

Confirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room,
Riverside, on **Tuesday, 10 May 2022 at 2.00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor David Beavan, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Craig Rivett

Other Members present:

Councillor Sarah Plummer, Councillor David Ritchie

Officers present: Joe Blackmore (Principal Planner), Mark Brands (Planning Officer), Sarah Carter (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Steve Milligan (Planner), Philip Ridley (Head of Planning and Coastal Management), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Manager (Development Management))

1 Apologies for Absence and Substitutions

There were no apologies for absence.

2 Declarations of Interest

Councillor Ceresa declared a Local Non-Pecuniary Interest in Item 10 - DC/22/0405/FUL - 4 The Street, Carlton Colville, as being Ward Member.

Councillor Cooper declared a Local Non-Pecuniary Interest in Item 6 - DC/21/1166/FUL - Land off South Close, Leiston, as being Ward Member.

Councillor Coulam declared a Local Non-Pecuniary Interest in Item 7 - DC/21/5044/FUL - 9 Glebe Close, Lowestoft, as being Ward Member.

Councillor Gee declared a Local Non-Pecuniary Interest in Item 9 - DC/22/0387/FUL - 114 Clarkson Road, Lowestoft, as being Ward Member.

Councillor Rivett declared a Local Non-Pecuniary Interest in Item 10 - DC/22/0405/FUL - 4 The Street, Carlton Colville, as being Ward Member and County Councillor for the area.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Coulam declared that she had been lobbied on Item 7 - DC/21/5044/FUL - 9 Glebe Close, Lowestoft. She had made no response.

4 Minutes

RESOLVED

That the minutes of the meeting held on 8 March be agreed as a correct record and signed by the Chairman.

5 Enforcement Action - Case Update

The Committee received report ES/1139 which summarised outstanding enforcement cases for East Suffolk Council sanctioned under delegated powers or through the Committee up to 22 April 2022. There were currently 13 such cases.

The Assistant Enforcement Officer provided an update with regard to the last item on the schedule relating to 26 Highland Drive, Worlingham, in that they had appealed the notice and the Council was therefore awaiting advice from the Planning Inspectorate.

There being no specific questions, it was

RESOLVED

That the report concerning Outstanding Enforcement matters up to the 22 April 2022 be received and noted.

6 DC/21/1166/FUL - Land off South Close, Leiston

The Committee considered report ES/1134 which related to a planning application for the construction of 10 dwellings with associated access, infrastructure, garden sheds, landscaping and the demolition of existing garages.

Members were reminded that the application had been deferred by the Committee on 14 September 2021 to enable officers to discuss with the applicant the Committee's concerns regarding the proposed number of dwellings and the loss of green space. Following that, the application had been subject to amendment, revising the design of plots 1 and 2 to reduce the impact on 3 South Close, and that revised application was now before Committee for consideration. The number of units on the site had not been changed because any reduction would have an unacceptable impact on the viability of the development.

The report stated that the development was providing a scheme of affordable housing within the settlement boundary of Leiston. Whilst the redevelopment of the site did represent a departure to policy TM4 in the Neighbourhood Plan, the garages had not been used since 2011 and replacement parking was being provided. Whilst the

scheme resulted in the loss of an undesignated area of green space, it was not considered that it would result in such an adverse impact upon the character or sustainability of the community area so as to justify the refusal of the scheme for affordable housing.

Members received a presentation showing an aerial view and site location plan, photographs of the site and its surrounds, the dilapidated garages, street scene, properties in the vicinity, the area of open space, the drop off point for the school in Quakers Way and proposed block plan, elevations and floor plans.

The Planner advised that both trees on the site would be retained and the revised plan had made changes to plots 1 and 2 which, taking into account the 45 degree line, it was considered there would be no significant impact on the adjacent existing property No. 3 South Close. It was considered that the design of the proposed dwellings was attractive and the development would provide much needed affordable housing including six bungalows. Plots 6 and 7 had been designed for disabled access and EV parking infrastructure was being provided. Whilst it was recognised that there would be a loss of garages, the eight visitors' spaces being proposed was considered to be adequate and any impact on residential amenity was not significant.

The Planner confirmed that the green space had not been identified as that in the Local Plan. The applicant had submitted a viability statement and any reduction by two units would increase build costs by 10% and that, together with a reduction in rental income would result in the scheme being unviable. There was no guarantee that, if this development did not proceed and the site was sold on, the open area of land would remain. There were currently 117 on the housing waiting list and the proposal before Members was a beneficial scheme that would meet the local need, provide housing for residents with mobility impairments and result in the redevelopment of a derelict site. It would result in the enhancement of the areas in a highly sustainable location within an existing residential area of the town. Subject to the completion of a Section 106 Agreement and relevant conditions, authority to approve was being sought.

The Chairman invited the public speakers to address the Committee.

As an objector, Ms N Baggott advised that she had lived with her family at No. 3 South Close since 2011 and was concerned about the plots adjoining her boundary fitting two houses into a small space. Whilst changes had been made, the projection would overshadow the rear of their property resulting in no light entering the patio doors into main living room. This was not a garage as per proposed site layout. The remaining close proximity of this new build had not made any improvements. The noise from the air source heat pumps had not been properly assessed especially the oscillating. The land to be built on was justified to be kept as open space for children and dog walkers. The loss of 48 garages was due to the condition and disrepair and not lack of demand. The on-road parking would cause problems especially with the school access which was already a cause of local concern and adequate access for emergency vehicles. The survey carried out years ago did not reflect current need. Eight visitor spaces were not adequate or equivalent to what was being lost. With 290 homes built in Leiston since 2015 and 313 housing commitments, the town was reaching maximum capacity. So, things could not be so desperate for these houses and the proposal was in breach of the Neighbourhood Plan.

A Member asked if anyone had required garages in the past or if they had just been left empty. Ms Baggott advised that EADT had posted an article on the site and there had been comments on social media. People had been asked to give up their garages and it should be noted that there was a need and waiting list for garages or parking.

As the applicant's agent, Mr A Curran explained that the application site was in private ownership and could be sold on. However, a small open space was being retained within the proposed build. It was only three minutes' walk to other green open spaces. Flagship had reviewed the necessary dwellings, replaced the windows on plots 1 and 2, would provide trellis on top of the boundary, moved the dwellings in order to reduce any overlooking and ensure privacy. The proposals were satisfactory to the Planners and were in excess of what was necessary. The potential loss of a bin had been highlighted and this could be replaced. Out of those on the housing list, 42 required 2 bedroomed properties and the provision of houses, in addition to the bungalows, would attract families to ensure a diverse community. A reduction in plots from 10 to eight would not make the proposal viable and it was not possible to provide 100% affordable housing on the whole site. The revised plans included solar panels and EV points which would make the development sustainable. The proposal was policy compliant in a sustainable location and would provide affordable housing in Leiston. Mr Curran urged the Committee to approve the application for Flagship.

Members asked questions relating to:

- How moving plots 1 and 2 had stopped overshadowing.
- The need for garages in the locality.
- Issues with groundworks for plots 1 and 2.
- With narrow roads in the area, whether adequate parking was being provided with eight spaces after the loss of 28 garages.
- Availability of parking during construction works.
- If acoustic covers would be used on the heat pumps on those plots adjoining near neighbours.
- The provision of frosted glass on the rear elevation of the dwelling on plot 1.

Mr Curran advised that the distance between the existing dwelling and plots 1 and 2 had been increased and set back to provide less overshadowing. The garages had been unoccupied since 2011; they were in a poor state of repair needing significant refurbishment; however, the garages were actually too small for modern day cars. The relevant assessment had shown the need for five parking spaces and they were proposing an extra three spaces. Any necessary groundworks would be controlled by Building Regulations and foundation design would be adjusted accordingly and there would be no effect on the neighbours. Mr Curran confirmed that multiple visits had been undertaken to provide an analysis on car parking and it had appeared that five people had been using the site so providing eight spaces was considered to be acceptable. Highways had no concerns about the proposals. They would look at acoustic mitigation if necessary. The bathroom window on plot 1 was frosted and the rear elevation was angled at 45 degrees.

Members debated issues relating to the narrow roads, car parking issues, accessibility problems and the need for affordable homes and accessible properties. It was

acknowledged that the Town Council supported the application but was concerned over the loss of the open grass area and that the proposal was in breach of the Neighbourhood Plan.

The Principal Planner clarified the position with regard to the Town Council's comments but it was considered that the proposal did enhance the area. It was acknowledged that there was some loss of green space but that had been balanced against the benefits of the affordable housing being provided. In looking at the floor plans and elevations of the dwellings proposed on plots 1 and 2, the effects on residential amenity was not considered to be significant and the design fitted in well with the street scene.

The Committee acknowledged the fact that the officers considered the benefits for the local community outweighed the loss of the garages and green space and approval was proposed subject to an additional condition ensuring appropriate acoustic barriers between plots 1 and 2 and the neighbouring property. This being agreed, it was

RESOLVED

That authority to approve be granted, subject to the completion of a S106 Legal Agreement within 6 months to secure obligations (including but not limited to):

- Provision of affordable dwellings,
- Per-dwelling contribution to the Suffolk RAMS, and
- Provision and long term management of SUDS,

and the following 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 Drg No 0462-2000 Rev K; 0462-3000D; 0462-3001D; 0462-3002D; 0462-3003D and 0462-3004D received 30.03.2022; 171566 RLC-00-00-DR C-002 P1 and Noise Report Rev A received 08.07.2021; D & A Statement Rev D received 12.07.2021; FRA/Drainage Strategy 171566 received 10.03.2021; FRA/Drainage Strategy Addendum 171566 (Rev 00) received 21.05.2021 and Drg Nos 5000B; 6000B and C-001 P1 received 10.03.2021 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 strategy for the disposal of surface water & Flood Risk Assessment (FRA) (dated 20/01/2020, ref: 171566) and the FRA Addendum (dated 21/05/2021, ref: EJK/SJB/171566 (Rev 00)) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

4. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>

5. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) by a qualified principle site contractor, detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

6. Before the development is commenced, details of the Quakers Way access and associated 5.5m widening, frontage footway and footway link works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are designed and constructed to an acceptable standard.

7. Before the altered direct access on to South Close (as shown indicatively on C-002-P1) is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4m metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in the north direction, and 21 metres in the southerly direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning

(General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

8. 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. 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.

9. The use shall not commence until the areas within the site shown on Drawing 0462-2000-K for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles and storage of cycles 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 in order 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. Provision of storage space required to comply with national and local planning policies relating to sustainable transport.

10. Before the development is commenced details of the areas and 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: Provision of electric vehicle charging points is required to comply with national and local planning policies relating to sustainable transport. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

11. Before the development is commenced details of the areas to be provided for storage 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.

12. Prior to the commencement of development a detailed Arboricultural Method Statement supported by 1:200 scale technical drawings should be prepared and submitted to the Local Planning Authority for approval in writing. Work shall be carried out, including all tree protection work only in accordance with the approved Statement.

Reason: In the interests of amenity/ecology, insufficient detail has been provided at application stage.

13. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Report (Norfolk Wildlife Services, January 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

14. No removal of hedgerows, trees or shrubs, 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.

15. 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. Unless agreed in writing by the LPA 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 BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) 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.

16. 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.

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

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

18. 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.

19. The 8no. visitor spaces, as shown on approved plan 0462-2000 rev K shall be provided and be kept available for the purposes of visitor parking for both on and off-site residential properties.

Reason: In the interests of amenity and highway safety.

Additional condition:

Prior to the first operation of air source heat pumps on plots 1 and 2, noise attenuation screens/baffles shall be installed, in accordance with details which shall first be submitted to the LPA for approval in writing. Only approved screens/baffles shall be installed and they shall be retained throughout the period the air source heat pumps are in operation.

Reason: In the interests of 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.

7 DC/21/5044/FUL - 9 Glebe Close, Lowestoft NR32 4NU

The Committee considered report ES/1135 which gave details of the application for the construction of two detached dwellings and all associated works at 9 Glebe Close, Lowestoft.

Members were advised that a proposal for a single dwelling on the site had been approved under DC/21/0709/FUL, and permission had previously been refused for two dwellings. However, the current application had been amended to address concerns raised and whilst the proposal accorded with the Development Plan, the application had been referred to the Committee via the Referral Panel.

Members received a presentation showing the location plan and aerial photographs and views of the site which was in a residential area. Slides displayed the proposed block plans of the previous applications, together with the proposed block plan, elevations and floor plans for plots 1 and 2 of the amended scheme now before the Committee. Plot 1 would have an integral garage and there would be a detached garage on plot 2.

The Planner advised that the principle and detail of the development was considered to be acceptable. It was a sustainable location within the settlement boundary and would utilise the land by providing two dwellings. It was considered that there would be no amenity impact on immediate neighbours and the proposal was in compliance with the relevant policies. Approval was being recommended subject to appropriate conditions including the removal of permitted development rights to ensure adequate amenity space. The RAMS mitigation had now been paid.

Members asked questions relating to:

- Parking and garden measurements for No. 9.
- The rear door of No. 9 opening straight onto the roadway.
- Road safety issues at the bend in the road and access to rear garages.

- This being back land development.

The Planner confirmed that parking for No. 9 was at the front of the property and garden amenity was considered to be sufficient. He was unable to confirm if No. 9's back door would open directly onto the road. County Highways had assessed traffic movements and had not specifically mentioned any issues relating to the bend in Glebe Close. The site itself had been assessed in accordance with the urban infill policy and approval had already been granted for one dwelling.

The Chairman invited the applicant's agent to address the Committee.

Mr M Dixon thanked Members for being given the opportunity to speak on behalf of the applicant. He confirmed that the principal of residential development had already been accepted and the site was adequate for the construction of two dwellings. Whilst concerns had been expressed, Mr Dixon pointed out that the site would result in the equivalent of 9 dwellings per hectare compared to 12 in the immediate vicinity, so it was not considered to be cramped or overdevelopment. There would be no issues with on-street parking as each property would have a minimum of three spaces which was more than adequate. It was not considered that the proposed development would be overbearing and any light and noise impact would be no more than what already existed in an urban area. Mr Dixon advised that the development was considered to be in keeping with the area, of a high design and compliant with both national and local planning policies. He asked the Committee to approve the application.

In response to a Member's question, Mr Dixon confirmed that the road width into the site was to be 4.5m.

During discussion, Members questioned whether this was an efficient use of the land and if the designs and amenity space were appropriate for the site. Comment was made on the highways issues and use of the road which might result in a fatality particularly with the proposed two additional dwellings and at least a further six vehicles. It was agreed that the proposal did not provide a good layout, nor were the plots satisfactory in size. Comment was made that the design was not particularly attractive.

The Planning Manager advised that the principle of the development had been established and that had been confirmed by the appeal decision. There was a need to make efficient use of available development sites and Highways had no issues. County Highways would still consider the driveway into the plots irrespective of whether or not it was adopted.

During discussion, however, Members noted that it appeared that there were little grounds for refusal. The Chairman sought a proposer and seconder for the recommendation in the report for approval which was then voted on and **LOST**.

A proposal to refuse the application was duly seconded. It was considered that the proposal was not a good use of land and there were concerns over the layout of the development. The Principal Planner referred to policy WLP8.33 in the Local Plan – Residential Gardens and Urban Infilling and suggested refusal on the grounds of scale and design, siting of the proposal and the need to be in keeping with the character and

density of the surrounding area. Developments must provide attractive and usable amenity spaces. Members accepted that Highways had no issues and that would not provide an additional reason for refusal.

A Member then proposed a deferral to enable the applicant to review the Committee's comments about making the site more user friendly and provide a more realistic site layout.

The Democratic Services Officer advised that there was one proposal on the table for refusal which had been seconded. That motion would have to be voted on or withdrawn prior to the consideration of the proposal to defer. Councillors Rivett and Cooper agreed to withdraw their recommendation for refusal, at this stage, to allow consideration of a deferral.

The Planning Manager advised that there was the opportunity for deferral and reconsideration of the plans and current layout. If Members were minded to defer, discussions with the agent and applicant would follow.

The Chairman asked the agent if he wished to respond to that proposal and Mr Dixon confirmed that if deferral was passed, they would take instructions from their client with regard to a better layout.

The proposal for deferral was formally proposed and seconded and it was

RESOLVED

That a decision be deferred to allow the officers to work with the applicant's agent to address design concerns raised by the Committee.

8 DC/22/0493/VOC - Plot 2, Carlton Road, Kelsale, Saxmundham, IP17 2NP

The Committee considered report ES/1136 which was seeking permission for a variation of condition 2 of DS/21/0565/FUL – construction of a single dwelling, alternations to approved drawings for plot 2 adjacent to Spindles, Carlton Road, Kelsale.

The application was before Committee as the officers were minded to approve the application contrary to the objection received from the Parish Council. The Planner advised that the Ward Member had commented that the application should be refused.

Members were advised of the history of the site, whereby an application for one dwelling which was refused as contrary to the development plan had been overturned on appeal as the Inspector had considered the application to be a sustainable form of development. Since that time, the site had received outline consent for two dwellings and garages under reference DC/18/2907/OUT and two separate permissions had been granted for plot 1 and plot 2. The proposal before the Committee was to seek to vary condition 2 of DC/21/0565/FUL relating to plot 2.

Members received a presentation showing an aerial view, site location plan, photographs from the previous application, the street scene in 2022, the frontage of plot 1 and the works that had commenced on plot 2. Previous and proposed block plans, floor plans and elevations were also displayed.

The Planner advised that the annex on the front was to provide independent living for a family member and approval was being recommended subject to appropriate conditions including one to ensure that the annex would only be used for purposes incidental and ancillary to the use of the dwelling house. He advised that the proposed amendments to the scheme were considered acceptable and approval was being recommended.

In response to Members' questions, the Planner advised that the Parish Council was objecting to the principle of the development; however, that had already been approved.

The Committee accepted that the principle of the development had been established and agreed on the need for the occupancy condition. There being no further discussion, it was

RESOLVED

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from 15 April 2021 as the date of original consent.

Reason: This condition is imposed 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 application form, design and access statement, Preliminary Ecological Appraisal (Anglian Ecology, March 2020) received 5th February 2021 and drawing numbers GFD2101-0101 P02 and GFD2101-0102 P03 received 8 February 2022.

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. Within 3 month(s) of commencement of development, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of

plants to be planted) shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

5. The new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM01 with an entrance width of 4.5 metres and has been made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety

6. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

7. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

8. 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.

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. GFD2101-0101 P01 with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified form. Notwithstanding the provisions of 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 over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action

10. The use shall not commence until the area(s) within the site on GFD2101-0101 P01 & GFD2101-0102 P02 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

11. 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. Unless agreed in writing by the LPA 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 BS 10175:2011+A1:2013 and CLR11) 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 ORLB URNS 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

12. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (Anglian Ecology, March 2020).

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

13. No removal of hedgerows, trees or shrubs 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.

14. The hereby-approved annex shall not be occupied or let as a separate dwelling but shall be used only for purposes incidental and ancillary to the use of the dwellinghouse to which it relates or for occupation by a relative, employee or parent of the householder or his/her spouse.

Reason: The development is not such that the local planning authority would be prepared to approve as a separate dwellinghouse in its own right as this is located in the countryside where the Local Plan seeks to limit such development, and where it is otherwise considered undesirable for this to be used independently as it would result in insufficient amenity standards should the curtilage be separated.

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.

9 DC/22/0387/FUL - 114 Clarkson Road, Lowestoft, NR32 3NX

The Committee considered report ES/1137 which gave details of the application for the demolition of an existing garage, a two storey rear extension and lean-to side extension. The application was before Committee as the applicant was a member of staff.

The Principal Planner reminded Members that they had considered a similar application in January which was refused and the amended scheme now being presented was considered acceptable and recommended for approval by officers.

Members received a presentation showing the site location plan, aerial view, photographs of the street scene, plot and rear garden, the existing and proposed block plans and elevations and, by comparison, the existing, previously refused and current proposed front elevations and proposed floor plans.

The Principal Planner drew attention to the permitted development fallback position and explained the parts that were exempt from planning control. The garage was to be removed and a side extension provided and a two-storey extension was to be added at the rear of the property. Its relationship to the neighbouring property was now considered to be satisfactory; the neighbouring property also had an extension on the rear. The Principal Planner confirmed that the spacing and relationship to neighbouring dwellings on both sides and the impact on the character of the street scene of the revised proposal would not affect the neighbour amenity and approval was therefore being recommended.

Members' questioned:

- The black shiplap on the front of the house.

- If works had commenced according to the photographs, whether the application was now retrospective.

The officers understood that the cement boarding used on the existing porch would continue to be used and, with the garage having been demolished, it could be considered that the development had commenced. It was the applicant's risk if approval was not granted.

Members questioned the infilling of space between the properties and how it would affect the street scene. However, acknowledging the permitted development rights, it was

RESOLVED

That planning permission be granted with materials as per plans and a condition requiring drainage to hard standing/parking area and the following 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 2844.21.2F, including specified materials received 7th March 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 use shall not commence until the area(s) within the site shown on drawing no.2844.21.2F for the purposes of manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Adequate drainage shall be provided in connection with the parking and turning area within the site frontage by either the use of porous materials, a soakaway or drainage channel.

Reason: to ensure that surface water does not flow onto the highway, causing a safety concern and 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 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.

10 DC/22/0405/FUL - 4 The Street, Carlton Colville, Lowestoft, NR33 8JW

The Committee considered report ES/1138 which gave details of the application for a detached outbuilding in the rear garden of 4 The Street to be used as a store and garden room. The application was before Committee as the applicant was a close relative of a Council employee.

Members received a presentation showing the site location plan, aerial view, and photographs of the site from the east, north and west, the current outbuilding and garage to be demolished, the existing block plan, together with the proposed block plan which followed the form of the plot, the floor plan and elevations.

The Principal Planner advised that the proposal was acceptable and it was considered there would be no impact on neighbour amenity. Subject to an additional condition as listed in the update report, approval was being recommended.

In response to Members' questions relating to the size and overshadowing on the adjacent footpath, the Principal Planner confirmed that the proposed building would be 3.6m in height with a footprint of 9.1m by 4m. It was considered that there would not be any significant shadow cast on a short section of the footpath and permitted development rights allowed a height of up to 4m.

On a recommendation for approval which was duly seconded, it was

RESOLVED

That permission be granted, subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the Site Plan received 7th March, in conjunction with the proposed Block Plan, Floor plan 01 and Elevation Drawing 02 (including external materials as specified) received 21st March 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 hereby permitted detached store/dayroom shall only be used for purposes incidental to the main dwelling house at 4 The Street.

Reason: To ensure the use of the building remains incidental to the main house as set out in the application.

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.

The meeting concluded at 3.51pm.

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Chairman