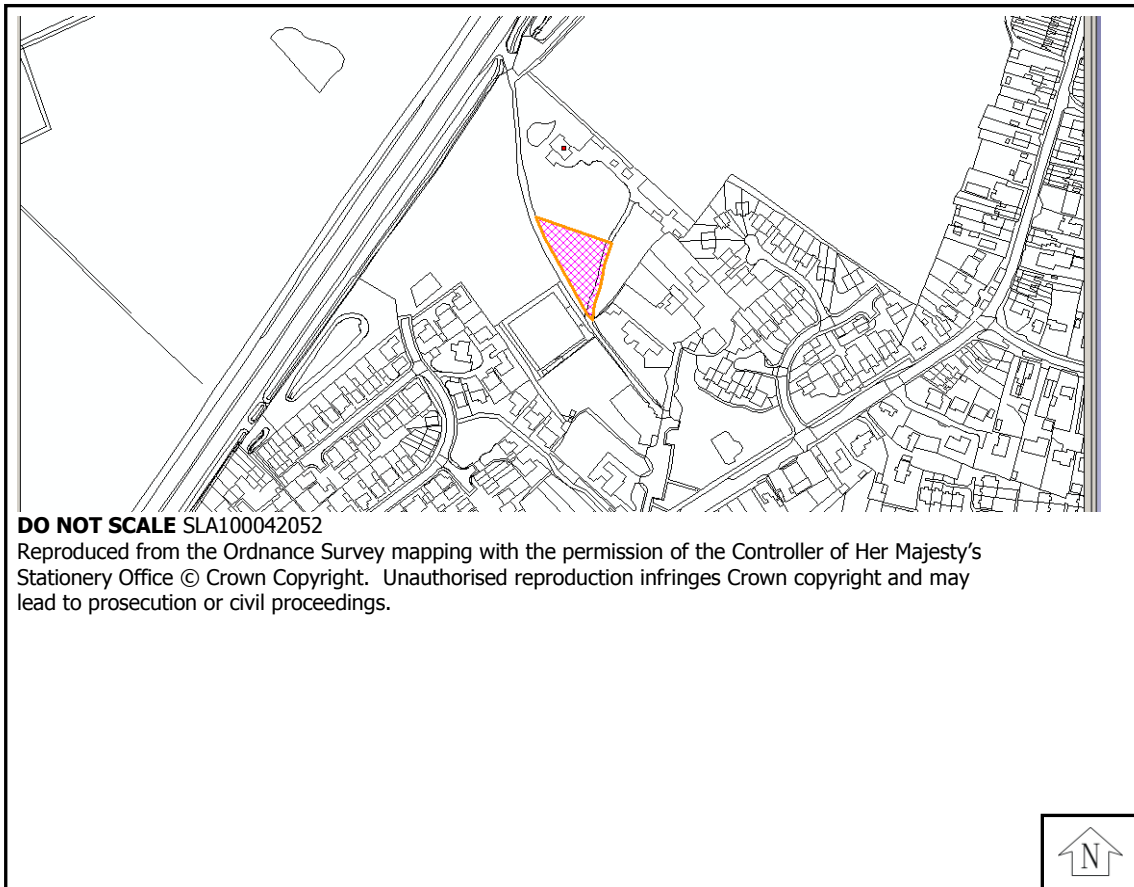


PLANNING COMMITTEE – 16 AUGUST 2016**APPLICATION NO** DC/16/2354/FUL**LOCATION**

The Bungalow
 The Avenue
 Kessingland
 Lowestoft
 Suffolk
 NR33 7QD

EXPIRY DATE 7 August 2016**APPLICATION TYPE** Full Application**APPLICANT** Mr George Pearce**PARISH** Kessingland**PROPOSAL** Construction of a detached bungalow and detached garage**SUMMARY**

- 1.1 Permission has previously been refused for four dwellings on this site on highway grounds, but granted for one additional dwelling. This application seeks permission for a second additional dwelling, so there would be three in total.
- 1.2 The application comes before the Committee as a result of a member call-in.

SITE DESCRIPTION

- 2.1 "The Avenue" is a surfaced road leading to the social club and some houses. There is a track from it past the bowling green, leading to "The Bungalow". This is a small timber clad bungalow set in a very large garden. The track is partly surfaced, although with a strip of grass down the middle. It is a public footpath, which continues northwards between the site and the extension to "Heritage Green". Within the site is a hard surfaced drive leading to the bungalow. The site lies outside the "physical limits" for Kessingland identified on the Proposals Map and also outside the "Strategic Gap" identified under policy DM28.

PROPOSAL

- 3.1 The proposal is to construct a bungalow on a triangular area between the western boundary of the site (with the public footpath) and the existing access drive.

CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:** one objection has been received from 9 The Avenue: He objected to the original application for four dwellings and was pleased when it was refused. Subsequently there have been applications for a single dwelling and a replacement dwelling and now have an application for a third property. He is concerned that we are in a similar position to before with the safety of residents, walkers etc. being compromised.
- 4.2 He urges members to view the site to see the close proximity of accesses, the limited space for access and manoeuvrability and should approval be agreed the Council should state that no further dwelling should be permitted on the site without significant changes to access arrangements.
- 4.3 **Kessingland Parish Council Comments:** Kessingland Parish Council have discussed the application for construction of a detached bungalow and detached garage at The Bungalow, The Avenue, Kessingland, DC16/2354/FUL and asked for it to be called in for the Development and Control Committee to look at, which Bruce Provan has arranged. There is a lot of history to this site but the main reasons for our refusal are based on the following:-
- 4.4 1. This proposed site will be located on land that is only accessible by the existing access to The Bungalow, which is in fact Footpath 2, one of Suffolk County Council's designated footpaths around Kessingland. There is insufficient width for walkers and vehicles to pass safely and there are no passing places or places to escape to in the event of a large vehicle using the footpath.
- 4.5 2. It is not an acceptable route for any construction traffic due to lack of the width and the likely damage to the largely unmade road surface.
- 4.6 3. There is inadequate visibility for traffic on the existing access from the site, in part because of the adjoining Club building. The visibility available from a set-back of 2m from the edge of the road of vehicles from the south direction is around 8m when measured to a line 1m away from the adjacent building. A consequence of this is that road users approaching from the south and drivers of vehicles leaving the site have a restricted inter-visibility which may result in increased hazards to road users.

Consultees

- 4.7 **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:

- 4.8 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.
- 4.9 Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.
- 4.10 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.
- 4.11 Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
- 4.12 Condition: The use shall not commence until the area within the site shown on DWG NO PL02 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.
- 4.13 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.
- 4.14 **WDC Environmental Health - Contaminated Land:** recommend conditions.
- 4.15 **Waveney Norse - Property and Facilities** were consulted on the 15 June 2016.
- 4.16 **Suffolk County - Rights Of Way:** Thank you for your consultation concerning the above application.
- 4.17 Public footpath 2 is recorded along the access to the proposed development area.
- 4.18 We have no objection to the proposed works.

PUBLICITY

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

Category	Published	Expiry	Publication
Public Right of Way Affected,	24.06.2016	14.07.2016	Beccles and Bungay Journal
Public Right of Way Affected,	24.06.2016	14.07.2016	Lowestoft Journal

SITE NOTICES

- 4.20 The following site notices have been displayed:

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way, Date posted 17.06.2016 Expiry date 07.07.2016
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RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/14/4023/OUT	Outline Application - Construction of four bungalows	Refused	12/02/15
DC/15/2774/OUT	Outline Application - Construction of 1 No. Bungalow	Approved	17/09/15
DC/16/1264/FUL	Construction of a detached bungalow with detached double garage, including demolition of existing bungalow	Approved	09/05/16

PLANNING POLICY

- 5.1 The Waveney Core Strategy was adopted in January 2009. Policy CS01 sets the Spatial Strategy for the District, policy CS02 sets design principles and policy CS11 deals with housing.
- 5.2 The Development Management policies were adopted in January 2011. Policy DM01 sets Physical Limits, policy DM02 sets design principles, policy DM16 refers to housing density and policy DM22 considers housing development in the countryside.
- 5.3 The National Planning Policy Framework is also relevant to the consideration of the application.

PLANNING CONSIDERATIONS

- 6.1 The first consideration is planning policy. The Spatial Strategy for the District is set by Core Strategy policy CS01. This states that most new development is to be concentrated in Lowestoft, with 15-25% of housing growth taking place in the four market towns. Up to 5% of housing growth will take place in the larger villages, of which Kessingland is one.
- 6.2 Policy CS11 deals specifically with housing. The policy allocates approximately 5000 new dwellings to Lowestoft, 1,500 to the four market towns and up to approximately 300 new dwellings in the larger villages.
- 6.3 This housing growth covers the period 2001-2025 and the supporting text to this policy explains that because of the permissions granted in the larger villages in the period 2001-2007 it is not necessary to allocate further housing land in the larger villages.
- 6.4 Policy CS11 also sets out a sequential approach for the consideration of allocated sites and proposals for new development, in the following order:
 - Previously developed land within the “physical limits of settlements.
 - Previously developed land on the edge of settlements
 - Greenfield sites within settlements
 - Greenfield sites on the edge of settlements.
- 6.5 Development Management policy DM01 states that development will be concentrated within the physical limits of the listed settlements (which include Kessingland as a “larger village). It also states that preference will be given to the development of previously used land.
- 6.6 As noted previously in this report, the site is outside the physical limits of Kessingland and as part of a garden is considered to be “greenfield” land. As such the site is in the least sequentially preferable location for new development.

- 6.7 Areas outside the physical limits are deemed to be “open countryside” in planning policy terms and policy DM22 establishes a presumption against new development in the countryside, except in certain specified exceptions, none of which apply here.
- 6.8 These policy considerations lead to the conclusion that the development is contrary to adopted Local Plan policies.
- 6.9 However national policy is also a “material consideration”, in particular the National Planning Policy Framework (NPPF), which was adopted in 2012. The NPPF states:
- 6.10 “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...For decision-taking this means:
- 6.11 - approving development proposals that accord with the development plan without delay; and
- 6.12 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- 6.13 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- 6.14 - specific policies in this Framework indicate development should be restricted”.
- 6.15 In relation to housing, the NPPF states that:
- 6.16 “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.
- 6.17 The NPPF goes on to state that:
- 6.18 “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
- 6.19 Members will be aware that the current applicant applied for planning permission for 30 dwellings as an extension to the Heritage Green development adjacent to this site. That application was refused in December 2013, but was recently allowed at appeal following a public inquiry. Part of the appellant’s case was that the Council does not have a five year land supply, because not all sites are deliverable, either at all or within the next five years.
- 6.20 This issue was extensively debated at the inquiry, but the inspector concluded that “the Council has demonstrated a 5-year supply of deliverable housing sites”.
- 6.21 Nevertheless the appeal was still allowed and the inspector’s conclusions are very relevant to the current application. The inspector first considered whether the development would cause harm. The inspector commented:
- 6.22 “However, the strong barrier created by the A12 with its hedging means this relatively small area of land does not form a visual part of the wider rural landscape either when looking westwards from in the village or when on the east side of the A12 facing towards

Kessingland. Rather it appears as an isolated remnant that was left over when the by-pass was built. Furthermore, it is not large enough to generate a rural character in its own right. Therefore, to my mind its development for housing would not adversely affect the countryside and would not detract from the countryside's intrinsic character and beauty. Moreover, the size of Kessingland means the scale of this development would not be inappropriate in relation to the village as a whole or that the size of the settlement would change significantly.

- 6.23 A second area of concern raised by Mr Amor on behalf of the Council was that developing this greenfield site would, in part, diminish the attractiveness of regeneration proposals in Lowestoft. I appreciate the spatial strategy focuses development on Lowestoft. I also acknowledge that to promote the reuse of previously developed land will inevitably involve discouraging development on greenfield sites, whether that be large individual proposals or a myriad of smaller parcels that had not been developed before. However, no specific evidence was offered to indicate the scale of this contention, and I accept it would be difficult to identify how this site in isolation would have such an effect. As such, this constitutes a further harm to that already identified, although the paucity of evidence to support this concern, and the limited effect of this development in isolation, diminishes the weight it can be afforded”
- 6.24 The inspector also considered the benefits of the scheme. He concluded that: “The relatively sustainable nature of the development and the provision of additional homes, 10 of which would be affordable, are benefits of the scheme”.
- 6.25 The inspector then proceeded to weight the harm against the benefits. His conclusions on the appeal were as follows:
- 6.26 “The only harm I have identified is a conflict with the development plan arising from a failure to show a need for the development of this greenfield site outside the ‘physical limits’ of Kessingland, and the potential for some adverse effect on the regeneration of Lowestoft. However, given the limited evidence I have received relating to these areas of harm, in my opinion they are outweighed by the significant and more tangible benefits resulting from this relatively sustainable additional housing.
- 6.27 In coming to this view, I have noted the comments about precedent. However, a key factor in this proposal being acceptable has rested on the confined nature of the site between the settlement and the A12 that has appreciably diminished its effect on the wider countryside. Such circumstances would not be readily apparent at other sites outside the physical limits of the larger villages.
- 6.28 Moreover I have taken into account the comments about localism. However while the Framework places a clear and bold emphasis on the primacy of the development plan and the opportunities communities have to shape the scale, location and timing of new housing, it strongly emphasises the presumption in favour of sustainable development as well. Therefore, while the concerns of elected representatives and local residents have been noted, they do not, on this occasion, offer me a basis to resist this relatively sustainable scheme.
- 6.29 Accordingly I conclude that the identified harm is outweighed by the benefits of this additional housing in this relatively sustainable development, and to my mind these constitute material considerations that indicate the decision need not be in accordance with the development plan”.
- 6.30 This decision is clearly relevant to the current application as this site is currently well screened and between the village and the A12. Provided development is restricted to bungalows as is proposed in the application, development will be barely visible from outside the site. This is a small scale site that will have no significant impacts for the

surroundings and will effectively become an infill development by virtue of the recently allowed appeal for the extension of the Heritage Green site for additional housing.

- 6.31 Although this development will not provide any affordable housing, it will be in a relatively sustainable location, a factor the inspector identified as a benefit to the Heritage Green proposal. It will also result in CIL payments and generate a “New Homes” bonus.
- 6.32 There are no other sites where the same argument could be in the immediate vicinity of the site.
- 6.33 However there are further issues that must also be considered. Suffolk County highways objected to the previous outline application for four dwellings because of the poor visibility at the junction between The Avenue and the track leading to the site. In part this poor visibility is caused by the existing club building at the junction, and it is hard to see how this situation can be improved. This is an existing situation which applies to traffic travelling to and from the site at present; SCC highways considered that the additional traffic generated by this development would exacerbate the situation, although they accepted that the total numbers of vehicle movements from both the existing and proposed development would be unlikely to be high.
- 6.34 It is important to note that the highway reason was the only reason for refusal – in other words the Committee accepted the argument set out above that although the site lies immediately beyond the physical limits for Kessingland, the principle of development is acceptable.
- 6.35 However SCC highways did not object to the subsequent application for a single dwelling, commenting:
- 6.36 “It is noted that a previous application was submitted for four dwellings at this site. Four dwelling would significantly increase the amount of vehicular movements where one additional dwelling is unlikely to have a detrimental effect on highway safety.”
- 6.37 SCC highways have been consulted on the current application but again raise no objections subject to conditions
- 6.38 Suffolk CC Rights of Way objected to the application for four dwellings, primarily because there is insufficient width for walkers and vehicles to pass safely and there are no passing places or places to escape to in the event of a large vehicle using the footpath. However they have not objected to this application.
- 6.39 The third application referred to in the “related applications” section above was for a replacement for the existing bungalow, so resulted in no net increase in numbers.

CONCLUSION

- 7.1 Given the previous decisions outlined above the only tenable reason for refusal is on highway grounds, and these for the basis of the parish council’s objections. However there are no objections from either SCC highways or SCC rights of way to the application. On this basis the application is recommended for approval.

RECOMMENDATION

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 carried out in accordance with approved drawing references: 6644-PL02, 6644-G01 and 6644-LOC02 received 7 June 2016 for which permission is hereby granted.

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. 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.

5. 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.

6. The use shall not commence until the area within the site shown on Dwg no.PL02 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

7. 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. 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 9 to 12 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 12 has been complied with in relation to that contamination.

9. Site Characterisation. 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,
 - archeological 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'.

10. Submission of Remediation Scheme. 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.
11. Implementation of Approved Remediation Scheme. 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.
12. Reporting of Unexpected Contamination. 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11.

BACKGROUND INFORMATION:

See application ref: DC/16/2354/FUL at
www.waveney.gov.uk/publicaccess

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