

Committee Report

Item No: 2

Reference: DC/18/00544

Case Officer: Elizabeth Flood

Ward: Berners.

Ward Member/s: Cllr Peter Patrick. Cllr Derek Davis.

RECOMMENDATION –GRANT PLANNING PERMISSION

Description of Development

Householder Application. Erection of detached double garage and associated works and revised curtilage.

Location

The Walled Garden, Nursery Lane, Woolverstone, IP9 1AX

Parish: Woolverstone

Expiry Date: 16/04/2018

Application Type: HSE – Householder Application

Development Type: Householder

Applicant: Mr G Braithwaite

Agent: Mr Neil Ward

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The site was called into Committee by the Ward Member due to the controversial nature of the proposals.

Details of Previous Committee / Resolutions and any member site visit

The application was subject to a Committee site visit on the 25th April 2018.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CN01 - Design Standards

CN08 - Development in/near conservation areas

CR02 - AONB Landscape

TP15 - Parking Standards - New Development

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Historic England: Do not wish to comment

Woolverstone Parish Council: Object to the development and provide the following comments:

- Historic England views should be sought as the original development was only acceptable as enabling development
- The minimum required development should be undertaken to preserve the historic asset
- Plot 11 was given exceptional permission due to the requirement to preserve the listed wall, however it is now proposed that plot 11 be removed for the responsibilities for the historic structures
- The new dwelling would impact on the integrity of the Walled Garden
- The s.106 agreement in place is intended to safeguard the heritage asset and should not be removed and replaced by planning conditions.
- It has always been Babergh's view that a dwelling within the Walled Garden would be unacceptable.
- There are on-going enforcement issues on the site
- Existing access drive is inappropriate for the proposed development
- There are inaccuracies within the application documents

Heritage Officer: The application for the garage is acceptable, but it is noted that this building, which has already been constructed, features an up and over door, as opposed to the double doors initially proposed. Subject to the up and over doors being replaced with those illustrated on the drawings, the Heritage Team would support the scheme.

B: Representations

14 letters of objection have been received which provide the following comments; the majority of comments relate to the associated planning applications DC/18/00536 and DC/18/00535.

- The loss of the s.106 agreement would not provide adequate protection to the listed wall and buildings
- The introduction of a dwelling within the walled garden will be detrimental to the listed wall
- A smaller dwelling within the walled garden may have insufficient means to maintain the walled garden in the long term
- Impact on the wall and Nursery Lane from utilities having to be laid underneath it
- Access to the new dwelling will involve a new entrance through the wall
- Planning permission for one dwelling within the walled garden will lead to pressure for additional dwellings within the walled garden
- The LPA has had a consistent approach to not supporting new dwellings within the walled garden
- The bothies are not suitable for residential use
- The access to the new dwelling will be substandard
- The use of the bothies for residential use will be detrimental to neighbouring properties due to noise and disturbance
- Could result in parking along Nursery Lane
- Part of the external wall would need to be removed to allow the access
- Removal of the s.106 agreement will remove the obligation to not sell the additional dwellings before the dwelling connected to the listed building
- There are inaccuracies within the planning applications forms

1 letter of support has been received which provide the following comments:

- Relocating the proposed dwelling from the slip garden to the walled garden would improve the overall layout of the development

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. Plot 11 is a detached dwelling which is substantially completed. To the front of the site is a two bay garage. To the rear of the site is an access driveway which leads to the east slip garden, this access was part of the proposal under planning application B/16/01566 which is undetermined and was proposed to provide an new access to plot 12, a new dwelling within the east slip garden.

2. The Proposal

2.1 The proposal is to retain the detached garage which has recently been constructed but replace the current up and over doors with more sympathetic outward opening doors. In addition it is proposed to enlarge the residential curtilage to include the east slip garden.

2.2 This application is associated with DC/18/00536 and DC/18/00535 for the erection of a new dwelling within the Walled Garden. However it is considered to be a standalone application. The new garage and extended garden curtilage could be approved separately to the new dwelling. If this was the case then the applicant could either implement this application and not build plot 12 in the east slip garden, or go back to the original application for the four dwellings.

3. Relevant History

3.1 The site has a long planning history, the most relevant application are B/14/00703/FUL- Erection of 4 no. dwellings, garages and associated works granted permission subject to a section 106 agreement 15th January 2016. 11. The section 106 agreement was entered into which involved the owners of Plot 11 also having ownership of the walled garden and historic structures and responsibility for future maintenance as prescribed in 'The Long Term Conservation Plan'. The legal obligation included a condition not to sever the walled garden from the remainder of the planning unit. This would mean that the walled garden was connected to a significant asset.

3.2 A further application B/16/01566 - Erection of 3 bay garage to plot 11 and amendments to access and parking for plots 10, 11 and 12, remains undetermined, but was resolved to be approved by Committee. This proposed a garage of a similar design, size and siting as is now proposed.

4. The Principle Of Development

4.1. The principle of a garage in association with a dwelling is acceptable. Plans for plot 11 have always included a garage, in various different locations. Planning application 16/01566 which is non-determined but has a Committee resolution to approve planning permission included a garage of a similar design and size within a similar position. The extension of the garden land to the east slip garden is also acceptable; the 2008 permission included the slip garden within the land ownership of Plot 11.

4.2 The site location plan shows the red line around the existing plot 11 and the proposed garden and a blue line around the remaining walled garden. However if the new dwelling proposed under DC/18/00536 and DC/18/00535 was refused planning permission, the walled garden and associated structures would remain with plot 11, as approved under planning application B/14/00703 and set out in the associated s.106 agreement.

5. Site Access, Parking And Highway Safety Considerations

5.1. The proposed garage would provide additional off street parking. There is a suitable access available to the garage.

6. Design

6.1 The design of the existing garage is acceptable except for the metal up and over doors, the proposed drawings show the doors replaced with traditional opening doors. Subject to a condition to ensure that the existing doors are replaced by the proposed doors the design of the garage would be acceptable.

7. Heritage Issues

7.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. 29. The walled garden at the former Paul Double Nurseries was listed as Woolverstone Hall Walled Garden and Associated Structures on 13th September 2006. The heritage issue is the effect of these proposals on the significance of the walled garden as a designated heritage asset.

7.2 Given earlier history on the site and the granting of the consent in January 2016 the present application represents a relatively minor revision to the scheme already approved, and as such will cause no further harm to the heritage asset. The proposed new garage is relatively modest in size and scale and will be acceptable.

7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '...In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

7.4. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land in.....Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes'. The statutory purpose of an AONB designation is to conserve and enhance the natural beauty of the area.

7.5. It is considered that the alteration of the garden curtilage and the new garage building would not be detrimental to the character of the Woolverstone Conservation Area and therefore the proposal is in accordance with Policy CN08 of the Local Plan. 34. The landscape character of the AONB will not be affected by the proposals and the provisions of Local Plan Policy CR02 will be satisfied in this regard.

8. Impact On Residential Amenity

8.1. The proposed dwelling and enlarged garage would have no impact on the residential amenity of neighbouring properties. The nearest neighbour Plot 10 would be located sufficiently distant not to be effect by the garage.

9. Planning Obligations

9.1 There is an existing s.106 covering plot 11 under B/14/00703. As this application is a householder application and only covers the garage and larger garden it does not supersede the s.106 covering plot. It is therefore considered that the requirements of the section 106 agreement will not be contravened by these current proposals.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

10.1. The proposed garage and extended residential curtilage are minor proposals, there is a Committee resolution to approve a similar garage and the original application included the east slip garden. It is considered that this application can be treated as a standalone application and would not have any implications of the wider use of the site.

RECOMMENDATION

Grant Planning Permission subject to conditions including:

- Standard time limit
 - Works to the existing garage in accordance with the approved plans to be undertaken within three months
 - Approved Plans
 - Parking spaces
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