



Committee Report

Planning Committee North – 12 July 2022

Application no DC/21/5044/FUL

Location

9 Glebe Close
Lowestoft
NR32 4NU

Expiry date 30 December 2021

Application type Full Application

Applicant Mr Russell Ritchie

Parish Lowestoft

Proposal Construction of two detached dwellings and all associated works.

Case Officer Matthew Gee
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1. Summary

- 1.1. Planning permission is sought for the construction of two single storey dwellings and associated works. A proposal for a single dwelling has previously been approved under DC/21/0709/FUL, and permission was previously refused for two dwellings. However, the application has been amended to address the concerns raised by officers in the previous scheme by increasing the site area and amending the general layout to provide a more spacious layout and better-quality garden spaces for the dwellings. The amended scheme is not considered to have any significant adverse impacts on the character and appearance of the area and would not harm the amenity of neighbouring residents. Furthermore, it is considered to provide suitable amenity for future residents and would have no adverse impacts on highway safety in the area.
- 1.2. The proposal accords with the Development Plan and is recommended for approval.
- 1.3. The application has been referred to Planning Committee via the Referral Panel.
- 1.4. The application came before the committee on the 10 May 2022 and was deferred by members due to concerns around the amenity space provided for the proposed dwellings.

The application has subsequently been amended to re-orientate the dwelling on plot 2 as the applicant considers that the site area provides more than adequate amenity space and the re-oriented dwellings is set away from the site boundaries. The proposal is still considered acceptable by officers and again recommended for approval.

2. Site Description

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

3. Proposal

- 3.1. Planning permission is sought for the construction of 2no. three-bedroom single storey dwellings with garages. Plot 1 will have an integral garage with a combined floor area of 173sqm and contains 3/4 bedrooms. Plot 2 has a detached garage with the dwelling having a floor area of 151sqm and containing 3/4 bedrooms. Each dwelling will measure 5.2m at the highest point.
- 3.2. The proposal has been amended during the application to better utilise the site area and provide better amenity for future and existing residents, particularly in terms of their gardens and outlook from rooms. The scheme has been further amended since the item was deferred from the May committee meeting.

4. Consultees

Third Party Representations

- 4.1. A total of 15 representations of Objection have been received during the initial and re-consultation, raising the following key material planning considerations (inter alia):
- Impact on flora and fauna
 - Uncharacteristic development for the area
 - Impact on character and appearance of area
 - Impact on amenity from overlooking and overbearing
 - Increased noise and activity
 - Highway safety impacts from increased traffic movements
 - Impact on drainage and water pressure
 - Setting a precedent
 - Overdevelopment of site
 - Increased light pollution
 - Impact on security
- 4.2. One representation from the local Ward Member has also been received raising the following concerns:

"I am quite concerned about this planning application for two bungalows again.

Could you please confirm to me the exact situation with the planning applications in which what has been approved and what has not as this is going on for quite some time.

I have walked and driven in the Close and also one of my residents uses the pavement to go to see her son on the close and she uses a mobility scooter and she says on many occasions she has difficulty getting past cars that are partly parked on the pavement now. Surely with the likelihood of six further cars using the close this is not acceptable. I believe that this should be refused unless you can come up with a reason why this should go ahead."

4.3. Four representations of objection were received during the re-consultation of the amended plans following deferral from committee. The following key material planning considerations raised include (inter alia):

- Impact on trees
- Impact on wildlife
- Incorrect drawings
- Increased pollution
- Increased noise and activity
- Highway safety
- Overdevelopment of the site
- Setting a precedent

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	14 March 2022	30 March 2022
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 30 March 2022. It was agreed to recommend refusal of the application. The Town Council's position on this application remains the same; there are no positive changes to the application and the ecological impact is undiminished.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	15 November 2021	2 December 2021
Summary of comments: This application was considered at a meeting of the Town Council's Planning Committee on 30 November 2021. It was agreed to recommend refusal of this application, due to overdevelopment of the site, the ecological impact and loss of habitat for wildlife, particularly due to the presence of a wildlife corridor. This application had previously been recommended for refusal by the Town Council and there was no additional detail in the revised application that could mitigate the original reasons for refusal.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	25 May 2022	10 June 2022
<p>Summary of comments:</p> <p>The Town Council's Planning Committee considered this application at a meeting on 7 June 2022. It was agreed to recommend refusal of the application. Concerns for over development, privacy, conservation and nature had not been mitigated and the Town Council original opinion that this development is not appropriate remains.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	15 November 2021	25 November 2021
<p>Summary of comments:</p> <p>No objections subject to conditions</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	15 November 2021	22 November 2021
<p>Summary of comments:</p> <p>No objections subject to conditions</p>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	15 November 2021	No response
<p>Summary of comments:</p> <p>No comments received</p>		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	15 November 2021	No response
<p>Summary of comments:</p> <p>No comments received</p>		

Consultee	Date consulted	Date reply received
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Waveney Norse - Property And Facilities	15 November 2021	No response
Summary of comments: No comments received		

Re-consultation consultees

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

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

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 March 2022	14 March 2022
Summary of comments: No objections subject to conditions		

Consultee	Date consulted	Date reply received
SCC Highways Department	14 March 2022	16 March 2022
Summary of comments: No objections subject to conditions		

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

Re-consultation consultees

Consultee	Date consulted	Date reply received
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Essex And Suffolk Water PLC	25 May 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	25 May 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	25 May 2022	6 June 2022
Summary of comments: No additional comments to make		

Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	25 May 2022	No response
Summary of comments: No comments received		

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

Consultee	Date consulted	Date reply received
East Suffolk Ecology	14 March 2022	No response

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

Summary of comments: No objections subject to conditions

Consultee	Date consulted	Date reply received
SCC Highways Department	14 March 2022	16 March 2022

Summary of comments: No objections subject to conditions

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	14 March 2022	No response

Summary of comments: No comments received
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5. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 19 November 2021

Expiry date: 10 December 2021

6. Planning policy

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

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

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

National Planning Policy Framework 2021 (NPPF)

7. Planning Considerations

Site History

- 7.1. Planning permission was previously refused for a similar scheme under reference DC/19/2051/FUL, due to the impact that the proposal would have on the nearby European Protected Sites, and on the character and appearance of the surrounding area. This decision was appealed and ultimately the appeal was dismissed; however, that appeal decision raised no concerns about the principle of developing the site, and the only reason the appeal was dismissed was due to the impact that the proposal, in combination with other residential development, would have on the nearby European Protected Site (essentially a lack of RAMS contribution). A copy of the appeal decision is appended to this report. Following this appeal planning permission was granted under DC/20/1359/FUL in June 2020 for a single dwelling, and this scheme was later amended under DC/21/0709/FUL in April 2021; this 2021 permission remains extant and represents the 'fallback' position for the site.
- 7.2. In September 2021 permission was refused under DC/21/3570/FUL, for two dwellings, as officers considered that the layout and design of the scheme resulted in a visually cramped and poor-quality layout, which could also adversely impact on the amenity of neighbouring residents. Since that time, the applicant has acquired further land to increase the size of the application site, allowing the layout to be amended to address this most recent refusal.

Principle

- 7.3. The first issue to be considered is that of principle. Whilst the site is located within the physical limits boundary for Lowestoft and as such does accord with the broad provisions for the location of development, it is not automatically assumed that the site is suitable for development and several other considerations and policy implications will need to be assessed. However, the extant planning permissions for development of the site do establish that backland housing development in this location is acceptable in principle. This is a matter first established in the appeal, and then has been reinforced by the LPA in subsequent planning permissions.

Design

- 7.4. Policy WLP8.29 sets out several criteria which mean that proposed development should be respectful of the character and appearance of the surrounding area. In addition, policy WLP8.33 sets out housing development on garden and other urban infill sites will be supported where they satisfy several criteria including:
- The scale, design and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development.
 - The proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment.
- 7.5. In the previous appeal, the Planning Inspectorate concluded that *"the proposed development would not harm the character and appearance of the area. As such, it would not conflict with Policies WLP8.29, WLP8.32 and WLP8.33 of the Waveney Local Plan (2019) (WLP, which together seek to ensure that seeks to ensure that development complements local character."*
- 7.6. Permission has previously been granted for a single dwelling of similar design to the two now proposed. Following refusal of the most recent application (for two dwellings) the overall site area has been increased by incorporating an additional parcel of land to the north-west. This increase has facilitated an improved development layout with the scheme appearing far less cramped than the previous refusal.

- 7.7. The overall design of the dwellings is similar to that of the previously approved single dwelling, and it is considered that the simple design and sympathetic use of materials would respond to the character and appearance of the area in an acceptable way.
- 7.8. The feedback from Members at the May committee meeting has been taken on board and relayed to the applicant, with the amended proposals seeking to re-orient the dwelling on plot two, with no change in site area. It is noted this is not a hugely significant change, but officers again judge the layout to be acceptable and reach the same conclusion as before in terms of layout design and policy compliance.

Amenity

- 7.9. Policy WLP8.29 and WLP8.33 set out that the living conditions of proposed and existing properties should not be unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development. Furthermore, policy WLP8.33 also requires that proposed development provide "attractive, useable and proportionately sized amenity spaces ... for the proposed and existing dwellings". The donor property retains a proportionate rear garden to the size of the property and those around. The two proposed dwellings and their layout has been amended during the application to better utilise the space on site and provide appropriately sized amenity spaces for each property. It is considered that the proposed dwellings will provide acceptable levels of amenity for their residents, and that the outside amenity space is proportionate to the size of the dwellings.
- 7.10. The proposed dwellings are located a sufficient distance from neighbouring properties, with the nearest existing dwelling located approximately 16m from a proposed dwelling. It is therefore not considered that the single storey dwellings would result in any adverse impacts on the amenity of neighbouring residents through loss of light or privacy. Furthermore, it is not considered that the dwellings would result in a marked increase in noise levels, in what is predominantly a residential area.
- 7.11. Access to the proposed dwellings and its off-street parking would run adjacent to the side of the host bungalow and the side boundary of neighbouring dwelling No 8 Glebe Close. The proposed access would be approximately 4.5m wide, and there is a separation gap between the side boundary wall and some of the southern elevation of the building at No 8 which has windows facing the site.
- 7.12. Permission was previously granted for a single dwelling using the same access point; however, it was acknowledged by officers that the scale of vehicle movement is considered to be limited in a proposed single-unit development, and that the impact would be offset to some extent by removal of car parking from beside the northern elevation of the host bungalow. The erection of two dwellings is considered to result in additional vehicle movements past the house, however, it is not considered that the amenity impacts would be significant enough to warrant refusal of this application. Vehicle movements would be infrequent and not be so noisy or disruptive to cause significant issues.

Highways

- 7.13. The proposed development of 2no. single storey three-bedroom property is not considered to result in a significant increase in vehicle movements in the surrounding area that could adversely impact on the existing highway network. SCC Highways have raised no concerns regarding an increase in vehicle movements. Therefore, officers do not consider that the

proposed development would have any adverse impact on the highway safety. The scheme accords with WLP8.21 (Sustainable Transport).

- 7.14. Concerns have been raised regarding the suitability of Glebe Close for additional traffic movement, given the curve in the road towards the entrance to the site. SCC Highways have further reviewed the application to consider this matter, and it is considered that whilst inconsiderate parking may occur near or on the bend, the raised concerns are not a material planning consideration.
- 7.15. In addition, the collision data for this bend has been checked, and there are no recorded incidents which suggests that there is not a significant highway safety concern. If it is felt that some inconsiderate parking is to blame for some of the near misses, this is an enforcement issue and not a material planning consideration from a planning perspective. It would not lead to a refusal reason here on highways grounds.
- 7.16. In regard to the proposal, it is not felt as though the extra trips generated from an additional 2 dwellings would create a severe impact upon highway safety at this location and therefore it is deemed that permission could not be refused under para. 111 of the NPPF.

Biodiversity

- 7.17. This development falls within the 13km zone of influence for the Broadlands (RAMSAR), as set out in the emerging Waveney and Suffolk Coast and Estuaries Recreational Disturbance Avoidance and Mitigation Study. It is anticipated that the cumulative impact of increased recreational pressure, as the result of increased housing in this area, will lead to a 'likely significant effect' upon the qualifying features of the designated site identified above. The likely impact as a result of disturbance is a reduction in the number of pairs of Little Terns.
- 7.18. An appropriate assessment has been undertaken, and it is concluded that no site-specific measures for the development of two dwellings within an established residential area are necessary. However, a financial contribution of £321.22 per dwelling to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required to mitigate the in-combination effect of new housing on these European Protected Sites. The appropriate contribution has been made. The scheme therefore accords with WLP8.34.

Other Matters

- 7.19. The site is in Flood Zone 1 and is at limited risk of flooding. Therefore, the proposed risk to residents is very low and acceptable.
- 7.20. Concerns have been raised regarding water pressure and drainage issues. The applicant will need to make the appropriate connections, and it is the duty of the individual bodies to ensure that this is completed to an acceptable standard.

8. Conclusion

- 8.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the NPPF.

9. Recommendation

- 9.1. Approve.

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - Site Location and Proposed Block Plan, 18/112/03 Rev O, received 24/05/2022
 - Proposed Elevation and Floor plans, 18/112/05 Rev A, received 07/03/2022for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

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

The approved landscaping scheme shall then be completed prior to first occupation of the dwelling, hereby approved. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

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

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

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

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

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

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

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

8. The use shall not commence until the area(s) within the site on dwg. no. 18/112/03 Rev. L for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

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

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

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

Reason: To promote sustainable transport options

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

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

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

Where remediation is necessary a detailed remediation scheme must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

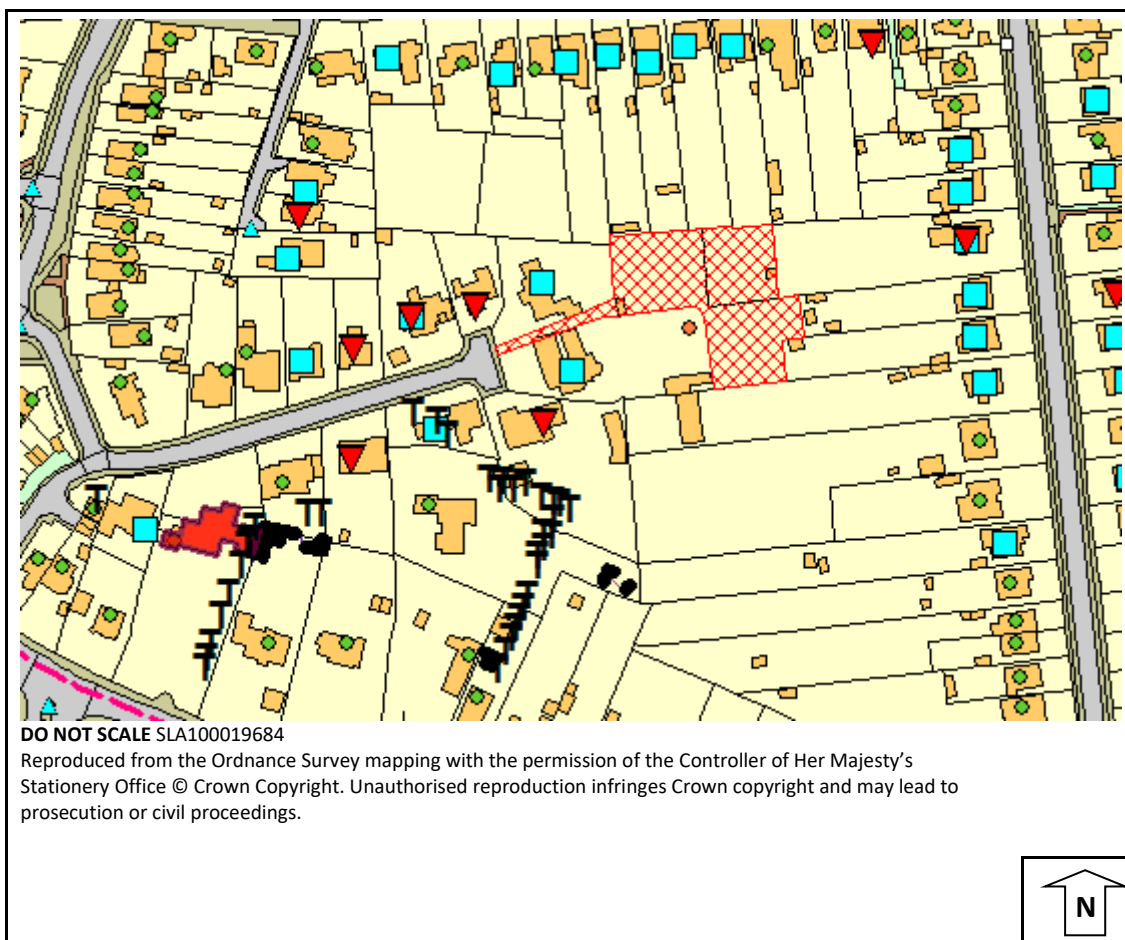
Reason: To ensure the development is safe for future occupants and to ensure that any contamination is dealt with correctly.

Background Papers





See application reference DC/21/5044/FUL on [Public Access](#)

Appendix A: Appeal Decision Ref: APP/X3540/W/19/3235216

Map



Key

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