



Committee Report

Planning Committee - 19 May 2020

Application no DC/19/4368/FUL

Location

Rugby Club House
Old Lane
Lowestoft
NR32 5HE

Expiry date 12 January 2020

Application type Full Application

Applicant Tredwell Developments Ltd

Parish Corton

Proposal Change of access arrangements to the entrance to Gunton Park.

Case Officer Melanie Seabrook
01502 523023
Melanie.Seabrook@eastssuffolk.gov.uk

1. Summary

- 1.1 The application seeks alterations to an existing vehicular access from the Lowestoft and Great Yarmouth Rugby Club site to Old Lane/The Woodlands.
- 1.2 The application is presented to North Area Planning Committee, at the request of Head of Planning and Coastal Management, because of the significant level of local interest and it is an application that has implications for the relocation of the rugby club, a policy in the Local Plan, that would be funded by a housing development on the current site.

Case for Development

- 1.3 Whilst this proposal does not include any residential re-development of the Rugby Club site, the access works proposed could facilitate the future delivery of the housing proposed through the allocation in the local plan (WLP2.20); in any case, the proposal will improve access to the existing Rugby Club site for all users in accordance with the sustainable transport objectives of policy WLP8.21 and the NPPF. There would not be any harmful impact on living conditions for local residents. Officers have had due regard to the concerns raised by local residents but, assessing the proposal on its merit, there are no material

grounds to withhold a grant of planning permission. The proposal is considered acceptable in accordance with the relevant policies of the East Suffolk (Waveney) Local Plan (Local Plan).

2. Site description

- 2.1 The rugby club is located on Old Lane, Corton which in turn is accessed off Corton Long Lane. The area is residential in nature with dwellings being set in generous curtilages which generates a high quality and aesthetically pleasing character to the area.
- 2.2 The existing rugby club site is allocated within the Local Plan (Policy WLP2.20 - Gunton Park, off Old Lane, Corton) for the residential development of approximately 65 dwellings and open space. The proposed amended access covers a portion of land which is closest to the existing point of entry, which is flat and currently used to access both Gunton Park Mews, a modern residential development of the former tennis court area of the club; and the existing Rugby Club car park.
- 2.3 There are a number of trees on the land, all of which are subject to Tree Preservation Orders and covered by TPO 403 which was made in 2010 and which covers the trees within the existing car parking area and those along the left hand side of the boundary, bordering along the footpath, separating this site from Gunton Hall.
- 2.4 There is a previous and, as yet undetermined, application on the Rugby Club site (ref. DC/16/4850/OUT). This application remains undetermined because it suggested redevelopment on a scale anticipated by the policy, but without the site for a relocation scheme for the rugby club facility being included or progressed. The re-location of this key facility is an important aspect of any future residential development of the Rugby Club site, and officers are continuing to liaise with the Rugby Club on a potential re-location.

3. Proposal

- 3.1 This application is to construct a short section of highway to an adoptable standard sufficient for the current use of the Rugby Club site. The total length of the section of highway and access road would be in the region of 90 metres long. The existing access is somewhat rudimentary and on match days, or when there is intensified use of the club, this can become congested. The new access would be slightly to the north of the existing, in an arced form around the frontage to 10 Old Lane.
- 3.2 Nevertheless, if and when the Rugby Club is relocated to an alternative site, the access proposed in this application would be to an adoptable standard and suitable for residential development as allocated in the Local Plan. However, the proposal is also designed to provide improved access to the Rugby Club and the existing housing in Gunton Park Mews irrespective of any potential future re-development.
- 3.3 The proposed works to the access will require the removal of: one large Oak tree; some shrubs; one other tree (marked T1 and T2 on the submitted amended plans 1939/100/P3); and the domestic garage built in the frontage of 10 Old Lane. No. 10 was bought by the Rugby Club some years ago and redeveloped to allow part of the site to be given over to

better highway access in conjunction with the construction of the dwellings on Gunton Park Mews.

- 3.4 The proposed works include a slight widening of the access, road markings, and proper surfacing. There will be some impact on the existing cycle and pedestrian path in front of some of the dwellings on Old Lane, however the works have been agreed with SCC Highways and PROW officers and will offer some limited benefits to visibility and access/exit across the front of the Rugby Club site.

4. Consultations/comments

- 4.1 40 representation letters and emails of objection were received in relation to the original plans and a further 14 received in relation to the amended plans (many of whom commented on the original plans). The key concerns raised in those letters (inter alia) are summarised, with the material planning considerations listed first and non-material planning considerations listed second:

Material Planning Considerations

- The junction between The Woodlands and Old Lane is unsafe because of lack of visibility in both directions.
- There will be hazard at Old Lane and the Old Lane/Corton Long Lane junction.
- Vehicles from the direction of Corton Long Lane frequently drive across the path of vehicles coming from The Woodland because they fail to see them.
- There are tall boundary hedges restricting vision.
- Heavy lorries (relating to construction work) will create danger. Fatal accidents have occurred on this road.
- Larger vehicles will find the proposed access difficult and need to reverse out.
- Vision splays proposed are sub-standard.
- The land around the access to the Rugby Club regularly floods, and the new road will be ice covered.
- The proposal reduces space available for parking within the club grounds and will lead to further match day on street parking.
- Other parts of the estate will not be safe for children at the bus stop and the proposal will impact on traffic at the kindergarten on Long Lane. The on-road parking for the kindergarten already causes traffic delays and danger.
- We object to the removal of the trees and loss of birds, other wildlife and landscape value.
- Newts might be present.
- Removal of trees will lead to glare from vehicles causing residential amenity loss.
- The change of priorities at the junction of Woodlands and Old Lane is objected to as likely to cause delay.
- The route is a cycle path that will be adversely affected.
- The Waveney Local Plan strategy requires decisions ensure communities are safe and healthy.

Non-Material Planning Considerations

- Old Lane is private and the joint responsibility of all residents.

- The proposal will affect private rights of way.
- Permission to alter these rights will not be given.
- Denial of access is a Human rights issue.
- The Council cannot grant a permission as this would affect these rights.
- The access is only to the Rugby Club and not a proposed housing estate, generating an estimated 130+ cars, this is a doubling of use. (Various traffic generation figures have been stated, some without timeframes) This will be a hazard.
- Congestion at the Rugby Club during games occurs outside the peak times for other traffic whereas housing will add to rush hour traffic.
- According to the speed camera 100,000 vehicles used Corton Long Lane during the month of October.
- Corton Long Lane is an unlit, and a 30mph speed restricted road, where vehicles often exceed this (the average is 35mph, the highest recorded is 80mph).
- There is only one footpath on Corton Long Lane and it is narrow and unsuitable for mobility scooters.
- A decision was taken in 1990 to refuse redevelopment of the Rugby club citing the access onto Corton Long Lane as dangerous. There will be cumulative impact on traffic in combination with the 1400 homes in the garden village.
- This will add traffic to the A47 requiring more speed restrictions and increasing commuting times.
- Sat nav systems will be confused. Wheelie bins left by the roadside will block vision.
- If the housing doesn't proceed the change will not be needed making this proposal premature.
- Access should be in whole or in part, off the A47.
- Potential access is owned by a club member.
- There will be drives dangerously close to the proposed new junction, reversing our car and our five childrens future cars will be dangerous.
- This is for financial gain alone. Residents' property value will unfairly drop.
- Those governing the club are property developers.
- It is noted that the loss of the tennis courts was justified at that time by the investment that would be able to occur in the club.
- The further relocation suggested should not be permitted and the existing site upgraded with the Taylors Farm site used to increase the size of the Garden Village.
- There has been no proper consultation by the Rugby Club and this is contrary to the 'Waveney Sustainable Community Strategy.'
- This is an underhand way to access the paddocks as well.
- The Rugby Club is in decline and the committee has encouraged decline to argue for development.
- In 2005 the club pledged to stay at their current site for the foreseeable future.
- The District Council consultation has been limited and appears to be such by intent.
- Matters relating to future development are mentioned in the description so should be considered now.
- Was highways considered during the allocation of the site for housing? We have seen no evidence of this so we are very doubtful as to the capacity and suitability of the access for residential purposes. This should not be considered until further evidence is made available.

4.2 One comment in support of the improvement to the Woodlands to Old Lane junction.

Consultees
Parish Council

Consultee	Date consulted	Date reply received
Corton Parish Council	18 November 2019	9 December 2019
<p>Summary of comments:</p> <p>At the Parish Council's monthly meeting, 5th Dec, we received a number of objections to this proposal based upon the following:-</p> <p>Disappointment that the only access road into the new development will be via Old Lane leading from Corton Long Lane. This will mean an unwelcome increase in traffic from the A47 into Corton Long Lane, which is an unlit, narrow and busy residential road, with a history of speeding traffic and which has obstructed line of sight due to overgrown trees and bushes.</p> <p>Traffic accessing the new site will have to turn in and out of the junction, bordering Corton Long Lane and Old Lane, which will be dangerous and present a health and safety risk.</p> <p>Traffic is already using Corton Long Lane as an alternative route into and out of Gunton and Lowestoft in order to avoid the A47, in particular the Tesco roundabout, Denes School and surrounding area. Surely a better route could be directly from the A47</p> <p>There will also be a new junction created where Old Lane and The Woodlands meet, this is causing concern as there are already blind spots here. Therefore, would it not be more logical to have a spur off the existing road to service the new development</p> <p>Trees will need to be felled which could affect the boundaries of neighbouring properties.</p> <p>The new North Lowestoft village development may also have access via Corton Long Lane, almost opposite Old Lane saturating the area and creating a real problem, given that there is already a preschool in this area, which frequently has vehicles parked outside, whilst parents drop off or pick up their children.</p> <p>We are surprised that this application has been submitted prior to the final housing plans. Surely, the road should be considered alongside the development and not in isolation, as there may need to be amendments and alterations later that would also impact the neighbouring area.</p> <p>We think the Planning Committee must undertake a site visit before considering this application.</p>		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	25 February 2020	27 November 2019
<p>Summary of comments:</p> <p>Thank you for consulting Lowestoft Town Council on this application. The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 26</p>		

November 2019. It was agreed to recommend approval of the application subject to comments from the Highways Authority. The Committee would ask that the proposed development has minimal impact on existing trees and that new trees are planted as necessary.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	18 November 2019	2 December 2019
Summary of comments: No objections subject to the imposition of appropriate conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	18 November 2019	3 December 2019
Summary of comments: Comments recorded within the report.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	18 November 2019	No response
Summary of comments: No response received.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
Corton Parish Council	25 February 2020	No response
Summary of comments: No further comments received in relation to amended plans.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	14 January 2020	5 February 2020
Summary of comments: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 4 February 2020. It was agreed to recommend approval of the application as it is in		

line with the Waveney Local Plan policy (WLP2.20) The Committee would ask that the proposed development has minimal impact on existing trees and that new trees are planted as necessary.

5. Publicity

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

Category	Published	Expiry	Publication
Public Right of Way Affected	29 November 2019	20 December 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Public Right of Way Affected	29 November 2019	20 December 2019	Lowestoft Journal

6. Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way; Tree Preservation Order Date posted: 21 November 2019 Expiry date: 12 December 2019
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7. Planning policy

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that where in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies are listed below and the NPPF is a material policy consideration.

WLP2.20 - Gunton Park, Off Old Lane, Corton (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.21 – Sustainable Transport (East Suffolk Council – Waveney Local

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)

National Planning Policy Framework (2019) paragraph 109

8. Planning Considerations

Principle of Development

8.1 Policy WLP2.20 relates to Land at Gunton Park, off Old Lane, Corton. This site allocation policy covers 3.85 hectares of land, as identified on the Local Plan Policies Map, and is

allocated for a residential development of approximately 65 dwellings and open space. This policy requires that development should not take place until a replacement site, of a larger size and higher quality, for the provision of rugby playing pitches and cricket pitches has been agreed and delivered.

- 8.3 The policy goes on to specify that vehicular access should be off Old Lane, and that improvements to the current access will be required.
- 8.4 Policy WLP8.21 covers sustainable transport and promotes, amongst other things, use of sustainable modes of transportation, and development that is acceptable in terms of highways safety.
- 8.5 Policy WLP8.29 (Design) requires, amongst other things, that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness.
- 8.6 This application is a stand-alone proposal for works to a highway at the entrance point to the Rugby Club site, which must be considered on its merits. Officers note that the whole Rugby Club site is outlined in red on the submitted plan, however the works proposed are actually limited to the forming of a new and improved access point and partial roadway.
- 8.7 The application, as first submitted, referenced the future residential development of the site in the description of development and, therefore, some objections received addressed that part of the description. However, the description of development has been clarified and formally amended, by the applicant, to accurately cover the proposed development of works to the access arrangement. Matters relating to construction traffic and traffic generated by occupation of a potential housing development cannot be considered within this application. Any subsequent application for residential development will be subject to separate consultation, scrutiny and reporting by the local planning authority. Notwithstanding, the acceptability of the site for housing – including its accessibility – was considered by the examining Inspector of the Local Plan and the allocation policy WLP2.20 found to be sound and hence the allocation is included in the Local Plan.
- 8.8 Construction traffic associated with the proposed adjustment of the entrance has been raised by some local residents, and this is a material consideration. However, given the limited extent of the proposed works, the associated construction traffic would be relatively minor and parking for such traffic can easily be accommodated within the Rugby Club parking area. Officers do not consider that further details are required in the form of a Construction Site Management Plan, but that could be secured by planning condition if members consider this to be required and are minded to grant permission.

Highways Safety and Sustainable Transport

- 8.9 In terms of highways safety (the main issue to consider) Suffolk County Highways Authority are a statutory consultee and raise no objection to the proposed development.
- 8.10 Woodlands to Old Lane is shown as altered priority removing the current hazard created when proceeding into Old Lane or the Rugby Club where poor vision creates right turn

conflict. The proposal includes uncontrolled pedestrian crossings over The Woodlands, with full face kerbing to tie in with the existing footway.

- 8.11 Existing National Cycle Route 7 (“the cycle route”) runs along Old Lane, past the Rugby Club. At the point of access into the Rugby Club, a minor diversion of the cycle route would be required, creating an arced form into the Rugby Club site, and then back out onto Old Lane. This would cross over the existing right of way for numbers 1, 2, 3 & 4 Gunton Park Mews and 10 Old Lane; the asphalted surface of this right of way would remain unchanged.
- 8.12 The access route into the Rugby Club would be a hard surfaced 5.5 metre wide road from Old Lane, curving into the existing car park and terminating at about 65 metres in length. Either side of the access road, there would be 2.5-metre-wide cycleways/footways. On the north side of the access road, the footway/cycleway would then continue around the frontage of 10 Old Lane and then tie in with the existing footway/cycleway on Old Lane.
- 8.13 The proposed works will improve the existing access and layout situation around the Old Lane, The Woodlands, and Rugby Club junctions. The creation of footways/cycleways will create legible and safer routes for other modes of transport. The hard surfacing and layout markings will reduce conflict between users with each route type much clearer and legible. The minor diversion of the cycle route will not detract from its use. In the aggregate, the works will serve to offer much improved and safer access for all users of the Rugby Club, and also for motorists, cyclists and pedestrians accessing Gunton Park Mews, Old Lane, and The Woodlands. The proposal therefore meets the sustainable transport objectives of policy WLP8.21 and the NPPF.

Residential Amenity

- 8.14 It is considered that there is no direct harmful impact from the proposal on neighbouring living conditions. Whilst it is accepted that a future housing development may cause a change in the relationship between land uses, any application for such development will need to be considered in terms of its amenity impact; however, the access works proposed within this application are not likely to cause amenity harm. Arguably, the improvements to the overall site access arrangement will be an enhancement and offer safer pedestrian accessibility in this location, with upgrades to the vehicular access making the route more legible and accessible for motorists. The proposal will reduce localised conflict between pedestrians, cyclists, and motorists. Thus, there is no conflict with the amenity objectives of policy WLP8.29 (Design).

Impact on Trees

- 8.15 In terms of tree removal, these works are required to facilitate the access proposals; however, there is no objection from officers (including the Council’s Arboricultural and Landscape Officer) to the loss of these protected trees. It should be noted that the loss of the Oak near the entrance has already been permitted in a previous consent as a result of its current poor condition (DC/14/0405/TPO). While the proposed removal of the large Oak in the middle of the car park is regrettable at face value, the Oak tree itself is suffering greatly from dieback and retrenchment and this is most likely to be caused by the ground compaction around it. Given its condition, the loss of this second Oak is considered

acceptable. The proposed tree works is considered acceptable in terms of visual amenity impact in accordance with WLP8.29 (Design).

Matters Arising from Public Consultation

- 8.16 In section 4 of this report the responses to public consultation are summarised. As detailed, a number of the matters raised by local residents are not material to the proposal under consideration, which is for works to the vehicular access arrangement and connecting highway. Much of the local objection focusses on the potential, future housing development of the site rather than the specific works proposed within this application.
- 8.17 Where material matters of objection have been raised, they have been duly considered by officers within this report. There are comments regarding the unsafe nature of the road layout and vehicle access, with concerns over limited visibility for motorists in the locality and conflict between modes of transport. As set out, officers consider that the proposals will improve these issues and result in a safer access and road layout in accordance with the Local Plan sustainable transport objectives to promote safe and suitable access for all users. That the improved access works would result in some loss of parking within the Rugby Club car park is outweighed by the overall enhancement to the access and road layout. The more legible routes into the site and footway/kerbing works may even encourage more pedestrian travel to-and-from the site, reducing on-road parking on match days.
- 8.18 There is also some local concern over the impact of the development on ecological habitats and trees. However, officers have set out in paragraph 8.15 why the loss of those trees is accepted, in this instance. The site is largely cleared and used for car parking/vehicle access, therefore it does not have significant ecological value and the proposal would not cause harm to any protected species or habitats.
- 8.19 There is also a concern that the formalised access route would generate surface water that could ice over in winter months. The recommended condition number 3 requires, amongst other things, that details of the surface water drainage strategy is submitted and approved by the Local Planning Authority prior to the commencement of development.

9. Conclusion

- 9.1 Whilst this proposal does not include any residential re-development of the Rugby Club site, the access works proposed could facilitate the future delivery of the housing allocation WLP2.20; in any case, the proposal will improve access to the existing Rugby Club site for all users in accordance with the sustainable transport objectives of policy WLP8.21 and the NPPF. There would not be any harmful impact on local living conditions. Officers have had due regard to the concerns raised by local residents but, assessing the proposal on its merit, there are no material grounds to withhold a grant of planning permission. The proposal is considered acceptable in accordance with policy, and officers recommend that permission be granted.

10. Recommendation

Approve with Conditions.

11. Conditions:

1. The development hereby permitted shall be begun 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 amended access layout shall be laid out and completed in all respects in accordance with Drawing No. 1939/100/P3. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

3. Before the permitted works are commenced, details of the roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

Informatives:

1. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

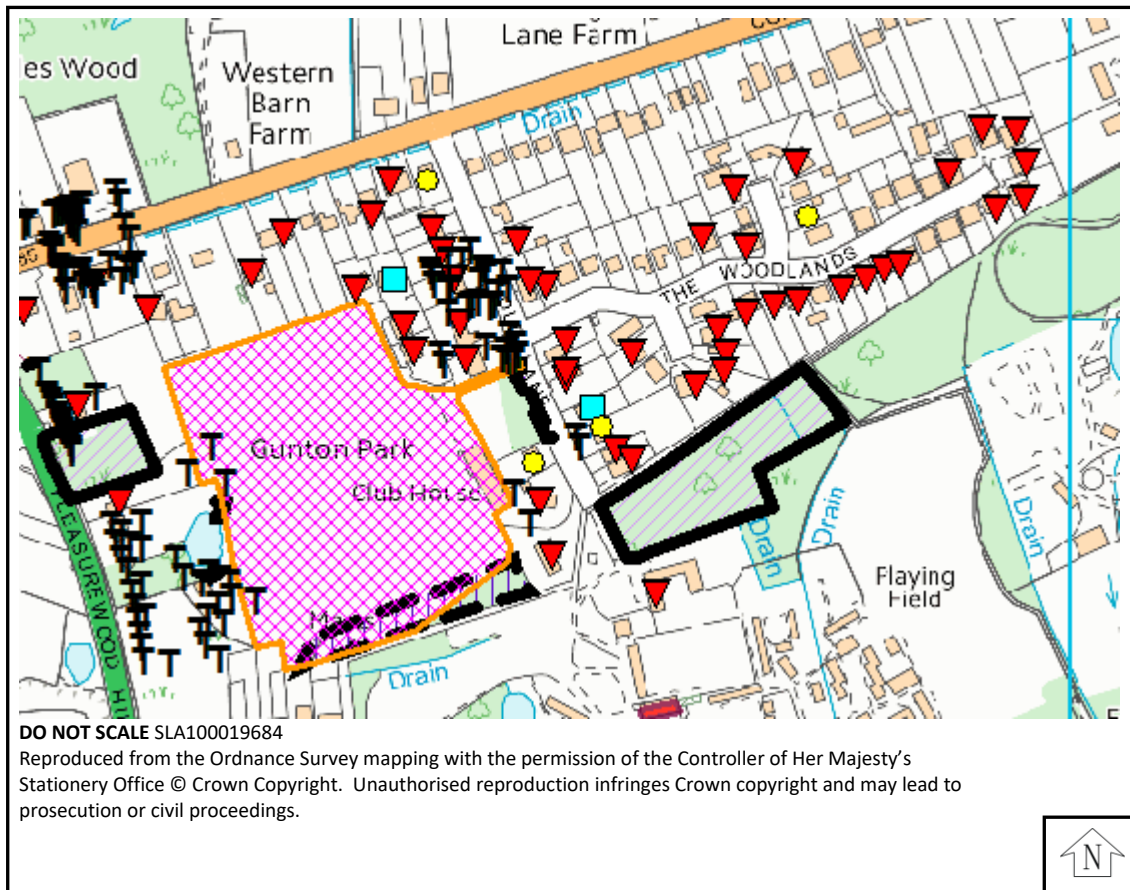
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

2. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





Background information

See application reference DC/19/4368/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0LQFSQXFWH00>

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support