



Committee Report

Planning Committee – 10 January 2023

Application no DC/22/3600/VOC

Location

9 Glebe Close
Lowestoft
Suffolk
NR32 4NU

Expiry date 6 November 2022

Application type Variation of Conditions

Applicant Mr Russell Ritchie

Parish Lowestoft

Proposal Variation of Condition No. 2 of DC/21/5044/FUL - Construction of two detached dwellings and all associated works - The existing approved drawing reference numbers to be replaced with the following: 18/112/03 Revision P - Site Location and Block Plan.
18/112/05 Revision B - Proposed Bungalows Plots 1 & 2.

Case Officer Matthew Gee
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1. Summary

- 1.1. Permission is sought to vary condition No. 2 of DC/21/5044/FUL which granted permission for the construction of two detached dwellings and all associated works. This application seeks to amend the approved drawings, to facilitate a change to the proposed dwelling design including increasing the built footprint and plot layout; both of the dwellings will be identical in design with a double garage provided to each plot.
- 1.2. Section 73 (2) states: *"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted."*

- 1.3. It is therefore only open to the Local Planning Authority to consider the amendments specified in the conditions and not the principle of development on the site. The proposed alterations to the design are not considered to significantly alter the appearance of the originally approved dwellings, and it is considered that the layout still provides sufficient onsite amenity space and parking provision for residents. It is also not considered that the proposal would result in any additional loss of amenity to neighbouring residents, and the RAMS contribution has been made to mitigate recreational impacts on Designated Habitats sites. The application is therefore considered to adhere to local and national planning policy, and as such it is recommended that the variation of condition be approved.
- 1.4. The Town Council have recommended that the application be refused. Therefore, given the contrary officer recommendation, the application triggered the referral process so was taken to the Planning Referral Panel 22 November 2022, where it was referred to Planning Committee for determination. Therefore, this report is being presented to the North Planning Committee.

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. Permission is sought to vary condition No. 2 (plans/drawings) of DC/21/5044/FUL which granted permission for the construction of two detached dwellings and all associated works. This application seeks to amend the approved drawings, to facilitate a change to the proposed dwelling design including increasing the footprint and amending the plot layout; both of the dwellings will be identical in design with a double garage provided to each plot.
- 3.2. Plot 1 as approved had an integral garage with a combined floor area of 173sqm and contained 3/4 bedrooms. Plot 2 had a detached garage with the dwelling having a floor area of 151sqm and containing 3/4 bedrooms. The proposed amended design of the dwelling (identical for both plots) has a floorspace 176sqm with the garages having a floorspace 39sqm.

4. Consultations

Third Party Representations

- 4.1. One letter of representation has been received raising the following:
 - Impact on wildlife
 - Impact on Trees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	23 September 2022	12 October 2022
Summary of comments: The Town Council's Planning Committee considered this application at a meeting on 4 October 2022. It was agreed that the Town Council's positions remains to object to this application due to over development of the site.		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	23 September 2022	23 September 2022
Summary of comments: No objections		

Non statutory consultees

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	23 September 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	23 September 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	23 September 2022	17 October 2022
Summary of comments: No objections subject to conditions		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	23 September 2022	No response
Summary of comments: No comments received		

5. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 3 October 2022

Expiry date: 24 October 2022

6. Planning policy

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

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

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

National Planning Policy Framework 2021

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). Following this appeal planning permission was granted under DC/20/1359/FUL in June 2020 for a single dwelling, and this scheme was later amended under DC/21/0709/FUL in April 2021; this 2021 permission remains extant.
- 7.2. In September 2021 permission was refused under DC/21/3570/FUL, for two dwellings on a site smaller than that approved for two dwellings under DC/21/5044/FUL. Following this refusal, the decision was appealed and whilst it was dismissed, the inspector concluded
- "The proposed development would not result in harm to the character and appearance of the surrounding area. Neither would it result in harm to the living conditions of neighbouring occupiers. It would also provide a suitable standard of living accommodation for future occupiers."*
- 7.3. There is now a well-established principle of residential development being acceptable on this site, and on multiple occasions a Planning Inspector has found there to be no concerns with the principle of development, nor impact on the character and appearance of the area.
- ### Principle
- 7.4. Section 73 (2) states: "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be

granted." It is therefore only open to the Local Planning Authority to consider the amendments specified in the conditions and not the principle of development on the site.

Visual Amenity

7.5. 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.

7.6. In the latest appeal, for the development of two dwellings on a site smaller than the site which is the subject of this application, the Planning Inspectorate concluded that the proposed development would not harm the character and appearance of the area.

7.7. Despite the increase in the footprint of the dwellings it is not considered that the proposal would result in a significant additional impact on the character and appearance of the area or street scene compared to what has been approved. In the most recent appeal for two dwellings on the site with a smaller red line, the inspector stated:

"the single storey scale of the proposed dwellings would further limit their visual impact, such that they would not significantly impinge on any sense of openness in this regard. In addition, only limited views of the dwellings would be possible from Glebe Close, such that there would not be a harmful urbanising impact in this regard",

7.8. The inspector further noted:

"my own observations during the site visit indicate that the appeal site, given its extensive size, is capable of adequately accommodating the proposed development, such that it would not appear as cramped when viewed from the surrounding area."

7.9. Therefore, given the comments from the inspector on the previously refused scheme, and the previously approved scheme, it is not considered that the amendments to the proposed design and footprint of the dwellings would result in any significant additional impact on the character and appearance of the area, or result in a development that is overly cramped. The comment of the Town Council regarding over-development is noted, but there has been extensive consideration of this matter through multiple appeals and in those instances development more cramped than this proposal was found acceptable by the Inspectorate.

Residential Amenity

7.10. 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. It is considered

that the proposed dwellings will provide acceptable levels of amenity for their residents, and that the outside amenity space is proportionate to the size of the dwellings. Whilst this proposed variation does somewhat reduce the curtilage area to each dwelling, the result would be acceptable and the provision of garages will be beneficial to future residents.

- 7.11. 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.
- 7.12. 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.
- 7.13. It is not deemed that the changes to the design of the dwellings or the layout of the site would result in any marked increase in amenity impact compared to the approved scheme.

Highways

- 7.14. The proposed development of 2no. single storey three-bedroom property is not considered to result in a significant increase in vehicle movements in the surrounding area that could adversely impact on the existing highway network. SCC Highways have raised no concerns regarding an increase in vehicle movements. Therefore, officers do not consider that the proposed development would have any adverse impact on highway safety. The scheme accords with WLP8.21 (Sustainable Transport).
- 7.15. Each plot provides parking for at least 3 vehicles, which is compliant with the SCC Parking Standards Requirements for a 4 bedroom dwelling. Therefore, it is not deemed that the proposal would result in any additional pressures for on-street parking, or result in inconsiderate parking on the highway.
- 7.16. 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.

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 National Planning Policy Framework.

9. Recommendation

- 9.1. It is recommended that the variation of condition 2 be granted.

10. Conditions:

1. The development hereby permitted shall be begun by 13/07/2025.

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 P, received 12/09/2022;
 - Proposed Elevations, Floor Plans, and Garage, 18/112/05 Rev B, received 12/09/2022;
- for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

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

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

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. P for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

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

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

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

Reason: To promote sustainable transport options

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

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

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

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

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

13. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors

- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities
- v. Construction and working hours
- vi. Measures to control the emission of dust and dirt during construction
- vi. Measures to limit noise disruption during construction

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

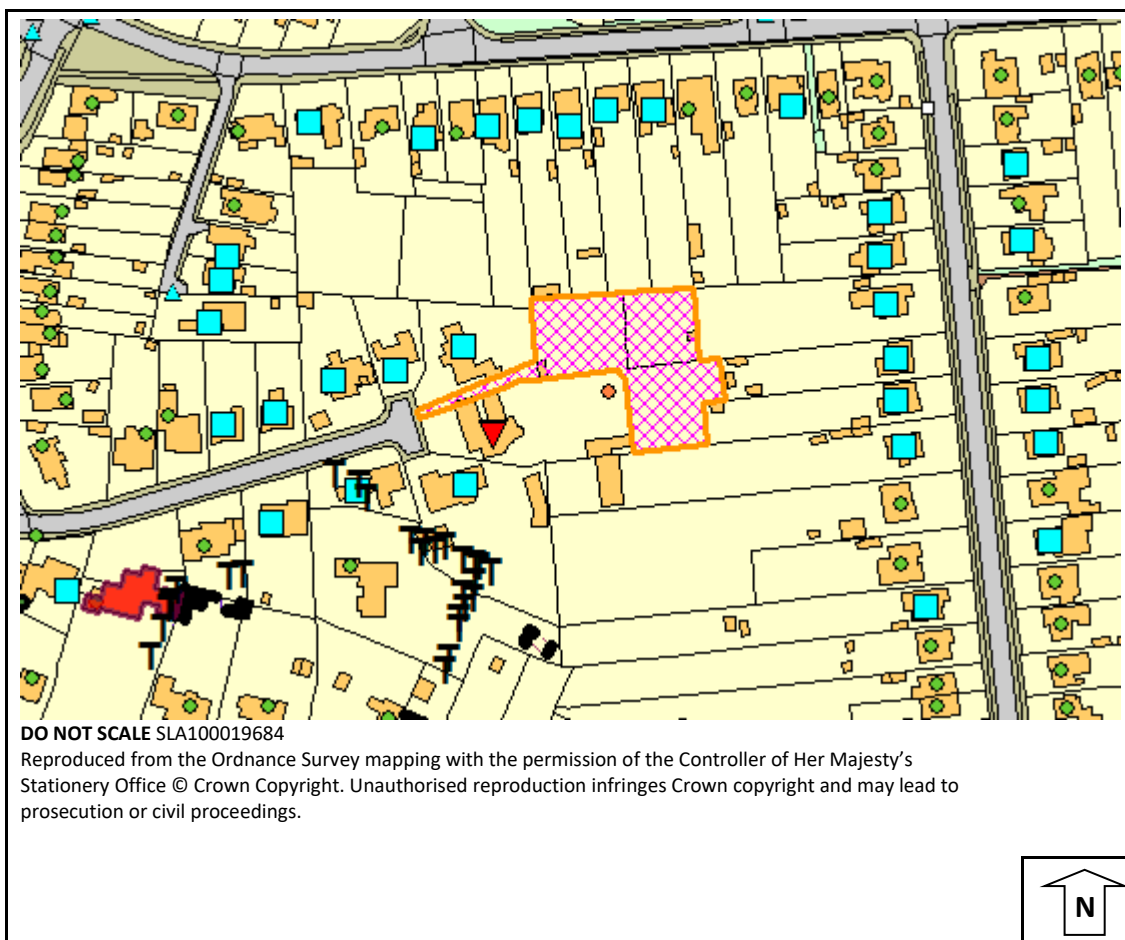
Informatives:

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

Background information

See application reference DC/22/3600/VOC on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support