

**Item 3**

**Application No. IP/19/00969/FUL**

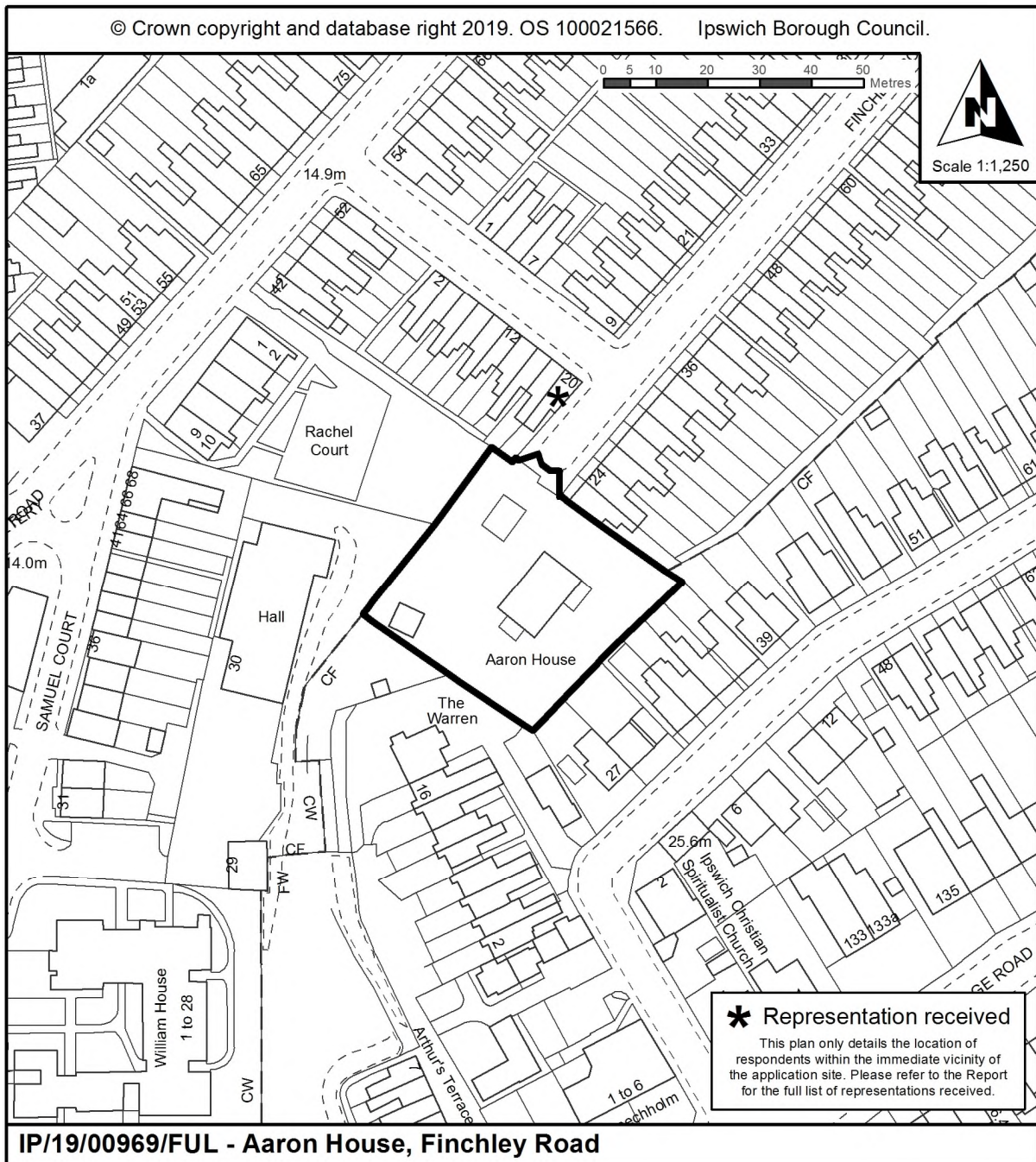
**Ward:** ST MARGARETS

**Proposal:** Demolition of existing dwelling and erection of six dwellings.

**Address:** Aaron House, Finchley Road

**Applicant:** Vision Housing Group

**Agent:** Mr Ben Willis



**Recommendation**

**Grant full planning permission upon condition that (briefly):-**

1. The development shall be constructed in accordance with the approved drawings.
2. The hereby approved dwellings shall meet energy and water efficiency requirements, unless demonstrated neither feasible nor viable. Details to be provided and approved by the Local Planning Authority.
3. A Demolition and Construction Management Plan shall be submitted and agreed by the Local Planning Authority prior to commencement of works. Subsequent demolition and construction shall be in accordance with the agreed plan.
4. Details relating to boundary treatments, electric vehicle charging, cycle parking, bin storage and biodiversity enhancements shall be submitted and approved by the Local Planning Authority. The approved details shall be fully implemented before first occupation.
5. Details of hard and soft landscaping, including to those vehicular areas shall be submitted for approval by the Local Planning Authority in advance of construction of these areas. The hard and soft landscaping shall be implemented in accordance with the approved plans.
6. Contaminated Land and Demolition/Construction Management assessments shall be submitted and agreed by the Local Planning Authority before commencement of groundworks. Any necessary mitigation shall be fully implemented in accordance with the approved assessments.
7. Details of external materials of the dwellings shall be submitted to and approved by the Local Planning Authority before external works commence.
8. A photographic condition survey of the surrounding road and footpath network shall be submitted for approval prior to commencement of access works.
9. No part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects with an entrance width of 4.5m and pedestrian visibility splays of 2m x 2m.
10. Provision of bound surfacing in accordance with details previously agreed before first occupation.

11. Details of means to prevent discharge of surface water drainage before access is first brought into use.

12. Provision of approved vehicular areas before first occupation.

Informatives:

1. Ipswich Borough Council supports the use of automatic sprinkler systems.

## **1. Proposal**

- 1.1. The application site comprises a single one and a half storey detached dwelling and associated curtilage with access from Finchley Road. There are a number of trees and extensive landscaping within the garden.
- 1.2. The St Helen's Conservation Area is located to the south east and south west of the site, including dwellings fronting Arthurs Terrace. The site itself and surrounding land is subject to a significant change in level whereby the site is lower than the land to the south-east.
- 1.3. To the north east there are neighbouring dwellings within Finchley Road comprised of mainly late Victorian two-storey terraced houses. To the north west there is a block of flats fronting Cemetery Road and the St John Ambulance community hall off of Samuel Court. The land to the north is generally much lower than the application site.
- 1.4. The proposal seeks the demolition of the existing dwelling and redevelopment of the site to provide 6 x three bedroom dwellings. The dwellings would be two storey in scale and would be constructed using red facing brickwork and clay tiles.
- 1.5. The proposal would include a car parking area to the front with space for 14 cars. Access would be from Finchley Road. Each dwelling would have a rear garden stepped up to the boundary to the south east.
- 1.6. The following documents have been submitted with the application:-
  - Ecology Report
  - Envirosearch Residential Report
  - Design and Access Statement
  - Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan

## **2. Background**

- 2.1. Planning permission has already been granted for the redevelopment of the site to provide 5 x three bedroom dwellings (IP/19/00200/FUL refers). This application was granted permission following consideration at the 26 June 2019 Planning and Development Committee.

### **3. Consultations**

- 3.1. IBC Environmental Protection – No objection. Noise Assessment will not be required given location of proposal. Construction must be undertaken with a view to minimising disturbance to nearby residents. A Construction and Environmental Management Plan is recommended. Comments regarding impact of Air Source Heat Pumps should any be installed. Contaminated land assessment required.
- 3.2. IBC Conservation and Urban Design – Reiteration of concerns raised with regard to previous application in which a more contemporary interpretation was encouraged and concerns were raised with regard to the change in levels and retaining walls required. The revised proposal does not address these concerns and it is recommended that the development be amended to provide a more distinctive and less ‘pastiche’ development.
- 3.3. IBC Parks dept. –2 for 1 replacement would be required and funds towards the town’s tree planting program should be made available.
- 3.4. SCC Highways – No objection. Conditions recommended provision of vehicular access, bin storage, means to prevent surface water run off onto highway, photographic condition survey, restriction upon gates and provision of vehicular areas and cycle parking. Comment that no electric vehicle charging provision would be provided. Construction Management Plan required.
- 3.5. Suffolk Fire and Rescue – General comments regarding access and fire fighting facilities. No additional water supply required and sprinklers are recommended.
- 3.6. Representations
- 3.7. The following representations have been received against the proposal:-
1. Miss S Ajmal, 20 Finchley Road, IP4 2HX received 6.11.19
- 3.8. Issues Raised:-
- Concern regarding noise and disturbance.
  - Loss of privacy.
  - Parking congestion.

### **4. Policy**

#### **National Planning Policy**

National Planning Policy Framework (2019)  
National Planning Practice Guidance

#### **Local Planning Policy**

##### Core Strategy and Policies DPD (2017)

Policies CS7 (The Amount of Housing Required), DM1 (Sustainable Design and Construction), DM3 (Provision of Private Outdoor Amenity Space in New and Existing Developments), DM5 (Design and Character), DM8 (Heritage Assets and

Conservation), DM10 (Protection of Trees and Hedgerows), DM13 (Small Scale Infill and Backland Residential Developments); DM17 (Transport and Access in New Developments), DM18 (Car & Cycle Parking), DM26 (Protection of Amenity), DM30 (The Density of Residential Development) and DM31 (The Natural Environment).

#### Other guidance

Suffolk Guidance for Parking – Technical Guidance (2019)  
Space and Design Guidelines SPD (2015)  
DCLM Technical housing standards – nationally described space standard (2015)  
Cycling SPD (2016)

#### Other Legislation

Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that, when a local planning authority considers whether to grant planning permission for development that affects a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that conservation area.

### **5. Comment**

#### Principle of development

- 5.1. Policy CS7 relates to the supply of housing and requires housing land be allocated for continual housing delivery during the plan period. In this regard the Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing.
- 5.2. The presumption in favour of sustainable development is a material consideration as set out within the NPPF (para 11). This means that the proposal should be granted planning permission unless the application of policies in the NPPF that protect areas or assets of particular importance, such as conservation areas, provides a clear reason for refusing the development proposed or any adverse effects of the development significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole.
- 5.3. The NPPF encourages development of previously developed land but excludes land in built up areas such as residential gardens. Effective use of land is required but the environment and living conditions must be safeguarded (para 117).
- 5.4. Development must function well and add to the overall quality of the area, be visually attractive, establish a sense of place and create places with a high standard of amenity for existing and future users (para 127).
- 5.5. Furthermore [development plans] should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (para 70), which is done in detail through the Council's Space and Design Guidelines SPD.
- 5.6. The presumption in favour of sustainable development in this particular case would be disengaged if there was significant harm identified on the historic environment such as the surrounding Conservation Area or the setting of listed buildings. This is considered in detail below.

- 5.7. In this case the applicant has already secured planning permission for 5 x three bedroom dwellings with 11 car parking spaces. The proposal seeks a revised proposal for an additional three bedroom house and a further 3 car parking spaces.
- 5.8. Whereas the approval secured permission for a pair of semi-detached dwellings and three dwellings in a single terrace, the proposal now seeks two terraces each with three dwellings. The spacing between the terraces and to the north eastern and south western boundaries has been reduced to accommodate the additional dwelling.
- 5.9. As before, policy DM13 is the starting point with regard to the development of residential gardens within the development plan and consideration against this policy, together with other relevant development plan policies, is set out below.

#### Design and Layout

- 5.10. Policy DM13 requires such developments to establish a safe and secure environment, protect the setting of existing buildings and the character and appearance of the area, protect the amenity of neighbouring residents, have safe and convenient access and secure and lit cycle and bin storage.
- 5.11. Policy DM5 is also relevant and requires development to be well designed and sustainable, with a specific requirement for development to function well and where possible integrate with adjoining areas, exhibit good architectural quality whilst protecting and enhancing the special character and distinctiveness of the town and the street scene.
- 5.12. Policy DM8 relates to heritage assets and the site is adjacent to the St Helen's Conservation Area. The policy states that the position, height, mass and materials of a proposed building and the design of the space and landscaping around it shall pay regard to the character of adjoining buildings and the area as a whole.
- 5.13. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (para 193).
- 5.14. As with the approved scheme, comments have been received with regard to the design and appearance of the proposal. However, there are no adverse comments or concerns with regard to the impact of the development upon the setting of the St Helen's Conservation Area or the buildings within it. The proposal is considered acceptable having regard to policy DM8 and the NPPF and the proposals would preserve the character and appearance of the Conservation Area. Therefore the presumption in favour of sustainable development applies as there is no clear reason for refusing permission due to adverse impact upon heritage assets.
- 5.15. The development would have only limited impact upon the areas character or the street scene within Finchley Road given its relatively remote location. As with the previous approval, Officers consider that the proposal would represent good architectural quality which would complement the character and appearance of this existing dwellings in Finchley Road. The proposed design would be acceptable having regard to policy DM5. It is not considered that the additional dwelling and marginally reduced spacing standards would result in an adverse effect upon the surrounding area.

- 5.16. The proposal retains the same approach to dealing with the change in level, with a stepped approach to the rear gardens similar to the stepped arrangement of the existing property. As with the approved scheme, the precise landscaping, boundary features and the appearance of the retaining walls can be subject to conditions.
- 5.17. The individual gardens all meet external amenity standards set within policy DM3 of 75 sq. m and it is not considered that the change in levels and associated boundary treatments and structures would result in an overbearing form of development.
- 5.18. Policy DM1 requires that the development should achieve reductions in CO2 emissions of 19% below the Target Emission Rate of the 2013 Edition of the 2010 Building Regulations (Part L) and water efficiency standards of 110 litres/person/day unless, in exceptional circumstances, it can be clearly demonstrated that this is either not feasible or not viable. It is recommended that these requirements are the subject of a condition should permission be granted.

#### Amenity

- 5.19. Policy DM3 states that, to ensure that new residential developments deliver a suitably high quality and environmentally sustainable living environment, all such developments will be required to incorporate well designed and located private outdoor amenity space of an appropriate type and amount. Houses with three or more bedrooms are required to include a minimum private garden area of 75 sq. m and the proposed gardens would be acceptable in these regards.
- 5.20. Policy DM30 states that the density of new housing development on sites outside of the Town Centre and away from District Centres shall be low density development with the average taken as 35 dph (dwellings per hectare). Exceptions to this approach will only be considered where the site location, characteristics, constraints or sustainable design justify a different approach or a different approach is demonstrated to better meet all housing needs in the area.
- 5.21. The proposal would result in a density of 30 dph and this would be appropriate having regard to the above requirements, specifically the surrounding low density of housing development and the limited size of the site as well as the topography of the site.
- 5.22. Policy DM30 also states that developers are also required to meet the Nationally Described Space Standards (CLG, 2015) unless it can be demonstrated that it would not be viable.
- 5.23. In this regard each 3 bedroom dwelling proposed would have a floorspace of 87 sq. m and would meet the requirement of 84 sq. m for a 3 bedroom 4 person dwelling over two floors.
- 5.24. Policy DM26 states that planning permission for any development (including change of use) will not be permitted where it would likely to cause material nuisance to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policy DM13 also requires backland developments to establish a safe and secure environment and to protect the amenity of neighbouring residents.
- 5.25. The Council's Space and Design Guide SPD suggests that there should be a distance of not less than 21 metres between main elevations of dwellings at the private side of

houses, which is usually across back garden areas (i.e. rear elevation to rear elevation). Within this dimension there should usually be a distance of 9 metres (measured at right angles) between the rear elevations of dwellings and the rear garden boundary relative to it.

- 5.26. Where houses are perpendicular to each other a distance of 12 metres separating the rear of one building from the side of another should be provided. Greater distances than those specified may also be required where buildings are more than two-stories high, or where there is a significant change in land levels between adjacent sites.
- 5.27. As with the extant permission the proposal has been designed having regard to the above standards and also having regard to the change in levels. For instance, the proposal has been limited to two storeys in scale and would provide a separation of 16 metres between facing windows and the sites boundary with Rachel Court, a property to the north west that is much lower than the application site. Similarly there would be 13 metres between the facing windows and the much lower rear garden serving 20 Finchley Road. As with the approval it is not considered that loss of privacy or an overbearing form of development would occur when viewed from neighbouring properties.
- 5.28. The landscaping to frontage parking areas and private garden areas would also soften the impact of the development.
- 5.29. Conditions are also recommended with regard to contaminated land and construction management which would cover appropriate methods, insofar as they are relevant to reduce amenity impact on the locality during the construction phase. The proposal would be acceptable having regard to policies DM13 and DM26.

#### Flood Risk

- 5.30. Policy DM4 states that development will only be approved where it can be demonstrated that the proposal does not increase the overall risk of all forms of flooding, will be adequately protected from flooding, will remain safe for people for the lifetime of the development and that it includes water efficiency measures.
- 5.31. The site is not at risk of flooding and the proposal would be acceptable having regard to the above requirements.
- 5.32. The application is a minor scale development and therefore it is not necessary to consult with the Lead Local Flood Authority. The issues of connecting to the water supply and its adequacy would be covered by the compliance with the Building Regulations and Suffolk Fire and Rescue confirm that no additional water supply required and sprinklers are recommended. The proposals therefore are acceptable having regards to policy DM4.

#### Highway Issues

- 5.33. Policy DM17 seeks to promote sustainable growth in Ipswich and reduce the impact of traffic congestion by setting a number of criteria, including that new development shall not result in a severe adverse impact on rights of way or the local road network in respect of traffic capacity and highway safety.
- 5.34. Policy DM18 requires adopted standards of car and cycle parking to be complied with in all new development and will expect parking to be fully integrated into the design of the



scheme to provide secure and convenient facilities and create a safe and attractive environment. The standards are as set out within the Suffolk Guidance for Parking (2019) and require 2 cycle and car parking spaces for each dwelling with a further 2 car parking spaces for visitors.

- 5.35. Policy DM13 also requires infill and backland development to have safe and convenient access and secure and lit bicycle storage and facilities for the storage of refuse, recycling and garden waste containers.
- 5.36. The proposal would include 2 car parking spaces per dwelling plus 2 visitor spaces which is fully in accordance with the Suffolk County Council standards and which would be of a significant higher standard than those houses in the surrounding roads which all rely on on-street parking. Space for motorcycles and a cycle store is also proposed and it is recommended that further details be the subject of conditions.
- 5.37. The proposal involves bin presentation areas to the front of each property. However given the change in levels it is likely that these areas would become the permanent storage areas. Further details have been requested as to how these areas would be managed in the interest of amenity and the appearance of the development. An update will be provided at the meeting and full details of this will be required by a condition.
- 5.38. The proposal would be acceptable in terms of parking provision having regard to policy DM18. Furthermore, the development and its associated access and egress arrangements are acceptable in terms of highway safety having regard to policy DM17.

#### Biodiversity

- 5.39. Policy DM31 states that all development is expected to incorporate measures to enhance conditions for biodiversity within and around the development. Proposals which would result in significant harm or net loss to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not normally be permitted. Enhancements for protected sites and protected and priority species will be expected where possible.
- 5.40. The site currently comprises a large private garden that has extensive landscaping, although there is evidence of some tree felling. The applicant submitted a bat survey in support of the extant permission and this suggested that the buildings to be demolished are of negligible potential as a bat roost. Furthermore the site could be cleared without the need for consent as it is outside a conservation area and none of the trees are subject to a preservation order. The report recommends biodiversity landscaping and bat boxes by way of mitigation and this can be secured by a condition requiring biodiversity enhancements.

#### Tree Impact

- 5.41. Policy DM10 states that applications for development should retain existing trees and hedgerows of amenity or biodiversity value where possible. Where development affecting trees or hedgerows is proposed, the application must be accompanied by an appropriate assessment and where removal of a mature tree is proposed, a plan for replacement planting on a two for one basis and using semi-mature specimens, unless otherwise agreed by the Council.
- 5.42. The submitted report shows that the majority of trees on the site are of limited amenity value and form part of the landscaped garden for the dwelling. The report recommends

that these trees are felled to enable the development. A Yew Tree that was identified by the report as of moderate amenity value but also to be removed to enable the development has also since been felled.

- 5.43. When compared with the approval the proposal does not alter the extent of the tree work required and as with the extant permission, the proposal represents an opportunity to provide replacement planting. Furthermore, none of the trees on the site are protected by a preservation order, or are located within a conservation area. On balance and subject to replacement planting the proposal would be acceptable having regard to policy DM10.

## **6. Planning Balance**

- 6.1. The proposed development would protect and enhance the character and appearance of the conservation area, therefore the proposals should be considered in accordance with paragraph 11 of the NPPF and the presumption in favour of sustainable development.
- 6.2. The proposal would be well designed and sustainable and would provide additional dwellings within Ipswich on a windfall previously developed site. Officers consider that the proposal for a further dwelling would remain acceptable having regard to the principles of redeveloping this backland site.
- 6.3. The proposal is acceptable in terms of the schemes design, impact upon the adjacent heritage assets, highway impact, parking issues and in terms of providing a good standard of amenity.
- 6.4. The proposal is also considered acceptable having regard to biodiversity and tree impact.

## **7. Conclusion**

- 7.1 It is recommended that the proposal would be acceptable having regard to Policies CS7, DM1, DM3, DM4, DM5, DM8, DM10, DM13, DM17, DM18, DM26, DM30 and DM31, the objectives of the Space and Design Guidelines SPD, and the policies of the NPPF.