

PLANNING COMMITTEE – 11 October 2016

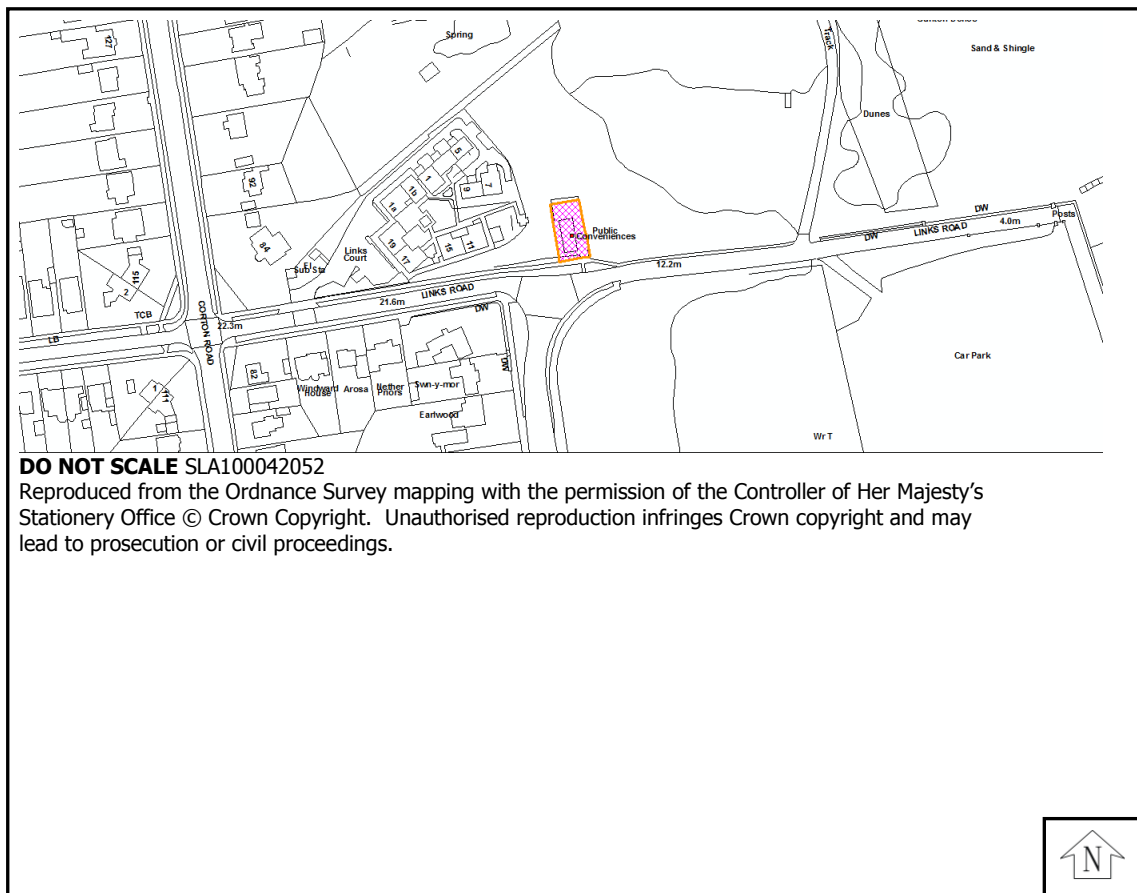
APPLICATION NO DC/16/3067/FUL

LOCATION
 Ex RNLI Social Club
 Links Road
 Lowestoft
 Suffolk
 NR32 4PQ

EXPIRY DATE 25 September 2016
APPLICATION TYPE Full Application
APPLICANT Peter Corby Commercials Ltd

PARISH

PROPOSAL Vacant site ex RNLI Social - Demolish and rebuild new 2 storey 3 bedroom house with car port



1 SUMMARY

1.1 This proposal is referred to Committee to consider whether or not the scheme is of an exceptional quality of design, as cited necessary in paragraph 55 of the National Planning Policy Framework. This proposal differs from the previous approval for this site (DC/12/1417/FUL) in that instead of a commercial (restaurant use) residential use is now proposed. Another application for residential use preceded this one, reference: DC/16/0162/FUL. The design proposed was very bulky and box like and refused on physical limits spatial, ecological and design grounds.

- 1.2 The site while immediately adjoining other housing is outside the physical limit line and within a County Wildlife site. The design of the scheme fails to create a unique high quality response to a very distinctive steeply sloping site in a maritime environment that could qualify as exceptional in the terms expressed in paragraph 55 of the National Planning Policy framework. The recommendation is therefore for refusal.

2 SITE DESCRIPTION

- 2.1 The site is outside the line of the physical limits for Lowestoft as defined by the adopted proposal map.
- 2.2 This site sits below the former sea cliff on Links Road. Over time, since at least the medieval period, deposition has occurred below the cliff leading to a broad permanent area of marram grass and trees between this now inland cliff and the sea. The proposal site is at a point elevated above the deposition area, effectively half way up the cliff. The land although unprotected by engineered coastal defences is not considered at risk of coastal erosion and is not identified as at flood risk.
- 2.3 Above the site to the west is the Links Court site housing persons with disabilities, and beyond that general housing at the top of the cliff on the west side. To the south is the steeply sloping Links Road, which is shown as providing access. The site and its environs to the north and east are within the Gunton Warren County Wildlife site. This area has seen recent investment under the pathfinder project in part as a response to the fragility of access to the beach at Corton, and as such the beach and area of the Wildlife site have a tourism role.

3 PROPOSAL

- 3.1 The proposal would see the total demolition of the RNLI club (a former toilet block) and the erection of a two storey house of brick and tile construction covering most of the available site.

4 CONSULTATIONS/COMMENTS

4.1 Neighbour consultation/representations

- 4.2 26 Gunton Cliff supports the Planning Application: I think that it is the most sensible use for this land which for a long time has been an eyesore.
- 4.3 Objection from 28 Gunton Drive, that the cliff area should be for public access and wildlife. A footpath alongside the toilet block has been blocked off. No-one could stay overnight in the fish restaurant previously granted permission so how can a house be permitted with such poor access.
- 4.4 Objection from 4 Gunton Cliff: In the absence of a Design & Access Statement, it is difficult to understand why the applicant thinks the decision on this application will be any different from the previous one. There is the obvious objection that the proposed house would be outside any existing alignment or pattern of houses in the area. The proposed carport is inaccessible by a car and too narrow. It would store bicycles etc (with a door). The site has been invaded by Japanese Knotweed, which places an obligation on the applicant to remove it in accordance with regulations and this should be done whatever the outcome of the application.
- 4.5 Objection from Scania (precised)
- The site is in Open Countryside outside the physical limits for Lowestoft defined by DM01.

- Waveney Core Strategies policies CS01 & CS11 and Development Management Policy DM22 establish a presumption against new residential development unless it meets one of the specified exceptions, which do not apply to this application.
- The application is a development in the countryside, to the detriment of the character of the Gunton Denes County Wildlife Site and sets a precedent for further residential development in this area.
- It is a large building, both physically and in relation to the plot size, having a significant impact, being directly adjacent to the County Wildlife Site/Local Nature Reserve. The owners of the property might seek to 'deter' the growth of the woodland around the boundaries, to the detriment of the County Wildlife Site/Local Nature Reserve, particularly on the Eastern boundary, where growth of trees will conflict with the homeowners enjoyment of views and light from the extensive windows and balcony shown. Trees on this boundary have been illegally pruned, when the temporary fencing around it was erected.

4.6 **WDC Environmental Health - Contaminated Land** The CL questionnaire is suitable and intended only, as is clearly stated on the form, for 1 or 2 dwelling developments on greenfield or existing residential land. This application is neither greenfield nor existing residential so a Phase 1 assessment should be required. In addition the site is within close proximity to a former landfill site and this will need to be considered / assessed. These additional works, together with any remediation and validation which may subsequently be required, should be secured using the four model conditions.

4.7 **Suffolk County - Highways Department** The proposed parking layout does not meet the guidance within Suffolk Guidance for Parking 2015 (SGP), the parking space, garage and aisle are all substandard and will likely result in an unworkable layout.

4.8 The proposed garage has a depth of 5.3 metres and width of 2.5 metres, measurements taken from DWG No 1607:122:01. SGP (2015) states that 'For a garage (or car port) to be counted as an allocated space they must meet the minimum dimension requirements: 7.0m x 3.0m (internal dimension) with clear doorway minimum 2.4m wide'. However, 'reduced minimum internal garage dimensions of 6.0m x 3.0m (internal dimension) will be deemed to count as a parking space provided that additional fixed enclosed storage of minimum size 3m² is provided.'

4.9 In order to physically access the right angled parking space a 6.0m minimum aisle width is deemed a reasonable manoeuvring area (7.3m for garages in blocks), as stated in SGP 2015. The aisle width behind the car port is 2.5m, which falls significantly below SGP recommendations. This will likely result in a unusable parking space.

4.10 The parking spaces are of substandard dimensions, 2m x 5m. SGP states that the parking spaces should be a minimum of 2.5m x 5m to qualify as a usable parking space. In order to physically provide access to both sides of a parked car, those parking spaces located at the end of a row, against a boundary fence or wall of a building will require an extra width of 300mm (total width of 3.1m).

4.11 The proposed development does not provided an adequate turning area to allow vehicles to manoeuvre in a manner so that they may enter and exit the site in a forward gear.

4.12 This is likely to result in vehicles reversing onto the public highway which is a 'unacceptable risks to highway safety' (NPPF Para 32, 35).

4.13 Until a revised plan is submitted we will be recommending this application for refusal for the above reasons.

- 4.14 **Suffolk Wildlife Trust** This application follows the refusal of DC/16/0162/FUL, conversion and extension of the existing building to form a dwelling. We understand that the reasons for refusal included the adverse impacts on the adjacent designated sites. The current application does not appear to include documentation addressing this reason for refusal.
- 4.15 This site lies directly adjacent to Gunton Warren County Wildlife Site and Gunton Warren and Corton Woods Local Nature Reserve (LNR), the CWS is managed by Suffolk Wildlife Trust. Care is required to limit any activities to within the boundaries of the development site. The County Wildlife Site and LNR shall not be used for parking or turning of construction vehicles, nor the temporary storage of building materials.
- 4.16 There must be no access from the site in to the County Wildlife Site and Nature Reserve.
- 4.17 Demolition of the existing building must not result in adverse impacts on the adjacent site (for example through the creation of dust).
- 4.18 Vegetation clearance is likely to be required. The adjacent County Wildlife Site/LNR is known to support a number of species of reptiles. If any habitat suitable for reptiles is present on site an assessment of the likely impact of the proposal on reptiles should be carried out and suitable mitigation measures should be established. Clearance of any vegetation must be carried out outside of the bird breeding season (March to August inclusive) or the area to be cleared checked for nesting birds by a suitably qualified individual and if any nests are discovered a buffer area should be established and maintained until any chicks have fledged.
- 4.19 Any exterior lighting be required this should be of a sensor triggered, timer controlled 'security' style and should be directed away from the site boundaries.
- 4.20 Japanese knotweed has been found in the vicinity of the proposed development site. A survey for Japanese knotweed (and other invasive species) should be undertaken by a suitably qualified individual and if identified should be removed using appropriate methods.

SITE NOTICES

4.21 The following site notices have been displayed:

General Site Notice	Reason for site notice: New Dwelling, Date posted 04.08.2016 Expiry date 24.08.2016
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RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/12/1417/FUL	Extensions to existing building and change of use to restaurant	Approved	15.02.2013
DC/16/0162/FUL	Conversion and extension of existing vacant social club to form 1 No. house	Refused	01.04.2016

5 PLANNING POLICY

- 5.1 The **Core Strategy** was adopted in January 2009. Policy **CS01** Spatial Strategy, **CS03** Flooding and Coastal Erosion, **CS11** Housing and **CS13** Tourism have been considered
- 5.3 The **Development Management** Policies were adopted in 2011. **DM01**- Physical Limits states that development will be concentrated within the physical limits of the main towns and villages listed within the local plan and preference will be given to the development of previously used land and buildings or vacant and underused land. Policy **DM02** sets design principles for new development, in particular proposals should be sympathetic to the character of a site and the quality of the built environment. Further policies considered

include **DM22** Housing Development in the Countryside, and **DM29** - Protection of Biodiversity and Geodiversity.

6 PLANNING CONSIDERATIONS

- 6.1 This proposal differs from the previous approval (12/1417/FUL) in that instead of a commercial use a residence is now proposed.
- 6.2 The site while immediately adjoining other housing is outside the physical limit line. Total demolition of the RNLI club (a former toilet block) is now proposed.
- 6.3 Policy DM22 deals with the conversion of “rural” buildings, beyond physical limits:
- The conversion of rural buildings to residential use will only be permitted where:
 - It is demonstrated that every attempt has been made to secure a suitable commercial re-use;
 - The building is well related to an existing settlement and has access to local services and/or is close to a regular public transport service to a town or larger village;
 - The building is locally distinctive and of architectural merit and the conversion requires only minimal alteration; and
 - The creation of a residential curtilage does not have a harmful effect on the character of the countryside;
 - The conversion would secure or safeguard an historic asset.
- 6.4 The proposal fails to meet many of the criteria: It is close to the major settlement of Lowestoft but not well served by public transport as buses do not run down Corton Road so the nearest public transport is over 400m away (considered the maximum average walking distance that makes public transport viable for a site) actually 1 km away on Yarmouth Road.
- 6.5 The proposal to demolish entirely renders this other than conversion, though the quality of the original building is poor and not worthy of retention. The previous consent reflected a commercial re-use in line with the policy, and supported by a location where the function would support the informal tourism offer in an unspoilt natural landscape on offer at the beach, in this un-commercialised location.
- 6.6 The shoreline management plan (SMP6) shows some erosion will be allowed to occur north of the current sea wall, but this is predicted to fall a long way short of impacting on this site. There is no need for a CEVA and refusal even for a residence (where the assumed lifespan of the use would be very long term) cannot be predicated on erosion risk in this case.
- 6.7 The level changes within the site and area of deposition below the former cliff line means that this is well outside strategic flood zones.
- 6.8 The proposal would be located at a mid point in the sequence of preference expressed in policy CS11, for while just outside the settlement the land is previously developed and there are some advantages to removing an eyesore. That said the scale of the existing toilets and the way they are set into the cliff, does render them scarcely more noticeable than some of the equally brutalist but overgrown coastal defences, albeit these are of historic value whereas the toilet block/ club house arguably is not. It is considered that there is no over-riding pressing need to remove the toilets for landscape purposes such as to justify the departure from policy.
- 6.9 The proposal does not contribute significant public goods: While it will generate a CIL payment, the provision of one dwelling does not significantly address housebuilding requirements over the plan period and does not contribute towards affordable housing

(DM18) or the desire to provide a wider range of smaller homes as laid out in the type and mix policy DM17.

- 6.10 The site is within a County Wildlife site. Policy DM29 - Protection of Biodiversity and Geodiversity applies. This states "Development proposals that would cause a direct or indirect adverse effect on locally recognised sites of biodiversity and geodiversity importance, including County Wildlife Sites..... will not be permitted unless: The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats, and; prevention, mitigation and compensation measures are provided.
- 6.11 It is considered that there are no over-riding wildlife benefits in a residential proposal in this vicinity. The application does not include an ecological report or mitigation or enhancement proposals, though the Suffolk Wildlife Trust response does indicate that mitigation can reasonably be achieved so this deficiency can reasonably in itself be mitigated by application of a pre-commencement condition.
- 6.12 Paragraph 55 of the National Planning Policy Framework does lay out circumstances where for the purposes of sustainable rural development, rural housing should be allowed: The first criteria is that development should be located where it will enhance or maintain the vitality of rural communities. This site at the edge of Lowestoft is not considered to fit within the rural economy criteria, though the earlier proposal for a restaurant did assist the seaside related tourism economy.
- 6.13 Special circumstances are described in NPPF such as rural worker accommodation, re-use of a heritage asset or reuse of a redundant building. None of these circumstances apply. Exceptional quality or innovative design can provide a reason for departure from the policy. It is considered that the proposal does not meet these criteria. The design is of a higher order than that submitted before, but still does not represent something of exceptional quality that would justify an exception to policy. It is suggested as a minimum a truly exemplary proposal would have to be tested by the Suffolk RIBA design review panel, in order to be demonstrably of the quality required by the NPPF.
- 6.14 There has been criticism that the proposal lacks on site parking, the site plan is poorly drawn onto an Ordnance Survey print out and does not show a parking space and a car port, though in reality the lack of turning swept path means that the car port is almost un-useable and if it were accessible then the car space identified would be needed for turning, if one were to leave the site in forward gear. This means that there is a shortfall in on site parking for the scale of development proposed. There are parking restrictions on the hill and a junction on a steep gradient very close to the proposal. On the one hand this means vision is not obscured by parked cars, on the other it does mean that the nearest off site parking is at the top of the hill, where natural surveillance is difficult. This was considered less an issue when determining the previous application for the restaurant, but considered a less attractive parking option for a permanent residential use given that policy DM02 seeks not only to avoid crime but also the fear of crime that it is considered would accompany the need to park one's vehicle some distance from the house on a public road in a relatively remote location. One correspondent noted that the car port would readily accommodate bicycles. This is undoubtedly true, though the steepness of the highway might act as a disincentive to bike use for most users. County Highways have noted, in recommending refusal on highway safety grounds the shortfall in sizes for parking provision requiring a fundamental review of the footprint of the proposal.
- 6.15 While the building occupies most of the site area, this in itself in design terms is not harmful in that the large surrounding natural area does offer benefit to the setting of the proposal.

It has been noted that the site has been invaded by Japanese Knotweed, which places an obligation on the applicant to remove it in accordance with regulations and this should be done whatever the outcome of the application.

7 CONCLUSION

- 7.1 Refuse as contrary to spatial location policies, without any significant counterbalancing public goods.
- 7.2 The County Council recommends refusal on highway safety grounds, while a redesign might address this issue, the current scheme does require refusal on this ground.
- 7.3 The lack of an ecology survey does not justify refusal in itself.

8 RECOMMENDATION

That permission be refused for the following reasons:

- 1. The proposal is contrary to the adopted Local Development Plans policy CS01 with regard to the spatial strategy and CS11 with regard to sequentially preferable development location and DM01 Development limits where the site falls outside the physical limits envelope of Lowestoft, the proposal offers no compensating public good to justify a departure from policy, and does not represent the conversion of a rural building or the infilling of a small site or the provision of accommodation for rural workers as envisaged by policy DM22 dwellings in the Countryside.

As such this proposal is contrary to aforementioned adopted local plan policies and would result in development in the countryside, to the detriment of the character of the adjacent Gunton Denes County Wildlife Site.

- 2. The proposed parking layout is substandard dimensionally and an unworkable layout. The proposed development does not provided an adequate turning area to allow vehicles to manoeuvre in a manner so that they may enter and exit the site in a forward gear, resulting in reversing onto the public highway creating `unacceptable risks to highway safety' contrary to paragraph 32 of the National Planning Policy Framework and contrary to development management policy DM02 where proposals should "ensure access to the site that does not compromise highway safety".

BACKGROUND INFORMATION: See application ref: DC/16/3067/FUL at www.waveney.gov.uk/publicaccess

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