



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

Planning Committee North

Members:

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

Members are invited to a **Meeting** of the **Planning Committee North**
to be held in the Conference Room, Riverside,
on **Tuesday, 10 May 2022 at 2.00pm**

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

An Agenda is set out below.

Part One – Open to the Public

Pages

1 **Apologies for Absence and Substitutions**

2	Declarations of Interest Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests 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 To confirm as a correct record the minutes of the meeting held on 8 March 2022.	1 - 13
5	Enforcement Action - Case Update ES/1139 Report of the Head of Planning and Coastal Management	14 - 34
6	DC/21/1166/FUL - Land off South Close, Leiston ES/1134 Report of the Head of Planning and Coastal Management	35 - 66
7	DC/21/5044/FUL - 9 Glebe Close, Lowestoft NR32 4NU ES/1135 Report of the Head of Planning and Coastal Management	67 - 82
8	DC/22/0493/VOC - Plot 2, Carlton Road, Kelsale, Saxmundham, IP17 2NP ES/1136 Report of the Head of Planning and Coastal Management	83 - 93
9	DC/22/0387/FUL - 114 Clarkson Road, Lowestoft, NR32 3NX ES/1137 Report of the Head of Planning and Coastal Management	94 - 104
10	DC/22/0405/FUL - 4 The Street, Carlton Colville, Lowestoft, NR33 8JW ES/1138 Report of the Head of Planning and Coastal Management	105 - 109

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit

<https://www.eastsuffolk.gov.uk/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

If you are registered to speak, can we please ask that you arrive at the meeting **prior to its start time (as detailed on the agenda)** and make yourself known to the Committee Clerk, as the agenda may be re-ordered by the Chairman to bring forward items with public speaking and the item you have registered to speak on could be heard by the Committee earlier than planned.

Please note that any illustrative material you wish to have displayed at the meeting, or any further supporting information you wish to have circulated to the Committee, must be submitted to the Planning team **at least 24 hours** before the meeting.

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded.

The Council cannot guarantee public seating areas will not be filmed or recorded. By entering the Conference Room and sitting in the public seating area, those present will be deemed to have consented to the possible use of filmed images and sound recordings. If you do not wish to be recorded, please speak to a member of the Democratic Services team at the earliest opportunity.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: democraticservices@eastsuffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development
East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 8 March 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

Officers present: Joe Blackmore (Principal Planner), Sarah Carter (Democratic Services Officer), Sarah Davis (Democratic Services Officer), Elliott Dawes (Development Officer - Housing), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Steve Milligan (Planner), Iain Robertson (Senior Planner), Ben Woolnough (Planning Manager (Development Management))

Announcement

Prior to the start of the meeting, the Chairman advised that, in order to take account of the Agenda Items with public speakers, he would be taking item 8 immediately after item 6 on the Agenda, and then Items 7 and 9 in that order.

1 Apologies for Absence and Substitutions

There were no Apologies for Absence.

2 Declarations of Interest

Councillors Brooks and Rivett declared a Local Non-Pecuniary Interest in Item 9 - DC/22/0151/FUL - Water Lane Leisure Centre, Lowestoft, as being Cabinet Members who had been present during the meeting approving funding for the works to the Leisure Centre. These declarations were made during discussions on the application.

3 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

4 Minutes

RESOLVED

That the minutes of the meeting held on 8 February 2022 be agreed as a correct record and signed by the Chairman.

5 Enforcement Action - Case Update

The Committee received report ES/1071 which summarised outstanding enforcement cases for East Suffolk Council sanctioned under delegated powers or through the Committee up to 18 February 2022. There were currently 10 such cases.

In response to a question relating to Pine Lodge, Hinton, the Assistant Enforcement Officer confirmed the case was being discussed with Counsel. It was noted that charging order had been placed on the land to recover costs. Reference was made to the Certificate of Lawful Use on Land at North Denes Caravan Park, Lowestoft, and questions were asked as to how this could be the case when it was Council owned land. The Planning Manager advised that the Park was seeking lawful planning use; land ownership was irrelevant. Counsel's advice was being sought.

With regard to New Quay Lane in Melton, an issue previously raised by Councillor Coulam, the Planning Manager confirmed he would follow up with the Head of Planning and Coastal Management who was due to provide the response.

There being no further discussion, it was

RESOLVED

That the report concerning Outstanding Enforcement matters up to 18 February 2022 be received and noted.

6 DC/21/5015/FUL - 15-18 Milton Road East, Lowestoft

The Committee considered report ES/1072 which gave details of the planning application for the demolition of the existing vacant single storey office building and the construction of six two-bedroom dwellings with associated parking and outdoor amenity space at Milton Road East, Lowestoft. The properties would form part of the Council's housing portfolio and be available for rent.

The application was before Committee as the Council was the applicant.

Members received a presentation showing the aerial view, site location plan, photographs of the site and street scene, proposed block plan and floor plans, together with elevations and proposed perspective view.

The Senior Planner explained that the two-bedroomed properties would cater for three or four persons and there were no issues with the lack of parking on plot 1 as the site was in a sustainable location near the town centre. There were no unacceptable impacts on highway safety. The principle of the design was considered to be acceptable as it was similar to existing development in the area and the scale and density would make the best use of the site and both protect and enhance the

area. The impact of the proposal on the amenity of occupiers of properties to the rear was considered to be acceptable. Key issues identified in the Local Plan were the growing population and housing need and these dwellings would provide an important contribution to the Council's housing stock. The type of property to be built had been identified by the Housing Needs Register. The proposal was considered to accord with Local Plan policies and approval was being recommended.

Members asked questions relating to:

- The location of solar panels.
- The ability to match non-driver applicants to the property with no parking.
- Retaining the properties for the Council's housing stock.

The Senior Planner confirmed that the solar panels were on the rear of the dwellings. The Housing Development Officer confirmed that the properties would be retained as housing stock and matching occupiers without cars for plot 1 should not be an issue. Having spoken to Tenant Services and considering the sustainable location, parking was not considered to be an issue and the lettings would remain under the control of the Council. He pointed out that there was resident permit parking in the area. The Housing Development Officer agreed that, if children shared a bedroom and got older, families might, at some future date, need to be rehoused.

During discussion, Members supported the proposal for developing the vacant site to provide much needed family homes. Comment was made that nothing was being provided in the form of bungalows for disabled and/or older people, bearing in mind there was likely to have been some demand over the last three years. The Committee accepted that the need for two-bedroomed properties had been identified and 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 Drawing No. 1740 01 Rev F, 03 Rev B and 04 Rev E received on 23 February 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 (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) An intrusive/Phase 2 investigation(s), to include:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM).

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.

5. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including the Land Contamination Risk Management (LCRM).

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.

6. Prior to any occupation or use of the approved development the RMS approved under condition 5 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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.

7. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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. 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.

9. The use shall not commence until the area(s) within the site shown on Drawing No. 1740 01 Rev E for the purposes of manoeuvring and parking of vehicles has been

provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

10. Prior to first occupation the EV charging point as shown on Drawing No. 1740 01 Rev E shall be provided and shall be retained thereafter.

Reason: To ensure the provision for charging of electric vehicles in accordance with Suffolk Guidance for Parking (2019) and to promote sustainable transport methods.

11. The use shall not commence until area(s) within the site shown on Drawing No. 1740 01 Rev E for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

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

12. The areas to be provided for the storage and presentation of refuse and recycling bins as shown on Drawing No. 1740 01 Rev E 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.

13. 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 accesses are first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on 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.

2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-

naming-and-numbering or email

llpg@eastsoffolk.gov.uk

3. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: www.suffolk.gov.uk/environment-andtransport/highways/dropped-kerbs-vehicular-accesses/

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

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

The Committee considered report ES/1074 which set out details of the planning application seeking permission for a new dwelling and associated works on land at 73 Beccles Road, Bungay. The design and layout of the development had been amended during the application process and was now considered to accord with the Development Plan.

The application was before Committee as the officer recommendation was contrary to the views of the Town Council.

Members received a presentation showing the aerial view, site location plan, photographs from the road and within the site, the location of the proposed dwelling, the three trees to be removed and their proximity to the powerlines, elevations of the proposed dwelling being 1 1/2 storey with cladding, the relationship with Nos. 69 and 73, and the proposed floor plan layout.

The Principal Planner advised that, whilst it was regrettable that three trees were to be removed, there would be additional tree planting on the site. In context, there was no problem with the principle of the development and in amenity terms, it was considered to be acceptable. The two first floor windows on the western site would be obscure glazed. The applicant would be required to serve notice on the relevant landowners in order to use the shared driveway; however, that was a legal and administrative task that would not influence planning considerations but had to be undertaken prior to any decision notice being issued. The principle of the development was supported by the Local Plan and the amended design, as shown, was considered to be acceptable for the site. Approval was, therefore, being recommended.

In response to a Member's question relating to the rare, mature copper beech tree that was to be removed, the Principal Planner advised that the Council's Arboricultural Officer was of the opinion that it had limited amenity value and outside of this application, it could be felled. It was unfortunate but acceptable.

The Chairman invited the public speakers to address the Committee.

On behalf of Bungay Town Council, Dr K Lodge advised that he would not reiterate what had previously been said and seen but would mention the following. The claim that it was previously developed land and therefore a brownfield site could not be substantiated. The lady at No. 67 had lived there since 1965 and her late husband since 1940 and the land in question had always been a garden. The ownership of the access track in paragraph 9.2 in report was in dispute. This had been tarmacked and maintained by the previous owners who established the small caravan site. The site location plans had not included any garden or driveway for No. 73 but they were crucial for the parking and turning of vehicles. The conditions required would not be enforceable if the area so designated was not within the red line drawing. On the Design Statement, the comments presented were informal; they had not been commissioned for a tree survey or design advice. Cutting down trees and replacing them with sticks would not retain the ecology. If the application was accepted, the previous plan was better than the new proposal which was totally out of keeping and the planners suggestion of a bungalow would be more appropriate.

Mr J Putman, agent, made comment on the officer's report in that it addressed the Town Council's comments relating to the flood zone. There was good highway access and new trees were to be planted providing screening from the highway. He advised that the access was used by three dwellings not five. The proposed dwelling would sit between two pre-war bungalows and immediately to the east was a further access serving other properties. There was a range of styles in the area conforming to designs at the time they were built and the current contemporary design and materials complied with Building Regulation requirements. The proposal would not cause problems to others, it complied with the relevant planning policies and Mr Putman requested approval of the application.

Members discussed the proposal before them and expressed concerns over the design not being in keeping with the area of more traditional style dwellings. Whilst the site could be considered to be suitable for development, the design needed to be more appropriate for the area. The design was contemporary in its own time, but not suitable in this location. A proposal for refusal was made.

In response to comments, the Principal Planner advised that the Broads Authority had been consulted and made no comments on the application. The site was not in the Conservation Area or AONB and whilst understanding concerns that had been expressed about the contemporary form of the dwelling, that was not a reason for refusal. Members suggested that consideration could be given to changing the design to something more acceptable for the area.

In noting the views of the Committee on the design of the dwelling, the Planning Manager proposed that, should the Committee accept the principal of the development, a deferral would allow the Planners to go back to the applicant and discuss the possibilities of an amended design.

The Democratic Services Officer reminded the Committee that a proposal for refusal was on the table; that would need to be seconded and voted on or withdrawn before another motion could be considered. The Chairman sought agreement from the proposer of refusal to withdraw that motion; it was agreed.

The Chairman's proposal that contact be made with the agent for discussion on a more acceptable design was duly 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/21/5332/FUL - The Lugger, 13 Linden Close, Aldeburgh

The Committee considered report ES/1073 which gave details of the planning application for the use of the proposed annex approved under DC/21/3363/FUL to also be used for holiday letting.

Members received a presentation showing an aerial view and site location which was within the settlement boundary. The host property was one of a mix of properties in the road, standing on a larger plot. It was proposed create a one-bedroomed annexe for both elderly relatives and for holiday letting and the presentation showed the site and both existing and proposed floor plans and elevations.

The Planner explained that the site was in a sustainable location and supported by tourism policies in the Local Plan. The one-bedroomed two person accommodation would not create any significant impact; there was adequate parking on site and cycle storage would be available. Approval was being recommended subject to conditions including that relating to the 56 day holiday use. Whilst he understood the RAMS payment had been made, that had not yet been confirmed, so authority to approve was being sought.

Members raised questions relating to the reasoning for this application to come to Committee, the 56 day rule for holiday letting use, and the circumstances for this application to change from accommodation for elderly relatives to holiday letting. The Planner advised that the proposal was in accordance with the Local Plan providing tourist accommodation and not long term rent. Adequate parking was being provided. There were no demonstrable reasons to refuse planning permission for tourist use. The Planning Manager confirmed that the initial application in December 2021 was acceptable on its own merits. A number of other proposals had come forward seeking to utilise annexes for holiday accommodation which allowed flexibility on use and for financial reasons.

Under public speaking rules, the Chairman asked the applicant to address the Committee.

Mrs Francis explained that they were looking after her parents due to ill health and the reason for the application for short term rental was to raise income to cover the cost of improving the value of their property until her parents were ready to move in. There was no other underlying reason. There was space for the proposal without affecting anyone, eight cars could fit on the driveway and nothing in the proposal would impact on their neighbours. Her parents would move in when the time was right. Mrs Francis

explained that they lived on site so it was possible to control the lettings which would be for a maximum of two adults, no pets, with adequate parking being provided on the driveway. It would be run separate to their household with a log of residents and payments.

Members noted that condition 3 provided for an up-to-date register of all lettings which could be inspected by the Local Planning Authority at all reasonable times. The Planning Manager confirmed that such a condition had been in use for a number of years and nowadays it was much easier to view a register with so much more being undertaken on-line.

Comment was made that it was disappointing that the Town Council had not attended to explain their objections to this application and it was hoped that Town/Parish Councils would, in future, take up the opportunity to address the Committee. It was suggested that the Government needed to change legislation to ensure a change of use was necessary for dwellings to be turned into holiday lets.

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

RESOLVED

That authority to approve be granted, subject to receipt of RAMS payment 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 no. 15 153 - 100 received 26.11.2021.

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

3. The accommodation may be occupied either for purposes incidental to the use of the dwellinghouse (13 Linden Close) or for occupation by a relative or dependant of the householder or his or her spouse; or may be used as holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting the said Order). The duration of occupation by any one person, or persons for holiday use shall not exceed a period of 56 days in total in any calendar year, unless the Local Planning Authority agrees in writing to any variation. The owners/operators of the holiday unit hereby permitted shall maintain an up-to-date register of all lettings, which shall include the names and addresses of all those persons occupying the unit during each individual letting. The said register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure the development is occupied only as bona-fide holiday accommodation or as an annexe to the principal residence, having regard to planning

policies, tourism objectives and to ensure the use and parking area remains 13 Linden Close.

4. 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.

5. The use shall not commence until details of the areas to be provided for the manoeuvring, parking of vehicles, including secure cycle storage, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided in accordance with Local Plan Policy SCLP7.2 and in the interests of sustainability.

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 Committee considered report ES/1075 which was seeking permission for various external works at Water Lane Leisure Centre. The application was before Committee as the Council was the applicant.

The Planner explained that the works included the relocation of the bin store which would be enclosed in 1.8m high timber featheredge boarding with access gates; the existing gravel margin to the squash area was to be removed and replaced with tarmac surface; a new additional bike rack facility was to be installed to the front of the building; a new canopy over an existing bike rack was to be installed; and the south edge of the site would be re-landscaped.

Members received a presentation showing the site location, aerial view, various photographs within the site showing locations of proposed improvements, both existing and proposed block plans, and landscaping improvements.

The Planner outlined the material planning considerations and key issues and explained that there were no adverse impacts and the works would improve facilities for the users of the leisure centre. Approval was therefore recommended.

Note: *Councillor Brooks and Rivett made declarations of interest at this point in the meeting.*

Members supported the application and there being no specific questions, 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:

- Location and Existing Site Plans, 001 Rev A, received 14/01/2022
- Proposed Plans, 001 Rev A, received 14/01/2022 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. Prior to the removal of the existing landscaping to the southern boundary as shown on drawing 002 A, a hard and soft landscaping scheme for the area shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall include proposed means of enclosures; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); 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 proposed landscaping works shall then be completed within 6 months of the removal of the existing landscaping. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: In the interests of visual amenity and the character and appearance of the area.

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 3.27pm.

.....
Chairman



PLANNING COMMITTEE

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

10 May 2022

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 22 April 2022. At present there are 13 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column 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.

RECOMMENDATION

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	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.	<ul style="list-style-type: none"> • 15/10/2010 - EN 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 – EN’s served and become 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 	31/06/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • 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. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 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 being 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. • 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). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 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- 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 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. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. • 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 • Site visited. Case currently with the Council’s Legal Team for assessment. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Charging orders have been placed on the land to recover costs. 	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> Authorisation granted to serve Enforcement Notice. 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 21/07/2015 – Application to be reported to Planning Committee for determination 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. 	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 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. • Review in April 2021. • 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 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) 	28/05/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/10/2018 – PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served. • 01/04/2019 – Enforcement Notice served. • 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Start date has now been received, Statements are due by 12/12/2019. • Awaiting Planning Inspectorate Decision • Appeal Dismissed with variations. Compliance by 20 January 2021 • Site visit due at end of January 2021. • 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021 • 03/06/2021 – site re visited, no compliance, case passed to Legal Department for further action to be considered. • Legal action being considered. • Case to be heard at Court on 15/10/2021 • Court Case adjourned until 12/11/2021 • Court case adjourned for trial on 24/01/2022 • Court case adjourned until 01/02/2022 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Owners and Tenant pleaded guilty to the charges and were fined £2000 and £1000 respectively plus costs. The majority of the site has now been cleared with the rest to be done by mid May 2022. 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period Appeal submitted. Awaiting Start date 	31/05/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. • 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 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use • Appeal started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with some amendments. Compliance by 11/12/2020 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Site visit to be undertaken after 11/12/20 • Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action. • Further visit to be done on 25/03/2021. • Site visit completed, Notices not complied with, file passed to Legal services for further action. 	
ENF/2015/0279/DEV	05/09/2018	North	Land at Dam Lane Kessingland	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.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • 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 	31/05/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • 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. • Court hearing in relation to structures and fencing/gates 03/03/2021 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 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. • Further visit conducted on 04/05/2021 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 10th August 2021 for the structures to be removed • Site visited on 13/08/21 all structures removed from the site. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543/DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	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.	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. • Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 • Awaiting date of hearing from Planning Inspectorate. • Hearing date set for 02/02/2021. • Hearing adjourned until 09/03/2021 • Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. • Awaiting Decision • Appeal dismissed and partial costs to the Council 	30/06/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Compliance with Notice by 18/08/2021 • Extension of time granted for compliance until 31/10/21. • Further extension granted until 15/11/2021. • Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered. • Certificate of Lawful Use (Proposed) application submitted. • Certificate of Lawful Use (proposed) refused. 	
ENF/2018/0090/DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> • Enforcement Notice served 10/12/2019 • Awaiting site visit to check on compliance • Site visit undertaken, summer house still in situ. Further action to be considered. • Property has now changed hands. Contact with new owner to be established. 	30/05/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Officers are now in contact with the new owners and are discussing a way forward. • Six weeks given for summerhouse, decking and steps to be removed. • New planning application has been submitted. Case on hold until determined. • Planning permission has been granted for retention of the decking element. Removal of summerhouse and steps have been conditioned. • Summerhouse to be removed by 10th June 2021 • Site visit to be undertaken. • 16/09/2021 – Site visited, summerhouse still in situ, letter sent requiring removal. • New Planning application submitted for retention of summerhouse. • Planning application refused; letter sent requiring 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					compliance with conditions by 11/05/2022.	
ENF/2019/0307/C OND	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> • 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. • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022. • Awaiting Planning Inspectorate Decision 	25/02/2022 and 25/04/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/21/0441/SEC2 15	03/02/2022	North	28 Brick Kiln Avenue, Beccles	Untidy site	<ul style="list-style-type: none"> S215 (Land adversely affecting amenity of Neighbourhood) Notice served 07/02/2022 	11/06/2022
ENF/21/0051/USE	10/03/2022	North	Land West Of Guildhall Lane, Wrentham	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)	<ul style="list-style-type: none"> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 	11/08/2022
ENF/20/0131/LISTL	17/03/2022	North	6 Upper Olland Street, Bungay	Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	<ul style="list-style-type: none"> 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. Appeal submitted. Waiting for start date from the Planning Inspectorate. 	18/07/2022
ENF/21/0003/DEV	07/04/2022	North	26 Highland Drive, Worlingham	High fence adjacent to highway.	<ul style="list-style-type: none"> 07/04/2022- Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 	09/07/2022

Committee Report

Planning committee - 10 May 2022

Application no DC/21/1166/FUL

Location

Land Off
South Close
Leiston
Suffolk

Expiry date 8 June 2021
Application type Full Application
Applicant Flagship Housing Group Limited

Parish Leiston Cum Sizewell

Proposal Construction of 10no. dwellings with associated access, infrastructure, garden sheds and landscaping, and demolition of garages

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

1. Summary

- 1.1 This application seeks full planning permission for the development of 10 dwellings and associated infrastructure.
- 1.2 The site lies within the physical limits of Leiston as defined within the Leiston Neighbourhood Plan.
- 1.3 The application was deferred by the Planning Committee on 14.09.2021 "to enable officers to discuss with the applicant the Committee's concerns regarding the proposed number of dwellings and the loss of green space."
- 1.4 The application has been subject to amendment to revise the design of plots 1 and 2 to improve the relationship to 3 South Close and reduce impact. The number of units on the site has not been changed because this would have an unacceptable impact upon the viability of the development.

The Case for Development

- 1.5 The site lies within a sustainable location where policy Neighbourhood Plan policy P1 states that development proposals will be supported subject to compliance with other policies in the development plan.
- 1.6 The site is an existing garage court associated with an estate dating from the mid 20th century and contains 48 garages. These have however not been in use since 2011. Neighbourhood Plan policy TM4 requires any redevelopment of communal parking garages to provide alternative and equivalent parking space.
- 1.7 In this instance, the scheme provides 8 visitor spaces, in addition to the parking serving the 10 dwellings. This is considered to adequately provide for the level of recent use of the parking court. The application is therefore considered to be an acceptable departure to the Development Plan (Policy TM4).
- 1.8 Overall, the design of the development is considered to be acceptable and in conformity with the requirements of Development Plan. The development will provide 10 affordable dwellings and will deliver an acceptable mix of house types, sizes and designs whilst providing a high-quality environment.
- 1.9 The green space off South Close is not identified for protection within the Neighbourhood Plan and Leiston Town Council do not raise objection to the development/its loss.
- 1.10 The principle of residential development on the site is accepted and the proposal is an acceptable departure to the Neighbourhood Plan.

Reason for Committee

- 1.11 This application was originally referred to the Planning Committee by the Head of Planning and Coastal Management under the terms of the Scheme of Delegation as the development is a departure to the Development Plan. It is returned following deferral by the Planning Committee in September 2021.

Recommendation

- 1.12 Officers are seeking authority to approve the application with conditions, subject to the completion of a Section 106 legal agreement to secure the necessary obligations.

2. Site Description

- 2.1 The application site is 0.329 hectares in area and comprises a former communal parking court with two blocks of single-storey garages for cars and hard surfacing and areas of grass surrounding these buildings. The site has accesses onto South Close and Quakers Way.
- 2.2 The garages (48 in total) were last used in 2011 and the site has been largely vacant since, with security fencing installed around much of the site including the garage blocks. There is a detached single garage building used by the residents of 56 Seaward Avenue, which has been vacant since 2017.
- 2.3 The site is bounded by residential properties to the north and east. To the north the site is two storey houses and their rear curtilages, on Seaward Avenue and South Close. No 3 South Close lies immediately to the north. To the east are a pair of semi-detached two-

storey houses known as Quakers Cottages, and the curtilage to 2 Quakers Cottage. To the south is Quakers Way, a cul-de-sac with two-storey houses on the opposite side, which is used as a drop off area for Alde Valley Academy. To the west is South Close also with two-storey houses on the opposite side. At the west of the site, near the corner of South Close and Quakers Way, there is a single storey building which comprises three dwellings, Nos 9 and 11 South Close and 49 Garrett Crescent. The application site bounds three sides of its curtilage.

- 2.4 The town centre is approximately 400 metres to the northwest. Alde Valley Academy lies 50m to the east, on the other side of Quakers Cottages; the Leiston Primary School is approximately 180m to the northeast, and the Leiston Leisure Centre is approx. 150m to the southeast.
- 2.5 The site and the surrounding area is generally level, although there is a slight fall south to north from Quakers Way.
- 2.6 The site has an open boundary to Quakers Way and South Close. Otherwise, the site bounds private residential curtilages and domestic fencing, and hedges form these boundaries. Within the site there are several open areas laid to grass. A number of trees exist along the north and east boundaries, as well as a mature Lime tree on the northern side of 9 South Close.
- 2.7 An application for the erection of 8 dwellings on the site was submitted in 2010 ref C10/3246/FUL, which was withdrawn.

3. Proposal

- 3.1 This application seeks full planning consent for the development of 10no. dwellings, together with associated landscaping, garden sheds, infrastructure and access.
- 3.2 All ten dwellings will be affordable homes, to be secured by section 106 agreement. The ten residential units comprise:
 - 6 no. 1-bed single-storey houses / bungalows [plot nos. 5 to 10 inclusive], and
 - 4 no. 2-bed two-storey houses [plot nos. 1 to 4 inclusive].
- 3.3 The dwellings will comprises six buildings: Plots 1 and 2 form a pair of semi-detached houses; Plots 3, 4 and 5 form a row of two houses and a bungalow at one end; Plots 6, 7 and 8 are detached bungalows; and Plots 9 and 10 form a pair of semi-detached bungalows.
- 3.4 4 of the bungalows will be Building Regulations Part M4(2) - Accessible and Adaptable Dwellings and 2 of the bungalows will be Building Regulations Part M4(3) - Wheelchair User Dwellings.
- 3.5 Each dwelling will have a detached timber shed (each with a ground footprint of 2m by 2m) to provide secure bicycle and equipment storage. All existing buildings and structures on the site will be demolished. The dwellings will be heated with Air Source Heat Pumps.
- 3.6 The application was supported by following documents:

- o Application and CIL forms
- o Survey by SJ Geomatics
- o Architectural Package, including Location and Site Plans, Proposed Elevations and Floor Plans, and CGI, by Ashenden Architecture
- o Design and Access Statement by Ashenden Architecture
- o Arboricultural Impact Assessment, including Tree Protection Plan, by A T Coombes Associates
- o Ecological Report by Norfolk Wildlife Services
- o Flood Risk Assessment & Drainage Strategy, and Foul & Surface Water Drainage Strategy Plan, by Rossi Long
- o Preliminary Ground Investigation by A F Howland Associates
- o Parking Note prepared by Rossi Long
- o Rolec WallPod:EV Ready specification
- o Vaillant aroTHERM air source heat pump specifications
- o Planning Statement by La Ronde Wright Limited
- o Obligations (s. 106) statement.

3.7 The application has been supported by a viability statement received 30.03.2022.

3.8 The application has been amended three times since submission and been subject to re-consultation. Additional information has been received in relation to surface water drainage and a noise report in respect of heat pumps. There have been changes to the layout to address highways matters, which has included changes to the access onto South Close, revised position of plots 1 and 2 and retention of lime tree adjacent to 9 South Close and in the last revision, the position of the dwellings on plots 1 and 2 has changed and there has been design amendments to these dwellings. Viability information has been provided to support the development of the 10 dwellings proposed.

4. Third Party Representations

4.1 13 Representations have been received in objection to the proposed development, raising the following key concerns (inter alia):

- o There is not adequate replacement provision for the parking which will be displaced. The properties in Seaward Avenue park to the rear. These properties are unable to park on street to the front.
- o The proposal is contrary to Neighbourhood Plan policy TM4 which requires "Any redevelopment of communal parking garages must provide alternative and equivalent parking space."
- o The proposal will result in loss of tree of significant value to the amenity of the area.
- o The properties to south of 3 South Close will have a deeper plan so that they will be built forward and to the rear of No 3 with resultant significant impact upon light, outlook, sunlight and privacy. Amended plans result in property closer to No 3 with greater impact upon amenity.
- o The displaced parking will affect the safety of school traffic in Quakers Way and Seaward Avenue.

4.2 Any representations received as a result of the latest re-consultation will be reported in the update sheet.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Leiston-cum-Sizewell Town Council	16 March 2021	7 April 2021
Summary of comments: Councillors acknowledged the breach in the Neighbourhood Plan regarding this site but noted 8 visitor parking spaces had been provided within the development for people to use. Councillors were disappointed regarding the loss of a tree and the green space but felt the development would enhance the area overall. Therefore Leiston Town Council recommend approval.		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	16 March 2021	19 April 2021
Summary of comments: SCC as LHA recommends a holding objection until such time as it can be demonstrated that safe and suitable access can be achieved for all users		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	21 June 2021	21 June 2021
Summary of comments: Please that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development. If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.		

Consultee	Date consulted	Date reply received
Ward Councillor	6 April 2021	6 April 2021
Summary of comments: Concern at loss of light and overlooking of 3 South Close. Loss of green space and trees. Concern at ground conditions in western part of site given report submitted with application in		

2010.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	16 March 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	16 March 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	16 March 2021	6 April 2021
Summary of comments: The loss of the mature lime tree from the site is regrettable and, as recognised in the ecological report, will result in a minor negative impact on local biodiversity. As well as the mitigation for the loss of the lime tree, the ecological report identifies the need for other small scale biodiversity mitigation and enhancement measures. These should be made a condition of planning permission. RAMS payment is required and must be secured prior to the application being determined.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 March 2021	14 April 2021
Summary of comments: No objections in principle to the proposed development, however there are concerns at noise impact of air source heat pumps on neighbouring properties. Noise report recommended.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	16 March 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
-----------	----------------	---------------------

East Suffolk Housing Development Team	16 March 2021	26 March 2021
<p>Summary of comments: The delivery of affordable homes is a corporate priority and will be required on all schemes over 10 dwellings. This application has been put forward by Flagship Housing Association, a housing partner of the Council to deliver a scheme of 10 affordable homes for rent. The scheme consists of 6x1 bed bungalows (including 1 M4(3) fully wheelchair accessible property plus 4x2 bed houses. These homes will help meet the need for family and level access living for local residents.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	16 March 2021	No response
<p>Summary of comments: No comments received.</p>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	16 March 2021	No response
<p>Summary of comments: No comments received.</p>		

Consultee	Date consulted	Date reply received
Disability Forum	16 March 2021	No response
<p>Summary of comments: No comments received.</p>		

Consultee	Date consulted	Date reply received
East Suffolk CIL	16 March 2021	17 March 2021
<p>Summary of comments: Affordable housing relief may be granted for any on site affordable housing where the criteria in the CIL Regulations is met.</p>		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	16 March 2021	8 April 2021
<p>Summary of comments:</p>		

Contributions for library provision and early years will be sought through CIL.

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	16 March 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Natural England	16 March 2021	18 March 2021
Summary of comments: A suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable.		

Consultee	Date consulted	Date reply received
SUSTRANS	16 March 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	16 March 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	6 April 2021	20 April 2021
Summary of comments: The proposals require the removal of one Category B tree (Lime) adjacent to the entrance to the site. This removal is regrettable as this tree had the potential to contribute to local landscape amenity for many years to come.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	19 March 2021	19 March 2021
Summary of comments: No additional water supply for fire fighting purposes is required in respect of this planning		

application.

Re-consultation consultees – (undertaken 09 July 2021)

Consultee	Date consulted	Date reply received
East Suffolk CIL	9 July 2021	13 September 2021
Summary of comments: Internal - no comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Disability Forum	9 July 2021	12 July 2021
Summary of comments: The Suffolk Coastal Disability Forum has no additional comments to make.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Natural England	9 July 2021	16 July 2021
Summary of comments: We advise that you should not grant permission until such time the implementation of RAMS measure has been secured.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	9 July 2021	26 July 2021
Summary of comments: Provided that a 10 dB reduction for screening attenuation is achieved as predicted at some existing dwellings, then the requirements of the permitted development noise guidance should be achieved and I have no further comments or recommendations at this stage.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	9 July 2021	5 April 2022
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	9 July 2021	8 April 2022
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Leiston-cum-Sizewell Town Council	9 July 2021	4 August 2021
Summary of comments: Councillors noted the changes to the application and recommend approval.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	9 July 2021	27 July 2021
Summary of comments: No further comments to make in respect of the re-consultation		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	9 July 2021	20 August 2021
Summary of comments: The improved layout, including improved inter-visibility to the direct access on to South Close means that the highway authority is able to lift its holding objection subject to the imposition of conditions: details of layout/access onto Quakers Lane; visibility splays; means to prevent discharge of surface water onto the highway; parking/manoeuvring; electric vehicle charging; refuse/recycling.		

Consultee	Date consulted	Date reply received
SUSTRANS	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	9 July 2021	26 July 2021
Summary of comments: Internal - comments incorporated into report.		

Consultee	Date consulted	Date reply received
Ward Councillor	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	9 July 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	9 July 2021	5 April 2022
Summary of comments: No comments received.		

Re-consultation consultees – (undertaken 25 May 2021)

Consultee	Date consulted	Date reply received
East Suffolk CIL	25 May 2021	25 May 2021
Summary of comments: Internal.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Disability Forum	25 May 2021	28 May 2021
Summary of comments: We think the applicant should be clear in respect of whether all the dwellings will meet Part M4(2) and therefore be accessible and adaptable, and that one bungalow does actually meet Part M4(3) of the Building Regulations. All bathrooms look small & could be difficult to navigate for a wheelchair user.		

--

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Natural England	25 May 2021	28 May 2021
Summary of comments: Natural England has previously requested further information on this proposal in our letter dated 17 March 2021. The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	25 May 2021	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
Leiston-cum-Sizewell Town Council	25 May 2021	2 June 2021

Summary of comments:
Further to our previous recommendation, Leiston Town Council recommend approval.

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	25 May 2021	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	25 May 2021	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	25 May 2021	No response

Summary of comments:
No comments received.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	25 May 2021	4 June 2021

Summary of comments:
We have reviewed the submitted documents and we recommend approval of this application subject to conditions regarding implementation of FRA/Drainage Strategy; details of drainage infrastructure and construction surface water management.

Consultee	Date consulted	Date reply received
SCC Highways Department	25 May 2021	17 June 2021

Summary of comments:
The Highways Authority recommends that permission be refused as the development, as currently

proposed, would likely result in an unacceptable impact on highway safety due to the sub-standard inter-visibility that appears to be achievable at the northern access junction onto South Close.

Consultee	Date consulted	Date reply received
SUSTRANS	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Ward Councillor	25 May 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	25 May 2021	No response
Summary of comments: No comments received.		

Final re-consultation – (undertaken 05 April 2022)

Consultee	Date consulted	Date reply received
East Suffolk CIL	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Disability Forum	5 April 2022	8 April 2022
<p>Summary of comments:</p> <p>The application remains unclear that all dwellings will meet Part M4 of the Building Regulations in this planning application. All dwellings should be visitable and meet Part M4(1), and at least 50% of the dwellings should meet the 'accessible and adaptable' standard Part M4(2).</p> <p>It is our view that in housing developments of over 10 dwellings, at least one of the dwellings should be built to wheelchair standard Part M4(3). It is not clear whether one of the bungalows now meets that standard following the changes to the original plans.</p> <p>As this development will attract people with restricted mobility, there should be more parking spaces that are wide enough for wheelchair users. A further wider parking space could be included as one of the 5 spaces for visitors as well as giving consideration to wider spaces for all the bungalows meeting Part M4(2).</p> <p>Consideration should be given to the location of electric charging points so that electric cables do not have to be trailed across rear gardens in order to reach the cars.</p> <p>Every effort should be made to ensure all footpaths are wide enough for wheelchair users, with a minimum width of 1500mm, and that any dropped kerbs are absolutely level with roads for ease of access.</p>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Natural England	5 April 2022	No response

Summary of comments:

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	5 April 2022	No response

Summary of comments:

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	5 April 2022	5 April 2022

Summary of comments:
No comments

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	5 April 2022	8 April 2022

Summary of comments:
This scheme is being delivered as an 100% affordable (Socially Rented) housing scheme. It includes 2x1 bed bungalows delivered as M4(2), wheelchair visitable properties and 2x1 bungalows delivered as M4(3) wheelchair adaptable homes. All 4 bungalows will help meet local housing need for residents with mobility impairments.

Consultee	Date consulted	Date reply received
Leiston-cum-Sizevell Town Council	5 April 2022	No response

Summary of comments:

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	5 April 2022	No response

Summary of comments:

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	5 April 2022	5 April 2022

Summary of comments:

Previous consultation response remains valid until 07 October 2022.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SCC Highways Department	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SUSTRANS	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
-----------	----------------	---------------------

Ward Councillor	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	5 April 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	5 April 2022	5 April 2022
Summary of comments: No additional comments		

6. Publicity

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

Category	Published	Expiry	Publication
Departure	25 March 2021	15 April 2021	East Anglian Daily Times

7. Site notices

General Site Notice
Reason for site notice: Major Application; Contrary to Development Plan
Date posted: 24 March 2021
Expiry date: 14 April 2021

General Site Notice
Reason for site notice: Major Application
Date posted: 24 March 2021
Expiry date: 14 April 2021

8. Planning policy

SCLP5.10 - Affordable Housing on Residential Developments (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)

SCLP9.2 - Sustainable Construction (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.6 - Sustainable Drainage Systems (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

H2 - Housing Mix (Leiston Neighbourhood Plan - 'Made' March 2017)

H3 - Residential Density and Design (Leiston Neighbourhood Plan - 'Made' March 2017)

LG2 - Greens and Verges (Leiston Neighbourhood Plan - 'Made' March 2017)

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

TM4 - Parking Garages (Leiston Neighbourhood Plan - 'Made' March 2017)

FL1 - Addressing Localised Flooding Matters (Leiston Neighbourhood Plan - 'Made' March 2017)

National Planning Policy Framework 2021 (NPPF)

9. Planning Considerations

Principle of Development and Impact on Car Parking Provision

- 9.1 The site is located within the settlement or "physical limits" boundary of Leiston, as defined by both the Local Plan and the Neighbourhood Plan. The settlement hierarchy under policy SCLP3.2 of the Local Plan categorises Leiston as a Market Town.
- 9.2 Policy SCLP3.3 of the Local Plan states that "New development within defined settlement boundaries will be acceptable in principle, subject to consideration of other relevant policies of the development plan". Policy PL1 of the Neighbourhood Plan also states that "The development of Leiston town shall be focused within the physical limits boundary."
- 9.3 The site is also brownfield or previously developed land, and its re-use is supported by the NPPF. The principle of residential development, of the scale proposed, is therefore established. The site is a sustainable location, by virtue of its location within the town.

- 9.4 The site is however an existing parking court where Neighbourhood Plan POLICY TM4: PARKING GARAGES states: *"Any redevelopment of communal parking garages must provide alternative and equivalent parking space.
Alternative parking/storage provision will be required to meet the following criteria:
o the scale of the alternative site must be of an equivalent scale to the existing parking provision; and
o the location of the alternative provision must be in very close proximity to the existing site and must be accessible by car."*
- 9.5 Car parking spaces to be provided within the site as part of the scheme are a total of 14no. allocated spaces for residents of the ten proposed dwellings - 2no. for each 2-bed house and 1no. for each 1-bed bungalow - and in addition a total of 8no. visitor spaces. The visitor spaces are located in three places: 5no. alongside Quakers Way, 2no. opposite plot 2 and 1no. by plot 8. A further car parking space, bringing the overall total on the proposed site to 23, is provided for the neighbouring property at 56 Seaward Avenue, in lieu of the detached single garage that had previously been provided for that house.
- 9.6 In relation to the requirements of TM4, Transport consultants Rossi Long (RLC) were commissioned to assess the matter and a Parking Note has been submitted in support of the application. It confirms that previously the site was in use for garaging for local houses. A total of 48 garages occupy the site, however due to lack of uptake and general disrepair, the garages were last occupied in 2011. The remainder of the site is currently a hardstanding area occasionally used by local residents for informal parking. It is understood that these people have no legal right to park on the site.
- 9.7 In order to understand the quantum of parked cars which may be displaced upon development of the site, a site visit and parking survey was undertaken by RLC on a Wednesday in November 2019 during the hours of 12.30-14.00 and again on the evening of Friday 15 November (18.30-19.00) and morning of Sunday 24 November 2019 (09.00-09.30). These surveys were undertaken when there was the greatest potential for local residents to be at home (and hence park their car on the site).
- 9.8 The results of the additional surveys were similar to the first, with 5No. cars parked on the site on the Friday evening, and 5No. cars and 1No. caravan parked on the Sunday morning.
- 9.9 The Suffolk Guidance for Parking, parking space requirement is 0.25 visitor spaces per dwelling, which for a proposal for ten dwellings means a requirement of 2.5no. (rounded up to 3no.) spaces in total for this application. The scheme therefore represents a surplus of 5no. visitor spaces.
- 9.10 The application does not propose to allocate any of the eight visitor spaces to be formed on the site for parking and the applicant would be content to agree to a condition that requires in perpetuity that the 8no. visitor spaces are kept available for the purposes of visitor parking for both on- and off-site residential properties. In view of these considerations and the continued availability of a limited but adequate number of visitor spaces for visitors to the locality, the redevelopment of the site should therefore not be dependent on having to provide an equivalent or similar parking site as required by TM4.

- 9.11 Furthermore, the removal of the garage structures will represent an improvement in amenity to nearby residents in regards to their appearance and potential for anti-social behaviour.
- 9.12 The proposal is therefore compliant with policies SCLP7.2, SCLP11.1 and SCLP11.2 of the Local Plan, policies TM3 and is an acceptable departure to the requirements of TM4 of the Neighbourhood Plan.

Affordable housing delivery

- 9.13 The scheme is for all 10no. dwellings proposed to be affordable housing. All 10no. dwellings proposed would be in the social rent tenure, which is to be secured by a section 106 agreement. The housing will be retained by the applicant, Flagship Housing Group, a registered social landlord and a registered charity, and would be made available to meet an identified local need. Through delivering new affordable homes the proposal would have a positive impact on the affordable housing provision in the town. The East Suffolk Housing Strategy and Enabling Manager confirms the delivery of affordable homes is a corporate priority and will meet an identified housing need in Leiston.
- 9.14 Whilst policy SCLP5.10 would ordinarily require a mix of affordable tenures (50% affordable or social rent, 25% shared ownership, 25% discounted home ownership) within the component of affordable housing provided within a larger mixed affordable and market homes development, it is considered that the scheme of 10 houses, which would only be required by the policy to provide three affordable homes (therefore 2no. social rent and 1no. either shared or discounted ownership) will contribute towards local affordable housing need to a greater extent than this policy provision.
- 9.15 The proposal is therefore compliant with policies SCLP5.8 and SCLP5.10 of the Local Plan, policies of the Neighbourhood Plan, and the NPPF.

Design and layout

- 9.16 The mix of single- and two-storey buildings and exterior materials proposed, are sympathetic to the existing character of the wider residential area surrounding the site. The redevelopment of the site, with its existing dilapidated structures, to create the proposed scheme of houses and bungalows, will significantly enhance the character and appearance of the area.
- 9.17 Some verges bounding the site at Quakers Way are covered by policy LG2 of the Neighbourhood Plan, and these have been incorporated into the layout of the scheme accordingly.
- 9.18 The D&A Statement confirms that all the houses and bungalows will meet the Decent Homes Standard, in respect to the internal size of liveable accommodation provided. The bungalows at plots nos. 6 and 7 will be fitted to Lifetime Homes standard, each incorporating a wet room and scooter store and are fully Part M(2) compliant.
- 9.19 The other four bungalows will also be built as 'accessible and adaptable dwellings' in accordance with building regulations, by virtue of their layout, and would be readily capable

of achieving Lifetime Homes standard by a different fit-out in the future, should the specific need arise.

- 9.20 4 of the bungalows are proposed as Building Regulations Part M4(2) - Accessible and Adaptable Dwellings and 2 of the bungalows (Plots 6 and 7) as Building Regulations Part M4(3) - Wheelchair User Dwellings.
- 9.21 Two variants of exterior materials are proposed to be used on the walls and roofs of the dwellings and two types of boundary treatment to be used, including garden walls. The designs represent an appropriate balance between providing some variety in the street and roof scenes, whilst also retaining a sense of unity and are acceptable in context.
- 9.22 The site layout, including with respect to footpaths, parking courts and a parking space, is proposed so that neighbouring private rights that subsist can be maintained as part of the residential development.
- 9.23 The proposal therefore accords with policies SCLP11.1 and SCLP11.2 of the Local Plan, policies H3 and LG2 of the Neighbourhood Plan, and the NPPF.

Residential amenity

- 9.24 The proposals are sympathetic to the residential amenities of existing neighbouring properties and care has been taken to ensure adequate separating distances and no significant harm from overlooking, overshadowing or loss of outlook.
- 9.25 Particular concern has been raised by the residents of 3 South Close and it is acknowledged that the development lies to the south of this neighbouring property and that the houses on Plots 1 and 2 have a greater depth than No 3 so that there is a projection to the rear of the property. The level of projection is limited, such that the level of impact upon light or outlook will not be significant.
- 9.26 The latest amendment has moved units 1 and 2 1m to the East, and 0.5m to the South following concerns raised about shadowing. This has now resulted in the proposed dwellings being set in line with the front façade of 3 South Close. As such, there will be no adverse shadowing from the proposal on the front of 3 South Close, and reduction in shadowing of the front garden of 3 South Close. Regarding the rear, by moving the dwellings south, this will further reduce any limited shadowing on the rear garden and any limited impact, would be acceptable and limited.
- 9.27 Regarding the concerns raised in relation to overlooking, both plots 1 and 2 have now been fitted with angled upper floor windows, ensuring that there would be no overlooking of 3 South Close. The Agent confirms that to reduce any perceived impact on amenity, a further trellis has been added along the northern boundary of plot 1 with 3 South Close, to limit any nominal amenity impacts.
- 9.28 The proposed two-storey houses have been designed so that the only first-floor level side elevation windows are a small obscure-glazed bathroom window to each unit.
- 9.29 There are good distances between the rear walls of the proposed two-storey houses (at plots 3 and 4) and the existing houses on Seaward Avenue.

- 9.30 The other six units are single-storey bungalows, which by virtue of their height have no potential of overlooking, loss of light or similar impact on existing or proposed dwellings.
- 9.31 The relationship between the proposed homes and the retained trees is satisfactory.
- 9.32 Pedestrian access to several rear gates of gardens on Seaward Avenue will continue to be provided and these accesses will benefit from the re-development and residential occupation of the site improving safety/security.
- 9.33 Adequate storage and utility space is afforded to each proposed dwelling. The sheds proposed will provide each bungalow or house with private secure bicycle and equipment storage. Plots 6 and 7 will also feature scooter storage as part of the design. These comply with policy SCLP7.2(a) of the Local Plan.
- 9.34 Air source heat pumps will be installed as part of the development. The units are positioned to a side or rear house wall and by virtue of their sound level, their distance to existing or proposed windows, and intervening boundary walls and fences, the noise impact with regard to residential amenity is acceptable, being compliant with MCS Planning Standards. Following receipt of a noise report the Head of Health has no objections to the development.
- 9.35 The proposal is therefore compliant with policies SCLP11.1 and SCLP11.2 of the Local Plan, policy H3 of the Neighbourhood Plan and the NPPF.

Highways and parking

- 9.36 None of the proposed roads or footways are to be adopted as public highway. The two existing points of access onto the highway would be re-used and adapted for the residential scheme.
- 9.37 The layout originally proposed the re-positioning of the access onto South Close south of its existing location. This resulted in restricted visibility and led to an initial objection from the Highway Authority. Following amendments to the layout to revert access to its original location (Drg 2000 Rev H) the Highway Authority are satisfied with the scheme and recommend the imposition of conditions.
- 9.38 The site is located within good walking and cycling connectivity to local services and facilities, including public transport links, a leisure centre, schools and a college. The location is therefore eminently suitable for residential development, as a sustainable location, with alternative means to the private car being available for residents, including those less able to walk or cycle far, in accessing services and facilities.
- 9.39 Car parking is in compliance with Suffolk Guidance for Parking.
- 9.40 As previously noted, the parking provision includes 8no. off-street visitor parking spaces and is a reasonable compensation for the spaces lost as part of the re-development of this parking court. It is considered an appropriate departure to policy TM4.

- 9.41 'Secured by Design' principles have been incorporated into the proposals to ensure high levels of natural surveillance are provided across the application site. The proposed residential use and rationalisation of vehicle access points will reduce the potential for anti-social activity at the site and reduce traffic through-flow, which in turn will benefit the residential environment of the surrounding area.
- 9.42 The proposal is therefore compliant with policies SCLP7.2, SCLP11.1 and SCLP11.2 of the Local Plan, policies TM3 and an appropriate departure to policy TM4 of the Neighbourhood Plan.

Flood risk and drainage

- 9.43 The application is accompanied by a Flood Risk Assessment & Drainage Strategy, together with a Foul & Surface Water Drainage Strategy Plan, by Rossi Long. This is further to the Preliminary Ground Investigation by A F Howland Associates.
- 9.44 It concludes that the site is situated in Flood Zone 1, a low probability flood zone with a less than 1 in 1000 annual probability of flooding and is at 'very low' or 'low' risk of flooding from all sources, including surface water.
- 9.45 Development within a low-risk area is in compliance with the sequential test requirements of the NPPF.
- 9.46 Foul drainage will discharge to the mains sewer.
- 9.47 A Sustainable Urban Drainage System (SuDS) is proposed to be used as part of the strategy for surface water drainage on the site. The long-term SuDS management would be secured as part of a section 106 agreement.
- 9.48 The proposal is therefore compliant with policies SCLP7.2(d), SCLP9.5 and SCLP9.6 of the Local Plan and policy FL1 of the Neighbourhood Plan.

Ground conditions

- 9.49 The application is accompanied by a Preliminary Ground Investigation by A F Howland Associates. With respect to possible ground contamination, the report concludes that "Chemical analysis shows that all contaminants were below levels of concern and the site is considered to be suitable for the proposed use."

Open space and landscaping

- 9.50 The latest layout proposes the retention of both mature lime trees within the site which represents an improvement upon the original layout which proposed the loss of the tree close to 9 South Close. A fully detailed planting and maintenance schedule would be made a condition of planning permission.
- 9.51 The scheme does not involve the loss of any designated public open space or green space. The verge off Quakers Way within the site is identified within the Neighbourhood Plan as an important verge/green space, protected by policy LG2 of the Neighbourhood Plan, and the space is retained although proposed for use in part as visitor parking. Given the open nature

of the verge when visitor parking is not in use, impact is not considered to be of such significance so as to justify the refusal of this application.

9.52 During consideration by Planning Committee in September, Members were concerned at the loss of an undesignated area of green space close to the South Close frontage, in the location of plots 1 and 2. A reduction in the scheme to allow the retention of this area was given consideration by the applicant but it was concluded by the applicant that this makes the scheme unviable. The area of greenspace is not identified in the Neighbourhood Plan for protection under policy LG2 and no objection has been made by the Town Council to the loss of this area. There is no requirement on the applicant to make this area available for public use and, on balance, the loss of this area is not of such impact upon the nearby community so as to justify the refusal of a much-needed scheme of affordable housing.

9.53 The proposal is therefore compliant with policies SCLP11.1 of the Local Plan; policy LG2 of the Neighbourhood Plan and the NPPF.

Renewable energy and EV charging

9.54 All of the proposed dwellings will be heated by air source heat pumps (ASHPs). The 1-bed bungalows will each have a 4.9kw unit and the 2-bed houses will each have a 7.9kw unit, as appropriate to the internal volumes of the respective dwellings.

9.55 The development will be prepared for the shift to electric vehicle use in the coming decade, and the scheme includes charging infrastructure. Four of the plots - nos. 1, 6, 7 and 8 - will have a Rolec WallPod 'EV Ready' installed at the time of the Development.

9.56 In addition, infrastructure will be included as part of the development so that in future EV charging units can be installed at parking spaces allocated for all the dwellings.

9.57 This is in line with the Suffolk Guidance for Parking 2019, which requires "Ducting and suitable consumer unit to allow the install of one wall charging unit per dwelling when required by householder" and "Minimum Charge Specification: 7.4kw".

9.58 The proposal is therefore in accordance with policies SCLP7.2(c), SCLP9.2 and SCLP11.1(k) of the Local Plan and the requirement for electric vehicle charging provided in the Suffolk Guidance for Parking 2019.

Ecology

9.59 An Ecological Report by Norfolk Wildlife Services is submitted with this application. The actions recommended in the report will be secured by condition. The habitat mitigation ('RAMS') contribution will be secured by a section 106 agreement.

10. Conclusion

10.1 The development will provide a scheme of affordable housing which lies within the physical limits/settlement boundary of Leiston.

- 10.2 The proposal is a re-development of a garage court and represents a departure to Neighbourhood Plan policy TM4 which requires the provision of replacement parking for the garaging affected. There are 48 garages within the existing site and areas of hardstanding. The garages have not been used since 2011, however the site has had some limited use for parking. Traffic surveys carried out to support the development show use by 5/6 vehicles. One of the surveys was on a Friday evening, another Sunday morning and are considered a reasonable indication of local use.
- 10.3 The proposal provides parking in accordance with Suffolk Guidance for Parking and also provides 8 general/visitor spaces which will compensate for the level of use identified in the parking surveys. As a result it is considered reasonable to depart from the requirements of TM4. Leiston Town Council support the development notwithstanding the requirements of Neighbourhood Plan policy TM4.
- 10.4 Whilst the scheme results in the loss of an undesignated area of green space, it is not considered that this will result in such adverse impact upon the character or sustainability of this community/area so as to justify the refusal of this scheme of affordable housing. The scheme will provide a development of 10 affordable houses, including 6 bungalows; 2 Part M4(3) - Wheelchair User Dwellings. The delivery of affordable homes is a corporate priority, and the scheme will meet the local need for residents with mobility impairments. It will result in the redevelopment of little used garages which are close to dereliction and will result in the enhancement of an area within a highly sustainable location within an existing residential area of the town.

11. Recommendation

- 11.1 **AUTHORITY TO APPROVE** with conditions (including but not limited to those below), subject to the completion of a S106 Legal Agreement within 6 months to secure obligations (including but not limited to):
- o Provision of affordable dwellings;
 - o Per-dwelling contribution to the Suffolk RAMS;
 - o Provision and long term management of SUDS;
- 11.2 If the S106 is not completed within six months **AUTHORITY TO REFUSE** the application.

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.

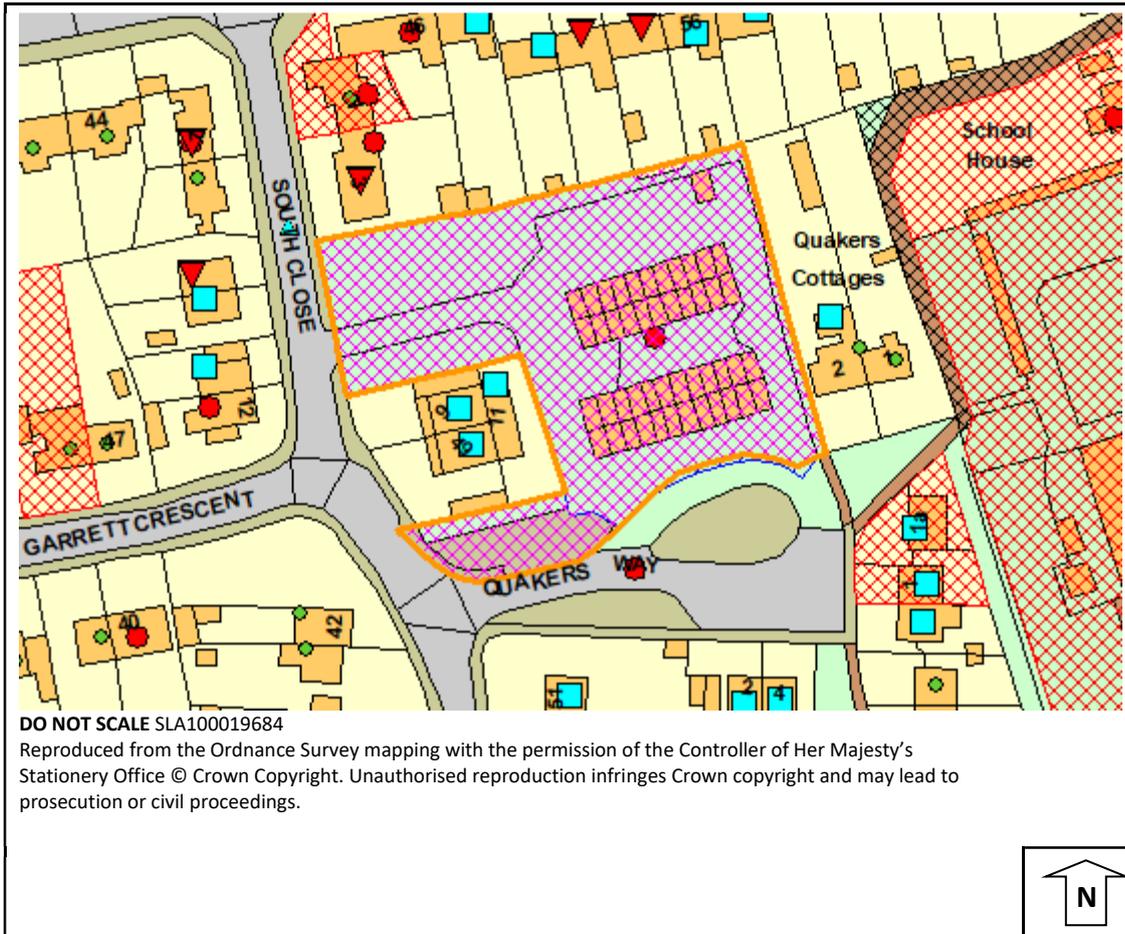
Informatives:

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/21/1166/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 10 May 2022

Application no DC/21/5044/FUL

Location

9 Glebe Close
Lowestoft
NR32 4NU

Expiry date 30 December 2021

Application type Full Application

Applicant Mr Russell Ritchie

Parish Lowestoft

Proposal Construction of two detached dwellings and all associated works.

Case Officer Matthew Gee
07901 517856

matthew.gee@eastsoffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the construction of two single storey dwellings and associated works. A proposal for a single dwelling has previously been approved under DC/21/0709/FUL, and permission was previously refused for two dwellings. However, the application has been amended to address the concerns raised by officers in the previous scheme by increasing the site area and amending the general layout to provide a more spacious layout and better-quality garden spaces for the dwellings. The amended scheme is not considered to have any significant adverse impacts on the character and appearance of the area and would not harm the amenity of neighbouring residents. Furthermore, it is considered to provide suitable amenity for future residents and would have no adverse impacts on highway safety in the area.
- 1.2. The proposal accords with the Development Plan and is recommended for approval.
- 1.3. The application has been referred to Planning Committee via the Referral Panel.

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. Planning permission is sought for the construction of a 2no. three-bedroom single storey dwellings with garages. Plot 1 will have an integral garage with a combined floor area of 173sqm and contains 3/4 bedrooms. Plot 2 has a detached garage with the dwelling having a floor area of 151sqm and containing 3/4 bedrooms. Each dwelling will measure 5.2m at the highest point.
- 3.2. The proposal has been amended during the course of the application to better utilise the site area and provide better amenity for future and existing residents, particularly in terms of their gardens and outlook from rooms.

4. Consultees

Third Party Representations

- 4.1. A total of 15 representations of Objection have been received during the course of the initial and re-consultation, raising the following key material planning considerations (inter alia):
- Impact on flora and fauna
 - Uncharacteristic development for the area
 - Impact on character and appearance of area
 - Impact on amenity from overlooking and overbearing
 - Increased noise and activity
 - Highway safety impacts from increased traffic movements
 - Impact on drainage and water pressure
 - Setting a precedent
 - Overdevelopment of site
 - Increased light pollution
 - Impact on security

- 4.2. One representation from the local Ward Member has also been received raising the following concerns:

"I am quite concerned about this planning application for two bungalows again.

Could you please confirm to me the exact situation with the planning applications in which what has been approved and what has not as this is going on for quite some time.

I have walked and driven in the Close and also one of my residents uses the pavement to go to see her son on the close and she uses a mobility scooter and she says on many occasions

she has difficulty getting past cars that are partly parked on the pavement now. Surely with the likelihood of six further cars using the close this is not acceptable. I believe that this should be refused unless you can come up with a reason why this should go ahead.”

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	14 March 2022	30 March 2022
<p>Summary of comments: The Town Council’s Planning Committee considered this application at a meeting on 30 March 2022. It was agreed to recommend refusal of the application. The Town Council's position on this application remains the same; there are no positive changes to the application and the ecological impact is undiminished.</p>		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	15 November 2021	2 December 2021
<p>Summary of comments: This application was considered at a meeting of the Town Council's Planning Committee on 30 November 2021. It was agreed to recommend refusal of this application, due to overdevelopment of the site, the ecological impact and loss of habitat for wildlife, particularly due to the presence of a wildlife corridor. This application had previously been recommended for refusal by the Town Council and there was no additional detail in the revised application that could mitigate the original reasons for refusal.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	15 November 2021	25 November 2021
<p>Summary of comments: No objections subject to conditions</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	15 November 2021	22 November 2021
<p>Summary of comments: No objections subject to conditions</p>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	15 November 2021	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	15 November 2021	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	15 November 2021	No response
Summary of comments: No comments received		

Re-consultation consultees

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	14 March 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	14 March 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 March 2022	14 March 2022
Summary of comments: No objections subject to conditions		

- 7.2. In September 2021 permission was refused under DC/21/3570/FUL, for two dwellings as officers considered that the layout and design of the scheme resulted in a visually cramped and poor-quality layout, which could also adversely impact on the amenity of neighbouring residents. Since that time, the applicant has acquired further land to increase the size of the application site, allowing the layout to be amended to address this most recent refusal.

Principle

- 7.3. The first issue to be considered is that of principle. Whilst the site is located within the physical limits boundary for Lowestoft and as such does accord with the broad provisions for the location of development, it is not automatically assumed that the site is suitable for development and a number of other considerations and policy implications will need to be assessed. However, the extant planning permissions for development of the site do establish that backland housing development in this location is acceptable in principle. This is a matter first established in the appeal, and then has been reinforced by the LPA in subsequent planning permissions.

Design

- 7.4. 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.
- 7.5. In the previous appeal, the Planning Inspectorate concluded that *“the proposed development would not harm the character and appearance of the area. As such, it would not conflict with Policies WLP8.29, WLP8.32 and WLP8.33 of the Waveney Local Plan (2019) (WLP, which together seek to ensure that seeks to ensure that development complements local character.”*
- 7.6. Permission has previously been granted for a single dwelling of similar design to the two now proposed. Following refusal of the most recent application (for two dwellings) the overall site area has been increased by incorporating an additional parcel of land to the north-west. This increase has facilitated an improved development layout with the scheme appearing far less cramped than the previous refusal.
- 7.7. The overall design of the dwellings is similar to that of the previously approved single dwelling, and it is considered that the simple design and sympathetic use of materials would respond to the character and appearance of the area in an acceptable way.

Amenity

- 7.8. 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. The two proposed dwellings and their layout has been amended during the application to better utilise the

space on site and provide appropriately sized amenity spaces for each property. 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.

- 7.9. 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.
- 7.10. 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.
- 7.11. Permission was previously granted for a single dwelling using the same access point; however, it was acknowledged by officers that the scale of vehicle movement is considered to be limited in a proposed single-unit development, and that the impact would be offset to some extent by removal of car parking from beside the northern elevation of the host bungalow. The erection of two dwellings is considered to result in additional vehicle movements past the house, however, it is not considered that the amenity impacts would be significant enough to warrant refusal of this application. Vehicle movements would be infrequent and not be so noisy or disruptive to cause significant issues.

Highways

- 7.12. The proposed development of a 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 the highway safety. The scheme accords with WLP8.21 (Sustainable Transport).

Biodiversity

- 7.13. 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.
- 7.14. 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

- 7.15. 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.
- 7.16. Concerns have been raised regarding water pressure and drainage issues. The applicant will need to make the appropriate connections, and it is the duty of the individual bodies to ensure that this is completed to an acceptable standard.

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 NPPF.

9. Recommendation

- 9.1. Approve.

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:
- Site Location and Proposed Block Plan, 18/112/03 Rev L, received 07/03/2022
 - Proposed Elevation and Floor plans, 18/112/05 Rev A, received 07/03/2022
- 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 highways 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. L 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.

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.

2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk
3. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

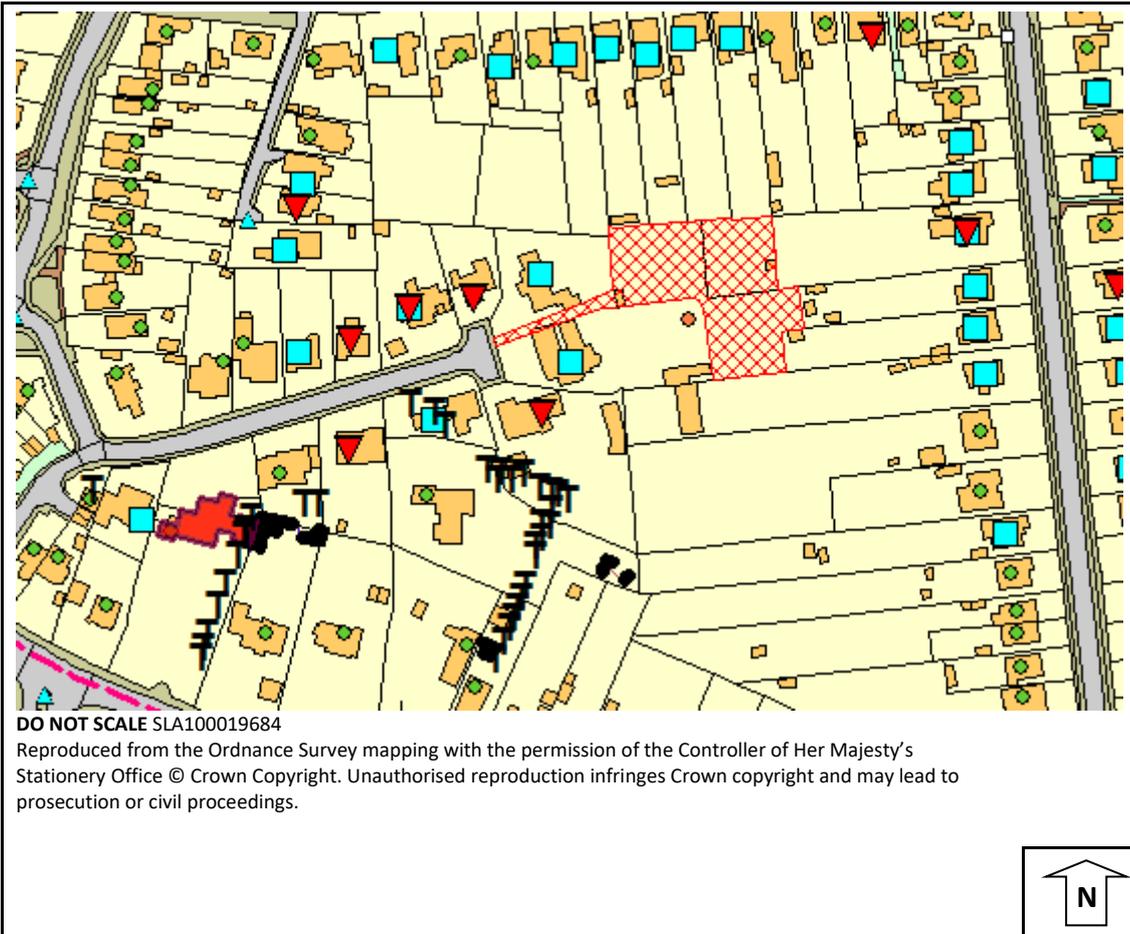
The existing street lighting system may be affected by this proposal. The applicant must contact the Street Lighting Engineer of Suffolk County Council, available through customer services on 0345 606 6171.

Background Papers

See application reference DC/21/5044/FUL on [Public Access](#)

Appendix 1: Appeal Decision Ref: APP/X3540/W/19/3235216

Map



Key



Notified, no comments received



Objection



Representation



Support

Appeal Decision

Site visit made on 7 January 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/X3540/W/19/3235216 **9 Glebe Close, Lowestoft, NR32 4NU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Russell Ritchie against the decision of East Suffolk Council.
- The application Ref: DC/19/2051/FUL, dated 20 May 2019 was refused by notice dated 2 July 2019.
- The development proposed is erection of detached residential bungalow and all associated works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - European designated habitats
 - The character and appearance of the area
 - The living conditions of neighbouring occupiers, with particular regard to noise and disturbance, and
 - The living conditions of future occupiers.

Reasons

European designated habitats

3. The appeal site falls within the 13km zone of influence for the following European protected sites: the Benacre to Easton Bavents Special Protection Area (SPA) and the Sandlings SPA.
4. In connection with the appeal, the appellant has submitted an undated and unsigned (and thus unexecuted) Unilateral Undertaking (UU). The UU is intended to obligate the appellant to make a contribution of £321.22 towards the operation of Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) initiatives. As the submitted UU has not been fully executed it does not contain binding obligations.
5. In the light of the UU's deficiencies I consider the mitigation required to safeguard the SPAs' integrity would be unavailable. As there would be no

appropriate mechanism to mitigate the development's effects on the SPAs, I can only conclude that the development would unacceptably harm the SPAs. The absence of mitigation gives rise to the potential for the SPAs to be harmed, resulting in conflict with Policies SP14 and DM27(i) of the LP1, which together seek to protect designated habitats sites.

6. In the absence of suitable mitigation for the development's effects on the SPAs, I consider the requirements of The Conservation of Habitats and Species Regulations 2017 cannot be discharged. That is because insufficient information is available to me to undertake a Habitats Regulations Assessment for the effect of this development, in combination with others, on the SPAs.

Character and appearance of the area

7. The appeal site is within the garden of the bungalow at No.9 Glebe Close. Glebe Close is a cul-de-sac located within a residential 'block' of land which is delineated by Gunton Church Lane, Clover Way, Gunton St Peter's Avenue and the A47 Yarmouth Road. The block, including Glebe Close, is characterised by a mix of two-storey dwellings and bungalows, with a noticeable prevalence of off-street parking and spacious front gardens within residences in the area. Within this block, a spacious green 'U' exists, which comprises the combined rear garden space of dwellings in the area. Based on the aerial view, the rear gardens towards the eastern part of the block are particularly spacious. The above factors, in combination, contribute to a relative sense of spaciousness in the area.
8. Within the above context, the following factors would help to assimilate the proposed dwelling within its site and area: the somewhat individual nature of the appeal site, given its location off the head of the cul-de-sac in a relatively large rear garden within Glebe Close, towards the centre of the block and the green 'U'; the relative visual containment of the site provided by intervening trees and garden boundaries in the neighbourhood; and the lower-rise, single-storey profile of the proposed bungalow.
9. I note the Council's view that the proposal would sit awkwardly within its plot and undermine the spacious 'ethos' of the area. However, whilst the spaciousness and verdancy of the rear garden of No. 9 would be reduced, the host property's remaining front and rear garden areas would not be significantly out of scale and character within Glebe Close. Furthermore, the spacious and verdant character of the bulk of the green 'U' would be retained. As such, the somewhat bespoke footprint of the proposed bungalow would integrate satisfactorily on the plot, which is of somewhat individual character and configuration.
10. Trees in the front and rear garden, including an established cedar type tree to the rear, would be removed to accommodate the proposed development. Whilst this is not ideal, the impacts would be relatively localised, and replacement trees and other wildlife-friendly planting could be provided through a landscape scheme. The latter, along with an arboricultural method statement to protect retained trees on and overhanging the site, could be secured by planning condition.
11. Taking the above together, I conclude that the proposed development would not harm the character and appearance of the area. As such, it would not conflict with Policies WLP8.29, WLP8.32 and WLP8.33 of the Waveney Local

Plan (2019) (WLP, which together seek to ensure that seeks to ensure that development complements local character.

Living conditions of neighbouring occupiers

12. Access to the proposed dwelling 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.
13. Vehicles and pedestrians accessing the proposed dwelling would create some noise in the space between the bungalows at Nos 8 and 9. However, the scale of vehicle movement would be limited by the scale of proposed single-unit development. The impact would be offset to some extent by removal of car parking from beside the northern elevation of the host bungalow. The side boundary wall would help to contain the effects. Within the suburban area around the site, it is not unusual for areas of driveway down the side of dwellings to be used for parking residents' cars and accessing garages. Moreover, the front door of the proposed dwelling would be more than 30m from the bungalow at No 8.
14. The above factors together lead me to find that the increase in vehicle and pedestrian movement and reduction in tranquillity between Nos 8 and 9 Glebe Close would not be significantly detrimental to neighbouring occupiers' enjoyment of their dwellings, in respect of noise and disturbance.
15. I note neighbours' concerns about a number of matters regarding their privacy and outlook, which go beyond the scope of the reasons for refusal. Given the following, I do not find harm in these respects: the single-storey nature of the proposed dwelling; the separation between the proposed building and dwellings on neighbouring sites; and the relative visual containment of the appeal site.
16. To conclude, the proposal would not significantly affect the living conditions of neighbours. As such, it would not conflict with Policies WLP8.29 and WLP8.33 of the WLP. Together, the policies seek to ensure that development safeguards the living conditions of residents.

Living conditions of future occupiers

17. The Council states that the proposal would have an unacceptable impact on the amenity of future occupiers. However, I find that no substantive evidence leads me to such a conclusion, in relation to living conditions of future occupiers of the proposed dwelling. Therefore, the proposal would not lead to demonstrable harm in this respect, and would not conflict with Policies WLP8.29 and WLP8.33 of the WLP, which seek to safeguard living conditions of residents.

Other Matters

18. The appellant cites backland development on another site in Lowestoft. Nevertheless, the proposal has its own setting and circumstances, and, as such, I assess it on its own merits.
19. I note residents' concerns about intensification of traffic and highway safety on and around Glebe Close. Nevertheless, I saw during my site visit that Glebe Close is a relatively quiet cul-de-sac in traffic terms, albeit at a 'snapshot' in

time. Moreover, given the modest scale of the proposed development and its provision for off-street parking, a significant increase in on-street traffic volume and manoeuvring is not anticipated. As such, I find that the proposal would not harm highway safety.

20. Resident concerns about disturbance from construction works could be addressed by a construction phase management plan, which could be secured by planning condition.
21. The proposal would provide additional living accommodation, and associated socio-economic activity during and after construction. The combined benefit would be limited by the modest scale of proposed development.

Planning Balance and Conclusion

22. The absence of harm identified in respect of character, appearance and living conditions are neutral factors which do not weigh in favour of the proposal. The identified harm in respect of protected habitats would outweigh the modest benefit. For the reasons given above, I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR

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
07881 234242

mark.brands@eastsoffolk.gov.uk

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.

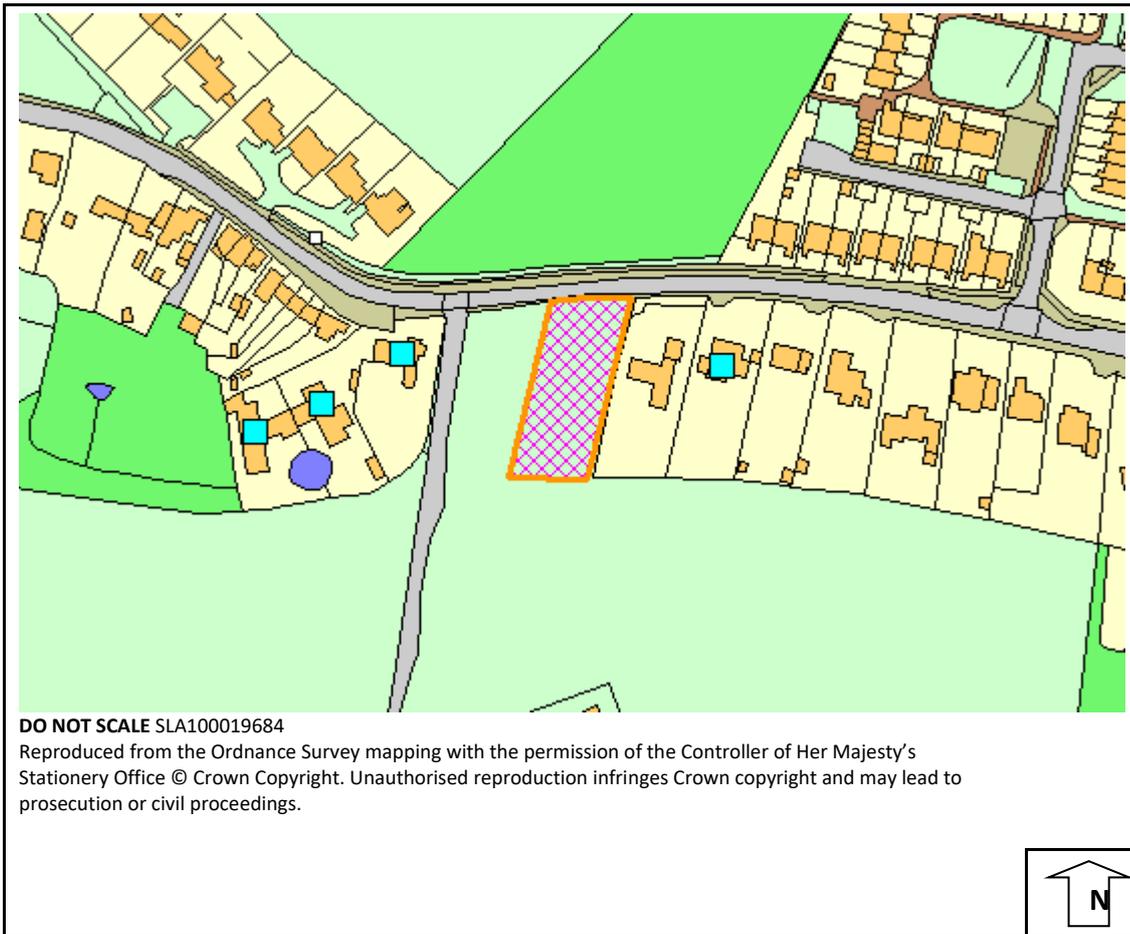
Informatives:

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

Committee Report

Planning Committee North – 10 May 2022

Application no DC/22/0387/FUL

Location

114 Clarkson Road
Lowestoft
Suffolk
NR32 3NX

Expiry date 30 March 2022

Application type Full Application

Applicant Mr & Mrs Woodrow

Parish Oulton Broad

Proposal Demolish existing garage, two storey rear extension plus lean to side extension

Case Officer Debbi Wicks
07584 642000
debbi.wicks@eastsoffolk.gov.uk

1. Summary

- 1.1. This application has triggered automatic referral to Planning Committee (North) for determination as the applicant is an employee of East Suffolk Council, and therefore the decision cannot be delegated to the Head of Planning and Coastal Management. The proposal comprises an amended scheme, in response to the recently refused previous application (DC/21/4575/FUL) and is now recommended for approval by officers, following the revisions. However, the latest application is not supported by Oulton Broad parish council, (although they had supported the refused scheme).

2. Site description

- 2.1. The application site is a detached house, dating from the 1970's and is positioned centrally within a row of five matching properties, numbered 110-118 Clarkson Road, that back onto the Oulton Broad Primary School playing field directly to the north. The site sits within the Rock Estate as it is known locally; a residential suburb comprising a mix of single and two storey modern dwellings, where the topography is quite hilly. The group are laid out at

regular intervals down the hill from east to west. There is also a sharp drop in levels at the rear of the site, between the house and garden and again down to the playing field behind.

3. Proposal

- 3.1. The application proposes a three metre deep two-storey gabled extension to the rear of the property, containing a dining room with new third bedroom above. The existing detached flat roofed garage along the eastern boundary to the rear of the house has recently been removed and a single storey side extension is proposed in lieu of this, containing a storeroom plus utility and study. The new single storey lean-to element would continue three metres beyond the existing rear wall, infilling the corner to link into the rear extension at ground floor level, finishing flush across the rear. The majority of the site frontage would be surfaced to provide parking provision for up to three cars.

4. Consultations

- 4.1. Objections have been received from the immediate neighbour to the east side, (no.112), who would be most affected and also from this gentleman's daughter on his behalf.
- 4.2. This neighbour (and his daughter) raise three particular concerns. The primary objection is the potential for health concerns arising from the close proximity of the proposed side extension to the neighbour's external flue outlet on their side wall and the effect on emissions.
Officer Response: This is not a material planning consideration and cannot be considered.
- 4.3. The second concern raised by the neighbour is that the extra off-road parking within the site frontage would not be in keeping with the row of detached houses in the road.
Officer Response: Noted, however there is limited planning control (see para 7.8 below).
- 4.4. Finally, the neighbour states that the narrow passageway created could cause excessive water flow from the applicant's drive, down between the buildings and into his garden which is already heavily sloped, with the steep levels changes already causing problems.
Officer Response: Surface water management would be an issue for Building Control to be satisfied on at a later stage, should building take place, and would not be a material factor in the determination of this householder planning application, though is noted. As the proposed car standing would exceed five square metres, adequate drainage must be incorporated to ensure that surface water run-off is discharged away from the highway and that would be a condition of any approval for the parking provision.

Parish/Town Council

Consultee	Date consulted	Date reply received
Oulton Broad Parish Council	9 February 2022	1 March 2022
Summary of comments: Recommend Objection due to previous objection not being rectified.		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	9 February 2022	11 February 2022
Summary of comments: Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below: Parking as shown on drawing.		

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 11 February 2022

Expiry date: 4 March 2022

6. Planning policy

6.1. National Planning Policy Framework 2021

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

7. Planning considerations

7.1. Development proposals are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant policy in this case is WLP8.29 (Design & Amenity) of the East Suffolk Waveney Local Plan 2019.

7.2. This policy states, amongst other things, that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should:

- Demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness;
- Respond to local context and the form of surrounding buildings in relation to:
 - the overall scale and character, layout, site coverage, height and massing of existing buildings, the relationship between buildings and spaces and the wider street scene or townscape and by making use of materials and detailing appropriate to the local vernacular;
 - Protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development;
 - Provide highway layouts with well integrated car parking and landscaping which create a high-quality public realm, avoiding the perception of a car dominated environment;

7.3. The key consideration of this revised scheme has now shifted from being the streetscene impact arising from the proposed development to the resultant neighbour amenity impact. This is because the previously proposed infilling at first floor, full height and width to the east side was the primary subject of policy conflict in terms of its scale, height and massing

that would have resulted in a cramped appearance, leaving virtually no gap remaining and therefore detrimental due to the spatial relationship between the two properties being severely compromised from within the public realm. A copy of the refusal notice of the previous application is appended to this report for reference.

- 7.4. The key reason that the two storey side extension was refused was that it would not have respected the very uniform pattern and layout of the original design concept within this particular group of dwellings, with their evenly spaced two storey walls and their rooflines that are deliberately planned to step down at regular intervals, corresponding with the decline in ground levels which in turn creates a well-designed rhythm that would have been completely disrupted by the addition of a tall side extension. By contrast, the amended single storey side extension, assisted by its lean-to roof and set back one metre behind the front wall, would not result in a significant material impact to the streetscape, where the garage would previously have been viewed in the background from the street, and most importantly the pattern and spacing of the roofline would be retained.
- 7.5. It is noted that two neighbouring properties within this small group, nos. 112 and 118 Clarkson Road on either side of the application site, have both added shallow two storey rear extensions of depths of 2-2.5m in order to increase their floorspace, without detracting from the streetscene and in keeping with the modest plot dimensions and rear garden depths. The revised proposal for no.114, with its three-metre-deep rear extension will continue this overall pattern in terms of footprint, providing an alternative means to achieve the reinstatement of a third bedroom with minimal streetscape impact and is therefore regarded as an improvement on the earlier application.
- 7.6. A further material planning consideration, very much in the balance with this site, is the Permitted Development fallback position with regard to exempt extensions. Under current 2015 Planning Regulations, it is permissible to construct a two-storey rear extension in matching materials and roof form to a maximum projection of three metres without needing planning permission, provided that it is at least two metres from all boundaries and at least 7m from the rear boundary.
- 7.7. In this case, the proposal only fails those criteria by being less than two metres from the western side boundary (it is 0.9m away). On that basis, the additional metre proximity to the western boundary is a key factor for assessment and is deemed acceptable here due to the site orientation and presence of the neighbouring garage at that side. The extension depth is the maximum acceptable and will leave a rear garden depth of 7.5m, totalling 72 square metres in area, again within accepted dimensions and improved proportions by the removal of the garage, which also offsets the rear extension footprint.
- 7.8. The proposed single storey side extension would again be possible under Permitted Development Rights, including the three-metre rear projection, were it not joined into the rear extension. It is only the fact that a wraparound ground floor internal layout is proposed that brings the side extension within planning control. Therefore, if the two elements were to be physically separated the side extension could proceed in any event and accordingly the joining together at the north-eastern corner is the primary consideration. If anything, the corner infill aspect of the proposal is judged to result in less of an enclosure to both parties than the former garage had been, and the privacy aspect from the floor level adjacent the new French doors will be addressed by the new boundary fence panels graduating down in height to correspond with the steps down to the garden.

7.9. With regard to the frontage parking, once more it would be difficult to justify refusal as planning permission would not be required, providing drainage is incorporated. The property originally had three off road spaces provided (two tandem spaces in the driveway plus the garage). The County Highways Residential Standards require a minimum of two spaces plus a secure building for cycles to serve a three-bedroom dwelling and that would be achieved, as demonstrated on the Block Plan and with no objection in response to the SCC consultation on this application.

8. Conclusion

8.1. Accordingly, this revised scheme is considered to successfully address all the previous refusal reasons. A large proportion of the works could be carried out under Permitted Development if the two-storey rear element was to be separated and pulled in further from the western boundary. Those two aspects that bring it within planning control have been carefully assessed and are judged to be policy compliant in terms of their neighbour amenity impact, particularly in comparison with the 14-metre-long side extension at four metres in height all the way down the eastern garden boundary as was proposed in the refused scheme. Visually, too, the amended scheme is far less impacting within the streetscene and is sympathetic to the spacing and rhythm of the overall grouping, adhering to WLP8.21.

9. Recommendation

9.1. Approval, with materials as per plans and a condition requiring drainage to hard standing/ parking area.

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 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.

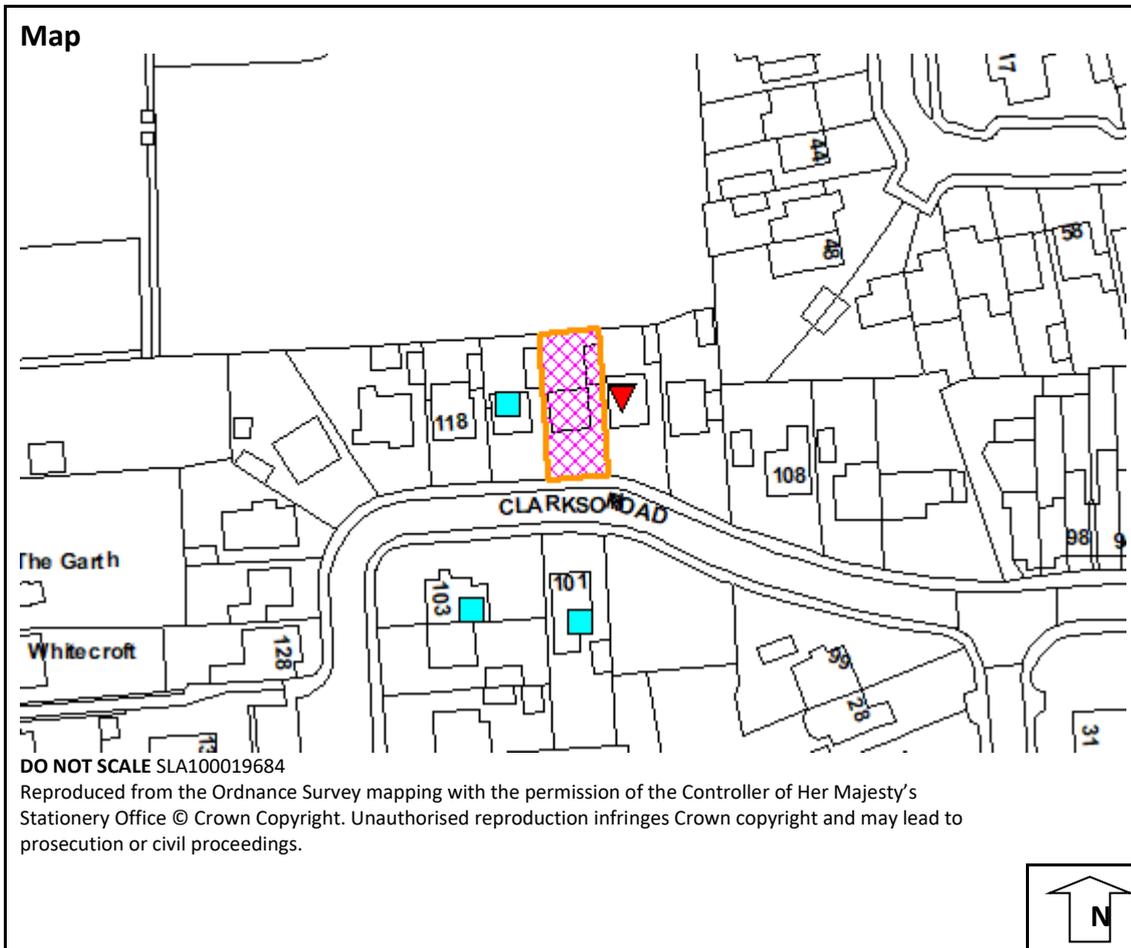
Informatives:

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.

Background Papers

Appendix 1: Decision Notice for Previous Application ref. DC/21/4575/FUL

See application reference DC/22/0387/FUL on [Public Access](#)



Key

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



Ian Garrett Building Design Ltd
The Store
4 Oakwood Mews
Lowestoft
Suffolk
NR32 2LS

Refusal of Planning Permission

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Our reference	DC/21/4575/FUL
Date valid	11 October 2021
Site	114 Clarkson Road, Lowestoft, Suffolk
Parish	Oulton Broad
Proposal	Proposed two storey side extension with set back, as well conversion of garage. Increase to parking area at front of property.

East Suffolk Council as local planning authority hereby **refuse** to permit the development proposed in your application and plan(s) attached thereto.

The reason for the decision to refuse permission is:

1. The proposed two storey side extension would result in a cramped and discordant feature in the streetscape, by virtue of its design, siting, scale, height and massing, which would not respond to the local site context in a sympathetic manner, causing harm to the spatial layout along this part of Clarkson Road and resulting in a car dominated frontage. The combined length and increased height of the proposed single storey rear element on the boundary would adversely impact upon the neighbour's amenity by its dominating impact and increased shading. Both aspects contravene policy WLP8.29 of the East Suffolk Waveney Local Plan, adopted 2019.

Notes

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.
2. For the avoidance of doubt, the drawing considered in the assessment of this application was plan No. 2834.21.2B and the Site Location Plan.

Yours sincerely,



Philip Ridley BSc (Hons) MRTPI | Head of Planning & Coastal Management
East Suffolk Council

Date: 12 January 2022

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

3. Please note the content of the following pages in respect of the community infrastructure levy which may affect your development, Building Regulations and appeals against decisions.

Community Infrastructure Levy

East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended). For more information and CIL forms please see:

[About the Community Infrastructure Levy | Community Infrastructure Levy | Planning Portal](#)

[Community Infrastructure Levy \(CIL\) » East Suffolk Council](#)

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

Building Regulations

Most work, including change of use, has to comply with Building Regulations. Have you made an application or given notice before work is commenced?

Appeals to the Secretary of State

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Planning applications: Sections 78 Town & Country Planning Act 1990

Listed Building applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990.

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

Advertisement applications: Section 78, Town and Country Planning Act 1990 Regulation 15, Town & Country Planning (Control of Advertisements) Regulations 2007.

- Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice.
- If an enforcement notice has been/is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

Committee Report

Planning Committee North - 10 May 2022

Application no DC/22/0405/FUL

Location

4 The Street
Carlton Colville
Lowestoft
Suffolk
NR33 8JW

Expiry date 10 April 2022

Application type Full Application

Applicant Mr Paul Bedder

Parish Carlton Colville

Proposal New detached store/dayroom at bottom of garden.

Case Officer Debbi Wicks
07584 642000
debbi.wicks@eastsoffolk.gov.uk

1. Summary

1.1 The application is for a detached outbuilding in the rear garden for use as a store and garden room. Officers are recommending approval and no objections have been received; however, as the applicant's is a close relative of an East Suffolk Council employee, the case is automatically referred to Planning Committee for determination.

2. Site Description

2.1 The property is a semi-detached cottage located on the north side of The Street in the older part of Carlton Colville. It is not in a Conservation Area. The dwelling has recently undergone extensive renovations and refurbishment by the applicant, including a single storey rear extension in 2013. This pair of cottages are set fairly close to the highway, further forward than their neighbours on either side, and with a good, wide gap to the side of each one providing a generous distance between surrounding buildings. They are finished in a mix of dark red brick and cream render.

3. Proposal

3.1 In addition to the extension, a detached replacement garage at a height of 3.6m was also approved for the western side of the garden though that has not been constructed. The old prefab garage is to be demolished and the small outbuilding in the north west corner will also be removed. A black featheredge boarded larger outbuilding is now proposed across the width of the garden at the far northern end. This would face the back of the house, with a 3.6 m high roof and gabled side walls and the footprint would measure 9.1 metres wide by 4 metres in depth. The building would be divided up into a garden room with glazed bifolds at one side plus two storage sections with solid timber traditionally styled doors.

4. Third Party Representations

4.1 None received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Carlton Colville Town Council	24 February 2022	15 March 2022
Summary of comments: Approval - comment is possible overshadowing onto the neighbouring garden in Borrow Close.		

6. Site notices

General Site Notice
Reason for site notice: General Site Notice
Date posted: 28 February 2022
Expiry date: 21 March 2022

7. Planning policy

National Planning Policy Framework 2021

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

8. Planning Considerations

8.1 All planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The key development plan policy relevant to this proposal is WLP8.29 (Design).

8.2 The proposal only requires planning permission because it exceeds the 2.5 metre maximum height allowance for exempt structures within two metres of a boundary, under planning controls, as it accords with all other permitted development criteria relating to dimensions

and site coverage. Accordingly, the key consideration is the resultant impact of the additional 1.1 metres in height upon the surrounding properties in terms of shading, as picked up by the Parish Council.

- 8.3 Immediately adjoining the rear boundary is a pathway between the site and the rear gardens in Borrow Close. The neighbour directly behind the proposal to the north is no. 35 Borrow Close and they have a tall conifer hedge along their rear garden boundary which would shield their view of the proposal and already creates shading within their garden as the hedge is as high as the proposed building, with a separation distance of thirteen metres between the proposed outbuilding and the neighbour's house to the north. To the east side, afternoon sun would fall across the end of the attached cottage's garden where there is a shed located. Officers are therefore satisfied that neighbour amenity will not be adversely affected by this proposal.
- 8.4 The rear garden depths to these cottages are generous, with sixteen metres between the back of the extension and the proposal. A rear garden area of 100 square metres would remain with the proposal constructed, even taking into account the extant replacement garage if it is implemented in the future and thus site coverage is not deemed to be excessive and will be in proportion to the plot overall. The scale, height and form of the new building are in keeping with the neighbour's garage to the west and the replacement garage already previously approved, without impacting neighbours' light or outlook. The refurbishment and extensions to the cottage undertaken in the past two years have been carried out to a high standard and the design and materials proposed for the garden room will also be sympathetic to the age and character of the property.

9. Conclusion

- 9.1 The proposed siting, height and materials are all judged to be appropriate for their setting and in keeping with the locality, resulting in no conflict with Policy WLP8.29 of the Local Plan.

10. Recommendation

- 10.1 Approve.

11. 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.

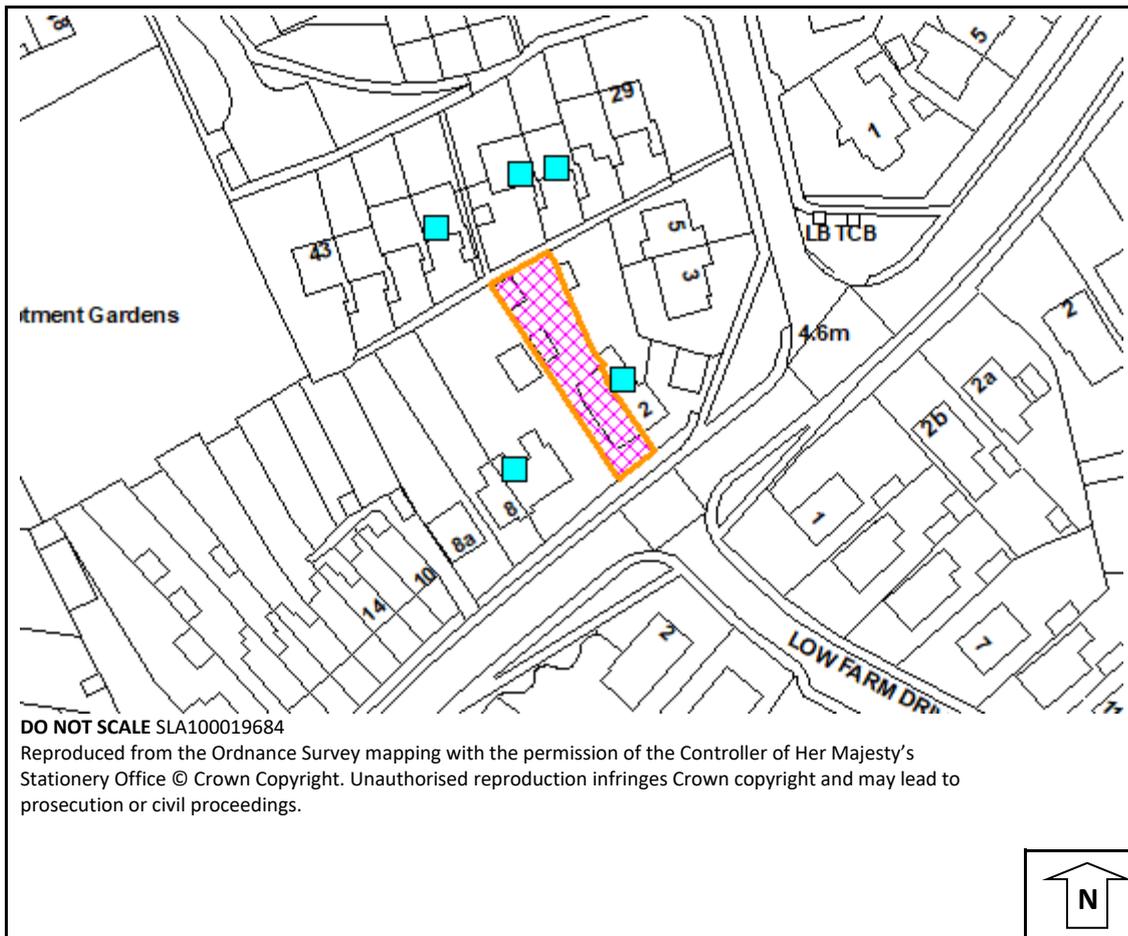
Informatives:

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/22/0405/FUL on [Public Access](#)

Map



Key

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