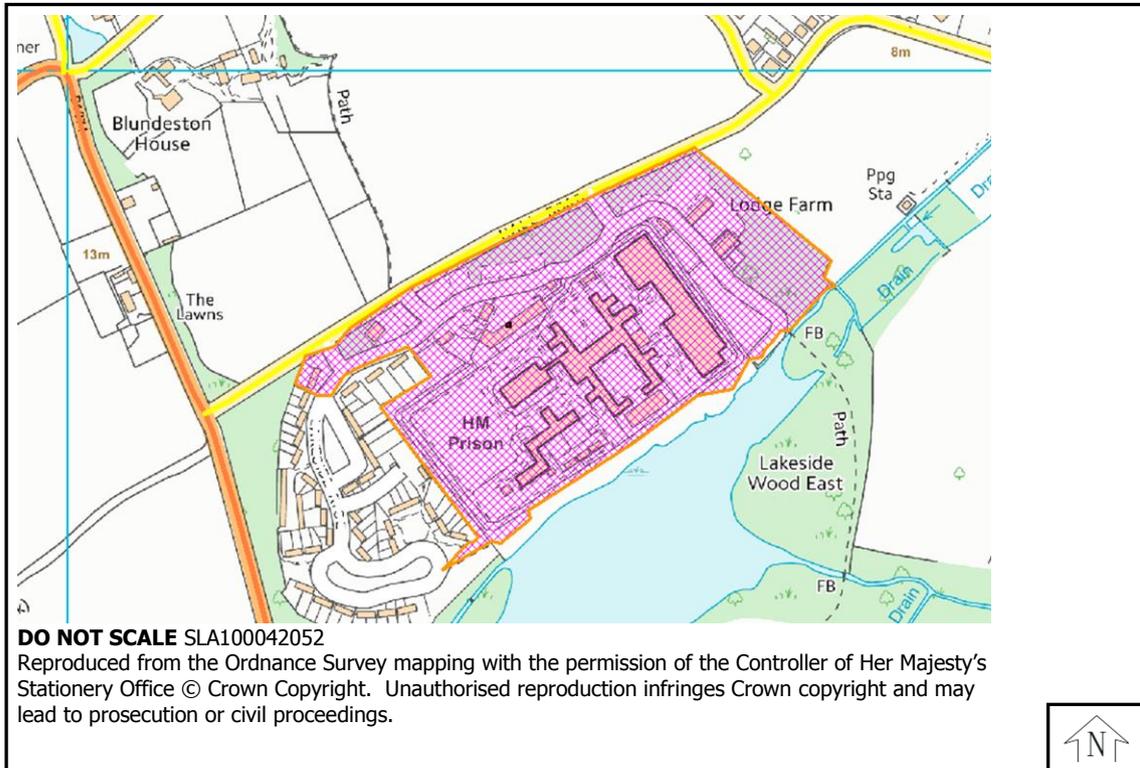


PLANNING COMMITTEE – 13 November 2018**APPLICATION NO** DC/18/3529/VOC**LOCATION**Former H M Prison Blundeston
Lakeside Rise, Blundeston
Lowestoft, Suffolk NR32 5BG

EXPIRY DATE	22 November 2018
APPLICATION TYPE	Variation of Conditions
APPLICANT	Badger Building (E. Anglia) Ltd
PARISH	Blundeston
PROPOSAL	Variation of Condition No 3 of DC/16/2157/FUL - Hybrid planning application for demolition of prison and construction of 2no shop units with 4no flats, and 3no office units with car parking, 16no affordable housing units (full submission), and residential development including care home, roads and open space (outline submission) - Carports in place of garages (substitute drawing reference 6845-PL05 with BLP-241 Revision B, BLP-251 Revision B and BLP252 Revision B

Condition Number(s): Condition 3

Conditions(s) Removal: To meet purchaser's request for car ports in place of garages. Substitute drawing reference 6845-PL05 with drawing references BLP-241 Revision B, BLP-242 Revision B, BLP-251 Revision B, and BLP-252 Revision B.



1 SUMMARY

- 1.1 This application is for the regularisation of work carried out at the behest of the housing team to create open car ports rather than closed garages in order to take the management of the Affordable Housing directly by the Council. As a result the proposal does not accord with the approved drawings. Initially the change was considered not to be material, however, there is a theoretical increased risk that crime and disorder might occur, so the recent non-material amendment application reference DC/18/2769/AME was refused so that the matter can be properly reviewed, and given the Council's involvement in the ongoing management of the site brought before members. The delivery of affordable homes is considered to outweigh the risk of crime and so the recommendation is for approval.

2 SITE DESCRIPTION

- 2.1 This part of the Blundeston Prison site is closest to the former prison officers housing and had been used as a car park and works yard under previous permissions. Permission was granted under DC/16/2157/FUL for affordable housing to be placed on this North West corner of the former prison estate within the first phase of redevelopment.
- 2.2 Originally it was envisaged that a social housing provider would take on the affordable dwellings. However in this instance the Council has determined to take over management of the housing once complete and required therefore some changes. The affordable homes are configured as a long terrace with archway through and three storey centre block over the archway aligning with the main access from Hall Lane Blundeston. Behind and parallel to this are two smaller blocks symmetrically placed either side of the central access. These offer flats above car ports.

3 PROPOSAL

- 3.1 This application has been submitted because the affordable housing's garages have been built as car ports rather than fully enclosed and a neighbour has objected to the change, not being in accordance with the approved drawings and therefore representing a breach of planning control.
- 3.2 Neighbours have been sent formal consultations, however in previous complaints also stated that confidentiality should be respected so no response is expected. The application is for retrospective regularisation of the change described. It is reported to committee as the changes are at the behest of the Council's own housing team, and offer both advantages and disadvantages in the planning balance.

4. CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:** None received
- 4.2 **Parish/Town Council Comments:** Recommend approval
- 4.3 **WDC Environmental Health – Noise:**
Further to our conversation the IEC acoustic assessment considers the impact of noise at 2 Lakeside Rise only and not at any of the new plots. Obviously I had nothing to do with the

instigation of this assessment but I understand from talking to you that you required the assessment in order to consider the impact of noise from the revised car ports on future occupants of the new plots. This assessment does not do this.

The report concludes that noise will not have an adverse impact at no. 2.

4.4 **Police – Design by Crime** (précised)

My original response dated 31/05/16 included the following in respect of the starter homes in question.

Rear Footpaths

Secured by Design Document “Homes 16” advises against footpaths to the rear of properties. If essential they must be gated and that the gates should be placed in full view of the street and lockable. The paths either side provide a concealed access route. The design of the bin and cycle stores must avoid creating un-surveilled areas.

Liighting requires level uniformity and dusk to dawn lighting on all elevations where there is an external door-set. The underpass to the courtyard should be well lit.

Parking

Rear car parking courtyards are discouraged because they introduce access to the rear where the

majority of burglary is perpetrated. Un-gated courtyards also provide areas of concealment which can encourage antisocial behaviour.”

In respect of the proposed variation, the removal of doors from the garages within the rear courtyard is not recommended. This will create an even more unsafe environment for the residents of the properties over the proposed garages by providing more potential hiding places within the confines of the car ports. The same could be said for visitors to the properties.

Residents in the flats above the garages will feel vulnerable walking past the open car ports to access their property. This would be considerably worse at night.

There is very little natural surveillance to the rear of the properties in question and I would ask that a redesign of this area is considered. Perhaps one solution would be to reconsider the aspect of the properties to enable the entrance and the car ports to be more visible.

4.5 **Waveney District Council - Housing** : The replacement of the garages by car ports is supported by the Housing department who are purchasing the 16 properties from the developer as required under the section 106 agreement.

It is highly unusual to provide garages for new affordable housing. Our experience of owning garages over the years is that they are generally not used as a regular parking space (thereby increasing parking problems elsewhere) but instead tend to be used for general storage. They can also attract vandalism and are expensive to maintain for the Council.

I don't believe the conversion of the garages into car parts will create a less safe environment. The two parking spaces in each car port will provide the parking required for the six new 2 bedroom houses (the remaining ten 1 bed flats all have 1 allocated parking space). Residents were always required to walk from the parking area to their houses on Lakeside Rise and I don't believe the provision of a garage would make this a safer walk. If anything a garage could provide an area where a resident could be trapped by any would be attacker.

I would be surprised if the residents in the flats above the garages feel any more vulnerable walking past the open car ports to access their property as they would have done walking past garages. The open car ports allow for residents to see through and around the area that garages don't allow for. There are also 6 lighting columns around the rear courtyard parking areas.

It is also needs to be taken into account that Blundeston is a low crime area and that the principle of a rear courtyard parking area has been agreed as part of the original planning application.

5. PUBLICITY

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Major Application,	14.09.2018	05.10.2018	Lowestoft Journal
Major Application,	14.09.2018	05.10.2018	Beccles and Bungay Journal

6. SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Major Application, Date posted 06.09.2018	Expiry date 27.09.2018
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7. RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/16/2157/FUL	Hybrid planning application for demolition of prison and construction of 2no shop units with 4no flats, and 3no office units with car parking, 16no affordable housing units (full submission), and residential development including care home, roads and open space (outline submission)	Approved	30.8.16
DC/17/3356/DRC	Discharge of Condition Nos. 4, 5, 6, 7, 8, 13, 14, 15, 16, 18, 19 and 20	Approved	30.10.17
DC/17/4182/VOC	Hours of operation - Replace 08:00 Hours start with 07:30 Hours start for works excluding demolition.	Approved	19.12.17

8. PLANNING POLICY

CS02 High Quality and Sustainable Design (Adopted Core Strategy, January 2009)
DM02 Design Principles (Adopted Development Management Policies, January 2011)

9. PLANNING CONSIDERATIONS

9.1 There are three material considerations as to whether the change from enclosure gives rise to a material change that is of sufficient importance to require refusal of this regularisation application:

- Privacy implications
- Noise impact
- The potential for the revised design to lead to exacerbation of potential for crime and disorder.

Privacy

9.2 With regard to privacy, the nearest existing neighbour is screened by a garage and substantial trees beyond a boundary fence so additional openings in a building at ground floor level have no material impact on privacy. The intention on the approved plans to erect 2m fences to the rear gardens of the two/three storey terrace fronting the public highway, means that the new residents will suffer no increased material privacy harms.

Noise

9.3 The applicant has submitted an assessment that demonstrates that there will be no noise impact from the proposal on the existing neighbour and providing the garden fences are erected without air paths then this will ensure that there is no adverse noise impact on the neighbours within the development from the change.

9.4 The Noise Impact Assessment report (Ref. IEC/3822/01/AVH dated 27 June 2018) considered the potential impact on the existing residential dwellings in the locality (i.e. 2 Lakeside Rise), *“as per our instructed scope of work for the project. Existing dwellings may not have an alternative means of background ventilation (i.e. trickle vents) and necessitate opening of windows to provide ventilation (as appears to be the case at 2 Lakeside Rise).*

Environmental noise from transportation sources (including car parking), are considered using BS8233: 2014 and WHO Guidelines (as shown in Tables 3.2 & 3.3 of our report) and relate to noise levels over 16-hour daytime and 8-hour night-time periods.

Our assessment was particularly robust in that it considered vehicle movements over much shorter time-periods (1-hour during the daytime and 15-minutes during the night-time). If the car parking movements were considered over the longer time periods, resultant noise levels would be significantly lower. We consider noise levels from the amended scheme to be something of a moot point with regards the new build dwellings. Given the low number of parking bays in the garages, the proximity of the already designated open parking bays (e.g. Plots 4 & 8) and the building envelope of the flats will include double-glazing and trickle vents, it is clear that the amended scheme will have an insignificant impact in terms of noise. However, we have considered the noise impact at the new flats over 16-hour and 8-hour time periods to provide further assurance that there is no realistic adverse impact to the future occupants”.

Crime and disorder

- 9.5 With regard to crime however, the Designing Out Crime Officer (DOCO) has stated that points raised in the original scheme have not been addressed and this version is materially worse than the original proposal. On that basis the change cannot reasonably be treated as non-material, so needs a variation application to enable the change to be properly weighed in the planning balance.
- 9.6 On 7 August 2018 an email from the DOCO received when examining the application initially submitted as a non material amendment (AME) case, highlighted that the original hybrid application was criticised with regard to the layout by the Officer. It is clear however that this was accorded lesser weight in the planning balance by both the officer making the recommendation and by members in accepting the recommendation, than the promise of early delivery of affordable housing.
- 9.7 Concerns were raised regarding the courtyard parking area and the complete lack of natural surveillance to the garages and the entrances to the flats over. The DOCO recommended a redesign of this area. He stated: *“The change from garages to car ports can only make a bad situation worse. The easy access to the rear courtyard and the lack of natural surveillance could create opportunities for crime to occur. The change to the design will also provide hiding places and could create an unsafe environment”*.
- 9.8 It is considered that in the overall balance with regard to securing the development and the ongoing management of the development that having open car ports in an area such as Blundeston, where crime is not regarded as high both in regard to numbers and severity of offences, that this dis-benefit remains outweighed by the benefits of affordable housing delivery. The Council's housing team will not pay for enclosure to the car ports, and by opening the car garages up to be car ports, the storage use to which garages are often put, will not occur and so the requisite level of on site car parking can be assured. This offers a positive benefit to the changed layout. Crime and disorder can be addressed if issues arise by other measures within the site such as enhanced lighting and CCTV, and it should be noted, that as further phases are built out, natural surveillance will increase.

Procedural matter

- 9.9 As a Variation of Condition application creates a fresh planning permission and the applicant has redlined only the land covered by affordable housing on drawing BLP203 revision E so all conditions relating to this parcel of land where not otherwise discharged need to be reapplied. As this varies a hybrid application where this part was originally a "full" application, a measure to link the section 106 agreement to this is necessary.
- 9.10 While this application will create a fresh decision, matters pertaining to the section 106 can be agreed varied by all parties without fundamental redraft as the original agreement was worded to anticipate such variation.

10 CONCLUSION

- 10.1 Most conditions of the outline aspect of the hybrid permission need not be repeated here as the red lined site area covers only the areas that benefitted from full permission

previously. Some cross cutting conditions cited in the outline part do however need to be reapplied as shown below.

RECOMMENDATION

1. Approval of variation application for FULL PLANNING PERMISSION IN PURSUIT OF DRAWING NUMBER 6845-Ph01. Work to be commenced in accordance with the time limits set by the original hybrid application.
2. The development hereby permitted shall be carried out in accordance with approved drawing references: 6845-EX01, 6845-MP01, 6845-PL01, 6845-PL02, 6845-PL03, 6845-PL04, 6845-PL05, 6845-SP01 and BBBP1/1 received 24 May 2016, for which permission is hereby granted. And drawing refs BLP203 Rev E and BLP241, 242, 251 and 252 all revision B all received 23rd August 2018

Reason: To secure a properly planned development.

3. The agreed affordable housing shall be provided entirely in accordance with the approved scheme.

Reason: To ensure an adequate provision of affordable housing to meet local housing need.

4. Details of all external facing and roofing materials shall as per the details of roof covering etc. supplied 25th September 2017 by email.

Reason: To ensure the satisfactory external appearance of the development.

5. Before the shops hereby approved are first brought into use the parking areas shown on drawing number 6845-SP01 received 24 May 2016 shall be available for use, and shall be so maintained thereafter.

Reason: to ensure that adequate parking provision is available for the shops.

6. The protective fences agreed by earlier condition discharge, 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. Before the development hereby permitted is first brought into use a Management Plan for the trees to be retained and areas of public realm on the site shall be submitted to and approved in writing by the local planning authority. The trees and public realm shall be managed in accordance with the approved Management Plan.

Reason: In the interests of the visual amenity and character of the area.

8. The Mitigation measures outlined in section 8 of the submitted Biodiversity and Protected Species Report (namely provision of bat boxes (8.1), time limits for work to trees and provision of bird boxes (8.2), measures for amphibians and reptiles during construction (8.5) incorporation of native wildlife species in landscaping (8.10) and lighting (8.11)) shall be provided within six months of the development being brought into use.

Reason: In the interests of the biodiversity of the area

9. No burning of waste materials (including green waste) should be take place on site during construction.

Reason: to protect the amenities of nearby residents

10. (formerly condition 13.) All demolition and construction works shall be carried out with accordance to the agreed site specific Environmental Management Plan.

The hours for working and deliveries shall be 07:30 Hours and 18:00 Hours on Mondays to Fridays and 07:30 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

* Deliveries of materials to and removal of plant and equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

* Mitigation measures as defined in BS 5228: Parts 1 and 2: Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from the demolition and construction works.

* Procedures for the emergency deviation of the agreed working hours.

* Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air - borne pollutants.

Please note that Best Practicable Means (BPM) to reduce the noise impact upon the local community should include the following:

o All demolition and construction plant and equipment should comply with EU noise emission limits:

o Proper use of plant with respect to minimising noise emissions and regular maintenance. All vehicles and mechanical plant used for the purpose of the works should be fitted with effective exhaust silencers and should be maintained in good efficient working order,;

o Selection of inherently quiet plant where appropriate. All major compressors should be 'sound reduced' models fitted with properly lined and sealed acoustic covers which should be kept closed whenever the machines are in use and all ancillary pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufacturers:

o Machines is intermittent use should be shut down in the intervening periods between work or throttled down to a minimum:

o Plant and equipment such as flatbed Lorries, skips and chutes should be lined with noise attenuating materials. Materials should be handled with care and placed, not dropped.

Reason: to protect the amenities of nearby residents

11. The surface water strategy for the first phase shall be constructed in accordance with the agreed scheme.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained
12. The conclusions of the contamination report received 10th October 2017 shall be further discharged by mitigation, remediation and validation as work proceeds and with unexpected contamination being reported

Reason: To ensure that infiltration as a drainage strategy causes no risk of pollution to surface water run-off from the site.
13. The development hereby permitted shall be not occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register
14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Evans Rivers and Coastal Limited, referenced 1617/RE/05-16/01 Revision B, dated August 2016 and the following mitigation measures detailed within the FRA:
Finished ground floor levels are to be set no lower than 2.5 metres above Ordnance Datum (AOD) The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
15. Notwithstanding the GPDO (as amended) provisions for the permitted development change of use of offices to alternative uses the office use hereby approved shall relate to B1(a) use alone.

Reason: In order to ensure a sustainable employment offer from the development proposals.
16. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to

ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS 17 of Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

17. The protective fences around trees 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.

18. Before the development hereby permitted is first brought into use a Management Plan for the trees to be retained on the site shall be submitted to and approved in writing by the local planning authority. The trees shall be managed in accordance with the approved Management Plan.

Reason: In the interests of the visual amenity and character of the area.

19. The Mitigation measures outlined in section 8 of the submitted Biodiversity and Protected Species Report (namely provision of bat boxes (8.1), time limits for work to trees and provision of bird boxes (8.2), measures for amphibians and reptiles during construction (8.5) incorporation of native wildlife species in landscaping (8.10) and lighting (8.11)) shall be provided within six months of the development being brought into use.

Reason: In the interests of the biodiversity of the area.

BACKGROUND INFORMATION: See application ref: DC/18/3529/VOC at www.eastsuffolk.gov.uk/public-access

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