

PLANNING COMMITTEE – 13 December 20126

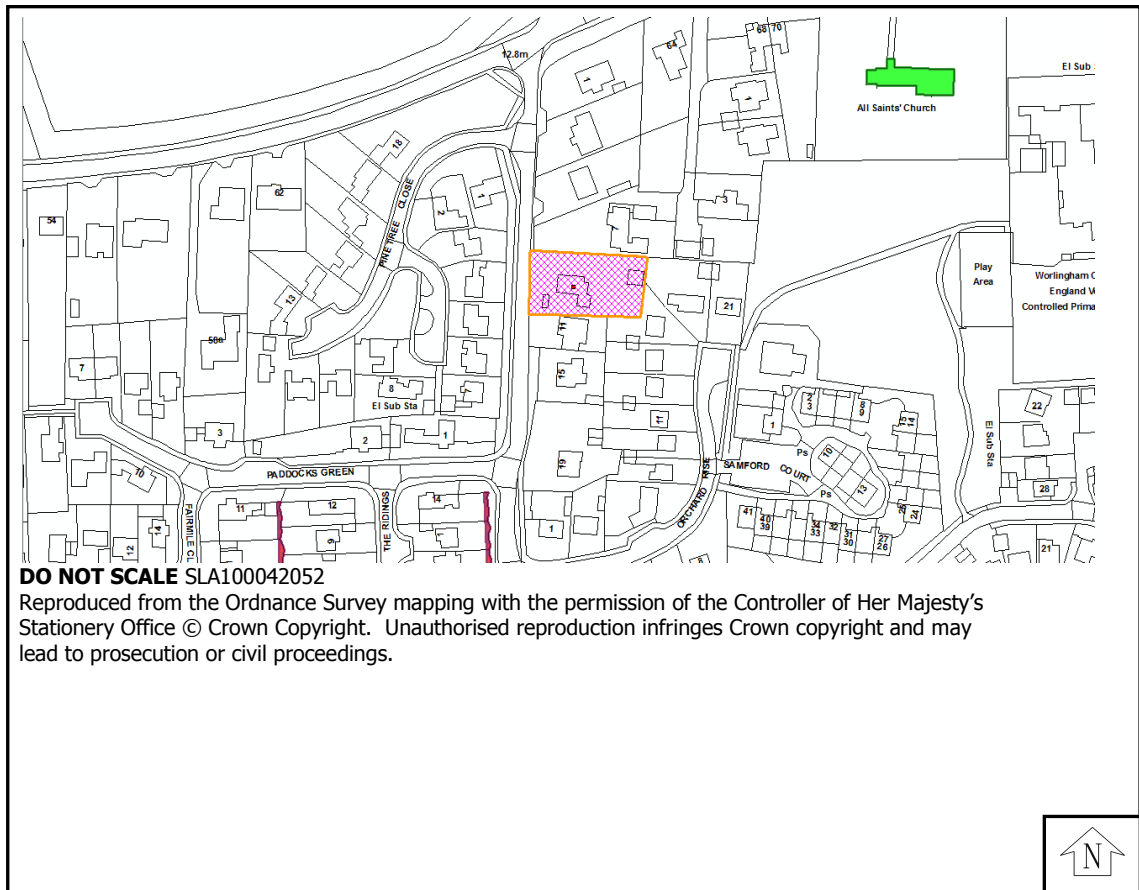
APPLICATION NO DC/16/4457/FUL

LOCATION

9 Garden Lane
Worlingham
Beccles
Suffolk
NR34 7SB

EXPIRY DATE 18 December 2016
APPLICATION TYPE Full Application
APPLICANT Broughton (E.A.) Developments Ltd

PARISH Worlingham
PROPOSAL Construction of two detached bungalows, including demolition of existing bungalow



SUMMARY

1.1 This matter is reported to Committee given a wider interest created by the Tree Preservation Order pending on the existing tree on site that is considered threatened by development.

- 1.2 The submitted layout would prejudice the survival of the tree. Currently this layout is recommended for refusal.

SITE DESCRIPTION

- 2.1 The site is currently occupied by a bungalow of probably immediate Second World War date, which is of a construction form now regarded as poorly performing in environmental terms. The site is extraordinary in that number 7 Garden Lane adjacent is around 2m lower than the site and the highway to the western front is also similarly 2m lower. This necessitates the existing steep drive with forward placed corrugated iron garage set 750mm approximately lower than the bungalow and necessitating a ramp to the front door, complete with handrails to assist elderly occupiers.
- 2.2 There is a mature tree in the rear garden adjacent to the drop down to number 7. This property is a two storey house albeit 2m lower. To the other side number 13 is another bungalow set at the higher level. To the rear there is a modern estate road Orchard Rise with two storey houses angled towards the site on their flanking side walls. These walls are blind, without fenestration.
- 2.3 Across Garden Lane other two storey property is set back and also shares the higher ground level of the application site.

PROPOSAL

- 3.1 The proposal is to demolish the existing bungalow and garage and construct a driveway at right angles to the highway on the north boundary up to and through where the tree is (not shown on the submitted plans) and to construct two bungalows in tandem configuration at right angles to Garden Lane. These bungalows feature large roof voids, but no windows are shown and windows to principal rooms out-looking laterally towards 7 and 11 Garden Lane.

CONSULTATIONS/COMMENTS

- 4.1 7 Garden Lane: Concerns that development is too close to 7 Garden Lane, note that the site is several feet higher than number 7, causing loss of sunlight/daylight into the lounge and that sunlight and daylight to the Solar panels will be reduced. The entrance/exit from proposed properties could due to the very steep incline be very hazardous, given the School only 200/300 yards away and a very large volume of traffic during term time.
- 4.2 **Worlingham Parish Council Comments:** The parish council could not comment on this application as insufficient information has been supplied - there is no design and access statement or details of the materials being proposed. Please supply this information to enable the public and council to consider the application and respond accordingly

Consultees

- 4.3 **Suffolk Fire and Rescue Service:** 15 tonne hardstanding capacity. Hydrant at 95m but additional hydrant not required. Domestic sprinkler recommended.

- 4.4 **WDC Environmental Health - Contaminated Land:** There is no submitted information relating to the consideration or assessment of contamination. As you know the local validation requirement is for a completed CL questionnaire together with an internet environmental search. As this information is not present I am unable to advise you that the site is, or could be made, suitable for the proposed development. The applicant should provide the minimum required information before the development is permitted to proceed. This further work, together with any remediation and validation which may subsequently be required, could be secured using the four model conditions.
- 4.5 **Suffolk County - Highways Department:** Recommends the following conditions:
- 4.6 The access shall be completed in all respects in accordance with Drawing No. DM01; with an entrance width of 4.5m and be available for use before occupation. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.
- 4.7 Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.
- 4.8 The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.
- 4.9 Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.
- 4.10 The access driveway shall be constructed at a gradient not steeper than 1 in 8.
- 4.11 Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.
- 4.12 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.
- 4.13 Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.
- 4.14 The vehicular access hereby permitted shall be a minimum width of 4.5 metres for a distance of 10 metres measured from the nearby edge of the carriageway.
- 4.15 Reason: To ensure vehicles can enter and leave the site in a safe manner.
- 4.16 Before the development is commenced details of the areas to be provided for collection of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.
- 4.17 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.

- 4.18 Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
- 4.19 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 4.20 Reason: To prevent hazards caused by flowing water or ice on the highway.
- 4.21 Before the development is commenced details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage 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 and used for no other purpose.
- 4.22 Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.
- 4.23 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) any means of frontage enclosure shall be set back 2.4 metres from the edge of the carriageway of the adjacent highway.
- 4.24 In the interests of highway safety, to avoid obstruction of the highway and provide a refuge for pedestrians.

SITE NOTICE

4.25 The following site notices have been displayed:

General Site Notice

Reason for site notice: New Dwelling, Date posted 01.11.2016

Expiry date 21.11.2016

PLANNING POLICY

- 5.1 CS02 High Quality and Sustainable Design
- 5.2 DM02 Design Principles, DM05 Carbon Emissions and Carbon Compliance, DM16 Housing Density.

PLANNING CONSIDERATIONS

- 6.1 The curtilage size of the dwellings created will be similar to the southern neighbour and other property to the east and west so compliant with Density Policy DM16 where context should be respected while making good use of land within sustainable locations. Number 7 to the north will remain a larger curtilage, but atypical itself of the character locally.

- 6.2 The proposal is for generous three bedroom bungalows of standardised type. The theoretic parking requirement within the Adopted SCC guidance is two cars per dwelling and this requirement is met in the proposal.
- 6.3 At pre-application stage advice was given that a semi detached pair across the front of this atypically large curtilage would be preferred and would ensure that pressure on the tree would be lessened and the pattern of development respected.
- 6.4 The applicant has confirmed that it is intended that both of the dwellings will share the same floor level as the existing bungalow.
- 6.5 The principle of demolition and rebuild is well established as having a relatively short period over which the better energy performance of new development will offset the embodied energy of demolition. This is considered to accord with policy DM05 for reducing carbon emissions.
- 6.6 Impact on number 7 Garden Lane:
- 6.7 This larger property is set well to the rear of its larger curtilage so that it will be alongside the rearmost of the proposed dwellings. There is a substantial level change between the two sites noted as around 2m without the benefit of a proper level survey from the applicant, the proposal is however set around 10m from this property at the closest so will be little evident over existing planting and boundary enclosure.
- 6.8 There is a window on number 7 looking in this direction, however light and outlook are not considered materially altered and it is a secondary light into the front ground floor room.
- 6.9 An objection from this landowner concerns loss of light to solar panels. There is no current case law that supports this as an amenity concern for evaluation through the Planning Acts. It might be that a claim using the "Rights to light" (1832 Prescription Act) legislation could elicit compensation for the loss, but that would be a private matter.
- 6.10 Impact on other dwellings:
- 6.11 Impact on number 11 Garden Lane is limited by the single storey nature and the privacy created by boundary fences that may be erected under permitted development. There is a conservatory to the rear but light levels are not considered materially harmed by the proposal given the 6m separation.
- 6.12 17 and 19 Orchard Rise to the south east and east feature blind gables facing the proposal site so there is considered no light privacy or outlook impact on these properties.
- 6.13 Impact on the tree:
- 6.14 The Tree Officer notes that the current application shows the driveway with no levels and the Sweet Chestnut tree not plotted. The current scheme could be refused because of impact on the tree and the very real likelihood of future pressures to fell.

- 6.15 There has been no proper assessment of the tree as per BS5837 guidance - Trees in relation to design, demolition and construction, as there is no survey of levels for this site – the bungalow currently sits on land a lot higher than the road level. With that information it may be possible to arrive at a suitable layout for this site. However, unfortunately not with what has been submitted so far.
- 6.16 From the Tree Officer's comments it is clear that there might be some impact on an attractive tree which was covered by a Temporary Tree Preservation Order enacted following a survey by the Tree Officer. This order has yet to be confirmed however the retention of existing landscape features is a matter stated as desirable in policy DM02 where this states that development proposals should:
- 6.17 "Retain and enhance existing landscaping and natural and semi-natural features on site, for example woodland, trees, hedgerows, ponds, watercourses, geological features. All new developments must include details of new hard and soft landscaping to illustrate how the development could be satisfactorily integrated into the surrounding area and create green-links and networks to improve ecological connectivity".
- 6.18 While the tree is not part of a "network" it is certainly of value in the setting and might offer potential resting space within a network (though this is not particularly evident). In addition the need to ramp up to the garages might lead to the need to reduce levels near the tree, and given that substantial roots are often close to the surface, such activity will prejudice the tree's survival.
- 6.19 The Tree Officer comment's highlight the disquiet felt about the proposal with regard to submitted information, this being worsened by the need to reduce levels to achieve a driveway that is sufficiently fleet in order to comply with County requirements suggested in their response and with those set out by the National Housebuilders Confederation (NHBC).
- 6.20 A level survey has been received as additional information. This shows a kerb top level of 14.16 m above Newlyn datum and a measurement near the tree of 16.51m that is to say a difference of 2.35m with a horizontal distance of 20m. The requirements of the County Council with regard to vision, driveway width to allow passing vehicles and gradients, that the footprint of the dwellings might need to be adjusted. More significantly however, the level change within the site will mean some soil level reductions (probably around 0.45m at the tree when sub-base level of the drive is considered) to achieve the gradients required by the County and might make retaining the tree impossible.
- 6.21 The pre-application suggestion has been repeated therefore with an additional suggestion that a split level approach to development might provide an improved exploitation of the site for value, without planning harms. The applicant has not accepted this suggestion and instructed his agent to proceed with the current scheme.

CONCLUSION

- 7.1 Refuse in submitted form on grounds of harm to a valuable tree subject to a request for protection by a preservation order.

RECOMMENDATION

That permission be refused for the following reasons:

1. The proposal is considered to cause harm to a valuable tree, identified as being worthy of protection through a Tree Preservation Order. As such the proposal is considered to conflict with policy CS16 – Natural Environment, of the Waveney Adopted Core Strategy where “The District Council will work with partners ...to protect and enhance the natural... environment in the District and proposals for development are expected to retain and add to local distinctiveness, retain tranquillity, avoid fragmentation of habitats and seek to enhance wildlife corridors and networks.
2. The proposal also conflicts with policies DM02 of the adopted Waveney Development Management Policy where development should “Retain and enhance existing landscaping and natural and semi-natural features on site, for example...trees... and policy DM29 Biodiversity and Geodiversity of the Adopted Waveney Development Management Policy where: “development proposals should: “Maximise opportunities for restoration, enhancement and connection of natural habitats and creation of habitats”...

BACKGROUND INFORMATION:

See application ref: DC/16/4457/FUL at
www.waveney.gov.uk/publicaccess

CONTACT

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