Outline Illustrative Masterplan for 200 homes was highlighted along with a plan showing the application to vary the access from the roundabout to a junction off Roman Way as approved on 29 October 2020. The Reserved Matters site layout plan for the proposed 161 homes was displayed together with illustrations of the site topography and characteristics, section plans showing the changes in levels of the site, the street scene and proposed landscaping illustrations. The location of the 51 affordable homes was shown on a plan, along with the location of the attenuation basin and the Neighbourhood Equipped Area of Play (NEAP). The dwelling types and associated elevations were displayed and described in detail.

The Planner surmised that the principle of residential development on the site was established, and the reserved matters were considered to be acceptable and in accordance with policies in the Local Plan. There were no technical barriers to development and whilst noting local concerns, the proposal complied with the development plan. There were no identified policy conflicts or any material planning harm resulting from the reserved matters proposals. The material planning considerations and key issues were:

- Principle of Development established
- Highway Considerations – access and off-site approved
- Housing Mix / Affordable Housing
- Self-Build and Custom Build Housing
- Layout, Scale and Appearance
- Landscape and Visual Impact
- Flood Risk
- Halesworth Neighbourhood Plan
- Play Equipment
- Public Benefits

The application was recommended for approval subject to receipt of a revised Design Code and Marketing Strategy for the self-build dwellings, matters set out in the Update Sheet (including an additional Condition) published on 13 February 2023 and the Conditions set out in the report concerning:

- Approved plans
- Details of Materials
- Access details
- Access gradient to be no more than 1:20
- Surface water verification report (within 28 days of the completion of the last dwelling)
- Construction surface Water Management Plan
- Details of play equipment

At the invitation of the Chairman, Members asked questions relating to:

- The absence of a second site access onto the B1123 which had been included on the Design and Access Statement approved at the Outline Permission stage

- Whether the southern boundary pedestrian connection that had been indicated in the Transport Assessment at Outline Permission, and which had been in use before lockdown, would be reinstated
- Whether the proposed relocation of the NEAP was contrary to the Outline Permission
- The timescale for maturity of the proposed landscaping and planting schemes; and the location of refuse bin storage and presentation areas

Officers responded that:

- The Outline Permission could not be revisited at the Reserved Matters stage, and Highways had been consulted and were satisfied with the access arrangements for the site
- The southern boundary pedestrian connection had manifested in error over time and Officers had included a full chronology detailing some errors made by the former applicant's Transport Consultant, the Highway Authority and the District Council in respect of connections to the south, as Appendix A to the report. The Reserved Matters application did not present an opportunity to revisit those issues and it did not allow a further condition to be applied for an additional pedestrian access connection
- The proposed relocation of the NEAP satisfied policy insofar as it was surrounded by development on three sides, was on a level part of the site and offered good connectivity to the rest of the development
- The landscaping and planting schemes would take up to 15 years to reach maturity; refuse bin storage locations would be secured by condition, and the presentation of refuse bins would be at the front of each dwelling in accordance with Building Regulations.

Councillors Goldson, Brooks and Rivett sought clarification of the access road gradient and the road gradients throughout the site. At the invitation of the Chairman, Sam Bye (Suffolk Highways) addressed the Committee to explain that the proposed site access gradient of 1 in 20 was consistent with that identified in the Outline Permission. One road at the top of the site had a steeper gradient of 1:15, however Highways were satisfied that the gradients were within the standard range for a new development and were wholly appropriate for the site. Councillor Coulam asked whether the proposed road layouts varied from those approved at Outline stage. The Planning Manager responded that the proposed road layouts were consistent with that agreed in the Outline Masterplan.

Councillors Goldson and Gee expressed their concerns that the site sloped down toward Flood Zones 2 and 3 and questioned what mitigations would be in place. The Planning Manager emphasised that the development site was in Flood Zone 1 and was therefore not at risk of flooding. The site did not currently contribute to flooding in the area and the development once built would utilise Surface Drainage Systems (SUDS) including pipes, swales, and a substantial attenuation basin to manage surface water. The Chairman invited Leigh Parratt on behalf of the Suffolk Local Lead Flood Authority (LLFA) to speak. Ms Parratt explained that as a result of the LLFA holding objection the applicant had been required to undertake further infiltration testing across the site and more testing at the location of the attenuation basin. Subsequent additional technical and engineering details had been submitted and the attenuation basin would be

substantially increased in size to ensure it had sufficient capacity to hold surface water run-off and release it at a controlled rate to the wider drainage system. Subject to the revised details, the LLFA were able to recommend approval of the drainage system.

In response to Councillor Goldson, the Head of Planning and Coastal Management urged the Committee to acknowledge that the site was an allocated site, and that the principle of development could not be revisited. Highways and LLFA matters had been satisfied and the report before Members was comprehensive.

Councillor Goldson asked what the capacity of the attenuation basin would be, how it would be maintained, what the seep rate would be, and what the dimensions of any pipe work that would connect to the basin would be. Ms Parratt responded that the basin was not a tank, but an open conveyance grassed basin, of sufficient capacity for the proposal. There would be no outlet pipe as the basin would seep by infiltration. There would be 3 inlets utilising the proposed drainage swales. Councillor Goldson further queried what would happen if the basin were to overflow. Ms Parratt cautioned that the basin was designed not to overflow and would be constructed in accordance with current day design standards which allowed for future climate change and urban creep. The Planning Manager advised that the Outline Permission and S106 agreement required the developer to maintain and manage the development and that the applicant had submitted a management strategy with the application.

At the invitation of the Chairman, Charlotte Slater spoke in objection to the application on the grounds of non-compliance with Local Plan policies regarding layout and design. Ms Slater contended that Local Plan Policy WLP 4.2 was clear that it may be necessary to restrict building heights to one or one and a half stories on the crest of a hill. In acknowledging that the wording of the policy was that 'it may' rather than 'must' be necessary, Ms Slater considered that the policy should resonate with Councillors who had attended the site visit as the site would be visually overbearing as most of the dwellings were two-storey homes with a proposed landscaping scheme that would take decades to grow. There were precedent bungalow developments in Barley Meadow and Allington Road and the proposal before Members neglected the visual sensitivity of the site as only two of the 161 dwellings would be bungalows.

Ms Slater referred to the Great Yarmouth & Waveney Settlement Fringe Landscape Sensitivity Study (2016) which had found that the site was highly visible and as a sensitive area one which could not accommodate large-scale development. Additionally, Local Plan Policy WLP 8.35 stated that development would not be permitted where it would have an adverse effect on and impact on sensitive landscapes Locally sensitive and valued landscapes including Rural River Valleys and Tributary Valley Farmland character areas. Ms Slater urged the Committee to note that those two policies would be contravened by the proposal.

Ms Slater turned to Local Plan Policy WLP 4.2 which stated that site density should not exceed 30 homes per hectare. Had the proposal complied with that policy, the proposal would be limited to 143 dwellings rather than 161. Ms Slater emphasised that whilst outline permission was for up to 200 homes, site-specific policies should be engaged due to the visual sensitivity of the site. In summary, Ms Slater contended that the application should be rejected on the grounds of Local Plan Policy contravention on house heights and density which had been designed to prevent such a development.

The Chairman invited Members to ask the Objector questions. Councillor Rivett asked whether any landscaping amendments would assuage the objection. Ms Slater responded that changes should instead be made to the proposed dwelling heights as landscaping proposals would take many years to mature.

The Head of Planning and Coastal Management countered Ms Slater's statement and read paragraph 101 of the Report on the Examination of the Waveney Local Plan, 2019. The Inspector had stated that although the site *'would represent an incursion into the open countryside, based on my observations during visits to the area, it would from most vantage points appear to be a logical extension of the existing, modern housing developments in the vicinity. The Great Yarmouth & Waveney Settlement Fringe Landscape Sensitivity Study (2016) credibly identifies that the site lies within an area with moderate capacity for development and there are not alternative sites available for housing in/around Halesworth and Holton which are in landscapes with a higher capacity for new development.* The Head of Planning and Coastal Management urged Members to note that the impacts should be considered against the need for allocating sites for housing, and his view was that this site was the least worst of the potential options in and around Halesworth.

The Chairman called upon Halesworth Town Councillor Peter Dutton to address the Committee behalf of the Town Council in objection to the application. Town Councillor Dutton argued that past interpretation of policies referred to previously by Ms Slater had led to a proposal that would deliver a large intrusive housing estate on a steep sided hill which Halesworth residents did not want. He stated that East Suffolk Council's own landscape advisor had reported that in her opinion the proposal would result in the development being an abrupt transition to the wider rural landscape in terms of integrating into the wider setting; and that the western edge would then form the new fringe of development. Within the proposed development, the location of the play space was not on the periphery but had been shown to be in a more central position which would lack connectivity to the totality of the development and not be a suitable location for access to bus stops on Dukes Drive. Turning to Local Plan Policy WLP 8.21, Town Councillor Dutton expressed his dissatisfaction with the proposal for shared surfaces for pedestrian and vehicular use; poor accessibility to bus stops and cautioned that the proposed road crossing points on Roman way would encounter farm and large traffic that regularly used the road. His opinion was that the narrowness of the road between the pedestrian islands and the verges would be inadequate to cope with large agricultural machinery which already had to use the verges or the other side of the road to avoid oncoming traffic.

The Chairman invited questions to Town Councillor Dutton. Councillor Goldson asked how open space assets recently transferred to the town council from the district council would connect with the new development. Town Councillor Dutton advised that there would be a lack of connectivity between the new development and existing open spaces and was particularly concerned with access to bus stops on Dukes Drive. The site path along the southeast boundary of the site should, in the view of the Town Council be extended to link up with Barley Meadow. That extension would enable access for pedestrians and cyclists between the two residential areas and enable residents from the Dukes Drive area to use a direct route to the proposed play area. Councillor Goldson was concerned that the site would be an island and responded by

asking whether a footpath to Dukes Drive could be established. The Planning Manager advised that existing development prevented the establishment of such a footpath and consequentially the applicant would not be able to deliver a footpath in that location.

Councillor Plummer sought clarification of the concerns relating to pedestrians crossing Roman Way. Town Councillor Dutton clarified that residents of Newby Close had expressed concerns about the safety of two of the crossing points due to the volume and nature of vehicles using Roman Way and the proximity of the junctions of Newby Close and Chediston Street.

The Head of Planning and Coastal Management countered Town Councillor Dutton's statement and read again from paragraph 101 of the Report on the Examination of the Waveney Local Plan, 2019. The Inspector had reported that *"the site offers the benefit of being within close walking distance of Halesworth town centre via Chediston Street. This street lacks continuous footways although, bearing in mind the volume of vehicular traffic, I envisage that most people would feel safe and content to walk or cycle along it. Wheelchair users or pushers of buggies might be less willing to use this street, although there are not alternative sites which would provide significantly better, non-car access to the town centre for all potential residents."* And concluded that *"it is clear that the site has been allocated for development in preference to others on a robust, objective and reasonable basis."*

At the invitation of the Chairman, the Applicant Mr Chris Smith, Development Planner at Hopkins Homes, to address the Committee. Mr Smith informed the Committee that the plans for the allocated site had been developed and refined in consultation with Planning Officers, the Lead Local Flood Authority and Suffolk County Council Highways to provide a development which included 51 affordable homes, nine self-build plots, a neighbourhood play area and over 4 hectares of new public open space and green infrastructure. Mr Smith emphasised that all statutory consultees were content with the technical and environmental mitigations proposed and offered assurance that all the Section 106 obligations secured with the Outline Approval would be discharged by the developer.

The Applicant responded to questions from Members:

- The designated site access was on Roman Way which would enable residents to access bus stops; third party land could not be used to provide alternative connectivity to the site
- The quantum of bungalows on the site was agreed in consultation with Officers. 40% of all dwellings would meet building regulations M4(2) standard. The mix and quantum of affordable housing was acceptable to the East Suffolk Affordable Housing Team
- Extensive cut and fill works would provide the gradients as shown on the section illustrations
- The building heights and locations aligned with the Outline approval, had been subject to consultation with Officers, and could not be amended
- The chimneys shown on the dwelling elevations were aesthetic as the dwellings would be heated with air source heat pumps
- The Outline Permission included a condition relating to land contamination.

In response to a question from Councillor Rivett, Mr Smith was content to extend the proposed detailed landscaping and maintenance scheme that accompanied the application from 5 years to 10 years.

The Chairman invited Members to debate the proposal. Councillor Goldson opened the debate and expressed his concerns about the height of the dwellings, access to the site, frustration with the previously agreed variation of condition which had removed the roundabout, the risk of flooding and issues with the attenuation tank on the development on the opposite side of Roman Way; Councillor Goldson was doubtful that the proposal satisfied policy. Councillors Goldson and Gee were dissatisfied with circumstances that enabled the outline permission and subsequent variation of condition to be agreed. The Chairman reminded Members that matters relating to the principle of development, other developments or previous decisions could not be revisited. Councillor Coulam was of the view that the housing need of the elderly population had not been considered with the dwelling types.

The Head of Planning and Coastal Management countered that the report before Members was clear that the proposal satisfied policy and accorded with the conclusion of the Planning Inspector previously stated. Members could be assured that the Outline Permission was lawful. Further, paragraph 7.44 of the report identified that the housing mix accorded with Policy HAL.HSG1 which set out that the provision of larger housing developments required a mix of larger properties and at least 15% of properties should be 4 bedroom. The proposed layout showed that 43, or 26% of the proposed 161 homes would be 4-bedroom properties. The Planning Manager concurred that bungalow developments had been built out elsewhere and there was demand for family homes. Furthermore, he advised that the site was already subject to rainwater, was not flooded, did not cause flooding and that the development would benefit from SUDS infrastructure.

Councillor Rivett cautioned that the concerns of some Members were not evidenced by the responses of the statutory consultees and was content that the extended landscaping time period would benefit the development. The cross-section illustrations showed how the building height concerns would be mitigated by the contouring of the site. Councillor Rivett was content that there were no planning reasons for refusal and moved that the application be approved. Councillor Cloke seconded the proposal to approve the application. Having been duly proposed and seconded, the Chairman moved to the vote on the proposal to approve the application and it was by a majority

RESOLVED

That the application be **APPROVED** subject to an additional condition on landscaping to cover a period of ten years post-planting, rather than five years.

Clerks Note: Councillor Pitchers left the meeting at 3.57pm, before the vote on Agenda item 6 and did not return.

Conditions:

1. The development hereby approved shall be begun within the time limits specified

on the outline permission and is subject to any conditions imposed thereon.

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

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

1001 received 20.12.2021, 004 D received 29.09.2022, 002 F and 003 H received 02.02.2023, 007 C and 009 B received 28.07.2022, 101, 102, 103 A, 104 A, 105, 106, 107 A, 108 A, 109 A, 110 A, 111 B, 112 C, 113 B, 114, 115 A, 116 A, 117 A, 118 A, 119 A, 120 A, 121 A, 122 A, 123 A, 124, 125, 126, 127, 128 B, 129 B, 130 A, 131 A, 132 B, 133, 134 A, 135, 136, 137 B, 138 B, 141, 142 A, 143 B, 144 A, 145 B, 146 A, 147 A, 148 B, 149 A, 150 A, 151 A, 152, 153, 154 A, 155 A, 162 A, 163, 164 A, 165, 166, 167 A, 168, 169, 170, 201 A, 202 A, 203, 204, 205, 206, 207 A, 208 A, 209, 210 A, 213 A, 214 A, 215 A, 216 A, 217, 218 A, 219, 220, 221, 222, 223, 224 A, 401 and 501 received 20.12.2021, 301 A, 302 A and 303 received 24.05.2022, LA5227-005, LA5227-006, LA5227-007 and LA5227-008 received 10.10.2022, 8956 AIA Rev A received 19.12.2022; Sustainability Statement Revision A received 05.01.2023.

Engineering Layout Sheet 1 2101-519-070B (08-12-2022)
Engineering Layout Sheet 3 2101-519-072B (08-12-2022)
Engineering Layout Sheets 2,4-5 2101-519-07(1,3-5) (05-10-2022)
Road long sections Sheet 1-6 2101-519-020(1-8) (21-09-2022)
Road Setting Out Sheet 1-3 2101-519-010(1,2) (05-10-2022)
Drainage longsections sheet 1-3 2101-519-026(7,8) (21-09-2022)
Highways contour Plan 2101-519-013 (09-2022)
Surface Water Overland Exceedance Routes 2101-519-015 (11-2022)
Source Control Location Plan 2101-519-016 (11-2022)
Section 104 Layout 2101-519-014A (08-12-2022)
Infiltration basin setting out and sections 2101-519-030C (08-12-2022)
Section 38 Layout 2101-519-038A (08-12-2022)
S38 ADOPTABLE ROAD CONSTRUCTION DETAILS SHEET 1 2101-519-040 (21-09- 2022)
S38 ADOPTABLE ROAD CONSTRUCTION DETAILS SHEET 1 2101-519-039A (28-11-2022)
PROPOSED NORTHERN SWALE CONSTRUCTION DETAILS 210-519-041 (21-09-2022)
Section 104 Manhole Schedules Surface Sheet 1 of 2 210-519-112 (21-09-2022)
Section 104 Manhole Schedules Surface Sheet 2 of 2 210-519-113 (21-09-2022)
SuDS Water Treatment Device Performance Declaration
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - Highways (07-12-2022)
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - Private (07-12-2022)
DOWNSTREAM DEFENDER® SELECT DESIGN SUMMARY - 104 (07-12-2022)
SuDS Strategy - Management and Maintenance Report Revision A (12-2022)
SuDS Risk Assessment - 2101-519-C (12-2022)

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

3. Prior to any above ground works details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall

be carried out in accordance with the approved details.

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

4. No part of the development shall be commenced until details of the proposed access onto Roman Way (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.

Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time.

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 highway.

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

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

Reason: To prevent hazards caused by flowing water or ice on the highway.

7. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and 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 required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

8. No development shall commence until 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 LPA. 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:

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

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

9. Full details of the play equipment to be provided on the Neighbourhood Equipped Area of Play shall be submitted to and agreed in writing by the Local Planning Authority. Upon occupation of the 80th dwelling the play equipment shall have been installed in accordance with the agreed details.

Reason: To ensure appropriate provision of play equipment.

7 DC/22/2016/ARM - Land South Of Chediston Street, Halesworth, IP19 8TU

Withdrawn from consideration by the Applicant consequent to the approval of Agenda item 6 DC/21/5669/ARM

8 DC/22/3394/RG3 - Vacant Land, Stanley Road, Lowestoft

The Committee considered report **ES/1451** which related to planning application DC/22/3394/RG3. The application sought permission for the redevelopment of the site to provide 9 residential properties comprising 3 affordable units, 3 shared ownership and 3 open market properties. The application was for consideration by the Committee as East Suffolk Council were both the applicant and landowner.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, and photographs of the former Witham Paints building, and the vacant site were shown. The Planner described the wider Kirkley Waterfront and Sustainable Urban Neighbourhood, which was a mixed-use development site including residential and employment development, a primary school, playing field and local retail centre which had been allocated by Policy WLP2.4. Illustrations of the proposed street scene and block plan were viewed by the Committee, together with 3D views, elevations and floor plans.

The material planning considerations and key issues were summarised as:

- Compliance with Sustainable Urban neighbourhood SPD
- Design
- Neighbour amenity
- Flood Risk
- Highway safety/parking
- S106 obligations

There were no questions from Members. Accordingly, the Chairman invited the Agent to the Applicant, Rebecca Howard to address the Committee. Ms Howard advised that the scheme would provide a positive contribution to the affordable housing provision in the district of an appropriate design scale and density which would make the best use of the site in a manner that would enhance the character of the area and account for the physical environment of the site and the surrounding locality. Pre-application discussions with Officers had led to minor amendments to the layout of the development to meet the requirements of SCC highways for parking and access. Ms Howard emphasised that the site would be part of meeting affordable housing need identified in the Local Plan and provide an important contribution to the council's housing stock which had demand for two- and three-bedroom properties to accommodate smaller families with a local connection to Lowestoft. The development would enhance the appearance of the area and provide pedestrian and cycling connectivity.

In response to a question from Councillor Goldson, it was confirmed that the proposal provided photovoltaic (PV) panels for each dwelling. There being no further questions the Chairman invited Members to debate the proposal.

Councillor Gee opened the debate as Ward Councillor. Councillor Gee was content that the development was of a good design, utilised PV panels and was of an appropriate scale for the area. There being no further debate, the recommendation to approve the application, as set out in the report was proposed by Councillor Gee, seconded by Councillor Coulam, whereupon the Chairman moved to the vote, and it was unanimously

RESOLVED

That the application be **APPROVED**, subject to the completion of a S106 agreement for contributions relating to Education, a Pedestrian and Cycle bridge, RAMS and a scheme for the provision of affordable housing.

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 the following plans:

502285-IWD-ST-RF-DR-A-2410 - Rev C2 - Proposed Site Plan - Received 02 December 2022

502285-IWD-ST-XX-DR-A-2050 - Rev C2 - Proposed Street Scene & 3D Views - Received 02 December 2022

502285-IWD-01-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 1 (Block 01) - Received 26 August 2022

502285-IWD-04-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 4 (Block 04) - Received 26 August 2022

502285-IWD-05-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 5 - 7 (Block 05) - Received 26 August 2022

502285-IWD-06-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 8 - 9 (Block 06) - Received 26 August 2022

502285-IWD-ZZ-XX-DR-A-2050 Rev C1 - Proposed Floor Plans and elevations - Plot 2 - 3 (Block 02-03) - Received 26 August 2022

Flood Risk Assessment - Report Ref: 2956/RE/06-22/01 - Received 26 August 2022

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

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

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

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

4. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time. This needs to be a pre-commencement condition because access for general construction traffic and other traffic is not otherwise achievable safely

5. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 502285-IWD-ST-RF-DR-A-2410 C2 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and

presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

6. The use shall not commence until the area(s) within the site shown on drawing no. 502285-IWD-ST-RF-DR-A-2410 C2 for the purposes of loading, unloading, manoeuvring and parking of vehicles and secure cycle storage have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

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

7. Prior to any occupation or use of the approved development the approved RMS in NPL contaminated land assessment no 103247 July 2022, 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.

8. 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.

9. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land

Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

10. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, and Lake Lothing) in line with National Planning Policy Framework (NPPF 2021; paragraphs 174, 183 and 184), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

11. Prior to occupation, evidence of how the required water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that the finished dwelling(s) comply with Policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019), and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

12. 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. These details shall include means of enclosure/boundary treatments; hard surfacing materials; proposed and existing functional services above and below ground (e.g. drainage power, communications

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

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

13. The landscaping scheme shall be completed prior to the occupation of the first dwelling, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

9 DC/22/3413/RG3 - Land West Of Halesworth Road, Ilketshall St Lawrence

The Committee considered report **ES/1452** which related to planning application DC/22/3413/RG3. The application sought permission for the construction of 7 dwellings and was for determination by the Committee as East Suffolk Council were both the applicant and landowner. The Committee received a presentation from the Planner, who was the case officer for the application. The site location and an aerial photograph of the site were displayed. Photographs of the site and the surrounding area were viewed by the Committee together with proposed elevations, block plans and floor plans.

The key issues and material planning considerations were summarised as:

- Principle – Compliance with policy WLP7.1 “Rural Settlement Hierarchy and Housing Growth”
- Design
- Highway Safety
- Ecology
- Neighbour amenity

At the invitation of the Chairman, Councillors Goldson and Plummer sought clarification of the comment within the report relating to the electricity transformer, which was resolved by reference to the report; and whether there was any plan from the Council for the rest of the land marked in blue on the presentation slide. The Housing Development Officer explained that the remaining land would be utilised for biodiversity and that options relating to that were being considered.

There being no public speaking on the application the Chairman invited the Committee to debate the application that was before it. Councillor Coulam was content that the proposal would provide three accessible bungalows. There being no further debate, upon the proposition of Councillor Cloke, seconded by Councillor Goldson, the Chairman moved to the vote whereupon it was unanimously

RESOLVED

That the application be **APPROVED** subject to the receipt of RAMS contributions by S111 payment and conditions.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the Site Block Plan Rev A Jan 23; received 17 January 2023, Proposed Floor Plans Rev A Plots 1, 2, 3 and 4, Proposed Rear Elevations Rev A, Proposed Side Elevations Rev A; received 18 November 2022, Proposed Street elevations Plots 1, 2, 3 and 4 and Proposed Street Elevations plots, 5, 6 and 7 and Proposed Floor Plans Plots 5, 6 and 7; received 26 August 2022 and the requirements of the Arboricultural Method Statement within the Tree Report by Farmland Forestry (dated 1st April 2022), for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The development must be completed in accordance with the recommendations in section 6 of the Norfolk Partnership Laboratory Stage 1 Desk Study (102659, February 2022). Following completion of those measures, and before any occupation or use of the development, a validation report must be submitted to, and approved in writing by, the LPA. The validation report must demonstrate compliance with recommendation of section 6, including any specified depths of topsoil as well as its chemical suitability for use in a residential garden.

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.

4. 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 BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) 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.

5. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (The Landscape Partnership, November 2021) 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.

6. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants 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.

7. No development shall take place (including any demolition, ground works, site clearance) until a method statement for site clearance and protection of the land to the north and west has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.

9. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, 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 Strategic Priority 3 and WLP8.40 of the Waveney Local Plan (2019) and the National Planning Policy Framework (2019).

10. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 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 Strategic Priority 3 and WLP8.40 of the Waveney Local Plan (2019) and the National Planning Policy Framework (2019).

11. Within 3 months following the commencement of development full details of both hard and soft landscaping, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first available planting season following commencement, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maximise the long-term biodiversity value of the landscaping.

12. Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing Ref. 'PROPOSED SITE BLOCK PLAN' Rev A Jan 23 with an X dimension of 2.4 metres and a Y dimension of 59 metres to the nearside edge of the carriageway 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

13. Before the access is first used, pedestrian visibility splays shall be provided within 2

metre by 2 metre triangular areas each side of the site access, in accordance with Suffolk County Council's standard access drawing DM03. 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays. The visibility splay shall thereafter be retained.

Reason: For the safety of people using the highway by enabling drivers of vehicles entering the highway to see and give way to pedestrians and for pedestrians to have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

14. No other part of the development hereby permitted shall be commenced until the new shared access has been laid out and completed in all respects in accordance with Drawing Ref. 'PROPOSED SITE BLOCK PLAN' Rev A Jan 23, with a minimum entrance width of 5.5 metres for a shared surface road. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

15. 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 highway.

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

16. The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

17. The use shall not commence until the infrastructure within the site shown on Drawing Ref. 'PROPOSED SITE BLOCK PLAN' Rev A Jan 23 for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.

Reason: To prevent hazards caused by flowing water or ice on the highway.

18. The use shall not commence until the area(s) within the site shown on Drawing Ref. 'PROPOSED SITE BLOCK PLAN' Rev A Jan 23 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 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.

19. Before the development is commenced, details of secure, lit and covered cycle storage and electric vehicle charging 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 ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

Note: As per Suffolk Guidance for Parking (2019), ducting and a suitable consumer unit to allow for the installation of one EV charging unit should be provided per Class C3 dwelling.

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

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

21. Before the development hereby permitted is commenced, a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan.

The Construction Management Plan shall include the following matters:

- a) Parking and turning for vehicles of site personnel, operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Piling techniques (if applicable);
- d) Storage of plant and materials;
- e) Provision and use of wheel washing facilities;
- f) Programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
- g) Site working and delivery times;
- h) A communications plan to inform local residents of the program of works;
- i) Provision of boundary hoarding and lighting;
- j) Details of proposed means of dust suppression;
- k) Details of measures to prevent mud from vehicles leaving the site during construction;
- l) Haul routes for construction traffic on the highway network;

- m) Monitoring and review mechanisms and;
- n) Details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

22. Prior to occupation, evidence of how the required water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the finished dwelling(s) comply with Policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019), and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

23. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 6 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing,
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policy WLP8.6 of the East Suffolk Council - Waveney Local Plan (2019) to secure the appropriate provision of affordable housing on the site.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) (with or without modification), no additional hard surfacing permitted by Class F of Schedule 2 Part 1 of the Order, shall be constructed to the fronts of Plots 1 and 2 without the submission of a formal planning application and

the granting of planning permission by the Local Planning Authority.

Reason: To ensure that the development does not have a car dominated appearance as required by Policy WLP8.29.

25. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

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

10 DC/22/2587/FUL - Primrose Cottage, Stubb Lane, South Elmham St Michael, Bungay, NR35 1ND

The Committee considered report **ES/1453** which related to planning application DC/22/2587/FUL. The application sought permission for the erection of a telescopic wireless mast and attached antennae with an overall height of 21 metres, in a disused paddock within the curtilage of the property, for licensed amateur reception and propagation of radio signals. The application was referred to the Committee by the Referral Panel in order for further consideration of the application, primarily in relation to the appearance of the mast and antennae within the landscape.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location plan together with block and aerial plans were displayed. Photographs of the site, views of the site from the surrounding area and the adjacent public footpath were shown alongside proposed elevations. Particular attention was drawn to images where the proposed mast had been superimposed on photographs to show the scale and appearance of the mast from surrounding locations. The Planner emphasised that the mast was expected to be in use for up to 150 days per year, when not in use it would be collapsed down to a height of 11 metres. In strong winds it could be collapsed down to 6 metres. The key issues and material planning considerations were summarised as Impact to character of the Area, the Landscape and setting of St Michaels Church.

There being no questions to Officers, the Chairman invited the Applicant's agent, Mr Richard Dean to address the Committee. Mr Dean was supported by the Applicant Mr Shenstone for the purposes of answering any questions that the Committee may have. Mr Dean explained that the illustrative photographs had been carefully constructed to demonstrate how the mast would look from a range of viewpoints in order to assuage the Parish Council's Objection. Mr Dean emphasised that meteorological conditions would affect the Applicants use of the antennae and that for most of the year it would be retracted. Much of the vegetation around the site would continue to grow and consequently the mast would not be visible in its retracted position.

At the invitation of the Chairman, Councillors Plummer and Gee sought clarification of the of the usage frequency and scale of the mast. The Applicant, Mr Shenstone responded by explaining that the height of the mast was necessary for its effectiveness and reiterated that the use of the mast would be subject to weather conditions. In response to Councillors Cloke and Brooks, Mr Shenstone explained that the mast was

in three sections secured by cables or ropes to structures or trees around the site; and that there was no Civil Aviation impact relating to the size or use of the antennae.

There being no further questions nor debate; upon the proposition of Councillor Goldson, seconded by Councillor Coulam the Chairman moved to the vote whereupon it was unanimously

RESOLVED

That the application be **APPROVED**

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 06-1, 2, 3 received 28/06/2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. When not in use the mast shall be lowered to its collapsed position.

Reason: To minimise the impact of adverse, detracting features in the landscape.

5. Within 6 months of the cessation of the use of the equipment hereby permitted, it shall be completely removed in its entirety from the site and the site made good.

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

11 DC/22/2539/FUL - Garland, Lodge Road, Walberswick, IP18 6UP

The Committee considered report **ES/1454** which related to planning application DC/22/2539/FUL and sought retrospective permission to replace a summerhouse which had been granted pursuant to application DC/19/4812/FUL with a smaller new summerhouse/home office with a pitched roof rather than lean to roof and to relocate the previous summerhouse to the rear garden. The application was referred to the

Committee by the Referral Panel as the Objection from the Town Council was contrary to the Officer's recommendation of approval.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location plan together with an aerial photograph were displayed and the previous site history briefly illustrated. Photographs of the site showing both the new and old summerhouses were shown, and the Planner explained that the existing summerhouse was rotting and had been repaired and relocated to the rear of the property. Contextual images of neighbouring properties' outbuildings forward of the principal elevation were viewed, together with existing and proposed block plans and associated elevations. Attention was drawn to a plan of the previously permitted footprint for the outbuilding to the front of the dwelling, and Members noted that the applicant had proceeded under the assumption of permitted development. The key issues and material planning considerations were summarised as design and impact on the Area of Outstanding Natural Beauty, the street scene, and residential amenity. A rewording of Condition 3 had been included on the Update Sheet published on 13 February 2023.

The Chairman invited questions from Members. Councillor Goldson queried whether the new structure could be used as a holiday let. The Planning Manager responded that the floorplan was modest, and that should a change of use be desired by the applicant then planning permission would have to be sought. As a mitigation, an informative would be inserted to mitigate against use of the structure as a holiday let.

There being no further questions, Members debated the proposal. Councillor Rivett observed that it appeared inconsistent that a rotting structure would be relocated, but Councillor Gee considered that the relocation seemed a sensible reuse of the structure. However, Councillor Gee was of the view that the new structure appeared intrusive. The Chairman commented that the Referral Panel had considered that the proposed planting scheme would mitigate concerns about the appearance of the new structure.

There being no further debate; upon the proposition of Councillor Rivett, seconded by Councillor Brooks the Chairman moved to the vote whereupon it was unanimously

RESOLVED

That planning permission be **GRANTED** subject to an additional informative that the summerhouse should not be used for holiday accommodation.

Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with 040.1C, 040.2C, 040.3C, 040.4C, 040.5C, 040.6C, 040.7C received 20 December 2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

2. 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

3. The approved tree/shrub planting scheme proposed on plan 040.2 Rev F received 12 February 2023 shall be implemented no later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

12 DC/22/4550/FUL - 41 Rigbourne Hill, Beccles, NR34 9JG

The Committee considered report **ES/1455** which related to planning application DC/22/4550/FUL and sought permission for a part two-storey, part single storey rear extension and the insertion of a new first floor side window in the existing dwelling. The Referral Panel considered that the impact on light to the rear windows of the attached neighbouring property warranted further debate by the Committee. The Planner emphasised that Permitted Development would allow for a two-storey extension to extend from the rear elevation of the original dwelling house provided that the depth did not exceed 3m and that the eaves height did not exceed 3m when within 2m of a boundary. As the proposed extension would have a depth of 3.08m and the first floor was a distance of 1.6m from the boundary with an eaves height exceeding 3m, the proposal only marginally failed to meet the permitted development requirements for a two storey extension.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location plan together with an aerial photograph were displayed. Photographs of the site were shown, together with the proposed block plan, associated elevations and floor plans. Contextual illustrations showing the proposal overlaid with what would be allowed under permitted development were shown. Members were made aware that an extension in similar circumstances had been approved at 49 Rigbourne Hill.

The key issues and material planning considerations were summarised as:

- Design
- Impact on Light
- Privacy/Overlooking
- Permitted Development Fallback
- Other Matters

The Chairman invited questions from Members. Councillor Gee sought clarification of the orientation of the property and Officers stated that the extension was proposed for

the north elevation. Councillor Rivett noted the increase in bedrooms for the dwelling and asked, along with Councillor Plummer, whether parking provision was adequate. Officers advised that parking was sufficient on site. Councillors Plummer and Brooks sought clarification of the neighbours' concerns and whether a slightly smaller extension could be built under permitted development. The Planning Manager explained that the neighbouring windows were north facing and there was no overlooking, therefore the proposal affected light no more than a permitted development, which could be built as a slightly smaller proposal.

There being no further questions, Members debated the proposal. Councillor Rivett was persuaded that refusal would likely result in a permitted development. There being no further debate; upon the proposition of Councillor Rivett, seconded by Councillor Brooks the Chairman moved to the vote whereupon the Committee by a majority

RESOLVED

That planning permission be **GRANTED** subject to conditions.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Location Plan, Proposed Block Plan, Proposed Floor Plans, 02 and Proposed Elevations, 03; received 18/11/2022 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

13 DC/22/2617/FUL - Hope Cottages, Church Green, Southwold, IP18 6JB

The Committee considered report **ES/1456** which related to planning application DC/22/2617/FUL and sought permission for the replacement of existing front and back doors (including frames) on cottages 1-6, with works to be carried out to ensure that the replacement doors are as close to the existing doors as possible and with colours that match existing colours as closely as possible. As the Applicant was East Suffolk Council, the Committee was required to determine the application.

The Committee received a presentation from the Planner, who was the case officer for the application. The site and block plans together with photographs of the extant doors in situ were displayed. Illustrations of the proposed door types, including a cross section of the construction of the doors were also shown.

The key issues and material planning considerations were summarised as the impact upon the Southwold Conservation Area and setting of the Grade 1 Listed St Edmunds Church; and design.

The Chairman invited questions from Members. Councillor Goldson noted that the proposed replacement of softwood doors with hardwood doors would be expensive and queried whether UPVC alternatives had been considered. Councillor Gee queried whether the replacement doors could be white rather than blue. The Planner emphasised that the use of wooden doors, and the continuance of the extant colour was considered more appropriate for the Conservation Area due to the proximity of the church. The Planning Manager concurred and advised that the cost of the doors was not a planning matter.

There being no further questions, nor debate; upon the proposition of Councillor Ashdown, seconded by Councillor Plummer a vote was taken and the Committee by a majority

RESOLVED

That the application be **APPROVED**

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 the submitted; Site Plan, Block Plan, Proposed Door Glazing plan and Door Panel plan received 30/6/2022, updated Heritage Statement received 13/1/2023 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

The meeting concluded at 6.01pm

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Chairman



Planning Committee North

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

14 March 2023

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 23 February 2023. At present there are 18 such cases.

Information on all cases has been updated at the time of preparing the report such that the last row in the table for each item 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.

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *5 current cases*

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *8 current cases*
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *1 current cases*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *2 current cases*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *1 current case*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 23 February 2023 be noted.

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	24/11/2024

A.2

LPA Enforcement Case Reference	ENF/21/0027/USE
Location / Address	18 The Esplanade, Lowestoft
North or South Area	North
Date of Report of Breach	25.01.2021
<u>Nature of Breach:</u> Mobile homes for residential use	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. 18/07/2022 – Enforcement Notice came into effect. 4 months for compliance, of 09/07/2022 – 1 caravan has been removed and 1 remains in place. Agreed to extend compliance from 18/11/2022 to 18/02/2023 for the 2 nd caravan to be removed. 20/02/2023 – 2 nd Caravan has been removed; case will be closed.	
<u>Current Status/Position</u> Case Closed	
Date by which Compliance expected (or prosecution date)	18/02/2023

A.3

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 – Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/06/2023

A.4

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u>	

19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 20/02/2023 – Extension of time agreed to 20/10/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.5

LPA Enforcement Case Reference	ENF/21/0510/DEV
Location / Address	Part Land East Of Chapel Barn Farm, Leiston Road, Aldeburgh
North or South Area	North
Date of Report of Breach	19.11.2021
<u>Nature of Breach:</u> Caravan sited for residential use with new hardstanding and associated works	
<u>Summary timeline of actions on case</u> 16/02/2023 – Operational and material change of use Enforcement Notices served. Both come into effect on the 20/03/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/07/2023

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal

B.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
<p><u>Nature of Breach:</u> 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.</p>	
<p><u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements 11/01/2023 – Council applied to the High Court for an Injunction. 30/01/2023 – Case adjourned for legal reasons, awaiting new court date 03/02/2023 – High Court date for an Injunction hearing 18th & 19th May 2023</p>	
<p><u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision and court outcome.</p>	

Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision and court outcome.
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B.2

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
Nature of Breach: Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
Summary timeline of actions on case 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 – final comments date for comments on Appeal	
Current Status/Position Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.3

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
Summary timeline of actions on case 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted	

28/06/2022 – final comments due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Appeal Decision	
Date by which Compliance expected (or prosecution date)	Dependant upon date and outcome of Appeal Decision

B.4

LPA Enforcement Case Reference	ENF/21/0003/DEV
Location / Address	26 Highland Drive, Worlingham
North or South Area	North
Date of Report of Breach	30.12.2020
<u>Nature of Breach:</u> High fence adjacent to highway.	
<u>Summary timeline of actions on case</u> 07/04/2022 - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 25/05/2022 - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 23/06/2022 – Statements submitted 21/07/2022 – target date for comments on statement of case.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.5

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due.	

<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.6

LPA Enforcement Case Reference	ENF/21/0121/USE
Location / Address	The Pastures, The Street, North Cove
North or South Area	North
Date of Report of Breach	17.03.2021
<u>Nature of Breach:</u> Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	
<u>Summary timeline of actions on case</u> 03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance 14/11/2022 - Pre-start letter from Planning Inspectorate 14/12/2022 - Appeal started. Written Representations Process, statement due by 6 th February 2023. PINS Reference APP/X3540/C/22/3312353	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.7

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
<u>Nature of Breach:</u> Artificial hedge, support structure and fencing which is over 2m in height	
<u>Summary timeline of actions on case</u> 28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance 09/01/2023 - Pre-start letter from Planning Inspectorate	
<u>Current Status/Position</u> Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.8

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022
<u>Nature of Breach:</u> Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<u>Summary timeline of actions on case</u> 28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance 09/01/2023 – Pre-start letter from Planning Inspectorate 31/01/2023 –Start letter received from Planning Inspectorate, statements required by 14 th March 2023.	
<u>Current Status/Position</u> Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period

There are currently no cases at this stage.

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023	
<u>Current Status/Position</u> Awaiting Court outcome	
Date by which Compliance expected (or prosecution date)	Dependant on Court outcome

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action

E.1

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted. 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 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use 16/06/2020 – Submission of Appeal Statement 11/08/2020 - Appeal dismissed with some amendments. 11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action. 25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. 2022 - Application for an Injunction has been made to the High Court. 06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<u>Current Status/Position</u> In compliance period of High Court Injunction	
Date by which Compliance expected (or prosecution date)	06/03/2023

E.2

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
Nature of Breach: Untidy site	
<u>Summary timeline of actions on case</u> 07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action. 21/11/2022 –Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24 th February 2023 to comply with notice.	
<u>Current Status/Position</u>	
In compliance period	
Date by which Compliance expected (or prosecution date)	24/02/2023

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

F.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	20.10.2008
<u>Nature of Breach:</u> 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.	
<p> 15/10/2010 – Enforcement Notice 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 – Enforcement Notices served and became 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 01/03/2016 – Planning Appeal dismissed 04/08/2016 – Site re-visited three of four Notices have not been complied with. 21/04/2017 - Trial date. 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. 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 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. </p>	

<p>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).</p> <p>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>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-attendance as was required in the Order of 27/03/2019.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>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.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>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</p>	
<p><u>Current Status/Position</u></p> <p>Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue

G.1

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<u>Nature of Breach:</u> 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.	
<u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - Retrospective app received. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - Court hearing in relation to structures and fencing/gates 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. 30/04/2021 - 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. 04/05/2021 - Further visit conducted 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 10 th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains	
<u>Current Status/Position</u> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.	

Date by which Compliance expected (or prosecution date)	31/12/2023
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Committee Report

Planning Committee North – 14 March 2023

Application no DC/22/4432/FUL

Location

9 Glebe Close
Lowestoft
Suffolk
NR32 4NU

Expiry date 3 January 2023

Application type Full Application

Applicant Mr Russell Ritchie

Parish Lowestoft

Proposal Construction of two single storey dwellings and all associated works.

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

1. Summary

- 1.1 Planning permission is sought for the construction of two single storey dwellings and associated works. The layout and design of the dwellings is identical to that of a previous appeal in which the inspector concluded that the proposal would not result in harm to the character and appearance of the surrounding area, nor the living conditions of neighbouring occupiers and that it would provide a suitable standard of living accommodation for future occupiers. Given the previous conclusions made by the planning inspectorate it is not considered that it would be reasonable for officers to refuse permission.
- 1.2 The proposal is therefore deemed to accord with the Development Plan and is recommended for approval.

- 1.3 The application was considered by the referral panel due to the contrary Town Council recommendation. At the referral panel on the 14th of February, it was agreed to refer the application to Planning Committee North.

2. Site Description

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

3. Proposal

- 3.1 Planning permission is sought for the construction of 2no. three-bedroom single storey dwellings with garages.
- 3.2 The application has been amended slightly to reposition the dwelling of plot one back to the position detailed in the previously appealed scheme.

4. Consultations

Third Party Representations

- 4.1 Two representations of objections have been received raising the following key concerns (inter alia):
- Impact on flora and fauna
 - Uncharacteristic development for the area
 - Impact on character and appearance of area
 - Impact on amenity from overlooking and overbearing
 - Increased noise and activity
 - Highway safety impacts from increased traffic movements
 - Impact on drainage and water pressure
 - Setting a precedent
 - Overdevelopment of site
 - Increased light pollution
 - Impact on security

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	14 November 2022	30 November 2022
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 29 November 2022. It was agreed to recommend refusal of the application. The Council remain concerned for the damage to the biodiversity (as supported in the recent planning inspectorate report which		

relates to development at this site) and over development of the site. The application is contrary to both Waveney Local Plan policies WLP8.29 and WLP8.33.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	14 November 2022	15 November 2022
Summary of comments: No objections		

Non statutory consultees

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

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 November 2022	28 November 2022
Summary of comments: No objections		

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

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

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	N/A	16 November 2022

5. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 16 November 2022

Expiry date: 7 December 2022

6. Planning policy

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

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

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

National Planning Policy Framework 2021 (NPPF)

7. Planning Considerations

Principle and Planning History

- 7.1 Planning permission was previously refused for a similar scheme under reference DC/19/2051/FUL, due to the likely recreational impact that the proposal would have on the nearby European Protected Sites (i.e., a lack of RAMS contribution); and, more significantly, on the character and appearance of the surrounding area. This decision was subject of an appeal to the Planning Inspectorate and ultimately the appeal was dismissed; however, in that appeal decision the Inspector raised no concerns about the principle of developing the site, and the only reason the appeal was dismissed was due to the impact that the proposal, in combination with other residential development, would have on the nearby European Protected Site (essentially a lack of RAMS contribution). Following this appeal, planning permission was granted under DC/20/1359/FUL in June 2020 for a single dwelling, and this scheme was later amended under DC/21/0709/FUL in April 2021; this 2021 permission remains extant.
- 7.2 In September 2021 permission was refused under DC/21/3570/FUL. Following this refusal, the decision was appealed and whilst it was dismissed, the inspector concluded *"The proposed development would not result in harm to the character and appearance of the surrounding area. Neither would it result in harm to the living conditions of neighbouring occupiers. It would also provide a suitable standard of living accommodation for future occupiers."*
- 7.3 This application has been amended slightly so that it is identical to the scheme that the inspector found acceptable in all aspects, except the perceived lack of appropriate mitigation to ensure the integrity of nearby European Protected Sites. A contribution to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) has been

received, and therefore this impact is mitigated, and the sole issue from the previous appeal has been addressed.

- 7.4 There is now a well-established principle of residential development being acceptable on this site, and on multiple occasions a Planning Inspector has found there to be no concerns with the principle of development, nor impact on the character and appearance of the area.
- 7.5 Whilst the site is located within the Settlement Boundary for Lowestoft and as such does accord with the broad provisions for the location of development, it is not automatically assumed that the site is suitable for development and several other considerations and policy implications will need to be assessed. However, the extant planning permissions for development of the site does establish that backland housing development in this location is acceptable in principle. This is a matter first established in the appeal, and then has been reinforced by the LPA in subsequent planning permissions and appeals.

Design

- 7.6 Policy WLP8.29 sets out several criteria which mean that proposed development should be respectful of the character and appearance of the surrounding area. In addition, policy WLP8.33 sets out housing development on garden and other urban infill sites will be supported where they satisfy several criteria including:
- The scale, design and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development.
 - The proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment.
- 7.7 The proposal is nearly identical to that of the previously refused and appealed scheme under DC/21/3570/FUL. The only difference between the appealed scheme and this current scheme is a very marginal difference in the red line. Whilst the latest appeal for two dwellings was dismissed, the Planning Inspectorate concluded that the proposed development itself would not harm the character and appearance of the area. Within their assessment the inspector stated *"the single storey scale of the proposed dwellings would further limit their visual impact, such that they would not significantly impinge on any sense of openness in this regard. In addition, only limited views of the dwellings would be possible from Glebe Close, such that there would not be a harmful urbanising impact in this regard"*.
- 7.8 Therefore, given the comments from the inspector on the previously refused scheme; in addition to the previously approved scheme, it is not considered that planning permission could be refused due to the impact of the proposal on the character and appearance of the area. The comment of the Town Council re. over-development is noted, but there has been extensive consideration of this matter through multiple appeals and in those instances development of near identical form was deemed acceptable by the Inspectorate.

Amenity

- 7.9 Policies WLP8.29 and WLP8.33 set out that the living conditions of proposed and existing properties should not be unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development. Furthermore, policy WLP8.33 also requires that proposed development provide "attractive, useable and proportionately sized amenity

spaces ... for the proposed and existing dwellings". The donor property retains a proportionate rear garden to the size of the property and those around. It is considered that the proposed dwellings will provide acceptable levels of amenity for their residents, and that the outside amenity space is proportionate to the size of the dwellings. Whilst this proposed variation does somewhat reduce the curtilage area to each dwelling, the result would be acceptable, and the provision of garages will be beneficial to future residents.

- 7.10 The proposed dwellings are located a sufficient distance from neighbouring properties, with the nearest existing dwelling located approximately 20m from a proposed dwelling. It is therefore not considered that the single storey dwellings would result in any adverse impacts on the amenity of neighbouring residents through loss of light or privacy. Furthermore, it is not considered that the dwellings would result in a marked increase in noise levels, in what is predominantly a residential area.
- 7.11 Access to the proposed dwellings and its off-street parking would run adjacent to the side of the host bungalow and the side boundary of neighbouring dwelling No 8 Glebe Close. The proposed access would be approximately 4.5m wide, and there is a separation gap between the side boundary wall and some of the southern elevation of the building at No 8 which has windows facing the site.
- 7.12 It is not deemed that the changes to the design of the dwellings or the layout of the site would result in any marked increase in amenity impact compared to the approved scheme.

Highways

- 7.13 The proposed development of 2no. single storey three-bedroom property is not considered to result in a significant increase in vehicle movements in the surrounding area that could adversely impact on the existing highway network. SCC Highways have raised no concerns regarding an increase in vehicle movements. Therefore, officers do not consider that the proposed development would have any adverse impact on highway safety. The scheme accords with WLP8.21 (Sustainable Transport).
- 7.14 Each plot provides parking for at least 3 vehicles, which is compliant with the SCC Parking Standards Requirements for a 3 bedroom dwelling. Therefore, it is not deemed that the proposal would result in any additional pressures for on-street parking, or result in inconsiderate parking on the highway.
- 7.15 In regard to the proposal, it is not felt as though the extra trips generated from an additional 2 dwellings would create a severe impact upon highway safety at this location and therefore it is deemed that permission could not be refused under para. 111 of the NPPF.

Biodiversity

- 7.16 This development falls within the 13km zone of influence for the Broadlands (RAMSAR), as set out in the emerging Waveney and Suffolk Coast and Estuaries Recreational Disturbance Avoidance and Mitigation Study. It is anticipated that the cumulative impact of increased recreational pressure, as the result of increased housing in this area, will lead to a 'likely significant effect' upon the qualifying features of the designated site identified above. The likely impact as a result of disturbance is a reduction in the number of pairs of Little Terns.

- 7.17 An appropriate assessment has been undertaken, and it is concluded that no site-specific measures for the development of two dwellings within an established residential area are necessary. However, a financial contribution of £321.22 per dwelling to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required to mitigate the in-combination effect of new housing on these European Protected Sites. The appropriate contribution has been made. The scheme therefore accords with WLP8.34.

Other Matters

- 7.18 The site is in Flood Zone 1 and is at limited risk of flooding. Therefore, the proposed risk to residents is very low and acceptable.

8. Conclusion

- 8.1 In conclusion, following minor amendments, this application is almost identical to that of the scheme that was refused and appealed under reference DC/21/3570/FUL. Whilst that appeal was dismissed, the inspector concluded "The proposed development would not result in harm to the character and appearance of the surrounding area. Neither would it result in harm to the living conditions of neighbouring occupiers. It would also provide a suitable standard of living accommodation for future occupiers." The only matter that the inspector dismissed the appeal on was the lack of RAMS contribution.
- 8.2 This contribution has now been made, and officers are satisfied that it mitigates the in-combination effect of new housing on nearby European Protected Sites. Therefore, officers consider that it would be unreasonable for permission to be refused given the views that the inspector has previously concluded, and that the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

9. Recommendation

- 9.1 It is recommended that planning permission be granted subject to conditions

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - Site Location and Proposed Block Plan, 18/112/07 Rev A, received 23/01/2023;
 - Proposed Elevation and Floor plans, 18/112/06, received 09/11/2022;for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

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

The approved landscaping scheme shall then be completed prior to first occupation of the dwelling, hereby approved. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

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

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

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

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

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

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

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

8. The use shall not commence until the area(s) within the site on dwg. no. 18/112/07 Rev A for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

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

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

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

Reason: To promote sustainable transport options

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

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

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

Where remediation is necessary a detailed remediation scheme must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved

remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

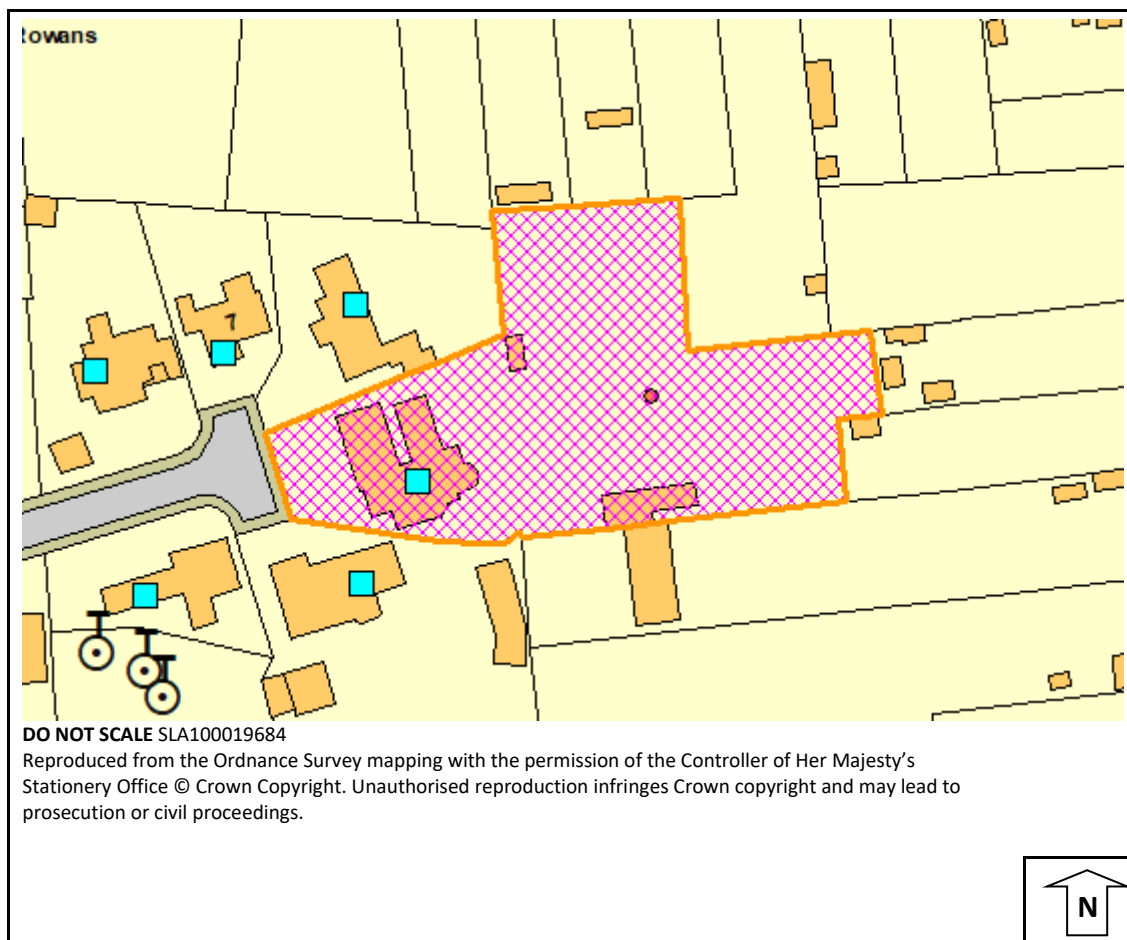
13. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. Wheel washing facilities
 - v. Construction and working hours
 - vi. Measures to control the emission of dust and dirt during construction
 - vi. Measures to limit noise disruption during construction

Reason: to avoid unacceptable impact upon residential development during the construction phases





Background information

See application reference DC/22/4432/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North- 14 March 2023

Application no DC/22/4881/FUL

Location

Rotterdam Road Depot
Rotterdam Road
Lowestoft
Suffolk
NR32 2EF

Expiry date 7 February 2023

Application type Full Application

Applicant East Suffolk Council

Parish Lowestoft

Proposal Raise roof to allow over cladding of existing roof construction, improving construction and thermal performance.
Fascia's, bargeboards and vertical sheeting replaced using an over cladding method of construction

Case Officer Charlie Bixby
01394 444572
charlie.bixby@eastsuffolk.gov.uk

1. Summary

- 1.1. The planning application seeks permission to raise the existing part of roof to allow over cladding of existing roof construction to improve the building's construction and thermal performance. Fascia's, bargeboards, and vertical sheeting are to be replaced using an over cladding method of construction.
- 1.2. The application is referred to Planning Committee (North) due to the applicant being East Suffolk Council.
- 1.3. The works proposed accord with the Development Plan and the recommendation is to approve and grant planning permission.

2. Site Description

- 2.1. The application building is a large, detached building used by Suffolk Norse - located centrally in the middle of other buildings of similar scale, there is a large parking area surrounding the application building. The building is quite well screened from Rotterdam Road by existing development.

3. Proposal

- 3.1. The application seeks permission to raise the existing part of the roof to allow over cladding of the existing roof construction. This will improve the integrity and thermal performance of the building. Fascia's, bargeboards, and vertical sheeting are to be replaced using an over cladding method of construction.

4. Third Party Representations

- 4.1 No third-party representations received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	11 January 2023	18 January 2023
<p>Summary of comments:</p> <p>The Town Council's Planning Committee considered this application at a meeting on 17 January 2023. It was agreed to recommend approval of the application.</p> <p>The Town Council has declared a Climate Emergency. To support this declaration, the Planning Committee requests that when recommending approval of a planning application the following measures are taken into account:</p> <p>Consideration of biodiversity ' Support for new or improved renewable energy including the installation of solar panels, where appropriate, on all additionally created roofs. ' Support for alternatives to car use e.g. walking, cycling and public transport, and encourage efficient car use, including through appropriate car parking provision, car sharing, differential car-parking charges, and the use of electric cars including the installation of first fix wiring for car charging points at all new builds. ' Encouragement for the management of land for nature and an increase in tree cover. ' Resistance of the use of natural open space for development and encourage reuse of brownfield sites. ' Support homes which are energy efficient, nature friendly and located close to public transport and amenities.</p>		

6. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 19 January 2023

Expiry date: 9 February 2023

7. Planning policy

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

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

National Planning Policy Framework 2021 (NPPF)

8. Planning Considerations

- 8.1. The existing roof section is currently covered with a temporary covering to mitigate water leaks and any potential further issues, the existing asbestos profile sheeting will be removed and replaced with profile sheeting roof cladding, this will improve the construction and thermal performance of the building as a whole. The use of materials is considered to be acceptable, appearing sympathetic with the existing buildings materials and character, whilst also maintaining the character of the surrounding application site and wider site area.
- 8.2. The existing building features large sections of fenestration on the side elevations, and a large amount of existing rooflights. The building has undergone several changes to increase its means of escape and fire mitigation measures as shown on the plans, with further measures within the premises.
- 8.3. The proposed slight increase in the middle roof section height is not considered to cause adverse or detrimental visual impact, the height of the roof will not exceed the tallest part of the existing building and the design of the building will not be harmed as a result. The use of materials will remain in-keeping with the character of the building and will result in planning benefits of the building being more thermally efficient and viable for future use. These are necessary works for the continued use of the building.
- 8.4. The proposed minor changes will not result in a wider visual impact and will be largely screened from Rotterdam Road. The proposed changes will fit with the existing character of the area.
- 8.5. The proposed alteration of raising the roof is not considered to have any significant residential amenity impact upon nearby properties, none of which are residential. There will be no impact on any more distant residential properties, and generally it is unlikely the proposed works will be all that noticeable from outside the site area. Given the distance between the application building and any nearby properties or buildings, there would be minimal impact upon residential amenity.
- 8.6. The proposal is considered to accord with local planning policy WLP8.29 and the National Planning Policy Framework (NPPF).

9. Conclusion

- 9.1. The proposal accords with the Development Plan and NPPF. Planning permission can be granted.

10. Recommendation

10.1. Approve with conditions set out below.

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 3024.22.1 & 3024.22.2 received 14/12/2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

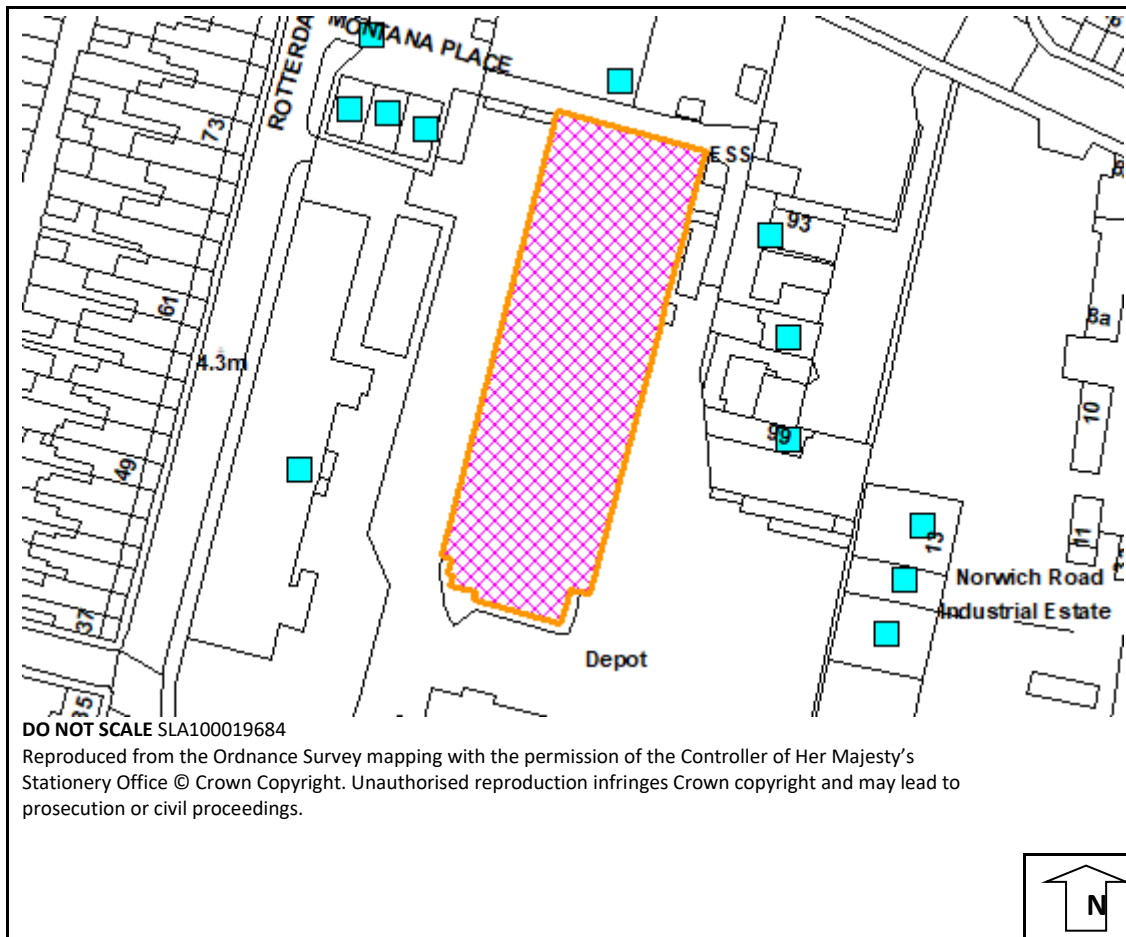
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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





11. Background information

See application reference DC/22/4881/FUL on [Public Access](#)

Map



Key

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