



## Planning Committee North

Members are invited to a **Meeting of the Planning Committee North** to be held at the Lowestoft Town Council Offices, Hamilton House, Battery Green Road, Lowestoft  
on **Tuesday, 11 July 2023 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://www.youtube.com/watch?v=AKtX1g7c-nk>

### Members:

Councillor Sarah Plummer (Chair), Councillor Julia Ewart (Vice-Chair), Councillor Paul Ashdown, Councillor Paul Ashton, Councillor Andree Gee, Councillor Toby Hammond, Councillor Graham Parker, Councillor Malcolm Pitchers, Councillor Geoff Wakeling.

An Agenda is set out below.

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>1</b>	<b>Apologies for Absence and Substitutions</b>	
<b>2</b>	<b>Declarations of Interest</b> Members and Officers are invited to make any declarations of interests, and the nature of that interest, 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.	
<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4</b>	<b>Minutes</b> To confirm as a correct record the Minutes of the Meeting held on 13 June 2023.	<b>1 - 8</b>
<b>5</b>	<b>East Suffolk Enforcement Action - Case Update ES/1594</b> Report of the Head of Planning and Coastal Management.	<b>9 - 26</b>
<b>6</b>	<b>DC/23/0038/FUL - Land Adjacent to 48 Mclean Drive, Kessingland ES/1596</b> Report of the Head of Planning and Coastal Management.	<b>27 - 48</b>

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>7</b>	<b>DC/23/1488/FUL - Wilmar, Market Lane, Blundeston, NR32 5AW ES/1597</b> Report of the Head of Planning and Coastal Management.	<b>49 - 54</b>
<b>8</b>	<b>DC/23/1487/FUL - Wilmar, Market Lane, Blundeston, NR32 5AW ES/1598</b> Report of the Head of Planning and Coastal Management.	<b>55 - 59</b>

<b>Part Two – Exempt/Confidential</b>	<b>Pages</b>
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**There are no Exempt or Confidential items for this Agenda.**

**Close**

A handwritten signature in black ink, appearing to read 'Chris Bally', with a stylized, cursive script.

Chris Bally, Chief Executive

**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@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk)**

## 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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<b>Unconfirmed</b>
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Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 13 June 2023 at 2:00 PM**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Paul Ashton, Councillor Julia Ewart, Councillor Andree Gee, Councillor Graham Parker, Councillor Malcolm Pitchers, Councillor Sarah Plummer

**Other Members present:**

Councillor Caroline Topping

**Officers present:** Ben Bix (Democratic Services Officer), Joe Blackmore (Principal Planner), Steve Milligan (Senior Planner) Philip Ridley (Head of Planning and Coastal Management), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

**Others present:** Cllr Toby Hammond

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Hammond and Wakeling. Councillor Topping was in attendance as substitute for Councillor Wakeling.

**2 Declarations of Interest**

Councillor Ashton declared an Other Registerable Interest in Item 7 as Cabinet Member for Corporate Services; and recused himself from consideration of Item 6 having previously participated in a Parish Meeting on the same matter.

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

There were no declarations of lobbying.

**4 Minutes**

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

**RESOLVED**

That the minutes of the meeting held on 11 April 2023 be confirmed as a correct record and signed by the Chair.

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

The Committee considered report **ES/1521** of the Head of Planning and Coastal Management, which was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 25 May 2023. At that time there were 18 such cases. For the benefit of new Members, the Planning Manager described the purpose of the report and introduced Members to the Enforcement Planner.

There being no further updates from the Enforcement Planner, the Chair invited questions from Members. Councillor Ashdown was concerned about the timescale relating to 200 Bridge Road, Lowestoft which was now in its third year. The Enforcement Planner advised that in addition to site visits being difficult to organise during the Covid-19 pandemic, Officers subsequently had to determine the most appropriate route to resolution, which was to serve an Enforcement Notice. A site visit would be scheduled upon the expiry of the compliance date of 20 June 2023.

Councillor Topping queried the timescale involved in receiving the court outcome for Land West of Guildhall Lane, Wrentham. The Enforcement Planner advised that as set out in the report, the matter was with the court as the defendant did not attend and a warrant had been issued.

There being no further questions, upon the proposition of Councillor Ashdown, seconded by Councillor Gee, it was by a unanimous vote

### **RESOLVED**

That the outstanding enforcement matters up to 25 May 2023 be noted.

## **6 DC/21/3687/FUL - The Ship Inn, St James Street, Dunwich, IP17 3DT**

The Committee considered report **ES/1557** which related to planning application DC/21/3687/FUL. The application sought retrospective approval for the construction of a new garden to the rear of the Ship Inn which involved the creation of new hard and soft landscaping. The Referral Panel had referred the application to the Committee as the Officer recommendation to approve was contrary to the objection received from Dunwich Parish Meeting.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The Committee viewed the site location plan and an aerial image, together with photographs of the site before and after the works that had been undertaken. The Senior Planner provided images of the hardstanding and landscaping that had been established alongside an image of the mobile kitchen / bar.

The Senior Planner demonstrated the minimal visual impact of the site from the public road with a contemporary photograph. The application was recommended for approval subject to the following conditions, in summary:

- Development to accord with plans/reports
- Submission of landscaping details
- Implementation of landscaping details
- Hours of use of lighting
- Duration of use of hardstanding for siting mobile kitchen/bar (28 days)
- Submission of details of noise and odour controls for mobile kitchen/bar

The material planning considerations and key issues were:

- Impact on Conservation Area and setting of Listed Building
- Impact upon AONB/dark skies
- Impact upon residential amenity from use of hard paved areas

In response to questions from Councillors Topping and Ewart, the Senior Planner explained that the mobile kitchen was no longer situated on the site but had been introduced previously to cater for seasonal trade and external events. The Planning Manager affirmed that the use of the facility would be subject to conditions. The Senior Planner further advised that customer usage data was not planning consideration as there was no proposed change of use of the garden. The Planning Manager acknowledged that whilst car parking was seasonally busy along The Street, the Highways response to consultation was that the proposal was unlikely to have any impact on the highway network in terms of vehicle volume or highway safety.

Councillor Gee was concerned that the Parish Meeting had expressed its concerns in 2021 and queried why the retrospective application had taken almost two years to come before the Committee. The Planning Manager advised of the timescale involved in such matters and explained that engagement between Officers and the Applicant had been ongoing throughout the period, culminating in the application before Members.

There being no further questions to Officers, the Chair invited Mr John Cary to speak on behalf of Dunwich Parish Meeting in objection to the proposal. Mr Cary surmised that the Ship Inn at Dunwich was a grade 2 listed historic pub in a Conservation Area within the Area of Outstanding Natural Beauty, adjacent to a scheduled agent monument and a Site of Special Scientific Interest. The Parish meeting had objected because in the absence of both consultation and consent, with only 24 hours' notice for residents, the site owners commenced work on what was an established Orchard Garden in 2021 using heavy machinery to construct the garden and in so doing erased any archaeology that may have been present. The Parish Meeting were of the view that the development was contrary to the local plan of September 2020 in particular:

- Rural areas should be valued for their heritage assets and tourism and should be managed in a way which would protect the features which made the area attractive as a destination, and
- Developments should support and enhance the vitality of rural communities and enhance the visitor experience whilst protecting and enhancing landscapes, and the natural, built and historic environment. Particularly, protection and enhancement of the Area of Outstanding Natural Beauty, whilst also recognising

the value of locally important landscapes; and conservation and enhancement of heritage assets which had been evidenced as the Ship Inn had been designated a heritage asset in the Local Plan due to its intrinsic design value derived from local materials and workmanship representative of a historical or an architectural trend.

The Parish Meeting sought mitigation for the impact and nuisance of the development on residents, particularly regarding parking and the use of the rear access as an overspill car park for staff late into the evening. Mr Cary clarified that the beach car park was not owned by the parish meeting, it was owned by the Dunwich Town Trust and leased to the beach cafe for their sole use.

The Chair invited questions to Mr Cary. In response to Councillor Topping, Mr Cary was of the view that the Applicant should make better use of the parking spaces on site, some of which were used for refrigeration units. The Planning Manager countered that such matters were not a relevant consideration. In response to Councillor Ewart, Mr Cary advised that other than the notification of works, there had been no dialogue between the Parish Meeting and the Applicant.

The Chair invited Members to debate the proposal. Councillor Ashdown expressed his satisfaction with the proposal due to the wider economic and tourism benefits it had delivered and proposed approval of the application. Councillors Ewart, Topping and Gee were dissatisfied that the Committee had been presented with a retrospective application, which had not considered archaeological matters nor enabled the Committee to consider materials, landscaping and parking.

In response to Councillor Ewart's observations on the behaviour of the Applicant, the Planning Manager urged Members to consider the application objectively, in accordance with planning matters only, and cautioned that a retrospective application had the same standing as a full application. Councillor Topping expressed displeasure with the retrospective application and emphasised that had the proposal been considered as a full application, the Members could have sought mitigations for their concerns.

Councillor Pitchers seconded the proposal to approve the application and concurred with Councillor Ashdown that the proposal would provide wider benefit to the local economy and was assured that Highways had stated that the proposal was unlikely to have any impact on the highway network. Having been duly proposed and seconded, the Chair moved to the vote whereupon it was by a majority

## **RESOLVED**

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

1. The development hereby permitted shall accord with the following approved plans/reports: Drg Nos TS/01 Rev A received 18.01.2022; TS/02 and Site Plan received 03.08.2021.

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

2. Within three months of the date of this consent, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

*Reasons: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.*

3. The approved scheme of landscape works shall be implemented not later than the first planting season following approval of details consented under condition 2 (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five 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 thereafter and shall be retained and maintained.

*Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity*

4. External lighting shall not be operated after 21.00 October to April (inclusive) and shall not be operated after sundown May through to September (inclusive).

*Reason: In the interests of amenity and to protect the environment and dark skies of this part of the AONB.*

5. The hardstanding area where the mobile kitchen/food trailer, named as 'The Field Kitchen' is currently sited shall not be used for siting of any vehicle or trailer for the preparation of food and drink, and service to customers, for more than a total of 28 days in any calendar year and this may only commence following the discharge of and compliance with condition 6. At all other times the mobile kitchen/trailer may only be sited/parked on the land, and not in active use.

*Reason: the hardstanding area where the trailer is sited is immediately adjacent residential properties and therefore unrestricted, year-round use of the kitchen facilities in the trailer has the potential to cause amenity impact. This condition is necessary as the work subject of this application facilitates the siting of the trailer. In all other respects the condition meets the tests of paragraphs 55 and 56 of the NPPF.*

6. Within 3 months of the date of this planning permission or prior to first use of the hardstanding for any catering vehicle/trailer, a noise and odour control/management plan is to be submitted to the Local Planning Authority for approval in writing. Any mitigation measures required are to be implemented prior to first use and thereafter the control/management plan is to be adhered to whenever the mobile food kitchen/trailer is being used for the preparation and service of food and drink.



*Reason: the application does not include detail on the noise and odour impact of the use of the mobile food kitchen/trailer, and it is necessary to secure this information in the interest of neighbour amenity.*

**7 DC/22/4533/FUL - Land Adjacent to Newcombe House, Newcombe Road, Lowestoft, NR32 1XA**

The Committee considered report **ES/1558** which related to planning application DC/22/4533/FUL. The application sought permission for the re-development of a Council-owned site off Newcombe Road, Lowestoft. The site formed part of the *PowerPark* land allocated in the (Waveney) Local Plan for employment development. The proposed development included the construction of sixteen industrial units, split between five buildings, along with associated works. The application had been referred to the Committee, in accordance with the Constitution, as East Suffolk Council were both the landowner and applicant.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, together with illustrations of the location and contemporary photographs of the proposed site and its surrounds. Emphasis was given to describing access to the site which would solely be from Newcombe Road, via two vehicle/pedestrian accesses. The existing access from Trinity Road to the east would be blocked up. The Committee viewed the proposed block plan, together with illustrations setting out elevations and floor plans. Computer generated visuals were used to illustrate the completed development. The application was recommended for approval subject to any further minor amendments required to address comments from Suffolk County Council Highways and Local Lead Flood Authority; and confirmation from the Suffolk Resilience Forum Partnership that the emergency flood plan was acceptable, and conditions.

The material planning considerations and key issues were summarised as:

- Principle of Development
- Re-development of brownfield site within Local Plan Site Allocation
- Design of Development
- Sustainable Construction, Landscaping and Ecological Enhancement
- Sustainable Transport and Highways Safety
- Flood Risk and Surface Water Drainage

The Chair invited questions to Officers. Councillor Ashton queried the number of vehicle charging points that would be delivered and whether more could be added as the development matured. The Principal Planner explained that 16 vehicle charging points would be delivered; and in further response to Councillor Ewart reminded Members that matters outside the application such as future charging points and the budget for the development were not for consideration. In response to Councillor Topping, the Principal Planner acknowledged that whilst Lowestoft would benefit from the forthcoming tidal barrier installation, it was not material to the application. Officer discussions with the LLFA had confirmed that the scheme was broadly acceptable in terms of surface water drainage and that only minor revisions were required.

There being no further questions to Officers, the applicant Mr Danny Clarke had registered to speak on the item. Mr Clarke stated that the proposal was an exciting opportunity for an innovative scheme within the district. The existing site was occupied by two industrial buildings which would be demolished as part of the new development. Sixteen contemporary business units would be constructed in five separate blocks with car parking, internal estate roads, cycle storage, waste collection facilities and landscaping. East Suffolk Council was the majority owner of the wider *PowerPark* site and saw the proposal as the catalyst for wider regeneration. Whilst many of the existing buildings within the *PowerPark* were within the council's ownership, long leaseholds limited the Council's ability to drive the development. Consequently, the proposal was intended to act as an example to other developers as a vision for future development within the *PowerPark* to attract new businesses and inward investment whilst providing functional spaces. The Council's Investment Plan identified the proposal as an opportunity to not only secure future employment but support growth in other areas including the development of the town centre. Similarly, the site was identified in Local Plan Policy WLP 2.2 to continue to promote the creation of a cluster of businesses in the offshore Renewables engineering oil and gas sectors. Overall, the proposal would deliver long-lasting benefits and would demonstrate the Council's commitment to innovation and design for a more sustainable future.

The Chair invited questions to Mr Clarke. In response to Councillor Ewart's question regarding return on investment and occupancy, Mr Clarke explained that the Council had strategic economic regeneration ambitions that were wider than one project, and Members could be assured that market testing with potential occupiers of the site was ongoing. Councillor Topping sought clarification of the sustainability arrangements of the scheme, including rain gardens and cycle storage provision. Officers demonstrated the location of the infrastructure on the site plan and clarified that the buildings on the development would be designed to achieve an EPC rating of A.

There being no further questions, the Chair invited Members to debate the proposal. Councillor Ashton was delighted with the proposal as an aspirational development for Lowestoft by East Suffolk Council. Councillor Ashdown recalled that the project had started as an aspiration for Waveney District Council which he was proud to see come to fruition. Councillors Gee, Pitchers and Topping echoed their support for the proposal as an example of sustainable planning which would bring employment opportunities to the town.

Councillor Ashdown proposed approval seconded by Councillor Ewart, a vote was taken, and it was unanimously

## **RESOLVED**

That the application be **APPROVED** subject to: any further minor amendments required to address comments from Suffolk County Council Highways and Local Lead Flood Authority; and confirmation from the Suffolk Resilience Forum Partnership that the emergency flood plan was acceptable; and conditions:

1. Three-year time limit to commence development;
2. Development to be carried out in accordance with the approved plans;
3. External facing materials to be as detailed on the proposed elevation drawings;
4. Details of new tree planting to be provided prior to development above slab level;
5. Use class – the units to be used for only office and/or light industrial use [Class E(g)];
6. Construction management plan to be submitted prior to commencement of any development.
7. Ground contamination – validation report to be submitted for approval prior to first use of site;
8. Ground contamination – standard condition to cover action in the event unexpected contamination is discovered.
9. Site Landscaping to be carried out in accordance with approved plans at first planting season following commencement of development;
10. Any soft landscaping/planting to be maintained for a period of five years post-permission, with any felled, diseased, or otherwise removed/damaged planting to be suitably replaced.
11. Ecology - development in accordance with the ecological avoidance, mitigation and enhancement measures set out in the submitted PEA;
12. Ecology - no demolition of buildings during bird nesting season (14th February and 31st August inclusive), unless otherwise approved;
13. Highways conditions (to be provided in update sheet or finalised post-committee in consultation with Highways Authority; and
14. Drainage conditions (to be provided in update sheet or finalised post-committee in consultation with the Local Lead Flood Authority).

The meeting concluded at 3:30pm

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Chair



**Planning Committee North**

**Title of Report:**

East Suffolk Enforcement Action– Case Update

**Meeting Date**

11 July 2023

**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 26 June 2023. At present there are 17 such cases.

Information on all cases has been updated at the time of preparing the report such that the last row in the table for each item 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.

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *4 current cases*

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *7 current cases*
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *1 current case*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *1 current case*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *3 current cases*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current case*

## RECOMMENDATION

That the outstanding enforcement matters up to 26 June 2023 be noted.

### A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.

A.1

<b>LPA Enforcement Case Reference</b>	ENF/20/0404/USE
<b>Location / Address</b>	200 Bridge Road, Lowestoft
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	24.09.2020
<b><u>Nature of Breach:</u></b> Change of use of land for the storage of building materials	
<b><u>Summary timeline of actions on case</u></b> <b>19/01/2023</b> –Enforcement Notice served. Comes into effect on the 20/02/2023 <b>26/06/2023</b> –Site visited, notice not complied with, case will be passed to the legal team for further action.	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	20/06/2023

## A.2

<b>LPA Enforcement Case Reference</b>	ENF/21/0290/USE
<b>Location / Address</b>	141 Kirton Road, Trimley St Martin
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	17.06.2021
<b>Nature of Breach:</b> Change of use of cartlodge to a shop.	
<b>Summary timeline of actions on case</b> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 20/02/2023 – Extension of time agreed to 20/10/2023	
<b>Current Status/Position</b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	20/10/2023

## A.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0510/DEV
<b>Location / Address</b>	Part Land East Of Chapel Barn Farm, Leiston Road, Aldeburgh
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	19.11.2021
<b>Nature of Breach:</b> Caravan sited for residential use with new hardstanding and associated works	
<b>Summary timeline of actions on case</b> 16/02/2023 – Operational and material change of use Enforcement Notices served. Both come into effect on the 20/03/2023	
<b>Current Status/Position</b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	20/07/2023

## A.4

<b>LPA Enforcement Case Reference</b>	ENF/22/0133/USE
<b>Location / Address</b>	Patience Acre, Chenerys Loke, Weston
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	22.04.2022
<b>Nature of Breach:</b> Residential occupation of holiday let	
<b>Summary timeline of actions on case</b> 28/03/2023 –Breach of Condition Notice served. Comes into effect on the 27/04/2023.	

There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given.

**Current Status/Position**

In compliance period.

<b>Date by which Compliance expected (or prosecution date)</b>	27/04/2024
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**B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal**

B.1

<b>LPA Enforcement Case Reference</b>	ENF/2019/0307/COND
<b>Location / Address</b>	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	16.07.2019
<b>Nature of Breach:</b> Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
<b>Summary timeline of actions on case</b> <b>21/10/2021</b> – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. <b>07/12/2021</b> - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 <b>21/01/2022</b> - Statements submitted to Planning Inspectorate by 21/01/2022. <b>01/02/2022</b> – final comments date for comments on Appeal	
<b>Current Status/Position</b> Awaiting Planning Inspectorate Decision	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

B.2

<b>LPA Enforcement Case Reference</b>	ENF/20/0131/LISTL
<b>Location / Address</b>	6 Upper Olland Street, Bungay
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	15.04.2020
<b>Nature of Breach:</b> Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
<b>Summary timeline of actions on case</b> <b>17/03/2022</b> - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. <b>19/04/2022</b> - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 <b>07/06/2022</b> – Statement submitted <b>28/06/2022</b> – final comments due.	



<b><u>Current Status/Position</u></b> Awaiting Planning Inspectorate Appeal Decision	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependant upon date and outcome of Appeal Decision

B.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0003/DEV
<b>Location / Address</b>	26 Highland Drive, Worlingham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	30.12.2020
<b><u>Nature of Breach:</u></b> High fence adjacent to highway.	
<b><u>Summary timeline of actions on case</u></b> <b>07/04/2022</b> - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. <b>25/05/2022</b> - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 <b>23/06/2022</b> – Statements submitted <b>21/07/2022</b> – target date for comments on statement of case.	
<b><u>Current Status/Position</u></b> Awaiting Planning Inspectorate Decision	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

B.4

<b>LPA Enforcement Case Reference</b>	ENF/21/0411/COND
<b>Location / Address</b>	Paddock 2, The Street, Lound
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	17.09.2021
<b><u>Nature of Breach:</u></b> Change of use of land for residential use and stationing of mobile home	
<b><u>Summary timeline of actions on case</u></b> <b>16/06/2022</b> – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance <b>26/08/2022</b> – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 <b>07/10/2022</b> – Appeal statement submitted. <b>28/10/2022</b> – any final comments on appeal due.	
<b><u>Current Status/Position</u></b> Awaiting Planning Inspectorate Decision	

<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision
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B.5

<b>LPA Enforcement Case Reference</b>	ENF/21/0121/USE
<b>Location / Address</b>	The Pastures, The Street, North Cove
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	17.03.2021
<b>Nature of Breach:</b> Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	
<b>Summary timeline of actions on case</b>	
03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance	
14/11/2022- Pre-start letter from Planning Inspectorate	
14/12/2022- Appeal started. Written Representations Process, statement due by 6 <sup>th</sup> February 2023. PINS Reference APP/X3540/C/22/3312353	
<b>Current Status/Position</b>	
Awaiting Planning Inspectorate Decision.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

B.6

<b>LPA Enforcement Case Reference</b>	ENF/21/0201/DEV
<b>Location / Address</b>	39 Foxglove End, Leiston
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	26.04.2021
<b>Nature of Breach:</b> Artificial hedge, support structure and fencing which is over 2m in height	
<b>Summary timeline of actions on case</b>	
28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance	
09/01/2023- Pre-start letter from Planning Inspectorate	
<b>Current Status/Position</b>	
Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

## B.7

<b>LPA Enforcement Case Reference</b>	ENF/22/0158/DEV
<b>Location / Address</b>	11 Wharton Street, Bungay
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	20.05.2022
<b>Nature of Breach:</b> Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<b>Summary timeline of actions on case</b>	
<p><b>28/11/2022</b> – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance</p> <p><b>09/01/2023</b> – Pre-start letter from Planning Inspectorate</p> <p><b>31/01/2023</b> – Start letter received from Planning Inspectorate, statements required by 14<sup>th</sup> March 2023.</p>	
<b>Current Status/Position</b>	
Awaiting start date from Planning Inspectorate.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

**C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period**

There are currently no cases at this stage.

**D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.**

D.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0051/USE
<b>Location / Address</b>	Land West Of Guildhall Lane, Wrentham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	10.02.2021
<b><u>Nature of Breach:</u></b> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<b><u>Summary timeline of actions on case</u></b> <b>10/03/2022</b> - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. <b>25/08/2022</b> - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. <b>19/12/2022</b> – Court date set following non compliance at Ipswich magistrates for 30 <sup>th</sup> January 2023. <b>30/01/2023</b> - Court over listed and therefore case relisted for 27 <sup>th</sup> March 2023 <b>27/03/2023</b> - Defendant did not attend, warrant issued, awaiting decision from court.	
<b><u>Current Status/Position</u></b> Awaiting Court outcome	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependant on Court outcome

**E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action**

E.1

<b>LPA Enforcement Case Reference</b>	ENF/2018/0543/DEV
<b>Location / Address</b>	Land at North Denes Caravan Park, The Ravine, Lowestoft
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	21.12.2018
<b><u>Nature of Breach:</u></b> 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.	
<b><u>Summary timeline of actions on case</u></b> <b>02/05/2019</b> - Temporary Stop Notice Served and ceased 30/05/2019 <b>24/05/2019</b> - Enforcement Notice served, came into effect on 28/06/2019 <b>25/05/2019</b> - Stop Notice Served comes into effect 28/05/2019. <b>08/06/2020</b> – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 <b>02/02/2021</b> – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. <b>18/05/2021</b> - Appeal dismissed and partial costs to the Council <b>18/08/2021</b> - Compliance with Notice required <b>31/10/2021</b> - Extension of time granted for compliance until 31/10/21. <b>15/11/2021</b> - Further extension of time granted for compliance until 15/11/2021. <b>18/11/2021</b> - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. <b>20/12/2021</b> - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) <b>12/04/2022</b> - Certificate of Lawful Use (proposed) refused. <b>25/05/2022</b> - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 <b>08/07/2022</b> – Appeal statement submitted <b>29/07/2022</b> – Final date for comments on statements <b>11/01/2023</b> – Council applied to the High Court for an Injunction. <b>30/01/2023</b> – Case adjourned for legal reasons, awaiting new court date <b>03/02/2023</b> – High Court date for an Injunction hearing 18 <sup>th</sup> & 19 <sup>th</sup> May 2023 <b>22/02/2023</b> – Hearing on appeal for refused certificate of lawful development set for 12 <sup>th</sup> July 2023. <b>18/05/2023</b> – Injunction sought from High Court in relation to non-compliance with EN, Injunction granted – 90 days to undertake the works.	
<b><u>Current Status/Position</u></b> Appeal date set in relation to Certificate of Lawful Use (proposed) refusal.	

Injunction granted to remove works.	
<b>Date by which Compliance expected (or prosecution date)</b>	Before 18 <sup>th</sup> August 2023

**F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.**

F.1

<b>LPA Enforcement Case Reference</b>	EN08/0264 & ENF/2013/0191
<b>Location / Address</b>	Pine Lodge Caravan Park, Hazels Lane, Hinton
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	20.10.2008
<b>Nature of Breach:</b>	
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.	
<p><b>15/10/2010</b> – Enforcement Notice served</p> <p><b>08/02/2010</b> - Appeal received</p> <p><b>10/11/2010</b> - Appeal dismissed</p> <p><b>25/06/2013</b> - Three Planning applications received</p> <p><b>06/11/2013</b> – The three applications refused at Planning Committee.</p> <p><b>13/12/2013</b> - Appeal Lodged</p> <p><b>21/03/2014</b> – Enforcement Notices served and became effective on 24/04/2014</p> <p><b>04/07/2014</b> - Appeal Start date - Appeal to be dealt with by Hearing</p> <p><b>31/01/2015</b> – New planning appeal received for refusal of Application DC/13/3708</p> <p><b>03/02/2015</b> – 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.</p> <p><b>10/11/2015</b> – Informal hearing held</p> <p><b>01/03/2016</b> – Planning Appeal dismissed</p> <p><b>04/08/2016</b> – Site re-visited three of four Notices have not been complied with.</p> <p><b>21/04/2017</b> - Trial date. 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. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</p> <p><b>19/06/2017</b> – Site re-visited, no compliance with the Enforcement Notice.</p> <p><b>14/11/2017</b> – Full Injunction granted for the removal of the mobile home and steps.</p> <p><b>21/11/2017</b> – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</p> <p><b>27/06/2018</b> – Compliance visit conducted to check on whether the 2010.</p> <p><b>06/07/2018</b> – Legal advice sought.</p> <p><b>10/09/2018</b> – Site revisited to check for compliance with Notices.</p> <p><b>11/09/2018</b> – Case referred back to Legal Department for further action to be considered.</p>	



<p><b>11/10/2018</b> – 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).</p> <p><b>01/11/2018</b> – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p><b>13/12/2018</b> – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p><b>04/02/2019</b> – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p><b>26/02/2019</b> – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p><b>27/03/2019</b> - High Court hearing, the case was adjourned until the 03/04/2019</p> <p><b>03/04/2019</b> - 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.</p> <p><b>11/04/2019</b> – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p><b>07/05/2019</b> – 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.</p> <p><b>05/09/2019</b> – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p><b>28/11/2019</b> - 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</p>	
<p><b><u>Current Status/Position</u></b>  Site visited. Case currently with the Council’s Legal Team for assessment.  Charging orders have been placed on the land to recover costs.</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Dependent upon potential Legal Process</p>

F.2

<b>LPA Enforcement Case Reference</b>	ENF/2017/0170/USE
<b>Location / Address</b>	Land Adj to Oak Spring, The Street, Darsham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	11.05.2017
<p><b><u>Nature of Breach:</u></b>  Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>16/11/2017</b> – Authorisation given to serve Enforcement Notice.  <b>22/02/2018</b> – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted.</p>	

<p><b>17/10/2019</b> – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <p><b>13/11/2019</b> – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use</p> <p><b>16/06/2020</b> – Submission of Appeal Statement</p> <p><b>11/08/2020</b> - Appeal dismissed with some amendments.</p> <p><b>11/12/2020</b> - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action.</p> <p><b>25/03/2021</b> – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p><b>2022</b> - Application for an Injunction has been made to the High Court.</p> <p><b>06/10/2022</b> - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p><b>08/03/2023</b> – Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p> <p><b>30/03/2023</b> - appeal submitted to High Court against Injunction – awaiting decision from Court.</p>	
<p><b><u>Current Status/Position</u></b> In compliance period of High Court Injunction and awaiting appeal decision</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Awaiting decision from Court.</p>

F.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0441/SEC215
<b>Location / Address</b>	28 Brick Kiln Avenue, Beccles
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	29.09.2021
<p><b><u>Nature of Breach:</u></b> Untidy site</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>07/02/2022</b> - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022  <b>17/06/2022</b> - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action.  <b>21/11/2022</b>– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24<sup>th</sup> February 2023 to comply with notice.  <b>10/03/2023</b>- Site visit conducted, notice not complied with. Matter passed to Legal for further action.</p>	
<p><b><u>Current Status/Position</u></b></p>	

In compliance period	
<b>Date by which Compliance expected (or prosecution date)</b>	Depending on legal action

**G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue**

G.1

<b>LPA Enforcement Case Reference</b>	ENF/2015/0279/DEV
<b>Location / Address</b>	Land at Dam Lane Kessingland
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	22/09/2015
<p><b><u>Nature of Breach:</u></b> 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.</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>22/09/2015</b> - Initial complaint logged by parish.  <b>08/12/2016</b> - Case was reopened following further information  <b>01/03/2017</b> - Retrospective app received.            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.  <b>05/09/2018</b> - Notice served by recorded delivery.  <b>18/06/2019</b> - Appeal started. PINS Reference APP/T3535/C/18/3211982  <b>24/07/2019</b> – Appeal Statement Submitted  <b>05/02/2020</b> - Appeal dismissed. Compliance with both Notices by 05/08/2020  <b>03/03/2021</b> - Court hearing in relation to structures and fencing/gates 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>30/04/2021</b> - 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.  <b>04/05/2021</b> - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.  <b>05/07/2021</b> – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs  <b>12/07/2021</b> – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed  <b>13/08/2021</b> - Site visited and all structures had removed from the site, but lake remains</p>	
<p><b><u>Current Status/Position</u></b> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.</p>	

<b>Date by which Compliance expected (or prosecution date)</b>	31/12/2023
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## Committee Report

Planning Committee North - 11 July 2023

**Application no** DC/23/0038/FUL

**Location**

Land Adjacent to 48  
Mclean Drive  
Kessingland  
Suffolk

**Expiry date** 2 March 2023 (EOT time agreed until 14 July 2023)

**Application type** Full Application

**Applicant** Ben Habermel-Aldridge

**Parish** Kessingland

**Proposal** Construction of new dwelling on vacant site; provision of off-street parking on land at 2 Smith Crescent

**Case Officer** Iain Robertson  
07827 956946  
iain.robertson@eastsoffolk.gov.uk

### 1. Summary

- 1.1. Planning permission is sought for the construction of a new dwelling on land adjacent to 48 Mclean Drive; including provision of off-street parking on land at 2 Smith Crescent.
- 1.2. This proposal is considered to overcome the previous application refusal reasons related to parking provision; the dwelling is well designed and protects the amenity of neighbouring occupiers.
- 1.3. This application was presented to the referral panel on Friday 9 June 2023 as officers are minded to Approve the application contrary to the recommendation of Refusal from Kessingland Parish Council.
- 1.4. At the referral panel it was decided to refer this item to planning committee for determination.

## **2. Site Description**

- 2.1. The site is located within the Settlement Boundary for Kessingland. The proposed single storey dwelling would occupy a vacant parcel of land centrally located within a large estate of housing. In this area the residential development mainly comprises a geometric layout of blocks of small, single storey dwellings, with separate garage courtyards and parking areas. In a lot of cases, the homes are without direct vehicular access onto the estate road but are otherwise served by a network of pedestrian routes.
- 2.2. There have been a number of previous applications at the site refused under delegated powers, as follows:
- DC/17/4274/FUL - Construction of a pair of two-bedroom affordable bungalows plus new dropped kerb access - Refused 04.12.2017 – (Highway grounds).
  - DC/18/1952/FUL - Erection of a 3-bedroom detached bungalow plus new dropped kerb - Refused 10.07.2018 – (Highway grounds) - Appeal Dismissed 09.08.19 (**See Appendix A**).
  - DC/20/2172/FUL - Construction of new dwelling on vacant site - Refused 04.09.2020 (Highway Grounds and RAMS) - Appeal dismissed 09.02.2021 (**See Appendix B**).
  - DC/21/3976/FUL - Construction of new dwelling on vacant site; provision of off-street parking using adjacent existing garage – Refused 15.10.2021 (Highway Grounds and RAMS).
  - DC/22/0033/FUL - Construction of new dwelling on vacant site; provision of off-street parking using adjacent existing garage - Refused 15.10.2021 (Highway Grounds and RAMS).

## **3. Proposal**

- 3.1. Planning permission is sought for the erection of a single storey dwelling. The dwelling will comprise of two bedrooms, living area, kitchen, and bathroom.
- 3.2. Off-street parking is proposed on land at 2 Smith Crescent, which is approximately 45 metres from the proposed property.

## **4. Third Party Representations**

- 4.1. Six representations have been received objecting to the application, raising the following key concern (inter alia):
- Proposed parking spaces are a significant distance from the proposed new dwelling, unlikely to be used adding to congestion in the area.
  - These spaces remove two available on road spaces and make manoeuvring difficult for others.
  - Direct overlooking of No. 20 Turrell drive.
  - Concerns over how the property will be constructed without vehicular access.

- The area is also subject to surface water flooding/sewerage issues.
- No EV parking shown.
- The proposed new bungalow would not be consistent with the current open layout of the area. The line of site would be moved forward from the existing property line and would result in the new property intrusively overlooking the existing properties 18, 20 and 22 Turrell Drive.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Kessingland Parish Council	12 January 2023	25 January 2023
<p>Full Comments:</p> <p><i>Following the Planning &amp; Highways Committee meeting that was held on 25th January 2023 the following recommendation was made for your consideration.</i></p> <p><i>DC/23/0038/FUL   Construction of new dwelling on vacant site; provision of off-street parking on land at 2 Smith Crescent   Land Adjacent 48 Mclean Drive Kessingland Suffolk.</i></p> <p><i>The committee discussed this application and concerns were raised with the proposed parking spaces as if they were permitted, they would be taking up two on road spaces and would be reserved for just the residents. This would mean that they could spend long lengths of time unoccupied when they could otherwise be used by members of the public if they remained on road spaces. Councillors also felt that this application did not improve on the previous application for this site which was previously refused, the dwelling is not in keeping with the street scene and the site would be overdeveloped should this application be granted. The dwelling would go against the building line on both sides of the road and would overlook the properties opposite, therefore the committee recommends refusal of this application.</i></p>		

Consultee	Date consulted	Date reply received
Kessingland Parish Council		20 June 2023
<p><i>Planning application Ref. No: DC/23/0038/FUL   Land Adjacent 48 Mclean Drive Kessingland Suffolk</i></p> <p><i>This meeting was attended and addressed by four residents who were representing the community who live around the site to which this application relates. The parish council Planning Committee also received a list of concerns from local residents following discussions concerning the development. Residents addressed the committee in relation to this application and how the development would be at odds of both the Neighbourhood and Local Plans and, they felt, brought nothing relevant to the table which would change the decisions of the Planning Dept, (and in one application, the Planning Inspectorate) which were made in relation to a previous similar application.</i></p>		



*Residents expressed the following concerns which included the issues that the proposed building does not sit within the existing building line or fit in with the street scene. They also noted the detrimental effect that the development would have on the amenities and outlook of existing properties. Residents further noted that the amended plans do not prevent the loss of on road carparking in the area, it only relocates it around 50m away as the proposed parking in the recent amendments would require a double width dropped kerb on a section of road currently used for existing residential parking. They also questioned whether, given time, should the application be permitted that the occupiers would look to park closer to the property and thus reducing the parking spaces for existing residents. A further concern also raised was that the plans show a 1.8m high wall for the property where the surrounding properties have restrictions on wall height and siting and that this would add to the lack of cohesion with the surrounding properties. In particular, one resident has a view of open space outside their property and, if this application is passed, they will look out onto a 1.8m wall immediately on the opposite side of the footpath.*

*Councillors considered the concerns raised by existing residents as well as reviewing the previous decisions by both East Suffolk and its predecessor Waveney District Council, along with the Local and Neighbourhood Plans and the ruling by the Planning Inspectorate of a previous appeal. It noted that the original decision was refused due to the close proximity to three existing dwellings in Turrell Drive to the south of the site and as such would be detrimental to the amenities and outlook from these properties and the open character of the area generally, contrary to Policy DM02 of the Development Management Policies Development Plan Document (Adopted January 2011) and Policy H2 of the Kessingland Neighbourhood Plan (November 2016). The committee noted also that policy DM02 had been superseded by section 3 (High Quality and Sustainable Design & Design Principles) of the Waveney Local Plan of 2019.*

*Councillors noted that previous applications had sought to negate the issue of onsite parking, including the poor access and safety issues particularly for primary school children travelling to and from school by seeking alternative parking facilities. However, each of the applications did not resolve the issue of loss of public parking, merely relocating it. Each of the parking solutions still leads to an identical reduction in the on-road parking to provide off road parking in order to meet the requirements of the Local and Neighbourhood Plans.*

*The committee considered that this current application meets the failings of the previous application (DC/22/0033/FUL) which was refused on the basis that:*

*The parking area is totally segregated from the main dwelling, representing poor parking layout and design for modern standards, diminishing the rear garden of no.22, and negatively impacting on the amenity of neighbouring dwellings due to increased vehicle activity. The proposal represents a poor-quality design outcome which would be contrary to the aims of policies WLP8.29 (East Suffolk Waveney Local Plan), H2 (Kessingland Neighbourhood Plan) and the NPPF, and could also result in increased demand for on-street parking given the poor relationship of the parking area to the proposed new dwelling. Residents are likely to find a more convenient parking spot on-street rather than utilise this poorly conceived distant and unrelated parking area, which may not be secured and maintained long term in any case. It is therefore considered that the proposal represents a poor design outcome which is contrary to the aims of Policies WLP8.29 of the Waveney Local Plan, H2 of the Kessingland Neighbourhood Plan, and paragraph 134 of the NPPF.*

*The committee also noted that the current application has a response from Suffolk County Council Highways Dept dated March 2023 which runs to four pages with conditions which would need to be complied with before they could remove their objection to the development.*

*The council is also concerned about provision of Electric Vehicle charging points on new builds which we understand came into effect on the 15th of June 2023. There does not seem to be any EV provision within the application and provision of EV charging at the parking spaces which are 46m from the property which they service would either need connection to the property or a separate connection and that is not recognised in the application.*

*The council is also concerned that this is a second application where both Local and Neighbourhood Plan parking policies have been dismissed and the ability to park at other locations has been used to recommend acceptance of a planning application by an officer. The parish council are concerned that these set dangerous precedents especially as there appears to be no consideration as to what constitutes an allowable distance from a property.*

*The council does note that the applicant's agent argues that many of the properties have parking allocations which are not connected to the property. These properties were built at a time when planning practice was different and households having a single car or less was the norm, as were blocks of garages on housing estates. This is no longer the norm which is why the Local and Neighbourhood Plans were specifically designed to enforce a minimum number of onsite parking spaces in order that new builds do not affect other residents or the community in a negative manner or add to already existing issues with availability of parking.*

*The agent also notes that Kessingland is well serviced by public transport. There is a regular bus provision between 9.00am and 5.00pm but outside of those hours there is no public transport to or from the village. Indeed there is no longer a direct access by public transport to the James Paget University Hospital so that with changes a hospital visit is an almost all-day trip for residents without their own transport. The estimate of time to get to the train station in Lowestoft is overly optimistic at five minutes. A fifteen-to-twenty-minute journey is more realistic and does not allow for any of the regular traffic hold ups or the bridge being raised.*

*In reaching their recommendation the committee expressed its dismay at the contempt which had been shown to the council and local residents with regard to keeping them informed and updated with regard to the amendments to the planning application and, without regular checking of the planning portal, providing an opportunity for a response to those amendments. The amendments have in no way negated the parish councils concerns regarding the objections which have previously been submitted relating to the failure to meet National, Local and Neighbourhood planning criteria and policies.*

*The council would seek to re-iterate that the design of the property itself does not meet the street scene nor does it fully meet the building line. That the property is a bungalow appears to the committee to be the only similarity that it has with the properties surrounding it. The committee does note that the property has been moved back to be in line with the neighbouring bungalow to the north. The committee noted that the application stated that the Planning Inspector said that the site was possible in principle and that the site was sustainable in principle, however the inspector then details all the points which made the site unsuitable which are the same reasons why the Planning Authority originally rejected the application and, in the parish planning committee's opinion, have not been resolved.*

*Whilst the concerns over crossing the highway at the property and the dangers to young children travelling to school have been mitigated, they have not been removed. There will still be a dropped kerb to allow access across a nearby pathway to the proposed off road parking spaces and this is*

*still on the school route just not where all the routes combine.  
The main issue which the amendments seek to address relating to parking still remain. Indeed this application could make the situation worse in the long term as the new location will still reduce on road public parking spaces just moving the location further from the property. This distance, in all likelihood, could lead to future occupants of the proposed building trying to park closer and further reduce the numbers of on road parking spaces and increasing the “territorial” nature of residents to parking in the vicinity.*

*Bearing all of these points in mind the parish council recommends refusal of the application when it comes before the East Suffolk Planning Committee North.*

### **Statutory consultees**

Consultee	Date consulted	Date reply received
SCC Highways Department	12 January 2023	25 January 2023
Summary of comments: Holding objection - Lack of information		

Consultee	Date consulted	Date reply received
SCC Highways Department	16 March 2023	29 March 2023
Summary of comments: Holding objection removed - Conditions recommended.		

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	12 January 2023	17 January 2023
Summary of comments: Unexpected contamination condition required		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	12 January 2023	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	12 January 2023	No response

Summary of comments: No comment received
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Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	12 January 2023	No response

Summary of comments: No comment received
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Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	12 January 2023	26 January 2023

Summary of comments: No objection
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## 6. Publicity

General Site Notice

Reason for site notice:  
New Dwelling  
Date posted: 20 January 2023  
Expiry date: 10 February 2023

## 7. Planning policy

- WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan, Adopted March 2019)
- 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)
- 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)
- E1 - Protection and Maintenance of Local Green Spaces (Kessingland Neighbourhood Plan - 'Made' January 2017)
- National Planning Policy Framework 2021

## **8. Planning Considerations**

### Principle:

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decision-makers determine applications in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2. The site is within the settlement boundary of Kessingland. Policy WLP1.2 highlights that settlement boundaries define the built-up area of settlements, and subject to the other policies of this Local Plan, indicate where development for housing, employment and town centre development would be suitable.
- 8.3. The site is located within the defined settlement boundary and outside of an area of Protected Local Green Space as shown on Figure 10.1 in the Neighbourhood Plan Policy E1 "Protection and maintenance of Local Green Spaces". As such the principle of new residential development is considered acceptable, subject to its compliance with other policies with the Development Plan and the NPPF.

### Character and appearance:

- 8.4. Policy WLP8.29 sets out that proposed development should be of high quality, and take account of the built environment area, to produce proposal that respect the character and appearance of the surrounding area.
- 8.5. Policy WLP8.33 - "Residential Gardens and Urban Infilling" and H2 "Residential infill and Backland Development" sets out the requirements of the Local Plan and Neighbourhood Plan with respect to infill developments within settlement limits.
- 8.6. Policy WLP8.33 highlights that housing development on garden and other urban infill sites will be supported where they satisfy the criteria of the policy in relation to the scale, design and siting of the proposal which should not generate a cramped form of development. Other matters relate to amenity of the area and occupiers of neighbouring properties. Safe access should be provided which does not generate significant harm to the character or amenity of the area.
- 8.7. This policy also states that Neighbourhood Plans are able to set their own policies on this type of development which respond to local circumstances.

- 8.8. In this case policy H2 highlights the following:
- 8.9. 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.
- 8.10. 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.
- 8.11. McLean Drive is in an extensive residential area that has a distinctive layout, with grouped garage courtyards and parking areas, typically serving bungalows that, in many cases, are not directly accessible from a road but are reached by a network of pedestrian ways. The proposed single storey property would be in a row of other single storey dwellings, in line with that of No. 48, fronting east towards a public footpath and play area, with the private amenity space for the dwelling located on the western side of the site.
- 8.12. The proposal, as submitted, proposes the rear private amenity space to be bounded by 1.8m high walls to the western side; amended plans show the areas to the east and south of the property remaining open, with a 1.8m wall set back from the southern boundary to enclose the rear garden. This is considered to respect the character and appearance of the area, allowing adequate separation between buildings. It is recommended that, if planning permission is granted, that Permitted Development rights would be removed relating to the construction of means of enclosures, extensions and outbuildings. This would require such development to gain express planning permission from the Local Planning Authority, so it can be ensured that any further works preserve the open character of development in this locale and not providing a cramped form of development.
- 8.13. In addition, whilst the design of the dwelling differs to the surrounding uniform design, the quality of the design is considered appropriate, and its scale is considered proportionate to surrounding properties; as such it is not considered to result in an adverse impact on the character and appearance of the surrounding area.

Amenity:

- 8.14. Policy WLP8.29 sets out that proposed development should not result in an adverse impact to the amenity of neighbouring residents. The proposed development is single storey, and as such there are no first-floor windows that would overlook neighbouring properties. The

proposal does include three windows that face south towards the front of neighbouring properties 18, 20 and 22 Turrell Drive and the public footpath that bounds the site.

- 8.15. As these properties are on slightly lower ground and amendments have been sought to remove the southern doors and associated patio accessed from bedrooms 1 and 2, enabling the area to the south to remain open without the need for high boundary fencing. The proposal is now considered to have an acceptable impact on the amenities of these adjacent properties.
- 8.16. In addition, Policy WLP8.29, also requires that proposed dwellings create good amenity for future residents. The proposed rear private amenity space is considered sufficient for the size of the property and appropriate to neighbouring properties and the floor area is above national minimum standards.
- 8.17. The proposal is considered to accord with Policy WLP8.29 with regard to amenity impact.

Access and parking:

- 8.18. This matter has been the source of the previous refusals on the site; the first three applications sought to provide parking on the site, which resulted in an unacceptable impact on highway safety due to the requirement to pass over an area of existing parking and pedestrian footway.
- 8.19. The following three applications sought to address these concerns with the provision of off-street parking remote from the site, as is characteristic of the area. These previous applications were considered contrived in layout and would have resulted in a poor design.
- 8.20. This proposal utilises a small amount of garden area associated with 2 Smith Crescent on the end of an existing row of parking spaces.
- 8.21. This arrangement is considered to be acceptable and provides reasonably convenient access to car parking, which is not dissimilar to many other properties in the vicinity. Whilst there would be a slight loss in green space from this garden curtilage, this would have minimal impact on the character and appearance of the area.
- 8.22. Whilst the comments relating to the existing problems with congestion are noted, SCC Highways Authority do not object to the proposal and it is considered by Officers that this would not worsen the current situation as parking is provided in line with SCC Parking Standards as required by Policy TM1 "Parking Standards and New Residential Development". Furthermore, provision is to be provided for cycle storage to enable future occupiers to also travel by sustainable means in accordance with policy WLP8.21 "Sustainable Transport". It is also highlighted that the site is well served for pedestrians to nearby services and facilities.
- 8.23. The proposal is considered to comply with the aims of Policy WLP8.21, TM1 and paragraphs 110 and 111 of the NPPF.

RAMS:

- 8.24. The site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Benacre to Easton Bavents Special Protection Area (SPA); the Minsmere-Walberswick SPA; the Minsmere-Walberswick Ramsar Site and the Minsmere-Walberswick Heaths and Marshes Special Area of Conservation (SAC)) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. The RAMS payment has been received.
- 8.25. A conclusion of no adverse effect on the integrity of Habitats Sites can therefore be reached and the application is in accordance with the requirements of Local Plan policy WLP8.34 and Chapter 15 of the NPPF.

#### Community Infrastructure Levy (CIL)

- 8.26. As the proposal is for a dwelling, it would be Community Infrastructure Levy (CIL) liable, and because it is located within a Neighbourhood Plan Area 25% would go to the Parish Council.

#### Conclusion

- 8.27. In conclusion, the proposal would provide a dwelling in a sustainable location of acceptable design and scale, which would not result in harm to the amenities of surrounding occupiers.
- 8.28. The applicant has overcome previous highway related concerns, with the provision of off-street parking in a relatively convenient location, characteristic of the parking provision across the estate.
- 8.29. The appropriate RAMS contribution has been received, of which the measures to protect nearby European protected sites from the in-combination effect of new residential development are set out within the RAMS Strategy and accompanying SPD.
- 8.30. The proposal is considered to accord with the Policies of the Neighbourhood Plan, Local Plan and NPPF. Furthermore, there are minor benefits arising from the scheme in terms of the social benefits of the provision of a single dwelling and economic benefit from construction, which weigh in favour of the application also.

### **9. Recommendation**

- 9.1. Approval, subject to the conditions as shown below.

### **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 the Site location Plan; received on 17 February 2023 and Drawing No. 153902 Rev. M; received 17 May 2023, 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. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

4. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that 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 approximately 26 metres in the north direction to the centre line of the carriageway and 43 metres in the south direction to the nearside edge of the metalled carriageway from the centre of the access (Y dimension). 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

5. Before the access is first used pedestrian visibility splays shall be provided within 2 metre by 2 metre triangular areas each side of the access, in accordance with Drawing No. 153902 Rev. M. 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays. The visibility splay shall thereafter be retained.

Reason: For the safety of people using the highway by enabling drivers of vehicles entering the highway to see and give way to pedestrians and for pedestrians to have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

6. Works to construct the approved dwellinghouse shall not take place until the vehicle access and parking spaces, shown on Drawing No. 153902 Rev. M, are fully laid out; surfaced with a bound material; and available for the parking of vehicles. Thereafter, these parking spaces shall be retained in this form, and must remain in the same ownership of the approved dwellinghouse, so that they are available for future occupiers in the long-term.

Reason: to ensure the access is laid out and completed to an acceptable design. Also to ensure that the off-site parking provision is delivered at an early stage, and secured long term, in the interest of highways safety.

7. The use shall not commence until the area(s) within the site shown on Drawing No. 153902 Rev. M for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

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

8. Before the development is commenced, details of electric vehicle charging 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 ensure the provision of charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

Note: As per Suffolk Guidance for Parking (2019), ducting and a suitable consumer unit to allow for the installation of one EV charging unit should be provided per Class C3 dwelling.

9. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan.

The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) piling techniques (if applicable)
- d) storage of plant and materials
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

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 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 needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

11. Before the development is occupied details of the areas to be provided for the storage and presentation for collection/emptying of refuse and 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 space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

12. Prior to occupation, evidence of how the required water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the finished dwelling(s) comply with Policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019), and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) (with or without modification), no walls, fences or gates permitted by Class A (gates, fences, walls etc) of Schedule 2 Part 2 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development.

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

Reason: To secure a properly planned development.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) (with or without modification), no windows permitted by Class A (extensions or alterations) of Schedule 2 Part 1 of the Order shall be constructed on the southern elevation of the property hereby permitted, without the prior written consent of the Local Planning Authority.

Reason: to preserve the amenity of adjacent property.

16. The bathroom window on the southern elevation shall be glazed with obscure glass, and shall be retained in that condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity of adjacent property.

17. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

The landscaping scheme approved shall be completed within the first available planting season following occupation of the development, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced during the next planting season.

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

18. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

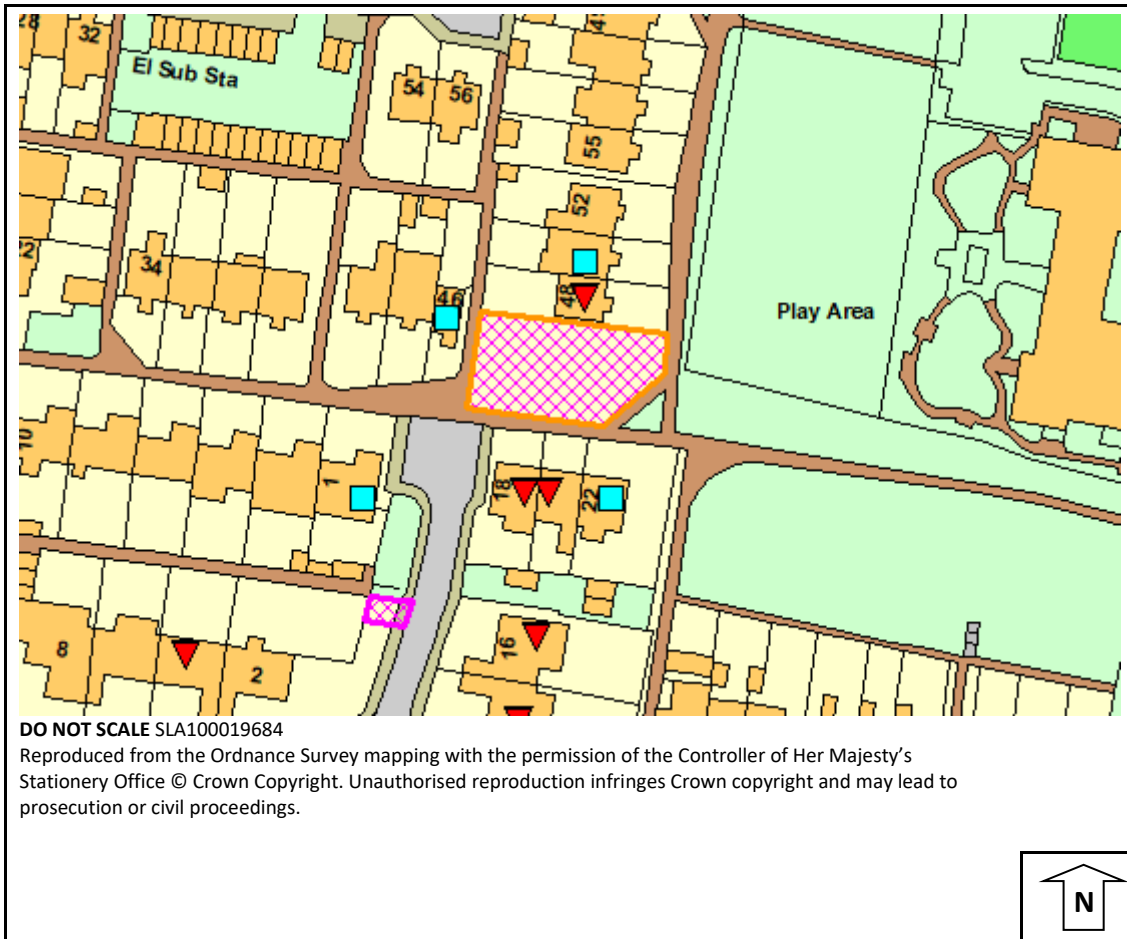
## **11. Background information**

See application reference DC/23/0038/FUL on [Public Access](#)





### **Appendices**

<b>Appendix A</b>	Appeal Decision - 9 August 2019
<b>Appendix B</b>	Appeal Decision – 9 February 2021

# Map



## Key

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

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## Appeal Decision

Site visit made on 4 March 2019

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 August 2019

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**Appeal Reference: APP/T3535/W/18/3212210**  
**Land Adjacent to 48 McLean Drive, Kessingland, Lowestoft,**  
**Suffolk NR33 7TY**

- 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 Mr J Cole against the decision of Waveney District Council.
  - The application (reference DC/18/1952/FUL, dated 2 May 2018) was refused by notice dated 10 July 2018.
  - The development proposed is described in the application form as a “three-bedroom detached bungalow, plus new dropped kerb”.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on highway safety and convenience.

### Reasons

3. Kessingland lies a short distance to the south of Lowestoft and is, itself, a substantial settlement, close to the sea. McLean Drive is located in an extensive residential area that has a distinctive layout, with grouped garage courtyards and parking areas, typically serving bungalows that, in many cases, are not directly accessible from a road but are reached by a network of pedestrian ways.
4. The appeal site is an open and unkempt area at the end of a short terrace of bungalows that face an open space across a pedestrian way. The bungalows are conventional in design, with modest gardens at the front and rear. Although the site address is in McLean Drive, however, it is located close to the end of Turrell Drive, where there is a group of publicly accessible parking spaces. Some (but by no means all) of the dwellings in the vicinity face a road and have the benefit of crossovers and on-site parking spaces (including some properties in Turrell Drive, for example). There is evidently some pressure on the public parking that is available.

5. It is now proposed that the appeal site should be developed by the construction of a new bungalow. As an integral part of the project, it is intended that the layout would include an on-site car parking and turning area that, in turn, would necessitate the installation of a new dropped kerb, to permit vehicular access to the site.
6. Under the broad heading "Promoting sustainable transport", Section 9 of the revised 'National Planning Policy Framework' deals with a number of transport related issues. It points out the need to address concerns about the transport network (in terms of "capacity and congestion") and to prevent significant impacts on highway safety.
7. These considerations are underpinned by Policy DM02 of the 'Development Management Policies Development Plan Document' (adopted in 2011) which includes the aim of providing "good access for all" (among other things).
8. The proposed new development would occupy an open area of land that contributes to the character of the path that runs alongside the site. On the other hand, it would create a new dwelling in a built up area that would evidently be sustainable in principle.
9. Nevertheless, the scheme gives rise to objections based on the access proposals. Even though the scheme would make provision for on-site parking to serve the new dwelling itself, it would result in the loss of at least one existing publicly available parking space. Moreover, the site access would be relatively narrow, restricted by the existing telegraph pole and requiring a tight turn for cars entering the new parking spaces. In consequence, the scheme would be awkward in itself and would add to parking pressures in the vicinity, causing unnecessary harm to highway conditions and prejudicing highway safety and convenience.
10. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the contribution that the appeal scheme would make to the provision of residential accommodation in the locality weighs in favour of the appeal. Nevertheless, I am convinced that the effect of the proposed development on highway safety and convenience, though relatively small in scale, outweighs the benefits of the project. Hence, I have concluded that the scheme before me ought not to be allowed and, although I have considered all the matters that have been raised in the representations (including the effect on nearby properties), I have found nothing to cause me to alter my decision.

*Roger C Shrimplin*

INSPECTOR



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# Appeal Decision

Site visit made on 26 January 2021

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

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

**Decision date: 09 February 2021**

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**Appeal Ref: APP/X3540/W/20/3260418**

**Land adjacent to 48 McLean Drive, Kessingland, Suffolk NR33 7TY**

- 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 Ben Habermel-Aldridge against the decision of East Suffolk Council.
  - The application Ref DC/20/2172/FUL, dated 15 June 2020, was refused by notice dated 4 September 2020.
  - The development proposed is construction of new dwelling on vacant site.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The effects of the proposal on (i) the safety of highway users and (ii) the European designated nature conservation sites in the wider area.

## Reasons

*The safety of highway users*

3. The single storey dwelling proposed would occupy a vacant parcel of land centrally located within a large estate of housing. In this area the residential development mainly comprises a geometric layout of blocks of small, single storey dwellings, with separate garage courtyards and parking areas. In a lot of cases, the homes are without direct vehicular access onto the estate road but are otherwise served by a network of pedestrian routes.
4. The principle of residential development on this site is not in dispute, as the neighbourhood has a good range of conveniently accessible services. However, quite similar to many of the developed plots, the appeal site is separated from the vehicular highway by a footway, which in this case runs along three of its sides. A vehicular access is proposed to the site from the adjacent end of the cul-de-sac at Turrell Drive. The new entrance would displace two of the five car parking spaces at the hammerhead and cross a pedestrian way to reach the site. The dwelling would be provided four car parking spaces, two to serve the development and two for public use to replace those removed.
5. The proposal seems unsatisfactory for a number of reasons. Firstly, there is no mechanism to secure in perpetuity the two publicly available car parking spaces. Even if they were, the spaces might not be readily recognisable as

being publicly available due to their position beyond a footpath and within an otherwise private curtilage.

6. The unmitigated loss of the two existing spaces at the end of the cul-de-sac would lead to increased competition for on-street parking elsewhere in the vicinity. This would likely result in a greater incidence of obstruction to footways, visibility at junctions and private accesses, all of which would be detrimental to the safety of users of the highway.
7. Secondly, there is insufficient space between a utility pole and the edge of the public footway at the side of Turrell Drive to provide a new access of sufficient width, and with pedestrian visibility splays, necessary to meet local highway authority standards. Such a situation would likely result in vehicles regularly over-running the existing footway on the eastern side of Turrell Drive, thus detracting from highway safety.
8. Thirdly, the parking area in the proposal is not shown to have adequate space for vehicles to manoeuvre and exit in a forward gear. The resulting reversing movements across footways, without suitable mutual visibility between driver and footway users, would be further detrimental to the interests of highway safety.
9. In all, whilst a dwelling might be acceptable in principle on this site, the circumstances are not amenable to one that has both its own vehicular access and on-site parking. Consequently, I conclude that the proposal would have a significantly harmful effect on the safety of highway users in this location, in conflict with Policy WLP8.21 of the East Suffolk Waveney Local Plan 2019 (LP) and the National Planning Policy Framework (the Framework).

#### *European designated sites*

10. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) provides strategic measures to off-set the increased recreational disturbance on European nature conservation sites arising from residential growth in this District. As this proposal falls within the recreational disturbance Zone of Influence for a number of European sites along the Suffolk coast<sup>1</sup>, the proposed dwelling might have a significant effect on these protected areas when considered in combination with other planned development.
11. To address this situation, the Suffolk Coast RAMS seeks financial contributions from new developments to fund strategic mitigation. Although simply a matter of paying the set tariff, which the appellant is not resistant to, this has not been secured. The lack of mitigation means I am unable to conclude that this proposal would have no adverse effect on the integrity of European sites protected under the Conservation of Habitats and Species Regulations 2017 (as amended). For this reason, the proposal conflicts with LP Policy WLP8.34.

#### **Balance and conclusion**

12. The dwelling would be located where there is reasonable access to services and facilities, and the principle of further housing would be acceptable. There would be small social benefits in the contribution made towards housing supply.

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<sup>1</sup> Benacre to Easton Bavents Special Protection Area (SPA) and Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC), Minsmere to Walberswick Heaths and Marshes SAC and Minsmere - Walberswick SPA

Clearly, the building work and further household spend would benefit the local economy in a small way.

13. However, these small benefits would be significantly and demonstrably outweighed by the harm identified to highway safety and from the absence of a RAMS contribution. Therefore, the proposal would conflict with the LP when considered as a whole, which is itself broadly consistent with the Framework. Notwithstanding the further detailed points put forward, I conclude that the appeal should be dismissed.

*Jonathan Price*

Inspector

## Committee Report

**Planning Committee North - 11 July 2023**

**Application no DC/23/1488/FUL**

**Location**

Wilmar  
Market Lane  
Blundeston  
Lowestoft  
Suffolk  
NR32 5AW

**Expiry date** 7 June 2023

**Application type** Full Application

**Applicant** Mr C Francis

**Parish** Blundeston

**Proposal** First floor glass balustrade

**Case Officer** Matthew Gee  
07901 517856  
matthew.gee@eastsoffolk.gov.uk

### 1. Summary

- 1.1. Planning permission is sought for the installation of a first floor glass balustrade to the front elevation, to allow use of part of the front flat roof element of the dwelling as a balcony.
- 1.2. The proposal is not deemed to result in any adverse impacts upon the character, design or scale of the host dwelling, nor the character and appearance of the street scene. Furthermore, with the proposed screening, the use of the balcony would not introduce any additional overlooking opportunities, and overcomes the concerns raised on applications previously refused.
- 1.3. The application is therefore considered to accord with the East Suffolk (Waveney) Local Plan and the NPPF, and as such it is recommended that planning permission be granted.

- 1.4. The former Chairman, Cllr Ashdown, requested in May 2023 (prior to the elections) that the application be referred to committee, due to impacts arising from the proposal and the public interest in the site. The Chairman of each Committee has authority in the Constitution to refer applications direct to the relevant Committee for determination where they deem the application is of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect.

## 2. Site Description

- 2.1. Wilmar is located within the village Settlement Boundary of Blundeston and comprises a two storey contemporary designed dwelling, with two storey traditional properties on either side. The site faces south towards Market Lane and is not in a conservation area or any other planning designation of note.

## 3. Proposal

- 3.1. Planning permission is sought for the installation of a first floor glass balustrade to the front elevation, to allow use of part of the front flat roof element of the dwelling as a balcony. On the western side, the balustrade would be 1.7 metres in height, obscure glazed.

## 4. Consultations

### Third Party Representations

- 4.1. One representation of objection has been received raising the following:
- Previous refusals of similar schemes
  - Impact from overlooking
  - Contrived design

### Ward Member (Cllr Ashdown)

- 4.2. *"I fully support Mrs Alderton's objections to both of these applications they out of character for the village and these are overdevelopment of the site and will also give intrusion over private amenity space. Should officer recommendation be approval then I request this to be taken to committee for decision."*

### Parish/Town Council

Consultee	Date consulted	Date reply received
Blundeston And Flixton Parish Council	19 April 2023	9 May 2023
<i>"Refused by all Parish Councillors due to over development"</i>		

## 5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 21 April 2023

Expiry date: 16 May 2023

## 6. Planning policy

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

National Planning Policy Framework 2021 (NPPF)

## 7. Planning Considerations

### Planning History

- 7.1. DC/14/1119/FUL - Construct replacement dwelling - Approved 30 June 2014
- 7.2. DC/16/1148/FUL - Construction of a replacement house - Refused 1 June 2016
- 7.3. DC/20/2964/FUL - Safety escape staircase at rear of property - Refused 5 February 2021
- 7.4. DC/21/1716/FUL - Proposed external stair and creation of first floor balcony, along with associated balustrade and privacy screening - Refused 7 June 2021
- 7.5. DC/21/1716/FUL was refused for the following reason:

*"The proposed staircase would be located in close proximity to the western site boundary, and is considered to give rise to potential overlooking of neighbouring private amenity areas, harming the enjoyment of Philcot. It is not considered that the proposed addition of a 1.8m frosted glass screen would sufficiently limit the overlooking from occurring as the screen would mostly be separate from the staircase rather than fully enclosing it and so it would still be possible to have a clear view down towards the north and west from the staircase. Furthermore, it is deemed that insufficient evidence and justification has been supplied to detail the need for emergency escape on a new build, Building Regulations compliant, dwelling. Both the staircase and tall screen would be detrimental to the streetscene, adversely affecting visual amenity.*

*The proposal would cause harm to the living conditions of adjacent property and is a form of development contrary to the NPPF, and East Suffolk Council - Waveney Local Plan (March 2019) Policy WLP8.29 (Design) which seeks, amongst other things, to safeguard the amenity of neighbouring residents through good design."*

- 7.6. The proposed application has sought to remove the proposed fire escape from the scheme and whilst the tall screen remains it has been reduced from 1.8m to 1.7m. The tall screen will run along the small north side of the balcony and along the western side.
- 7.7. DC/21/1716/FUL was appealed with the Planning Inspector raising no concerns in regards to the impact of the proposal on the street scene; however, they did conclude that the proposed spiral staircase would introduce overlooking that would harm the amenity of

adjacent neighbours, and therefore dismissed the appeal on that basis. The proposed application seeks to follow the Inspector's decision by removing the element (spiral stair) that was deemed to harm amenity.

### Design

- 7.8. The proposal includes the introduction of a 0.95m uninterrupted glazed balustrade atop the existing parapet along the southern and western sides of the flat roof element, with a 1.3m high obscured glazed balustrade installation atop the existing 0.4m parapet on the north and east elevations. Whilst the proposal would result in an unexpected feature within the street scene, the balustrade would be largely glazed and therefore the impact would be somewhat mitigated. The frosted glass sections will be more visible than the glazed element, albeit views of this from the west would be largely screen by the existing development. The impact is further mitigated by the existing design of the dwelling, which itself is an unusual, contemporary addition within the street scene and the introduction of a balustrade as shown is not considered to significantly impact upon the design of the dwelling. Nor would it cause harm to the street scene. Therefore, whilst the proposal to create a front balcony will result in a somewhat unusual feature, it is not considered that permission could be refused solely on those grounds. The position of the balcony also seems logical for future occupiers in that will allow views south. It is also noted that the planning inspector for the previous appeal raised no concerns regarding the impact of the balustrade on the street scene, and the design of that elements remains similar to before. For these reasons, officers considered that the proposal is acceptable in design terms in accordance with policy WLP8.29 (Design).

### Amenity

- 7.9. The inspector dismissed the previous appeal mainly because the-then-proposed spiral staircase would introduce additional overlooking that would harm the amenity of neighbouring residents. This proposal has removed the spiral staircase element entirely, and now includes a 1.7m (measured from roof level) screen alongside northern and western elements of the proposed balcony. The balcony also excludes a section of flat roof that extends down the side of the dwelling facing towards 'Philcot'. The screens are considered to restrict overlooking opportunities to the north and west, and as such would preserve the amenity of 'Philcot' and other dwellings to the west. Views to the east would be screened by the large projecting element of the dwelling, and as such views would mainly be focused south across Market Lane and open fields. The nearest dwelling to the south is a row of cottages to the south-west, at a distance of approximately 45m, which is considered sufficient to avoid any direct overlooking opportunities. It is therefore concluded that the proposal would have no adverse impacts on amenity, and as such there is no material reason to recommend refusal on amenity grounds. The proposal accords with WLP8.29 (Design).

## **8. Conclusion**

- 8.1 In conclusion, the principle and detail of the development is acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

## 9. Recommendation

9.1 Approve with conditions set out below.

## 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 RS/4878/23/04 and RS/4878/23/03 received 12/04/2023, 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 first use of the balcony as shown demarcated by 'proposed glass balustrade' on drawing RS/4878/23/04, hereby permitted, the 1.3m high balustrades (1.7m as measured from roof/floor level), shall be installed on the north(rear) and west (side) elevations in the areas shown on approved drawing RS/4878/23/04. These high level balustrades/screens shall be obscure glazed to minimum of level 3, and shall thereafter be retained in the approved form and location along the north (rear) and west (side) elevations of the approved balcony area.

For the avoidance of doubt, this permission does not permit the use of the flat roof area to the north of the demarcated by proposed glass balustrade' on drawing RS/4878/23/04, as a balcony.

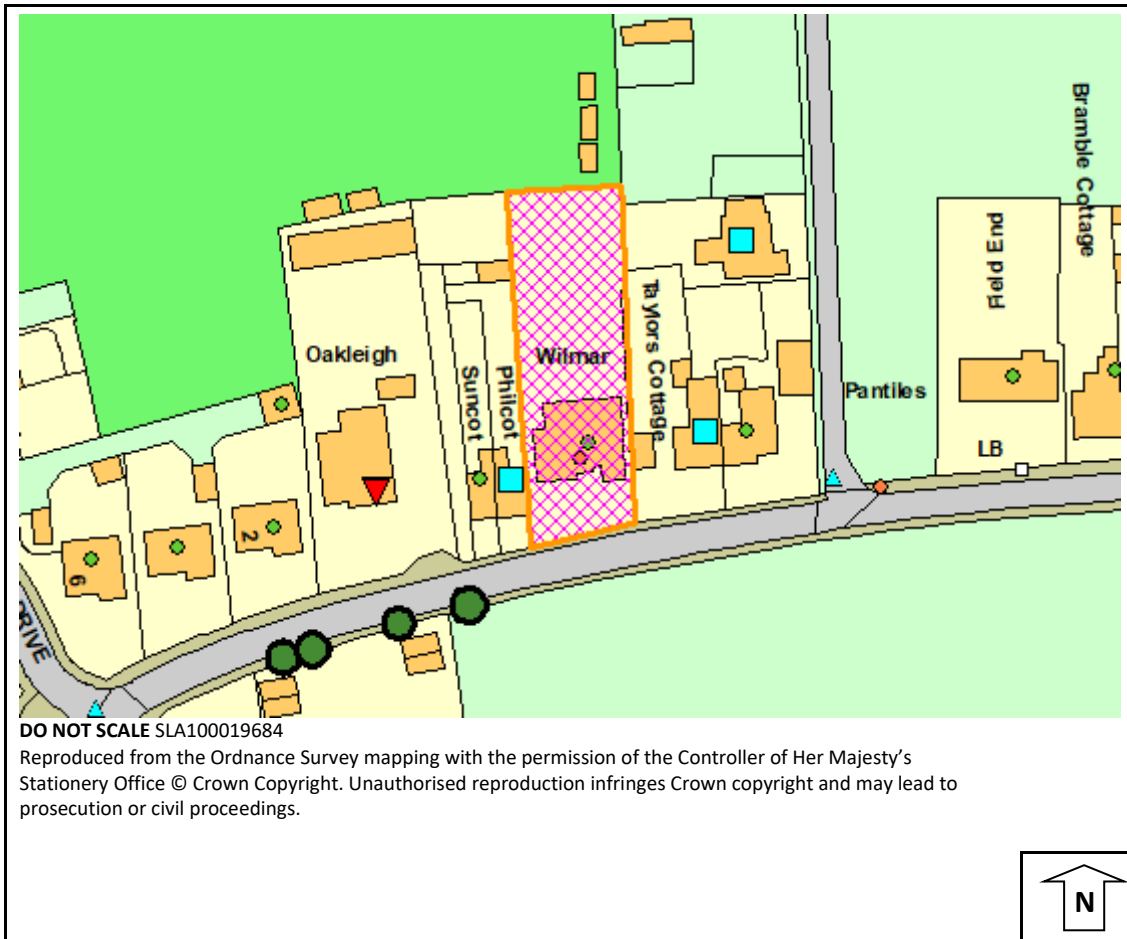
Reason: To protect the amenity of neighbouring residents.

## Background information





See application reference DC/23/1488/FUL on [Public Access](#)



# Map



## Key

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

## Committee Report

**Planning Committee North - 11 July 2023**

**Application no** DC/23/1487/FUL

**Location**

Wilmar  
Market Lane  
Blundeston  
Lowestoft  
Suffolk  
NR32 5AW

**Expiry date** 7 June 2023  
**Application type** Full Application  
**Applicant** Mr Clem Francis

**Parish** Blundeston  
**Proposal** Construction of a single storey rear extension  
**Case Officer** Matthew Gee  
07901 517856  
matthew.gee@eastsoffolk.gov.uk

### 1. Summary

- 1.1. Planning permission is sought for the construction of a single storey rear extension. The proposed extension is considered to respect the character, design and scale of the host dwelling, the character and appearance of the area, and would not result in the overdevelopment of the site. Furthermore, there are no adverse impacts upon the amenity on neighbouring residents, or any adverse highway implications.
- 1.2. The proposal is therefore deemed to accord with the East Suffolk (Waveney) Local Plan, and the NPPF, and as such it is recommended that planning permission be granted subject to conditions.
- 1.3. The former Chairman, Cllr Ashdown, requested in May 2023 (prior to the elections) that the application be referred to committee, due to impacts arising from the proposal and the public interest in the site. The Chairman of each Committee has authority in the Constitution to refer applications direct to the relevant Committee for determination

where they deem the application is of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect.

## 2. Site Description

- 2.1. 'Wilmar' is located within the village Settlement Boundary of Blundeston and comprises a two storey contemporary designed dwelling, with two storey traditional properties on either side. The site faces south towards Market Lane and is not in a conservation area or any other planning designation of note.
- 2.2. The property known as 'Wilmar' was approved under reference DC/14/1119/FUL in June 2014. As part of that approval permitted development rights were removed for the erection of building or structures under Class A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house). The reason given was to secure a properly planned development.

## 3. Proposal

- 3.1. Planning permission is sought for the construction of a single storey rear extension. The proposed extension will have a flat roof, and would measure 5.8m deep, 4.1m wide, and 2.9m in overall height. The extension would be finished in render.

## 4. Consultations

### Third Party Representations

- 4.1 One representation of objection has been received raising the following:
  - Permitted development rights removed
  - Stability of groundworks
  - Potential to be used for balcony

### Ward Member (Cllr Ashdown)

- 4.2 *"I fully support Mrs Alderton's objections to both of these applications they out of character for the village and these are overdevelopment of the site and will also give intrusion over private amenity space. Should officer recommendation be approval then I request this to be taken to committee for decision."*

### Parish/Town Council

Consultee	Date consulted	Date reply received
Blundeston And Flixton Parish Council	19 April 2023	9 May 2023
<i>"Flat Refusal due to over Development by the parish councillor's"</i>		

### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	19 April 2023	17 May 2023
Summary of comments: No objections		

## 5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 21 April 2023

Expiry date: 16 May 2023

## 6. Planning policy

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

National Planning Policy Framework 2021 (NPPF)

## 7. Planning Considerations

### Planning History

- 7.1. DC/14/1119/FUL - Construct replacement dwelling - Approved 30 June 2014
- 7.2. DC/16/1148/FUL - Construction of a replacement house - Refused 1 June 2016
- 7.3. DC/20/2964/FUL - Safety escape staircase at rear of property - Refused 5 February 2021
- 7.4. DC/21/1716/FUL - Proposed external stair and creation of first floor balcony, along with associated balustrade and privacy screening - Refused 7 June 2021

### Design

- 7.5. Policy WLP8.29 (Design) sets out that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing, proposals should demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness, as well as responding to local context and the form of surrounding buildings. The proposed extension is of a contemporary design which reflects the design ethos of the original dwelling. The overall extension is considered to be of an appropriate scale to the host dwelling, and given the relative size of the curtilage it is not considered that an extension of the size shown would result in the overdevelopment of the site, or result in additional impacts to the street scene. The extension is a simple addition to the property that will relate well to the existing dwelling in accordance with the design objectives of WLP8.29.

### Amenity

- 7.6. Policy WLP8.29 (Design) also sets out that proposals are expected to protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development. The proposed extension is 2.9m in height and is set in from the nearest boundary by 1.4m and approximately 9m from the nearest dwelling. Given the separation distance it is not considered that the proposal would result in any adverse impacts upon the light. Furthermore, the proposal is single storey and as such there is not deemed to be any loss of privacy.
- 7.7. Concerns have been raised about the potential use of the extension as a balcony, however, the use of the roof as a raised platform would require planning permission in its own right, and it has not been applied for as part of this application. In any case, given the position of first floor openings relative to the flat roof, it seems very unlikely access to the roof could be gained, so this concern raised is noted but not a reason to refuse a single storey extension of a modest, acceptable design. It is also noteworthy that the immediately adjacent properties have not objected to this application.

## **8. Conclusion**

- 8.1. In conclusion, the principle and detail of the development is acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

## **9. Recommendation**

- 9.1. Approve with conditions set out in section 10, below.

## **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 RS/4878/23/01 and RS/4878/23/02 received 12/04/2023, 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.

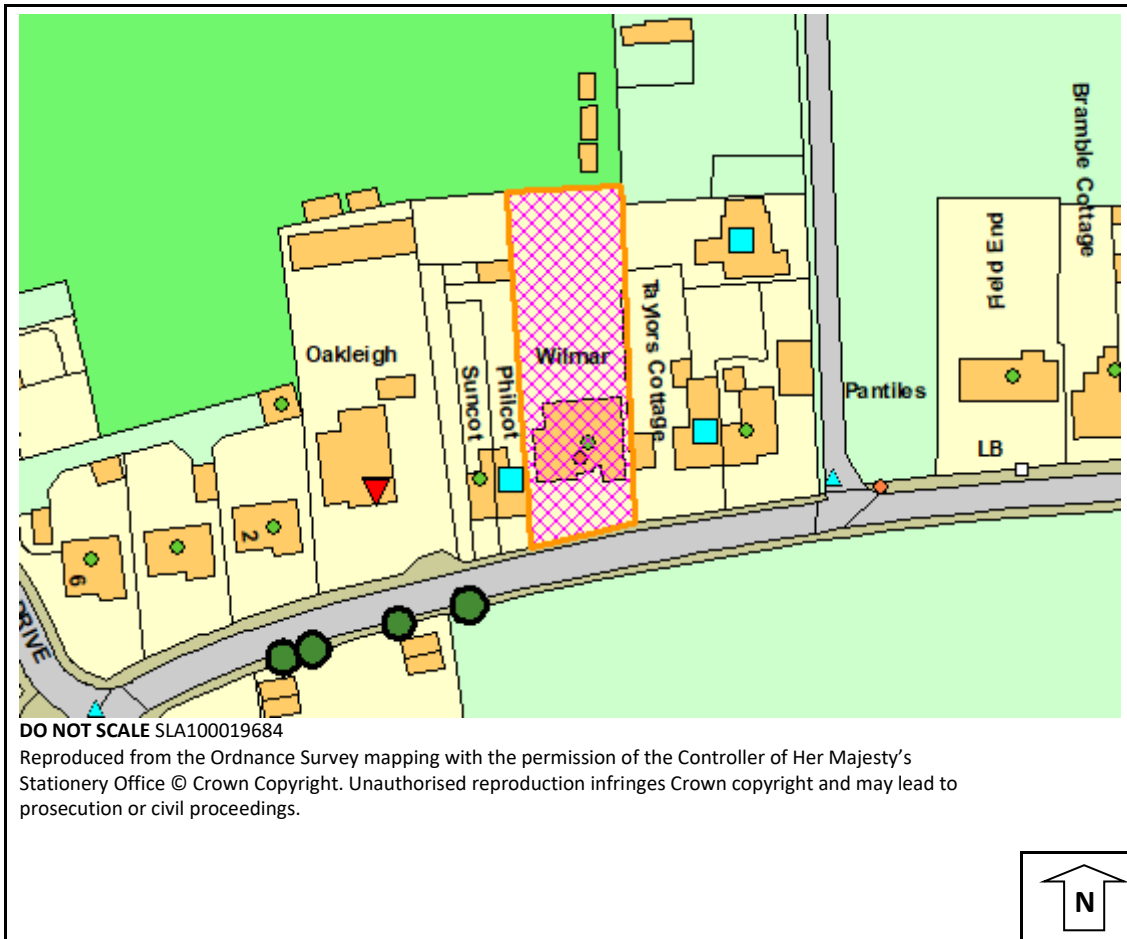
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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





## **11. Background information**

See application reference DC/23/1487/FUL on [Public Access](#)

# Map



## Key

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