

PLANNING COMMITTEE – 30 MAY 2017

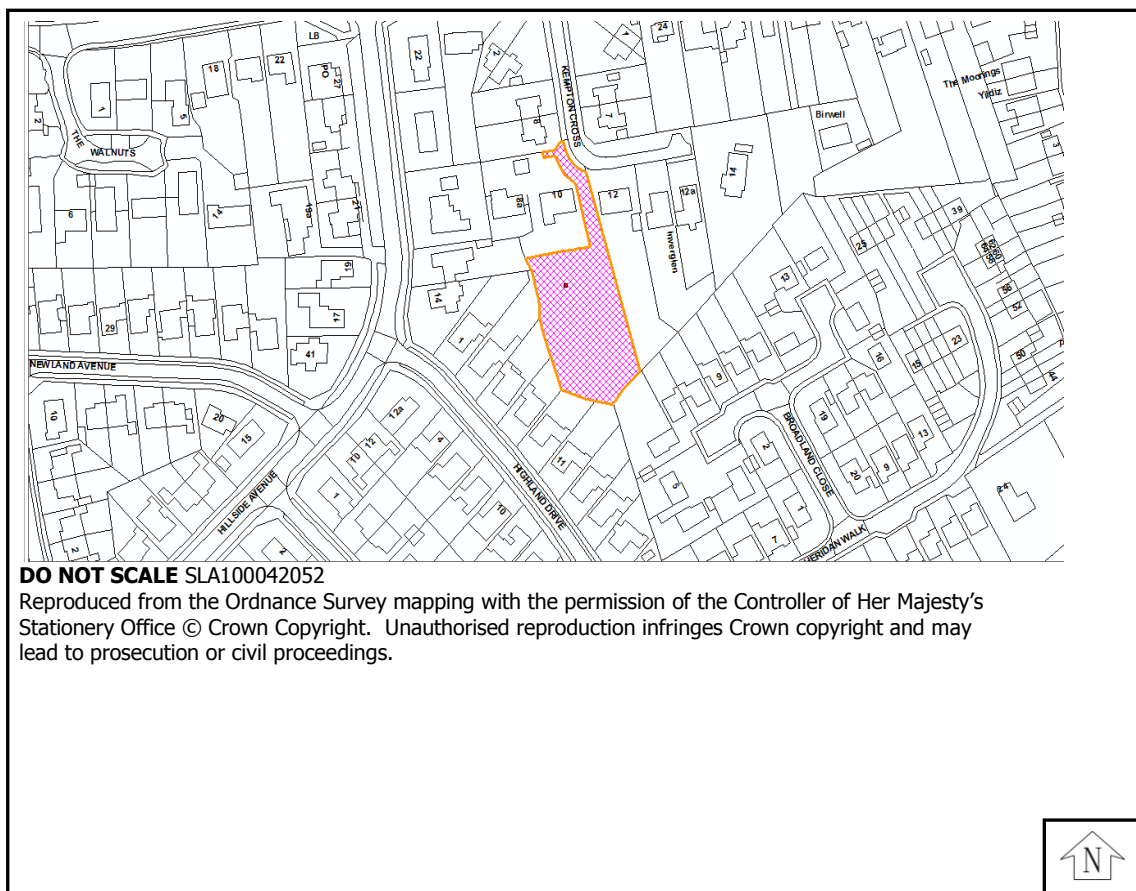
APPLICATION NO DC/17/0854/FUL

LOCATION

Part Rear Garden
10 Kempton Cross
Worlingham
NR34 7EQ

EXPIRY DATE 1 May 2017
APPLICATION TYPE Full Application
APPLICANT Sprake Developments (East Anglia) Ltd

PARISH Worlingham
PROPOSAL Construction of three detached bungalows with garaging

**SUMMARY**

- 1.1 The proposal is to build three bungalows within the rear garden of an existing bungalow off the un-adopted and unsurfaced Kempton Cross. There is at present one other property already sharing this access so the proposal is considered to depart from the character of the development of the area and create and access which will occasion harm to the living accommodation in the existing bungalow on the site and to other neighbours and is of a geometry making its use for a higher level of traffic to be considered unacceptable so the recommendation is for refusal.

- 1.2 The application comes before the Committee as a result of a member call-in.

SITE DESCRIPTION

- 2.1 This site is a larger parcel of land off the un-adopted and unsurfaced highway Kempton Cross which currently serves 14 properties. The land is mainly level with some slight depressions towards the rear of this well wooded garden land. None of the trees are of special character demanding a Tree Preservation Order but the overall character of the land is small woodland with clearings, though in reality this reflects a “wilded” garden rather than clearings in a woodland.

PROPOSAL

- 3.1 To erect three detached hipped roof bungalows along the centreline of the plot and of a footprint around 10% greater than that of the original bungalow at number 10, retaining a garden for that property of 14m depth and retaining around 3 larger and 4 smaller trees on the west side of the site, that would then fall in the rear gardens. To provide an access drive along the east side of the site of 3.6m width.

CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations**
- 4.2 **Objection from 12 Kempton Cross (précised):** The writer claims ownership of the land to the front where the driveway is shown. (and the applicant does not dispute this). The proposal is cramped with insufficient soft landscape. Most trees will go with adverse wildlife impact. An ecology survey is required. The retained trees entirely shade the proposed rear gardens. TPO'd trees are not identified on the arboriculture survey. No levels survey is provided to allow assessment of regrading of land. Access is from an unsurfaced road. Construction traffic will harm this surface and cause disturbance. The land is not brownfield and the concealed nature of the site means there is no character enhancement as claimed. There will be loss of neighbour amenity by disturbance from the drive including light pollution. Construction hours should be conditioned as time limited. We request you visit us.
- 4.3 **Objection from 6 Broadland Close précised.** The land is maturely planted. A number of Elms had to be removed as a result of disease. There was use of the land in part as a market garden. There was a refuse pit on the land where the developer of adjacent property deposited builders waste. We believe that tree removal will harm the root system of our own trees. Other trees within the site will come under pressure. The elevation of our land will lead to harm to privacy of any neighbour built as close to our boundary as proposed. Wildlife will be adversely harmed, including red list species (named).
- 4.4 **Objection from 16 Hillside Avenue précised:** Site history noted as above. The writer notes the development of 8a in the garden of 10 to the west. (By implication acting to reduce the amenity of 10 to some extent from its original form). Kempton Cross is unsurfaced and exits on a bus route. There must be a limit to the number of properties off an un-adopted

road. The access into the site is inadequate and lacks suitable room for the number of bins required. Emergency access is poor. Good trees will be lost. A single dwelling might fit better. With the current proposals for 900 dwellings (the recent application to the south of Worlingham that departs from current policy), infills are not needed (to achieve housing supply).

Consultees

- 4.5 **WDC - Arboricultural And Landscape Officer:** The site is not within the Conservation Area and there are no Tree Preservation Orders. There are numerous species of conifer spread over the garden with some mature specimens interspersed with overgrown dwarf varieties. A large number of the trees are located along the east and west boundary with a small number spread over the centre of the site and the southern boundary. There are 2 Birch trees in raised beds across the frontage under separate ownership and a clump of conifers in the front garden.
- 4.6 A Preliminary Arboricultural Impact Assessment has been submitted by A.T. Coombes Associated Ltd and the findings are considered correct, so far as they go.
- 4.7 A total of 50 individual trees and nine groups were included in the report. T10 Oak has been classed as a Category A, under BS5837:2012. This is a tree of such quality that it should be retained in context of development; the tree offers benefits to wildlife and amenity to local residents. 16 trees and 4 groups have been classed as Category B, in good condition with landscape value and should where possible be retained. 32 individual trees and 5 groups have been classed as Category C. these trees are small or in poor condition. Mature trees on the western boundary provide screening to neighbouring property. These are shown to be retained.
- 4.8 Category B trees will be replaced elsewhere on site in order to mitigate the loss but it will not be possible to replace the total number of trees removed due to the lack of space. The Coombes report concludes that a further Arboricultural Impact Assessment, and Tree Protection Plan and Arboricultural Method Statement is needed when design for the development becomes available. This is necessary to agree tree protection, service locations and 'no dig' areas. This has not been received.
- 4.9 The application drawing number 1970.3 shows new 'lollipop' trees, this description is not recognised as being meaningful. We need more details as to species.
- 4.10 **Worlingham Parish Council:** Worlingham Parish Council comment that: an un-adopted road is used for access. The width of the road intended for access is of concern. Safeguarding of the trees on the site - especially any with TPO Concern re increased traffic access from Kempton Cross onto Lowestoft Road at this point. Cost of maintained and repairs of the un-adopted road for the existing homeowners.
- 4.11 Other than the concerns above, the parish council has no objections to the application.
- 4.12 **Suffolk County - Highways Department:** recommends that any permission which that Planning Authority may give should include the conditions for details of the areas to be provided for storage and presentation of Refuse/Recycling bins, and provide manoeuvring and parking space before use commences.

- 4.13 **WDC Environmental Health - Contaminated Land:** The preliminary contamination assessment prepared by John Putman did not identify any significant potential on or off site sources of contamination and concluded that, "...there is no contamination risk on the site itself either to construction workers or to future occupants." I would agree with this but, as the proposal is to introduce a new residential dwelling, I would advise the imposition of a condition which regulates any contamination which may be encountered on site during development.
- 4.14 **Suffolk Wildlife Trust:** From the information provided in the application it is unclear whether the site contains any habitats which are considered Priority habitats (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)) or which could support protected or Priority species. We recommend that the site is considered against the criteria in the East Suffolk Local Validation Checklist (Table 1) to determine whether further ecological surveys and assessment is required, prior to the determination of this application.

SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: New Dwelling, Date posted 15.03.2017 Expiry date 04.04.2017
---------------------	--

PLANNING POLICY

- 5.1 Relevant Waveney Core Strategy policies are: CS01, CS02 and CS11.
- 5.2 Relevant Development Management policies are DM01, DM02, DM16 Housing Density and DM17 Housing Type and Mix.

PLANNING CONSIDERATIONS

- 6.1 Site area is 0.2 Hectare, therefore the density is 15 per hectare within therefore the 30 suggested in policy DM16 as appropriate outside town centres. However this policy also sets an appropriate density for the character of the area test. The proposal is considered atypical of density in the general area to a degree, in that the other properties off Kempton Cross enjoy very large gardens whereas the properties backing onto the site off Highland Drive have smaller gardens albeit larger than those shown here. It would be better to reduce numbers possibly to a single bungalow, allowing a more generous character to the development retaining more of the landscaping features that make the site special, and providing grounds more proportionate to the large detached bungalow proposed.
- 6.2 The applicant's agent has submitted a density appraisal based on surrounding plot sizes, noting some as smaller and some as larger. Notably all other plots have a highway frontage rather reinforcing the departure in terms of character of settlement pattern, that the proposal represents.
- 6.3 The land is green-field garden land, not brownfield as claimed, however this sets a sequential test under policy CS11 Housing where a well located site as this is, is sufficiently

far up the hierarchy to allow consideration of development of land that is in planning terms regarded as "Green-field".

- 6.4 County Council Highways recommend conditions that:
- details of bin storage and presentation are provided (though presentation space is shown on the drawing, so this condition is not therefore considered necessary)
 - that the space within the site for traffic movement is available before use. These are practical highway concerns, whereas planning concerns arising relate to the amenity impact of vehicle movements.
- 6.5 Objection from 16 Hillside Avenue précised: Site history noted as above. The writer notes the development of 8a in the garden of 10 to the west also using the access drive and entrance.
- 6.6 Kempton Cross is unsurfaced and exits onto a bus route. There must be a limit to the number of properties off an un-adopted road. The access into the site is inadequate and lacks suitable room for the number of bins required. Emergency access is poor. Good trees will be lost. A single dwelling might fit better. With the current proposals for 900 dwellings, are infills still needed?
- 6.7 Comment relating to objections received: The access issue is created by the ownership of an "isthmus" of land across the site frontage onto Kempton Cross and this physical reality is anticipated in the application drawing, by showing traffic entering through the current entrance and then turning sharply right to travel into the rear garden of the existing dwelling. The access is somewhat contrived therefore. The County Highways have not objected on highway safety grounds; however, this is not a good feature, in that it will necessitate some very difficult manoeuvres for access, throwing vehicles close to the existing number 10 such that the amenity of that property will be harmed. A more direct form of drive is considered to be needed to allow intensified development on the site, and given the neighbours objection unlikely to be granted. This is a reason for refusal in terms of the impact of traffic to three units to the rear diminishing the amenity of the original bungalow to an unacceptable extent.
- 6.8 Emergency services will find access difficult given this manoeuvre and access to around 30m into the site is necessary for fire-tenders to achieve compliance with the building regulations with regard to the proximity of access for firefighting purposes.
- 6.9 Damage caused by construction traffic is not a material planning matter, rather a common law issue. If harm is caused to the surface of the un-adopted access road then a private claim against the developer by the collective holders of the access rights, will be necessary.
- 6.10 Harm to trees off site is of some materiality, but in the main such matters reflect Common Law rights to expect no harm should occur to third party land.
- 6.11 Objectors have cited recent application by landowners to consider large parcels of land around Beccles as part of the local plan for development, and a recent formal application to develop a parcel of land near the proposed southern by-pass as evidence that housing need will be more than satisfied in the near future such that this site can be set aside completely on the basis of lack of need. The need for some windfall sites is likely to continue in the new plan currently at an early stage and the formal status of the sites

suggested by third parties with regard to the plan review currently carries no material planning weight.

- 6.12 The suggestion that construction hours be limited, is not considered appropriate on a small site where, should approval ensue, the build period will be relatively short, so that amenity harms will be temporary in nature.
- 6.13 The Suffolk Wildlife Trust response is generic and refers to tables of habitat where surveys are needed. By reference to the table, this site does not indicate further survey as needed. On that basis the lack of an ecology survey cannot reasonably provide a refusal reason, even though protected species have been seen in the vicinity as the generalised indicators within the tables is that such sightings are likely to be transitory.
- 6.14 Environmental Health recommends a condition which regulates the notification and remediation of any unexpected contamination which may be encountered on site during development.
- 6.15 The applicant has provided additional drawings culminating in that of 27th April showing a swept path diagram for a pan-technicon, demonstrating that one can access the site notwithstanding the neighbour's land if a dwarf wall is removed. This does show that the access is feasible but tight, it also serves to illustrate that the impact on the original dwelling from passing traffic is likely to diminish the amenity of that dwelling to some extent.

CONCLUSION

- 7.1 Refuse over convoluted access leading to amenity harms with this quantum of development and overdevelopment in terms of numbers.
- 7.2 Should members be minded to overturn this recommendation, the removal of permitted development rights on these plots is considered necessary along with the suggested highway and Environmental Health conditions.

RECOMMENDATION

- 8.0 The proposal, in part because of site boundary geometry, results in a lengthy convoluted access, that will give rise to what is considered to be an unacceptable loss of amenity to the existing number 10 Kempton Cross and to number 12 Kempton Cross adjacent to the east, by virtue of passing traffic. The proposal is also considered to represent overdevelopment by both numbers and coverage (footprint) giving a cramped feel in contrast to the existed maturely planted woodland setting. As such the proposal is considered to conflict with policy DM02 of the Adopted Development Management Policy where development should be sympathetic to the site and its surroundings and respect and enhance the identity and character of the site, retaining existing landscaping and natural features, and proposals should protect the amenity of neighbouring occupiers in terms of light pollution, noise and other forms of disturbance.

BACKGROUND INFORMATION:

See application ref: DC/17/0854/FUL at

www.eastsuffolk.gov.uk/public-access

CONTACT

Chris Green, Area Planning and Enforcement Officer, (01502) 523022, chris.green@eastsuffolk.gov.uk