

Committee Report

Item 6C

Reference: DC/19/03577

Case Officer: Katherine Hale

Ward: Hadleigh South.

Ward Member/s: Cllr Kathryn Grandon. Cllr Mick Fraser.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Details of Development

Description of Development

Planning Application - Erection of 1no. dwelling and creation of new vehicular access

Location

40 George Street, Hadleigh, Ipswich, Suffolk IP7 5BE Suffolk

Expiry Date: 24/09/2019

Application Type: FUL – Full Planning Application

Development Type: Minor Dwellings

Applicant: Mrs M Quinlan

Agent: Nick Peasland Architectural Services Ltd

Parish: Hadleigh

Site Area: 0.04 hectares

Density of Development: 1 Dwelling

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Head of Economy considers the application to be of a controversial nature.

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
CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development
CS11 - Core and Hinterland Villages
CS03 - Strategy for Growth and Development
CS06 - Hadleigh
CS12 - Design and Construction Standards
CS16 - Town, Village and Local Centres
CS18 - Mix and Types of Dwellings
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
HS28 - Infilling/Groups of dwellings
TP15 - Parking Standards - New Development

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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

Town/Parish Council (Appendix 3)

Hadleigh Town Council

No objection if the relevant conditions from the Hadleigh Society and Suffolk County Council are met

National Consultee (Appendix 4)

None

County Council Responses (Appendix 5)

SCC – Highways Authority

Recommend conditions

SCC - Archaeological Service

Recommend conditions

Internal Consultee Responses (Appendix 6)

Heritage Team

Object, the proposal would cause a medium level of less than substantial harm.

The Heritage Team wrote a response to a previous application on this site for a 1.5 storey dwelling, application reference no. DC/18/00647.

Despite the current iteration being for a single storey dwelling, the comments remain entirely pertinent and should be referred to.

However, in amplification of them, the following should also be noted. The house is a mid C17th property and despite being impinged upon by later development in the form of a postwar bungalow to its east, and the swimming pool to its south, its setting nevertheless contributes quite notably to its significance. The spacious rear garden and land to its east and west remains largely open – and this amplifies the sense of individuality and status, particularly because no.40 is a two storey rendered timber framed property with a steeply pitched roof, and can be well appreciated in views especially in approaching it from the west, along George Street, where it appears briefly to stand alone on the south side of the road. This is a part of its significance.

Tandem development, whether in the form of a 1.5 storey dwelling or a slightly lower bungalow, will certainly not preserve its significance, in line with the expectations of the s.66 of the P(LBCA)A1990, which states that the LPA 'shall have special regard to the desirability of preserving the building or its setting'. A decision maker should accord considerable importance and weight to the 'desirability of preserving the setting' of a listed building. In the Barnwell Manor High Court case, The Honourable Mrs Justice Lang stated that 'in my opinion the addition of the word 'desirability' in Section 66(1) [of the P(LBCA)A1990] signals that 'preservation' of setting is to be treated as a desired or sought after objective...'

The bungalow would not preserve or enhance the character or appearance of the Conservation Area, either. This is contrary to the direction at s.72 of the P(LBCA)A1990, which states that special attention shall be paid to preserving or enhancing the character or appearance' of the area. In terms of the N PPF, the proposed development would cause a medium level of less than substantial harm.

Environmental Health - Land Contamination

No objection

Place Services - Ecology

Recommend conditions

The Hadleigh Society

Request conditions in relation to parking, removal of Permitted Development Rights and materials.

B: Representations

At the time of writing this report at least 12 letters/emails/online comments have been received. It is the officer opinion that this represents 2 objections, 10 support and 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Objections

- Resubmission of a previously refused application Dc/18/00647 - only change is reduction in height of proposed dwelling
- Detrimental impact on Heritage Asset
- Impact on residential amenity
- Leisure Centre is now being extended and therefore more highway safety risks

- Personal details submitted as part of the application are not relevant as any permission will run with the land and not be personal to the applicant

Support

- Good use of surplus garden
- Positive impact on the immediate vicinity
- Provide a suitable property for accommodation for future generations and ensuring George Street continues to thrive
- Well designed asset
- Better option than using greenbelt land
- Similar to that approved in Benton Street and the other end of the High Street
- No impact on parking
- Exactly the sort of practical accommodation the area needs

Neutral

- Believe a financial settlement for access to the site with the Local Authority has been agreed however appropriate highway measures need to be implemented to prohibit parking at the point of access.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/19/03577	Planning Application - Erection of 1no. dwelling and creation of new vehicular access	DECISION: PCO
REF: DC/17/06196	Notification of Works to Trees in a Conservation Area - 1no. Scots Pine (T1) - Reduce longer overextended side branches and thin top on; 1no. Scots Pine (T2) - remove lower branch on right hand side, reduce lower left hand branch by 4m, reduce overhang to the rear and thin out top on; 1no. Hazel (T3) - Coppice.	DECISION: RNO 11.01.2018
REF: DC/18/00647	Planning Application. Erection of 1no. detached one and a half storey dwelling and creation of new vehicular access	DECISION: REF 11.04.2018
REF: DC/18/00966	Notification of works to Trees in a Conservation area - T1 (Scots Pine) - Fell.	DECISION: RNO 29.03.2018
REF: B/0045/78/LBC	Alterations and first floor rear extension.	DECISION: GRA 21.08.1978
REF: B/0806/80/FUL	Erection of Stable for Domestic Use.	DECISION: GRA 22.09.1980
REF: B/0603/78/FUL	First floor rear extension	DECISION: GRA 21.08.1978
REF: B/05/02131	Application for Listed Building Consent - Erection of rear conservatory. Insertion of	DECISION: GRA

window to rear elevation (following removal and blocking up of existing window in rear elevation).

REF: B/05/02130	Erection of rear conservatory.	DECISION: GRA
REF: B/05/02132	Application for Conservation Area Consent - Existing window on rear elevation to be removed and blocked up.	DECISION: PNR
REF: B/86/90036	ERECTION OF DETACHED BUNGALOW	DECISION: GRA 04.03.1986
REF: B/LB/92/01330	APPLICATION FOR LISTED BUILDING CONSENT - ERECTION OF SATELLITE DISH	DECISION: GRA 03.03.1993

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. No. 40 George Street is a semi-detached dwelling situated on a modest plot. The dwelling sits adjacent to the highway of George Street which lies to the north of the site. The nearest neighbour is No. 42 George Street to the immediate east and forms the semi-detached pair. To the south is Hadleigh Leisure Centre and Swimming Pool.
- 1.2. No. 40 George Street is a Grade II listed building and is listed as part of 40 and 42 George Street.
- 1.3. The application site is garden land and forms parts of the garden curtilage of 40 George Street. The application site is 0.04 hectares and lies within the Hadleigh Conservation Area.

2. The Proposal

- 2.1. The proposal seeks the erection of a detached single storey dwelling to the rear of 40 George Street. The size of the plot is approximately 400 square metres and the proposed footprint of the dwelling would be 122 square metres.
- 2.2. The proposed dwelling would provide two bedrooms and have a floor space of approximately 100.7 square metres. The proposed eaves height would be 2.25m with a ridge height of 4.87m. The proposed dwelling would consist of a red facing brick plinth and Marley Eternit weatherboarding with a clay pan tile roof.
- 2.3. The proposed dwelling would be located behind the original garden wall of 40 George street adjacent to the garage building to the rear of 42a. A new access would be created onto Stonehouse Road.

3. The Principle Of Development

- 3.1. The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material

consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019, which requires proposals which accord with an up to date development to be approved without delay. However, various factors affect whether a development plan can be considered 'out-of-date'.

- 3.2 The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old. Policies should be given weight according to their consistency with the NPPF.
- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.4 Housing land supply can also cause a development plan to become 'out-of-date'. The Council have recently published and consulted on a Housing Land Supply Position Statement. This identified a housing land supply position of 5.67 years. This is a material planning consideration. The amount of weight to be attributed to this consideration needs to be made on a case by case basis.
- 3.5 Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight.
- 3.6 Policy CS11 is considered to be consistent with the aims of the NPPF, in particular with regard to the need for development to respond positively to local circumstances which is consistent with paragraph 77 of the NPPF, and therefore has full weight.
- 3.7 Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight.
- 3.8 Policy CS02 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. The proposed dwelling lies within the Built Up Area Boundary (BUAB) of the town of Hadleigh, as such Policy CS02 is not engaged.
- 3.9 The proposed site is located in a sustainable location with good access to all services and facilities. Hadleigh also benefits from regular bus services to both Sudbury and Ipswich which is considered viable for employment opportunities. The principle of the development is therefore considered acceptable having regards to these local plan policies, and the requirements of the NPPF subject to consideration of all other material planning issues.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. The proposed site is located within the built up area boundary for Hadleigh as such it is considered to have good connectivity and access to a wide variety of facilities and services offered within Hadleigh.

5. Site Access, Parking And Highway Safety Considerations

- 5.1. A new vehicular access would be created to the south of the site onto Stonehouse Road. Suffolk County Council have been consulted and the vehicular access would be laid out in accordance with SCC Highways Drawing DM03 and with an entrance width of 3m.

5.2. Parking spaces would be provided to the front and side of the dwelling off the driveway.

6. Design And Layout [Impact On Street Scene]

- 6.1. Section 12 of the NPPF requires inter alia that local planning authorities seek to promote and reinforce local distinctiveness as well as design. Paragraph 127 of the NPPF states that decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character.
- 6.2. The proposal is situated to the rear of the existing dwelling, away from the road, along which the existing dwellings run, with a predominant character of linear dwellings with gardens to the rear. Open space either in the form of the nearby car park or as part of the Hadleigh swimming pool complex provides for a more open form of development to the rear of the site, than exists to the west of Stonehouse Road. As such the proposal is essentially backland development to the rear of No. 40 George Street, out of keeping with the character of the locality.
- 6.3. The propose site extends to 400 square metres in size, and is not a particularly large plot having regards to the existing dwelling and neighbouring development. A dwelling in this location would result in a cramped plot for both the existing and proposed dwelling, setting an unwelcome precedent for cramped over-development, harmful to the character and appearance of the surrounding area and which furthermore is out of keeping with the character of the locality and Conservation Area.
- 6.4. In light of this the proposal is considered to conflict with the character and appearance of the locality with particular regards to the layout of the dwellings fronting George Street. It also has a negative impact on the character and appearance of the listed buildings and the Conservation Area and as such is considered contrary to Local Plan Policies CN06 and CN08 and Core Strategy, Policy CS15 of the Local Plan, and paragraph 127 of the NPPF, by virtue of failing to respect the townscape, heritage assets, important spaces and historic views.

7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 7.1. The proposal is to redevelop existing garden land. Whilst no ecology assessment was submitted the proposed development is small in scale and extent that the likely impacts of the development on Protected and Priority species can be predicted with sufficient certainty. Essex Place Services have been consulted and have no objection to the proposal subject to ecological enhancement measures being implemented by way of a Biodiversity Enhancement Strategy which should be secured as a condition of any consent.

8. Land Contamination, Floodrisk, Drainage and Waste

- 8.1. The application site is in Flood Zone 1 and therefore there are no flood risks associated with the site. There are no land contamination risks to the end user either and Environmental Health-Land Contamination do not object to the proposal.

9. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 9.1. No. 40 George Street is a timber framed Grade II listed building dating back to the 17th century. The house has been impinged upon by later development in the form of a post-war bungalow to the east and the leisure centre to the south. Its setting nevertheless contributes quite notably to its significance. The spacious rear garden and land to its east and west remains largely open which amplifies the sense of individuality and status which forms part of its significance.

- 9.2. The setting of 40 George Street has been incrementally diminished through post-war development although, at present, there remains sufficient space around it to reflect the former topography of the site and therefore the setting of the listed building. The proposed development would detrimentally impact upon the remaining vestiges of that setting, to the great detriment of the significance of the property.
- 9.3. The site is also situated within the Hadleigh Conservation Area, the proposed development would neither preserve nor enhance the character or appearance of this part of the conservation area.
- 9.4. The proposed development would result in a medium level of less than substantial harm contrary to the provisions of paragraphs 185, 193, 194, 195 and 196 of the NPPF and development plan policies which seek to conserve, and where possible enhance the historic environment and protect the character, setting and significance of heritage assets.

10. Impact On Residential Amenity

- 10.1. The application site is next to an active leisure centre with parking and other amenities on offer. As such this is likely to cause a noise impact on the amenity of any future residents of the dwelling. Whilst this could be said to be the case for the existing dwelling there is, at present, a break in the form of the garden, providing space to safeguard the amenity of the existing dwelling. The proposal is to erect a dwelling on the part of garden land closest to the leisure centre. The leisure centre is in use all week including bank holidays and from as early as 6:30am. The footpath to the leisure centre goes right past the garden and people often congregate around the access to the leisure centre prior to entering or when exiting. As such the noise disturbance caused by the visitors of the leisure centre is considered likely to have a detrimental impact to residential amenity of the proposed dwelling.
- 10.2. It is considered that the dwelling itself would not have a detrimental impact on existing residential amenity with regards to overlooking or loss of light due to the scale and form of the proposed dwelling.

11. Planning Obligations / CIL (delete if not applicable)

- 11.1. The application site falls within the 13km lone of Influence (IOI) for the Stour and Orwell Estuaries SPA & Ramsar site. Consequently, the LPA is advised that a financial contribution should be sought towards the emerging Suffolk RAMS from the residential development within the 13 km IOI specified, to be secured by a unilateral legal agreement.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. The proposed development, whilst acceptable in principle is considered to result in a cramped and contrived form of development, which is not in keeping with the character and appearance of the locality. The proposal would be backland development, not in keeping with the grain of development in the area. The site is within the Conservation Area and would neither preserve nor enhance the locality.
- 12.3. The proposal would result in less than substantial harm to the designated heritage asset together with the harm to the landscape arising from the introduction of development to an otherwise undeveloped parcel of residential garden land.

- 12.4. The NPPF states that this level of harm should be weighed against the public benefit of the proposal. The proposal is for the provision of one dwelling, however Babergh District Council can currently demonstrate a five year housing land supply and as such the proposal for one dwelling offers extremely limited public benefit, which could easily be obtained and accommodated elsewhere in the district without such harm.
- 12.5. The application is therefore recommended for refusal.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:-

1. The proposed development would result in a cramped and contrived form of development which would be out of character with the existing pattern, character and form of development in this area. The proposed dwelling would be backland development and is considered to be contrary to policies CN01 and HS28 of the Babergh Local Plan (2006). The proposal would also conflict with Section 12 of the NPPF which refers to design and provides that development should respond to local character and history and reflect the identity of local surroundings as well as that it is proper to seek to promote or reinforce local distinctiveness.
2. The application proposal affects the character, setting, and significance of Heritage Asset, the Grade II 40 George Street. The proposed development would amount to tandem development eroding the setting and thus significance of the listed building. Furthermore it would neither preserve nor enhance the Hadleigh Conservation Area. The application proposal would, therefore result in a medium level of less than substantial harm to the character, setting and significance of these heritage assets and the public benefit of providing 1 additional dwelling in support of the districts housing supply is not considered to outweigh the harm identified.

The application is therefore considered contrary to the provisions of paragraphs 185, 193, 194, 195 and 196 of the NPPF and development plan policies CN06 and CN08, which seek to conserve, and where possible enhance the historic environment and protect the character, setting and significance of heritage assets.

3. The proposed development due to its proximity to the leisure centre would be unacceptably affected by reason of the noise impact. This negative impact on the amenity of any future residents of the dwelling combined with the duration of the impact, will have a negative impact on the amenity of future residents of the proposed dwelling. Whilst it is acknowledged that there are dwellings nearby these are separated by hedges and garden space, the proposal would be located on existing garden land, closer to the source of noise and without the separation distances the existing properties benefit from. As a result, the proposal is contrary to policies CN01 of the Babergh Local Plan (2006) and the NPPF paragraph 127.