

HOLBROOK – PART GARDEN OF CEDAR HOUSE, THE STREET

Outline – Erection of 2 no. dwellings and alterations to existing vehicular access as amended and amplified by tree survey received 20 March 2006 and block plan showing access arrangements received 16 May 2006.

Applicant: Mr. P. McGuckian

Case Officer: Clare David

Members inspected the site on 28 June 2006 in order to assess the impact on highway safety, residential amenity and protected trees.

SITE

1. The site is located to the eastern side of The Street. Cedar House comprises a substantial detached two-storey dwelling and a range of outbuildings within an extensive curtilage of approximately 0.8 hectares. The application site, which is situated to the north of Cedar House, amounts to approximately 0.2 hectares and is currently occupied by a hard tennis court surrounded by planting. Access to Cedar House is gained via a private access and driveway from The Street (opposite Toms Cottage) and from a shared drive (serving three other residential properties) at the junction of The Street with Ipswich Road. The site is situated within the built up area of Holbrook and is surrounded by residential property on all boundaries. The site also accommodates three trees that are protected by virtue of a Tree Preservation Order (BT388).

PROPOSAL

2. This planning application is submitted in outline for the erection of 2 no. dwellings and alterations to the existing vehicular access (the private drive accessed from The Street). All other matters are reserved for future approval however, the application is accompanied by a letter and supporting statement that are summarised as follows:
 - The application has been submitted following refusal of planning permission for the erection of three dwellings and conversion of the coach house to residential use (B/04/01498/OUT)
 - Following pre application discussions the resubmitted scheme refers to two dwellings as opposed to four
 - The coach house and outbuildings are likely to become either ancillary accommodation for Cedar House or to the owners of the new dwellings
 - The improvements to the vehicular access do not require the removal of any of the Yew trees. It would be necessary to remove part of the existing boundary wall but this can be reconstructed outside of the visibility splay and using either existing bricks or reclaimed bricks
 - The Council's Arboricultural Officer's concerns regarding the impact of construction traffic on the roots of protected trees can be dealt with by way of condition
 - Similarly damage by construction traffic to the limbs and trunks of these trees can be dealt with by way of a condition requiring protective fencing to be erected

- The parking arrangements for Cedar House will be the subject of future proposals. All traffic generated by Cedar House will use the existing vehicular access to the south.
- The application site is within the built up area
- It comprises brownfield land
- The site area (0.2 hectares) is very adequate to allow two houses that are in scale, density and form with other recently built dwellings in the vicinity and provide acceptable standards of privacy and garden size.
- The improved vehicular access to serve the two new dwellings is a lawful access in its unimproved form to serve Cedar House.

A further letter from the agent has also been submitted in response to objections and is summarised as follows:-

- The scale of visibility splay proposed and accepted by the CHA will ensure all the yew trees can remain. The first yew tree will need to be cut back on its north side and the resultant gap between this and the existing holly hedge will be infilled with new planting outside of the visibility splay.

HISTORY (For the former curtilage of Cedar House)

3. 1982 – Change of use from residential to elderly persons home with staff accommodation. Withdrawn. B/82/00013.
4. 1982 – Outline – erection of a detached dwelling, garage and construction of vehicular access. Approved. B/82/00014.
5. 1982 – Outline – erection of two detached dwellings and construction of vehicular accesses. Refused. B/82/00015.
6. 1982 – Outline – Erection of two detached houses, garages and accesses. Approved. B/82/00352.
7. 1982 – Reserved Matters under B/82/00014. Approved. B/82/00845.
8. 1982 – Reserved Matters under B/82/00352. Approved. B/82/00884 and 885.
9. 2004 – Outline – Erection of 3 no. 2 and ½ storey dwellings and works in connection with the conversion of existing coach house and outbuildings to 1 no. dwelling with vehicular access and parking. Refused. B/04/01498.
10. The application referred to at paragraph 6 was refused under delegated powers on 11 October 2004. The reasons for reason were fourfold and are summarised as follows: -
 - Overdevelopment by way of number, scale and form, contrary to the spacing and pattern of development in the area and detrimental to the character and appearance of the area
 - The converted coach house would be over sailed by the canopies of the protected trees and would place the future of these trees at serious risk by virtue of future occupiers requesting works to these trees to alleviate concerns regarding safety and amenity

- The removal of a significant amount of wall and Yew hedge to create the required visibility splay would result in an adverse visual impact on the character of the area
- No provision for affordable housing

POLICY

Please note that details or extracts of policies are no longer included in reports – see page 4 of these papers.

11. The following adopted Development Plan policies are considered relevant to this application: -

Suffolk Structure Plan 2001

- Policy ENV3 (Design Standards)

Babergh Local Plan Alteration No.2 (2006) *the policy references below relate to the adopted version of the Local Plan - the policy numbers in some cases differ from those in the second deposit draft. Where this is the case, the previous reference number is given in brackets*

- Policy EN04 (CR15) (Protection of semi natural features)
- Policy HS02 (Villages)
- Policy HS03 (non sustainable and sustainable villages)
- Policy HS27 (HS11) (Housing density)
- Policy HS28 (HS12) (Infilling and groups of dwellings)
- Policy HS30 (HS14) (Housing design)
- Policy HS34 (HS18) (Housing type)
- Policy CN01 (General Design)

OBSERVATIONS

12. Since the original application was submitted additional information has been received by way of an Arboricultural Report and an additional block plan to accurately identify the extent of boundary wall and number of trees that would be required to be removed/felled in order to achieve the necessary visibility splays. The following represents a summary of the observations received in relation to the originally submitted application and the reconsultation exercise.

Original Submission

13. PC – Strongly recommend refusal. The vehicular access even with improvements would be to the narrowest part of The Street, causing considerable danger, both to pedestrians and vehicular traffic, as it is the main thoroughfare to all amenities. The access would require the destruction of an ancient yew hedge and an old wall. The Council would wish to see this whole streetscene preserved. The proposed new houses would dominate the area particularly the cottages in East Row adjacent to the site.
14. CHA – No objection and recommend imposition of standard highway conditions including provision of improved access in accordance with drawings and parking and turning areas.

15. EA – No objection.
16. Arboricultural Officer – previous concerns have partly been overcome however concerns still remain with regard to the impact of construction traffic on preserved trees and the routing of underground services. These issues cannot be dealt with by condition and must be dealt with prior to any planning permission being issued.
17. Letters – 22 received (all of objection). The main points are as summarised
 - The detail is insufficient and a full application should be made
 - The site contains and is surrounded by protected trees that make a positive contribution to the visual amenities of the area. Any development would be to the detriment of the amenity value of these trees
 - The development of suspected 2 and ½ storey dwellings on a backland site is unacceptable. Excessively high dwellings would be detrimental to the character and appearance of the area.
 - The existing access onto The Street has not been used for vehicles
 - The Street is the primary road to access the village’s main amenities. It is narrow and with narrow footpaths. Many properties have no off road parking resulting in congestion problems
 - The visibility splays are inadequate
 - The required visibility splays would result in the loss of parts of the existing wall and yew hedge
 - The access should be via the shared drive serving Cedar House
 - The Street is narrow and hazardous for pedestrians
 - Property would be damaged by construction vehicles due to the narrowness of the highway
 - Increased pollution levels (including noise nuisance)
 - Does not provide for low cost housing
 - Overdevelopment
 - Drainage capacity problems
 - Only bungalows or low cost housing should be considered
 - Will dominate the smaller properties in East Row
 - No substantial change to the scheme previously refused
 - Should only be approved if the road is widened and a lay by provided

Reconsultation exercise

18. PC – Object strongly. The revisions do nothing to overcome original objections in relation to vehicular access and highways issues. The entrance has not been used in living memory. It is on a narrow part of The Street which is considered a major risk area used by HGV’s. It is not understood how construction vehicles can access the site. The visibility splays are not acceptable and are worse than Vine Cottage where the CHA objected.
19. CHA – This is an improvement in layout and visibility of an existing access and the proposal is for 2 dwellings, it is considered the access is suitable to serve the development where the likely traffic generation will not have a significant impact on traffic flows. Construction traffic should be restricted to 9am – 3 pm.

20. EA – No objection.
21. Arboricultural Officer – satisfied that the tree survey demonstrates that provided all the constraints recommended are complied with that construction can proceed whilst retaining those trees of substance unharmed
22. Letters – 57 individual responses received (all of objection). The comments contained within these letters include all those issues included within the previous letters summarised at paragraph 13 plus the additional new issues
- Request members undertake a site inspection on a weekday between 8.15 and 9.00am when The Street is at its busiest.
 - Wishes to appeal against any approval
 - Lopping off of branches and digging trenches along the tree roots does not constitute minimum interference and will harm the tree. The accuracy of the report is also queried
 - Works to the Holly Tree will require permission from the owner as it is not within the curtilage of Cedar House
 - Reconsultation was undertaken at half term when many people are on holiday and the schools are closed – this is insufficient consultation
 - Loss of amenity and privacy
 - Another application at the opposite end of The Street has attracted highway objection and is equally as narrow
 - Contrary to Government guidance that requires tranquillity, the right homes in the right places and reduces the need to travel (sustainability)
 - No need for further large executive homes
 - Highways comments made without full and detailed knowledge.
 - Disappointment expressed in the absence of CHA objection.
 - Construction traffic will not be able to access the site.
23. Letters – 110 ‘circular’ letters that contain the following points of objection
- The Street is the centre of the village and accommodates the Tea Shop, Doctor’s Surgery, Newsagents, the Swan Pub, Co-op Supermarket, Village Hall, Methodist Chapel, Bowls Club and Primary School. It also provides a pedestrian access for the High School
 - The proposed access it at the narrowest part of The Street and will cause further chaos and danger in a busy road with narrow pavement on one side only.
 - Parked cars regularly block the road and visibility from the access will be extremely difficult.
 - Protected trees and the wall and hedge will be at risk from the development and will change the character of the main village street
 - Road safety is a main concern within the villages of Babergh

ASSESSMENT

24. The main issues to be considered in the determination of this application are those of highway safety, the nature of the development and its impact on the character of the area, impact on protected trees, residential amenity, and visual impact on the streetscene.

25. Highway Safety

The previously refused application referred to the erection of 3 dwellings and the conversion of existing outbuildings to one dwelling to create four new dwellings in addition to the existing property known as Cedar House. The reasons for refusal are outlined at paragraph 7. It should be noted that this application (B/04/01498/OUT) also proposed to utilise the existing access from The Street. There were no objections to this application from CHA and planning permission was not refused on highway safety grounds. The application however did include a reason for refusal that referred to the inappropriate and unacceptable operations that would be required in order to achieve the necessary visibility splays to the south. These alterations included the removal of a section of the existing red brick boundary wall and the Yew hedge.

26. The current application seeks planning permission for two dwellings that will be accessed via the existing and improved vehicular access from The Street. The CHA have not objected to the application but have requested a condition be imposed that requires a visibility splay of 2m by 15 m to the south. The block plan shows a splay of 2m by 11 m in order to reduce the extent of disturbance to the wall and trees. The CHA have been asked to confirm whether this reduced visibility splay is acceptable and have provided written confirmation of no objection.

27. A large number of objections state that the application should be refused on highway safety grounds due to the narrowness of The Street, with poor footpaths and because of the level of traffic and congestion. It is not considered however that such a reason is sustainable given that the previous refusal for four dwellings did not refer to highway safety and because the CHA do not recommend refusal on this basis. It should also be remembered that the access exists and can lawfully be used as such by the occupants of the Cedars in its unimproved form.

28. The Nature of the Development and its Impact on the Character of the Area.

The previous application was refused due to the proposal amounting to overdevelopment of the site by way of number, scale and form, contrary to the existing spacing and pattern of development in the area. Notably the previous application specified that the proposed dwellings would be 2 and ½ storeys in height. The illustrative layout plan showed dwellings of approximately 200 sq metres in close proximity to one another and to the site boundaries. The development was clearly uncharacteristic of the area. The current application refers to two dwellings on a site area of 0.2 hectares, all matters (apart from means of access) are reserved for future approval. The site is of a size capable of accommodating two dwellings in a manner that will not adversely impact on the character of the area which includes a mix of two storey detached dwellings on spacious plots and higher density linear terraces.

29. Impact on Protected Trees

A further reason for refusal relating to the previous application concerned the impact that the proposal may have on the protected trees. In particular it was contended that the conversion of the coach house, which is oversailed by the protected beech tree at the site access, would result in pressure from future occupants either to lop or fell the tree to improve the amenities enjoyed by the dwelling. The current scheme of course does not include the conversion of the coach house, it is intended that this building becomes either ancillary to the new properties or remains to be used in connection with Cedar House. Furthermore. The applicant has commissioned a tree survey and arboricultural report that considers the impact of the development on protected trees including proposing no dig construction techniques, tree protection measures and the sensitive routing of underground services. The Council's Arboricultural Officer has confirmed this report to be accurate and if implemented in accordance with the recommendations the development will not adversely impact upon the protected trees.

30. Residential Amenity

A number of objections relate to the adverse impact that the development would have on residential amenity by way of overlooking and dominance/overbearing structures. The site is level and measures approximately 0.2 hectares, although boarded on all sides by residential development it is considered that at detailed stage the siting, design and external appearance of the dwellings can be controlled such that overlooking will not occur. Similarly the height, mass scale and bulk of the buildings can be controlled so as not to adversely impact on residential amenity. It should also be noted that the previous application was not refused on residential amenity grounds.

31. Visual Impact on the Streetscene

The previous application was also refused on the basis that the engineering works required to improve the existing vehicular access would require the removal of a section of wall and yew hedge to the visual detriment of the area. The current application reduces the length of wall to be removed and demonstrates that the improvements will not require the removal of any trees. It is considered however whilst the removal of the trees may not be required, works to the trees will need to be undertaken, including pruning back the yew hedge, in order to achieve the necessary splay. In order to ameliorate this the area between the yew hedge and holly hedge should be further infilled with yew and holly planting.

The landscaping of this area can be adequately controlled by condition and the agent has confirmed in a letter dated 9 June that his client will comply with this requirement as such it would not be reasonable to withhold planning permission on this final issue.

REASON FOR APPROVAL

The proposal, which includes the erection of two new dwellings and alterations to the existing vehicular access, is considered to accord with policy ENV3 of the Suffolk Structure Plan (2001) and policies EN04, HS02, HS03, HS27, HS28, HS30, HS34, and CN01 of the Babergh Local Plan Alteration No 2 (2006), in so far as it represents development within the built up area and which will not have an adverse impact on residential amenity, protected trees, the character of the area, or highway safety.

RECOMMENDATION

Grant planning permission subject to the following conditions: -

- Materials
- As recommended by CHA
- Landscaping
- Boundary treatments
- Development in accordance with the recommendation of the tree survey and arboriculture report.
- Removal of permitted development rights – extensions, outbuildings and hard surfaced areas

DECISION
