

**Confirmed**



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

**Members of the Committee present:**

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

**Other Members present:**

Councillor David Ritchie

**Officers present:**

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

**Others present:**

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

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**Announcement**

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

**1 Apologies for Absence and Substitutions**

No apologies for absence were received.

**2 Declarations of Interest**

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

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

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

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

### **3 Declarations of Lobbying and Responses to Lobbying**

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

### **4 Minutes**

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

#### **RESOLVED**

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

### **5 East Suffolk Enforcement Action - Case Update**

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

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

The Chairman invited questions to the officers.

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

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

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

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

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

### **RESOLVED**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chairman invited questions to Mr Garrett.

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

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

The Chairman invited any further questions to the officers.

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

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

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

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

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

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

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

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

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

## **RESOLVED**

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

Conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives:

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

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

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

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

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

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

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

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

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

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

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

The Chairman invited questions to the officers.

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

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

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

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

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

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

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

The Chairman moved to the vote and it was unanimously

## **RESOLVED**

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

Conditions:

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

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

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

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

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

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

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

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

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

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

Informatives:

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

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

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

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

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

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

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

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

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

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

The Chairman invited questions to the officers.

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

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

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

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

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

## **RESOLVED**

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

Conditions:

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

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

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

- Site Location Plan and Existing Block Plan, 21-218 101, received 23/09/2022,
- Proposed Block Plan, 21-218 102, received 23/09/2022,
- Proposed Elevations - East & West, 21-218 108B, received 30/03/2022,
- Proposed Elevations - South, 21-218 109A, received 30/03/2022,
- Proposed Elevations - North, 21-218 107A, received 30/03/2022,
- Proposed Ground Floor Plan, 21-218 105B, received 30/03/2022,
- Proposed First Floor Plan, 21-218 106A, received 30/03/2022,
- Structural Report, REPORT NO. 22-024R\_001, received 30/03/2022,
- Design and Access Statement, C (31-03-22), received 31/03/2022,

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

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

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

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

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

a) A desk study and site reconnaissance, including:

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

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

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

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

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

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

The RMS must include, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives:

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

## **9 Proposed Diversion of Lowestoft Public Footpath No 52**

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

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

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

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

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

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

The Chairman invited questions to the officers.

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

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

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

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

#### **RESOLVED**

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

The meeting concluded at 3.42pm.

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Chairman