



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Norman Brooks
Councillor Tony Cooper
Councillor Linda Coulam
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Sarah Plummer
Councillor Craig Rivett

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside, Lowestoft
on **Tuesday, 10 January 2023 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://youtu.be/bsaTHWpSP5E>

An Agenda is set out below.

Part One – Open to the Public

Pages

1	Apologies for Absence and Substitutions
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2	Declarations of Interest	
	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.	
3	Declarations of Lobbying and Responses to Lobbying	
	To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes of meeting	1 - 11
	To confirm as a correct record the Minutes of the Meeting held on 13 December 2022.	
5	East Suffolk Enforcement Action - Case Update ES/1406	12 - 27
	Report of the Head of Planning and Coastal Management	
6	DC/22/1189/FUL - Wayland Cottage, The Street, Walberswick, Southwold, IP18 6UG ES/1407	28 - 43
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7	DC/22/3600/VOC - 9 Glebe Close, Lowestoft, NR32 4NU ES/1408	44 - 54
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8	DC/22/4364/FUL - 18 Colman Road, Corton, Lowestoft, NR32 5HH ES/1409	55 - 59
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9	DC/22/4301/FUL - 41 Darby Road, Beccles, NR34 9XX ES/1410	60 - 65
	Report of the Head of Planning and Coastal Management	

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

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.

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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.

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room,
Riverside, on **Tuesday, 13 December 2022 at 2.00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Sarah Plummer

Other Members present:

Councillor Tony Goldson, Councillor David Ritchie

Officers present: Ben Bix (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Cooper and Rivett. Councillor Goldson attended as substitute for Councillor Cooper.

2 Declarations of Interest

Councillor Ceresa declared a Non-Registerable Interest in agenda item 8 as a Ward Member for Carlton Colville.

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 Coulam it was by a unanimous vote

RESOLVED

That the Minutes of the Meeting held on 8 November 2022 be confirmed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1379** 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 28 November 2022. At that time there were 17 such cases.

The Assistant Enforcement Officer drew the Committee's attention to an update in the south of the district where the enforcement notice at Park Farm, Chapel Road, Bucklesham had been complied with and the site had been cleared.

There being no questions from Members; Councillor Brooks proposed, Councillor Ceresa seconded, and the Committee unanimously

RESOLVED

That the outstanding enforcement matters up to 28 November 2022 be noted.

6 DC/22/1189/FUL - Wayland Cottage, The Street, Walberswick, IP18 6UG

The Chairman announced that a proposed site visit had been postponed due to unsafe weather conditions and that consequentially the item had been withdrawn from the agenda. It was anticipated that the item would be considered in the new year.

7 DC/21/2369/FUL - 73 Beccles Road, Bungay, NR35 1HT

The Committee considered report **ES/1381** which related to planning application DC/21/2369/FUL and sought permission for a new dwelling and associated works. The application had been considered by the Planning Committee in March 2022, and was deferred to enable Officers to discuss an amended design with the applicant's agent. The proposal was amended with revised plans submitted in August 2022, and a full re-consultation had been undertaken on the amended scheme. In response to the re-consultation, there were no objections from any consultees. Two third party representations of objection to the revised application had been received.

The Committee received a presentation from the Planning Manager, who was representing the case officer for the application. The Committee viewed the site location plan, the settlement boundaries, photographs of the site and its surrounding area, and comparative elevations of the current proposal alongside those proposed in March 2022. Compared to the scheme considered in March, the proposal was now a chalet bungalow with a hipped roof and small box dormers. The maximum height of the proposed dwelling was not dissimilar from the height of the previous design; however, due to the steep hipped roof form and lower eaves, there was less mass at first floor level, which resulted in a larger footprint with more of the accommodation at ground floor level. Proposed materials were now to be red brick, black cladding, and clay (grey) pantiles compared to previous use of white render, larch boarding and standing seam steel roof. The overall design approach was generally simpler and of a more traditional form. The double garage was now proposed to be of a pitched rather than flat roof design.

The site was described as being in the countryside for Planning purposes because it was outside the defined settlement boundaries for Bungay as detailed on the Local Plan policies maps. However, in general terms the site was very closely related to the Town and was sustainably located. The gap between the drawn settlement boundaries was more about the undeveloped open area to the south of Beccles Road, which formed an important gap between the two main built-up areas of the Town. Development of the proposed site would cause no coalescence between the two distinct areas of the town. Policy WLP8.7 - Small Scale Residential Development in the Countryside sets out that small scale residential development in the Countryside of up to three dwellings would be permitted where:

The site constituted a clearly identifiable gap within a built-up area of a settlement within the Countryside,
There were existing residential properties on two sides of the site; and
The development would not extend further into the undeveloped Countryside than the existing extent of the built-up area surrounding the site.

The Planning Manager surmised the material planning considerations as:

The Principle of Development
Design of Development - amended
Trees and Character/Appearance of the Area, and
Residential Amenity

At the invitation of the Chairman Members asked questions of Officers. Councillor Ceresa sought clarification of whether the first floor fire escape on to a balcony was satisfactory; and Councillor Goldson queried whether there would be sufficient ventilation in the first floor shower room, due to the absence of windows. The Planning Manager explained that both matters would be compliant with Building Regulations and that there would be mechanical ventilation to the shower room.

There being no further questions to Officers, the Chairman invited Dr Ken Lodge to address the Committee in Objection to the application.

Dr Lodge clarified that he was addressing the Committee in a personal capacity as the owner of a property on Beccles Road and not on behalf of Bungay Town Council. Dr Lodge was firstly concerned that a garage had now been included on the application which seemed contrary to Policy WLP8.29 that proposals should avoid the perception of a car dominated environment. Secondly, Dr Lodge was disappointed that there was no separate environmental assessment to determine any disturbance to bats and birds particularly regarding the felling of trees. Overall, Dr Lodge was of the opinion that Officers had not listened to local concerns.

The Chairman thanked Dr Lodge for his contribution and invited questions from Members. Councillor Goldson asked which species of tree would be removed, and whether bats had been observed using those trees. Dr Lodge responded that the trees were Copper Beeches, and that himself and others had observed bats using those

trees. There being no further questions, the Chairman invited the Planning Manager to clarify matters.

The Planning Manager strongly countered the opinion of the Objector that Officers had not listened to local concerns. The report and presentation before Members clearly showed that a garage had been present in the previous application, was not an additional feature of the current application and Officers considered that it would not be of significant amenity impact. Secondly, the East Suffolk Landscape Team had been consulted and were of the view that the 3 trees proposed for removal to enable the development had limited amenity value and their loss would not be noticed within the existing street scene. Condition 12 provided for tree /vegetation removal to take place outside bird nesting season; and Condition 13 stated that prior to the felling of any trees a survey for bat roost potential would be undertaken by a suitably qualified ecologist. Any mitigation measures identified would then be implemented. The Planning Manager emphasised that the Officer's report had demonstrably taken account of the concerns raised by the Objector.

At the invitation of the Chairman, Councillor Pitchers opened the debate and expressed his satisfaction that the current application had addressed the concerns that the Committee had previously. The report was clear that there was a need to remove the trees due to their proximity to existing power lines and the proposed bungalow. Councillor Plummer was content that the footprint of the proposed garage was not of greater scale than the previous proposal and was encouraged that the Arboriculture and Landscape Officer had observed that Drawing No. 2159.2a showed 7 new trees, with 4 being in the frontage of the site to replace the 3 that would be lost.

Councillor Pitchers proposed that the application be approved, Councillor Brooks seconded the proposal, the Chairman moved to the vote and it was unanimously

RESOLVED

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

Conditions (summarised)

1. Three-year time limit.
2. Development in accordance with approved plans.
3. Materials/finishes to be submitted and agreed.
4. Area within the site for manoeuvring and parking of vehicles to be provided prior to occupation of the new dwelling, and those area retained and used only for that purpose.
5. Details of electric vehicle charging points to be submitted and approved by the LPA.
6. Bin presentation and storage area to be provided before occupation of the new dwelling and retained for that purpose.
7. Scheme of hard and soft landscaping to be submitted and approved pre-commencement.
8. Landscaping implemented at first available planting season and maintained for five years.
9. West facing bedroom windows to be obscure glazed and non-opening.
10. Standard condition requiring action if unexpected contamination encountered.

11. Construction management plan to be submitted, approved, and then adhered to.
12. Tree/vegetation removal to take place outside bird nesting season.
13. Prior to the felling of any trees a survey for bat roost potential to be undertaken by a suitably qualified ecologist. Any mitigation measures identified to be implemented.

8 DC/22/3272/FUL - Land to the Rear of 55 The Street, Carlton Colville

The Committee considered report **ES/1382** which related to planning application DC/22/3272/FUL and sought permission for the erection of a residential bungalow and all associated works on a site located directly adjacent to the beer garden of the Old Red House Public House. Carlton Colville Town Council had raised concerns that the proposal would be out of character, result in the loss of parking, right of access, lack of charging points, flooding issues, and loss of an allotment. Due to the contrary recommendation of the Town Council, the application was referred to Planning Committee North by the referral panel.

Planning permission for a similar form of development was previously refused under application reference DC/21/2130/FUL on the grounds of the effect of that proposed development on the living conditions of future occupiers having regard to noise and disturbance, lighting and outlook. That decision had been appealed and dismissed by the Planning Inspectorate. The Planner explained that it was now considered that the previous reasons for refusal has been overcome, and with no other substantive concerns raised by the Inspector in the appeal decision, the matters had been fully addressed. The proposal was now considered to have an acceptable impact on the character and appearance of the area and street scene. Following submission of a Noise Impact Assessment, Officers were content that the proposal would provide suitable living conditions and amenity to future residents with no likely harmful impacts from the adjacent beer garden. Furthermore, the proposal would not result in any adverse impacts on Highways Safety, and the appropriate RAMS contribution has been paid to mitigate the potential impacts on nearby European Protected Sites.

The Committee received a presentation from the Planner who was the case officer for the application. The Committee viewed the site location plan, an aerial photograph, 3D visualisations of the site and contemporary photographs of the immediate surrounds. Existing and proposed block plans were shown, along with proposed elevations and floor plans. During the presentation the Planner emphasised that the proposal would formalise currently informal parking arrangements providing 2 parking spaces for the proposal and 2 parking spaces for neighbouring properties.

The Planner surmised the material planning considerations as:

- History
- Principle
- Character and appearance
- Amenity
- Highways
- Ecology, and
- Flood Risk

At the invitation of the Chairman Members asked questions of Officers. In response to questions The Planner and the Planning Manager confirmed:

That the extant informal parking arrangements would be made formal by the proposed development
The existing garages were owned by the applicant and would be demolished
The pub was closed at the time the application was made
The land was currently used as private allotment land
Access to the site was used by multiple vehicles from the surrounding properties
The small scale of the development mitigated the need for a Construction Management Plan.

Councillor Ceresa queried whether the loss of allotment land was compliant with Local Plan policies. The Planning Manager explained that only Statutory Allotments were protected by the Local Plan, and the site in question was a privately owned allotment. Similarly, it was not designated open space.

The Chairman called upon Alison Ayers, Town Clerk of Carlton Colville Town Council, whom had registered to speak on behalf of the Town Council. Ms Ayers explained that despite the changes to the proposal and the re-orientation of the bungalow, the Town Council had sustained its Objection from the original scheme and re-stated its material objections as follows:

The proposal was out of character for the heart of the village and the style of houses in its immediate proximity contrary to WLP 8.172
There would potentially be a loss of 4 car parking spaces
There was a questionable right of access over the Public House land
There was no vehicle charging point
There was a risk of flooding and a concealed water way
There would be a loss of allotment contrary to policies WLP 8.33, WLP 8.29 and WLP 8.34
The proposal did not accord with the National Planning Policy Framework (NPPF) which stated that developments should create places with a high standard of amenity for existing and future users
Parts of the land, and Beccles Road would be under water in winter months (and contemporary photographs illustrating the road being flooded were provided).

Ms Ayers explained that the Public House had now re-opened and was concerned that the noise impact assessment had taken place when the Public House was closed. The proposal to mitigate noise using an acoustic fence would, in the view of the Town Council, create a tunnelling effect. Furthermore, the proposal did not satisfy WLP 8.171 as it did not deliver a good standard of amenity for existing and future occupiers, and would generate significant harmful effects which would include overlooking, loss of privacy, noise and light pollution. Overall, the Town Council expressed its dissatisfaction that Officers had not taken account of local opinion.

The Chairman thanked Ms Ayers for representing the views of the Town Council and invited Members to ask Ms Ayers questions. Councillor Brooks asked for confirmation

that the current parking arrangement was informal, and observed that since the land was in the ownership of the applicant, then that informal arrangement could cease. Ms Ayers concurred that the extant parking arrangement was informal.

Councillor Goldson questioned how the Town Council would view the integration of any future application for the large mixed use site allocation of 900 dwellings WLP2.16 (Land South of The Street) which was immediately behind the proposed site. Ms Ayers explained that the Town Council anticipated that its Neighbourhood Plan would be agreed before any application was made for that site.

In response to questions from Councillors Pitchers and Coulam, Ms Ayers confirmed that recent flooding on The Street had been caused by heavy rain water, rather than the stream; the site was close to Mardle Road, which was mainly comprised of modern bungalows; and confirmed that the Public House was fully operational now. The Chairman observed that he had recently driven down The Street and concurred that the flooding was caused by rainwater.

There being no further questions, the Chairman invited the Applicant's representative Graham Nourse to address the Committee. Mr Nourse was pleased that the concerns expressed with the previous application had been addressed within the current proposal. It was clear that the Planning Inspector had not been concerned by the location of the site, nor parking matters. A noise impact assessment had now been undertaken and the Landlord of the public house had written in support of the application. Mr Nourse emphasised that the proposed conditions would make use of a site within the settlement boundary to provide a smaller home to address local housing need, appropriately landscaped and fully compliant with Local Plan policies. At the invitation of the Chairman, Mr Nourse responded to a question from Councillor Coulam to confirm that the 2 extant garages on the site were owned by the applicant, but were not currently used for garaging. The Chairman thanked Mr Nourse for his participation and invited the Planning Manager to speak.

The Planning Manager strongly refuted the assertion that Officers had not listened to local opinion, for both this item and the previous item. The report before Members was clear and reflected all of the views that had been expressed, each of those views had been considered by Officers and responded to within the report, both reports being 10 pages long. The application was being considered in a public meeting to which objectors were in attendance and had been afforded the opportunity to speak which had been selected as the method for determination following voting at the Referral Panel, based on local opinion. Members could therefore be satisfied that the report enabled them to make a robust decision and that local opinion had been thoroughly listened to.

Furthermore, the Planning Manager emphasised the importance of the report of the Planning Inspector which had guided the revised application and Officers' considerations. With regard to the Town Council's concerns around flooding, it was apparent that one single small dwelling was not a flooding risk; and it was cautioned that the large site allocation on Land South of The Street would include flood mitigation measures at the time of any application.

The Chairman called upon Members to debate the proposal. Councillor Goldson echoed the Planning Manager's rebuttal of the Town Council's opinion that Officers had not listened to local opinion and was content with the report, the application of policy and that the Inspector's reasoning had been satisfied. Accordingly, Councillor Goldson proposed approval of the Officer recommendation. Councillor Pitchers observed that properties on Mardle Road consisted primarily of modern bungalows and as such observed that there was no clear vernacular for the area. Potential purchasers would be aware of the acoustic fence and would consider their purchase accordingly. Councillor Brooks sympathised with the Town Council, however it was clear that the proposal accorded with the Inspectors reasoning and that the noise mitigation proposal was satisfactory. Parking would be enabled on the site and the proposal was policy compliant, and duly seconded approval of the Officer recommendation.

Councillor Ceresa cautioned that some minor alteration to the conditions would make the proposal more palatable:

That Condition 9 relating to tree dieback be adjusted from 3 years to 5 years
That the construction site be entered and left by vehicles only in a forward gear
That the construction management plan excludes working on weekends, late evenings and bank holidays, and
The removal of future permitted development rights.

The Planning Manager was satisfied that alteration 1 relating to Condition 9 was acceptable and consistent with recent approvals. However alteration 2 would not be enforceable and it would not be desirable to limit future permitted development rights as proposed in alteration 4 and an existing easement restricted further development also. The Planning Manager re-stated that alteration 3 was not required on a small development. The Planning Manager was however content to include a standard condition to assuage alteration 3 that during the construction of the dwelling, no construction works shall take place outside of the following hours: 07:30 to 18:00 Monday to Friday and 08:00 to 12:00 (Noon) Saturdays.

The Proposer and Secoder were content with the two alterations only as expressed by the Planning Manager, accordingly the Chairman moved to the vote and it was by a majority

RESOLVED

That the application be **APPROVED** subject to 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 completed in all respects strictly in accordance with the:

- Location Plan and blocks plans, 2742.21.3C, received 25/10/2022,
 - Proposed plans, 2742.21.2E, received 25/10/2022,
 - Noise Impact Assessment, IEC/4401/01/AVH, received 16/08/2022,
- for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The use shall not commence until the area(s) within the site shown on drawing no.2742.21.2E for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have 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.

5. Prior to construction above slab level details of the infrastructure to be provided for electric vehicle charging points 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: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies.

6. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 2742.21.2E shall be provided in their 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.

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

Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure 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 ORBH that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Prior to the first occupation of the dwelling, hereby permitted, the 2.4m high Acoustic fence as shown on drawing 2742.21.2E, and detailed within the Noise Impact Assessment (IEC/4401/01/AVH), shall be installed, and shall thereafter be retained in this approved form.

Reason: To protect the amenity of future residents from the adjacent Public House and Beer Garden.

9. Prior to development above slab level full details of the soft landscape works, shown on drawing 2742.21.2E, shall be submitted to and approved in writing by the Local Planning Authority. These details 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 approved landscaping scheme shall be completed within 6 months of the first occupation of the dwelling, hereby permitted. 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, and to provide amenity benefits to future residents.

10. During the construction of the dwelling, hereby permitted, no construction works shall take place outside of the following hours:

- 07:30 to 18:00 Monday to Friday
- 08:00 to 12:00 (Noon) Saturdays

Reason: To protect the amenity of neighbouring land users during the construction phase.

The meeting concluded at 3:13 PM

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Chairman



Planning Committee North

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

10 January 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 16th December 2022. 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. *5 current cases*

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *6 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 cases*
- 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. *2 current cases*
- 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. *1 current case*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *2 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 16 December 2022 be noted.

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

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	24/11/2024

A.2

LPA Enforcement Case Reference	ENF/21/0027/USE
Location / Address	18 The Esplanade, Lowestoft
North or South Area	North
Date of Report of Breach	25.01.2021
<u>Nature of Breach:</u> Mobile homes for residential use	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. 18/07/2022 – Enforcement Notice came into effect. 4 months for compliance, of 09/07/2022 - 1 caravan has been removed and 1 remains in place. Agreed to extend compliance from 18/11/2022 to 18/02/2023 for the 2 nd caravan to be removed.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	18/02/2023

A.3

LPA Enforcement Case Reference	ENF/21/0074/SIGN
Location / Address	297 High Street, Walton
North or South Area	South
Date of Report of Breach	23.02.2021
<u>Nature of Breach:</u> Partial change of use of shop to residential accommodation	
<u>Summary timeline of actions on case</u> 25/08/2022 – Enforcement Notice served. Comes into effect on the 26/09/2022. 3 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	26/12/2022

A.4

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
<u>Nature of Breach:</u> Artificial hedge, support structure and fencing which is over 2m in height	
<u>Summary timeline of actions on case</u>	

28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	06/03/2023

A.5

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022
<u>Nature of Breach:</u> Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<u>Summary timeline of actions on case</u> 28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	06/04/2023

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal

B.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
<u>Nature of Breach:</u> 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.	
<u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements	
<u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.2

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
Nature of Breach: Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
Summary timeline of actions on case 21/10/2021 – 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. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 – final comments date for comments on Appeal	
Current Status/Position Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.3

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

B.4

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

B.5

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

B.6

LPA Enforcement Case Reference	ENF/21/0121/USE
Location / Address	The Pastures, The Street, North Cove
North or South Area	North
Date of Report of Breach	17.03.2021
<u>Nature of Breach:</u> 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.	
<u>Summary timeline of actions on case</u> 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	
<u>Current Status/Position</u> Appeal submitted, waiting start date.	
Date by which Compliance expected (or prosecution date)	05/04/2023

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

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> 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)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action.	
<u>Current Status/Position</u> Site visit completed; file has been passed to the Legal Dept for further action.	
Date by which Compliance expected (or prosecution date)	legal process dependant.

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

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted. 17/10/2019 – 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. 13/11/2019 – 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 16/06/2020 – Submission of Appeal Statement 11/08/2020 - Appeal dismissed with some amendments. 11/12/2020 - 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. 25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. 2022 - Application for an Injunction has been made to the High Court. 06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<u>Current Status/Position</u> In compliance period of High Court Injunction	
Date by which Compliance expected (or prosecution date)	06/03/2023

E.2

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
<u>Nature of Breach:</u> Untidy site	
<u>Summary timeline of actions on case</u> 07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 17/06/2022 - 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. 21/11/2022 –Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24 th February 2023 to comply with notice.	
<u>Current Status/Position</u>	
In compliance period	
Date by which Compliance expected (or prosecution date)	24 th February 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

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

<p>11/10/2018 – 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>01/11/2018 – 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>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>03/04/2019 - 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>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>07/05/2019 – 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>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>28/11/2019 - 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><u>Current Status/Position</u></p> <p>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>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

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

G.1

LPA Enforcement Case Reference	EN/09/0305
Location / Address	Park Farm, Chapel Road, Bucklesham
North or South Area	South
Date of Report of Breach	09.10.2009
<u>Nature of Breach:</u> Storage of caravans	
<u>Summary timeline of actions on case</u> 13/09/2013 - Enforcement Notice served. 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months 11/07/2014 – Final compliance date 05/09/2014 – Planning application for change of use received (Reference DC/14/2901/FUL) 21/07/2015 – Application reported to Planning Committee for determination. Application was subsequently withdrawn. 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. Further enforcement action to be put on hold and site to be monitored <u>Review in January 2019</u> 29/01/2019 – Legal advice sought; letter sent to site owner. 18/02/2019 – contact received from site owner. 04/04/2019 – Further enforcement action to be placed on hold and monitored. <u>Review in April 2021.</u> 13/04/2021 – Letter sent to owner to establish current situation. Given until the end of June to either comply or supply the Council with any other information. Case being reviewed. 22/05/2021 – contact received from site owner. Case reviewed. Due to the receipt of confidential information formal action has been placed on hold. 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at present to pursue. Review in two years.	
<u>Current Status/Position</u> Land has been cleared and case will be closed.	
Date by which Compliance expected (or prosecution date)	July 2023

G.2

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<u>Nature of Breach:</u> 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.	
<u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - 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. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - 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. 30/04/2021 - 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. 04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs 12/07/2021 – Letter sent to owner giving until the 10 th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains	
<u>Current Status/Position</u> 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.	
Date by which Compliance expected (or prosecution date)	31/12/2023

Committee Report

Planning Committee North – 10 January 2023

Application no DC/22/1189/FUL

Location

Wayland Cottage
The Street
Walberswick
Southwold
Suffolk
IP18 6UG

Expiry date 22 May 2022

Application type Full Application

Applicant Ms Caroline & Philappa Wright & Easterbrook

Parish Walberswick

Proposal Construction of new sustainable dwelling and modified access

Case Officer Steve Milligan
07867 158060
steve.milligan@eastsuffolk.gov.uk

1. Summary

- 1.1 This is a full planning application for the construction of a new sustainable dwelling and modified access within the side garden of the property Wayland Cottage, The Street, Walberswick.
- 1.2 The site comprises land on the western side of Wayland Cottage, a mid to late eighteenth century vernacular detached cottage, that has been remodelled and extended during the early twentieth century. It lies within Walberswick Conservation Area and is identified in the Conservation Appraisal as making a positive contribution to the Conservation Area. It is directly opposite a Grade II listed building Old Corner House.
- 1.3 The site lies within the settlement boundary of Walberswick where new housing development is normally permitted, as set out in policies SCLP3.3: Settlement Boundaries and SCLP5.2: Housing Development in Small villages, subject to it meeting other Local Plan policies.
- 1.4 The setting to Old Corner House consists primarily of its garden and associated outbuildings. The application site does not contribute in any specific or meaningful way to the significance of Old Corner House.
- 1.5 The impact of the proposed new dwelling will be modest and its effects neutral. It is judged that the application will preserve the setting of the Grade II listed Old Corner House and preserve the character and appearance of the Walberswick Conservation Area - both designated heritage assets - free from harm, in conformance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.6 The form of the building and its design/fenestration will limit impact upon the amenity of neighbours and there is no conflict with policy SCLP11.2.
- 1.7 Subject to receipt of a RAMS payment the proposal is considered in compliance with the Local Plan and NPPF and is hereby recommended for approval.

Reason for consideration by Planning Committee

- 1.8 The application is referred to Planning Committee following consideration by the Scheme of Delegation Referral Panel. It was referred to the Panel because the recommendation to Approve is contrary to the recommendation of Walberswick Parish Council. The Panel referred the application to committee because of the sensitivity of the development/site given the context of Walberswick Conservation Area and setting of a listed building.

2. Site Description

- 2.1 The site comprises an area of garden to the side of Wayland Cottage, between the cottage and Marsh View. The land comprises an existing annexe, single garage and shed and garden to the rear; with the buildings proposed for removal. The garden to the rear of the buildings is grass and shrubs/conifers.

- 2.2 Wayland Cottage is a mid to late eighteenth century vernacular detached cottage, that has been remodelled and extended during the early twentieth century. It lies within Walberswick Conservation area and is identified in the Conservation Appraisal as making a positive contribution to the Conservation Area. It is directly opposite a Grade II listed building Old Corner House. On the western side of the dwelling is an annexe and a single garage alongside, set back just beyond the rear wall of the dwelling.
- 2.3 The Walberswick Conservation Area Appraisal describes Wayland Cottage as *"Imaginatively composed with a varied palette of vernacular materials and details. Prominently positioned opposite Leveretts Lane."*
- 2.4 To the west of the site is more modern housing of a largely single storey scale with any first floor rooms accommodated within the roof space. The immediate neighbour is Marsh View.
- 2.5 The application site accommodates the access and car parking area of Wayland Cottage.

3. Proposal

- 3.1 It is proposed to remove the garage building and annexe accommodation and erect a three bedroom passive house sustainable dwelling. A shared parking arrangement, comprising four spaces, is proposed to the front to serve both the existing and proposed dwelling. The existing access is to be widened.
- 3.2 The building design includes two gable features fronting the road with setback pitched roofs between and parallel to the highway. The walls are to be clad in timber vertical boarding with zinc proposed for the roof, which together with the fenestration design gives a modern contemporary appearance.
- 3.3 The shrubs and conifer at the rear of the site are proposed for removal with a 1m tall circular PV array proposed.

4. Third Party Representations

- 4.1 None received.

5. Consultees

5.1 Parish/Town Council

Consultee	Date consulted	Date reply received
Walberswick Parish Council	8 April 2022	20 May 2022
Summary of comments: The Parish Council consider that the proposed development will adversely affect the character of Walberswick Conservation Area and the setting of the grade II listed Old Corner House. This will be		

contrary to local and national policy considerations.

The full details of the objection are available on the ESC website via Public Access:

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9CE07QJXH00>

5.2 Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	8 April 2022	28 April 2022
Summary of comments: Conditions recommended regarding access/visibility; parking and ev charging.		

5.3 Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	19 April 2022	3 May 2022
Summary of comments: Internal planning consultee - comments incorporated into report.		

Consultee	Date consulted	Date reply received
Ward Councillor (David Beavan)	N/A	8 June 2022
Summary of comments: <i>I think that the Walberswick Parish Council and the PAG group make a very valid point about the Conservation area. We must preserve the village from changing to a holiday park with large houses and car parking. It is an issue that needs to be addressed by the full planning committee, otherwise we will loose the village by default and delegation.</i>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	15 June 2022	4 July 2022
Summary of comments: A Preliminary Ecological Appraisal (PEA) including a Preliminary Roost Assessment (PRA) undertaken by a suitably qualified ecologist is required to assess the impact of the proposed development on biodiversity. From the information available on their construction, it appears that the buildings impacted by the proposal may have bat roosting opportunities, and may also be suitable for other protected species (such as nesting birds). Officer Note: see final comments dated 20 September 2022.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	8 April 2022	22 April 2022

Summary of comments:

This site lies in an area of high archaeological potential recorded on the County Historic Environment Record, close to the likely former location of Walberswick and finds of multiple ages. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. Conditions are recommended.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	8 April 2022	12 April 2022

Summary of comments:

Condition recommended regarding discovery of unexpected contamination

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	8 April 2022	10 May 2022

Summary of comments:

I do not consider that the proposal will give rise to any undue adverse landscape or visual impacts.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	8 April 2022	6 May 2022

Summary of comments:

A Preliminary Ecological Appraisal (PEA) including a Preliminary Roost Assessment (PRA) undertaken by a suitably qualified ecologist is required to assess the impact of the proposed development on biodiversity. From the information available on their construction, it appears that the buildings impacted by the proposal may have bat roosting opportunities, and may also be suitable for other protected species (such as nesting birds).

Officer Note: see final comments dated 20 September 2022.

5.4 Re-consultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	1 September 2022	20 September 2022

Summary of comments:

Although no roosts were identified during the bat surveys, signs of bat activity was identified within the Preliminary Roost Assessment. Therefore, the demolition of the buildings should be undertaken in an ecologically sensitive manner by hand stripping the roof and weather boarding from the existing buildings

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	28 April 2022	20 May 2022	East Anglian Daily Times
Category	Published	Expiry	Publication
Conservation Area	14 April 2022	10 May 2022	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area; Affects Setting of Listed Building Date posted: 20 April 2022 Expiry date: 12 May 2022
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7. Planning policy

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

SCLP5.2 - Housing Development in Small Villages (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)

SCLP10.4 - Landscape Character (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)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.6 - Non-Designated Heritage Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

Walberswick - Conservation area appraisal (East Suffolk Council - Suffolk Coastal District Local Plan - Supplementary Planning Document)

National Planning Policy Framework 2021 (NPPF)

8. Planning Considerations

- 8.1 All applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 Given the site's location within the Conservation Area, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant which states that it is the duty of the Council that with respect to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act requires that, in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.3 The site lies within the settlement boundary of Walberswick where new housing development is normally permitted, as set out in policies SCLP3.3: Settlement Boundaries and SCLP5.2: Housing Development in Small villages, subject to it meeting other Local Plan policies.
- 8.4 Policy SCLP5.7 indicates that proposals for residential development within existing gardens will only be supported where:
1. The scale, design and materials would not result in harm to the street scene or character of the area;
 2. 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;
3. There would not be significant harm to residential amenity of occupants of either the existing or proposed dwellings;
 4. Existing and proposed dwellings have sufficient curtilage space; and
 5. The proposals are otherwise in accordance with the housing policies of the Local Plan.
- 8.5 Policies SCLP11.3; SCLP11.4; SCLP11.5 and SCLP11.6 seek to conserve and enhance the historic environment and ensure developments do not adversely impact on the character and setting of listed buildings and non-designated heritage assets and will preserve and enhance the character and appearance of Conservation Areas, in line with the guidance in the NPPF.
- 8.6 Local Plan policy SCLP11.1 seeks to ensure high standards of design and that developments response to local context and be of a scale and design that respects their surroundings. Policy SCLP11.2 seeks to ensure new development will not adversely impact on neighbours amenity and that there are good standards of amenity for future occupants of buildings.
- 8.7 The proposed dwelling is proposed to be of a passive house standard and contemporary in design.
- 8.8 The site is located between Wayland Cottage and Marsh View and is considered as an infill development, supported in principle by Policies the SCLP5.2 and SCLP5.7. The location within the Conservation Area and within the setting of a Grade II listed building affect whether the proposal can be considered a sustainable development and the main issues to consider when determining the planning application are the design of development/heritage impact; residential amenity; highways and ecology which are discussed below.

Design/Heritage Impact

- 8.9 Wayland Cottage is an 'unlisted building that makes a positive contribution' to the character and appearance of the Conservation Area. The garage building proposed for removal is not identified as part of the positive unlisted interest of Wayland Cottage and it is clear that the proposal is not for the loss of a positive unlisted building in the Conservation Area.
- 8.10 With respect to Old Corner House, this is the only listed building within the vicinity of the application site. A map regression shows that by 1973 the previously open land to the south of The Street and to the west of Wayland Cottage was already infilled which confirms that, for the lifetime of the Conservation Area, this infilled characteristic has been the extant character of this part of the Conservation Area. The submission (DAHS) also makes the point that old maps show that the plot for Wayland Cottage was originally the same width as the dwelling (more or less) and that the side plot that houses the garage (the application site) was a later addition.
- 8.11 Old Corner House is a Grade II listed building of 16th century origin and with an 18th century red brick façade and gables. It is an imposing building within the streetscene by virtue of its scale and attractive design, although it exhibits few characteristics of a more formal Georgian style of architecture.

- 8.12 Historic mapping shows that it would have faced an open area of land to the south of The Street which did not become developed and built up until the mid-later 20th century. Wayland Cottage has been within its proximity since the 18th century and is a settled and established part of its setting.
- 8.13 The setting to Old Corner House consists primarily of its garden and associated outbuildings. As setting includes the surroundings in which a heritage asset is experienced, The Street forms a key part of it, providing views on approach to Old Corner House. The application site, which is already built over, provides part of the built-up village that provides the developed surroundings to the listed building as a house located within a village. It is not considered that the application site contributes in any specific or meaningful way to the significance of Old Corner House, therefore, and appears never to have formed part of it.
- 8.14 The application proposals include for the removal of the existing garage and ancillary accommodation and to replace them with a new 3-bedroom dwelling. It is noted from the Design, Access and Heritage Statement (DAHS) that the designer has been anxious to be respectful of both the listed building and Wayland Cottage in providing a design, the scale and character of which does not compete with either building, thus preserving their local pre-eminence in the local streetscene. This is achieved by rendering the new dwelling of subservient scale and set back within the streetscene well behind the building line set by Wayland Cottage. The design itself is very quiet and employs a muted materials and colour palette. It is site responsive in its use of the gabled design form which reflects its wider village context, and its stylistic approach fits in with the general miscellany that is character of Walberswick, in which there is no dominant style, period or materials use.
- 8.15 The proposed plot sub-division, itself, reflects an historical position when the plot to Wayland Cottage was the width of the house itself, only; and is not of concern thereby. The new plot pattern is similar in effect in terms of width and building placement to those around it, and the offset to Wayland Cottage will helpfully retain a gap between them, which is important in terms of the unlisted building's streetscene presence not being crowded out.
- 8.16 The impact of the proposed new dwelling will be modest and its effects neutral. This is because the house will add to a streetscene of houses and is, therefore, characteristic of it and the setting to the listed building. The recessive qualities of the design will ensure that the visual importance and pre-eminent value of Old Corner House and Wayland Cottage remain unaltered and is why it is judged the effects of this application to be neutral.
- 8.17 The quality of the actual house design is good and merits support.
- 8.18 The site was the subject of a pre-application advice request which acknowledged the proposed design to be of a high quality in itself but raised concern that the development would appear cramped and will have a poor relationship with the existing cottage. The access and parking arrangements were considered not to preserve and enhance the character of the Conservation Area.
- 8.19 The proposed dwelling has been adjusted from that considered at pre-application stage in terms of its design, with a reduction in width and depth, position on site and more steeply pitched roof. The design and extent of the parking area has also been reduced/redesigned. The proposed changes are considered to have addressed the concerns expressed at that

stage and the current design is good quality that merits support and has received support from the Principal Design and Conservation Officer of the Council.

- 8.20 The current design retains space for softening landscaping to boundaries and along the frontage. In terms of the AONB, the site is within the built context of the village, and even to the south and the open countryside, there is the wrap around garden (tennis court) of a neighbouring property with additional intervening boundary planting.
- 8.21 The application makes reference to enhanced planting to the street frontage area to partly mitigate the proposed conifer removal. Details will be sought by condition should consent be granted.
- 8.22 The PV array at the rear of the site will be 1m in height and will be effectively screened from public views by Wayland Cottage, the proposed building, and landscaping.

Residential Amenity

- 8.23 The dwelling has been designed with space to both side boundaries, providing good levels of separation to Wayland Cottage and Marsh View. Side facing fenestration above ground floor level is high level and will not result in adverse impact upon the privacy of either neighbour.
- 8.24 Marsh View has a lean-to side extension close to the site boundary with east facing windows, but the plans consented in 2011 (C/11/0219) indicate the windows serve an ensuite or are secondary windows to a bedroom and kitchen and impact upon eastern light and any outlook will not be significant and there is no conflict with SCLP11.2.
- 8.25 No comments have been received from this neighbour in respect of the application.

Highways

- 8.26 The access is proposed to be improved. The current access close to Wayland Cottage does not allow for turning on site and vision is poor. There are three parking spaces plus the garage. The new access will be to highways standards as a shared access (3m wide) and allow adequate vision in each direction. Given the road has a 20mph limit, splays are 2m by 25m. The four parking spaces allow two for each dwelling but further parking can take place in tandem if needed and there is adequate turning so cars can enter and exit in a forward gear.
- 8.27 The Highway Authority have considered the access and parking arrangement and recommend conditions to control access, visibility, and parking.

Ecology

- 8.28 The application was supported by a Preliminary Ecological Appraisal (DCS Ecology, June 2022, REV 1), Preliminary Roost Assessment (DCS Ecology, June 2022, REV 1), and Bat Activity assessment (DWA Ecology, August 2022, Rev B). Although no bat roosts were identified in the buildings proposed for demolition signs of bat activity was identified within the Preliminary Roost Assessment (DCS Ecology, June 2022, REV 1). Therefore, the demolition of the buildings should be undertaken in an ecologically sensitive manner by

hand stripping the roof and weather boarding from the existing buildings. This can be secured by condition in the event of the approval of planning permission.

- 8.29 The dwelling lies within the 13km zone of influence of a European habitats site under Article 4.1 of the Directive (79/409/EEC). It is within 13km of the Minsmere-Walberswick SPA/SAC/Ramsar; Benacre to Easton Bavents SPA and the Sandlings SPA 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. This must be secured prior to the applications being determined.

Other Matters

- 8.30 The proposed dwelling has three bedrooms with a study at ground floor. That is a size and scale of dwelling common for a C3 dwellinghouse use, and there is no planning justification to restrict this dwelling to only being used as a principal residence, as there is no Neighbourhood Plan containing such a policy covering Walberswick. The provision of a ground floor study is a normal part of a modern floor plan, particularly post-pandemic where new dwellings are frequently designed in such a manner to provide a homeworking space.

9. Conclusion

- 9.1 The scheme has been designed to be respectful of both the listed building and Wayland Cottage in providing a design, the scale and character of which does not compete with either building, thus preserving their local pre-eminence in the local streetscene. This is achieved by rendering the new dwelling of subservient scale and set back within the streetscene well behind the building line set by Wayland Cottage. The design itself is very quiet and employs a muted materials and colour palette. It is site responsive in its use of the gabled design form which reflects its wider village context, and its stylistic approach fits in with the general miscellany that is character of Walberswick, in which there is no dominant style, period or materials use.
- 9.2 The new plot pattern is similar in effect in terms of width and building placement to those around it, and the offset to Wayland Cottage will helpfully retain a gap between them, which is important in terms of the unlisted building's streetscene presence not being crowded out.
- 9.3 The impact of the proposed new dwelling will be modest and its effects neutral. It is judged that the application will preserve the setting of the Grade II listed Old Corner House and preserve the character and appearance of the Walberswick Conservation Area - both designated heritage assets - free from harm, in conformance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.4 The form of the building and its design/fenestration will limit impact upon the amenity of neighbours and there is no significant impact upon amenity contrary to policy SCLP11.2.
- 9.5 The scheme is also acceptable in highways safety terms with no objections raised.

- 9.6 Subject to receipt of a RAMS payment the proposal is considered in compliance with the Local Plan and NPPF and is hereby recommended for approval.

10. Recommendation

- 10.1 Authority to Approve subject to receipt of RAMS payment.

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 Nos 561 - 11 Rev L; 12 Rev H; 14 Rev H and 15 received 28.03.2022

Drg No 561 - 13 Rev J received 20.10.2022

Design, Access and Heritage Statement received 28.03.2022

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

3. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (DCS Ecology, June 2022, REV 1), Preliminary Roost Assessment (DCS Ecology, June 2022, REV 1), and Bat Activity assessment (DWA Ecology, August 2022, Rev B) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. In addition to the mitigation measures identified in the submitted reports, roof coverings and weather boarding on the existing buildings must be carefully removed by hand. In the event that any protected species are encountered works must cease and further advice must be sought from a suitably qualified ecologist.

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

4. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

5. Before the access is first used visibility splays shall be provided as shown on Drawing No. SK001D with an X dimension of 2 metres and a Y dimension of 25 metres and thereafter retained in the specified form. 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.

6. The use shall not commence until the area(s) within the site shown on Drawing No. 12 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

7. 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.

8. No development shall commence until 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 have been 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.

9. 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

10. No work shall commence on the elements of the proposed development listed below, until details/detailed drawings of those matters have been submitted to the Local Planning Authority and the details approved in writing. The work shall only take place in accordance with the approved details. (These matters may be submitted for discharge individually, or for specific phases of site development and work may proceed on the relevant item/phase once approval has been given):
- i) materials and finishes;
 - ii) hard surfacing;
 - iii) means of enclosure;
 - iv) eaves and ridge height relative to road level and eaves and ridge of Wayland Cottage and Marsh View.

Reason: In the interests of amenity and the character of Walberswick Conservation Area.

11. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

12. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved

under Condition 11 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

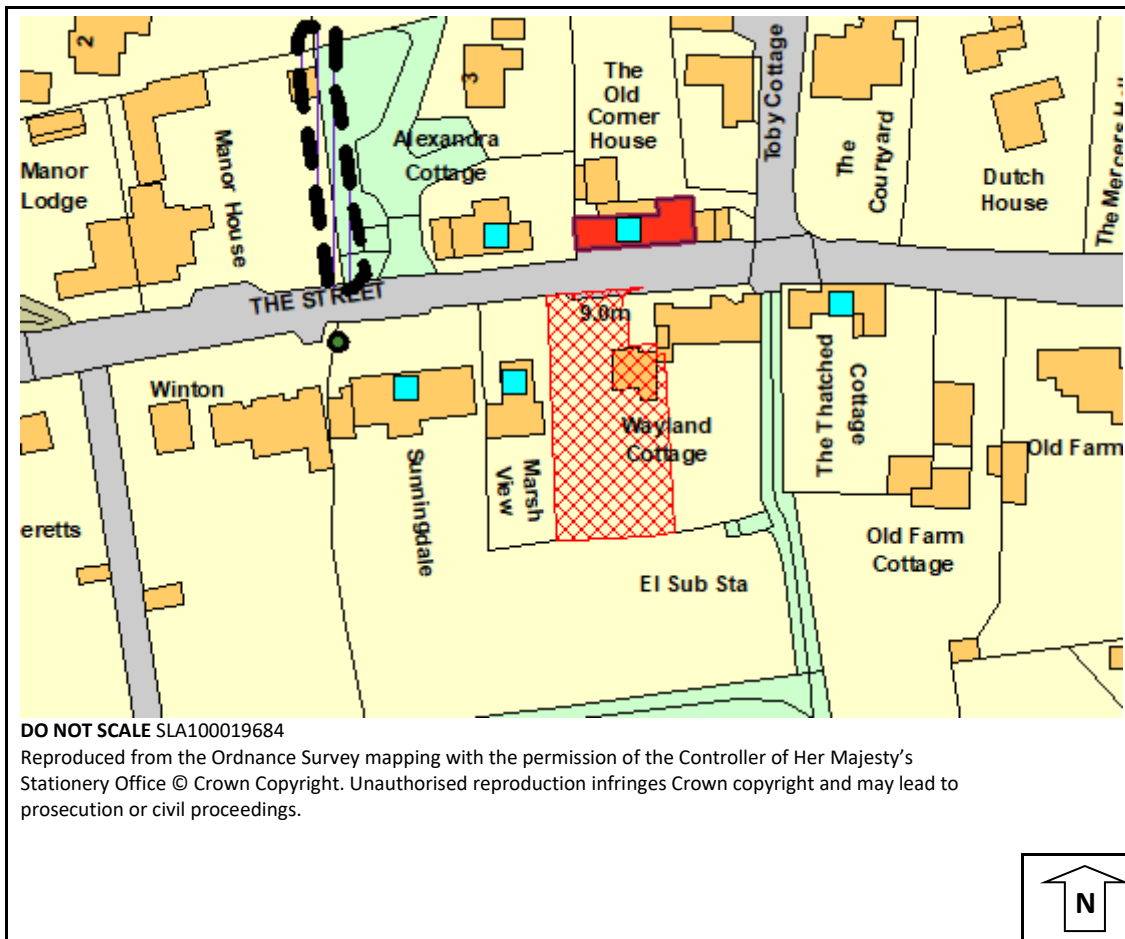
- 13 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. The proposed route for access to the site by plant, operatives and delivery vehicles;
 - b. Loading and unloading of plant and materials;
 - c. Storage of plant and materials used in the construction of the development;
 - d. Materials/plant delivery times;
 - e. Construction times;
 - f. Parking for construction workers and visitors;
 - g. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
 - h. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of amenity, highway safety and the protection of the local environment, given the restricted nature of the site, close proximity of neighbours and narrow road serving the site with parking restrictions.





Background Papers

See application reference DC/22/1189/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee – 10 January 2023

Application no DC/22/3600/VOC

Location

9 Glebe Close
Lowestoft
Suffolk
NR32 4NU

Expiry date 6 November 2022

Application type Variation of Conditions

Applicant Mr Russell Ritchie

Parish Lowestoft

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

Case Officer Matthew Gee
07901 517856
matthew.gee@east Suffolk.gov.uk

1. Summary

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

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

2. Site Description

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

3. Proposal

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

4. Consultations

Third Party Representations

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

Parish/Town Council

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

Statutory consultees

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

Non statutory consultees

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

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

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

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

5. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 3 October 2022

Expiry date: 24 October 2022

6. Planning policy

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

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

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

National Planning Policy Framework 2021

7. Planning Considerations

Site History

- 7.1. Planning permission was previously refused for a similar scheme under reference DC/19/2051/FUL, due to the impact that the proposal would have on the nearby European Protected Sites, and on the character and appearance of the surrounding area. This decision was appealed and ultimately the appeal was dismissed; however, that appeal decision raised no concerns about the principle of developing the site, and the only reason the appeal was dismissed was due to the impact that the proposal, in combination with other residential development, would have on the nearby European Protected Site (essentially a lack of RAMS contribution). Following this appeal planning permission was granted under DC/20/1359/FUL in June 2020 for a single dwelling, and this scheme was later amended under DC/21/0709/FUL in April 2021; this 2021 permission remains extant.
- 7.2. In September 2021 permission was refused under DC/21/3570/FUL, for two dwellings on a site smaller than that approved for two dwellings under DC/21/5044/FUL. Following this refusal, the decision was appealed and whilst it was dismissed, the inspector concluded
- "The proposed development would not result in harm to the character and appearance of the surrounding area. Neither would it result in harm to the living conditions of neighbouring occupiers. It would also provide a suitable standard of living accommodation for future occupiers."*
- 7.3. There is now a well-established principle of residential development being acceptable on this site, and on multiple occasions a Planning Inspector has found there to be no concerns with the principle of development, nor impact on the character and appearance of the area.
- ### Principle
- 7.4. Section 73 (2) states: "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be

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

Visual Amenity

- 7.5. Policy WLP8.29 sets out several criteria which mean that proposed development should be respectful of the character and appearance of the surrounding area. In addition, policy WLP8.33 sets out housing development on garden and other urban infill sites will be supported where they satisfy several criteria including:

- The scale, design and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development.
- The proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment.

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

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

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

- 7.8. The inspector further noted:

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

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

Residential Amenity

- 7.10. Policy WLP8.29 and WLP8.33 set out that the living conditions of proposed and existing properties should not be unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development. Furthermore, policy WLP8.33 also requires that proposed development provide *"attractive, useable and proportionately sized amenity spaces ... for the proposed and existing dwellings"*. The donor property retains a proportionate rear garden to the size of the property and those around. It is considered

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

- 7.11. The proposed dwellings are located a sufficient distance from neighbouring properties, with the nearest existing dwelling located approximately 16m from a proposed dwelling. It is therefore not considered that the single storey dwellings would result in any adverse impacts on the amenity of neighbouring residents through loss of light or privacy. Furthermore, it is not considered that the dwellings would result in a marked increase in noise levels, in what is predominantly a residential area.
- 7.12. Access to the proposed dwellings and its off-street parking would run adjacent to the side of the host bungalow and the side boundary of neighbouring dwelling No 8 Glebe Close. The proposed access would be approximately 4.5m wide, and there is a separation gap between the side boundary wall and some of the southern elevation of the building at No 8 which has windows facing the site.
- 7.13. It is not deemed that the changes to the design of the dwellings or the layout of the site would result in any marked increase in amenity impact compared to the approved scheme.

Highways

- 7.14. The proposed development of 2no. single storey three-bedroom property is not considered to result in a significant increase in vehicle movements in the surrounding area that could adversely impact on the existing highway network. SCC Highways have raised no concerns regarding an increase in vehicle movements. Therefore, officers do not consider that the proposed development would have any adverse impact on highway safety. The scheme accords with WLP8.21 (Sustainable Transport).
- 7.15. Each plot provides parking for at least 3 vehicles, which is compliant with the SCC Parking Standards Requirements for a 4 bedroom dwelling. Therefore, it is not deemed that the proposal would result in any additional pressures for on-street parking, or result in inconsiderate parking on the highway.
- 7.16. In regard to the proposal, it is not felt as though the extra trips generated from an additional 2 dwellings would create a severe impact upon highway safety at this location and therefore it is deemed that permission could not be refused under para. 111 of the NPPF.

Biodiversity

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

Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required to mitigate the in-combination effect of new housing on these European Protected Sites. The appropriate contribution has been made. The scheme therefore accords with WLP8.34.

Other Matters

- 7.19. The site is in Flood Zone 1 and is at limited risk of flooding. Therefore, the proposed risk to residents is very low and acceptable.

8. Conclusion

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

9. Recommendation

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

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
- Site Location and Proposed Block Plan, 18/112/03 Rev P, received 12/09/2022;
 - Proposed Elevations, Floor Plans, and Garage, 18/112/05 Rev B, received 12/09/2022;
- for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To promote sustainable transport options

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

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

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

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

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

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

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

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

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

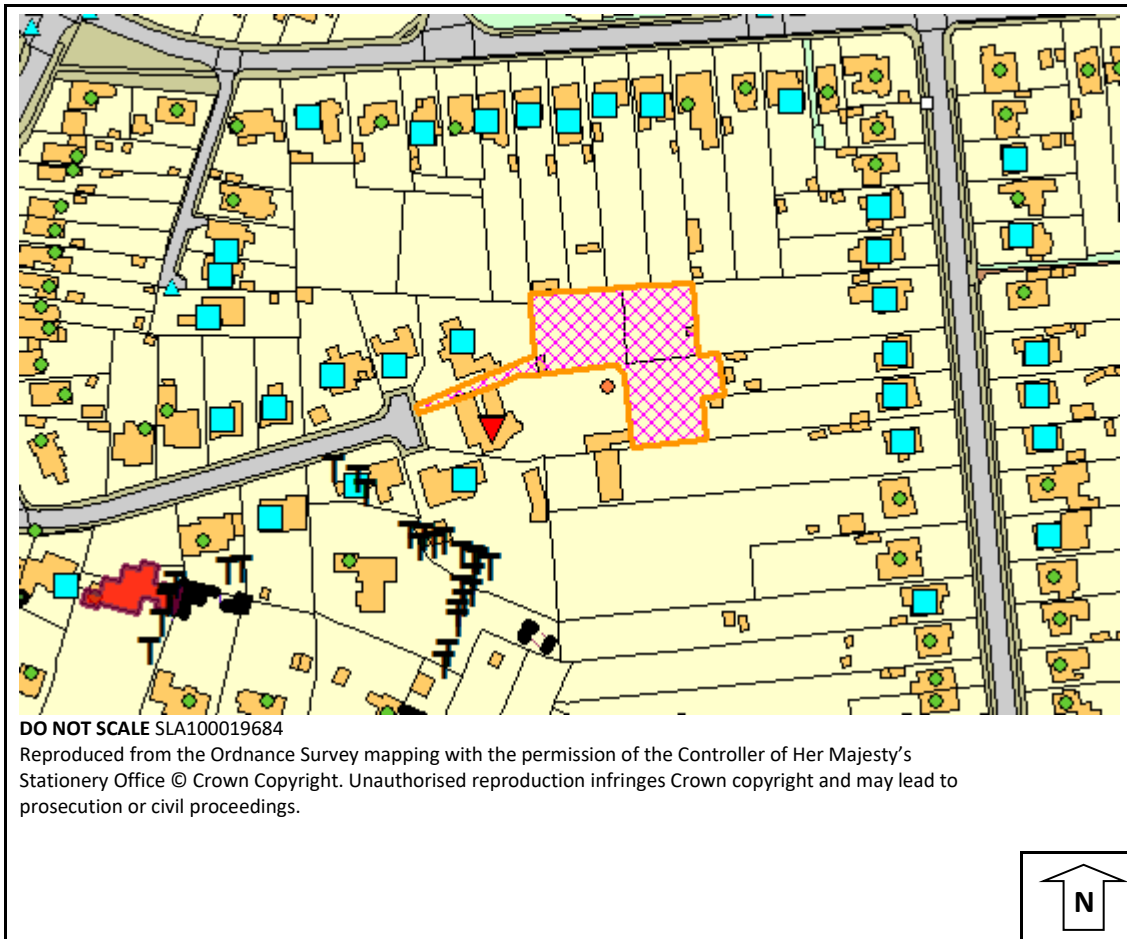
Informatives:

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





Background information

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

Map



Key

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

Committee Report

Planning Committee – 10 January 2022

Application no DC/22/4364/FUL

Location

18 Colman Road
Corton
Lowestoft
Suffolk
NR32 5HH

Expiry date	2 January 2023
Application type	Full Application
Applicant	East Suffolk District Council
Parish	Corton
Proposal	Side extension
Case Officer	Matthew Gee 07901 517856 matthew.gee@eastsuffolk.gov.uk
Authorising Officer	,

1. Summary

- 1.1. Planning permission is sought for the erection of a single storey side extension to 18 Colman Road, Corton. The proposed extension is considered to respect the character, design and scale of the host dwelling, and the character and appearance of the area. Furthermore, it is not considered that the proposed development would result in a marked increase in parking demand and therefore would not result in any adverse impacts on the highway network.
- 1.2. The proposal is therefore considered to comply with all relevant local and national planning policy, and as such it is recommended that planning permission be granted.
- 1.3. No objections have been received from the Parish Council and no letters of representations received from neighbouring residents.

- 1.4. The application is referred to Development Control Committee as the application has been submitted by East Suffolk Council.

2. Site Description

- 2.1. The site is located within the settlement boundary for Corton end of terrace single storey dwelling. The site fronts Colman Road to the west, and is bounded by residential development to the north, east and south.

3. Proposal

- 3.1. Planning permission is sought for the erection of a single storey side extension to 18 Colman Road, Corton.
- 3.2. The extension will provide one additional bedroom, with an ensuite, measuring 5.8m wide, 6.4m deep and 3m high. The extension would also enable the enlargement of the existing kitchen space to increase circulation space. Ramped access is also proposed into the dwelling.

4. Consultees

Third Party Representations

- 4.1. No third-party letters of representation have been received.

Parish/Town Council

Consultee	Date consulted	Date reply received
Corton Parish Council	14 November 2022	5 December 2022
Summary of comments: No objection subject to the owners creating enough parking spaces on their land to avoid causing traffic problems in Colman Road		

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 16 November 2022

Expiry date: 7 December 2022

6. Planning policy

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

National Planning Policy Framework 2021

7. Planning Considerations

- 7.1. Policy WLP8.29 sets out that proposals should respect the character, design and scale of the host dwelling, and character and appearance of the street scene. The proposal seeks to erect a single storey extension to the side elevation of 8 Colman Road. Whilst the introduction of a side extension to the side is an uncommon feature within the wider street scene, there are examples of smaller flat roof side extensions. Furthermore, permitted development allowances would allow for the erection of an extension of similar form but with a width 1.2m less than that proposed. Therefore, given the fallback position it is not considered that the extension proposed would result in any additional impacts on the character and appearance of the area. The extensions scale is also considered proportionate to the host dwelling, and the materials used would match those used in the host dwelling. The proposal also requires an additional wider front entrance doorway that conforms to wheelchair compliance, along with a ramped accessway. Whilst this does give a somewhat unconventional front elevation with two entrances, it is not considered that it would significantly impact the street scene.
- 7.2. Policy WLP8.29 also requires that proposals not result in any adverse impacts on the amenity of neighbouring residents. The proposed extension is single storey and situated approximately 9m from the side elevation of no.16 which has a side window facing the application and it would not project any further forward and back than adjacent dwellings and as such it is not considered that it would result in any adverse loss of light.
- 7.3. Concerns have been raised regarding potential additional impacts from on street parking. The proposal seeks to increase the number of bedroom from two to three. Suffolk Parking Standards states both a two and three bedroom property require two on site parking spaces, and therefore there is not deemed to be any additional parking demand bedroom the property types. Whilst the site on has a single parking space, it is not considered that the proposal would result in a marked increase in demand for parking that would adversely impact on highway safety.

8. Conclusion

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

9. Recommendation

- 9.1. It is recommended that planning permission be granted subject to conditions.

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 Proposed Plans (2981.22.2C) received 04/11/2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The area within the site shown on drawing no. 2981.22.2C for the purposes of manoeuvring and parking of vehicles, 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.

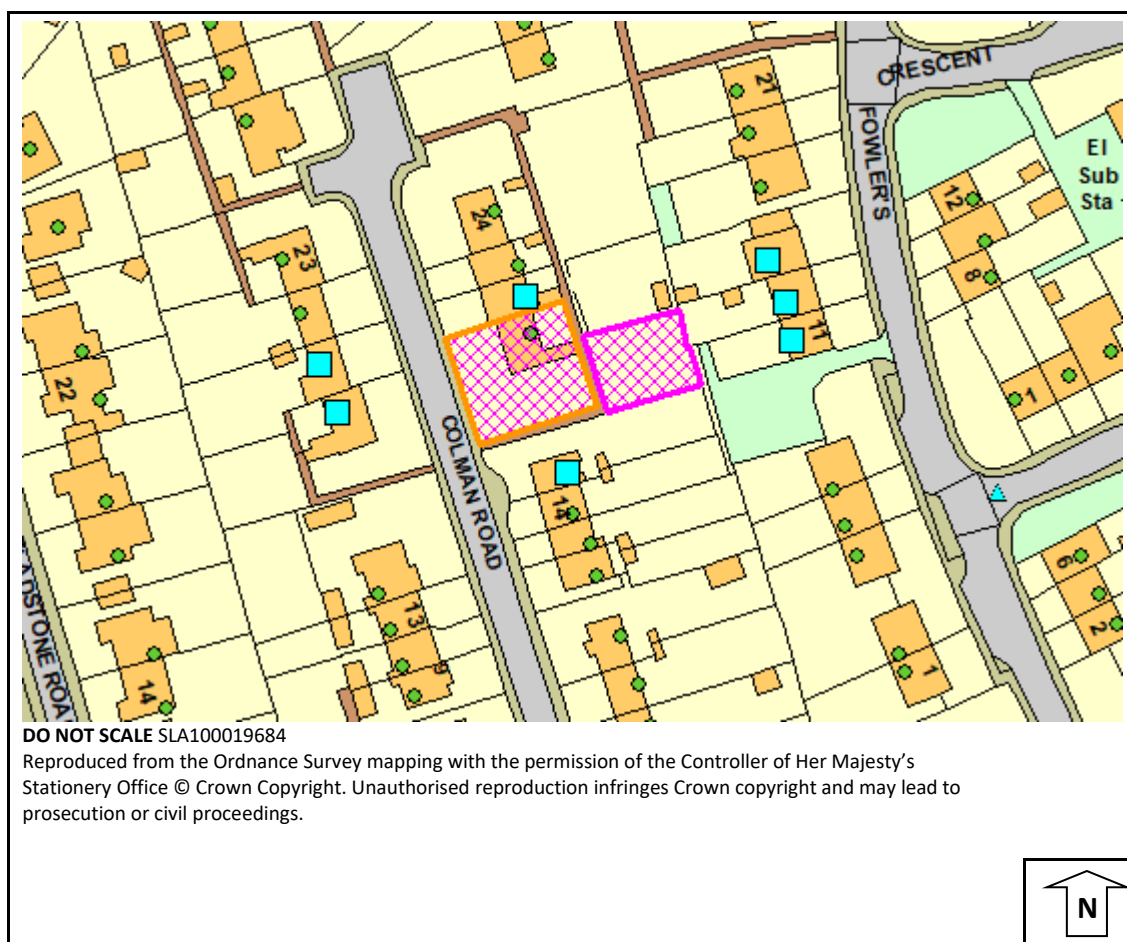
Informatives:

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/22/4364/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning committee - 10 January 2023

Application no DC/22/4301/FUL

Location

41 Darby Road
Beccles
Suffolk
NR34 9XX

Expiry date 26 December 2022

Application type Full Application

Applicant Mr Kevin Smith

Parish Beccles

Proposal Front infill and single storey rear extension

Case Officer Katherine Rawlins

1. Summary

- 1.1. The application proposes the infill of an open porch area at the front and side of the dwelling and a single-storey rear extension to an existing detached bungalow in Beccles.
- 1.2. The application is being presented to Committee as the applicant is a member of staff of East Suffolk Council.
- 1.3. The proposed infill would not extend beyond the existing roof of the dwelling and the proposed rear extension would be a modest extension to the living accommodation not adversely affecting the character or appearance of the dwelling nor neighbours' residential amenity. No third-party comments have been received and the Parish Council support the proposal. The application is therefore recommended for approval.

2. Site and Surroundings

- 2.1 The application site is a detached hip roof bungalow located on the eastern side of Darby Road with front driveway and detached flat roof garage/ carport to the side.
- 2.2 The site is located within the settlement boundary of Beccles, in an established residential area of detached bungalows and two storey dwellings. The site is on a gradual incline that falls to the rear (east).

3. Proposal

- 3.1 The proposal is for a front infill extension to a covered porch and the erection of a single storey flat roof extension with glazed rooflight (5 x 6 x 3.5 metres). A high level window and new door opening is proposed to the south flank elevation and 1no. window is proposed to the north flank elevation to serve a bedroom.
- 3.2 Permission was granted in 2014 for a single storey hip roof rear extension on a larger footprint and front infill extension to the porch (DC/14/2494/FUL). That permission has now lapsed.

4. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Beccles Town Council	2 November 2022	25 November 2022
Summary of comments: Recommend Approval.		

Third Party Representations

None received

Publicity

None

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 11 November 2022

Expiry date: 2 December 2022

6. 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)

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

BECC9: General Design Principles (Beccles Neighbourhood Plan, 'Made' September 2021)

7. Planning Considerations

Principle

- 7.1 Under Section 38 of the Planning and Compulsory Purchase Act 2004 planning applications must accord with the Development Plan unless material considerations indicate otherwise.
- 7.2 In this case the Development Plan includes the Adopted Waveney Local Plan (2019) and the Beccles Neighbourhood Plan 2019-2036 (Made September 2021).
- 7.3 The proposal would be acceptable in principle in this location, subject to compliance with other policies of the Development Plan.

Design and Amenity

- 7.4 Policy WLP8.29 of the Adopted Waveney Local Plan (2019) and Policy BECC9 of the Beccles Neighbourhood Plan, require new development to be of a high quality of design; to reflect local distinctiveness; and to respond to the local context and the form of surrounding buildings in relation to layout, site coverage, height and massing of buildings. New development should make use of materials and detailing appropriate to local vernacular.
- 7.5 Policy WLP8.29 of the Adopted Waveney Local Plan (2019) also requires development to protect the amenity of the wider environment and neighbouring uses.

- 7.6 The front extension is a modest infill to an existing covered porch in grey hardiplank cladding to elevations. The works would be deemed to be permitted development under Schedule 2, Part 1, Class A of the GPDO, as the extension would not project beyond the front elevation of the existing dwelling and effectively infills an existing porch. However, the proposed materials differ from the main dwelling (which is constructed from brick) but are considered an appropriate material in the context of the application property and surrounding residential area, owing to the varied character and materials (brick, render and cladding). The proposed clad infill is therefore considered to be in accordance with WLP8.29.
- 7.7 The proposed single storey rear extension would be a modest flat roof addition to the bungalow, on a larger footprint than an existing flat roof rear addition. The extension would be constructed from red multi facing brickwork with white uPVC glazed patio doors to the rear elevation and glazed rooflight under a bitumen felt roof. The rear extension falls below the permitted development height threshold of 4 metres allowed under Schedule 2, Part 1, Class A, but the depth exceeds the permitted development threshold of 4 metres (the depth of the extension would be 5.05 metres). Given the siting of the extension at the rear of the dwelling, it would not be a prominent addition significantly affecting the streetscene. Given the eaves height of the flat roof would be marginally higher than the eaves of the main bungalow, small glimpses of these would be visible from the street however these would not be dominant nor detract from the appearance of the property or wider area and are considered in compliance with WLP8.39.
- 7.8 With regard to neighbours' amenity, there would be little impact on no. 43 to the south as there is a double drive width separation with a garage and carport largely blocking views towards the proposal from that property.
- 7.9 In relation to no. 39 to the north, the rear extension would be offset approximately 1.7 from the side boundary, at a depth of 5 metres. The floor level of the application dwelling is at a higher level than no. 39 however both dwellings are set off the shared boundary and the maximum height of the extension would not exceed four metres. It is therefore not considered to result in a significant adverse impact on amenity, through loss of light, outlook or privacy. The new bedroom window to the north flank elevation would face onto a detached shed/brick flank wall and window of the neighbouring property. Given that there is an existing, large, opaque window in the flank elevation of the application site, serving a habitable room, there would be no grounds to refuse the application on significant harm to amenity through overlooking or loss of privacy.

8. Conclusion

- 8.1 The proposal complies with relevant policies of the Development Plan (policy WLP8.9 of the Waveney Local Plan and policy BECC9 of the Beccles Neighbourhood Plan) and approval is recommended.

9. Recommendation

- 9.1 Approve, subject to the conditions and informatives listed below.

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 drawing no's : 938 - 1/3, 938 - 2/3, 938 - 3/3, received by the Local Planning Authority on 31 October 2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

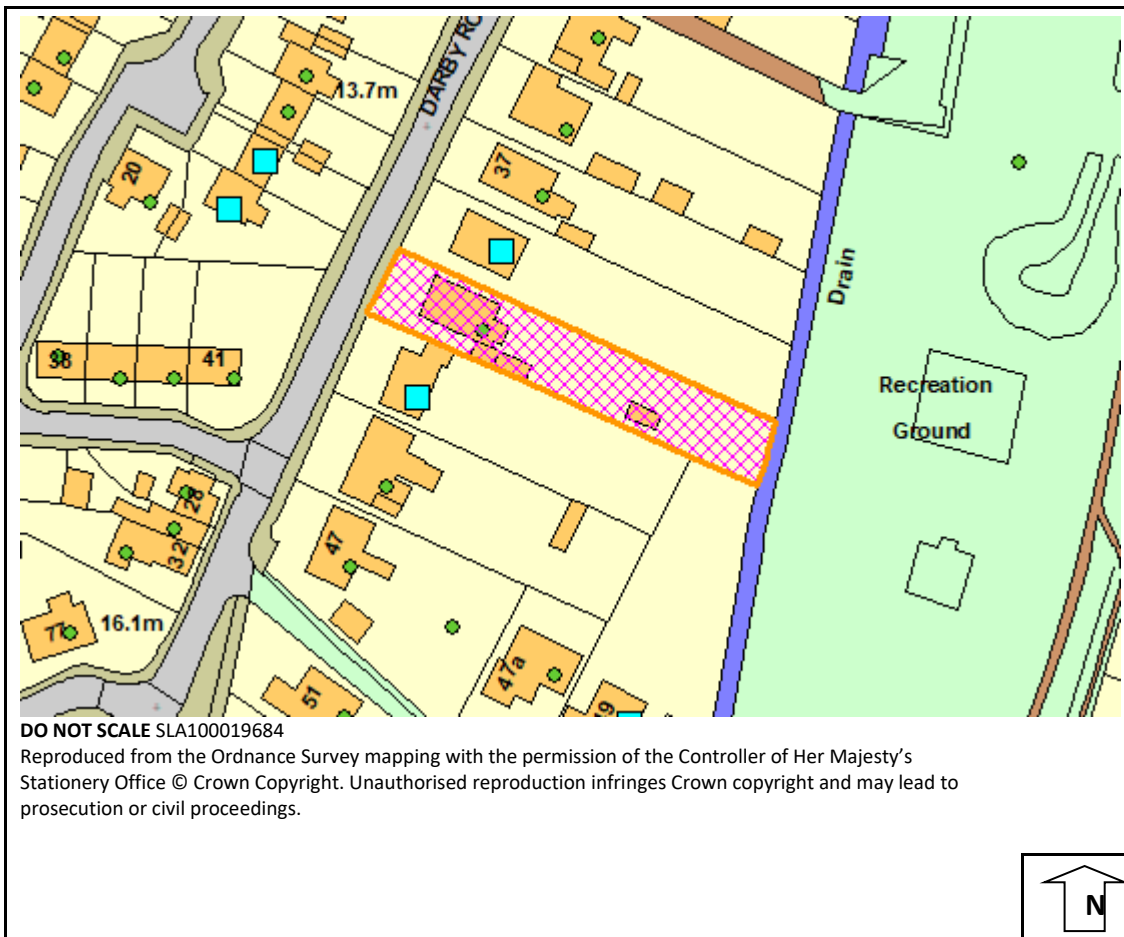
Informatives:

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/22/4301/FUL on [Public Access](#)

Map



Key

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