



## Committee Report

Planning Committee North - 10 May 2022

**Application no** DC/22/0493/VOC

**Location**

Plot 2  
Carlton Road  
Kelsale  
Saxmundham  
IP17 2NP

**Expiry date** 4 April 2022

**Application type** Variation of Conditions

**Applicant** Mr Andrew Bird

**Parish** Kelsale Cum Carlton

**Proposal** Variation of Condition No. 2 of DC/21/0565/FUL - Construction of a single dwelling - alterations to approved drawings

**Case Officer** Mark Brands  
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### 1. Summary

1.1. This application seeks to vary the approved plans under planning permission ref. DC/21/0565/FUL. The application was presented to the referral panel on 12 April 2022 as officers are 'minded to approve' the application contrary to the objection received from Kelsale-Cum-Carlton Parish Council. The referral panel considered that there were material planning considerations which warranted further discussion by the Planning Committee.

### 2. Planning History and Site Description

2.1. An application for one dwelling was refused by officers in 2017 (reference DC/17/0994/OUT) on the basis that the principle of development was contrary to the development plan; however, the permission was allowed at appeal stage (reference APP/081/2017) in which the inspector considered the application to be a sustainable form of development.

- 2.2. The application site has previously received outline consent for two dwellings and garages approved 18/10/2018 (reference DC/18/2907/OUT).
- 2.3. Subsequently, two separate permissions have been granted, plot 1 to the East was approved by the Planning Committee (under DC/19/5008/FUL) for a new detached dwelling, for which the 2 plots would have a shared access with the current application site plot 1.
- 2.4. Planning permission for plot 2 for the construction of a single dwelling was approved under DC/21/0565/FUL. This planning permission remains extant, and works have commenced on site, as such the principle of development has already been established. As this is only a variation of the drawings to the approved scheme, the principle of development is no longer a matter for debate. While the amendments seek only to vary condition 2 of DC/21/0565/FUL, other conditions will also be omitted, for which this will be set out further in the planning considerations section of this report.
- 2.5. The application site is outside of the defined physical limits of Kelsale cum Carlton and forms part of a parcel of land separating the two settlement boundaries. The application site forms part of a large grass field with a high hedgerow and ditch to the front boundary of the application site which fronts onto Carlton Road. To the east of the application site the dwelling as approved under DC/19/5008/FUL is completed, and foundations laid for plot 2. The application site and the adjacent land to the south forms part of Carlton Park, an historic park of plan-area wide significance which has been identified as a non-designated heritage asset.

### **3. Proposal**

- 3.1. The proposal is for a detached dwelling with an attached garage. The proposed dwelling is part of a larger, two-dwelling scheme, which will have a shared access.
- 3.2. The key amendments proposed is to vary the approved plans to include the addition of an attached annex to the front elevation; amendment to the design on the rear elevation with a pitched roof; and balcony to the master bedroom.

### **4. Third Party Representations**

- 4.1. No third-party representations received; consultation period has expired.

### **5. Consultees**

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

Consultee	Date consulted	Date reply received
Kelsale-cum-Carlton Parish Council	11 February 2022	3 March 2022

Summary of comments:

Kelsale-cum-Carlton Parish Council objects to this proposal. The Council disagrees with the contention in the Design and Access statement (section 3, paras 2 and 3 that "the size of the collective site and its open setting calls for another building of significant presence". There is also the loss of open space with views across the vale containing Carlton

**Statutory consultees**

Consultee	Date consulted	Date reply received
SCC Flooding Authority	11 February 2022	23 February 2022
Summary of comments: No comments		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 February 2022	No response
Summary of comments: No comments received; consultation period has expired		

Consultee	Date consulted	Date reply received
National Amenity Societies	11 February 2022	No response
Summary of comments: No response received; consultation period has expired		

**Non statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 February 2022	No response
Summary of comments: No response received; consultation period has expired		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	11 February 2022	14 February 2022
Summary of comments: No comments on the amended plans		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	11 February 2022	4 March 2022
Summary of comments: No objections		

## Publicity

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

Category	Published	Expiry	Publication
Departure	17 February 2022	10 March 2022	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: Contrary to Development Plan  
Date posted: 23 February 2022  
Expiry date: 16 March 2022

## 6. Planning policy

National Planning Policy Framework 2021 (NPPF)

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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)

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)

SCLP11.8 - Parks and Gardens of Historic or Landscape Interest (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.3 - Housing Development in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.13 - Residential Annexes (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **7. Planning Considerations**

7.1. The principle for the dwelling has already been approved and therefore the consideration here is limited to the matters subject of the condition's variation (to amend the approved plans).

7.2. The application form for the variation sets out further context on the need for an annex, as per the below:

*"Upon reflection of the way the house is going to be used, and considering the future of my daughter Jasmin, my wife and I feel we should cater for her needs to be come more independent. Jasmin is 18 years old and has Cerebral Palsy and mild learning difficulties, and currently receives the highest PIP payment. She often speaks of living away from the family home, as she had a twin sister who is off to university in September (living a very independent life), and she wants to be as much like Maddy as she can.*

*By having this accommodation adjacent to the family house, Jasmin will have the sense of being able to live independently, having her own space, but still having the security of her parents close by. We have designed a space purely for Jasmin, where she can have her own front door rather than coming into the family house. It will have all of the features she currently has i.e. hand rails on the stairs to aid both ascent and descent, low threshold shower / wet room, level thresholds, and we would also fit video home security as this is commonly available now. We have also added a gable to the rear elevation to allow a small balcony from the master bedroom."*

7.3. Under policy SCLP5.13, residential annexes will be supported where the annex is smaller in scale, and clearly ancillary to the host dwelling; does not involve the physical separation of the residential curtilage; does not require a separate access; is an extension or well related to the host dwelling; has sufficient off-road parking; and will not result in significant adverse impacts on the landscape or visual amenity.

7.4. The proposed self-contained annex is in the form of a one and a half storey front extension to the approved dwelling. The accommodation is of an ancillary scale to the host dwelling and assimilates with the design of dwelling as such will not result in a detrimental impact on visual amenity from the streetscene or the wider landscape. There is sufficient on-site parking to accommodate the annex, which will have a strong relationship with the host dwelling by virtue of this being an extension, shared utilities, access, and amenity areas etc. The annex will have a footprint of 6.497m (length) by 4.416m (width), the footprint is modest and considered proportionate, with the living accommodation on the ground floor, with bedroom and W/C on the first floor. The extension will add some symmetry with the attached garage, framing the glazed entrance area which is the focus from the streetscene.

- 7.5. The pitching of the roof and balcony to the rear elevation master bedroom are also considered acceptable. Cladding is proposed to the sides of the balcony with the main aspect outward looking to the rear, as such this will not adversely impact neighbouring amenity, with fields to the rear of the site, nor negatively detract from views towards the site or from the site with regards to the impact on the historic parkland. The proposed amendments are acceptable in design terms in accordance with SCLP11.1.
- 7.6. The objection from the Parish Council is noted, however as set out above, the principle of the dwelling on this site has previously been approved under DC/21/0565/FUL (for which the Parish had no comments to make on this scheme). The proposal seeks amendments to the approved plans; the views from the street towards the land to the south would already be changed by the approved extant scheme. The cumulative impact of the alterations and extension would not therefore significantly affect these views from what has previously been approved.
- 7.7. The application has commenced, as such this influences some of the other conditions that were not discharged prior to commencement, and on balance are not considered to meet the 5 tests to be reapplied to the new permission (concerning ecology and materials). The conditions are similar to those attached to the adjacent plot 1, for which conditions were discharged under DC/20/3040/DRC and which did not necessarily need to be duplicated to the permission for plot 2.
- 7.8. The materials will be per the same used on plot 1, comprising Red (multi) brick plinth, Grey cementitious board, Grey aluminium windows, aluminium guttering, red (multi) clay pantiles, timber close boarded fencing and post and rail fencing, this is considered sufficient and will be re-worded to be in accordance with the details provided (condition 3).
- 7.9. The highway entrance width will be re-worded for the vehicular access to be laid out and retained in accordance with SCC standard access drawing DM01 (condition 5).
- 7.10. The ecological mitigation method statement (formerly condition 13) has previously been discharged for the adjacent plot, which concluded the proposed development could proceed with minimal harm to protected species or local biodiversity conservation. The main attention was to the hedgerow to the east and north of the site (the north in particular to clear part of this to make way for the shared access. As this is the most significant aspect ecologically, and this has already been undertaken, it is not considered necessary to undertake a new mitigation method statement, as no further clearances of hedgerow are required to the north, and there is no hedgerow to the other boundaries. The remainder of the site shares the characteristics of the adjacent site of grazed land, providing no potential shelter habitat, as such negligible risk to protected species.
- 7.11. The surface water discharge details for the access have previously been approved for which the two properties will have a shared access, as such can be omitted (formerly condition 10).
- 7.12. The other conditions will be as per on the original permission as they are relevant for the works to be in accordance with those conditions and subsequently retained.
- 7.13. In terms of the annexe, this has to be occupied in a way that is incidental and ancillary to the main house. Any independent residential use would require planning permission in its own

right, and therefore an occupancy restriction condition may not be entirely necessary. However, in this particular case it is considered appropriate given the relationship with the host dwelling and shared amenity and parking spaces etc; therefore a condition should be added to ensure the annex is restricted to 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 spouses. This is to safeguard satisfactory amenity standards in accordance with the Local Plan and the NPPF.

## **8. Conclusion**

- 8.1. The proposed amendments to the scheme are considered acceptable, and assimilate well into the design of the property, while still retaining a strong relationship in design and materials with the adjacent plot. The scheme accords with the relevant Local Plan policies and can be approved.

## **9. Recommendation**

- 9.1. Approve.

## **10. 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.

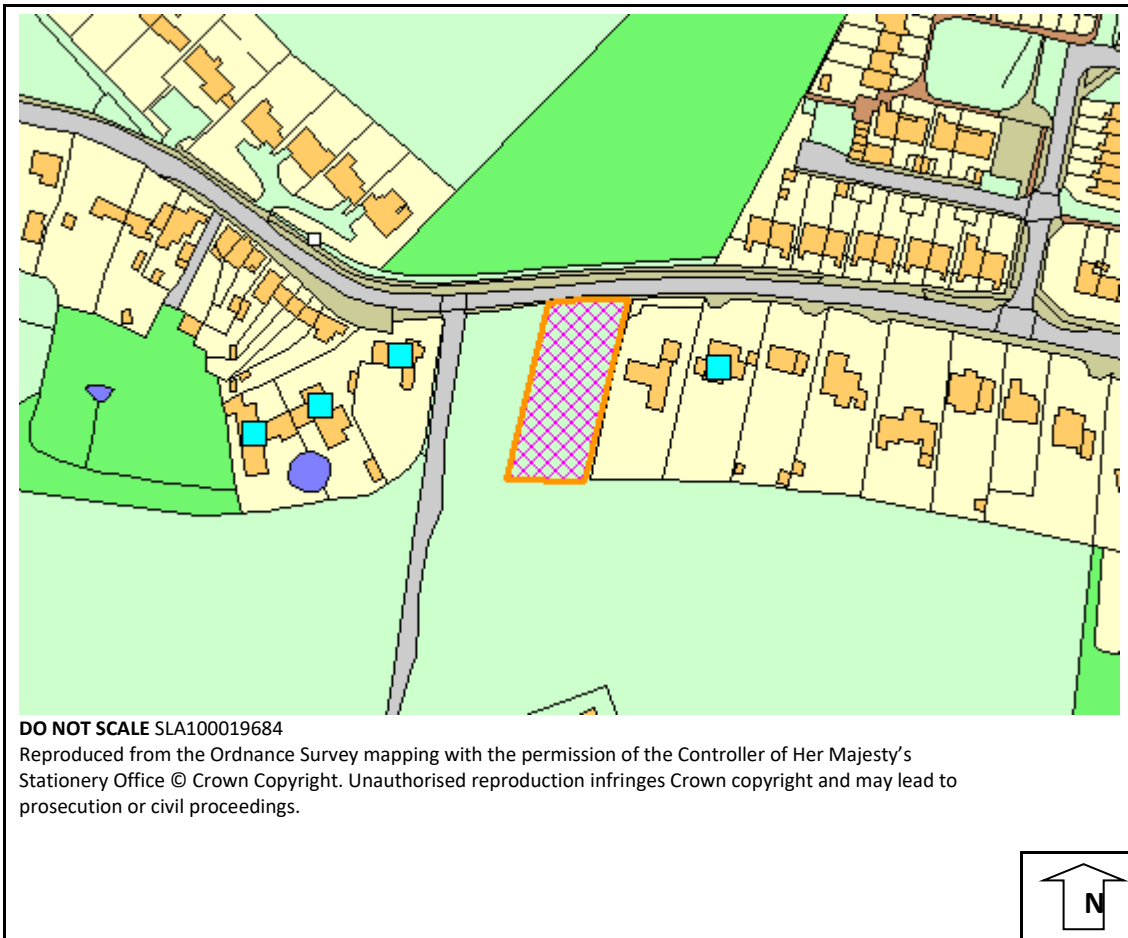
**Informatives:**

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.

**Background Papers**

See application reference DC/22/0493/VOC on [Public Access](#)

# Map



## Key



Notified, no comments received



Objection



Representation



Support