



East Suffolk House, Riduna Park, Station  
Road, Melton, Woodbridge, IP12 1RT

# Planning Committee North

**Members:**

Councillor Paul Ashdown (Chairman)  
Councillor Jenny Ceresa (Vice-Chairman)  
Councillor Jocelyn Bond  
Councillor Norman Brooks  
Councillor Linda Coulam  
Councillor Andree Gee  
Councillor Malcolm Pitchers  
Councillor Craig Rivett

Members are invited to a **Meeting** of the **Planning Committee North**  
to be held on **Tuesday, 13 April 2021 at 2.00pm**

This meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel at  
<https://youtu.be/8XjKkMnxcb8>

PLEASE NOTE THAT, SINCE THE PUBLICATION OF THE AGENDA ON 1 APRIL 2021,  
ITEM 6 HAS BEEN WITHDRAWN AND WILL BE CONSIDERED AT A FUTURE  
MEETING - SEE DETAILS ON PAGE 52.

An Agenda is set out below.

## Part One – Open to the Public

## Pages

**2 Declarations of Interest**

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

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

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

**4 a) Minutes 1 - 20**

To confirm as a correct record the Minutes of the meeting held on 22 February 2021.

**4 b) Minutes 21 - 32**

To confirm as a correct record the Minutes of the meeting held on 16 March 2021.

**5 Enforcement Action - Case Update ES/0722 33 - 51**

Report of the Head of Planning and Coastal Management

**6 DC/21/1208/FUL - Jubilee Parade, The Esplanade, Lowestoft ES/0723 52 - 52**

Report of the Head of Planning and Coastal Management

**7 DC/20/4979/FUL - Allotments near Normanston Drive, access from Fieldview Drive, Lowestoft ES/0724 53 - 65**

Report of the Head of Planning and Coastal Management

**8 DC/21/0565/FUL - Plot 2 adjacent to Spindles, Carlton Road, Kelsale ES/0725 66 - 83**

Report of the Head of Planning and Coastal Management

**Part Two – Exempt/Confidential**

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

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

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

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

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

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

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If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: [democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk)



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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee North** held via Zoom, on **Monday, 22 February 2021 at 12.30pm**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Craig Rivett

**Other Members present:**

Councillor Edward Back, Councillor Judy Cloke, Councillor Tony Cooper, Councillor TJ Haworth-Culf, Councillor Debbie McCallum, Councillor Keith Patience, Councillor David Ritchie

**Officers present:** Liz Beighton (Planning Manager - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Matthew Gee (Planner - Development Management), Mia Glass (Assistant Enforcement Officer), Rachel Lambert (Planner - Major Sites), Matt Makin (Democratic Services Officer), Steve Milligan (Planner - Development Management), Iain Robertson (Senior Planner - Development Management).

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**Announcement**

The Chairman advised that he had one announcement to make. For the record, several members of the Committee, including himself, and some officers, knew Mr Reid, who would be speaking on Agenda Item 6, as he was a former employee of the Council for many years. However, that would make no difference to the decision making process, and Mr Reid would be listened to objectively, as with any other person making representations. It would be the planning merits of what was said that would be taken into account.

**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Ashdown declared a Local Non-Pecuniary Interest in Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft, as his wife was a member of the Oulton Broad Parish Council's Planning Committee.

Councillor Back declared a Local Non-Pecuniary Interest in Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft, as being Ward Member.

Councillor Bond declared a Local Non-Pecuniary Interest in Item 9 - DC/20/4686/FUL - Land rear of 185 Saxmundham Road, Aldeburgh, as being Ward Member.

Councillor Brooks declared a Local Non-Pecuniary Interest in Item 6 - DC/20/2393/FUL - High Dene, 105 Park Road, Lowestoft, having visited the offices of the applicant on a fact finding mission.

Councillor Gee declared a Local Non-Pecuniary Interest in Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft, as being Ward Member.

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

All Councillors declared that they had been lobbied on Item 6 - DC/20/2593/FUL - High Dene, 105 Park Road, Lowestoft, and had made no response.

Councillors Ashdown, Brooks, Ceresa and Coulam declared that they had been lobbied on Item 7 - DC/1001/OUT - Land to the north of School Road, Ringsfield, and had made no response.

Councillors Ashdown, Brooks, Ceresa Coulam, Pitchers and Rivett, declared that they had been lobbied on Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft, and had made no response. In addition, Councillor Gee declared that she had been lobbied on Item 8 - DC/20/1395/FUL - 44 Gorleston Road, Lowestoft. She had made one response in the form of a site visit.

Councillor Bond declared that she had been lobbied on Item 9 - DC/20/4686/FUL - Land rear of 185 Saxmundham Road, Aldeburgh.

### **4 Minutes**

#### **RESOLVED**

That the Minutes of the Meeting held on 12 January 2021 be agreed as a correct record and signed by the Chairman.

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

The Committee received report ES/0666 which summarised outstanding enforcement cases sanctioned under delegated powers of through the Committee up to 22 January 2021. There were currently 14 cases.

The Assistant Enforcement Office provided an update on the following:

- 46 Wissett Way, Lowestoft - work had now been completed with regard to the untidy site.
- 28 Beverley Close, Lowestoft - work to the roof on the front extension now complete and the case would be closed.

The Planning Manager further advised that the Land at North Denes Caravan Park, The Ravine, Lowestoft, appeal had been postponed and was now due to take place on 7 March 2021. With regard to Land at Dam Lane, Kessingland, a Court date had been scheduled for 12 March 2021.

In response to questions regarding Top Street, Martlesham and White Cottage, Woodbridge, as they were both past compliance date, the Planning Manager confirmed compliance at Top Street was to be checked that week. The Assistant Enforcement Officer undertook to check the up to date position with the case officer for Top Street and email the information to the Committee.

Members noted the updated and there being no further discussion, it was unanimously

## **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 22 January 2021 be received and noted.

### **6 DC/20/2593/FUL - High Dene, 105 Park Road, Lowestoft**

The Committee considered report ES/0667 which gave details of the planning application for the change of use of 105 Park Road, Lowestoft, from a C2 Residential Care Home to a large House in Multiple Occupation (HMO) (sui-generis use category) providing supported housing for people with complex needs. The accommodation was to be supervised 24 hours a day.

Members were reminded that the application had been considered at their meeting on 8 December 2020, when concern had been expressed with the level of information provided regarding the location of the staff facilities such as office and sleeping accommodation; the maximum number of occupants of the accommodation; and the staff numbers required to assist and support the occupiers of the accommodation. A decision had been deferred to enable officers to establish these matters with the Applicant; those discussions had now taken place and the application was being presented to Committee for a decision.

Members received a presentation showing the site location plan, an aerial photograph, block plan and further photographs of the street scene, outside the property and within the site. The floor layout had been updated showing the staff sleeping quarters and office accommodation on the ground floor. Bedrooms were being provided for 11 occupants and the top floor would be used for staff training.

The Senior Planner gave a detailed explanation of the flat saturation and policy WLP8.4 confirming that the 20% flat saturation had not been exceeded and advised that exceptional circumstances for the conversion to an HMO had been demonstrated. In addressing the material planning considerations and key issues, the Senior Planner advised that Mavam had considerable experience in running this type of facility and the personal permission being proposed would control the use of the property in the long term. Whilst there was a need for care home spaces, there was no policy protection for them. It was considered that there would be no detrimental impact on the amenity of the neighbours and in response to comments on the likely increase in crime and anti

-social behaviour, the Police had chosen not to comment. County Highways had no comments as the use was similar to the current use. The alterations to the frontage in the Conservation Area was being dealt with under a separate enforcement case. It was considered that the proposal was providing much needed accommodation which would re-use a vacant building and offer employment opportunities. Approval was therefore being recommended.

The Chairman invited questions.

Members asked questions relating to:

- Flat saturation including purpose built flats.
- The conversion of other properties in the vicinity.
- The floor layout plan showing 13 bedrooms and two lounges.
- Personal circumstances for parking.
- Lack of en-suite facilities for the ground floor bedrooms.

The Senior Planning confirmed that the interpretation of the flat saturation policy related to conversion of buildings only, purpose-built buildings were not included in the calculation. Properties fronting Yarmouth Road were not included in the calculation due to them having a different postal address. The updated floor plan showed the 11 bedrooms that would be used for occupants of the accommodation. It was unlikely that occupiers of the accommodation would have their own vehicles and using public transport would be promoted.

The Principal Planner explained how the policy was applied. The lawful use of High Dene was a care home and that use was not classed as a single dwelling and considered in the same manner in terms of policy WLP8.4. The policy referred to any further conversion of a building and confirmed that buildings backing onto the street were not counted because their postal addresses were to a different street.

The Senior Planner suggested that the question relating to the ground floor facilities should be put to the Applicant.

The Chairman invited the public speakers to address the Committee.

As objectors, Mr B Reid would speak with Ms A Edwards in support for any questions. Mr Reid explained that the report ignored the facts and flat saturation in the area. The slide on display showed the flat saturation zones in Lindhurst Road and two adjacent properties in Corton Road. The officer stated that the 20% figure was a guide, meaning figures below or above could be considered. The officer disputed the methodology saying it would be based on the number of buildings converted. That could not be right comparing the impact of a building with 40 flats to a single house converted into four flats. That would ignore the intention of the policy and fail to protect amenity. Using that method, Cleveland Road was only 17½% converted buildings and the north end of Park Road was 22% now increasing to 26% with High Dene. The information submitted had been ignored in the report and a similar application in Cleveland Road had been refused on flat saturation. The application should be refused for a number of reasons including impact on the amenity, peace and tranquillity whether supervised or not, the plan for the office with opening windows was too close to the neighbouring boundary. There was no comparison between the peace and tranquillity of a residential care

home and a large HMO. If approved, what happened to the Section 106 agreement in the pre-application advice to ensure supervision and management. The proposal was to replace it with inadequate provision, and no inspections would be carried out either by the CQC or the County Council. The whole proposal would unbalance the community and the application should be refused.

On behalf of Lowestoft Town Council, Mr A Pearce advised that the Town Council recommended refusal and he asked that the Committee support that proposal. Public objections to the application were the most the Town Council had received since its formation in 2017 and from people living in the area. Council officers had chosen to ignore the case law established with regard to fear of crime and the objectors to the application. Even using the methodology for flat saturation, 20% had been exceeded. He did not want the 2020 Stella Maris inquiry repeated here. Referring to WLP8.4.3, the proposal was contrary to that policy. That policy stated that any property converted should be in a mixed use area; this was not, it was residential. The change of use would have a detrimental impact on the amenity of the residents. How would it be managed and the resulting problems? The Committee needed to think of local residents and permission should not be granted.

**Note:** *The meeting host advised the Chairman that the next speaker had lost connection to the meeting. The meeting was therefore adjourned from 1.21pm to 1.23pm to allow the speaker to re-join the meeting.*

A short video was shown while Ms V Pascoe spoke which showed the work of Mavam, with teamwork, fellowship, all taking part, celebration of 10 years of helping people, improving their lives with supported living, creating social care for people in need, and it showed service users hopes and dreams and fears. Ms Pascoe advised that the worked closely with people in everyday skills, focussing on allowing people to be as independent as possible whilst still providing structured support and daily activities. The purpose of Mavam was to provide homes in order for their residents to maintain stability and live as normal a life as possible. Providing people with a quality of life made a difference to their lives and Ms Pascoe asked for Members' support to help them achieve that.

The Chairman invited questions.

Whilst recognising the changes to the floor plan confirming how the building would be used, Members sought clarification on:

- Condition 4 and whether that could be changed to be completed before first occupation.
- How long the residents would be occupying the 11 rooms and where they came from.
- Reports of bad behaviour in similar facilities and the need to call Police
- Anti-social behaviour identified in the Stella Maris inquiry commissioned in 2020.
- Staff levels in the day and overnight.
- Security measures to give peace of mind to the objectors and residents.
- Noise levels.
- Level of staff training.

Ms E Thomas, from The Stone Foundation, present to answer questions, confirmed



that they had made an undertaking to do the restorative work and that could be done before first occupation. The property would be managed on a licence agreement, not via tenancies, so it was possible to evict a resident but any such case would be dealt with sensitively and with consultation. Six support workers would be on site during the day and each service user had a flexible package depending on individual needs. Staff were on duty 24 hours a day, either awake or asleep, and one would always be on the premises overnight. Obviously most residents were asleep at night.

Ms Pascoe confirmed that some residents stayed for six months and then moved on. Others might stay longer and require more support over a longer period of time. Timescales were not set; it was in accordance with an individual's needs. Standards were checked and referrals usually came from Health and Social Care from the County Council and from the Health Authority, all age 16 upwards, some with learning disabilities others with dementia. The process that was in place when people were referred was robust; there would likely be a mix of people living there which had benefits and some risks. However, if the mix was not appropriate, a person would be refused. The building would be fitted with CCTV cameras focussing on the doors and outside. Cameras would be monitored 24 hours a day from another site. Sensors would be fitted to all doors so opening and closing could be monitored and it would be known if residents were up at night. The Police had been called to a similar facility to provide additional support when a resident had become distressed. There had been no complaints over noise from their premises, even the terraced properties.

Ward Member Councillor Patience advised that Members had heard factual evidence on flat saturation from the objectors and any doubts, please ask them questions. Calculations exceed the 20% threshold. In his opinion, the officer's report had not given a balanced view and was weighted in favour of the applicant. Many objections related to impact on amenity, with anti-social behaviour, noise and disturbance, and the residents would disagree that these are not planning considerations. The impact of the HMO needed to be considered and would increase such impacts already in the area. No Police comment did not mean they had no views bearing in mind incidents in the area. Since last meeting, there had been more examples of bad behaviour, including a female resident having been spat on and a resident from nearby Abigail Court arrested for damaging vehicles. This proposal would result in an environmental decline and residents had provided evidence of impacts. The flat saturation policy was supposed to go against such impact and support a balance community. The previous owners spent three years refurbishing the property for use as a care home and now the Head of Planning had stated that the economics of scale made it unviable. Where had that come from? Information had not been very forthcoming and plans had been provided at the last minute. An enforcement complaint had been made and even with the additional impact on neighbours' amenity, no action was going to be taken. The previous use by multiple occupiers is generic use; its use as large HMO is not the same as a care home. Look at what occurred in the Stella Maris establishment in Ipswich. There was a lack of inspection of such units with some schemes escaping regular scrutiny. Exceptional circumstances had not been proven. There was a need to enter a legal agreement and provide a Management Plan; as well as other obligations, where was the Section 106? The report and proposal did not go far enough to address all the issues and Councillor Patience implored Members to refuse the application.

The Chairman sought clarification as to the supervision of the nearby Abigail Court. On checking, the Planning Manager advised that it appeared to be run by a private individual under the name of Bayle. The Principal Planner reminded Members that they needed to give consideration to only the material planning considerations and the weight that might be given to other matters. The potential of crime was not evidenced and the site would be managed with conditions in place. The character of an individual occupying a bedroom was not a material consideration, and the management of the use was a personal permission. If there were likely to be issues, Suffolk Police would probably have made comment.

Members expressed some reservations about the balance with the flat saturation policy and how beneficial it would be to retain the property as a care home. The removal of the trees on the frontage left the property very open and there might be problems when neighbouring children might wish to use their own gardens. It seemed strange that converted houses at the end of Park Road were not counted in the flat saturation calculations; access was from Park Road even though the dwellings had a different postal address. Whilst there was a need for such accommodation providing support for others, there would be impact on the surrounding community. Further assurances would be needed to ensure 'they were good neighbours' and conditions relating to management should be strengthened. It was proposed that the tree planting at the front in condition 4 should be reinstated early on and a management condition could be added to the recommendation.

A reference was made to paragraph 6.2 in the officer's report that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. The proposal would have a detrimental impact and residents' concerns were acknowledged. The Yarmouth Road properties with access from Park Road should be counted in the flat saturation calculations. The Senior Planner advised that if Members were minded to approve the application, the flat saturation would not be exceeded. Members were reminded that the property was currently a care home and not a single occupancy use.

The Planning Manager advised that there was no protection for care homes in the Local Plan and the proposal would provide the same level of parking as with the current use. To address concerns that had been raised, conditions could include a Management Plan and a restriction on the number of bedrooms. Any revised draft conditions could be agreed with the Chairman and Vice-Chairman of the Committee or the Referral Panel.

A proposal to approve the application with amended and additional recommendations relating to a Management Plan, restricting the number of bedrooms and the works mentioned in the proposed condition 4 be undertaken before first occupation, was duly seconded, with the revised conditions being agreed in consultation with the Chairman and Vice-Chairman of the Committee.

**Note:** *The meeting was adjourned from 2.21pm to 2.28pm for the Democratic Services Officer to ascertain from the Chairman that, whilst not seeing some of the slides presented, he had been adequately informed to be able to make an informed decision. The Chairman had advised that he had received the information by email.*

Having received a recommendation for approval, as amended, that had been duly seconded, it was then

## **RESOLVED**

That permission be granted, subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in accordance with the layout plan received 04 November 2020, 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. This permission shall endure solely for the benefit of the Mavam Group Ltd to be managed by 'The Stone Foundation' and not for the benefit of the land. When the premises cease to be managed by the above-named groups the use hereby permitted shall cease.

*Reason: Having regard to the special circumstances put forward by the applicant.*

4. A maximum of 11 bedrooms within the building shall be occupied at any one time on a single occupancy basis, not including staff sleeping accommodation.

*Reason: In order to control the number of occupants of the property in the interest of neighbour amenity.*

5. The use shall not commence until a Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be employed in the day to day running of the accommodation. Arrangements shall be made to ensure that there is a point of contact for the local community for management matters in the form of a Community Liaison Officer with a complaints procedure in place to address matters that may arise. The contact details of the Community Liaison Officer shall be provided to the Local Planning Authority on request. The development shall be carried out in accordance with the plan so agreed.

*Reason: To maintain control of the management of the premises in the interest of neighbour amenity.*

6. Details of the frontage layout, (including manoeuvring and parking area, tree planting, reinstatement of the frontage wall and reduction in hard standing area) shall be submitted for approval in writing to the Local Planning Authority. The approved scheme shall be carried out prior to first use of the building, with respect to tree

planting this shall be carried out in the first available planting season, (October - March), any trees which die in the first 5 years shall be replaced in the next planting season.

*Reason: To ensure the satisfactory appearance of the frontage of the site within the surrounding Conservation Area and that sufficient space for the onsite parking of vehicles is provided and maintained.*

7. Details of secure and covered cycle storage shall be submitted and approved in writing by the Local Planning Authority. The facilities as approved shall be provided prior to first occupation of the property and shall be retained thereafter.

*Reason: To encourage people to travel using non-car modes.*

8. Details of the areas to be provided for storage 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 to other users.*

**Note:** The meeting was adjourned at 2.31pm for a comfort break and reconvened at 2.39pm.

## **7 DC/20/1001/OUT - Land to the north of School Road, Ringsfield Corner**

The Committee considered report ES/0668 which set out details of the outline application (some matters reserved) for the construction of up to 33 dwellings on land north of School Road, open space, landscaping, visitor car park and site access from School Road, Ringsfield. The application was before Committee as the 'minded to' decision of the planning officer was contrary to the comments received from the Parish Council and to enable the Planning Committee to consider the impact of the density of development within the proposed site.

The Planner advised Members of a late representation that had been received after the publication of the update sheet and to which the Head of Planning and Coastal Management agreed should be read out to Committee. The representation had been received from the owner of John John's wood adjacent to the proposed development site; the wood had been in his ownership for 28 years having purchased it from a local farmer with a promise that it would be kept as a nature reserve for the betterment of the flora and fauna and also the village. When he took over the wood, Suffolk County Council's Woodland Officer had surveyed the wood and was quite impressed with what he saw and classed it as ancient woodland as he thought due to there being so many species of trees etc that it was probably at least 600 years old. The wood had been undisturbed since being in his ownership apart from some coppicing of the hazel. There was an abundance of birds, bats and other wildlife, including both tawny and

barn owls and a very recent sighting of a red kite. The wood had an abundance of various native wild flowers and also two ponds which contained all manner of invertebrates including newts. The owner would be happy and willing to take the Planning Committee around to show what was at risk of being lost with the proposed development. That development and the introduction of light pollution, noise and potentially unauthorised access would damage the continuation of this special habitat. The owner advised that he only became aware of the development by chance and objected strongly that as an adjacent long term landowner, he had not been informed of planning applications particularly when adjacent land would be severely impacted. He owned the ditch running along the side of the land adjacent to his boundary, and the drainage of the land would then become his problem which would be significant as drainage was already difficult with the ditches and ponds constantly full.

Members received a presentation showing an aerial view of the site, the village, primary school and recreation area, together with a selection of photographs showing the various views of the site including vegetation and proposed access, and the two ponds by the northern boundary. The site had been identified in the Local Plan; however, the proposed development site was on an area of 1.86ha leaving the remainder 0.7ha outside that site. The Planner explained the indicative site plan, density compared to the policy requirement, proposed connectivity to the bridleway, flood risk assessment and drainage strategy and gave a detailed overview of policy WLP7.14.

The Planner advised that whilst the application was recommended for approval subject to conditions and a Section 106 Agreement, there were concerns over the layout and the condensed site area.

The Chairman invited questions.

Members raised issues relating to:

- Connecting to the existing footpath where there was none.
- Bridleway on the plan.
- The portion of the site not being included in this proposed development.
- The site allocation was for 30 dwellings on the whole site, would the extra land then provide another 17 properties?

The Planner confirmed that details of the footpath and establishing a new one were to be agreed with Highways and the Applicant had agreed to the link to the bridleway. The Planning Manager explained that the application before Members was looking to endorse the policy in the Local Plan with up to 33 dwellings and access point. If the rear part of the site came forward for development, it would have to be in line with policy or as a departure if more than 33 dwellings were proposed. Any development would need to comply with relevant policies and density too.

The Chairman invited public speakers to address the Committee.

As an objector, Mr A Wheeler thanked the Committee for being given the opportunity to speak. He understood that part of the discussions relating to the site was to protect the nature of the village with only 15 dwellings per hectare, not more, giving 20 not 33 on this part of the land. What about the access road to the part that was to be left

undeveloped? What was the point of the Local Plan if it was being ignored? The land was heavy clay and liable to flooding and pumping water onto neighbouring land would pass on the problem. Since the building of the Beccles relief road, there had been many problems with road users using the road as a rat run and minor accidents had already occurred. The road was less than two cars in width and could not cope with traffic now. More cars turning out of the proposed estate access would be dangerous. The application should be rejected.

Photographs of the site were displayed whilst Ms Rees from the Parish Council spoke, advising that the development on the site should be rejected for the same reasons. Although the report was comprehensive, several points had not been addressed. The site was not suitable for development, it was in the countryside outside the settlement boundary and not an urban extension. 15 dwellings per hectare should not be exceeded and the traffic at speed on School Road and the location of the school entrance raised issues of highway safety. Nature conservation and the habitat in the woods would be affected by light pollution and should be protected. The proposal for such a major development would have a serious effect on the buildings in the rural village, drainage and the church and would increase the village by 50%. Was it really required; it should not be supported.

In response to a Member's question regarding 30 houses being put on the whole site, Ms Rees advised they would prefer not to have the site developed and 30 dwellings on part of the site was too much.

As the Applicant's agent, Ms Rejzek advised that she would focus on the objections made by the Parish Council. The fundamental objection was due to the impact on the village and homes in the countryside. The site had been allocated in the Local Plan, therefore the principle of the development for approximately 33 dwellings at 20 per hectare met the criteria in the Local Plan making it an efficient use of the land. Design and mix of properties could be addressed at the Reserved Matters stage. There had been no statutory objections and the small plot not within the development site could be used as grazing land. They would be happy to engage with the Parish Council on layout and design. The proposal was meeting housing need in the District and there was no valid reason for refusing the application.

Members sought clarification on:

- Extra build on the unused part of the whole site.
- Who owned the surrounding fields.
- Using the 0.7ha as grazing land or the whole site for development.

Ms Rejzek advised that the Applicant did own the whole site but not the surrounding fields. There was no plan to build at the on the unused land at the present time and it could be used to provide grazing for a horse. There seemed to be no reason in policy why such a large site was needed for 33 dwellings and the proposal in the outline application was making efficient use of the land.

Ward Member Councillor Cloke addressed the Committee as she had been asked to speak in support of Ringsfield and its residents objecting to the development. Whilst the site had been earmarked in policy WLP7.14 and the development might encourage young families into the village, the density of the proposed housing was unacceptable

and would not enhance the village. It did not reflect the design of another development within the village called Russel's Green and something similar could be more acceptable. The site under discussion had been reduced, an indication that perhaps further planning applications would follow with the road ending at the top of the block plan. Ringsfield was a rural community and this development would increase the village by 50% with a density of 18 dwellings per hectare compared to the rest of the village at around 15 per hectare. It was over development in a small rural community and the increase in traffic movements would be on a road that was already under pressure and being used as a rat run. There had been numerous collisions at the nearby crossroads which, along with the state of the road, verges and traffic had recently been discussed with the MP and the Police and Crime Commissioner. The field had recently been shown to be boggy and the ditches around the site were usually waterlogged. If residual water was to be pumped out of the development site into the ditches, not owned by the applicant, who would be responsible and where would any excess water go? There was also concern about the effects on the nearby John John's Wood, its wildlife and plants. Councillor Cloke urged the Committee to refuse the application as overdevelopment, potential loss of wildlife habitat, inadequate surface drainage and because of the traffic issues. If Members were minded to approve the plans, then conditions should include a suitable pedestrian crossing from the parking area to the school or insist the developer provided funding for a school crossing keeper.

Members noted that the site had previously been discussed and identified in the Local Plan as an allocated site for development. However, concerns were expressed that the proposed development was too much on the smaller site. The access directly opposite the primary school was not ideal on such a dangerous and tiny road. Comment was made that the application was not in line with the Local Plan policy as it was proposing 33 houses on only two thirds of the site leaving empty land vulnerable to further development. Some Members felt it would be difficult to support the proposal as additional properties could subsequently be built on the part of the site being excluded in this application. Development in such a rural area should be sympathetic; this was not.

The Planning Manager reminded the Committee that the site had been allocated in the Local Plan with an agreement that approximately 30 dwellings could be built on the site. The impact would have been considered at the policy stage. The outline application was indicative and control over design and layout would come at the Reserved Matters stage. The fact that one third of the site was not being used had not real relevance on a policy compliant scheme.

The Principal Planner reminded Members of the benefits of the scheme, including 24 parking spaces for the school, the provision of affordable housing and the fact that the scheme would contribute towards housing targets in the area as planned for in the Local Plan. If Members were minded to refuse the application, defensible reasons would be required.

A proposal was made to accept the application.

Members again questioned the density and building allocation of 30 for the whole site, whereas this proposal was for 33 for only part of the site. Further discussions could be

undertaken with the Agent to ascertain the use of the whole site.

A proposal to refuse the application on over development and to protect the woodland was duly seconded.

The Planning Manager advised there was no evidence of harm on the woodland and the Committee might wish to consider deferral. The indicative plan showed a good quality layout. It was within the Council's gift that future dwellings on the remaining land would be against policy if that was the subject of another application.

The Chairman suggested that a decision on the application could be deferred to enable further discussions to be undertaken with the Applicant, including the use of the whole site for 30 dwellings.

The Democratic Services Officer advised that there were now three motions on the table; one to approve which had not been seconded, one to refuse which had been seconded and one to defer. Each would have to be taken at the appropriate time.

The Democratic Services Officer explained the options available regarding the three Motions. Firstly, the proposal to refuse had been seconded. Therefore, that motion could be voted on or withdrawn. Secondly, the proposal to approve had not been seconded so it could be withdrawn or it would need to be seconded if a vote was to be taken. Only then could a vote be taken on the deferral of the application if the proposal was seconded. The proposer and seconder agreed to withdraw the proposal for refusal and the proposer for approval agreed to withdraw his proposal.

The proposal for deferral was duly seconded and, on the vote, it was unanimously

## **RESOLVED**

That, to enable the officers to look at the site area proposed in relation to the policy allocation, a decision be deferred.

### **8 DC/20/1395/FUL - 44 Gorleston Road, Lowestoft**

The Committee considered report ES/0669 relating to an application seeking planning permission for the demolition of the existing care home at No. 44 and adjacent dwelling (No. 42) and the construction of a two storey 26 bed care home facility.

The Planner advised that the construction of the care home would also provide much needed additional care home bed spaces as identified in the Local Plan in a highly suitable location. The application was being presented to Committee as the Parish Council had objected to the application and also due to the level of representations received.

Members received a presentation showing the site location plan and satellite image, 3D visualisations and street scene. The proposed site plan and elevations gave context with neighbouring properties and made a comparison between existing and proposed street scenes. The floor plans gave an indication of the layout being proposed and showed bedrooms, communal areas and facilities.



The Planner outlined the material planning considerations and key issues including:

- Principle of development and the need for care home spaces.
- NPPF which would seek to promote social interaction in a good setting.
- Character and appearance.
- Amenity and the likelihood of no excessive noise.
- Any plant and machinery would be subject to approval by the Environmental Protection officers.
- Highways, 10 car parking spaces and cycle storage.
- Lifetime design would help with dementia and create a homely feel.

In summing up, the Planner advised that the proposal was considered to have an acceptable impact on the character and appearance of the street scene and would have minor impacts on the amenity of neighbouring residents. The scheme was not considered to have an unacceptable impact on highway safety or increase the risk of flooding in the area. On balance, it had been concluded that the positives of the proposal outweighed the minor negatives and approval was being recommended.

In response to a question relating to overshadowing from the hedgerow and new building causing loss of light to the neighbour at No. 46, the Planner advised that there would be some loss of light and not too much overshadowing.

The Chairman invited the public speakers to address the Committee.

Mr Francis hoped that the Planning Committee had read his letter of objection and seen the photos supplied and noted that there had been two previous refusals for a ground floor extension. The reasons for objecting to this application were because the two storey building would extend three quarters of the length of his 84m boundary and be only 2m distant. This would result in loss of privacy and natural light, no sunlight in winter, noise from the café and terrace right next door. The car park would be directly opposite his front garden. Light pollution and noise from the air conditioning units would affect all neighbours. The Parish Council also objected. Mr Francis understood that No. 40 had also been purchased by Kingsley for more expansion. It was over commercialisation in a residential area. Mr Francis asked Members if they would accept it next to their houses and asked for the application to be refused.

Mr B Keller spoke on behalf of Oulton Broad Parish Council. Whilst understanding the possible need for extra rooms in care homes in the parish, consideration needed to be given to the number of residents, 19 in all, who had objected. It was considered the proposal for such a large building was not compatible in a residential area and was too close to the boundary. It would cut light from neighbouring gardens. It was considered to be over development of the site in such a residential area and access would be tight fronting the busy Gorleston Road. The Parish Council was recommending refusal for the plans.

Representing the Applicant, Mr R Patkai explained that Kingsley Healthcare was a local business based in Lowestoft. Need had been identified as statistics showed there was

a requirement for 620 care home beds in a two mile radius and these needed to be suitable modern care beds with en-suite/wet room facilities to ensure appropriate care with dignity could be provided. This was a major factor for fighting infection including Covid. Many care home beds were currently in converted buildings on small sites which were not good for welfare of the residents or care provision. Having worked with the Planning Department, this large site would contain the building and with two storeys at the front and lower at the back, it would control any overlooking. It was hoped to redevelop the site for the elderly, provide good accommodation and keep the people in the community.

Members raised questions regarding number of residents, staff on site and if the owners had also purchased No. 40 and for what purpose. Mr D Thayan, Kingsley Healthcare, who was in attendance to answer questions, confirmed that there would be rooms for 36 residents and 6-7 staff would be on site at any one time, reducing to four overnight. He confirmed No. 40 had been purchased and would probably be used for additional grounds.

A comment was made that with such a major development on a tight site, a different plan including the extra plot would be interesting.

Ward Councillor Back acknowledged the provision of care home beds in the vicinity but he wished to remind Members that a single storey extension on the site had been dismissed on appeal. The Committee needed to consider the bigger impact a two storey development would have on the site. Oulton Broad Parish Council continued to oppose the application because of the detrimental effect on the residents. It was considered there would be adverse impacts with loss of light and excessive overshadowing which were not acceptable and, in addition, an inevitable reduction in the value of properties. The objections made and the over development of the site should be taken into account and the application refused.

Members expressed concern that the proposal looked like a massive over development of the site and not in keeping with the area. The new building would dominate the whole street scene and affect the character of the area. The proposal appeared to be twice the size of the existing building and cause unacceptable harm contrary to the objectives of the Local Plan. It was recognised there was a shortage of care home places, however, that shortage should not override the fact that single storey extensions had previously been refused on the site. Whilst comment had been made on the benefits of accessibility to the village, it should be recognised that those in a care home in 24 hour care would not likely be going out for shopping.

It was proposed and duly seconded that the application should be refused because of the dominance of the street scene, overdevelopment and design and it was unanimously:

## **RESOLVED**

That permission be refused for the following reasons:

1. The proposal represents poor design contrary to the objectives of Policy WLP8.29

(Design) of the East Suffolk (Waveney) Local Plan 2019 ("The Local Plan") and the design objectives of paragraph 127 and 130 of the National Planning Policy Framework ("NPPF").

2. Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy WLP8.29 of the Local Plan also has an overarching requirement that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In doing so proposals should, among other things:

- Demonstrate a clear understanding of the form and character of the built environment;
- Respond to local context and the form of surrounding buildings; and
- Protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.

3. The proposal represents an over-development of the site contrary to WLP8.29. The proposed building, due to its sheer mass and site coverage, would be poorly related to its residential context, causing harm to the character and appearance of the area. Due to the bulk, mass and scale of the proposed building, it would have a poor relationship with the surrounding residential properties, causing harm to their living conditions, particularly the enjoyment of their outdoor amenity spaces. The proposal is therefore determined to fail to meet the design quality required by policy WLP8.29, and is deemed to represent poor design as detailed in paragraphs 127 and 130 of the NPPF.

## **9 DC/20/4686/FUL - Land rear of 185 Saxmundham Road, Aldeburgh**

The Committee considered report ES/670 which gave details of the full planning application for the erection of a single storey one-bedroomed dwelling and garage within the rear garden of 185 Saxmundham Road, Aldeburgh. The application was before Committee as the recommendation for approval was contrary to the views of the Town Council.

The Planner gave a presentation which included the site location plan, footpath route in the vicinity, aerial and street scene photographs. From Saxmundham Road, the Committee could see the garage to be removed next to the adjacent dwelling and available parking in the front garden. The proposed block plan, elevations and floor plan gave an indication of the dwelling to be erected. The new dwelling would look out onto its front garden and there was space for manoeuvring a car in front of the attached single garage.

The Planner explained the impact on the character of the area and possible impact on amenity of neighbours, both of which were considered to be limited. There would be no substantial vehicle movements and the adequacy of parking for the existing and proposed property was compliant with County standards. As such, approval was being recommended.

The Chairman invited the speakers to address the Committee.

On behalf of the Applicant, Aldeburgh Golf Club, Mr R Welchman thanked Members for

the opportunity to address the Committee. The application had been submitted following pre-application discussions with the officers. Policies in the Local Plan were not only in support of infill residential development but also supported small-scale housing suitable for local residents. There was a need for such small scale single storey one-bedroomed dwellings particularly for Aldeburgh. The proposals had been sensitively designed and Mr Welchman asked that the Committee support the officer's recommendation and approve the application.

In response to Members' questions as to whether the new property would be for sale or rent and the views of the residents in No. 185, Mr Welchman advised that no decision had yet been made as to whether the new dwelling would be rented or sold. The existing property was rented by the Golf Club and the tenants had been advised. Further clarification was sought as to whether the proposed dwelling would be for residential use or holiday let. Mr Welchman advised that he had received no indication or instructions from his client in that respect.

As Ward Member, Councillor Haworth-Culf advised that she was representing Aldeburgh Society and Aldeburgh Town Council and highlighted items in certain paragraphs in the report:

1.5 scale and design were not comparable to adjacent properties.

1.6 site needed to be larger.

1.8 could not agree; it was out of scale on a not very generous plot and at right angles to all other dwellings.

3.1 parking for the existing house was in the same location as the turning head and as such could not be used for both purposes at the same time.

9.5 do not accept a) or b) as the dwelling would look like an elongated shed and be overbearing only 1m from existing development.

9.7 and 9.8 cramped nature.

10.1 it was a modest plot for a dwelling.

Whilst Aldeburgh Town Council and Aldeburgh Society objected, if the Committee was minded to approve the application, permitted development rights should be removed.

During debate, Members raised issues with regard to the size of the plot, the loss of both back and front gardens. It was important to conserve green spaces particularly with the need for those spaces with the Covid lockdown. Concern was expressed over this particular backland development in such a rural setting. However, this proposal whilst constrained by the nature of the site was not impinging on natural open spaces and there was ample recreational space in the area.

The Planning Manager advised the Local Plan supported development in existing garden space where it was not overdevelopment. Each application was looked at on an individual basis and, whilst this was smaller plot, it was providing a smaller dwelling. The Chairman proposed that if No. 185 was a four bedroomed property, then three parking spaces should be provided. The Planning Manager was of the opinion that there should be sufficient space in the front of the plot to accommodate three spaces.

On a proposal, which was duly seconded, to approve the application with addition of three parking spaces being provided for No. 185 and a condition to remove permitted development rights, it was

## RESOLVED

That permission be granted, subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drg Nos 20-043-199; 20-043-200-A and 20-043-201 received 18.11.2020, 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. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the plot 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.*

4. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 20-043-200-A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

5. The use shall not commence until the area(s) within the site on dwg. no. 20-043-200-A for the purposes of Loading, Unloading, manoeuvring and parking of vehicles (including garage) and the secure storage of cycles 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.*

6. 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 BS 10175:2011+A1:2013 and CLR11) and a

written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

## **10 DC/20/3279/FUL - 64 London Road North, Lowestoft**

The Committee considered report ES/0671 which gave details of the application seeking planning permission for the change of use of part of the ground floor of 64 London Road North, Lowestoft, from a commercial use to a one-bedroomed residential flat. The proposal also included associated building works comprising the erection of a single storey infill rear extension, following the demolition of part of a single storey rear extension and removal of external stairs at the rear.

Members received a presentation showing the site location plan, photographs of the street scene front and rear, block plan, floor plans showing the flat at the rear and shop at the front, and the rear elevations. Cycle and bin storage were being provided.

In addressing the material planning considerations and key issues, the Planner advised that the proposal was acceptable and would not adversely impact on the viability and vitality of the town centre. The flood risk to the new dwelling created was minimal and could be properly mitigated. Whilst external space was minimal, it was considered to be in sustainable location near to busses and the beach.

The Planner confirmed that the proposal was considered to be compliant with policy WLP8.19 and the proposal would not result in adverse amenity impacts. The Applicant had agreed to make a RAMS contribution and approval was being recommended.

In response to a question regarding access to the first floor, the Planner confirmed that the photographs were not up to date and stairs alongside the shop were in place.

Members raised further questions relating to:

- The number of flats.
- The removal of the fire escape and safe access to the flats on the upper floors.
- Sanitary and hand washing facilities in the shop.
- Number of cycle spaces.

The Planner confirmed that the fire escape would be removed and that occupants of the upper floors and the shop would have no direct access to the rear; the occupants would have to walk round to the wheelie bins at the rear. Specifics relating to the fire escape would be a case for Building Regulations. It was considered there was adequate space for washing facilities in the shop. Five cycle spaces were to be provided. Highways had made no objection; the flats were single bedroomed and in a sustainable location.

The Principal Planner advised that the four flats on the upper floors had received recent approval but he was not sure if work had commenced. Any significant changes would be referred back to Committee but internal alterations would not.

Members discussed the proposal and expressed concern about the lack of access at the rear, occupants having to walk through the high street with domestic rubbish and the removal of the external fire escape.

The Principal Planner explained that if Members were minded to refuse the application they needed to consider relevant policies; presentation of bins on collection day was not a significant consideration. Members might have general concerns relating to overdevelopment of accommodation in the building and the impact on the commercial unit. Reference could be made to policy 8.29 relating to design and amenity and the retention of commercial uses at the ground floor level.

On a proposal to refuse the application, which was duly seconded, it was unanimously

## **RESOLVED**

That permission be refused for the following reasons:

1. Over-development of the site with the already approved scheme, and
2. Impact on the viability of the commercial unit.

The meeting concluded at 5.05pm.

.....  
Chairman

<p><b>Unconfirmed</b></p>
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Minutes of a Meeting of the **Planning Committee North** held remotely via Zoom, on **Tuesday, 16 March 2021 at 2.00pm**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Craig Rivett

**Other Members present:**

Councillor Peter Byatt, Councillor Tony Cooper, Councillor Debbie McCallum, Councillor David Ritchie

**Officers present:** Liz Beighton (Planning Manager - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Michaelle Coupe (Senior Planner - Development Management), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Steve Milligan (Planner - Development Management), Phil Perkin (Principal Planner - Major Sites), Karolien Yperman (Design and Conservation Officer)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Bond declared a Local Non-Pecuniary interest in Item 6 - DC/29/5374/FUL - 43 Linden Close, Aldeburgh, as being Ward Member. She confirmed she had been lobbied on the application and had submitted an objection. However, she would take part in discussions having come to the meeting with an open mind.

Councillor Rivett declared a Local Non-Pecuniary interest in Item 7 - DC/20/4684/FUL - Woods Meadow Country Park, Oulton, as being Cabinet Member with responsibility for Assets.

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

Councillors Ashdown, Brooks and Coulam declared that they had been lobbied on Item 5 - DC/20/4965/FUL - 4 Blyth Road, Southwold. They had made no response.



Councillor Bond declares that she had been lobbied on Item 6 - DS/20/5274/FUL - 43 Linden Close, Aldeburgh. She had made no response.

Councillor Ceresa declared that she had been lobbied on Item 5 -DC/20/4965/FUL - 4 Blyth Road, Southwold. She had responded to confirm that she had seen the full report from Southwold Town Council which was included in the Agenda papers.

Councillor Elliott declared that he had been lobbied on Item 5 - DC/20/4965/FUL - 4 Blyth Road, Southwold. He had made a factual response only.

#### **4 Enforcement Action - Case Update**

The Committee considered report ES/0622 which summarised outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 26 February 2021. There were currently 14 such cases.

The Assistant Enforcement Officer provided an update with regard to:

1. Pine Lodge, Hinton - case with Legal Team who were looking at the sale of the land.
2. Land adjacent to Oak Spring, Darsham - site visit was due this month before further legal action.
3. Dam Lane, Kessingland - Court adjournment for trial on 5 July 2021.
4. Land at North Denes, Lowestoft - hearing on 9 March had overrun, adjourned until 21 April 2021. The Chairman understood that the Inspector had undertaken a site visit on 11 March.

There being no further discussion, it was

#### **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 26 February 2021 be received and noted.

#### **5 DC/20/4965/FUL - 4 Blyth Road, Southwold**

The Committee considered report ES/0707 which gave details of the planning application for extensions and alterations to a detached dwelling at 4 Blyth Road, Southwold. The proposed extensions included adding a second floor room which would raise part of the existing ridge line. The application was before Committee having regard to the scale and design of the development and the concerns raised by Southwold Town Council.

The report explained that the proposal sought to extend the property at ground floor level to create a large living space to the south and extend north into the rear garden to create a dining room, both with vaulted ceilings. The flat roof garage on the east side was to be replaced with a three storey extension providing a lookout lounge on the second floor. Revised plans had been received which had slightly reduced the height of the second floor element and the proposed zinc cladding was to be replaced with cedar boarding. Parking provision was in the front garden.

Members received a presentation showing the site location which was accessed via an unmade track, photographs of the property, street scene and other three storey buildings nearby; the existing, superseded and proposed elevations, floor plans for the three floors and how the proposal would sit within the plot. The roof height had been reduced in the revised plans and would be 1.5m higher than the existing ridge. The proposal would provide extensions at the front and rear, the garage was being replaced with an extension, and a second floor was to be added to the existing dwelling. It would remain a three-bedroomed property with the addition of a study and extra living space.

The Senior Planner explained that the second floor would provide an outlook towards Southwold common; car parking was to be provided at the front with additional hedging; and the proposal was not considered to be overdevelopment as there would still be reasonable garden space.

The Senior Planner drew attention to the material planning considerations and key issues with particular regard to the design, impact on surroundings including the AONB landscape and residential amenity. There was a mix of dwelling types in the vicinity and whilst the development would result in a significant change to the existing building, the proposal was considered to be most interesting and not cause significant harm to the street scene and landscape, or be unduly harmful to the amenity of neighbours. Approval was therefore being recommended.

The Chairman invited the public speakers to address the Committee.

Mr M Ladd thanked Members for being given the opportunity to speak. He confirmed he was Chairman of the Southwold Millennium Trust who owned land to the north of Blyth Road and that he sent in an objection on behalf of the Trustees. He confirmed he was also a Suffolk County Councillor for Southwold and confirmed his objection to the application, having been closely working with the Town Council to develop the old fire station site since the fire station had moved to Reydon. The old site adjacent to this application was soon to be redeveloped by Hastoe Housing Association and used for much needed affordable housing for Southwold. Whilst having no objection to the redevelopment of 4 Blyth Road, the design might be interesting but it was in the wrong place. The overall scale of the proposal was out of keeping with existing properties, in particular the second floor, and although slightly reduced, the lookout lounge and balcony would cause overlooking and loss of privacy and would have a negative impact on residents' amenity of both current and future neighbours. The reduced ridge height was welcomed but nearby properties of a similar height did not have lookout stations in the roof space. The application could only be considered to be dominating and overbearing, and there would be loss of privacy to neighbours. With that in mind, the Committee needed to seriously look at the application.

On behalf of the Southwold Town Council, Ms Jeans thanked the officer for a fair presentation and requested slides be shared to show the Hastoe development being proposed on the former police and fire station sites. She was concerned about the overlooking onto these two sites and the back gardens of the proposed development and the overall impact on the much needed accommodation including affordable housing that was to be provided. It was not necessary for the proposed extensions to have a lookout lounge on what was likely to be a holiday let. Also, there would be a

considerable amount of looking down into the back gardens due to be built on the adjoining site. The design did not fit the character of Blyth Road, most properties were humble two storey dwellings and consideration should be given to the context of everything in the vicinity. Here was not in the right place. The proposed social housing for the fire station site (as shown on the slide) was in character with the area. This glitzy house was not in character and did not fit with the character of Blyth Road or the common as locals would agree. There were specific reasons for the type of new houses on Station Yard because of flood conditions and a pre-existing consent; that did not apply here. The Town Council disagreed with the application and it should be refused.

On behalf of the Applicant, Mr N Haward thanked the officer for an accurate representation of the scheme. He wished to make a few points including the fact that the lookout lounge would take advantage of the views over the common and to the water tower and long views to the northern marsh. In response to comments from Southwold Town Council, he and the applicant had looked at the reviewing the scheme to accommodate comments and, as a result, the roof height had been reduced and the finishes simplified. By setting back the glass balustrading, loss of privacy would not happen with their proposal. The windows had been very carefully placed so there was no loss of privacy and no extra overlooking to immediate neighbours. There were three storey buildings in the area, so it was difficult to understand that only 2½ storey was acceptable. They had worked on a scheme and tried to satisfy negative comments. The applicant was willing to develop in Southwold and the individual design should not be discouraged. It would make a great house and was worthy of support.

Members asked questions relating to:

- How could windows with potential to overlook not create an impact.
- Second floor windows would impact on all four elevations.

Mr Haward advised that the window glass screening was set back, therefore allowing for a long view and not a view downwards. There were windows on the rear elevation of the existing property and the proposed upper floor would provide for a long vista.

Members sought clarification as to the planning permission on the fire station site and the Planners confirm that there was currently no consent on that site.

Ward Councillor Beavan advised that it was not desirable to have any more buildings in Southwold with lookouts and balconies; it might be great for the owners to look over everything but not for everyone else. He accepted the point made that the inside room might restrict views but as soon as anyone stepped out on the balcony people would overlook neighbours and see everything. The balcony needed to be dropped from the application.

Members raised issues with regard to the following:

- Taking into account future development on the adjoining sites.
- Additional windows being proposed.
- Comments from Highways.
- Orientation of the balcony and why there would be no overlooking.
- Advanced status of the Neighbourhood Plan and the fact that this application might affect the proposal for the fire station site.
- How these alterations might affect and detract from the attraction of the proposed

development.

The Senior Planner advised that the fire station site was currently undeveloped and a scheme was expected to come forward in due course. County Highways had made no comment. The inverted dormer window system would provide screening from the nearest neighbour. In clarifying the location of the windows on first floor and new stairway, the Senior Planner advised that the second floor window could be obscure glazed if Members thought necessary. The balcony faced Blyth Road to the front and also over the rear garden towards the fire station site. The balcony was screened by the roof from the next door neighbour and there was currently no development on the fire station site to overlook, nor any formal application plans for consideration. The Senior Planner advised that the Neighbourhood Plan was in its early stages and the fire station site was referred to as a mix of residential/commercial development.

Councillor Beavan confirmed that the Neighbourhood plan was currently at the Regulation 14 stage, then the Regulation 16 referendum would be in November.

The Planning Manager advised that until the Neighbourhood Plan was adopted it was not part of the Development Plan and therefore would not carry significant weight at this point in time. The layout of the fire station site would need to take into account the area at the time a planning application was submitted. The balcony was set into the roof and therefore views would be limited. Future development in the area would have to respond to what was on this site. Members needed to consider applications in the order they were presented to Committee and, therefore, how this application might affect existing properties only.

Whilst Members' concerns were expressed and certain reservations over the striking design in this particular location as not being acceptable, a proposal to approve the application was duly seconded. The design and the reduced roof height made the proposal satisfactory. It was proposed that the side windows be obscure glazed and this additional condition was supported by the proposer and seconder. There being no further discussion, it was

## **RESOLVED**

That permission be granted, subject to the following conditions:

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

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

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

Site Plan received 4/12/20

Proposed site plan received 04/12/20

Proposed Elevations received 10/02/21  
Proposed GF plan rev A received 10/02/21  
Proposed FF plan Rev C received 10/02/21  
Proposed SF plan received 10/02/21  
Supplementary information: Proposed S, W and N elevations and general section received 10/02/21

*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. Within 3 month(s) of commencement of development, satisfactory precise details of a hedge planting scheme (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority.

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

5. The approved hedge planting scheme shall be implemented not 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.*

6. The windows in the side elevations at first floor level and above shall be fitted with obscure glazing and thereafter retained as such.

*Reason: To protect the amenity of neighbouring residents from undue overlooking.*

## **6 DC/20/5274/FUL - 43 Linden Close, Aldeburgh**

The Committee considered report ES/0708 which gave details of the application for single storey side and rear extensions to a single storey dwelling at 43 Linden Close, Aldeburgh.

The application was before Committee as the recommendation to approve was contrary to the views of the Town Council and Ward Member.

Members received a presentation showing the site location plan and aerial photograph, photographs of the street scene and neighbouring property at No. 41, and the location of the proposed extensions on the existing dwelling. The parking area would be widened to accommodate two cars. The existing and proposed elevations and proposed floor plan gave specific details of the proposal.

The Planner explained that one of the principal issues was the impact on the amenity of No. 41 and whether any overdevelopment might have an impact on Linden Close and properties backing onto the limited rear garden. The Planner drew attention to the revised plans which were proposing a hipped roof away from the neighbour's boundary. The 2.5m wide extension on the eastern side would have two obscure glazed bathroom windows and a bedroom window, 1m from the boundary. The proposal would result in a three bedroomed property which was not considered to be excessive in size.

The Planner drew attention to the hipped roof which would limit the impact on light/sunlight to the south facing fenestration of the neighbour and also reduce the impact on the southern part of the garden of No. 41. The guidance in SPG16 referred to a 25° line taken 2m above ground level and the proposed extensions sat below that line as indicated on the slide. The Planner explained that the extensions were considered to be of a satisfactory design which would not have an adverse impact on the amenity of neighbours, nor would they represent an overdevelopment of the plot. Approval was being recommended, subject to no new issues being raised during the re-consultation period which ended that day.

The Chairman invited questions.

Members raised issues with regard to:

- Clarification on the sunlight calculator and line drawing.
- The line of shading of the existing roof and new hipped roof.
- The roof line being shortened.
- Overlooking of three windows into the neighbour's garden.

The Planner confirmed that the proposal provided a change to the existing roof line and with the apex roof being taken back to a hipped roof, there would be a marginal improvement. The roof line was shortened by almost 1m. Two out of the three windows would be obscure glass and there was currently a 1.8m fence in place between the properties.

Further questions were raised with regard to the location of the boundaries and the distance the extension would be from the boundary. There being so little space, it was questioned that the proposal could be too big for the plot. The Planner confirmed that the applicant had assured him the proposal was to be 1m from the boundary and 300-400mm distant at the rear which could be considered to be too close. Comment was made that Building Regulations would ensure minimum distances although a person could build up to their boundary if they so wished, provided that was acceptable in planning terms.

The Chairman invited the public speakers to address the Committee.

On behalf of Aldeburgh Town Council, Ms S Fox drew attention to the existing and proposed elevations and pointed out that the separation from the neighbour at No.41 was currently some 2.5m with a garage and bathroom window. The proposed elevation had three windows with opening lights only 1m distance from the boundary. The floor plan showed just how close the proposal was to the boundary compared to the dotted line on the floor plan of the existing building. The original property had a smaller window. Now, there would be three opening windows resulting in noise right on the boundary causing disturbance for the neighbours. The rear extension was only ½m distant from the rear boundary, so it was clearly overdevelopment on a small site. There was little provision for amenity space, the space for cars was not adequate and the front garden would be lost. The application should be refused.

As Ward Member, Councillor Haworth-Culf advised that she concurred with the Town Council in that the development was clearly an overdevelopment on a very tight site. She had real concerns about the objections on the planning portal and made reference to the differences in the plans from 3.5m down to 2m and the plan says 5m where there is only 3.7m. How could the development fit into the site? There were other alternatives. It was in the AONB where permitted development did not count. There would be a loss of privacy for the immediate neighbour and the holly hedge and property belonging to the neighbour would likely be damaged with scaffolding. It was a big concern. There would be loss of light and shadow over the area of garden, there would be no real privacy and the effects on quality of life in a full time home should be given great consideration. Councillor Haworth-Culf did not believe the plans were accurate and questioned the distances in the plans. It was definitely over development on the site and should be refused.

Members questioned the size of the site and accuracy of measurements and sought assurances that figures quoted were correct. The Planning Manager understood from the agent that the plans were correct. Any disagreement between neighbours on the boundary line was a civil matter and not a planning matter.

In viewing the existing photographs, the Planner confirmed that there was currently a door and window on the side of the existing dwelling facing the neighbour at No. 41.

A Member questioned the location of the proposed extensions and the nearness to neighbours leaving little garden and inadequate parking for two cars. It was clearly a tremendous overdevelopment on a really small site. Members made further comments that the extension was not beyond the width of the existing garage so no part of the dwelling would be nearer than what was in currently in existence. Whilst there would be a reduction in garden, parking was similar to other properties. The extension appeared to be no closer to the boundary than the existing garage and a 1.8m high fence separated the two dwellings. In response to a request for clarification on the parking, the Planner confirmed that the driveway was to be widened in accordance with condition 4 and he understood that would allow parking side by side.

Having received a proposal, which was duly seconded, to approve the application, the Chairman suggested that approval be subject to the removal of permitted development rights relating to extensions, alterations and outbuildings. This was supported by the proposer and seconder and there being no further discussion, it was

## RESOLVED

That, subject to the completion of period of re-consultation on amended plans and no new issues being raised in any further representations received, permission be granted, subject to the removal of permitted development rights and the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drg Nos AB100b and AB102d received 29.12.2020 and Drg No AB103c received 23.02.2021 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Before the extensions are first used, the driveway shall be widened to provide parking for two cars. Thereafter the parking shall be retained and used for no other purpose.

*Reason: To provide adequate parking for a three bedroomed property.*

## **7 DC/20/4684/FUL - Woods Meadow Country Park, Lime Avenue, Oulton**

The Committee considered report ES/0709 which set out details of the planning application for the siting of a 20ft cladded shipping container on the country park to serve as a workshop and volunteer hut for the park for 10 years.

The application was before Committee as the Council was both the landowner and the applicant.

Members received a presentation showing an aerial view of the area, red line drawing of the country park, the proposed location of the container, and photographs of the site and development in the vicinity. The nearest dwelling would be some 75m from the container. A plan showed the entrance to the park and public footpath, the site of the primary school, car park and the site being proposed for the community centre.

The Principal Planner outlined the material planning considerations and key issues and



drew particular attention to the principle of the development, car parking and residential amenity. It was anticipated that the majority of volunteers would be walking to the site. Approval was being recommended subject to appropriate conditions.

As Ward Member, Councillor Gee expressed support for the application and asked if consideration could be given to planting to soften the outline of the container building. In response to Members' questions, the Principal Planner confirmed that the car park was now accessible for parking purposes and would in time be transferred to the Council. It might be possible to use a small hedge or planting around the container and that could be considered by Members as an additional condition.

Having received a proposal for approval, which was duly seconded, with an additional condition covering planting, it was unanimously

## **RESOLVED**

That permission be granted, subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the application form and supporting information received 18 November 2020, 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. On 31 March 2031 the shipping container hereby permitted shall be removed and the land shall be reinstated to its former condition to the satisfaction of the Local Planning Authority at or before this date.

*Reason: Due to the temporary nature of the shipping container.*

4. The container hereby approved shall be elevated above ground level on paving slabs or similar with a void underneath.

*Reason: To prevent the likelihood of CO2 gas entering.*

5. Within one month of the storage container hereby approved being brought on to the site a planting plan to screen the container shall be submitted to and approved in writing by the local planning authority. The planting plan shall be implemented in

accordance with the approved details within the next available planting season.

*Reason: In the interests of visual amenity.*

## **8 Quality of Place Awards 2020**

The Cabinet Member with responsibility for Planning and Coastal Management, Councillor Ritchie, introduced the Quality of Place Awards and advised he had had the pleasure of being the chair of the judging panel for the second year. He expressed thanks to his fellow judges who were all experts in their own fields of landscape, conservation and architecture. There had been a good set of entries this year and he expressed thanks to Robert Scrimgeour, Principal Design and Conservation Officer who had given valuable support to the contestants and helped them through the process. He introduced Karolien Yperman, the Council's Design and Conservation Officer.

The Design and Conservation Officer gave a presentation to the meeting explaining the four categories of Community, Landscape, Conservation, Landscape and Design. She gave a brief overview of the nominees and winners as follows:

### Community

St Michaels Church, Beccles - highly commended  
Westleton Village Hall - winner

### Landscape Winner

Sibton Park

### Conservation

Moot Hall, Aldburgh - highly commended  
Stanaway Farmhouse, Otley - highly commended  
Westleton Village Hall  
Wingfield House, Saxmundham - winner

### Design

Out of the many nominations:  
CEFAS Lowestoft - highly commended  
Pightle House, Ufford ) joint  
Gainsborough House, Nacton ) winners

The Design and Conservation Officer advised that they were hoping for new nominees to come through soon for this year's award.

On behalf of the Committee, the Chairman expressed thanks for the achievements and work that had been undertaken. The presentation gave a clear overview of the imaginative and innovative buildings.

The Cabinet Member welcomed all entries which would assist in improving standards, not only with regard to individual buildings but also commercial premises and housing developments. It was well worth a visit to the joint winners in the Design category. The highly commended CEFAS site was providing a top quality headquarters and would form an important part of the regeneration being undertaken in Lowestoft.

The meeting concluded at 3.52pm.

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Chairman

## PLANNING COMMITTEE

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**13 April 2021**

**Report Author and Tel No**

**Mia Glass**

**01502 523081**

Is the report Open or Exempt?

Open

## REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 25 March 2021. At present there are 13 such cases.

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

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

## RECOMMENDATION

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 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.</li> <li>• 10/11/2015 – Informal hearing held</li> </ul>	30/04/2021

					<ul style="list-style-type: none"> <li>• 01/03/2016 – Planning Appeal dismissed</li> <li>• 04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>• Trial date set for 21/04/2017</li> <li>• 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.</li> <li>• The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>• 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>• 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>• 21/11/2017 – Mobile home and steps removed from site.</li> <li>• Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>• 06/07/2018 – Legal advice being sought.</li> <li>• 10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 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).</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>• Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> <li>• 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018</li> <li>• 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</li> <li>• High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019</li> <li>• 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.</li> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 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.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 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</li> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</li> <li>• Charging orders have been placed on the land to recover costs.</li> </ul>	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>• Authorisation granted to serve Enforcement Notice.</li> <li>• 13/09/2013 -Enforcement Notice served.</li> <li>• 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months</li> <li>• 11/07/2014 – Final compliance date</li> <li>• 05/09/2014 – Planning application for change of use received</li> <li>• 21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>• 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>• 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as</li> </ul>	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>to further action.</p> <ul style="list-style-type: none"> <li>• 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 – Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> </ul>	24/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 – PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>following advice from Counsel.</p> <ul style="list-style-type: none"> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> <li>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal Dismissed with variations. Compliance by 20 January 2021</li> <li>• Site visit due at end of January 2021.</li> <li>• 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>16/11/2017 – Authorisation given to serve EN.</li> <li>22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>Appeal submitted. Awaiting Start date</li> <li>Appeal started, final comments due by 08/02/2019.</li> <li>Waiting for decision from Planning Inspectorate.</li> <li>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued</li> </ul>	31/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <ul style="list-style-type: none"> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with some amendments. Compliance by 11/12/2020</li> <li>• Site visit to be undertaken after 11/12/20</li> <li>• Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action.</li> <li>• <b>Further visit to be done on 25/03/2021.</b></li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• 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.</li> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> </ul>	30/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• 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.</li> <li>• Court hearing in relation to structures and fencing/gates 03/03/2021</li> <li>• <b>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.</b></li> </ul>	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> </ul>	31/03/2021



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed and amended. Compliance with both Notices by 13/08/2020</li> <li>• Site visit conducted. Some works have been completed but due to Covid-19 pandemic work to remove refrigeration units has been delayed. Extension of time given until 02/10/2020.</li> <li>• Further extension of time given until 30/11/20.</li> <li>• 03/12/2020 – Site visited. MCU Notice has been complied with and Operational Development Notice partially complied with. Final steps are not required for completed until 31<sup>st</sup> March 2021.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• Awaiting date of hearing from Planning Inspectorate.</li> <li>• Hearing date set for 02/02/2021.</li> <li>• Hearing adjourned until 09/03/2021</li> <li>• <b>Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021.</b></li> </ul>	30/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>• Notice served 26/11/2019</li> <li>• Compliance visit to be conducted when possible.</li> <li>• Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step.</li> <li>• Enquires being made to take direct action.</li> <li>• Contractors arranged to undertake the required work.</li> <li>• Owner arranged for workers to undertake required work in place of Council Contractors.</li> <li>• Site visit due to check compliance.</li> <li>• Notice not complied with in full. Internal discussions being held to decide the next step.</li> <li>• Contractors being contacted to complete work.</li> <li>• Contractors undertook garden clearance on 13<sup>th</sup> January 2021. Will return at later date to complete outstanding</li> </ul>	28/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>work.</p> <ul style="list-style-type: none"> <li>• Work has been completed on property to fulfil the notice.</li> <li>• Costs are being collated to bill the owner for the work.</li> </ul>	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>• Enforcement Notice served 10/12/2019</li> <li>• Awaiting site visit to check on compliance</li> <li>• Site visit undertaken, summer house still in situ. Further action to be considered.</li> <li>• Property has now changed hands. Contact with new owner to be established.</li> <li>• Officers are now in contact with the new owners and are discussing a way forward.</li> <li>• Six weeks given for summerhouse, decking and steps to be removed.</li> <li>• New planning application has been submitted. Case on hold until determined.</li> <li>• <b>Planning permission has been granted for retention of the</b></li> </ul>	10/06/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<b>decking element. Removal of summerhouse and steps have been conditioned.</b>	
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> <li>• 17/01/2020 – Enforcement Notice served.</li> <li>• Appeal received. Statements due by 27/04/2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted.</li> <li>• Judicial review dismissed. Compliance date 23/03/2021</li> <li>• <b>Site visit to be undertaken on 25/03/2021 to check for compliance.</b></li> </ul>	30/04/2021
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> <li>• 30/06/2020 – Enforcement Notice served. Appeal submitted awaiting start date.</li> <li>• Appeal started. Final comments by 09/11/20</li> <li>• Awaiting Planning Inspector Decision.</li> </ul>	25/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Appeal dismissed. Compliance due by 25/03/2021</li> </ul>	
ENF/2020/0049 /DEV	12/01/2021	South	17 Saxonfields, Snape	Installation of a replacement roof on conservatory	<ul style="list-style-type: none"> <li>Enforcement Notice served. Comes into effect on 15/02/2021</li> </ul>	15/06/2021

**Planning Committee North**

**13 April 2021**

**DC/21/1208/FUL – Jubilee Parade, The Esplanade, Lowestoft**

Since the publication of the agenda on 1 April 2021, the Head of Planning and Coastal Management has instructed that this item is to be withdrawn from the agenda.

The reason for the withdrawal is that the consultation period will not have been completed by the time the application would have been heard by the Committee at this meeting. Therefore, to ensure a full assessment of all representations is properly undertaken, and thus enabling Members to consider these carefully, an updated report will be submitted to Committee at a future meeting.

updated 6 April 2021

## Committee Report

**Planning Committee North – 13 April 2021**

**Application no** DC/20/4979/FUL

**Location**

Allotments Near Normanston Drive  
Access From  
Field View Drive  
Lowestoft  
Suffolk

**Expiry date** 28 February 2021

**Application type** Full Application

**Applicant** Lowestoft and District Allotment Association

**Parish** Lowestoft

**Proposal** Off Street parking for allotment users including new access from Fieldview Drive.

**Case Officer** Matthew Gee  
07901 517856  
[matthew.gee@eastssuffolk.gov.uk](mailto:matthew.gee@eastssuffolk.gov.uk)

### 1. Summary

#### Case Against Development

- 1.1. Planning permission is sought for the creation of off-street parking for allotment users including a new access from Fieldview Drive. The application site comprises part of an area of allotments that are designated in the Local Plan as Open Space. Under the Local Plan there is a presumption against any development that involves the loss of open space, which includes allotments, and it is not deemed that the proposal meets any of the three exceptional circumstances as set out in policy WLP8.23. Furthermore, the proposal would result in harm to the street scene through the removal of soft landscaping with limited scope within the application site for replacement planting as mitigation. Whilst the provision of on-site car parking would provide some benefit for users of the allotments, it is not considered that the benefit would be so significant that it would outweigh the conflict with the Development Plan.



## Reason for Committee

- 1.2. The Town Council have provided no comment, and no objections have been received from consultees.
- 1.3. However, the Local Ward Member (Cllr Patience) has commented in support of the proposal and therefore the application was referred to the referral panel 23 February 2020, at which time it was decided that it was in the public interest for the application to be referred to the Planning Committee (North) for determination. In addition, officers were subsequently notified that East Suffolk Council is the landowner of a small area required for the proposed access point and, thus, the application would be referred direct to Committee in any case.

## **2. Site description**

- 2.1. The application site comprises of land used for allotments, and part of the verge between the allotments and 'Fieldview Drive'. The allotments site is located by residential development and the terminus of Parkside Drive to the west; residential development to the north; residential properties and the termini of Robin Hill and Fieldview Drive, to the east; and a pedestrian footpath to the south.
- 2.2. There are several pedestrian accesses, with one being from the north-eastern side of the allotments giving access to Normanston Drive.
- 2.3. There is a further access off Fieldview Drive, and a final access off the shared foot/cycle path to the south. All of these are accessed via locked pedestrian gates.

## **3. Proposal**

- 3.1. Planning permission is sought for the creation of off-street parking for allotment users including new access from Fieldview Drive. The parking area is split between two areas with a combined total number of 13 parking spaces over an area of approximately 640sqm.
- 3.2. The surfacing of the carpark will be a hogging, permeable membrane with a topping of material.

## **4. Consultations/comments**

- 4.1. Local Ward Member, Cllr Patience, provided the following comments: *"I as the ward fully support this application"*.
- 4.2. Two letters of objection have been received raising the following key points (inter alia):
  - Visual Amenity.
  - Adequacy of parking/loading/turning.
  - Highway and pedestrian safety.
  - Traffic Generation/ Neighbour Amenity.
  - Hazardous Materials.
  - Loss of Hedgerow.

4.3. Five letters of support have been received raising the following key points (inter alia):

- Parkside Drive is not suitable.
- Proposal will provide safe and easy access to allotments.
- Provide access for people with disabilities.

4.4. One neutral letter of representation received raising the following key points (inter alia):

- Is the gate going to restrict access to the car park and be locked?
- If any gate is going to be locked, is access going to be restricted to allotment holders only?
- The plan results in a loss of available allotment area.
- If the car park access was not going to be restricted, objections would be raised on grounds of possible antisocial, criminal usage, increased traffic.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	6 January 2021	28 January 2021
<i>Lowestoft Town Council acknowledges receipt of this application but as owner of part of the land subject to the application does not wish to provide any further comment.</i>		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	6 January 2021	15 January 2021
Summary of comments: No objections but raised concerns regarding potential landowner issues.		

## 5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 15 January 2021

Expiry date: 5 February 2021

## 6. Planning policy

6.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

6.2. The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The key relevant policies of the Local Plan are listed below:

- WLP8.21 – Sustainable Transport
- WLP8.23 - Protection of Open Space
- WLP8.29 - Design
- WLP8.35 - Landscape Character

6.3. The National Planning Policy Framework (NPPF) is a material consideration.

## **7. Planning considerations**

### Planning History

7.1. The former Waveney District Council Planning Committee refused permission (ref. DC/17/4398/FUL) for an access to the allotments including parking area from Parkside Drive. This was subsequently allowed on appeal in April 2018 (appendix 1 for appeal decision), as the Inspector concluded that the amenity impacts were acceptable, and that the proposal adhered to the Local Plan at that time. This permission was for an access to the allotments including parking area from Parkside Drive, towards the north-eastern corner of the allotments - in what is understood to be an unused and overgrown area of the site. It is understood this approved scheme is now unable to be implemented.

7.2. The planning history of a site is a material planning consideration; however, it is for the decision-taker to give weight to such matters. In this instance it is officers view that it is unlikely that the previously approved scheme will be implemented given the limited time remaining on that extant permission and the outstanding requirement to discharge pre-commencement conditions attached to that permission. Additionally, the area proposed to be covered by hand standing under this current application is approximately three times the area of the previous approval and is in a different location within the wider allotment site. Therefore, in this instance, it is considered that the previously approved scheme has limited weight when considering the current application. It is also critical to the decision that since the allowed appeal, the East Suffolk (Waveney) Local Plan was adopted in September 2019 and represents the Development Plan for this area of the District.

### Principle of Development

7.3. The site is designated by policy WLP8.23 (Protection of Open Space) as open space, with the policy setting out a presumption against any development that involves the loss of open space or community sport and recreation facilities. The policy does permit the development of open spaces, but only in permitted exceptional circumstances where:

- The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;
- An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses; or

- The loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity, quality and in a location that is equally or more accessible to the community.

- 7.4. Officers do not consider that the proposal would be ancillary to the open nature of the area, and it is not deemed to increase local character, amenity, or biodiversity. The proposal does provide some additional community benefits in terms of better access to the allotments, including for less abled body people. However, it is not deemed that the exception to policy has been fully justified. In addition, no details have been provided with the application on how any of the above exceptional circumstances have been met.
- 7.5. The provision of some on-site car parking would be of some benefit to users of the allotments, but there is no evidence to suggest that a lack of parking has made the allotments unattractive to the local community. From officer's assessment of the local context, it does not appear that there is a significant issue with dangerous or obstructive on-road parking in the area that would be addressed by the proposal. On the other hand, the proposal would see a significant loss of allotment space in a policy-protected area of open space. That represents a clear policy conflict with the Local Plan.
- 7.6. As such it is considered that the proposal fails to adhere to policy WLP8.23. Furthermore, paragraph 97 sets out similar protections for open space and exceptions to that land being built upon, which this application is not considered to meet.

#### Amenity

- 7.7. Policy WLP8.29 also sets out, amongst other things, that proposed development should protect the amenity of the wider environment, including neighbouring uses. The introduction of parking for 14 vehicles is likely to result in a notable increase in vehicle movements in the area, which has the potential to impact on the enjoyment of residential properties along this section of Fieldview Drive. However, as the allotments are unlikely to be visited at particularly sensitive times of the day such as during the night or in the early mornings, most activity would probably be during the day and early evening when there will be other background noises and activity emanating from nearby properties and roads. There may be some deliveries, but these are likely to infrequent. Thus, the impact from additional vehicle movements is not considered to be so significant as to fall contrary to WLP8.29.
- 7.8. The introduction of a long access close to the boundaries with no.22 Fieldview Drive, and no. 12 Robin Hill, is likely to result in some increase in noise and vibration from passing vehicle movements, in particular noticeable from their rear garden areas.
- 7.9. However, again, it is unlikely that the development would be used during sensitive times and the existing boundary treatment would go some to buffering the impact. The extent of activity would not likely be so significant as to fall contrary to WLP8.29

#### Character and Appearance of the Area

- 7.10. Policy WLP8.29 also sets out that proposed development should be respectful of the character and appearance of the surrounding area and street scene. Fieldview Drive is currently enclosed at its end by the hedgerow, creating an attractive and verdant enclosure to the street scene at the end of the road. The new access would have some

impact upon the street scene of Fieldview Drive as this soft landscaping would have to be removed to facilitate the new access through. The loss of existing landscaping could be partially mitigated by new planting; however, none is detailed within the submission and there appears limited scope to undertake planting within the application site or land in the same ownership (the red and blue lines denoted on the site plan). An appropriate gate would also be necessary to ensure the view along the street scene is carefully framed. It is therefore considered that the proposal would represent harm to the character and appearance of the street scene, with no details provided on how this harm would be mitigated through good design and site landscaping. This only adds to the concern with the principle of development and loss of designated open space.

#### Highways Safety and Parking

- 7.11. The proposed creation of the vehicular access and 14 parking spaces is likely to result in a notable increase in vehicle movements in the area, although it is understood that several allotment users do already park on the highway in the general vicinity of the application site where such parking is unrestricted. Therefore, it is not deemed that the proposal would result in such a significant increase in vehicular movements that would adversely impact on highway safety. Furthermore, it is considered that a safe access is likely to be achievable to maintain intervisibility.
- 7.12. Suffolk County Council Highways Authority have acknowledged that the principle of the access is acceptable. Although, they have raised concerns as the access would cross over third-party land. However, land ownership matters fall outside of the planning remit, and officers are satisfied that the appropriate certificates and notices have been served by the applicant. There is no conflict with the highways safety objectives of WLP8.21 or NPPF paragraphs 108 and 109.
- 7.13. It is acknowledged that the proposal would provide on-site parking which could be of benefit to users of the allotments and potentially consolidate some ad-hoc on-road parking onto the site. However, SCCHA have not identified that there is an existing highways safety issue that needs to be resolved through on-site car parking provision. It is also unclear why on-site car parking is required for the allotments given the sustainable location and that allotment users likely live in the surrounding area and could walk or cycle to the site.

### **8. Conclusion**

- 8.1. In conclusion, the proposal would result in the development of designated open space and loss of in demand allotment space. Furthermore, the loss of soft landscaping at the end of Fieldview Drive is considered to result in harm to the character and appearance of the area, and with no details provided (and limited scope for) replacement planting it is considered unlikely that the harm could be mitigated. The proposal would provide some limited short-term economic benefit through the creation of jobs during construction and would provide some benefits through the creation of vehicular access potentially allowing for better disabled access to visit the allotments, in addition to the new parking facilities on site. However, in this instance it is not considered that the benefits outlined would be so significant to outweigh the clear conflict with a policy that sets out a strong presumption against development that results in the loss of open space. In accordance with the section 38(6) exercise, decision-taking should be in accordance with the Local Plan unless material considerations indicate otherwise. Officers do not consider that there are

any material considerations of such collective weight to indicate for a decision other than refusal.

## **9. Recommendation**

### **9.1. It is recommended that planning permission be refused.**

The reasons for the decision to refuse permission are:

1. Planning permission is sought for the creation of a new access off Fieldview Drive and manoeuvring/parking space for 14 vehicles. The site is situated within the defined settlement boundary for Lowestoft and comprises allotment land designated under Local Plan policy WLP8.23 as Open Space.

The proposal would result in development of the open space, and loss of in demand allotment patches. Policy WLP8.23 sets out a clear presumption against any development that involves the loss of open space or community sport and recreation facilities. The policy does provide three exceptional circumstances whereby development of designated spaces can occur. However, the proposal is not considered to meet any of the three criteria, as it is not considered ancillary to the open nature of the area and would not enhance local character or increase local amenity. Nor has it been demonstrated that the site is surplus to requirements.

The proposal is therefore contrary to East Suffolk Council - Waveney Local Plan (March 2019) Policies WLP8.23 which seeks to protect open space.

2. The proposed creation of the new access would result in the loss of existing foliage that encloses the end of Fieldview Drive. It is considered that the loss of this would cause harm to the character and appearance of the area, and that there would be limited scope within the application site to suitability mitigate this loss. No details have been provided within the scheme to detail planting/soft landscaping.

The proposal is therefore contrary to the NPPF, and East Suffolk Council - Waveney Local Plan (March 2019) Policy WLP8.29 which seeks, amongst other things, to safeguard visual amenity, by seeking high quality design, that responds to local context and character, including the spaces between buildings, and the wider streetscene.

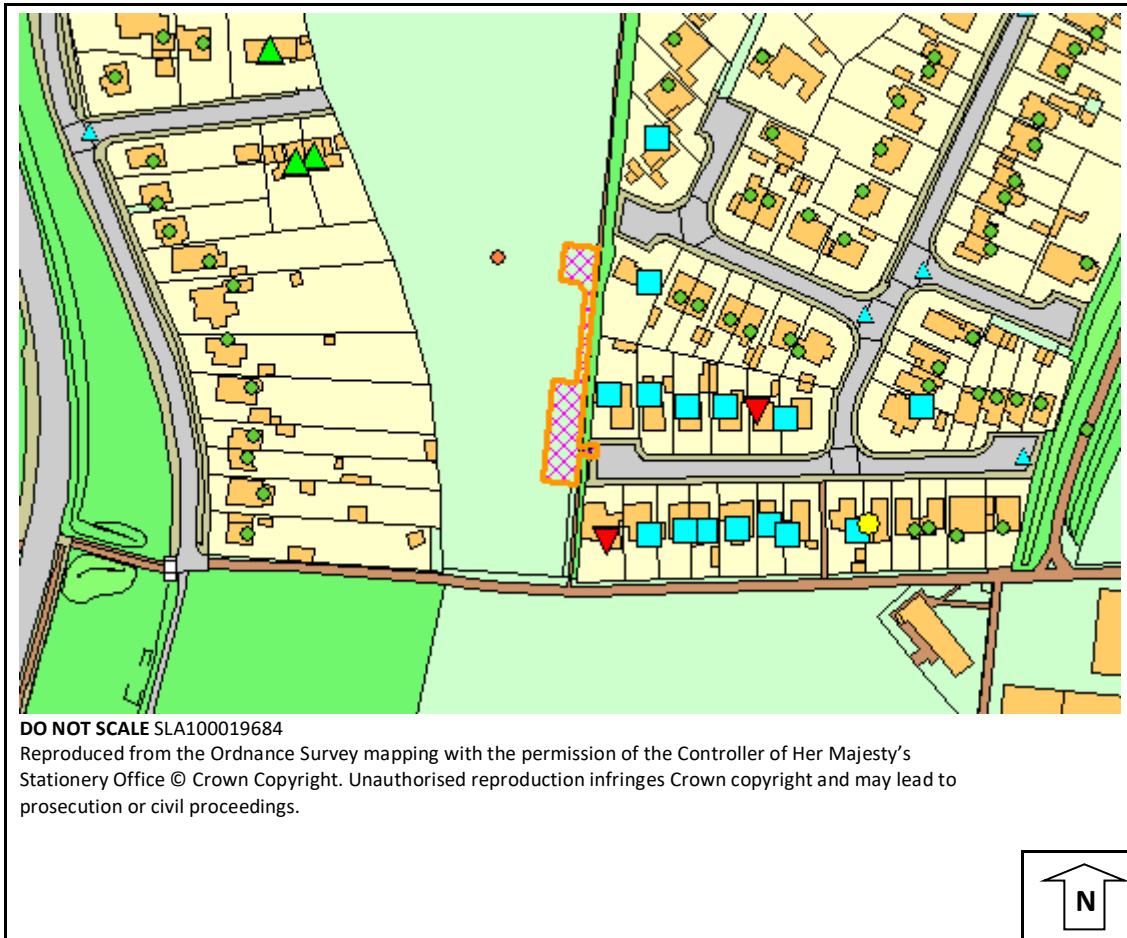
### **Informatives:**

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.





### **Background Papers**

See application reference DC/20/4979/FUL on [Public Access](#)

## Map



## Key

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



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## Appeal Decision

Site visit made on 9 April 2018

**by Graham Chamberlain BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> April 2018**

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**Appeal Ref: APP/T3535/W/18/3193312**

**Normanston Allotments, off Normanston Drive, Lowestoft, Suffolk  
NR32 2PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Allotment Supporters against the decision of Waveney District Council.
  - The application Ref DC/17/4398/FUL, dated 12 October 2017, was refused by notice dated 15 December 2017.
  - The development proposed is described as 'allotment user's car park – off street'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for an off street allotment users car park at Normanston Allotments, off Normanston Drive, Lowestoft, Suffolk NR32 2PU, in accordance with the terms of the application, Ref: DC/17/4398/FUL, dated 12 October 2017, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Alongside their final comments the appellants have submitted revised drawings. However, these drawings have arrived very late in the appeal process and have not been subject to formal consultation with interested parties. As such, I have not had regard to them.

### Reasons

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of nearby properties with particular reference to noise and disturbance.
4. The appeal site encompasses a small parcel of land towards the north western corner of the Normanston Allotments. The allotments are surrounded to the north, east and west by residential properties arranged in cul-de-sacs and it is bordered to the south by a footpath. There is currently no vehicular access to the allotments with plot holders tending to park in Field View Drive if travelling to the allotments in their own vehicle(s). Pedestrian access points are found off Field View Drive, Normanston Drive and from the footpath to the south.
5. Parkside Drive is a residential cul-de-sac accessed from Prince's Walk. There are approximately six properties in Parkside Drive although two are corner plots with the houses facing Prince's Walk. The properties tend to be set back



from the edge of the pavements. Due to the small number of properties in the street and the cul-de-sac arrangement, which effectively creates a dead end, the road is likely to be very lightly trafficked.

6. The appeal scheme is for a vehicular access from Parkside Drive. This would involve the removal of a small section of road side planting and part of an embankment. Following this, a crossover, gate, driveway and parking area for six vehicles would be constructed. The construction works would create some noise and disturbance but this would be short lived as the proposal is not particularly large in scale and scope. As such, the general activity and vehicular movements associated with the construction works would not harm the living conditions of nearby residents.
7. The proposal would result in the intensification of vehicular movements along Parkside Drive but as only six parking spaces are proposed the number of additional movements would be modest, even if the parking spaces were in constant use. Notwithstanding this, it is unlikely the spaces would be in constant use based on the experience at Stradbroke Road allotments, which has a similar number of plots. In addition, some of the allotment users have suggested they would only require vehicular access a couple of times a year. Moreover, the allotments are unlikely to be visited at particularly sensitive times of the day such as during the night or in the early mornings. Most activity would probably be during the day and early evening when there will be other background noises and activity emulating from nearby properties and roads. There may be some deliveries, such as manure, but these would be infrequent.
8. It is also a point of note that the properties in the cul-de-sac are set back from the road so vehicles would not be passing in close proximity to them. Additionally, the proposed crossover, access drive and parking area would be positioned away from the boundaries of residential properties and would not be adjacent to any rear gardens. This would create a buffer that would further soften any effects.
9. I therefore conclude that the appeal scheme would not result in a harmful level of noise and disturbance and therefore the living conditions of nearby residents would be preserved. Thus, a conflict with Policy DM02 of the DMP<sup>1</sup>, which seeks to safeguard the living conditions of residents, would not occur.

### **Other Matters**

10. Concerns have been expressed that the increase in vehicular movements arising from the appeal scheme would prejudice highway safety but I do not share this view. The access can be constructed with sufficient visibility and at an appropriate gradient that adheres to the specification set down by the Local Highway Authority, which has not objected to the scheme. Parkside Drive is of a conventional estate type design being wide enough for two cars to pass with a pavement on each side.
11. Inter-visibility for motorists at the junction of Parkside Drive and Prince's Walk is adequate and Prince's Walk has a pavement along one side so there is unlikely to be any harmful conflict between pedestrians and vehicles. There is good visibility along the road so cycling need not be dangerous. The road does

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<sup>1</sup> Policies to Help Make Decision on Planning Applications Development Management Policies Development Plan Document adopted 2011 (DMP)

narrow towards Normanston Drive but there are passing places that mitigate for this and the bend in the road naturally slows traffic speeds. Overall, vehicles would be able to safely enter and exit the appeal site along a route through Prince's Walk and Parkside Drive.

12. The new access would have some impact upon the street scene of Parkside Drive as soft landscaping would be removed and the road side bank regraded. The loss of existing landscaping can be partially mitigated by new planting, which is shown on the appeal scheme drawings. Additional planting along the driveway and around the parking area would further soften the development, mitigate for the loss of existing planting and provide stability to the remaining section of the bank. An appropriate gate is also necessary to ensure the view along Parkside Drive is carefully punctuated and this could be in the form of a timber five bar gate or similar as opposed to palisade gates. Solid fencing close to the road in the way proposed would be an unduly hard visual stop to views along the cul-de-sac but this can be revised through the imposition of a planning condition.
13. The level change would not be discordant as a laser survey has demonstrated that the land behind the bank is a similar level to the carriageway of Parkside Drive and the section of bank to either side of the access could be graded. As the level changes would not be pronounced there is unlikely to be any adverse impacts from surface water run-off. The use of permeable surfaces to the car park and access drive would further mitigate this as would a grated gully at the cross over, which would feed any residual surface water into a soakaway.
14. It has been suggested that there are other preferable points from where vehicular access into the allotments can be achieved. However, access from Robin Hill or Field View Drive would be difficult to achieve successfully due to the pronounced changes in land levels. An entrance from Normanston Drive would be undesirable as the approach would be long but devoid of passing places. Moreover, significant amounts of soft landscaping would be lost and the access would pass the rear gardens of adjoining properties and this could result in noise disturbance. Access from the south would be unfeasible as vehicles would have to travel along a footpath. As such, the suggested alternatives would not be an improvement upon an access from Parkside Drive.
15. I note that the Council has previously refused an application for a vehicular access into the allotments from Parkside Drive but this decision does not appear to have been subject to an appeal. Notwithstanding this, I have considered the appeal scheme before me on its own merits and arrived at the conclusions I have for the reasons given. I have not been presented with substantive evidence to suggest the allotments are a source of unusually high levels of antisocial behaviour or that the provision of a small car park, which would have controlled access, would compound this.

## **Conditions**

16. It is necessary in the interests of safeguarding the character and appearance of the area to ensure the development is undertaken in accordance with the submitted drawings, subject to some amendments to the landscaping, and that levels are approved. The revised landscaping scheme must include details of planting, a specification of the materials to be used in the hard surfaces and the location and design of any boundary treatment and entrance gate(s).

17. In the interests of highway safety and sustainable transport it is necessary to impose conditions relating to the gradient of the access, cycle storage and the use of bound materials. It is however unnecessary to secure further details relating to the parking areas or the means to prevent surface water from discharging into the highway as these are shown on the drawings. Similarly, the Council have suggested a condition that would require the access to be widened to 4.5 metres for a distance of 10 metres. This is not what is proposed and it is unclear why the Council is seeking such an alteration. In the interests of safeguarding the living conditions of residents, it is necessary to place some controls on the hours in which construction works can take place.

### **Conclusion**

18. The appeal scheme would adhere to the development plan and material considerations do not indicate the appeal should be dismissed in spite of this. Accordingly, for this reason, the reasons given above, and having regard to all matters raised, I conclude the appeal should be allowed.

*Graham Chamberlain*  
INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall commence within a period of three years beginning with the date of this permission.
- 2) Subject to the other conditions of this decision, the development hereby approved shall be carried out in accordance with the following plans (or any subsequently approved non material amendment to the plans): Drawings 2200A.17.1A and 2200A.17.2
- 3) Notwithstanding the approved drawings, the development shall not be commenced until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved hard and soft landscaping scheme.

The soft landscaping scheme shall include details of all trees and plants to be retained and a specification, including location, species and size of stock at time of planting, of all new plants.

The planting approved as part of the soft landscaping scheme shall be carried out in the first planting seasons (October – March) after the commencement of the development.

Any existing or proposed plants approved as part of the soft landscaping scheme which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

The hard landscaping scheme shall include details of the materials to be used in all hard surfaces, the permeability of the hard surfaces, whether they would be bound and the position and design of all fencing and gates.

All hard landscaping approved as part of the landscaping scheme shall be carried out before the first use of the development.

- 4) Notwithstanding the approved drawings, the development shall not be commenced until the following has been submitted to, and approved in writing by, the Local Planning Authority:
  - Details of secure cycle parking;
  - A survey and site sections detailing existing and proposed site levels including the gradient of the access drive and the levels around the parking area and site entrance.

The development shall be implemented in accordance with the approved details.

- 5) Construction of the access and parking area, and the associated ground works hereby permitted, shall only take place between the hours of 0800 and 1800 (Mondays to Saturdays) and between 0830 and 1400 (Saturdays) and at no time on Sundays or public holidays.

## Committee Report

**Planning Committee North - 13 April 2021**

**Application no** DC/21/0565/FUL

**Location**

Plot 2 Adjacent To Spindles  
Carlton Road  
Kelsale  
Suffolk  
IP17 2NP

**Expiry date** 1 April 2021

**Application type** Full Application

**Applicant** Mr Andrew Bird

**Parish** Kelsale Cum Carlton

**Proposal** Construction of a single dwelling

**Case Officer** Mark Brands  
07881 234242  
[mark.brands@eastsoffolk.gov.uk](mailto:mark.brands@eastsoffolk.gov.uk)

### 1. Summary

- 1.1 Full planning permission is sought for erection of a detached dwelling with attached garage.

Reason for Committee

- 1.2 The item has come before members because the development proposal is a departure from the Local Plan and the recommendation is for approval.

Case for Development

- 1.3 The application site has outline consent for two dwellings and garages approved 18/10/2018 (reference DC/18/2907/OUT), and previously outline consent for one dwelling allowed through appeal reference APP/081/2017.
- 1.4 Plot 1 to the East was approved by the planning committee last year (under DC/19/5008/FUL) for a new detached dwelling. The proposed application would have a shared access with plot

1, as showed on the proposed plans, and also those plans for plot 1 under the recently approved permission.

- 1.5 It should be noted that the outline permission remains extant; as such, had the applicant submitted this detailed scheme as a reserved matters application pursuant to that outline permission, this would not be contrary to the Local Plan as the principle of development has already been established. But, as this is a standalone full planning application again addressing the principle of development, as a technicality, this is contrary to the Local Plan.
- 1.6 However, the key material consideration is the extant outline permission for housing development on the site, and the fallback position that the detail shown within this scheme is acceptable and, in the view of officers, could have been approved under a reserved matters application if that had been applied for.
- 1.7 Thus, there are clear reasons to depart from the Local Plan and grant planning permission.

## **2. Site description**

- 2.1 Since permission has been granted for plot 1 (under DC/19/5008/FUL) the Local Planning Authority has adopted a new local development plan ("The Local Plan"). The new plan does not include the site within the settlement boundary, as such this site would still fall within the countryside, for which the proposed development would be contrary to the Local Plan spatial strategy which generally directs housing to settlement boundaries, or other limited exceptions for countryside housing where in accordance with specific policies of the Local Plan.
- 2.2 The application site is outside of the defined physical limits of Kelsale cum Carlton and forms part of a parcel of land separating the two settlement boundaries.
- 2.3 The application site forms part of a large grass field with a high hedgerow and ditch to the front boundary of the application site which fronts onto Carlton Road.
- 2.4 To the east of the application site the dwelling as approved under DC/19/5008/FUL is progressing at an advanced stage with the dwelling erected and, at the time of putting up the site notice, the majority of the roofing material was in place.
- 2.5 The application site and the adjacent land to the south forms part of Carlton Park, an historic park of plan-area wide significance which has been identified as a non-designated heritage asset.
- 2.6 An application for one dwelling was refused by officers in 2017 (reference DC/17/0994/OUT) on the basis that the principle of development was contrary to the development plan; however the permission was allowed at appeal stage (reference APP/081/2017) in which the inspector considered the application to be a sustainable form of development (Appendix 1).
- 2.7 A previous outline consent for two dwellings and garages was approved via committee on 18/10/2018 (reference DC/18/2907/OUT).
- 2.8 Full planning permission for the adjacent plot to the East (plot 1) was approved by the planning committee under DC/19/5008/FUL for a new detached dwelling. The current

application is for plot 2, as a standalone full planning permission. However, the principle of two dwellings on the site has been established with the approval of the outline planning permission.

### **3. Proposal**

- 3.1 The proposal is for a detached dwelling with an attached garage. The proposed dwelling is part of a larger, two-dwelling scheme, which will have a shared access.

### **4. Consultations/comments**

- 4.1 No third-party representations received; consultation period has expired.

### **5. Consultees**

#### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Kelsale-cum-Carlton Parish Council	12 February 2021	26 February 2021
Kelsale-cum-Carlton have no comment to make about this application.		

#### **Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	12 February 2021	No response
Summary of comments: No response received, consultation period has expired.		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	12 February 2021	9 March 2021
Summary of comments: No objections subject to conditions.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	12 February 2021	No response
Summary of comments: No response received, consultation period has expired.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	12 February 2021	15 February 2021
Summary of comments: Conditions recommended.		

Consultee	Date consulted	Date reply received
National Amenity Societies	12 February 2021	No response
Summary of comments: No response received, consultation period has expired.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	12 February 2021	No response
Summary of comments: No response received, consultation period has expired.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	12 February 2021	24 February 2021
Summary of comments: Internal planning consultee; see planning considerations section of this report.		

## 6. Publicity

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

Category	Published	Expiry	Publication
Departure	18 February 2021	11 March 2021	East Anglian Daily Times

## 7. Site notices

General Site Notice

Reason for site notice: Contrary to Development Plan  
Date posted: 15 February 2021  
Expiry date: 8 March 2021



## **8. Planning policy**

- 8.1 National Planning Policy Framework 2019
- 8.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies:

- SCLP3.1 - Strategy for Growth
- SCLP3.2 - Settlement Hierarchy
- SCLP3.3 - Settlement Boundaries
- SCLP7.2 - Parking Proposals and Standards
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.8 - Parks and Gardens of Historic or Landscape Interest
- SCLP5.3 - Housing Development in the Countryside

## **9. Planning considerations**

- 9.1 Planning decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise. The policies of the Local Plan listed in section eight, above, are therefore the starting point for determining this application.

### Principle

- 9.2 The site falls outside the defined settlement boundaries of both Kelsale and Carlton but is considered to be in close proximity.
- 9.3 The application site is an open field of 0.15 Hectares and is located in an elevated position at the end of a ribbon of houses along the South side of Carlton road mostly built around the mid-20th century. These houses comprise a mix of single and two storey dwellings with post war local authority housing development on the other side of the road.
- 9.4 An initial application was refused by the Local Planning Authority on the grounds of housing in the countryside contrary to policy (DM3) and impact upon the Historic Parkland under reference DC/17/0994/OUT, but this was then allowed by appeal (APP/J3530/W/17/3187529) as the Planning Inspectorate found the application a sustainable form of development abutting the physical limit boundaries which also caused insignificant harm upon the Historic Parkland.
- 9.5 An application was approved on 18 October 2018 via planning committee for two dwellings and garages, (application reference DC/18/2907/OUT refers).
- 9.6 The principle of two dwellings on the whole site has therefore been accepted under the outline permission with regards to its sustainability and spatial acceptability in relation to the existing settlement; these are materials considerations, particularly when the three year time limit to submit a reserved matters application has not yet lapsed. The site has since been sold

as separate plots, which likely explains the now standalone application for the plot that has been submitted.

#### Design, Amenity and Highways Safety

- 9.7 The adjacent scheme (plot 1) is well underway. The proposed design for the one and a half storey dwelling with attached garage for plot 2 accords with the design with plot 1 with some modest variations between them, including: plot 2 having the garage parking to be entered from the front rather than to the side; more fenestration and slight variation of design on the rear; and some changes in proportions - but the overall vernacular, scale, form and materials palette (black cladding on brick plinth, terracotta tiles, dark grey fenestration and grey composite board) is similar. The proposal is of a visually good and distinct design and corresponds with the adjacent plot as a pair with a good use of materials that is considered appropriate given the context of the adjacent scheme and location, with fenestration details arranged to mitigate impact to neighbouring amenity. There would be a good level of amenity space for future occupants and acceptable spacing arrangement with the neighbouring property. As such the proposed dwelling is considered to accord with policies SCLP11.1 and SCLP11.2 and paragraph 127 of the NPPF.
- 9.8 Officers within the Environmental Health Team have commented stating they would like to see a Noise Assessment due to the air source heat pumps proposed; however given the principle of dwellings on site have been considered acceptable and that heat pumps are usually permitted development, once a dwelling is built and occupied, a noise assessment is considered to be unreasonable in this instance. In any case the proposal is unlikely to result in any adverse noise impacts (and also such a condition was not included regarding the adjacent consented property).
- 9.9 Suffolk County Council Highways Authority have recommended a number of conditions; most are recommended. However, the cycle storage and bin storage conditions are not considered proportionate. There is a proposed cart lodge for storage and ability to put in power charging points in the future, and there is no PD rights removal recommended; as such should there be a need for separate incidental storage for bikes etc then this can be provided on the site through those PD allowances. Additionally, there is sufficient space between the house and highway as such there is not a concern over storage of bins etc, as such these conditions are not considered proportionate or necessary. The scheme is acceptable in highways safety terms in accordance with the Local Plan and NPPF paragraph 108.

#### Green Space/Historic Parkland

- 9.10 The proposed dwelling and application site is to be located on the grass field that formed part of a green space identified as Parks and Gardens of Historic or Landscape Interest.
- 9.11 The allowed appeal decision stated that the proposed development and its encroachment would be of a 'very limited' extent' and the development south of Carlton Road has 'destroyed all parkland characteristics' as stated in the Council's Supplementary Planning Guidance 6 (Historic Parks).
- 9.12 Similar to the previous approved application, this proposed development will cause some harm to the area of Historic Park; however given the precedent set by the allowed appeal the

proposal, on planning balance, is considered to be acceptable. The extant outline permission as a material consideration would outweigh any conflict with the objectives of SCLP11.8.

### Ecology

- 9.13 The site lies within the 13km Zone of Influence of protected European and sites requires consideration of the potential recreational pressure on these sites as a result of increased visitor disturbance. As set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), Local policy SCLP10.1 seeks to support Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of development. As such, the Council will require a proportionate financial contribution of £321.22 per dwelling to RAMS. This contribution has been made and therefore it can be concluded that there would be no likely significant effect on these protected sites. The same ecology conditions are to be applied to this plot as per plot 1 approval, as the PEA details covers both, and requires a separate method statement. With RAMS payment secured and conditions as recommended, the scheme would accord with Local Plan policy SCLP10.1.

## **10. Conclusion**

- 10.1 While plot 1 was approved (DC/19/5008/FUL) under the previous Suffolk Coastal Core Strategy, there is an extant outline permission for housing on the site and the principle is well-established, therefore.
- 10.2 As such while this standalone full application would represent a departure from the policies in the recently adopted Local Plan which sets out development in the countryside should only be in the form of infilling in clusters (or other limited exceptions) rather than extending the built form and resulting in settlement coalescence, it is accepted that the principle of development on this land has already been established through the appeal decision and previously approved outline permission. This is the material consideration that indicates for a decision other than in accordance with the Local Plan.
- 10.3 The proposed changes from the approved outline consent are not considered to cause additional harm to the Historic Parkland, and the design detail of the proposal is acceptable and well-related to the adjacent plot that has been constructed. On balance, therefore, the application can be supported and is recommended for approval subject to conditions.

## **11. Recommendation**

- 11.1 Recommendation of approval 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 the application form, design and access statement, Preliminary Ecological Appraisal (Anglian Ecology, March 2020) and drawing numbers GFD2101-0101 P01, GFD2101-0102 P02 received 5th February 2021.

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:
  - (i) All external materials (including external walls, roof material and windows)
  - (ii) rainwater goods (including material and colour)
  - (iii) fence and gates (on boundary with adjacent neighbours) (full details of location, height, appearance, materials and finish).

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.

4. Within 3 month(s) of commencement of development, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be implemented at the first planting season following commencement of the development.

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

5. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM01 with an entrance width of 4.5 metres and has been made available for use. Thereafter the access shall be retained in the specified form.

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

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

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

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

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

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

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

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. GFD2101-0101 P01 with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

10. 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. 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.

11. The use shall not commence until the area(s) within the site on GFD2101-0101 P01 & GFD2101-0102 P02 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 enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

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

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

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

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Mitigation Method Statement for great crested newts (based on appropriate survey information) has been submitted to and approved in writing by the local planning authority.

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

14. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (Anglian Ecology, March 2020).

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

15. No removal of hedgerows, trees or shrubs 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.

#### **Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering

of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

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

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

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

The County Council's East Area Manager must be contacted on Telephone: 0345 6066171. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

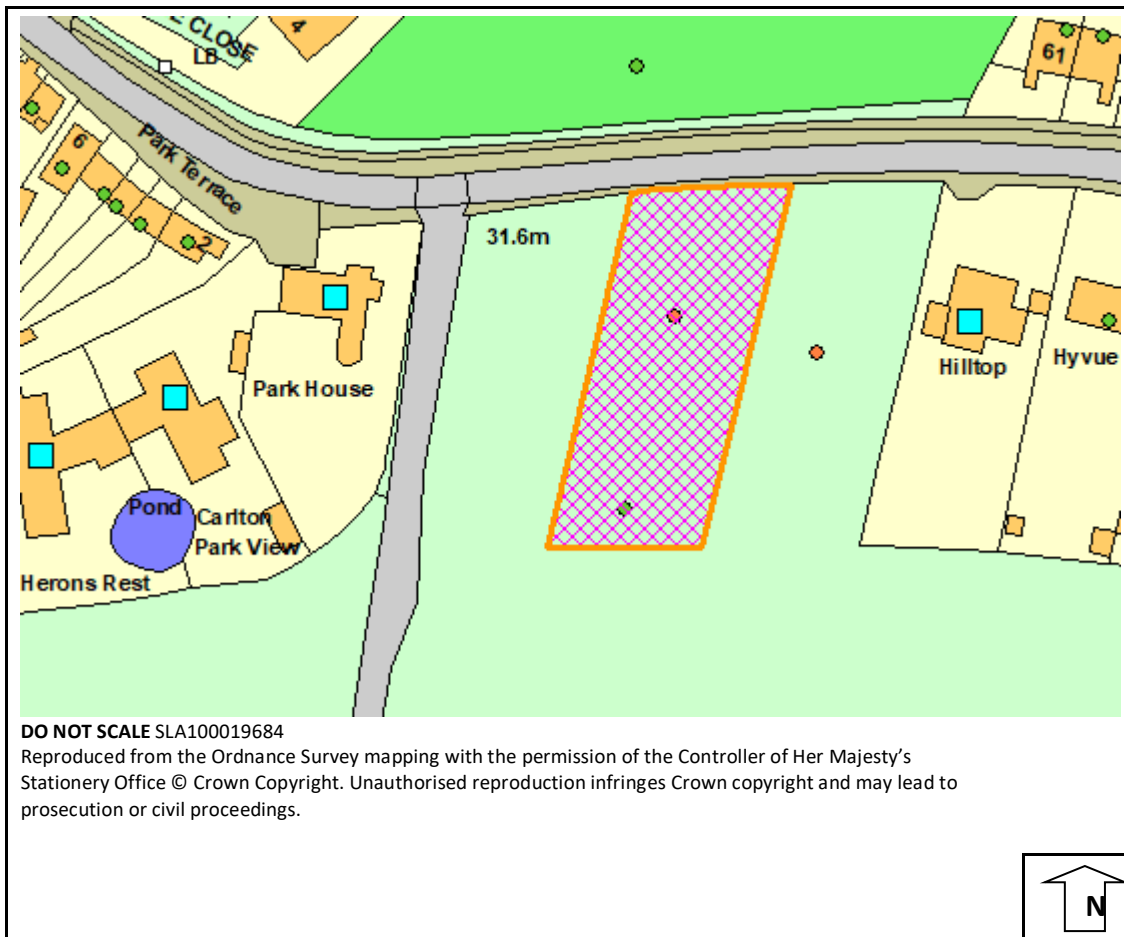
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

## Background Papers





See application reference DC/21/0565/FUL on [Public Access](#)

Appendix 1: Appeal Decision Ref: APP/J3530/W/17/3187529

## Map



## Key

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



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## Appeal Decision

Site visit made on 21 February 2018

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> March 2018**

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**Appeal Ref: APP/J3530/W/17/3187529**

**Land south of Carlton Road, Kelsale IP17 2NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Landfast Limited against the decision of Suffolk Coastal District Council.
  - The application Ref DC/17/0994/OUT, dated 8 March 2017, was refused by notice dated 24 April 2017.
  - The development proposed is erection of single-storey detached dwelling and garage (and associated works).
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey detached dwelling and garage (and associated works) at land south of Carlton Road, Kelsale IP17 2NP in accordance with the terms of the application, Ref DC/17/0994/OUT, dated 8 March 2017, subject to the following conditions:
  - 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
  - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
  - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
  - 4) The development hereby permitted shall be carried out in accordance with the access details shown on drawing OBD/1002/001 – Layout Plan.
  - 5) The access to the development and any on-site parking that is approved as part of the submission of the reserved matters pursuant to condition 1 shall be provided prior to the first occupation of the dwelling and retained thereafter and the parking shall be used for the purposes of vehicle parking and no other purpose.
  - 6) Prior to the first occupation of the dwelling unobstructed visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently retained in the area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside

edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the metalled carriageway from the centre of the access (Y dimension). 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 fences, gates or walls exceeding a height of 0.6 metres above the carriageway level shall be erected and no planting exceeding a height of 0.6 metres above the carriageway level shall be allowed to grow within the area of visibility required by this condition.

- 7) All planting, seeding or turfing comprised in the scheme of landscaping to be approved as part of the reserved matters under condition 1 shall be carried out not later than the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

### **Application for costs**

2. An application for costs was made by Landfast Limited against of Suffolk Coastal District Council. That application is the subject of a separate Decision.

### **Procedural Matter**

3. The application is for the construction of a single dwelling with a garage and was submitted in outline form. Apart from access which is for consideration, matters relating to appearance, landscaping, layout and scale have been reserved for future consideration. The application was, however, accompanied by indicative drawings showing a layout, a floor plan and an elevation for a bungalow and I have had regard to those drawings.

### **Main Issues**

4. The main issues are: the effect of the development on the character and appearance of the area, including the non-designated Carlton Park historic parkland (the parkland); and whether the proposed dwelling would be appropriately located having regard to the site's countryside location.

### **Reasons**

#### *Character and Appearance*

5. The dwelling would be sited within a 0.15 hectare<sup>1</sup> plot of land forming part of a field, within which some trees have been planted sporadically. The field forms part of the parkland. The site's northern/road side boundary is marked by a mature hedge that is several metres high. The formation of the dwelling's vehicular access would require hedge removal across the width of the site and on land to the west that is under the appellant's control. To the east of the site there is a bungalow, known as Hilltop, and on both sides of Carlton Road beyond Hilltop there is continuous roadside development, comprising dwellings and a school, extending as far as Main Road/B1121.

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<sup>1</sup> Paragraph 3 of the appellant's Planning Statement

That built development forms part of Kelsale. A hundred metres or so the west of the site there are dwellings lining both sides of Carlton Road, which are within Carlton. Kelsale and Carlton together make up the settlement of Kelsale-cum-Carlton.

6. For the purposes of the adopted development plan, ie the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies of 2013 (the Local Plan) and the Site Allocations and Area Specific Policies Development Plan Document of 2017 (the Allocations DPD), the site is within the countryside. However, the site occupies part of a comparatively short break in the street frontage development that characterises the majority of the southern side of Carlton Road.
7. Given the siting and likely scale of the dwelling, which the indicative drawings suggest would be comparable with the dwellings to the east, and having regard to the hedgerow removal, I consider that this development would not have a significant effect on the character and appearance of the countryside at this point. While matters concerning appearance, layout and scale have been reserved for future consideration, I see no reason why a dwelling compatible with its surroundings could not be designed for this site. Although there would be a loss of hedgerow, I consider that loss could be mitigated in the fullness of time by the undertaking of replacement planting, while accommodating the driver sight lines at the access. I also consider that the comparatively modest scale of this development would not lead to Kelsale and Carlton coalescing with one another.
8. The development would encroach into the northern extremity of the parkland, which has an area of around 66 hectares<sup>2</sup>. The site and the immediately adjoining parkland are characterised by open grassland. The encroachment into the parkland would be of a very limited extent and would affect a part of the parkland where the residential development along the southern side of Carlton Road '... has destroyed all parkland characteristics ...' (the Council's Supplementary Planning Guidance 6). I consider that the development's effect on the parkland's character and appearance would be very limited and would be of no greater significance than that arising from the existing dwellings to the east and west of the site. The dwelling would be visible from the north/south public right of way (PROW) leading from Carlton Road that passes through the parkland. However, I consider the effect on the views of the parkland from the PROW would not be significant, with built development being brought closer to the PROW by one plot width. No evidence has been presented suggesting that this part of the parkland possess any particular cultural or social history worthy of preservation.
9. I therefore consider this development's effect on the parkland would be insignificant. In coming to that conclusion I am mindful of the previous applications and appeals concerning the parkland drawn to my attention<sup>3</sup>. In relation to the case concerning the site behind and to the west of Park House that was for a backland development, rather than a road frontage dwelling, and by comparison would have been an obtrusive encroachment of built development into the parkland. The 15 dwelling scheme concerning the site

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<sup>2</sup> As stated in the Council's Supplementary Planning Guidance 6 December 1995 (Appendix 12 of the Council's appeal case)

<sup>3</sup> Planning Applications C/07/0938/OUT and DC/13/2961/OUT respectively subject to appeals APP/J3530/A/08/2068802 and APP/J3530/A/14/2221769

adjacent to the sports ground would have been for a significantly larger development and its effect on the parkland's open character would have been commensurately greater than that associated with one dwelling. I therefore consider that these other developments are not comparable with the proposal before me.

10. For the reasons given above I conclude that the development would not be harmful to the character and appearance of the area. I therefore consider that there would be no conflict with Policies SP1, SP15 and DM21 of the Local Plan and Policies SSP37 and SSP38 of the Allocations DPD and the National Planning Policy Framework (the Framework), most particularly paragraphs 17 (the fifth core planning principle), 58 and 135. That is because the development would not have a harmful effect on the appearance of the countryside, relating well to the adjoining dwellings and the character of its surroundings, and it would not have a significant adverse effect on the appearance of the parkland as a non-designated heritage asset and locally designated Special Landscape Area.

#### *Dwelling in the countryside*

11. For the purposes of the adopted development plan, most particularly Policies SP19, SP29, DM3 and DM4 of the Local Plan and Policy SSP2 of the Allocations DPD the site's location is one where new housing is discouraged. Policy SP19 identifies the settlement hierarchy in the Council's area, with the primary focus for new development being major centres, towns, key service centres, local service centres and other villages. Policy DM3, in conjunction with paragraph 55 of the Framework, identifies exceptions when housing in the countryside may be permissible. Those exceptions being when the development would be for: a replacement dwelling; the sub-division of an existing dwelling; the provision of affordable housing; the conversion of an existing building; minor infilling within clusters of existing houses; meeting the needs of a rural worker; the optimal reuse of a heritage asset; or a dwelling of exceptional quality or innovative design.
12. With regard to infilling within clusters Policy DM4 states that this will be permissible when the development would: involve one dwelling or a pair of semi-detached dwellings sited within a continuous built up frontage, not harm the character and appearance of the cluster; and not adversely affect sensitive locations such as Special Landscape Areas. Policy DM4 defines a cluster as '... a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway'; containing five or more dwellings; and being located no more than 150 metres from the edge of an existing settlement (possibly extending to 300 metres if there is a footway).
13. The dwelling would not come within any of the exceptions listed in Policy DM3 nor would it be located within a housing cluster, as defined in Policy DM4, because it would be sited adjacent to rather than in a continuous built up frontage. The development would therefore be in conflict with Policies SP19, SP29, DM3 and DM4 of the Local Plan and Policy SSP2 of the Allocations DPD. The examination and adoption of both the Local Plan and the Allocations DPD postdate the Framework's publication and the policies concerning housing in the countryside have been informed by paragraph 55 of the Framework, with Policies SP29 and DM3 making express references to paragraph 55. Paragraph 55 advises that for rural areas '... housing should be located where

it will enhance or maintain the vitality of rural communities' and that isolated new homes in the countryside should be avoided.

14. The site's proximity to the built up areas of Kelsale and Carlton means that it cannot be considered to be a physically isolated location for a dwelling. While there would be some access to everyday local services and facilities for the occupiers of the dwelling, it would be reasonable to expect regular use to be made of private motor vehicles to access a full range of services and facilities. However, the number of vehicle movements generated by an extra dwelling would be unlikely to be great and in relative terms would be likely to be comparable with those generated by each of the nearby dwellings. In accessibility terms I consider that the occupation of the new dwelling would be no less sustainable than is the case for the other numerous nearby homes situated within the settlement boundaries for Kelsale and Carlton, with the occupation of the new home having some potential to assist in maintaining the vitality of the local rural community. I am of the opinion that my approach to the consideration of this issue is consistent with the Braintree judgement of 15 November 2017<sup>4</sup>, which has provided clarification with respect to the interpretation of 'isolated homes' for the purposes of paragraph 55 of the Framework
15. While the development would be in conflict with Policies SP19, SP29, DM3 and DM4 of the Local Plan and SSP2 of the Allocations DPD, for the reasons I have given above I consider that the conflict with those policies would not be significant in this instance.
16. I therefore conclude that this would be an appropriate location for a single dwelling in the countryside. In this regard I do not consider that the appeal decisions drawn to my attention concerning: 112 Main Road, Kesgrave; the rear of the Old Post Office, Bradfield; and the land adjacent to the White Hart, Otley are comparable with the proposal before me. That is because for those other cases the Inspectors concluded that there would be harm to the character and appearance of the area and/or the development would have been in a more remote location.

## Planning Balance

17. I have found that the development would not be harmful to the area's character and appearance, including the parkland, with the result that there would be no conflict with Policies SP1, SP15 and DM21 of the Local Plan and Policies SSP37 and SSP38 of the Allocations DPD. While the siting of the dwelling beyond the settlement boundary for Kelsale-cum-Carlton would give rise to some conflict with the development plan, most particularly Policies SP19, SP29, DM3 and DM4 of the Local Plan and Policy SSP2 of the Allocations DPD, I consider that conflict, in the absence of other harm, does not weigh significantly against this development.
18. As I have found that the development would not be harmful I consider there to be no adverse impacts that would significantly and demonstrably outweigh the limited social and economic benefits arising from the construction and occupation of one dwelling. Whether there is or is not currently a five year supply of deliverable housing sites (HLS), the Council's appeal case

<sup>4</sup> Braintree District Council v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin)

concerning the HLS position being somewhat ambiguous, arguing in effect both positions in the fourth section of its appeal statement, I consider has little bearing for the purposes of the determination of this appeal, given the absence of any significant harm. I am therefore of the opinion that for the purposes of the totality of the development plan, including catchall Policies SP1 and SP1A of the Local Plan, and the Framework that this would be a sustainable form of development weighing greatly in its favour.

### **Conditions**

19. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the national policy and guidance. Apart from the standard outline conditions, it is necessary that with respect to the matter of access that the development should be implemented to accord with drawing OBD/1002/001 for certainty.
20. As appearance, landscaping, layout and siting are matters that have been reserved for later consideration I consider it unnecessary to impose conditions specifically requiring the submission of details relating to external materials, landscaping and refuse storage, as those details would come within the ambit of the submission of the reserved matters. With respect to landscaping I, however, consider it necessary that the details to be approved pursuant to the submission of the reserved matters should be implemented within a defined timescale and I have imposed a condition to that effect.
21. Options for accessing the site will be limited, given the size of the plot and its siting relative to Carlton Road and on the available evidence I am not persuaded that there would be a need for the access to be constructed prior to the commencement of any other part of the development. To safeguard the operation of the public highway it is, however, necessary for the access to be available prior to the first occupation of the dwelling and I have imposed a condition to that effect.
22. The parking arrangements shown on drawing OBD/1002/001 are purely indicative and the amount and location of parking will be for approval when the reserved matters are submitted. It would therefore be inappropriate to impose a parking condition in the form stated in the Council's sixth suggested condition. However, it is necessary in the interests of the free operation of the public highway that any parking shown on the plans to be approved as part of the submission of the reserved matters is made available prior to the first occupation of the dwelling and retained thereafter and I have imposed a condition to that effect. That condition being conjoined with the previously mentioned access condition. For highway safety reasons it is also necessary that a sight line condition is imposed.

### **Conclusion**

23. For the reasons given above I conclude that the appeal should be allowed.

*Grahame Gould*

INSPECTOR