



## Committee Report

Planning Committee - 19 December 2019

Application no DC/19/3317/FUL

**Location**

37 And 39 Field Lane  
Kessingland  
Lowestoft  
Suffolk  
NR33 7QA

**Expiry date** 31 October 2019

**Application type** Full Application

**Applicant** Mr Gerald King

**Parish** Kessingland

**Proposal** Full Planning Permission for Erection of 2 No. Dwellings with Associated Works, Including; Creation of Vehicular Access, Provision of Internal Access Road, Car/Cycle Parking and Landscaping.

**Case Officer** Joe Blackmore

01394 444733

[Joe.Blackmore@eastsoffolk.gov.uk](mailto:Joe.Blackmore@eastsoffolk.gov.uk)

### 1. Summary

1.1 The application seeks planning permission for the development of two new dwellings on land to the rear of numbers 37 and 39 Field Lane, Kessingland.

1.2 It is considered that the amended proposals for two dwellings represents efficient use of land within the settlement boundary in a manner appropriate for its residential context. The Kessingland Neighbourhood Plan recognises the careful consideration that needs to be given to infill and backland development within the parish, and policy H2 of the plan provides clear guidance on how such proposals should be considered. Officers consider that the proposal is compliant with the Neighbourhood Plan and represents a sustainable form of development. Accordingly, it is recommended that planning permission be granted.

- 1.3 The item has been referred to committee by the Referral Panel due to the site history of refused applications for residential development, in addition to the level of local objection to the current application.

## **2. Site description**

2.1 The application site comprises numbers 37 and 39 Field Lane, Kessingland. The site is located to the northern side of Field Lane - which is a classified road, continuing eastward toward Wash Lane and westward to the B1437. The properties comprise single storey dwellings with associated amenity land and vehicular access. The site lies within an existing residential area with properties located to the south, east and west. Properties within the locality comprise a mixture of detached and semi-detached dwellings of single and two storey scale.

2.2 The site lies within the Kessingland settlement boundary which is recognised as one of six 'larger villages' within the Waveney area of the District. The settlement provides reasonable services and facilities including: a doctor's surgery; primary school; public house; small supermarket; and village hall, among other things.

2.3 The site is in Flood Zone 1 where there is a very low probability (less than 1 in 1000 annually) of flooding. The site is not within or adjacent to a Conservation Area, nor is it within or adjacent to an Area of Outstanding Natural Beauty; Site of Special Scientific Interest; Air Quality Management Area; Special Landscape Area. It is, however, within the Kessingland Neighbourhood Plan area which forms part of the District Development Plan. There are no designated heritage assets affected by the development proposal.

2.4 The planning history for the site is summarised:

DC/05/1326/OUT: Outline Application - Construction of 5no. Bungalows.  
Refused on 08 November 2005.

DC/06/0840/OUT: Outline Application - Construction of 3no. bungalows together with the partial demolition of one of a pair of semi-detached bungalows.  
Refused on 27 March 2006.

DC/06/0841/FUL: Construction of 2no. bungalows with detached garages  
Refused on 04 April 2007.

DC/18/3273/FUL: Demolition of an existing dwelling, construction of 8 single storey dwellings and creation of a new vehicular access.  
Refused on 08 November 2018.

2.5 The planning history for the site highlights a consistent issue with housing proposals representing over-development; being out-of-character with the area; and resulting in harm to local amenity.

## **3. Proposal**

3.1 As first submitted, the application sought planning permission for the development of 4no. dwellings. Officers expressed concerns that this level of development would be cramped

and a poor-quality long, tandem form of development. The proposed development has since been amended to the following:

*Full Planning Permission for the Erection of 2 No. Dwellings with Associated Works, Including; Creation of Vehicular Access, Provision of Internal Access Road, Car/Cycle Parking and Landscaping.*

- 3.2 A full re-consult has been undertaken with the local community and all consultees on the amended proposals.
- 3.3 The amended proposal is for two dwellings in tandem form, accessed via a new private drive running between Nos. 37 and 39, connecting with the highway (Field Lane). The development proposes private amenity areas, vehicle/cycle parking and detached garaging along with associated landscaping. In addition, vehicle parking to Nos. 37 and 39 would be re-located to the rear of the respective properties with their frontages being lawn front gardens. The proposed dwellings would be three-bedroom single storey units covering T-shaped ground footprints. Externally, the buildings would be of brick and tile construction; traditional and simple in form. Proposed eaves height is approximately 2.25 metres; and ridge height is approximately 5 metres. Primary glazed openings would be front and rear facing.

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

4.1 16 letters of objection have been received raising the following matters:

- Over-development;
- Loss of privacy to neighbouring properties;
- Contrary to the neighbourhood plan;
- Inadequate and unsafe vehicle access to-and-from the site;
- Will endanger neighbouring vehicular accesses;
- Additional traffic onto Field Lane which is unsuitable for additional development;
- Turning head on site is too small;
- Burden on sewerage facilities; and
- Burden on existing local services.

#### **5. Consultees**

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

Consultee	Date consulted	Date reply received
Parish Council	8 October 2019	22 October 2019
Summary of comments on amended proposal: "The Planning Committee of Kessingland Parish Council met this morning and would recommend that the application for 2 x Bungalows at 37 & 39 Field Lane be refused for the following reasons:-		

1. Safety Grounds - access and egress to the properties onto Field Lane is inadequate and that the new proposed road is only 5.1m wide reducing to 4.5m and 4.1m which we believe is not within the Highway Authority's regulations.
2. We believe that the access onto Field Lane is still inappropriate and dangerous because it is onto a busy road which is used for parking and is a bus route.
3. The application does not give any details of sewage drainage or other services.

Please note

If the application should be successful, we would ask the Council to remove the permitted development regulations to prevent the bungalows being converted into Chalet Bungalows which would then overlook neighbouring properties.

If this application is to be discussed at the full Planning Committee, then we would appreciate it if you would contact us to advise the date of the meeting as this is the 7th application on this plot of land."

Consultee	Date consulted	Date reply received
Parish Council	6 September 2019	24 September 2019

Summary of first comments:

"The Parish Council Planning Committee considered the above application at our meeting today and unanimously recommended that Application DC/19/3317/FUL - 37 & 39 Field Lane, Kessingland be REFUSED for the following reasons:

1. That it constitutes an undesirable backland development which would have a detrimental and adverse effect on the amenities of and occupiers of neighbouring adjacent properties.
2. That the position of the access road and some of the parking spaces immediately adjacent to the boundary fence and properties in Francis Road and Northacre, would result in an unacceptable level of additional noise and disturbance to the occupants of the properties.
3. With a potential 15 vehicles coming from this site onto Field Lane, the close proximity of the junctions with Northacre, Lloyds Avenue and Francis Road, which will be within approx. 30yds of the site entrance, there is a danger to road safety. There is also the question of servicing this site - this is an issue to be referred to SCC Highways
4. The position of the bins on Field Road is not appropriate."

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	8 October 2019	10 October 2019

Summary of comments:

No objections; conditions recommended.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	6 September 2019	19 September 2019
Summary of comments: No objections; standard conditions recommended.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	8 October 2019	14 October 2019
Summary of comments: No objections; standard condition recommended regarding unexpected contamination.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	8 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	8 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	8 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	6 September 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	6 September 2019	24 September 2019
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	6 September 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	6 September 2019	No response
Summary of comments: No comments received.		

## 6. Publicity

None

## 7. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 26 September 2019

Expiry date: 17 October 2019

## 8. Planning policy

National Planning Policy Framework

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

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

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019))

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

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

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

PL1 - Physical Limits Boundary (Kessingland Neighbourhood Plan - 'Made' January 2017)

H2 - Residential Infill and Backland Development (Kessingland Neighbourhood Plan - 'Made' January 2017)

TM1 - Parking Standards for New Residential Development (Kessingland Neighbourhood Plan - 'Made' January 2017)

## **9. Planning consideration**

### Principle of Development

9.1 Kessingland is identified in the Local Plan as a 'Larger Village' with a defined settlement boundary within which the site would be located. These villages are considered to have a reasonable provision of everyday services and facilities and are sustainable locations. The Local Plan identifies that the larger villages in the district will deliver approximately 70% of new housing development in the rural areas over the plan period. Thus, the principle of housing development in this location is supported by the Local Plan spatial strategy policies WLP1.1, WLP1.2 and WLP7.1; and Neighbourhood Plan policy P1 (Physical Limits Boundary). It turns to the detail of the development and relevant policies on design and infill/backland development to determine the acceptability of the proposal.

### Assessment of the Development Proposal

9.2 East Suffolk (Waveney) Local Plan Policy WLP8.33 (Residential Gardens and Urban Infilling), in conjunction with WLP8.29 (Design), sets out district-wide guidance on design of housing development proposals within existing residential areas. More specifically, the Kessingland Neighbourhood Plan (NP) sets out a clear strategy for considering proposals for residential infill and backland development under policy H2. This is the critical policy test to apply in the determination of this application and compliance with policy H2 indicates acceptability with the district-wide design and amenity objectives of the Local Plan.

9.3 The proposal for two dwellings to the rear of Nos. 37 and 39 is 'backland' development which is defined as development on land behind the rear building line of existing housing or other development - and is usually land that has previously been used as gardens or is partially enclosed by gardens. One of the issues raised by the community of Kessingland through the neighbourhood plan process was the over-bearing nature of some infill and backland developments. In the past there have been some infill and backland developments which have been permitted on very small plots at high densities, creating issues in terms of amenity for neighbouring properties. To deal with this local issue, policy H2 provides detailed and specific criteria that must be applied to relevant development proposals:

*"Within the physical limits boundary of Kessingland, planning permission for residential development proposals on infill and backland sites will be permitted subject to the following criteria:*

- *Proposals should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours.*
- *Proposals that would lead to over-development of a site or the appearance of cramming will be resisted. It should be demonstrated that development is of a similar density to properties in the immediate surrounding area.*

*The particular issues that must be considered in demonstrating that an infill or backland scheme is acceptable are as follows:*

- *Plot width - plots must be of sufficient width to allow building(s) to be sited with adequate separation between dwellings. The width of the remaining and the new plot should be similar to that prevailing in the immediate area.*
- *Building line - where the prevailing depth of existing dwellings is a feature of the area new development should respect that building line.*
- *Visual separation - new dwellings must have similar spacing between buildings to that commonly found on the street frontage. Where houses are terraced the new development should normally adjoin the adjacent property(s).*
- *Building height - new buildings should reflect the height of existing buildings. Where existing buildings are of a uniform height, new buildings should respect that height.*
- *Daylight and sunlight - new buildings should not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows or by obstructing the path of direct sunlight to a once sunny garden or window. Blocking direct sunlight from reaching neighbouring properties can cause overshadowing and is not acceptable.*
- *Neighbour amenity - sufficient private amenity space should be provided for the existing dwelling and proposed residential development.*
- *Parking and access arrangements - satisfactory arrangements will be required for parking and access and must address the requirements of Policy TM1. Parking areas to the front of the property using the front garden will only be acceptable in the following circumstances: - this is the prevailing pattern of parking in the locality; or - in design terms, it is not possible to address the requirements of Policy TM1.*
- *Boundary treatment - boundary treatment along the frontage should reflect that prevailing in the area. Proposals for open frontages or the use of the frontage for parking will not be acceptable in areas where enclosed front boundaries prevail.*

*This policy also applies to applications for two or more properties on a site previously occupied by a single property."*

9.4 The first criterion of H2 is that plot widths must be appropriate to allow adequate separation between buildings. The site itself is considerably wider than existing properties

to the east and west which are all within narrow plots. Because of the tandem form of proposed development where the dwellings are positioned linearly in a north-south direction, the buildings are well-separated from the side (east and west) boundaries where residential properties adjoin the site. The proposed plot widths are therefore considered adequate and far more spacious than the adjoining properties.

- 9.5 The building line criterion is more applicable to infill development, or backland development in a location where the predominant character is one-plot-deep 'ribbon' development. In this instance, there is development to the north side of Field Lane at both Northacre and Francis Road - so development of the site would not be unacceptable. It is perhaps more unusual that the site is undeveloped and did not form part of those adjacent residential developments; in any event, there is no uniform building line that the proposal would challenge.
- 9.6 The criterion on visual separation relates to infill, rather than backland development; but, in any event, the proposed dwellings are well-separated from one another - and also the adjoining, existing dwellings.
- 9.7 The surrounding dwellings are predominantly single storey and the proposal would respect that prevailing building height: the dwellings are modest bungalows with low eaves and simple hipped roofs. It is also notable that to the south and east the dwellings are one-and-a-half storey of which the proposal dwellings will be lower than.
- 9.8 Regarding neighbour access to daylight and sunlight, the proposal dwellings are modest and single storey in scale - adequately separated from the dwellings at Francis Road whereby it is unlikely there would be any discernible impact on their access to light. The main properties affected are Nos. 10 and 11 at Northacre. However, because of the low eaves height of the proposed dwellings and their separation from the western site boundary, it is not considered that there would be any significant impact on 10 & 11s access to sunlight. The proposal dwellings would not be overbearing. All new window openings would be at ground floor thus no potential for high-level overlooking. Residents of the new dwellings would be somewhat overlooked from existing rear dormer windows at the Francis Road properties; however, it would not be excessive given the separation and orientation of the new dwellings at ninety degrees to those neighbour dwellings.
- 9.9 The proposal being amended to two dwellings ensures that both the existing and proposed properties will benefit from acceptable sized gardens and outdoor amenity space in accordance with the neighbour amenity objectives of NP policy H2.
- 9.10 Policy TM1 of the Kessingland NP sets parking standards for residential development. Specifically, 3-bed dwellings should have 2 off-road car parking spaces. The proposal would provide 2 spaces and garaging for the new dwellings; the existing dwellings (also 3-bedroom units) would each be provided with 2 spaces. The parking provision is thus in accordance with NP Policy TM1. In terms of vehicle access, clear visibility of 43 metres in each direction along Field Lane would be provided from the access which the County Highways Authority (a statutory consultee) are satisfied with. Within the site, there would be room to manoeuvre so that vehicles could enter the highway in a forward gear. For these reasons, the parking and access arrangements proposed are considerable to be acceptable in accordance with NP policy H2.

- 9.11 The proposal would remove existing frontage parking and replace it with lawn front gardens so, in terms of the boundary treatment requirements of policy H2, the proposal would bring about a minor improvement to the existing situation.
- 9.12 For these reasons, the proposal is considered to accord with Kessingland NP policy H2.

### Other Matters

- 9.13 The proposal falls within the Suffolk RAMS area in respect of Benacre to Easton Bavents SPA. Prior to planning permission being granted a per-dwelling financial contribution to RAMS would be required to mitigate recreational impacts in accordance with Local Plan policy WLP8.34. The appropriate mitigation payment has been made and thus the LPA can conclude no likely significant effects on the integrity of European sites arising from this proposal.
- 9.14 Standard conditions would also be required in respect of highways/parking and land contamination but the responses from relevant consultees are all positive on these matters.
- 9.15 The Parish Council would like permitted development rights (PDR) to be removed, should permission be granted, to restrict the insertion of dormer windows into the new dwellings that would essentially allow them to become chalet bungalows. The concern is regarding overlooking of neighbouring properties. Government planning practice guidance is clear that PDRs should only be removed in exceptional circumstances where there is clear justification to do so. Given that any new PD dormers could permit overlooking of the dwellings at Northacre, the removal of PDRs as suggested seems to be reasonable to ensure that neighbour living conditions are protected.

## **10. Conclusion**

- 10.1 The Kessingland NP sets clear criteria for considering backland development. Officers consider that the proposal accords fully with the NP objectives and overcomes a long history of refused applications. The proposal will make good use of a sustainable site to deliver two modest bungalows. It is understood that the Parish Council and local residents are not supportive of the application; however, the officer assessment indicates compliance with the NP and Local Plan, in addition to the broad objectives of the NPPF. A main concern for local residents is on highways safety; however, the County Highways Authority are satisfied with the proposal. It is not considered that significant material harm would arise from this development and thus, in the view of officers, there are no grounds to refuse planning permission.

## **11. Recommendation**

- 11.1 That planning permission be granted subject to conditions.

## **12. 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 carried out in accordance with the following approved plans and documents: Application Form and Drawing Nos. TL-3286-19-100A & TL-3286-19-101A, received 08 October 2019; and Site Location Plan No. TL-3286-19-102A, received 24 September 2019.

Reason: For the avoidance of doubt as to what has been considered and approved, and to secure a properly planned development.

3. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with the details presented within Drawing No. TL-3286-19-100A. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

4. Before the access is first used visibility splays shall be provided as shown on Drawing No. TL-3286-19-102A 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 the Town & Country Planning (General Permitted Development) (England) 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 safe and suitable access to the development can be achieved, and so that vehicles exiting the site can enter the highway safely.

5. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway.

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

6. The hereby approved dwellings shall not be occupied until the areas within the site shown on Drawing No. TL-3286-19-100A, for the purposes of manoeuvring and parking of vehicles, including cycle storage, has been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking and manoeuvring of vehicles is provided and maintained.

7. There shall be no development above slab level until precise details of the materials to be used in the construction of the external surfaces of the approved buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: to secure a high-quality finish in the interest of good design.

8. The approved landscaping scheme (as shown on drawing no. L-3286-19-100A) 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 good design.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended [or any Order revoking or re-enacting the said Order with or without modification] no development of any kind specified in Part 1, Class B of Schedule 2 of the said Order (additions to the roof of a dwellinghouse) shall be carried out unless otherwise express planning permission for such development is granted by the local planning authority.

Reason: To protect the living conditions of adjacent properties at Northacre.

### **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. 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

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.

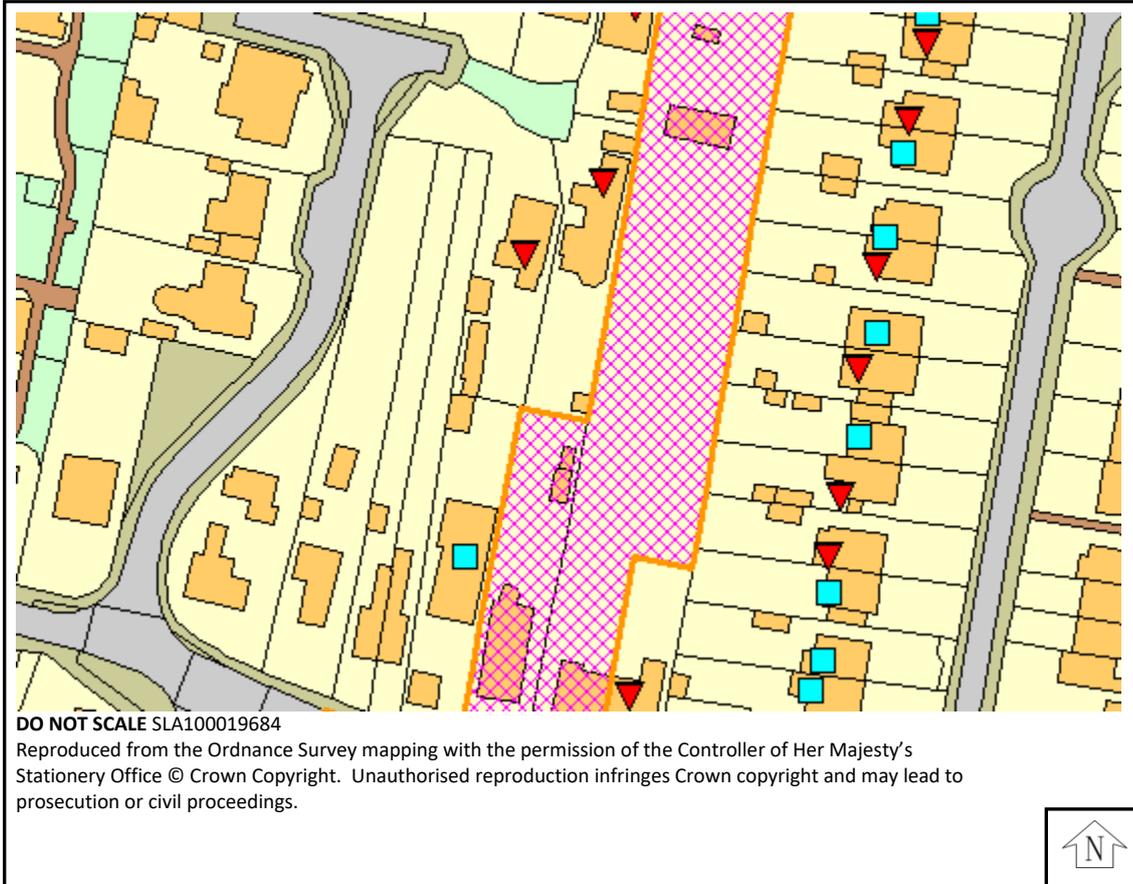
CIL forms can be downloaded direct from the planning portal:

[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)

### **Background information**

See application reference DC/19/3317/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWMU8IQXM2100>

## Map



## Key

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