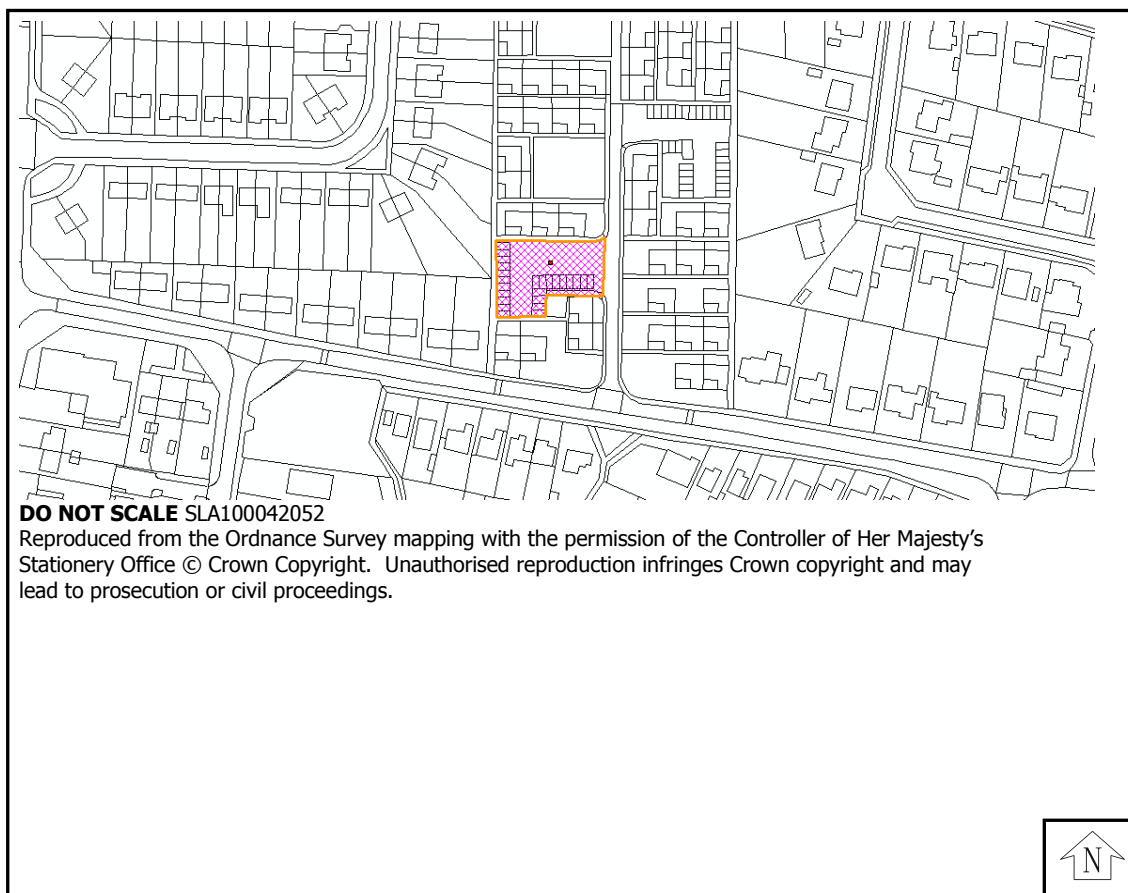


**PLANNING COMMITTEE – 13 December 2016****APPLICATION NO** DC/16/4017/FUL**LOCATION**Garage Block Adjacent 38/44  
Clerks Piece  
Beccles  
Suffolk**EXPIRY DATE** 17 November 2016**APPLICATION TYPE** Full Application**APPLICANT** Orwell H. A. on behalf of WDC**PARISH** Beccles**PROPOSAL** Demolition of 3 Garage Blocks, replacement with 11 car parking bays and the construction of 2 no. 2 Bed Semi Detached Bungalows and associated Works and off street parking (5 spaces)**SUMMARY**

- 1.1 This application proposes the demolition of garages on the west part of this small estate of compact single storey flat roofed dwellings, and the construction of two pitched roof single storey two bedroom affordable homes. A survey shows many of the garages as unused or

underused and although there will be a net loss of parking within the scheme the Highway Authority does not object. Disabled bays are incorporated into the scheme.

- 1.2 There is an objection from the police's "Designing Out Crime Officer", to the parking layout being too hidden from view. There are however some improvements that could be secured by condition without fundamental review. Recommendation is for conditional approval.
- 1.3 The application was deferred from the November meeting for a member site visit, which took place on 6<sup>th</sup> December.

## **SITE DESCRIPTION**

- 2.1 Clerks Piece is a 52 unit development of 1960's date providing 2 bedroom housing designed primarily for the self-sufficient elderly, though there is no planning condition in place to restrict the pattern of tenure to the elderly. To the west the land is bordered by an estate constructed as post war larger style social housing (on Castle Hill), some of which will have been privately purchased in more recent years and to the east beyond Clerks Piece there is 1960 developed private sector bungalows. Along the west side of the site there are footpaths serving the site and property on Castle Hill. This footway runs directly behind the existing garages.

## **PROPOSAL**

- 3.1 The proposal is to demolish three garage blocks, one running east-west, opposite 40 and 38 and of 9 garages and one shorter block south of this at right-angles to it of 4 garages and a block on the west boundary of 11 garages. On the space released there will be two number 2 bedroom single storey mono-pitched roof dwellings with parking to the front (east) side for five cars. On the west boundary to the rear of the new dwellings there will be a parking court for 13 vehicles including 3 disabled users.

## **CONSULTATIONS/COMMENTS**

- 4.1 **Neighbour consultation/representations**
- 4.2 Objection from 44 Clerks Piece (precised): I have spoken to many people who reside on Clerks Piece and everyone is against the proposed plans. I have a petition with 40 signatures.
- 4.3 The car park survey shows that there were 8+ cars parked adjacent to 38/44 between 9th August and 19th August, this increases at peak times in the morning and afternoon when mothers/fathers are dropping off or collecting their children from school. In the evening the car park is full and it is difficult to obtain a parking space.
- 4.4 There will be loss of the greenery and wildlife which spreads across the garages next to the communal garden and also the loss of shrubbery in the garden itself.
- 4.5 While some of the garages are empty many of the residents would like to rent a garage as the bungalows have limited storage space and only a small shed. Many long term residents have used the garages for storage. Will you provide alternate storage space for the residents? As the elderly tend to run small cars, the garages are more used than would be expected but offer security. The garages provide privacy and a barrier from people

walking via the footpath and prevent damage to the cars. Parking will be removed during construction. At school drop offs/collections the emergency services will be unable to gain access. The benefit of two extra properties does not justify the harms to the community.

- 4.6 Objection from 49 Clerks Piece objects: (precised) We have a disabled daughter so need car parking close at hand, although she has a blue badge and the proposed disabled spaces are on the other side of the estate to our bungalow. Could bays to the front be allocated for disabled person use? Paths within the estate are too narrow for mobility scooters.
- 4.7 Objection from 47 Clerks Piece objects that the new parking will be concealed from view and not policed. Castle Hill residents park on the rear access. The disabled bays require clear marking. Part of an existing grassed area near 35 could be turned into disabled bays. There will be nowhere for visitors and those on the school run to park. Construction work will disrupt our lives.
- 4.8 A petition in opposition has been received from 41 residents at 34 different addresses within the estate. Comments criticise the loss of parking spaces and storage. There is criticism that the layout will lack turning space, and there will be no footway. The loss of the communal gardens will harm wildlife. A blue badge holder is concerned about loss of parking. There will be noise, though no specific issue is cited. This is an outrageous build anywhere proposal.
- 4.9 **Beccles Town Council Comments:** Approved with request for remaining grassed areas in the vicinity to be protected with posts to prevent vehicles parking on these areas.

#### **Consultees**

- 4.10 **WDC Environmental Health - Contaminated Land:** The Norfolk Partnership Laboratory report has identified potential sources of contamination on site but has assessed the risk posed by them to be low. The report concludes that NPL should be present following clearance of the site to inspect the ground and carry out sampling if required. I would concur with this but I would add that should made ground be discovered it must either be removed or characterised by sampling and analysis. Following site clearance and the determination of whether or not any made ground is present any requirements for further investigation and remediation (e.g. clean soil cover system) can be determined.
- 4.11 These works, together with any remediation and validation which may subsequently be required, should be secured through the model four conditions.
- 4.12 **Suffolk County - Highways Department** recommends the conditions shown below:
- 4.13 No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to the occupation of the property. Thereafter the access shall be retained in its approved form.
- 4.14 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.

- 4.15 The use shall not commence until the area within the site shown on drawing number SL01 Rev D 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.
- 4.16 **Essex and Suffolk Water PLC** were consulted on the 28 September 2016.
- 4.17 **Waveney Norse - Property and Facilities** were consulted on the 28 September 2016.
- 4.18 **Police Design Liaison-** (precised). This proposal provides the opportunity to improve the immediate environment and reduce the opportunity for crime to occur.
- 4.19 The proposed design creates a rear communal car parking area with very little natural surveillance and potential for access from the adjacent pedestrian access to the rear of the proposed car park.
- 4.20 Rear courtyard parking is not recommended as it can introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated. Un-gated and unlit courtyards provide areas of concealment which can encourage anti-social behaviour.
- 4.21 The new "Homes 2016" guide contains information relating to this application and is available from [www.securedbydesign.com](http://www.securedbydesign.com).
- 4.22 Following policy is relevant: Waveney Adopted Development Management Design Principles DM02: promote public safety and deter crime and disorder through careful layout. Developers should incorporate 'Secured by Design' principles.
- 4.23 Suffolk Design Guide: Landscaped planted areas have, in the past, been created with little thought to how they affect opportunities for crime. Footpaths separated from the highway they should be kept short, direct and well lit.
- 4.24 Secured By Design: Careful design and layout of new development can help to make crime more difficult to commit.
- 4.25 Crime and Disorder Act 1998: The Local Authority has a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.
- 4.26 Despite other legislative considerations within the planning process, there is no exemption from the requirement above. Reasonable in this context should be seen as a requirement to listen to advice from the Police Service (as experts) in respect of criminal activity. They constantly deal with crime, disorder, anti-social acts and see on a daily basis, the potential for 'designing out crime'.

4.27 Paragraph 58 of NPPF: Planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and Paragraph 69: Planning decisions, should aim to achieve places which promote safe and accessible developments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion.

4.28 Department for Transport – Manual for Streets: The layout of a residential area can have a significant impact on crime against property and pedestrians. The Crime and Disorder Act 1998, requires local authorities to exercise their function with due regard to the likely effect on crime and disorder. Permeability where provided needs to be given careful consideration. High permeability is conducive to walking and cycling, but can lead to problems of anti-social behaviour if it is only achieved by providing routes that are poorly overlooked.

- the desire for connectivity should not compromise the ability of householders to exert ownership over private or communal ‘defensible space’;
- access to the rear of dwellings from public spaces, including alleys, should be avoided – a block layout, with gardens in the middle, is a good way of ensuring this;
- cars, cyclists and pedestrians should be kept together if the route is over any significant length – there should be a presumption against routes serving only pedestrians and/or cyclists away from the road unless they are wide, open, short and overlooked;
- routes should lead directly to where people want to go;
- all routes should be necessary, serving a defined function;
- cars are less prone to damage or theft if parked in-curtilage or parked on the street in view of the home.
- Where parking courts are used, they should be small and have natural surveillance;
- layouts should be designed with regard to existing levels of crime in an area; and layouts should provide natural surveillance by ensuring streets are overlooked and well used.

## **SITE NOTICES**

4.29 The following site notices have been displayed:

General Site Notice

Reason for site notice: New Dwelling, Date posted 29.09.2016

Expiry date 19.10.2016

## **PLANNING POLICY**

5.1 CS02 High Quality and Sustainable Design.

5.2 DM02 Design Principles. Development proposals will be expected to protect the amenity of the wider environment, neighbouring uses and occupiers of the proposed development and produce developments in keeping with the overall scale, character, layout, site coverage, height and massing of existing buildings, taking into account the relationship between buildings and spaces and the wider street scene or townscape and use appropriate materials for the locality; deter crime and disorder. Provide good access for all, including people with mobility impairments. Provide adequate parking and safe

highway access and access for pedestrians and cyclists. Minimise water and energy consumption and incorporate Sustainable Drainage.

- 5.3 DM16 Housing Density. Make best use of the site in a manner that protects or enhances the distinctiveness and character of the area and make the most efficient use of land. A minimum density of 30 dwellings per hectare should be achieved across the District and higher densities in the most accessible locations where a minimum of 50 dwellings per hectare is suggested.
- 5.4 DM17 Housing Type and Mix should take into account the Housing Market Assessment in determining the mix of unit sizes and types on any particular site and to address the long-term requirement for smaller properties, up to 30 to 40% of all new dwellings across the District should be designed for single people and couples of 1 but preferably 2 bedroom accommodation.
- 5.5 DM18 Affordable Housing. All new housing developments on sites with a capacity of 5 or more dwellings must make provision for affordable housing.

## **PLANNING CONSIDERATIONS**

- 6.1 Policy: DM02 requires design that is safe with regard to crime and the fear of crime. There is currently pedestrian access around the garages onto the lane and the removal of the garages will open up the area to greater surveillance, and while the proposed open parking is currently unlit, removal of the garages will allow light from the streetlight on the footway to illuminate the whole area with additional lighting secured by condition. The objection by the Police's "Designing Out Crime Officer" (DOCO), is that the layout by placing the new homes forward leaves the parking poorly overlooked. There is however some overlooking from four of the surrounding dwellings, this however is poor because of the layout of the dwellings with their L shape and small private courtyard with high fence. Altering this layout would result in fewer parking spaces being available, and although the area has a crime rate relative to the rest of Beccles, the general crime rate in Suffolk is very low and Beccles shares this relative freedom from crime. It is considered that the benefits of securing appropriate sized affordable housing does offset this impact and a condition can be applied for additional external lighting before commencing works.
- 6.2 DM02 also requires access for those with mobility impairment. It is considered that access is available but that the covered storage of mobility buggies will be restricted by the demolition of all of the garages. The garages are in poor order. The loss of the garages does not constitute a refusal reason supportable in policy because the adopted Suffolk County Parking Guidance does not make requirements for mobility scooter accommodation. The estate is not in planning terms dedicated to the elderly and there is space for garden sheds under permitted development rights, even though the open space associated with each residence is small.
- 6.3 Policy CS02 requires that "All development proposals must demonstrate a high quality and sustainable design that positively improves the character, appearance and environmental quality of an area and the way it functions" and paragraph 58 of the NPPF requires development that is "visually attractive as a result of good architecture and appropriate landscaping". In design terms the applicant has proposed pitched roof construction, at

odds with the flat roofs of the locality, and this results in a slightly strange architectural form, because the pitch is hidden to the inside of the plan form, leading to high parapet walls to the front. These walls feature a deep multi part fascia and horizontal planked areas above openings. This is architecturally weak, but not considered sufficiently so as to justify refusal given the benefits arising from the provision of affordable housing, and the Housing Association is not able to build flat roofed construction, within its own rules and standards.

- 6.4 DM 16 density: Proposals for residential development will be permitted provided that the development makes best use of the site in a manner that protects or enhances the distinctiveness and character of the area and takes into account the physical environment of the site and its surroundings yet make the most efficient use of land. Measuring the size of the assumed dedicated parking and curtilage, the density is 33 per hectare compliant therefore with character and density of 30 dwellings per hectare suggested as reasonable in the policy.
- 6.5 Policy DM17 - Housing Type and Mix shows that up to 30 to 40% of all new dwellings across the District should be designed for single people and couples. This should comprise of preferably 2 bedroom accommodation, the proposal helps in the aim of meeting this.
- 6.6 The provision of purpose built and/or specialist accommodation for the elderly will be supported in appropriate locations within selected settlements in accordance with policy DM01. While not allocated specifically to the elderly, the proposal is considered compliant and also offers opportunity for down-sizing as a result of housing benefit changes.
- 6.7 DM18 Affordable Housing: The proposal provides two affordable homes and exceeds the policy requirement and government ministerial statements. This offers a strong material consideration in suggesting an approval.
- 6.8 Parking: There are concerns expressed by contributors regarding parking provision within the site overall. The proposed scheme including the demolition of the garage blocks will remove around 24 garage parking and 11 informal external spaces next to the entrances to 38 to 42. These will be replaced by 18 spaces (shown on amended drawing SL01 revision E, including 3 spaces at disabled access width). The two proposed dwellings are two bedroom units with the ability to share spaces, so the parking requirement for the new dwellings is deemed to be 3 spaces. The overall loss is therefore effectively 19 spaces. The revised parking use survey statement attached at the end of the report shows 29 of the 50 garages across the site are not used or rented to persons not living on the site. The loss of the garaging and its replacement with more flexible parking spaces is supported by the County Council highway team and the survey shows the impact of the change on parking is not significant. Open unallocated spaces are accorded a 25% discount in the Adopted Suffolk Parking Guidance.
- 6.9 The garages are small by modern standards, restricting their use though older residents tend to have smaller cars than is typical.
- 6.10 The garages being small are not well adapted for use by those with disabilities whereas the open parking suggested will incorporate wider bays that can allow wheelchair users to access their vehicles.

- 6.11 Additional information from the agent notes: The estate was originally designed specifically for the elderly comprising 52 No. 2 Bed bungalows with 52 garages in 2 courts. It is the southern court which will be demolished. In considering the SCC Highway Service Parking Standards 2015 which suggests that 1 space per dwelling for the elderly then as things stand there is sufficient provision. At present there is scope to park a further 16 vehicles informally (8-11 in the southern court and 5 approximately in the northern court).
- 6.12 A small shortfall is likely to be compensated for by the other policy benefits and it is noted that the Highway response does not considered the shortfall significant in this geographic location. The estate cannot in planning terms be presumed to offer accommodation solely for the over 55 age group as there is no planning condition covering this, however current usage tends to accommodation of older persons.
- 6.13 The County Highways response recommends the application of conditions that further details of the proposed access be agreed, including bin storage positions, and that parking areas are available before first use of the new properties.
- 6.14 The reduction in provision for car and other storage is therefore a matter for the Council as landlord to consider with regard to expectations of long term tenants, but not a material planning consideration that is capable of being accorded significant weight in this instance. The Housing team have been made aware of the content of objection letters.

**ADDITIONAL INFORMATION:**

- 6.15 Email received from planning agent 22nd November 2016 (precised): The attached information supplied by WDC Housing (and within the updated presentation) shows garage use by off site users (12 in total, 8 of which live over 0.5 miles from the site), indicating the location of their residence.
- 6.16 A further 17 garages are unoccupied so a total of 29 garages are not being utilised by estate residents. The demolition of 24 garages and replacement with 17 no. spaces including 3 wider disabled bays (not currently provided), adequately compensates for the loss.
- 6.17 The WDC Housing Service advises that the rent levels of the garages are set at £6.10 for Clerks Piece residents (17) & £9.10 for off site tenants per week yielding an annual income of approx. £11070.
- 6.18 The WDC Building Maintenance Manager advises that: The concrete sectional units are now in poor order, some unused garages are dangerous. The concrete panels are spalling, exposing reinforcing bars, the roofs are asbestos. Many of the doors and gutters are in poor order but because of the condition of the concrete panels which these fix into, it is considered as unviable to incur the levels of expense that would be required for what essentially would have to be a whole new garage.
- 6.19 The rent levels together with the condition report comments above render the garages unviable for further letting. Retaining garages for buggy storage is not viable. Councillor Catchpole confirmed there are 7 Buggy users living on the estate this usage does not justifying storage provision also given the distance from any store to the residents, dwelling. We argue that, it is wrong to impose these requirements through the planning



application. If the buggy issue is to be pursued then the WDC Housing Service is best placed to deal with this.

- 6.20 Beccles Town Council and Suffolk County highways support the scheme as submitted and it was recommended for approval at the Committee. The justification for additional conditions is weak. The planning proposals will lead to investment and in turn help to regenerate the area tired.
- 6.21 Response received 23rd November 2016 regarding project viability from Greg Dodds Orwell Housing Association:
- 6.22 “This scheme is funded by WDC capital programme to support affordable homes. This funding is approved and is sparse, restricted by Waveney capital budgets. Every pound spent on other off site or unnecessary works is a pound less to spend on other affordable projects. WDC is having to maximise the number of homes they can provide and make their available money go as far as possible, such is the high demand for affordable rented homes...”

## **CONCLUSION**

- 7.1 While this proposal creates a rear parking court with poor surveillance, it delivers two smaller size affordable homes, the reduction in on site parking is considered to have been demonstrated as not significant in practise and the surveillance matter can be mitigated by conditions requiring further detail so the recommendation is conditional 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 not be brought into use until it has been completed in all respects strictly in accordance with amended plans 6895 SL01 revision F and PL01 revision B received 26<sup>th</sup> October 2016, 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. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to the occupation of the property. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

4. 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.

5. The use shall not commence until the area within the site shown on drawing number SL01 Rev D 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.

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.

6. Prior to the commencement of development, 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:
- (iii) human health,
- (iv) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- (v) adjoining land,
- (vi) groundwaters and surface waters,
- (vii) ecological systems,
- (viii) archaeological sites and ancient monuments;
- (ix) an appraisal of remedial options, and proposal of the preferred option(s).
- (x) 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.

7. 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.

8. 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.

9. 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

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.

10. Before commencement of the works, further details of the external lighting shall be submitted in writing to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full and retained for the lifetime of the permission.

Reason: To provide site security and limit light pollution.

11. 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. Amongst others 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

**BACKGROUND INFORMATION:** See application ref: DC/16/4017/FUL at [www.waveney.gov.uk/publicaccess](http://www.waveney.gov.uk/publicaccess)  
**CONTACT** Chris Green, Area Planning and Enforcement Officer, (01502) 523022, [chris.green@eastssuffolk.gov.uk](mailto:chris.green@eastssuffolk.gov.uk)