

**LOCATION**

Land Adjacent 1  
Short Lane  
Carlton Colville  
Suffolk

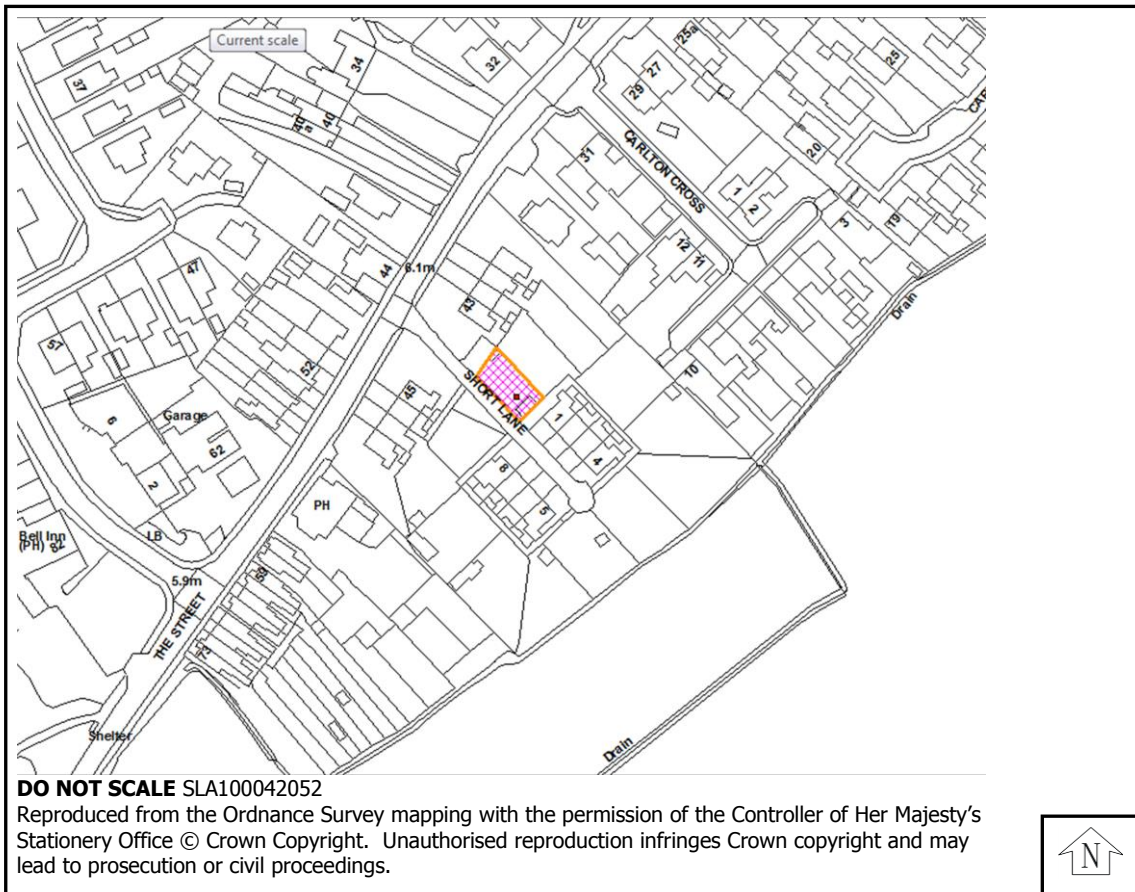
**EXPIRY DATE** 20 February 2018

**APPLICATION TYPE** Full Application

**APPLICANT** Mr Paul Hubbard

**PARISH** Carlton Colville

**PROPOSAL** Construction of one bedroom chalet bungalow



**1. SUMMARY**

1.1 This application proposes a one bedroom bungalow on a vacant area of land on Short Lane, off The Street that is within the physical limits for Carlton Colville. A number of changes have been made to the dwelling that was refused planning permission which it is considered, on balance, are sufficient to overcome those reasons for refusal.

- 1.2 The application comes before the Committee as a previous application for a 2no. bedroom house was refused contrary to the recommendation of approval (DC/17/0462/FUL).

## **2. SITE DESCRIPTION**

- 2.1 Short lane is, as its name implies, a short cul-de-sac off The Street; it currently serves eight houses in two terraces of four. The road is essentially single vehicle width. On the north side of the road is a vacant area of land measuring approximately 16.8 metres on the frontage, widening to 18.8 metres at the rear, with a depth of 9.5 metres.
- 2.2 It is understood that the site was originally part of the garden of 43 The Street, but has been in separate ownership for some time; there were enforcement complaints in 2010 and 2014 alleging storage for business use was taking place (for a builder and painter and decorator respectively) although in neither case was business use substantiated. Investigation of the initial use suggested that some storage had taken place since 2007.

## **3. PROPOSAL**

- 3.1 The application is a resubmission following the refusal of application DC/17/0642/FUL for a 2 bed house on the site. This revised proposal is for the construction of a one bedroom chalet bungalow on the eastern half of the site (so adjacent to but in front of the existing terraced properties). The western half of the site would provide a garden area and one parking space.
- 3.2 The proposed chalet bungalow would have its main outlook facing onto Short Lane. There would be one ground floor (living room) and one first floor (bedroom) window in the North West elevation facing The Street. The rear (north east) elevation would have a ground floor kitchen window and kitchen door on the ground floor and first floor study/dressing room window. A wet room is located on the ground floor with window facing The Street. The side south east elevation (facing the existing terrace) has no windows whereas the side north west elevation facing the garden area has a ground floor living room window.
- 3.3 The overall width would be 8 metres and the depth 5 metres. The height would be 6.5 metres. Materials would be red bricks, black stained weatherboard and clay pantiles.

## **4. CONSULTATIONS/COMMENTS**

- 4.1 **Neighbour consultation/representations** 16 representations have been received, many reiterating the objections that were made to the previous application (DC/17/0462).
- 4.2 The grounds of objection put forward are:
- The current plans seem to omit our shared rear garden access.
  - The site itself seems too small for the size of the proposed property.
  - If it was to go ahead access to the site is restrictive and disruption from trade/delivery vehicles parked along The Street is a safety issue.
  - I am not sure that anyone has taken into consideration where the scaffolding will need to be to build this property, it is close to the boundary on two sides; the hedge opposite is totally overgrown.

- The property is definitely going to have a detrimental effect on my standard of living, my outlook will be destroyed, light will be diminished & there is not enough space for cars and garden on this small plot.
- Lorries already need to reverse out onto The Street as there is nowhere to turn around, this will increase with the building of a dwelling on this land and the disruption to residents living here will be huge during construction in the short term and long term exiting & entering this small narrow lane will be increased, due to the increased parking problems on The Street.
- This small piece of land & small lane is not sufficient to build an additional dwelling of any size.
- There will be loss of privacy as the new proposed property will overlook our rear garden.
- The proposed building will substantially directly overlook and create a loss of privacy for 41 The Street. It will also overshadow and create a loss of outlook for 41 The Street. This loss of privacy, overshadowing and loss of outlook will also directly affect 43 The Street.
- The proposed car parking area on the plans obstructs access to both 41 & 39 The Street. The area proposed as driveway will make it impossible for both 41 & 39 to place their wheelie bins out for collection and create a dangerous area for the residents (which include children) to walk over when entering their properties.
- Fumes from the proposed parking area will affect both children and adults of 41 The Streets garden, of which the driveway is abutting.
- Short Lane is a single track road. There is no footpath for pedestrian access present. Increasing the amount of traffic along Short Lane will create further hazardous conditions for the residents accessing their properties of 39, 41, 43, 45, 47 & 49 The Street via Short Lane and also the residents of Short Lane itself.
- Once built not only would the property overshadow my house and garden but would also completely obstruct my vision to enable me to pull safely out of my drive.
- The design is completely out of keeping with the rest of the properties on Short Lane.
- The disruption caused whilst building will leave it impossible for residents to be free to access their homes and go about their daily lives regarding work, school etc.
- Overall Short Lane is a quiet cul de sac with single lane access and no turning point for any vehicles. Several residents have young children and grandchildren regularly visiting and this proposal would impact on their safety. Refuse lorries and other contractors already struggle with access, what would happen if someone needed the emergency services?
- The dwelling will not be in keeping with the street scene that is currently already present with 2 lines of 4 terraces houses. This property will be stepped forward & be very imposing on No 1 & No 8. The property will potentially have 2 adults & 2 children and in planning terms there is not enough amenity space. Any potential children will end up playing in the roadway which is single track road & not a playground. The light & outlook will be severely restricted to No 1 & No 8. I do not believe that, as the Design & Access States there will be no detrimental effect on the neighbouring properties. The disruption during construction & loss of light/outlook to name but two.
- The proposed building has no visual amenity. Light pollution and noise disturbance from the building will directly affect the surrounding properties due to its extremely close proximity to them. The upstairs windows of the proposed property will directly overlook the garden of 41 The Street reducing its privacy.

- The building will have a negative visual impact on Short Lane and is overdevelopment of the garden.
- Visitors to the proposed building will be required to park within The Street which is already frequently congested by people parking along the road.
- Side facing first floor window would look directly at rear facing windows of 43 The Street, thus impinging on privacy.
- Existing issues with inconsiderate parking would be exacerbated.
- Forward location of the house is out of character with area.

#### 4.3 **Carlton Colville Town Council Comments:**

Carlton Colville Town Council Recommend Refusal of this application for the following reasons:

#### **WDC Policy DM02 – Design Principals**

- 4.4 **Planning permission will normally be granted where the proposed development is sympathetic to the site and its surroundings, particularly in terms of the principles set out in the Suffolk Design Guide and where proposals respect and enhance the identity and character of the site, contribute towards the distinctiveness of the local area, the quality of the built environment and the surrounding landscape –**
- 4.5 This development does not protect the amenity of the wider environment, neighbouring uses and occupiers in terms of overlooking, loss of privacy, loss of outlook, loss of light, pollution, odour, noise and other forms of disturbance
- 4.6 The development is not in keeping with overall scale, character, layout, site coverage, height and massing of existing building taking into account the relationship between buildings and spaces and the wider street scene or townscape and use appropriate materials for the locality.
- 4.7 **“Adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development”**
- 4.8 The proposed car parking area on the plans obstructs access to both 41 & 39 The Street. There is only 1 space being provided on an already restricted plot which does not allow for visitors or any care provision should it be needed.
- 4.9 **“Ensure access to the site that does not compromise highway safety and the traffic generated by the development is capable of being accommodated on the surrounding transport network”**
- 4.10 Short Lane is a single track road. There is no footpath for pedestrian access present. Increasing the amount of traffic along Short Lane will create further hazardous conditions for the residents accessing their properties of 39, 41, 43, 45, 47 & 49 The Street via Short Lane and also the residents of Short Lane itself.
- 4.11 Access to Short Lane is via The Street which is a very busy main road. Adding extra traffic to the junction of Short Lane and The Street will be dangerous and will have a direct impact on all the residents of this area. Waveney Norse have refused to drive down the Lane to collect the bins so the residents have to put them at the top of an already narrow junction (see photos) The proposed development would restrict vision for the entry/ exit

to / from other properties. These matters will be exacerbated during construction should this development be permitted.

**4.12 NPPF Section 7 Requiring good design – section 58 “respond to local character and history and reflect the identity of the local surroundings”**

4.13 The adjacent properties are 1930’s cottage style so the new built is completely out of context with its surroundings and would alter the outlook of the existing street scene in this area.

The application is overdevelopment of the plot.

**4.14 NPPF Section 12 Conserving and enhancing the historic environment**

The properties surrounding the plot are of local historic interest

4.15 The rear access pathway over the land (which provides access to 41 & 39 The Street) has been deleted from both the OS map and plans submitted. The right of access pathway is protected by a restrictive covenant filed under LR-SK234613.

**4.16 Suffolk County - Highways Department:** 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:

4.17 Condition: The use shall not commence until the area within the site shown on the submitted plan for the purposes of parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

4.18 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.

**4.19 WDC Environmental Health - Contaminated Land:** The minimum requirements for validation are the submission of a completed contaminated land questionnaire and an internet environmental search. These requirements are made quite clear on the questionnaire itself. However, having checked this application on I@W it would appear that no internet search has been submitted and the application should not therefore have been validated. As the applicant has failed to provide the minimum required information I am unable to offer any advice other than development must not be permitted to proceed until such time as the applicant has submitted, and had approved, at least the minimum required information and has demonstrated that the site is, or can be made, suitable for the proposed development. In addition I note the comments on the completed questionnaire concerning the presence of rubbish on the site. As part of demonstrating that the site is, or can be made, suitable for the proposed development, the applicant will need to clarify and expand on those comments.

4.20 If this information cannot be submitted before the application is determined then it, together with any remediation and validation which may subsequently be required, should be secured through the use of suitably worded conditions.

**4.21 Essex And Suffolk Water PLC:** Our records show that our existing apparatus does not appear to be affected by the proposed development.

- 4.22 We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

## **PUBLICITY**

None

## **SITE NOTICES**

The following site notices have been displayed:

General Site Notice	Reason for site notice: New Dwelling, Date posted 10.01.2018 expiry date 30.01.2018
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## **5. PLANNING POLICY**

- 5.1 The Waveney Core strategy was adopted in 2009. Policy CS01 sets the Spatial Strategy for the District, policy CS02 requires high quality and sustainable design and policy CS11 provides guidance for housing.
- 5.2 The Development Management policies were adopted in 2011. Policy DM01 sets physical limits for settlements and policy DM02 sets design principles.

## **6. PLANNING CONSIDERATIONS**

- 6.1 As will be noted in Para. 3.1 above this application is a revised proposal for a one bed chalet bungalow on the site. The previous application for a two bed house (DC/17/0462/FUL) was refused for the following reason:

“The proposed dwelling would be constructed on a very restricted plot, requiring it to be sited in front of the existing terrace of four dwellings located to the south east of the site, and so being out of keeping with the established character of development on Short Lane. In addition the proposed dwelling would have very limited private amenity space, to the detriment of the amenities of future occupiers.”

- 6.2 In planning policy terms Carlton Colville is considered alongside Lowestoft; Core Strategy policies CS01 and CS11 state that 70-80% of new residential development should take place in Lowestoft/Carlton Colville. The site is within the physical limits identified under policy DM01. Consequently residential development is acceptable in principle.
- 6.3 However this does not mean that every site within the physical limits is suitable for development – other issues must also be considered, including access, design and neighbour amenity.
- 6.4 Access is an issue which has been mentioned by most of the objectors, who refer to the narrow width and lack of footpaths, as well as parking on The Street obstructing visibility. However SCC highways do not object to the application, subject to conditions, and therefore refusal on these grounds would be difficult to justify.
- 6.5 It is not considered that the design of the proposed house is unacceptable per say as there is no fixed style of dwelling in the area. The fact that the house projects approximately 3

metres in front of the existing house (1 Short Lane) is a concern. However there is a driveway at the side of the house, and the new dwelling would not breach the 45 degree line which delineates unsatisfactory outlook.

- 6.6 As noted previously, most of the main windows of the proposed chalet bungalow either face forwards (south west) towards Short Lane or are on the ground floor. There is only one window at first floor level in the rear elevation which is to a study/dressing room. There is some potential for overlooking of rear gardens from this window but it is considered that this could be adequately mitigated by the use of obscure glazing.
- 6.7 The main differences between this proposal and the previous scheme are the change in dwelling type from house to chalet bungalow which has reduced the overall scale of the dwelling and height to ridge from approx. 7.0m to 6.5m; reduction in the number of bedrooms from two to one; reduction in ground floor 'footprint' from approx. 45.3 sqm to 40 sqm and reduction in maximum depth from 6.2m to 5.0m.
- 6.8 The reduction in car parking spaces from two to one has resulted in a main garden area to the side of the dwelling of approx. 66.5 sqm. Very limited private space remains to the rear of the proposed dwelling.
- 6.9 It is clear that a number of changes have been made in an attempt to address the reasons for refusing the previous scheme. This is clearly a small plot and its limited depth means that there would be little useable amenity space to the rear of the dwelling. However it is considered that there would be an adequate amount of amenity space to the side, for a property of this size.
- 6.10 It is also considered that there would be no significant impact on the amenities of neighbouring properties subject to obscure glazing to the first floor study/dressing room. This can be secured by an appropriately worded condition.
- 6.11 A number of the objections mention the potential disruption caused during construction, a condition could be imposed requiring submission and approval of a construction management plan.

## **7. CONCLUSION**

- 7.1 The objections from neighbours are understandable, given the size of the site and the restricted width of Short Lane. However there are no objections from SCC highways. A number of changes have been made to the proposed dwelling which, on balance, is considered to have satisfactorily addressed the reasons for refusing the previous application.
- 7.2 The application is therefore recommended for approval subject to controlling conditions.

## **8. RECOMMENDATION**

That permission be granted subject to the following conditions:

1. The development hereby permitted shall begin 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 be carried out in accordance with approved drawing reference: 1610:134:02, 1:200 scale block plan and 1:1250 scale site plan received 27 December 2017 for which permission is hereby granted.

Reason: To secure a properly planned development.

3. The use shall not commence until the area within the site shown on the submitted plan for the purposes of 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. Site Investigation

No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

##### 1) A desk study and site reconnaissance, including:

- \* a detailed appraisal of the history of the site;
- \* an inspection and assessment of current site conditions;
- \* an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- \* a conceptual site model indicating sources, pathways and receptors; and
- \* a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

##### 2) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- \* the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- \* explanation and justification for the analytical strategy;
- \* a revised conceptual site model; and
- \* a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance

and best practice, including BS10175:2011+A1:2013 and CLR11.

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.



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.

#### 5. Remediation

No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- \* details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- \* an explanation, including justification, for the selection of the proposed remediation methodology (ies);
- \* proposed remediation objectives and remediation criteria; and
- \* proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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.

#### 6. Implementation of remediation

Prior to any occupation or use of the approved development the RMS approved under condition 2 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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. Validation

A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- \* results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- \* evidence that the RMS approved under condition 2 has been carried out competently, effectively and in its entirety; and
- \* evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring

8. Unexpected contamination

In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) 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 method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: The site has a very restricted area and this condition is imposed to enable the local planning authority to consider any future proposals for further work.

10. The window on the south west elevation at first floor level shall be glazed with opaque glass and shall be retained in that condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity of adjacent property.

11. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide details of:

- proposed hours of work

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- measures to control the emission of dust and dirt during construction

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of amenity and to ensure a safe development.

**BACKGROUND INFORMATION:**

See application ref: DC/17/5454/FUL at  
[www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

**CONTACT**

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