

PLANNING COMMITTEE

Title of Report:

Report concerning materials and other complaints at Church Green, Lowestoft

Meeting Date

17th July 2018

Report Author and Tel No

Melanie van de Pieterman

01502 523023

Is the report Open or Exempt?

Open

REPORT

1 Introduction

1.1 The site is located between St Margaret's Road and Church Road and is on the former Longs Dairy site. Planning permission was granted in February 2014 for the following: DC/13/3638/FUL - Construction of 16no sheltered bungalow units and 1no. warden's house with plant and ancillary accommodation, alterations to access road and parking provision. A further application for Discharge of Conditions was made in 2014: DC/14/3797/DRC - Discharge of Condition Nos. 3, 6, 7, 10 & 14 of DC/13/3638/FUL - Samples of external facing & Roof Materials, External and planting plans, External and screen details, Surface Materials and Surface Water Management Strategy).

1.2 The issues raised by members of the public include materials and workmanship on the warden's house, siting of the wardens house, lighting and fencing. Given the level of local concern it was decided to bring a report before members.

2 Alleged Breach

2.1 Members are advised that the alleged breach mainly relates to the use of materials and siting of the warden's house.

2.2 Members will see from the officer's presentation that the site has an urban siting and appearance although there is some greenery in the area and this will be continued with landscaping on the site. There are a number of existing properties, including flats on the site and there is evidence of checker-board patterning of a nearby and associated property so the warden's house is not wholly out of context.

2.3 The remaining issues relate to siting of the wardens house, fencing and lighting, however the dwelling has been erected in the correct place and is in accordance with the approved plans as are lighting and fencing and as such have been given no further consideration.

3 Planning Considerations

3.1 The impact of the materials on the visual amenities of the area is somewhat limited from the street scene although it is recognised that this is greater from within the site. The choice of brickwork is incredibly bold and whilst the precise pattern was not clearly agreed by members of committee the original plans did identify 'patterned brickwork' and this pattern was later authorised via a discharge of conditions application and was issued under delegated powers.

3.2 Local plan Policy: DM02 Design Principles states that development should be sympathetic to the site and its surroundings, appropriate materials should be used for the locality. Whilst there may be a difference of opinion on the appropriateness of the materials it remains that the Wardens house does reflect the palette in a limited way and it has been carried out as approved under DC/14/3797/DRC.

4 Representations

4.1 A number of complaints have been made regarding the impact of the warden's house, its materials, siting and associated fencing and lighting and these have been ongoing despite officer's reassurances that the development has been carried out in accordance with the plans as approved.

5 Expediency

5.1 Officers are of the opinion that there is no breach of planning control and that no further action is necessary in this particular instance.

5.2 The Council has considered the Human Rights of those persons who are likely to be affected by the service of this notice. The Council considers that Article 8 of the European Convention on Human Rights (respect for one's private and family life, home etc...) is not engaged in these particular circumstances. In any event, case law indicates that article 8 does not operate so as to prevent planning law from ensuring that development of this kind takes place only in appropriate locations.

5.3. Similarly, Article 1 of the First Protocol to the Convention which protects a person's right to peaceful enjoyment of his possessions does not prohibit the enforcement by the authorities of laws deemed necessary to control planning development in the public interest.

5.4 Section 172 of the TCPA 1990 provides that the council may serve an enforcement notice where it appears to it that there has been a breach of planning control and that it is expedient to issue a notice having regard to the development plan and any material considerations. The NPPF states "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

5.5 Proportionality is a key consideration; officers have already facilitated a significant amount of time into this site, particularly as it is an authorised development. However one of the complainants is particularly concerned that members were not aware of the materials and design

of the warden's house and as such it was agreed with senior officers to bring this to the attention of members in order to resolve this issue.

5.6 In summary, therefore whilst the brickwork is somewhat bold in appearance and isn't utterly perfect in execution, aesthetically it isn't bad and functionally its certainly not capable of being condemned and this would not be a proportionate or reasonable response.

RECOMMENDATION

That no further action is taken and the case closed.

Background papers:

Appendix 1: Location plan