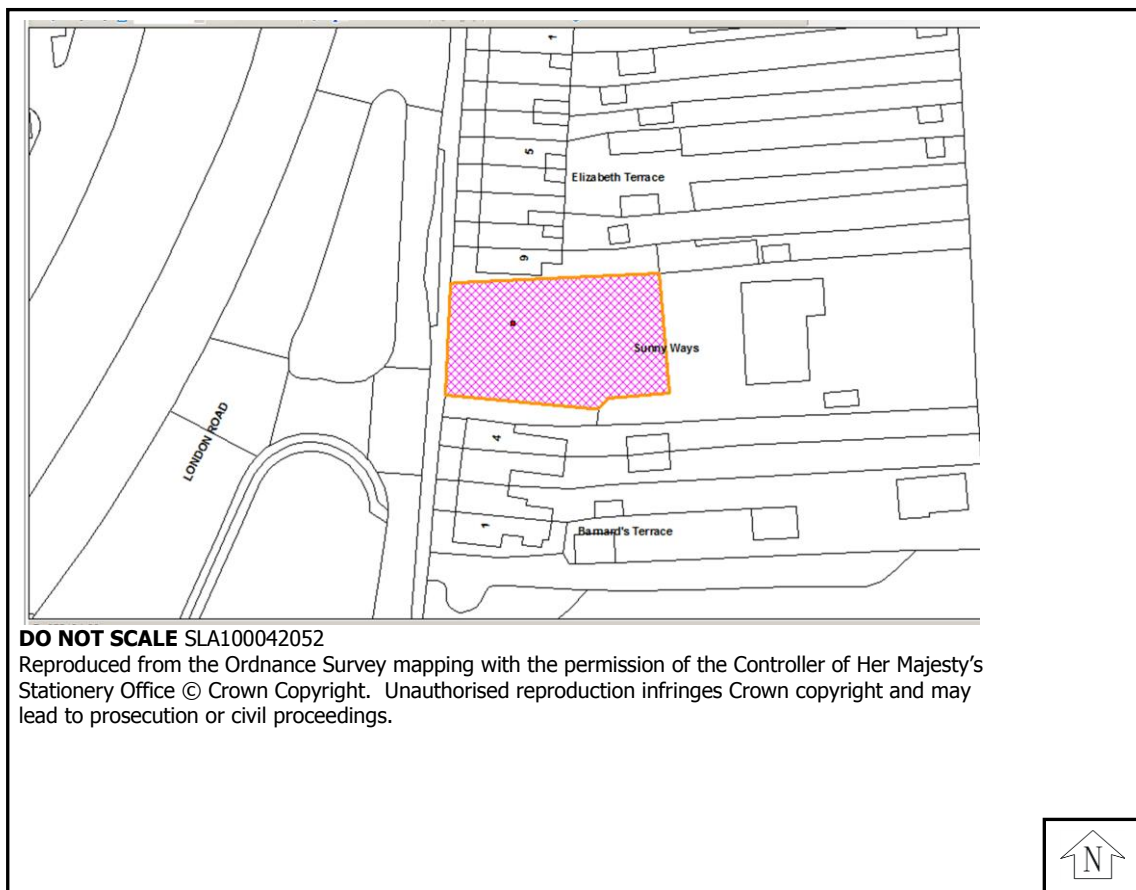


**PLANNING COMMITTEE – 29 MAY 2018****APPLICATION NO** DC/18/0765/VOC**LOCATION**Sunnyways  
London Road  
Gisleham  
Lowestoft  
Suffolk  
NR33 7QW**EXPIRY DATE** 15 April 2018 (Extension of time until 31 May 2018)**APPLICATION TYPE** Variation of Condition**APPLICANT** Mr G Capps**PARISH** Gisleham**PROPOSAL** Variation of Condition No.2 of DC/17/2574/FUL - Proposed pair of semi detached bungalows with rooms in the roofspace incorporating dormer windows - Revisions to previously approved drawings**SUMMARY**

- 1.1 Planning permission was granted in September 2017 for a pair of semi-detached bungalows on the site. The approved layout plan states that an existing privet hedge and

conifer trees along the existing driveway adjacent to the southern boundary are to be retained. Some of this vegetation has been removed and this application seeks to amend the approved plan by replacing the privet hedge and conifer trees with a 1.80m high close boarded timber fence. It is considered that this revision is acceptable and the application is recommended for approval.

- 1.2 A separate application seeks temporary accommodation on the site for 1 year whilst the approved dwellings are constructed (DC/18/0947).
- 1.3 The application is referred to Committee as the application for the bungalows was determined by the Committee.

## **SITE DESCRIPTION**

- 2.1 The site forms part of the substantial front garden of Sunnyways which is a detached bungalow set back approximately 47m from the site frontage. The site is attractively maintained containing a number of mature trees and shrubs and well kept lawn.
- 2.2 To the north of the site is Elizabeth Terrace, a terrace of 9 houses whilst to the south of the site is Barnards Terrace consisting of 4 terraced houses. The terraced housing is located much closer to the site frontage. The road at the front of the site and in front of the terraced housing is a one way road leading off the A12 London Road a short distance to the north. It was previously probably part of the A12 London Road and now provides vehicular access to the housing. A short distance to the south this road becomes two way and links into the roundabout on the A12 that provides access to the retail area, including Morrisons, Homebase and Pizza Hut, and the South Lowestoft Industrial Estate.
- 2.3 The southern boundary of the site is denoted by the existing driveway which provides vehicular access to Sunnyways. There used to be a mature hedge and trees alongside the driveway but these have now been largely removed leaving stumps although some of the trees have been retained.

## **PROPOSAL**

- 3.1 This application seeks to vary the layout plan approved by Condition No.2 of DC/17/2574/FUL which granted consent for a pair of semi-detached bungalows on the site. The approved layout plan shows the retention of an existing privet hedge and conifer trees alongside the existing driveway adjacent to the southern boundary of the site. It is proposed to amend the layout plan by replacing the existing hedge and conifer trees with a 1.8m high close boarded timber fence.
- 3.2 A separate application seeks consent for temporary accommodation on the site for 1 year, including 2 small sheds and a generator (DC/18/0947/FUL).

## **CONSULTATIONS/COMMENTS**

### **4.1 Neighbour consultation/representations**

9 representations have been received from 2 neighbouring properties objecting to the application. In addition 10 pre-printed signed objection forms have been submitted. The

main issue raised was that the existing hedge and trees were shown to be permanently retained and that there was no justification for their removal. Some of the representations also repeat issues raised by the original application DC/17/2574/FUL.

1 representation in support of the application has been received from the closest neighbouring property to the southern boundary of the site that states “We have studied the options of shrubs versus a fencing panels border to the south of this plot, and we agree that fencing panels are the best and most suitable option for this boundary”.

#### 4.2 **Parish/Town Council Comments**

Refusal: Original site plans stated “retain existing privet hedge along existing driveway and conifer trees.” Councillors express their annoyance that the hedge has already been removed and killed. Councillors wish is that the hedge is returned.

Councillors also expressed the concerns regarding the gain of 2 metres of land. Confusion over dimensions. It has been stated there is 20 metres however there is only 18 metres. Unsure how Sunnyways will gain access to their property.

#### 4.3 **Suffolk County - Highways Department.**

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:

Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM02; and with an entrance width of 4.5m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

Condition: No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM02 and with an entrance width of 3m and 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.

Condition: Prior to the development 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.

Condition: The use shall not commence until the area within the site shown on Dwg No 070417 1C for the purposes of parking of vehicles has been provided and thereafter that area 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.

Condition: 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.

Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

#### **4.4 Essex And Suffolk Water PLC**

Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

#### **4.5 Waveney Norse - Property And Facilities**

No response received

#### **4.6 WDC Environmental Health - Contaminated Land**

Thank you for consulting me on the above application but I have no comments to make in respect of contaminated land.

### **PUBLICITY**

None

### **SITE NOTICES**

The following site notices have been displayed:

General Site Notice

Reason for site notice: New Dwelling, Date posted 22.03.2018  
Expiry date 11.04.2018

## RELATED/HISTORICAL APPLICATIONS

Reference No	Proposal	Decision	Date
DC/88/1563/OUT	To construct a pair of semi-detached houses with garages.	Refused	04.08.1988
DC/89/1044/OUT	To construct a detached bungalow and garage.	Refused	28.06.1989
DC/92/0659/FUL	Side extension	Approved	11.12.1992
DC/10/1228/COU	Part change of use from residential to Tattoo Studio	Approved	24.11.2010
DC/11/1266/COU	Part change of use from residential to tattoo studio	Approved	05.01.2012
DC/12/1259/VOC	Variation of Condition No. 1 of DC/11/1266/COU Part change of use from residential to tattoo studio Change of time limit from 1 year to 5 years	Approved	26.11.2012
DC/17/2574/FUL	Pair of semi detached bungalows with rooms in the roofspace incorporating dormer windows.	Approved	22.09.2017
DC/18/0947/FUL	Temporary accommodation.	Pending	
DC/18/1313/DRC	Discharge of conditions 8, 9 and 10 of DC/17/2574/FUL		

## PLANNING POLICY

- 5.1 The Waveney Core Strategy was adopted in 2009: **CS01** relates to the Spatial Strategy, **CS02** considers High Quality and Sustainable Design, **CS11** relates to housing provision over the plan period.
- 5.2 The Development Management Policies were adopted in 2011. **DM01** considers the Physical Limits of the district, **DM02** relates to Design Principles, **DM22** gives consideration to Housing Development in the Countryside, and finally **DM28** relates to Strategic Gaps and Open Breaks.

## PLANNING CONSIDERATIONS

- 6.1 As will be noted above planning permission was granted in September last year for a pair of semi detached bungalows on the site (DC/17/2574/FUL). The southern boundary of the site is denoted by an existing driveway which gives access to the property 'Sunnyways' to the rear. The approved layout plan indicated that an existing privet hedge and conifer trees alongside this driveway were to be retained. However this hedge and trees have now largely been removed and this application seeks to amend the approved layout plan by proposing a 1.8m high fence in place of the hedge/trees.

6.2 The applicant has provided the following explanation for why the hedge was removed:

“The reasons for removing the hedge was firstly because ambulances which had been frequently called to Sunnyways were being severely damaged by the hedge, and it was not always possible for me to walk up the drive. The other reason being we needed to place a skip on our garden to hold rubble from work we were having done inside Sunnyways”.

6.3 The hedge and trees used to provide some screening between the site and the property immediately to the south of the existing driveway, No. 4 Barnards Terrace. Initially the occupier of this property did lodge an objection to the application but more recently has submitted a response which supports the application by commenting “we agree that fencing panels are the best and most suitable option for this boundary” (see Paragraph 4.1 above).

6.4 No. 4 Barnards Terrace is the only property directly affected by this proposed amendment to the layout. It is considered that the proposed fence will provide an adequate level of screening between this property and the new bungalows. The approved layout plan indicates that a 1.8m fence will be erected along the northern boundary of the site and this application repeats that approach along the southern boundary. It is considered that the proposed fence will not appear unduly prominent and that its appearance is acceptable.

## **CONCLUSION**

7.1 An existing hedge and conifer trees along the southern boundary of the site have largely been removed in order to improve access to the site. As these were shown as being retained on the approved layout plan for application DC/17/2574 it is proposed to amend the layout plan by showing a 1.8m high timber fence instead. This will retain an adequate level of screening to the property immediately to the south and the appearance of the fence is considered acceptable.

7.2 The application is recommended for approval.

## **RECOMMENDATION**

That the application be approved 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 not be brought into use until it has been completed in all respects strictly in accordance with Plans 070417 1D received 21 February 2018 and 070417 2A received 30 August 2017; for which permission is hereby granted or

which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

4. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM02; and with an entrance width of 4.5m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

5. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM02 and with an entrance width of 3m and 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. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

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

7. The use shall not commence until the area within the site shown on Dwg No 070417 1D for the purposes of parking of vehicles has been provided and thereafter that area 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.

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

investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**BACKGROUND INFORMATION:**

See application ref: DC/18/0765/VOC at  
[www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

**CONTACT**

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