

Committee Report

Item No: 5

Reference: B/17/00200
Case Officer: John Davies

Description of Development: Erection of 2 no. bungalows and new means of access from Queens Close.

Location: Land to the rear of Dunedin, Queens Close, Sudbury, CO10 1US

Parish: Sudbury

Ward: Sudbury East.

Ward Member/s: Cllr A Osborne and Cllr J Osborne

Site Area: 0.09ha

Conservation Area: No

Listed Building: No

Received: 22.2.2017

Expiry Date: 19.4.2017

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr & Mrs King

Agent: Medusa Design

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

Site Location Plan- 1562/16/01C received 7.6.17

Proposed Plans and Elevations- 1562/16/02B received 7.6.17

Existing sections – 1562/16/03A received 7.6.17

Proposed sections- 1562/16/04A received 7.6.17

The application, plans and documents submitted by the Applicant can be viewed online.

Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents sustainable development which is not deemed contrary to relevant policies.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.
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PART TWO – APPLICATION BACKGROUND

History

1. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:
 - B/15/00770/FUL – Erection of detached one and a half storey 4 bedroom dwelling- Approved
 - B/14/01462/FUL - Erection of detached one and a half storey dwelling and detached two bay cartlodge/garage –Refused.
 - B/15/1035/FUL- Erection of dwelling (adjacent to Deepside) –Approved.
 - B/14/01277/FHA - Erection of first-floor front extension and construction of 1 no. dormer window on front elevation and 2 no. dormer windows on rear elevation of property known as Deepside. – Granted.
 - B/13/01350/FUL - Erection of one detached two storey dwelling and new vehicular access on land adjacent to Dunedin- Approved.
 - B/12/00531/OUT - Erection of 2 no. 3 bedroom dwellings and erection of 4 no. 4 bedroom dwellings (following demolition of a bungalow), as amended to 4 no. dwellings on land known as Deepside- Refused.
 - B/11/00563/OUT - Outline - Layout of the site for the erection of 6 (no.) detached dwellings (following demolition of existing bungalow). Construction of vehicular access on land known as Deepside –Withdrawn.
 - B/11/00383/FUL - Erection of 3 No. 3-4 storey detached dwellings and demolition of bungalow on land known as Dunedin- Refused. Allowed on appeal.
 - S/1022/1/S/OUT - Outline - erection of 3 bungalows and 3 accesses –Granted
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- S/1022/3/S/FUL - Erection of 1 bungalow and construction of vehicular access –Granted.
- S/1022/S/FUL - Erection of dwelling house – Granted.

Details of Previous Committee / Resolutions

2. None

Details of member site visit

3. None

Details of any Pre Application Advice

4. None

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. Summary of Consultations.

Sudbury Town Council - No response received.

Local Highway Authority - No objection subject to conditions regarding surfacing of access and provision of parking/turning area.

Environmental Protection- Contamination - No objection subject to standard contamination condition.

SCC Public Rights of Way - No objection

Representations

6. Objections have been received to the proposal which can be summarised as follows:

- Increase in traffic in Queens Close
 - Access to East Street must be blocked off to traffic
 - Restoration of footpath and bridge access required
 - Over-development of plot
 - Same restrictions as previous approval for one dwelling must be re-applied
 - Proximity of development to foundations of Bridge Terrace
 - Potential for further development on plot adjacent to recently built house
 - Use of proposed access cause noise and disturbance to Bridge Terrace residents
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The Site and Surroundings

7. The application site comprises a plot of land of 0.1 hectares in area located between Queens Close and East Street. It is a cleared site with no current nor an identifiable former use, although it is known to have been a former quarry pit.
8. The site is bounded by a public footpath and the rear gardens of houses fronting Newmans Road to the south-west; a house and garden known as Dunedin to the north-west, a new dwelling adjacent to it and a house known as Deepside to the north and north-east; and a terrace of six houses to the east known as 1-6 Bridge Terrace also referred to as Bridge Cottages.
9. There is an existing vehicular access from East Street which serves dwellings in Bridge Terrace and some fronting East Street. The Bridge Terrace dwellings have access via steps down to the access track as well as access to the public footpath via a bridge link over the access track.
10. The site is outside the Sudbury Conservation Area, the extent of which is defined by the rear boundaries of properties in East Street.
11. The application site is within a 'bowl' comprising a former quarry and at a lower level than all surrounding development. There is a pronounced fall in levels from Queens Close to East Street. The difference in levels between Queens Close and the application site is around 5.5 metres.

The Proposal

12. The application seeks permission to build a pair of semi-detached bungalows on the site in a position roughly in the middle of the plot with the front of the dwellings facing north-eastwards towards the rear garden of Deepside and the rear gardens abutting the public footpath.
13. The proposed dwellings would have 2 bedrooms each. They would be designed with buff facing brick and a clay pantiled roof.
14. The dwellings would be served from Queens Close, by the provision of a driveway from Queens Close leading down to parking and turning areas in front of each dwelling. No vehicular access is shown on the submitted Site Plan serving East Street and therefore it is expected that all vehicular access would be from Queens Close.

NATIONAL PLANNING POLICY FRAMEWORK

15. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

CORE STRATEGY

16. **Babergh Core Strategy 2014**
 - **CS1** - Presumption in favour of sustainable development
 - **CS2** - Settlement Pattern
 - **CS15** - Implementing Sustainable Development
 - **CS16** - Town, Village and Local Centres
 - **CS19** - Affordable Housing
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NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN

17. None

SAVED POLICIES IN THE LOCAL PLAN

18. The Development Plan comprises the saved policies in the Babergh Local Plan Alteration No. 2 (2006). The Plan should be regarded as a material consideration in planning decisions. The following saved policies are applicable to the proposal:

- **CN01** - Design Standards
- **CN08** - Development in or near Conservation Areas
- **HS28** - Infill Development

Main Considerations

19. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

The Principle Of Development

20. The application site is within the Sudbury urban area and not far from the town centre. It is therefore a highly sustainable location. Under Core Strategy Policy CS2, most new development is to be directed sequentially to the towns, core and hinterland villages and, therefore, the principle of development on the site is fully in accordance with that policy.
21. There is relevant planning history for the land most notably the approval of planning permission for a four bedroom two storey dwelling on the site in 2015. The site constitutes a brown field site for which the NPPF promotes re-use. This is echoed in Policy CS15 which, inter alia, prioritises the use of brownfield land for new development.
22. Some representations refer to the potential for further development on a plot adjacent to recently built house fronting Queens Close. This plot has permission for a dwelling granted under B/15/1035/FUL on 3 March 2016.

Sustainability Assessment of Proposal

23. The application site is within Sudbury town centre and is close to town centre shops and services. It is therefore in a highly sustainable location.

Site Access, Parking And Highway Safety Considerations

24. It is proposed that the development would be served from Queens Close as in the previously approved development for one dwelling on the site. However the main difference is that parking is now proposed in front of each of the dwellings served by a driveway down into the site as opposed to parking as previously approved adjacent to Queens Close in tandem formation.

25. The vehicular access to East Street is an existing track which already serves some properties in Bridge Terrace. However it is narrow and visibility at the junction with East Street is obstructed by parked vehicles such that the LHA consider it to be sub-standard and unsuitable for any additional use. In a previous application prior to the consented scheme the LHA objected to an intensification of use of the access and this impact was one of the reasons for refusal of that proposal.
26. The adopted parking standards within 'Suffolk Guidance for Parking' require two parking spaces for dwellings providing two bedrooms. This is provided on the submitted plans.
27. The submitted plans show access and parking from Queens Close and nothing in their plans suggests that vehicular access would be also taken from East Street and therefore in front of Bridge Terrace. Nevertheless the Applicant has a legal right to use the access to East Street and the submitted plans do not show any physical impediment to using it other than the limited headroom under the apex of the bridge itself. Concerns are raised in consultee responses about intensification of use of the access onto East Street.
28. To address this concern in the previous permission a condition was imposed that some form of permanent physical impediment to restrict use of the access by motor vehicles should be put in place within the Application site. The form of which should still allow pedestrian and bicycle access under the bridge to East Street. It is recommended that the same condition be imposed.

Design and Layout

29. The NPPF encourages high standards of design for new development, which is reflected in saved Local Plan policy CN01 which requires, among other things, development to be sympathetic to its setting in terms of scale, form and design.
30. The proposed dwellings would be of single storey scale and semi-detached form. The dwellings would be positioned centrally within the plot. The Plot 1 would be 2 metres from the end gable of 1 Bridge Terrace and the main bulk of the dwelling would be forward of the Bridge Terrace frontage. Given the single storey building form the ridge height of the projecting front wing of Plot 1 would be approximately at first floor level on Bridge Terrace as can be seen in the submitted Proposed Site Sections.
31. The proposed dwelling would sit on ground lower than any other development around it and its ridge would also be lower than any surrounding buildings. Facing materials are proposed as buff bricks with clay pan tiles. This is consistent with the surrounding area as most of the surrounding buildings have buff coloured brickwork and either slate or concrete tiles.
32. The proposed development comprises two units and includes satisfactory external amenity space for each unit. Given the building's siting on lower ground compared to surrounding development and its lower scale, it is not considered to be an over-development of the site. Moreover, the development would constitute the regeneration of a dis-used brownfield site.

Environmental Impacts - Trees, Ecology And Land Contamination

33. There are no trees on the site where the dwellings are proposed. However, there are trees and other vegetation on the bank supporting the line of the footpath. These trees are to be retained and a condition is recommended, as before, requiring the Applicant to submit a structural assessment of the integrity of the bank and any necessary remedial measures. A standard condition on ground contamination is also recommended.
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Heritage Issues

Impact on Conservation Areas

34. 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'.
35. With regard to impact on the Sudbury Conservation Area it is necessary to consider whether the development would preserve or enhance its character in accordance with policies in the NPPF and saved policy CN08. It is noted that the site for the development is outside the Conservation Area and would be sited around 38 metres from East Street and views of the building would be largely obscured by Bridge Terrace. For these reasons, it is not considered that the development would have any impact on the Conservation Area.

Impact on Listed Buildings

36. 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*'.
37. It is not considered that the development would have any adverse impact on the setting of listed buildings at 60-71 East Street given the separation distance from East Street and intervening development.

Impact on Residential Amenity

38. The nearest neighbours to the proposed development are the residents of Bridge Terrace and especially No.1 which is the end terrace house closest to the new dwelling, Dunedin and Deepside which both front Queens Close. This assessment considers whether the development would potentially give rise to any loss of amenity to any of these residents in having regard to a range of possible impacts as follows.
 39. **Loss of sunlight/Daylight** - the proposed dwellings are to be sited to the west of Bridge Terrace and its position and single storey scale would have no material effect on sunlight or daylight to the frontages of Bridge Terrace. The dwellings of Dunedin and Deepside are further away from and at a higher level than the proposed development site and would be therefore unaffected.
 40. **Overlooking** - in view of the low level of the development site relative to Dunedin and Deepside there would be no overlooking impacts. The proposed dwellings would sit forward of and at a lower level in relation to No.1 Bridge Terrace and would not give rise to overlooking.
 41. **Visual Intrusion** - the proposed dwelling would have a separation of 2 metres from reasonable separation from the side gable of Bridge Terrace and its rear building line would not project back on the plot further than that of No.1. Given also the lower footprint and ridge line of the proposed dwelling it is considered overall that the dwelling would not give rise to unreasonable visual intrusion.
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Footpath Stability

42. It is apparent on site that ground clearance works carried out by the Applicant in 2014 have reduced ground levels in some places and led to concerns about the stability of the bank along the south-west boundary of the site which borders the public footpath. There is also concern about the stability of trees and vegetation along this boundary. In response to these concerns it is recommended that a condition be imposed requiring the submission of a structural assessment of the bank adjoining the footpath. This would be expected to assess the structural integrity of the bank having regard to impact on the footpath and trees and make recommendations, if necessary, for any remedial works. Such a condition would be accompanied by a condition requiring a landscaping scheme to be submitted which would be expected to provide appropriate planting reinforcement along that boundary.

Impacts on Foundations of Bridge Terrace buildings

43. Concerns have been raised by neighbours over ground excavation works close to the footings of 1 Bridge Terrace attributed to the actions of the applicant during site clearance works in 2014. Requests have been made requiring the applicant to restore ground levels adjacent to Bridge Terrace. Any impacts on the structural integrity of the building at 1 Bridge Terrace arising from works carried out on the application site would fall to be assessed under the Building Regulations and are not normally a matter for consideration as part of the planning application assessment. However, in addition to the standard levels condition imposed on the previous approval an additional condition was included at the request of the Planning Committee requiring that a survey assessment of the stability of properties in Bridge Terrace shall be undertaken the results of which together with any recommendations for remediation works shall be submitted to the Local Planning Authority for its written approval.

Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

44. There are no implications.

PART FOUR – CONCLUSION

Planning Balance

45. The site has an extant planning permission for a dwelling and therefore the principle has been established. In assessing the proposal for two dwellings in the form of a single storey pair of semi-detached buildings the main implications are intensification of use, design and highways implications. The Intensification of use is not significant as the scheme proposes 2 two bedroom smaller dwellings for the larger 4 bedroom house previously approved. As a single storey development the impact on the surrounding area is lessened compared to the approved two storey house and the scheme makes satisfactory provision for on site parking.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

46. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
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47. In this case Officers have liaised with the applicant regarding the facing materials and the extent of excavation works in proximity to Bridge Terrace.

Identification of any Legal Implications

48. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues

RECOMMENDATION

That grant planning permission be granted subject to conditions including:

- Standard time limit
 - Facing materials
 - Existing and Proposed Slab levels
 - Hard and soft Landscaping scheme
 - Construction Management Plan
 - Removal of permitted development
 - Barrier to prevent use of access to East Street
 - Structural survey of Footpath boundary and Bridge Terrace
 - As required by LHA
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