

PLANNING COMMITTEE – 13 SEPTEMBER 2016

APPLICATION NO DC/16/2982/FUL

6

LOCATION

Rosemount
155 Stradbroke Road
Lowestoft
Suffolk
NR33 7HP

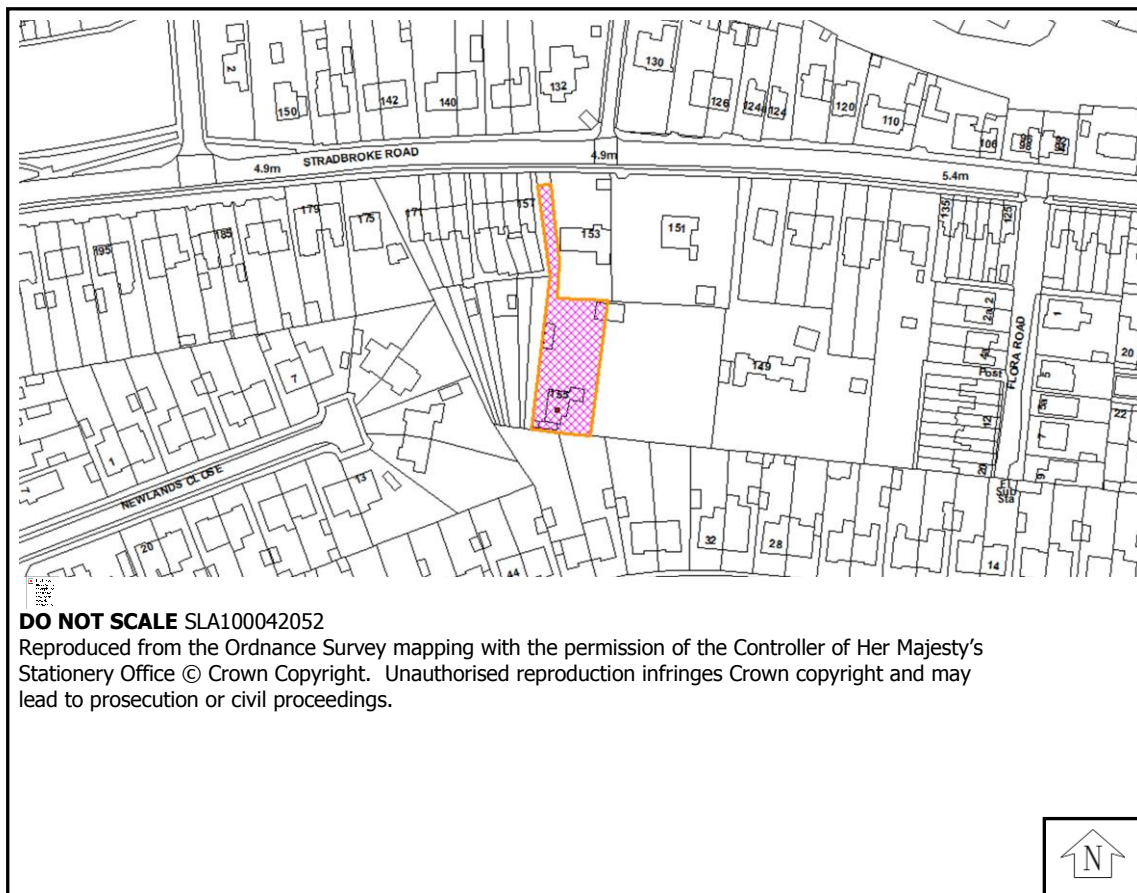
EXPIRY DATE 14 September 2016

APPLICATION TYPE Full Application

APPLICANT Mrs J Loades

PARISH

PROPOSAL Demolition of Rosemount, and construction of a bungalow, carport and garaging



1 SUMMARY

- 1.1 Full planning permission is sought for the demolition of an existing two storey dwelling known as Rosemount and the provision of a 2 bedroom bungalow and detached garage with car port of similar footprint.
- 1.2 The application site is set back from Stradbroke Road on a parcel of land located between properties on Stradbroke Road (to the north) and Merrifield Road (to the south).

- 1.3 Full planning permission was granted on appeal in 2015 for the retention and improvement of Rosemount and the construction of a two storey property of modern architectural design on land adjacent. Access to both properties was approved via the existing access track located between nos 153 and 157 Stradbroke Road.
- 1.4 The two storey property is under construction and is approaching completion.
- 1.5 This latest proposal will remove the existing Rosemount and replace it with a single storey property of modern architectural design (to match the adjacent two storey new build).
- 1.6 A significant level of objection has been received to the proposed development and it is for this reason that the application is presented to Planning Committee.
- 1.7 The appropriateness of the site to accommodate two properties has been accepted by the Planning Inspectorate and there have been no material changes in circumstance since the awarding of the appeal to alter this opinion.
- 1.8 The proposed development, whilst set forward of the existing Rosemount, will not result in a significant material loss of privacy to adjacent residents or give rise to instances of overlooking. Sufficient amenity space is provided with the proposed development so as not to result in the over development of the site.
- 1.9 The existing access track was deemed appropriate by the Planning Inspector to accommodate the number of vehicle trips to be generated by two family dwellings and this opinion has not altered.
- 1.10 Officers are appreciative of the disturbance experienced by local residents during the construction of the new build property, albeit such occurrences are considered capable of being controlled over the duration of the proposed construction through the provision and agreement of a construction method statement.
- 1.11 There are no impacts or instances of harm material to the determination of this application that will significantly and demonstrably outweigh the benefit of delivering new residential development within a sustainable location.
- 1.12 Conditional approval is recommended.

2 SITE DESCRIPTION

- 2.1 The application site covers an area of 0.01ha, situated within the physical development limits of South Lowestoft. The site is outwith any conservation area and is not subject to any environmental designations.
- 2.2 The site is bound to the north by the rear garden of no 153 Stradbroke Road, to the east by the new build two storey property, to the south by the rear gardens of no's. 40 to 44 Merrifield Road and to the west by the rear garden of no 157 Stradbroke Road.
- 2.3 The site (together with the adjacent new build dwelling) is accessible via a narrow access track that runs between 153 and 157 Stradbroke Road.
- 2.4 The site contains a two storey property known as Rosemount which is located towards the rear southern boundary of the site and is in an extremely poor state of repair. A number of well established trees and hedgerows are located within the site and along its boundaries albeit none are statutorily protected.

3 PROPOSAL

- 3.1 Full planning permission is sought for the demolition of Rosemount and the construction of a single storey property together with a single garage and adjoining car port and associated landscaping.
- 3.2 The proposed dwelling will be similar in footprint to the existing property albeit set forward from the rear southern boundary of the site by 12m (at its closest point). The building will be located 1m from the western curtilage boundary where it adjoins the rear garden of no 157 Stradbroke Road and 1m from the proposed landscaped boundary with the new build property to the east.
- 3.3 The front elevation of the proposed dwelling will be 36.4m from the rear elevation of no 153 Stradbroke Road.
- 3.4 The footprint of the property is largely linear in form (running on an east- west axis) albeit with a projecting element to the north western corner.
- 3.5 The property varies in height: the roof of the central element (providing kitchen and dining accommodation) measures 3.3m above ground level, the western (living room) accommodation 4m and the eastern (bedroom accommodation) 3.7m.
- 3.6 The property is of contemporary architectural design to match the two storey new build property that is currently under construction to the east. The central elements of the property are to be rendered. Vertical timber cladding is proposed to the projecting north eastern elevation and horizontal cladding is proposed above and below the windows on the front and side elevations and to the small bathroom windows to the rear.
- 3.7 Additional design detailing in the form of solar screens are proposed above the front door of the property (taking the appearance and function of an entrance porch) and above the patio doors on the rear elevation of the property.
- 3.8 A single garage and adjoining carport is proposed to the northwest of the application site set forward from the northern elevation of the proposed dwelling by 9.2m. The garage is off -set from the south western corner of no. 153 Stradbroke Road, albeit visible from Stradbroke Road via the existing access track.
- 3.9 A new hedge line and 1.8m boundary timber fence are proposed along the eastern boundary of the site and new meaningful planting is proposed to the front of the property's curtilage between it and the existing vehicular turning area. The close boarded 1.8m fences to the south and west of the curtilage are to remain as currently existing.

4 CONSULTATIONS/COMMENTS

4.1 Neighbour consultation/representations:

- Consulted: 17
- Object: 11
- Support: 0

The key grounds of objection include:

- Suitability of the access track to access the proposal site
- The level of traffic to be generated by the proposed development
- Potential impact of construction vehicles on the amenity of adjacent occupants and highway safety

- Modern form of the proposed development being out of keeping with the surrounding properties
- Potential loss of ecology including bats
- Suitability of site drainage
- Prominence of the building and double garage when viewed from 153 and 151 Stradbroke Road.
- Potential for noise and light pollution
- Questions over boundary treatment
- Tree removal

A petition against the proposed development has been submitted to the Council by Mr Churchill of 153 Stradbroke Road with 49 signatories.

4.2 **Parish/Town Council Comments – N/A**

4.3 **Suffolk County - Highways Department** were consulted on the 20 July 2016 and again on corrected drawing on 19 August 2016 – Received 3 August 2016 and re-provided on 31 August 2016.

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:

Condition: The use shall not commence until the area within the site shown on 2057.16.3 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.

4.4 **Essex And Suffolk Water PLC** were consulted on the 20 July 2016 and again on corrected drawing on 19 August 2016 – Received 27 July 2016 and re-provided on 23 August 2016

I acknowledge receipt of your emailed letter dated 20th July 2016 regarding the above.

Our records show that our existing apparatus does not appear to be affected by the proposed development.

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that new water mains are laid within the highway of the site, and a water connection is made onto our Company network for each new dwelling for revenue purposes.

Should you require any further information, please do not hesitate to contact us.

4.5 **WDC Environmental Health - Contaminated Land** were consulted on the 20 July 2016 and again on corrected drawing on 19 August 2016 - Received 29 July 2016 and reiterated on 31 August 2016.

The author of the phase 1 study submitted with the application has not identified any sources of contamination likely to impact upon the site and has concluded that no further investigation or assessment of contamination is warranted. However, the development involves disturbance to land and the introduction of new residential receptors so I would

advise the LPA to impose a planning condition requiring the reporting of any suspected contamination encountered during development.

“In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination 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.

Where remediation is necessary a detailed remediation scheme 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. The approved remediation scheme must be carried out in accordance with its terms. 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.”

4.6 **Waveney Norse - Property And Facilities** were consulted on the 20 July 2016 and again on corrected drawing on 19 August 2016 - No Response

4.7 **Anglian Water** were consulted on the 20 July 2016. and again on corrected drawing on 19 August 2016 – No Response

4.8 **WDC - Arboricultural And Landscape Officer** were consulted on the 20 July 2016 and again on corrected drawing on 19 August 2016 - Received 28 July 2016

Demolition of Rosemount, and construction of a bungalow, carport and garaging

The above site is set back behind others in Stradbroke Road and behind those in Merrifield Road. It is not within the CA and there are no TPOs.

The garden has a mix of ornamental trees and shrubs - a young blue cedar and a cherry being the most prominent trees. However, given the lack of 'visual amenity' for these trees we would not consider them worthy of a TPO.

Therefore no objection on tree grounds.

4.9 **Suffolk Fire And Rescue Service** were consulted on the 20 July 2016 and again on corrected drawing on 19 August 2016 – Received 16 August 2016

Access to buildings by fire appliances and fire fighters must meet Building Regulations.

The application site is over 130m from the nearest fire hydrant. Consideration should be given to the life safety and economic implications of providing an automated fire sprinkler system.

5 **PUBLICITY**

None

SITE NOTICES

The following site notices have been displayed:

General Site Notice Reason for site notice: New Dwelling, Date posted 25.07.2016
Expiry date 14.08.2016

6 RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
LPA Reference: DC/14/2720/FUL / Planning Inspectorate reference: APP/T3535/A/14/2228431	Construction of a house and detached garage	Refused and allowed on appeal	26 March 2015
DC/14/3523/FUL	Construction of 1 no. house and garage, including demolition of existing	Conditional approval	18 December 2014
DC/15/3502/DRC	Discharge of conditions 7 and 8 of APP/T3535/A/14/2228431	Discharged	29 October 2015
DC/15/3753/AME	Non Material Amendment to APP/T3535/A/2228431 (DC/14/2720/FUL) - Increase size of ground floor window to side elevation, relocation of garage and construction of a two storey rear bay window	Approved	24 September 2015

7 PLANNING POLICY

The following policies are relevant in the determination of this planning application:

7.1 Core Strategy DPD (adopted January 2009)

- CS01 - Spatial Strategy
- CS02 - High Quality and Sustainable Design
- CS11 - Housing

7.2 Development Management Policies DPD (Adopted January 2011)

- DM01 - Physical Limits
- DM02 - Design Principles
- DM16 - Housing Density
- DM17 - Housing Type and Mix

8 PLANNING CONSIDERATIONS

8.1 The main issues to consider in the determination of this application are: (i) the principle of residential development; (ii) the design of the development and the associated impact upon the amenity of neighbouring occupants; (iii) highway safety and access; and (iv) construction impacts.

Principle

- 8.2 Policy CS01 of the Waveney Core Strategy sets out the Council's Spatial Strategy for the District and identifies the Main Town of Lowestoft as the primary focus for new housing. Policy CS11 confirms that a sequential approach is to be taken to the distribution of new housing, and prioritises new development to sites within the defined development limits.
- 8.3 The application site is greenfield, garden land, albeit sustainably located within an existing residential area and within close proximity of sustainable modes of travel.
- 8.4 Whilst the development of the site accords with the Council's spatial strategy for the location of new residential development, it should not be assumed that it is environmentally suitable for residential development or capable of accommodating the scale or design of development proposed.
- 8.5 This particular site involves the development of 'backland' and the development of such sites can raise a number of issues, in particular: (i) the ability to secure an appropriate and safe point of access (by private cars and service vehicles); (ii) the potential loss of amenity for existing and potential future occupiers; and (iii) disturbance to be created by vehicles travelling past existing residential properties to access the site. These matters are dealt in turn within later sections of this report.
- 8.6 Also of relevance to the principle of the development is the implemented planning permission for the construction of a two storey property to the east of Rosemount which was allowed on appeal. In granting planning permission the Planning Inspector has considered the site appropriate to accommodate two, two storey properties. There have been no changes in planning policy position or any material changes in local circumstance that would offer material considerations for officers to revisit and / or revise this conclusion.

Highway Safety and Access

- 8.7 The proposed dwelling is to be accessed via the existing track located between no. 153 and 157 Stradbroke Road. The track is narrow (at circa 4m in width) and is approximately 40m in length.
- 8.8 Due to its restricted width, only one vehicle is able to use the track at anyone time. Whilst the planning inspector accepted in their determination of the 2015 planning permission that the provision of two dwellings on the site would result in an increase in vehicular movements, they did not consider this to be significant. Furthermore, the inspector concluded that the length and straightness of the track afforded good visibility into and out of the site and that it would be highly unlikely, through the application of 'good driving practice' that a vehicle entering the site would be forced to reverse onto Stradbroke Road in the event that they were to meet a vehicle coming in the opposite direction. The Inspector found that there would be no unacceptable adverse effect on pedestrian and highway safety during the operation of the proposed development. The proposed access arrangement was concluded to be compliant with Policies CS02 and DM02, which amongst other matters seek safe and accessible environments and access arrangements that do not compromise highway safety.
- 8.9 Whilst the wooden close boarded fence to the south western corner of the access track that existed at the time of the planning appeal has recently been replaced by a more permanent brick wall, it has not materially altered the width of the access track so as to alter the above conclusion.
- 8.10 Suffolk County Highway officers do not object to the use of the proposed access track on highway safety grounds.

Amenity

- 8.11 Backland development i.e. development that is situated on land to the rear of existing development and set back from the street frontage, maybe regarded unfavourably where it gives rise to instances of overlooking and loss of general amenity.
- 8.12 A property has been present in this general location for a number of years and the potential for occupants to overlook adjacent gardens and obtain views into the windows of adjacent properties has been largely accepted.
- 8.13 Whilst the site has become somewhat overgrown and views of Rosemount from adjacent properties and visa versa are currently screened, there is nothing stopping the vegetation from being cleared by the existing occupants and views from the second floor and ground floor windows of existing properties (in particular the rear of no 153 Stradbroke Road) from being 're-opened'.
- 8.14 The potential for such views is diminished somewhat by the removal of the two storey development and the provision of the proposed single storey accommodation.
- 8.15 The new dwelling (as with the existing property) is located at a higher ground level to no's. 153 and 151 Stradbroke Road and as such it is possible that occupants of the proposed single storey property would have direct views of the rear windows of these properties.
- 8.16 However, whilst Waveney does not have any adopted residential design or spacing standards the distance between the front elevation of the proposed property and the rear elevations of the properties on Stradbroke Road is substantial (36.4 m at its closest point) and significantly greater than the 20 – 25m separation distances readily recognised as appropriate by authorities / appeal decisions elsewhere.
- 8.17 Indeed, this level of separation was considered sufficient to reduce instances of privacy loss and overlooking to acceptable levels in a recent Planning Inspector's decision with reference to the distance between the adjacent two storey premises and no 151 Stradbroke Road.
- 8.18 The provision of meaningful landscaping within the proposed front garden of the property will act to interrupt such views.
- 8.19 Nos. 32-42 Merrifield Road share a boundary with the application site and are at an elevated level which would further reduce the level of overlooking that could occur from the proposed property. The retention of the close boarded 1.8m boundary fence to the rear of the proposed property and presence of well established vegetation to the western curtilage boundary will ensure that the proposed development does not result in any material adverse impact upon the living conditions of residents of Merrifield Road or no 157 Stradbroke Road.
- 8.20 The proposed boundary treatment to the east of the proposed property will restrict views of it from the adjacent new build property thus protecting the amenity of future occupants.
- 8.21 Consideration has been given to the layout of the proposed development and the relationship between buildings including the spaces between them. Given the reasonable separation distances between properties and the level of existing and proposed landscape screening, the proposed development would not result in the overdevelopment of the site nor would it create an oppressive form of development.

Disturbance

- 8.22 In granting planning permission in 2015, the Planning Inspector concluded that the level of vehicular movements to be generated by the provision of two dwelling on the site would not

'ordinarily be significant'. This application involves the replacement of the existing three bedroom residential accommodation with a two bedroom bungalow. It is therefore logical to assume that the level of car movements to result cumulatively from the proposed dwelling and the adjacent new build would be less than that which could be experienced should the implemented appeal permission be completed (i.e. Rosemont is converted and re-occupied).

Design

- 8.23 The proposed dwelling is of contemporary architectural design with a flat roof of varying height. The property will be rendered with vertical cladded elements and has been designed to match the style of the consented new build to its east.
- 8.24 Given that there is no clearly defined architectural style for properties in this locality, the dwelling could not be regarded as 'out of keeping' with its surroundings. To the contrary the proposed dwelling mirrors the character, appearance and proportions of the adjacent new build premises.
- 8.25 The applicant has purposefully orientated and positioned the property to maximise solar gain and to reduce energy requirements.

Other Material Considerations

- 8.25 Significant objection has been received from local residents over the potential for disturbance during the construction of the proposed dwelling and officers are aware of the difficulties experienced by local residents during the construction of the appeal property.
- 8.26 Whilst the construction impacts are considered temporary in nature, they do have the potential, if uncontrolled, to result in a significant impact upon the amenity of adjacent residents. In order to limit the potential construction impacts it is recommended that the applicant set out and obtain officer's agreement in writing to a construction method statement, prior to commencing work on site.

9 CONCLUSION

- 9.1 The principle of delivering two dwellings on the site has been established by the 2015 appeal decision which has since been implemented. The site is presently occupied by two; two storey properties which can be lawfully occupied (on the completion of the approved works) under the terms of the existing planning permission.
- 9.2 The proposed development constitutes a reduction in accommodation and building height when compared to the existing and approved development.
- 9.3 The proposed dwelling, whilst set forward of the existing Rosemont, maintains sufficient levels of separation between buildings. This, together with the single storey form of the property, will not result in a material loss of amenity for existing residents of 151, 153 and 157 Stradbroke Road or for residents of Merrifield Road. The proposed development provides for a meaningful area of amenity space and does not result in the overdevelopment of the site.
- 9.4 Suffolk County Council Highway Officers consider the access and car parking provision is appropriate for the scale of development proposed and the use of the existing access track is not considered to result in a severe impact upon vehicles or pedestrian safety.
- 9.5 Potential disturbance during the construction process is capable of being controlled by way of a suitably worded planning condition.

- 9.6 The proposed development is considered sustainably located and designed in accordance with Policies CS01, CS11, DM01, CS02 and DM02 of the Waveney Development Plan.

10 RECOMMENDATION

- 10.1 Officer's recommendation is for Members to grant planning permission subject to the following conditions:

CONDITIONS

- 1 The development hereby permitted shall begin no later than three years from 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 reference: 2057.16.2 received 18 July 2016 and 2057.16.3A received 18 August for which permission is hereby granted.

Reason: To secure a properly planned development.

- 3 Prior to the occupation of the approved dwelling the area within the site shown on 2057.16.3A for the purposes of manoeuvring and parking of vehicles shall be first 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.

- 4 Prior to the first occupation of the development the highway access into the site 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 to be first submitted and agreed in writing by the Local Planning Authority.

Reason: in the interest of highway safety

- 5 Prior to the commencement of development details shall be submitted and agreed in writing with 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 and approved before the approved dwelling is occupied and shall be retained in its approved form for the duration of its occupation.

Reason: in the interest of highway safety

- 6 No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall be first agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

- 7 The approved boundary treatment to the east of the approved dwelling shall be completed in accordance with drawing reference: 2057.16.3A prior to the occupation of the approved dwelling and retained in that position thereafter.

Reason: in the interest of residential amenity

- 8 Prior to commencement of the development hereby approved, further details of the landscaping set out on drawing reference 2057.16.3A hereby approved including schedules of plants, noting species, plant sizes and proposed number/densities where appropriate shall be submitted to and approved in writing by the Local Planning Authority. Such planting shall be carried out concurrently with the development hereby approved, if development commences within a planting season, or alternatively during the course of the immediately following planting season.

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

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. measures to control the emission of dust and dirt during construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: to avoid unacceptable impact upon residential development during the demolition and construction phases

- 10 In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination 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.

Where remediation is necessary a detailed remediation scheme 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. The approved remediation scheme must be carried out in accordance with its terms. 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.

BACKGROUND INFORMATION: See application ref: DC/16/2982/FUL at
www.waveney.gov.uk/publicaccess
CONTACT Hannah Smith, Senior Planning and Enforcement Officer