

PLANNING COMMITTEE – 13 OCTOBER 2015

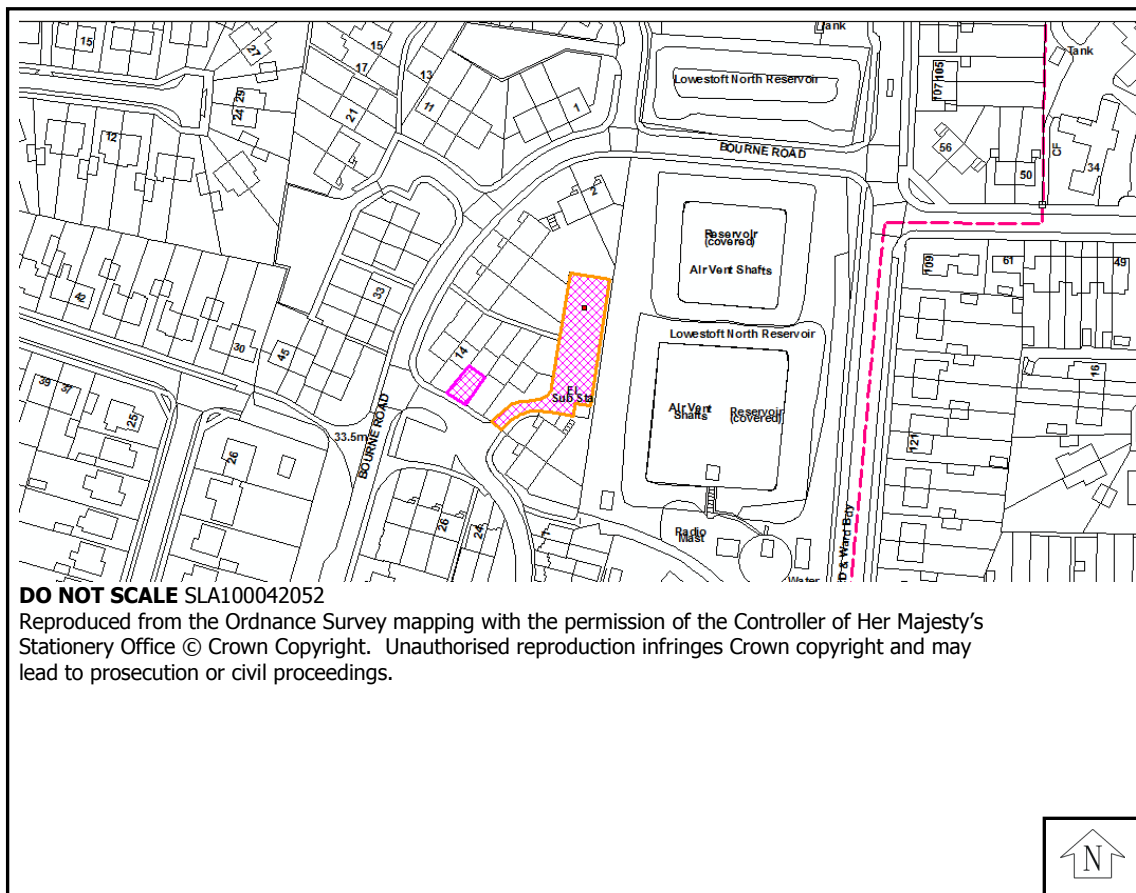
APPLICATION NO DC/15/2343/FUL

LOCATION

Land Adjacent
20 Bourne Road
Lowestoft
Suffolk

EXPIRY DATE 16th October 2015
APPLICATION TYPE Full Application
APPLICANT Orwell Housing Association

PROPOSAL Construction of 2 No. semi detached houses and associated works including car parking.



SUMMARY

- 1.1 This application proposes two affordable dwellings with associated residents and visitor parking spaces on a site which is currently a residents' parking area on a housing development. The application comes before the Committee because the Council owns the site.

SITE DESCRIPTION

- 2.1 Bourne Road is a cul-de-sac off Hollingsworth Road. The rectangular shaped application site is currently used as a communal parking area and accessed via a short single width access road which enters the land from the south and runs adjacent to the south-eastern boundary of No. 20 Bourne Road.
- 2.2 To the east of the site are two covered reservoirs (known as Lowestoft North Reservoir). Screening on the eastern boundary of the reservoir is formed by a belt of lime trees and a beech hedge (both outside of the control of the applicant).
- 2.3 Adjacent to the southeast corner of the site is an electricity substation, enclosed by timber fencing.
- 2.4 The surrounding two storey dwellings adjacent to the site comprise a number of short terraces which include:
 - five houses to the west (no's 12 to 20)
 - six flats to the northwest (no's 6 to 10)
 - four flats to the north (no's 2 to 4)
 - four flats to the south (no's 22 to 24)

PROPOSAL

- 3.1 The proposal is to construct two affordable houses at the northern end of the site and to provide eight parking spaces between the proposed dwellings and the existing electricity substation. Two spaces are proposed for each dwelling, along with a further four visitor spaces.
- 3.2 A hardstanding area to provide further parking is proposed within the front garden of No.16 Bourne Road for the use of its owner / occupier. (The applicant has come to a "Stand Alone" agreement with the owners of this property to relinquish their existing rights over parts of the application site and undertake the laying out of a new parking area in the front garden at its own cost).
- 3.3 The proposed houses would each have two bedrooms. Materials would be red bricks and dark red pantiles.
- 3.4 The application is supported by a Design and Access Statement, contaminated land study, tree report, car park survey and sustainability statement.
- 3.5 The site area is 612 square metres, resulting in a density of 32.6 dwellings per hectare.

CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:** six letters of objection have been received from residents / owners of surrounding properties including No's 8a, 14, 18, 20 and 24 Bourne Road raising the following points:
 - Proposal will intrude upon privacy at rear of No.18 and overlook rear garden, bedroom and bathroom.
 - No.20 will be overlooked with overlooking into bedroom, bathroom, kitchen and kitchen diner and a resulting in a loss of privacy.
 - The development will result in a lack of privacy in back garden of No. 20.
 - General loss of privacy to residents.
 - The houses will deny full light to the rear of the properties.

- Damage will occur to the trees and tree roots.
- Wildlife habitats will be disturbed.
- Parking spaces on the site and elsewhere should be made available for use by other local residents.
- Parking on the south side in front of flats 26 - 30 is fully used, which would mean that some elderly residents would have to walk from the further reaches of Bourne Road.
- Lack of parking space will be problematic at weekends.
- Family and friends and other visitors such as carers will have much further to walk.
- There will be an increase in traffic for the area.
- No road markings exist at road junctions in cul-de-sac making it unsafe for further traffic.
- The proposals will result in an increase in anti-social behaviour.
- Loss of view
- Noise concerns

Consultees

- 4.2 **Waveney Norse - Property and Facilities** were consulted on the 1 July 2015.
- 4.3 **Suffolk County Council – Highways Department:** The County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:
- 4.4 Condition 1: 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 3 metres 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.
- 4.5 Note to LPA: The access into the site is 3.5m wide where it should be 4.5m. However, it is existing and doesn't appear to cause any issues in the area.
- 4.6 **Anglian Water:** In general Anglian Water respond to 'major ' planning applications; that is 10 or more dwellings. As this is for two dwellings we do not intend to respond unless you advise there are specific issues or concerns relevant to Anglian Water.
- 4.7 **Essex and Suffolk Water PLC:** We have no objection to the development of 2no. semi-detached houses subject to compliance with our requirements. Consent is given to this development on the condition that a metered water connection is made onto our Company network for each new dwelling for revenue purposes. Our existing apparatus is not affected by the proposed development.
- 4.8 **WDC Environmental Health – Contaminated Land:** The report advises that the site should be inspected again by a competent person during site clearance and that a minimum of 300mm of clean topsoil should be imported. As such site investigation has yet to be completed and remediation and validation is also required. These works should be secured using the model conditions (1-4).
- 4.9 **WDC Tree & Landscape Officer:** This site is currently a parking area. With a Beech hedge along the car park edge & pollarded Lime trees on land behind. Submitted with this application is a Tree Report by Farmland Forestry, the findings of which I agree with. The row of pollarded Lime trees provides a screen and softening aspect to this site but they are not significant trees, meaning they shouldn't unduly worry new occupants. The Beech hedge has also been managed and maintained and again has a softening and greening aspect for the site. I am pleased that the hedge & trees are remaining. Whilst these trees

should not be adversely affected by this proposal, if minded to approve care should be taken to route any services outside the trees' root protection area (RPA). No objection to this proposal on tree grounds.

- 4.10 **Suffolk County Council – Rights of Way:** Public Footpath 18 is recorded adjacent to the proposed development area. We have no objection to the proposed works.

SITE NOTICES

- 4.11 The following site notices have been displayed:

General Site Notice	Reason for site notice: New Dwelling, Date posted 02.07.2015 Expiry date 22.07.2015
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PLANNING POLICY

- 5.1 The **Waveney Core Strategy** was adopted in January 2009. Relevant policies include **CS01**, which sets the spatial strategy for the District, **CS02** which requires high quality and sustainable design and **CS11** which deals with housing.
- 5.2 The **Development Management** policies were adopted in January 2011. Relevant policies include **DM01** which defines the physical limits of settlements, **DM02** which sets design principles for new development and **DM16** which considers housing density.

PLANNING CONSIDERATIONS

- 6.1 Principle of Development. Core Strategy Policy CS01 sets out the spatial vision for the district. Lowestoft is identified as the main town and will accommodate approximately 80% of the housing growth for the District. The site is within the “physical limits” identified for Lowestoft under Development Management Policy DM01, where new development will be accommodated.
- 6.2 Policy CS01 also sets out that the focus for development will be on previously developed land within built-up areas, with more than 50% of housing expected to be delivered on brownfield sites. In the National Planning Policy Framework (NPPF) previously developed land is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land. The site as such, meets the definition of ‘previously’ developed land, which the policy states should be the focus of development.
- 6.3 In order to achieve a good quality environment in which to live, regeneration is considered to be a key objective at all levels of planning policy. The NPPF actively seeks to bring vacant and underused previously developed land back into productive use and to promote urban regeneration whilst helping to militate against declining environmental quality. The applicant considers the site to meet this definition and considers that the proposed development will contribute towards achieving these goals.
- 6.4 In accordance with policy CS11 the sequential approach to proposals for development should be taken, with previously developed land within physical limits of settlements being the first choice. As such, it is considered that this proposed development is broadly compliant with policies CS01 and CS11 of the Core Strategy and DM01 of the Development Management Policies.
- 6.5 The site is relatively close of a full range of facilities including shops, school, surgery, public transport and other community facilities. There are therefore some wider economic and social benefits to the use of this site for housing.

- 6.6 The applicant has stated that this development is much needed and has cited the 'Indicators of Need and Demand for Affordable Housing in Lowestoft, Carlton Colville and Kessingland Report – April 2013'.
- 6.7 This report confirms there to be a high demand for smaller affordable properties in the Lowestoft Area, as reflected by the needs identified and that there is a considerable mismatch between the sizes of properties needed (predominantly one and two bedroom) and the housing stock available (48% having 3 or more bedrooms). It concludes that existing social housing stock cannot meet the area's need for 1 and 2 bedroom properties. The proposal would meet the defined need of the area in this respect.
- 6.8 However there are other, more detailed issues to consider, the first being the density of the development proposed. This is a site for two dwellings and additional parking provision. The proposed density is just over 32.6 dwellings per hectare. Policy DM16 indicates that the Council will aim to make the most efficient use of land and that whilst a minimum density of 30 dwellings per hectare will be sought across the district, higher densities will be sought in the most accessible locations such as the central areas of Lowestoft, with a minimum density of 50 dwellings per hectare.
- 6.9 The proposal fails by some margin to meet the minimum density of development sought for Lowestoft. The provision of two parking spaces for each dwelling and four 'visitor' spaces results in a much lower density of development. However, it must be acknowledged that the site is constrained by close proximity of neighbouring properties and the potential impacts upon the amenities of the surrounding residential occupiers from development. Given the location of the site and its limited capability for alternative site layouts, it is accepted that the constrained nature of the site cannot be resolved and that a lower density of development has to be accepted as a consequence. The density of the scheme is broadly compatible with the context of surrounding estate and there is no objection to the proposal on the grounds that it is of lower density than the policy prescribes.
- 6.10 The second issue to consider is that the development involves the loss of an existing parking area. In relation to this issue the submitted car park survey provides details of 6 visits made by the agent to the site between 20th May and 2nd July 2014. The results were:
- 20 May (6.11 am) – 5 cars and 1 van in car park.
 - 21 May (6.31 am) – 4 cars and 1 van in car park.
 - 29 May (6.11 am) – 4 cars and 1 van in car park.
 - 2 July (7.14 pm) – 2 cars in the car park.
 - 3 July (7.17 pm) – 3 cars and 1 van in the car park.
 - 7 July (7.09 pm) – 4 cars in the car park.
- 6.11 These figures show an average of just over 4 vehicles parked on the parking area on each visit.
- 6.12 The car park isn't formally laid out but is capable of accommodating approximately 12 vehicles. The level of parking identified within the survey was consistently below full capacity.
- 6.13 The survey confirms there to be 27 existing dwellings in the immediate vicinity of the site, including 20 flats and that the existing parking provision consists of the following:
- 12 spaces (approximately) within car park.
 - 5 spaces adjacent to no's 26-30.
 - 3 spaces adjacent to no. 24 Steeple View)
 - 4 off street spaces (serving dwellings)
 - Unrestricted on street parking
 - 14/15 space car park to the west of Bourne Road (surveyed use confirmed one third capacity of full capacity).

- 6.14 Suffolk County Council – Highways Department have raised no concerns in respect of the future adequacy of parking provision and therefore given the availability of parking provision in the area it is concluded that the loss of the 12 car parking spaces will not unduly exacerbate parking pressure in the area.
- 6.15 The third issue for consideration is the effect on existing trees. The tree report submitted with the application confirms that the closest proposed dwelling won't impact on the root protection area of any of the existing trees, but is very close and as such care must be taken during the construction process to retain their integrity. The tree protection plan and construction method statement provide recommendations within their reports.
- 6.16 The Council's Tree and Landscape Officer agrees with the findings and recommendations of these reports and raises no objections agreeing that matters could be dealt with via conditions to ensure that appropriate care is taken to route any services outside the trees root protection area (RPA).
- 6.17 It is conceded that the site layout precludes the possibility of including substantive soft landscaping, but this considerable tree belt to the east assists in improving matters, providing an added 'backcloth' against which the proposed dwellings will be viewed.
- 6.18 A last issue for detailed consideration relates to the potential overlooking of neighbouring property, particularly No.20 Bourne Road. The proposed houses are sited to the rear of this property, with their side elevations orientated parallel to the eastern and western site boundaries. Rear garden depths are 8.5m and front gardens 2.5m for both plots.
- 6.19 Each house has one first floor bedroom window on each of the front and rear elevations and a first floor front bedroom window and first floor hall window on the side elevations.
- 6.20 The distance between the front window of the closest proposed dwelling and closest habitable room windows on the rear elevation of No.20 is scaled off the plans as being only 17.5m which would undoubtedly result in significant views into No.20's habitable room windows and a correspondingly significant loss of privacy for occupants of that property. Indeed, the owner of No.20 has objected to the proposal on the grounds that clear glazed windows in the front elevation at first floor level would create overlooking into his garden and the windows of his bedroom, bathroom, kitchen and kitchen diner and a result in a loss of privacy.
- 6.21 These concerns were understood and relayed to the agent requesting that issue be resolved through revised design.
- 6.22 Amended plans have been submitted which show marginal adjustment to the buildings' footprints by repositioning the pair 170 mm northwards, modified first floor front elevation windows (with obscure glass fitted to the lower two thirds and openings fitted with restrictors so as to limit outward movement to 300mm) and the inclusion of two additional front bedroom windows fitted with clear glazing and located in the side elevations of each unit.
- 6.23 The design of the front bedroom windows acceptably mitigates potential overlooking of No.20. The use of solely clear glazing over head-height in the front elevation windows would have been considered a sub-standard form of development which failed to protect the amenity of future occupiers in terms of outlook were it not for the inclusion of the additional windows to each front bedroom. The addition of these clear glazed and openable windows in the side elevations, serving each of the properties front bedrooms is considered to adequately address this issue.

6.24 The new side elevation windows are sufficient distance from the rear of adjacent residential properties so as not to result undue loss of privacy to surrounding residents and are considered therefore to provide an acceptable design solution.

CONCLUSION

7.1 Whilst there were some concerns with the initial scheme and initial amendments submitted by the applicant, this final revised scheme is considered to address all relevant design concerns. The principle of the development accords with the Core Strategy and will contribute toward the provision of the much needed affordable housing. Accordingly, this application is recommended for approval.

RECOMMENDATION

8.1 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 Drawing No's SL02 REV G, PL10 REV D and PL11 REV C; received 16th July 2015 and 17th September 2015, 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. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 7 has been complied with in relation to that contamination.

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.

4. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates 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. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.

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. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

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. 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 3 metres 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.

9. 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 and these works shall be carried out as approved. These details shall include proposed finished levels; car parking layouts; hard surfacing materials; structures (e.g. refuse or other storage units); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); Soft landscape works shall include 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.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

10. The landscaping scheme shall be completed within 12 months from the completion of the building shell, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

11. Before the development begins, details of the siting, height and type of screen walls and fences shall be submitted to and approved by the Local Planning Authority. No building shall be occupied until the boundary treatment approved has been erected between each adjacent dwelling hereby permitted, and shall be subsequently retained; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour amenity and in order to enhance the appearance of the locality.

12. Both windows in the south facing elevation at first floor level shall be obscurely glazed and fitted with opening restrictors and hinges as detailed within the approved plans. These windows shall be retained in that condition in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity of adjacent properties.

13. No development shall take place until a scheme for the provision of the proposed affordable housing has been submitted to and approved by the District Planning Authority. The affordable housing shall be provided entirely in accordance with the approved scheme. The scheme shall include the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers for the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To ensure an adequate provision of affordable housing in accordance with Local Plan policies CS11 - Housing and DM18 - Affordable Housing.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no windows shall be constructed in the south or west elevations of the dwellings hereby approved, without the prior written consent of the Local Planning Authority.

Reason: to preserve the amenity of adjacent properties.

BACKGROUND INFORMATION: See application ref: DC/15/2343/FUL at www.waveney.gov.uk/publicaccess

CONTACT

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