

**Parish: BURSTALL****Location: Paridae, Church Hill.****Proposal: Erection of 2 (no) detached two-storey dwellings with detached double garages (existing dwelling 'Paridae' to be demolished).****Applicant: Mr & Mrs S A Spencer.****Case Officer: Gareth Durrant.****Date for Determination: 21/03/08**

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## **THE SITE**

1. The application site is approximately 0.43 hectares in size and has a 12 metre (approx) frontage onto Church Hill. Vehicular access is gained via Cranfield Park, a private development of 6 dwellings. There is no direct means of vehicular or pedestrian access onto Church Hill. There are a number of dwellings adjacent to the north boundary of the site (1, 2, 5 and 6 Church Hill, Silverlea and Thesaurus). No. 2 Hill Cottage is situated adjacent to the east boundary (adjacent to the existing 'Paridae'). The south boundary is flanked by No.6 Cranfield Park – a large dwelling on a large plot. The site slopes down from east to west to a brook abutting to west boundary. There is also a public footpath close to the south boundary with open countryside beyond. The site is located within the defined built up area boundary of the village and is within the locally designated Special Landscape Area.

## **THE PROPOSAL**

2. The application is for the erection of a 2 (no.) two-storey dwellings. One (plot 2) is a direct replacement for the existing 'Paridae', the other (plot 1) is a new dwelling proposed in the garden areas behind the existing dwelling. Both would be accessed via the existing link onto Cranfield Park. A new pedestrian access from the site to Church Hill has been withdrawn from the application following the receipt of objections from the Local Highway Authority.
3. Plot 1 is a five-bedroom dwelling with a (maximum) ridge height of 9.25 metres. There are various 'off-shoots' with lower ridge heights and the built form steps down in height (maximum 7.3 metres) closest to the north boundary. The walls would be finished in a mix of brick and render with clay pantiles to the roof.
4. Plot 2 (the replacement dwelling for Paridae) is a four-bedroom dwelling and has a maximum ridge height of 8.7 metres. The walls would be finished in a mix of brick and render with clay pantiles to the roof.
5. A design and access statement has been submitted to inform the application. This can be viewed in advance of the meeting by prior arrangement with the case officer.

## **RELEVANT HISTORY**

6. 2006 – Planning permission refused for the erection of three (no.) detached dwellings and garages.(B/05/02022/OUT). The applicant appealed against the Council's decision to refuse planning permission. The appeal was dismissed.

Planning permission was refused for the following reasons (summarised)

- The proposed development is for an unacceptable form of backland development on land situated to the rear of surrounding housing and without a proper site width road

frontage, out of keeping with the existing pattern and spacing characteristics of development prevailing in this part of the village. Whilst siting of the dwellings is reserved, the Local Planning Authority considers that the proposal will introduce new housing on land to the rear of existing properties abutting the site resulting in a loss of amenity, quiet enjoyment and expectations of living conditions enjoyed by the nearby residents.

- The Local Planning Authority further considers that the relative openness at the rear of the application site serves to define the transition between village and countryside and the introduction of built development, together with the associated subdivision of the plots in this location, would erode the openness of the locality, thereby adversely affecting the landscape quality, character and appearance of the Special Landscape Area.
- Planning Policy Guidance Note No.3 ("Housing") emphasises the need for new housing developments to incorporate appropriate levels of affordable housing. Policy HS08a of the emerging Babergh Local Plan (Alteration No.2) states that for developments either on sites of 0.1 hectares or more in size or which proposes three or more dwellings, one in three of the new dwellings will be required in the form of affordable housing to meet identified local needs. Such properties will be required to be owned or managed by a registered social landlord, or other providers compliant with Circular 6/98 and held in perpetuity. The application is in respect of a site of more than 0.1 hectare and makes no provision for affordable housing. The proposed development, if approved, would prejudice the Council's affordable housing strategy contrary to Policy HS08a.

The Inspector dismissed the appeal for the following reasons (summarised);

- It has not been shown that the development of three houses on the site would relate well to the prevailing pattern of development in this part of the village. It is more likely to appear divorced from the predominantly linear development on the adjacent part of Church Hill, nor is it likely to reflect the very spacious character of Cranfield Park to the south.
- From the public footpath, the site appears as an attractive, predominantly open, grassed area which is bounded by trees and shrubs and provides a contrast to the existing built development adjacent to it. In its open undeveloped state the site makes a positive contribution to the form, character and appearance of the village and of the area as a whole, which would be seriously diminished by the extensive built development which would result for the appeal proposal.
- The site is in a sensitive, edge of village, location and it forms something of a transition between the built up parts of the village and the surrounding countryside. Having regard to the harm to the character and appearance identified above, I am not satisfied the proposal would be likely to harmonise with this landscape setting. In my view, it would be harmful to the Special Landscape Area.
- The application is for outline planning permission. I am not convinced (given the size of the site) that with careful consideration to layout and design the site would result in unacceptable harm to the living conditions of occupiers of properties on Church Hill or of No.6 Cranfield Park.
- The Inspector was not satisfied that adequate evidence had been provided that affordable housing should be secured from the development.

7. 2006 – Planning permission granted for the erection of single and two-storey extensions (to Paridae) (B/06/00049/FHA).

8. 2007 – Planning permission refused for the construction of a new vehicular access (to Church Hill). Planning permission was refused because of concerns the access could compromise highway safety (B/07/00730/FHA).

## **NATIONAL GUIDANCE**

9. **PPS1** (Delivering Sustainable Development)
10. **PPS3** – (Housing)
11. **PPG13** – (Transport)

## **PLANNING POLICIES**

12. The following Development Plan policies are relevant to this application;

### **Babergh Local Plan (Alteration No.2)**

**LP01** - (planning obligations)  
**HS02 and HS03** - (housing development in villages)  
**HS27** - (housing density and house type)  
**HS28** - (infilling)  
**HS30** - (design of new housing)  
**HS32** - (public open space provision – small sites)  
**CR04** - (Special Landscape Areas)  
**CN01** - (maintaining local distinctiveness)  
**CN17** - (archaeology)  
**TP15** - (parking standards)

**This report only includes policy references. For further details please see Page 4.**

## **OBSERVATIONS**

13. PC – has provided the following comments;  

Your applicant and their agent will be aware that there is no main sewer in Burstall. This, coupled with the presence of a fresh-water brook immediately at the bottom of the sloping development plot, requires much effort on the part of any developer to ensure that adequate, effective and efficient means of treatment and disposal are incorporated in the new development.

The site is to the south of existing properties on Church Hill, Burstall. There has been a relatively open aspect enjoyed by these residents to date. Spacing and setting of new structures need to be such that light deprivation is not introduced as a consequence of this development.

These comments apply to both the new dwelling applied for in the middle of the site and to the proposed conversion of the existing "Paridae".
14. LHA – The footpath access to Church Hill should be discouraged as delivery drivers or casual callers may be tempted to park on the adjacent hillside roadway. The roadway to Paridae appears to be private but the access onto the highway could cope with the small increase in vehicle movement.
15. SCC (Archaeology) – The proposal lies within a medieval settlement core, to the west of the church and churchyard. The proposed works would cause significant ground disturbance that has potential to damage any deposits that exist. There are no grounds to consider refusal of permission to achieve preservation *in situ* of any important archaeological deposits. Any permission granted should, however, be subject to a condition to ensure that an adequate

record is made of any archaeological features or finds which would otherwise be destroyed by development.

16. Head of Contract and Asset Management – no adverse comments (ref. landscape impact)

## REPRESENTATIONS

17. One letter has been received from a local resident. Whilst they confirm they do not object to the application in summary, the following comments are made;
- Prior to this application the site was mature woodland. A large number of mature trees were felled before the previous application in 2005. The site is now completely cleared apart from some remaining hedgerow that borders the neighbouring properties. This has left our property open to the properties in Cranfield Park, leaving a clear view through to our living room, due to the topography of the land. A condition for a scheme of replanting should be attached to protect and restore the privacy of our property.
  - No further clearing of the site should take place (a condition should be attached). Hedgerows should be retained and a landscaping scheme should be submitted to the LPA.
  - I am concerned at both the noise and disturbance during construction now that the site is so exposed.
  - The site access is via an unmade lane and it would not be suitable for any heavy plant needed in the construction of this development not access for any emergency vehicles (fire engines) to service the site.

## PLANNING CONSIDERATIONS

18. The application site is situated within the built up area boundary. As such the proposed development of the site is acceptable in principle and indeed accords with National and Local policies which seek to make more efficient use of previously developed 'brownfield' land. In light of the recent planning history of the site the issues central to the determination of this application are;
- Layout and design – impact upon character of the area (including the Special Landscape Area),
  - Impact upon residential amenity, and
  - Impact upon highway safety.

### **Layout and design – impact upon the character of the area.**

19. The refusal of planning permission for residential development at this site in 2006 (and the subsequent dismissed appeal) was for a more comprehensive development of the site than is currently proposed. The earlier scheme was for the erection of three dwellings, retaining 'Paridae' on the site (i.e. 4 dwellings in total). The current application is for the erection of two dwelling and includes demolition of 'Paridae' (i.e. 2 dwellings in total). The one for one replacement of Paridae, with the new dwelling being sited in the same part of the site, but improving its relationship to the road frontage, is acceptable. Furthermore, the erection of a new dwelling in the extensive garden areas currently serving 'Paridae' is also acceptable. A large proportion of the western part of the application site would be retained, thus maintaining the open, undeveloped character of the village edge and would not be harmful to the Special Landscape Area. The large dwelling would complement the form, scale and spacing other units in Cranfield Park and not be out of character with the prevailing pattern of development in the area.

### **Impact upon residential amenity**

20. The replacement dwelling for 'Paridae' would not result in any significant dominance over, loss of light to, or overlooking of any of the neighbouring dwellings. Similarly, the second dwelling (Plot 1) would not have a detrimental impact upon neighbours. Indeed, the scale of the dwelling has been reduced at its southern end in order to minimise potential impact upon the adjacent properties in Church Hill.

### **Impact upon highway safety**

21. The application initially included provision for a new footpath link from the replacement dwelling onto Church Hill. However, this element of the proposal was withdrawn from the application following the receipt of concerns from the Highway Authority (paragraph 13). Vehicular (and pedestrian) access would be achieved solely via the existing access and driveway onto Cranfield Park and is acceptable. The application does not give rise to any highway or pedestrian safety concerns.

### **Other issues**

22. Policy HS32 of the adopted Local Plan requires all applications proposing new dwellings to make provision for public open space. This is either in the form of on-site provision (minimum of 10% of the application site area) or off-site provision in the form of a commuted payment. In this case, given the small size of the site and layout of the development on site public open space provision would not be appropriate. Accordingly the officer recommendation below makes provisions to secure a commuted payment. The Policy HS32 contribution does not relate to the proposed replacement dwelling, and will only need to be secured from the additional five-bedroom dwelling.
23. The development proposal is too small to attract an education or affordable housing contribution.
24. In view of the observations by the County Archaeologist a condition could be attached to any planning permission granted for this development to safeguard the archaeological significance and interests of the site.
25. Further and in response to the letter of representation received if planning permission were to be granted, a condition would be attached requiring the submission of a landscaping scheme for the site. That condition would contain provisions to ensure all existing trees and hedgerows (to be retained) are protected during construction works. However, the condition could not be used to ensure that new planting is provided to screen the neighbour's property (Thesaurus) from Cranfield Park to the north or the public footpath to the east. Only landscaping that is required to mitigate the impact of the proposed development (rather than to re-instate landscaping that was legitimately removed at an earlier date) can reasonably be secured by the condition.
26. Foul sewage generated by the development is proposed to be discharged to a new treatment plant, whilst surface water would be discharged to soakaways. The drainage strategy is acceptable.

### **Conclusions**

27. The application site is within the settlement boundary of the village and the proposal is acceptable with regard to its potential impacts upon residential amenity and highway safety. Further, the layout of the site and design, scale and form of the building is acceptable and the scheme has adequately addressed the reasons for refusal cited against the earlier application for a more intensive re-development of this site.

## REASONS FOR APPROVAL

28. The proposal for the erection of two dwellings at this location within the defined built up area boundary of the Burstall village accords with the provisions of Development Plan policies HS02, HS03, HS27, HS28, HS32, CR04, CN01 and CN17. These policies require high design and layout standards for new housing development, adequate parking, protection of archaeological sites, residential amenity and highway safety. In this case, the proposed dwellings are of a high quality of design and layout and would not be harmful to the character and appearance of the village or special landscape area. Furthermore, the amenities of the occupiers of adjacent dwellings would be safeguarded and the development is acceptable with regard to highway safety issues. The application makes adequate compensatory provision for the public open space requirements generated by it.

## RECOMMENDATION

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990, to provide a financial contribution towards the provision of public open space.
- (2) That, subject to the Planning Obligation in Resolution (1) above being secured, the Chief Planning Control Officer be authorised to grant planning permission subject to the conditions, including:
- Materials
  - Landscaping and boundary treatments (including protection of the hedgerow during construction works)
  - Finished ground and ground floor levels
  - Withdrawal of GPDO rights for first floor openings within side elevations (north and south elevations of plot 1 and east and west elevations of plot 2).
  - Proposed first floor windows in the south elevation of plot 1 and the east and west elevations of plot 2 (all proposed bathroom/en-suite accommodation)
  - Provision of the parking/manoeuvring areas.
  - Archaeology
- (3) That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
- Inadequate provision for public open space being contrary to Policy HS32 and PPG17.