



## Committee Report

**Planning Committee North – 14 November 2023**

**Application no** DC/22/4746/FUL

**Location**

35 King Georges Avenue  
Leiston  
Suffolk  
IP16 4JX

**Expiry date** 5 February 2023

**Application type** Full Application

**Applicant** Mr And Mrs Clay

**Parish** Leiston Cum Sizewell

**Proposal** Construction of one and a half storey two bedroom dwelling

**Case Officer** Steve Milligan

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## **1. Summary**

- 1.1 This a full planning application is for the erection of a two bedroom, one and a half storey dwelling on a site to the rear of 35 King Georges Avenue, Leiston.
- 1.2 The site was subject of outline permission for the erection of one single storey dwelling in 2020 under DC/20/3958/OUT. Access was agreed under DC/20/3958/OUT and was via an unmade track which serves an area of allotments. The track is understood to be in the ownership of Leiston Town Council.
- 1.3 The application was presented to the referral panel on 24 October 2023 as officers were 'minded to' approve the application, contrary to the Town Council's recommendation of refusal. There was a split decision from the Panel but the Head of Planning Services determined that the application would be determined by Planning Committee because of the backland location of the plot and objection to use of the access by the Town Council.

## **2. Site Description**

- 2.1 The application site consists of the rear garden to no. 35 that is proposed to be subdivided and provide one additional dwelling. To the north and west of the site is a track that connects the allotments and rear of neighbouring properties to King Georges Avenue and Charles Adams Close. There is a 20th Century housing estate to the north (Charles Adams Close), comprising single storey terraces of a standardised size, form, use of materials and orientation (with the principal elevations fronting South or East).
- 2.2 The rear garden of the existing dwelling contains a pine tree, close to the southern boundary of the plot.
- 2.3 Certificate B has been signed with notice served on Leiston Town Council as the access track is not in the applicant's ownership.
- 2.4 The site is located within the Leiston physical limits (settlement boundary), as defined in the Neighbourhood Plan. The host dwelling is a two-storey detached dwelling.
- 2.5 Outline Application was granted for 'Use of land for the erection of a single-storey dwelling' under DC/20/3958/OUT in Dec 2020. The application was approved under delegated powers following consideration by the Referral Panel.

## **3. Proposal**

- 3.1 The proposal is for the erection of a one a half storey, two bedroomed dwelling. Access would be via a track from King Georges Avenue with two parking spaces identified on the site for the proposed dwelling and two spaces for 35 King George's Avenue.
- 3.2 The scheme includes the removal of the existing pine tree but involves replacement trees on the western and southern sides of the proposed dwelling.

#### 4. Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Leiston-cum-Sizewell Town Council	16 December 2022	11 January 2023
<p>Summary of comments: Leiston-cum-Sizewell Town Council recommends rejection of this application and makes the following comments:</p> <p>Council rejected an earlier Outline Planning application and believe the reasons for refusal remain:</p> <p>Access Poor Access and nature of this back garden development is not supported. It severely reduces the amenity, green space and parking of 35 King George Avenue (a more substantial property). The entrance onto King George Avenue is one of the worst visibility of any junction onto a main road in Leiston.</p>		

##### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	16 December 2022	13 January 2023
<p>Summary of comments: Conditions recommended regarding visibility; surfacing of first 10m; sw drainage; bin storage/presentation; EV infrastructure; parking/manoeuvring.</p>		

##### Non statutory consultees

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	19 January 2023
<p>Summary of comments: The current proposal is larger in scale than DC/20/3958/OUT. The site abuts bungalows and design should be a bungalow. On street parking makes the use of the access dangerous. Current water runoff causes sand build up on KG Avenue.</p>		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	16 December 2022	22 December 2022
<p>Summary of comments:</p>		

There is a public footpath adjacent to the site. The RoW must remain open, unobstructed and safe for public to use at all times, including throughout the construction period.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 December 2022	23 December 2022
Summary of comments: Condition recommended regarding discovery of unexpected contamination.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	16 December 2022	5 January 2023
Summary of comments: No objection. RAMS payment required.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	N/A	28 December 2022
Summary of comments: Access for fire fighting vehicles must comply with Building Regulations.		

#### Reconsultation consultees

Consultee	Date consulted	Date reply received
Leiston-cum-Sizewell Town Council	8 August 2023	No response
Summary of comments:		

#### 5. Publicity

None

#### Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 5 January 2023

Expiry date: 26 January 2023

#### 6. Planning policy

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.7 - Infill and Garden Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.3 - Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

PL1 - Leiston Town Physical Limits Boundary (Leiston Neighbourhood Plan - 'Made' March 2017)

TM3 - Residential Parking Standards (Leiston Neighbourhood Plan - 'Made' March 2017)

National Planning Policy Framework 2023

## **7. Third Party Representations**

7.1 None received.

## **8. Planning Considerations**

### Principle of Development

- 8.1 The site is located within the settlement boundary for Leiston which is identified as a Market Town in the Local Plan. Inside the Settlement Boundaries, there is a policy presumption that development is acceptable in principle, subject to consideration of other relevant policies of the development plan.
- 8.2 There are no policies in the Neighbourhood Plan relating to infill development so the principal policy consideration is Local Plan Policy SCLP5.7, where infill or garden development is generally supported where:
- a) The scale, design and materials would not result in harm to the street scene or character of the area;
  - b) The proposal is well related in scale and design to adjacent properties, including the design of curtilage areas, parking and access, and incorporates landscaping where appropriate to mitigate any potential impacts or to enhance the appearance of the site;
  - c) There would not be significant harm to residential amenity of occupants of either the existing or proposed dwellings;

- d) Existing and proposed dwellings have sufficient curtilage space; and
- e) The proposals are otherwise in accordance with the housing policies of the Local Plan.

8.3 The site was considered acceptable in principle for a single storey dwelling in 2020 and this permission remains extant. This established the use of the track and driveway to serve a dwelling. The Development Plan, nor the site and its surroundings have changed since this previous approval and therefore this position remains.

#### Highways Safety, Vehicular Access and Parking Provision

8.4 The highways officer has looked at the details including the access to the highway and parking provision and has no objections, subject to conditions. It should be noted that the track serves the allotments and also existing parking provision for some of the properties on King Georges Avenue. The parking provision for the proposed dwelling and for the host dwelling are considered appropriate and is not considered to result in detriment to highway safety, nor represent a significant intensification of use of the track network given the existing usage.

8.5 Although it was previously considered disproportionate to add some of the suggested highways conditions, on reflection, increasing the intensity of use of an access would often require improvements and therefore it is reasonable and necessary to include the highways authority conditions requiring the first ten metres of the access to be properly surfaced, surface water discharge arrangements and bin presentation areas to be provided. These conditions are therefore now recommended to be included on any permission granted.

8.6 Adequate visibility can be achieved given the wide pavement and straightness of the road and the extent of the visibility splay is within highway land such that the condition for the visibility and restriction on permitted development rights within this is is not considered necessary. Providing electric vehicle infrastructure is a requirement of Building Regulations and therefore again is not included within the recommendation.

#### Design and impact upon residential amenity

8.7 The dwelling is located beside the track to the allotments (west) to the rear of no. 35, and as such will not have a street frontage on King Georges Avenue. To the north/north-east are properties in Charles Adams Close. Charles Adams Close is an estate comprising solely bungalows, some of which face south towards the track to the east and arranged around open green spaces. The properties in King Georges Avenue are two storey and orientated north-south.

8.8 The proposed dwelling lies between the two-storey dwellings in King George's Avenue and single-storey dwellings in Charles Adams Close. The one and a half storey form and generally modest size will provide an acceptable transition in scale between the two.

8.9 A main issue therefore is in respect of outlook and impact upon the privacy of the neighbour to the west from the first floor bedrooms in the proposed dwelling. The dwelling is designed to be single aspect at first floor level with two west facing dormer windows. It is set back from the track by approx. 6m. The access track includes a wide verge on its western side with the rear garden of 29 King George's Avenue beyond. At the end of the garden of No 29 is a large shed and the proposed first floor bedrooms will look

onto the roof of this shed; down the track to the rear which serves the rear of properties to the west and over the allotments to the north-west.

- 8.10 It will be possible to look into the main garden of 29, but there is a distance of approx. 20m to the fence and given the distance and angle, in this urban context, impact upon privacy will not be so severe so as to fall contrary to SCLP5.7 or SCLP11.2. There have been no comments received from this neighbour.
- 8.11 The proposed dwelling will have an outlook from its ground floor kitchen/living room to its west facing front garden and south facing private garden and there will be adequate amenity space for this property as well as natural light. The westerly and southerly aspects will provide good access to light/sunlight and represent an improvement for the proposed occupiers compared to the scheme illustrated under DC/20/3958/OUT.
- 8.12 The scheme will result in the loss of a semi-mature pine tree which conflicts with the proposed car parking and relocated outbuilding for no. 35. The tree is not protected and not of a quality which would justify the serving of a TPO and the refusal of planning permission. The scheme includes nine replacement trees, Silver Birch and Ornamental Cherry, which are more suitable for a close relationship to the dwelling and will, over time, provide adequate replacement for the tree to be removed.
- 8.13 The dwelling would help to provide a smaller unit of accommodation for which there is a recognised shortfall at a district and local level.

#### Ecology and Suffolk RAMS

- 8.14 The site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Minsmere-Walberswick SPA/SAC/Ramsar, Sandlings SPA, Alde-Ore Estuary SPA/Ramsar, Orfordness-Shingle Street 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). The required contribution was secured under DC/20/3958/OUT and has been transferred to the current application, to accord with SCLP10.1.

## **9. Conclusion**

- 9.1 The principle for a dwelling in this location is considered to be suitable as it is in a sustainable location, within the settlement boundary of Leiston, a market town which has good links and range of services and facilities to accommodate such development, which accords with Neighbourhood Plan policy PL1 and Local Plan policies SCLP3.2, SCLP3.3 and SCLP5.7 and provisions within the NPPF.
- 9.2 The proposal is not considered to adversely impact residential amenity or the character of this part of the town to an extent that would warrant refusal.

## **10. Recommendation**

- 10.1 Approve, subject to controlling conditions.

### **Conditions:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/reports:

Drg No: 2240 PP10 received 02.12.2023

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

3. The use shall not commence until the area(s) within the site shown on drawing no. PP 10 for the purposes of loading, unloading, manoeuvring and parking of vehicles 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 vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

4. Before the development is first occupied, details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2019).

5. Prior to the development hereby permitted being first occupied, the existing onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

6. 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.

7. Before the development is commenced 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting the said Order, no development of any kind specified in Parts 1 & 2 of Schedule 2 of the said Order shall be carried out unless otherwise agreed in writing with the local planning authority. (Parts 1 & 2, refer to external alterations and extensions, hard surfacing, means of enclosure etc.).  
Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment

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

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

10. The approved scheme of landscape works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 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

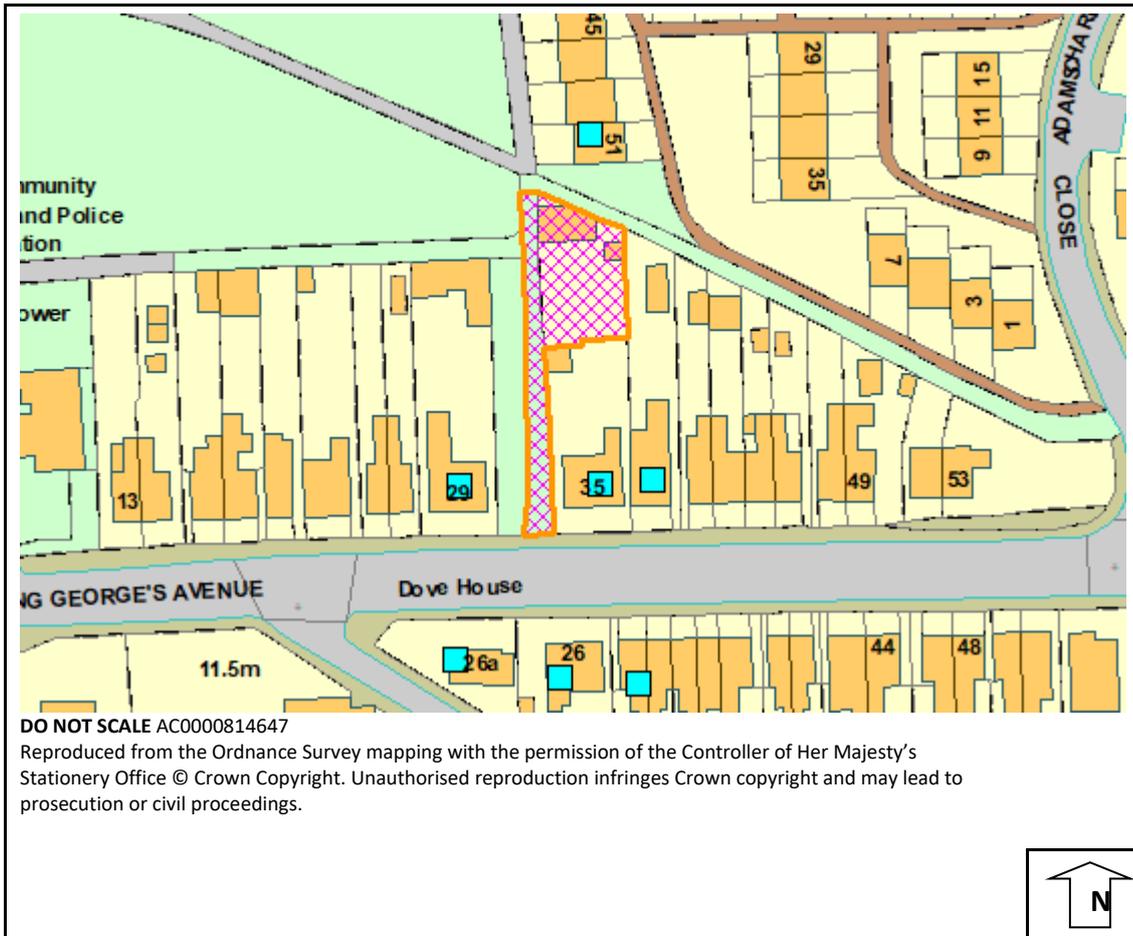
#### **Informatives:**

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

#### **Background information**

See application reference DC/22/4746/FUL on [Public Access](#)

# Map



## Key



Notified, no comments received



Objection



Representation



Support