



Committee Report

Planning Committee North - 11 April 2023

Application no DC/22/4341/FUL

Location

25 Cotmer Road
Lowestoft
Suffolk
NR33 9PN

Expiry date 17 January 2023

Application type Full Application

Applicant Mr Julian Mutimer

Parish Oulton Broad

Proposal Sub division of gardens to create 2 plots and construction of 2 detached bungalows and garages.

Case Officer Matthew Gee
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1. Summary

- 1.1. Planning permission is sought for the Sub-division of gardens to create two plots and the construction of two detached bungalows and garages. The area is characterised by a mixed pattern of development, and as such the form of the layout is not likely to impact on its character and appearance. Furthermore, the proposed development is not considered to have any adverse impact on the amenity of neighbours. The proposal provides adequate amenity space for current and future residents and would have no adverse impact on highway safety.
- 1.2. The proposal is therefore considered to comply with local and national planning policy, and as such it is recommended that planning permission be granted subject to conditions.
- 1.3. The application has been referred to the Planning Committee (North) by the Chairman.

2. Site Description

- 2.1. The site is located within the Settlement Boundary for Lowestoft, and outside of any designated/protected areas. The site comprises the garden areas of two dwellings that front onto Cotmer Road. The site is bounded by residential development to the north, east and south, and an unmade access track to the west.
- 2.2. The area is characterised by predominantly detached dwellings that are a mix of single-storey, one-and-a-half storey and two storey in scale. Along this section of Cotmer Road, there are a number of dwellings to the rear, in areas which were previously (part of) rear gardens of the dwellings fronting Cotmer Road. Some of these properties are accessed via driveways from Cotmer Road, and others are accessed from the roads/track to the rear.

3. Proposal

- 3.1. The proposed dwellings will have a footprint of approximately 150sqm each and comprise 4 bedrooms each. The existing access would be utilised and widened, running past the existing dwelling to the two new dwellings at the rear. Parking for the existing dwelling would be provided to the frontage area. The proposed dwellings are simple in form, low in height with hipped roofs.

4. Consultations

Third Party Representations

- 4.1. Two Representations have support have been received, raising the following points:
 - Good design and layout
 - No impact on amenity
 - Good use of land
- 4.2. One Representation that neither supports nor objects has been received, raising the following point:
 - No right of access across rear track
- 4.3. Six Representations of objection have been received, raising the following points:
 - Impact on amenity, including loss of light
 - Overdevelopment
 - Impact on environment and wildlife
 - Potential access to rear lane
 - Previous refusal
 - Impact on highway safety
 - Emergency service access
 - Drainage concerns

Parish Council and Ward Member

Consultee	Date consulted	Date reply received
Oulton Broad Parish Council	1 December 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	12 December 2022
<p>Summary of comments:</p> <p>With reference to our telephone conversation this afternoon relating to the issues and concerns of the above Application.</p> <p>I thank you for your time and would register concerns and issues with this Application as Ward Councillors as follows:-</p> <ol style="list-style-type: none">1. Access in and out of site from the proposed development onto Cotmer Road, is a major material consideration for Highways as the access is as I understand not within the County Parameter's and legislative requirements and would be serious problem for Emergency Services attempting to access and digress the site. ie Fire Service, Ambulances. Or any Emergency vehicles.2. We would also consider this to be over development of the site.3. Loss of light for properties in Fairfield Drive.4. Landscape impact to properties in Fairfield Drive.5. Quality of Life issues for people living in Fairfield Drive, some who are Disabled and on Dialysis.6. Possible flooding problems7. Possible Drainage problems.8. Overlooking / Loss of Privacy9. The owners of properties in Fairfield Drive have major material issues relating to the development which they have already submitted to planning department at ESC. <p>With the above considerations we as District Ward Councillors are requesting this Application goes before Referral Committee of ESC, at a future date to be set, and that as Ward Councillor's we Object to this Application being considered by Delegated powers and would request this goes to Committee and a Site visit takes place, so a constructive view is established for consideration.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	1 December 2022	19 December 2022
Summary of comments: Concerns raised due to lack of a visibility and improvement information submitted.		

Consultee	Date consulted	Date reply received
SCC Highways Department	14 February 2023	3 March 2023
Summary of comments: Following the submission of further information, no objections raised subject to conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	1 December 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	1 December 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	1 December 2022	8 December 2022
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	1 December 2022	No response
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	1 December 2022	19 December 2022
Summary of comments: Concerns raised due to lack of information on neighbouring trees		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	14 February 2023	27 February 2023
Summary of comments: Following the submission of further information, no objections		

5. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 5 December 2022

Expiry date: 28 December 2022

6. Planning policy

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.21 – Sustainable Transport (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

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

WLP8.33 - Residential Gardens and Urban Infilling (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

National Planning Policy Framework 2021

7. Planning Considerations

Principle

- 7.1 The site is located within the settlement boundary, and as such the principle of development is considered broadly acceptable. The proposed development is to be assessed against, principally, the policies that guide residential infill/backland development, along with all other relevant planning policies set out in the Local Plan and the NPPF.

Design and Layout

- 7.2 Policy WLP8.33 states that housing development on garden and other urban infill sites will be supported where they satisfy the following criteria: *"The scale, design and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development."* Additionally, the policy states that *"The proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment"*.
- 7.3 The proposal is to erect 2no. single storey dwellings in the rear garden of nos. 25 and 27 Cotmer Road. There are a number of examples of dwellings to the rear of highway fronting dwellings in the immediate locale. As such, it is considered that the principle of this form development is acceptable, subject to the building being an appropriate design, scale, layout etc. Whilst it is acknowledged that backland development can sometimes be perceived as poor design, it can represent an opportunity to make more efficient use of land, and it is particularly relevant to appraise the wider site context when assessing such a proposal.

Given the character of the area with backland development already having taken place, the proposal would not be an alien form of development.

- 7.4 The proposed dwellings, once complete, will reduce the distances between properties in this location, thereby creating a denser form of development. However, the general density of development will be similar to that of surrounding sites. The existing dwellings that bound the site are mainly single storey dwellings, with only a couple of immediate examples of two storey dwellings. It is therefore considered that the introduction of 2no. single storey dwellings in the area would be acceptable in this context.
- 7.5 The overall final design of the dwellings is simple, and of a scale which is similar to other similar forms of development in the immediate locale. It is also considered that the density of the development is similar to that of surrounding plots, given the adjacent 'backland' development. As such it is not considered that the proposal would represent overdevelopment of the site, and the proposed dwellings are of an appropriate scale to the surrounding area.
- 7.6 Given the above points it is considered that the proposed development takes account of the pattern and grain of development in the area and, whilst not a high-quality development layout, it would not adversely impact on the character and appearance of the area. The proposal would also be of a form similar to the surrounding context.
- 7.7 The proximity of the access drive to the existing dwelling is not ideal. However, it is a normal part of backland proposals of this nature that an access drive will need to run between existing properties. The access drive and associated parking/turning areas are functional and will not result in harm to the character and appearance of the area.

Residential Amenity

- 7.8 Policy WLP8.33 states that housing development on garden and other urban infill sites will be supported where they satisfy the following criteria: "The living conditions of proposed and existing properties are not unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development".
- 7.9 The proposal seeks to introduce 2no. single storey dwellings to the rear of Cotmer Road. All windows will be at ground floor level, with a condition recommended to remove permitted development rights for first floor alterations, therefore it is not considered that the proposal would result in any adverse loss of privacy or overlooking to neighbours. The overall height of the dwellings would be 5.75m, and there is a separation distance of approximately 17m to the dwelling to the South on Conrad Road, 33m to the nearest dwellings to the east on Cotmer Road, and 25m to the nearest dwelling to the west. Due to this low scale of development and separation from neighbouring dwellings, the proposal would not likely have any adverse impact on amenity of these dwellings.
- 7.10 The dwelling to the north (no.25 Fairfield) is located adjacent to the boundary with the application site and has two openings facing the application site. The proposed dwelling will sit further back into the site in comparison to no.25, and as such the impact on light through these windows is minimised, furthermore, a degree of loss of light would already occur to these windows due to the close proximity of the fence. As such it is not considered that

there would be a significant impact on light to the side windows of no. 25. It is also not deemed to result in any significant impact on light through the rear windows of no.25.

- 7.11 The proposal also seeks to introduce a single lane access track between nos. 25 and 27 Cotmer Road, which would service both proposed dwellings. Under the Suffolk Parking Standard Guidelines, a dwelling with 4 bedrooms requires 3 on-site parking spaces. The track would be located within close proximity of both no.11 and 13, neither of which have openings on the elevations facing the access track. Therefore, given the above points it is considered that there is potential to result in an impact on the amenity of both existing and future residents of these properties, however, that impact is not considered significant enough to harm the enjoyment of the dwellings. The vehicular movements from two dwellings is likely to be limited and not of significance to harm amenity through noise and disturbance.
- 7.12 As such on balance, it is not considered that the proposal would result in a significant amenity impact to warrant refusal of this application.
- 7.13 Objections have been received raising concerns regarding the potential impact that the trees to be planted along the rear of the site may have on amenity. These trees do not require consent on their own, and could be planted within the existing residential curtilage, and as such it is not considered that the harm would be significant enough to warrant refusal, they will also provide added environmental benefits to the scheme.

Highways

- 7.14 SCC as Local Highway Authority have reviewed the application and raise no objections following the submission of further information confirming the visibility splays. As such it is considered that the proposal will have no adverse impact on highway safety. The proposal accords with policy WLP8.21.
- 7.15 The site also provides sufficient parking for at least three vehicles per dwelling, and as such there is not considered to be any increased pressure on parking on-street.

Other Matters

- 7.16 The applicant has submitted a Land Contamination Questionnaire together with an Internet environmental search, neither of which provide any reasons to suspect that contamination is present or needs to be considered any further. As such, on the basis of the information submitted, it would appear that the site is suitable for the proposed use. However, as the proposal is to introduce two new residential dwellings, the Environmental Health Team have advised the Local Planning Authority to apply a standard planning condition requiring the reporting of any potential contamination encountered during construction.
- 7.17 The site is located within Flood Zone 1, and as such there is a low probability of flooding on the site and surrounding area. In addition, the Environment Agency's map does identify that Cotmer Road is at medium risk of localised surface water flooding. However, it is not considered that this poses an unnecessary risk to the application site.
- 7.18 The site is located within 13KM of the nearest European protected site, and therefore the potential impact from further residential development needs to be considered. It is

considered that in this instance a contribution to RAMS is acceptable mitigation. This payment has been agreed and paid. The proposal accords with WLP8.34 in this regard.

7.19 There is also not considered to be any adverse impact on protected species as a result of the development, as the nearby horse chestnut, which has the potential for bats and/or nesting birds, will not be affected by this proposal and is not protected.

7.20 The site contains no protected trees, and it is not considered that the trees on the site are worthy of being protected through Tree Preservation Order.

8. Conclusion

8.1 In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

9. Recommendation

9.1 Approve with conditions set out in section 10, below.

10 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 development hereby permitted shall be completed in all respects strictly in accordance with Site Location and Proposed Plans (1742/5 Rev A) received 13/02/2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. Prior to first use on site, details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Suffolk County Council's Standard Access Drawing no. DM03; and with a minimum entrance width of 3.8 metres for a distance of 10 metres measured from the nearside edge of the carriageway and made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the layout of the existing access is improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

5. The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

6. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

7. Prior to the development hereby permitted being first occupied, the existing new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

8. Before the access is first used visibility splays shall be provided as shown on Drawing No. 1742/5 Rev A with an X dimension of 2.4 metres and a Y dimension of 43 metres tangential to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

9. The use shall not commence until the area(s) within the site shown on drawing no. 1742/5 Rev A for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to the safe use of the highway.

10. Before the development is commenced details of the infrastructure to be provided for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the provision of electric vehicle infrastructure if a suitable scheme cannot be retrospectively designed and built.

11. Before the development is commenced details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2019). This is a pre-commencement condition because it must be demonstrated that the development can accommodate sufficient cycle storage before construction works may make this prohibitive and in the interests of ensuring that sustainable transport options are provided.

12. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

13. Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which

adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

14. 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. 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 BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building, structure, and/or works permitted by Classes B (additions to the roof) or C (other alterations to the roof) 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: To secure a properly planned development, and protect the amenity of neighbouring residents.

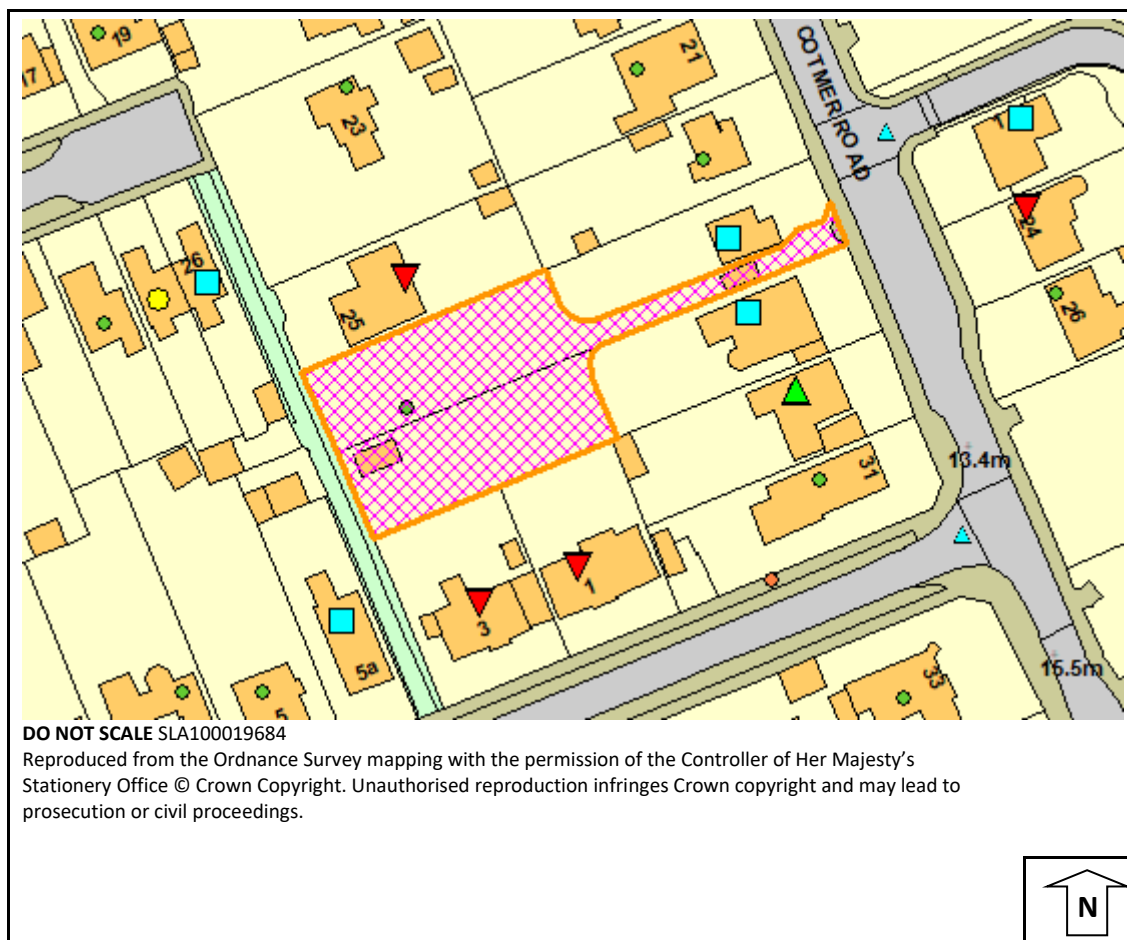
16. Prior to occupation, evidence of how the required water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that the finished dwelling(s) comply with Policy SCLP9.2 of the East Suffolk Council - Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

Background Papers

See application reference DC/22/4341/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support