

Parish: LAWSHALL

Location: 3 Shepherds Drive

Proposal: Outline - Erection of single-storey detached dwelling and construction of new vehicular access

Applicant: Mr and Mrs Brian Cardy

Case Officer: Chris Tivey

Date for Determination: 21 August 2009

This application has been referred to Development Committee at the request of the local Member. A Panel of Members visited the site on 8 July 2009. The reasons for the site inspection were to assess Lawshall Road access and impact on neighbouring properties.

THE SITE

1. The application site comprises the north western corner of the garden to 3 Shepherds Drive, a 1970's bungalow situated within an estate of similarly designed properties in the village of Lawshall.
2. The site has a frontage onto Lawshall Row of 21m, with an overall depth of 15.5m. The site is approximately 0.03 Hectares in area and is in an elevated position in relation to the road, part screened by shrubs set behind (and above) a grass bank.
3. The northern boundary is demarcated by a well established hedge that screens the site from a footpath that runs behind the rear of Nos. 8 and 9 Windsor Close, the south and eastern boundaries currently remain open, being part of the existing garden.

THE PROPOSAL

4. Outline planning permission is sought with all matters except Access and Scale being reserved. Illustrative plans have nonetheless been provided from which the latter can be ascertained.
5. The proposal is for the erection of one dwelling with vehicular access to be taken directly off of Lawshall Row almost opposite The Old Forge. Visibility splays are shown adequate to meet the LHA's requirements.
6. The driveway access would provide sufficient space for the parking and turning of vehicles within the site.
7. In terms of scale a bungalow up to 4.7m high, 0.5m lower than the existing at 3 Shepherds Drive is proposed, the indicative layout for which shows a footprint up to 10.5m wide.

RELEVANT HISTORY

8. B/05/02153/OUT - Refused Outline - Erection of detached single-storey dwelling and associated garage.
9. B/712/78/ - Granted - 12 bungalows and 7 houses, estate roads, vehicular and pedestrian access

10. B/361/77/ -Granted - 20 houses, 6 bungalows, garages, access, roads, footpaths and drainage facilities
11. S/72/2063/M/ - Granted - Residential development and accesses
12. S/72/1342/M/OUT – Granted - Residential development and accesses

NATIONAL GUIDANCE

13. **PPS1** (Delivering Sustainable Development)
14. **PPS3** (Housing)

PLANNING POLICIES

15. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan:

- **SS1** (Achieving Sustainable Development)
- **ENV7** (Quality and the Built Environment)

Babergh Local Plan (Alteration No. 2) 2006

- **HS02** (Villages)
- **HS27** (Density and House Types)
- **HS28** (Infilling)
- **HS32** (Public Open Space)
- **CN01** (Design Standards)
- **LP01** (Parking Obligations)
- **TP15** (Parking and New Developments)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

16. PC – Application not supported as they are concerned about the location of the access close to the Lawshall Row/Bury Road T junction; the entrance would be steep; and it could set a precedent for future building between the application site and 2 Shepherds Drive.
17. LHA – No objection subject to the imposition of planning conditions.
18. Suffolk Fire and Rescue Service – No objection.

REPRESENTATIONS

19. Three letters of support have been submitted from occupiers of immediately adjoining properties and four letters of objection have been received.
20. The letters of objection cover the following issues:
 - The proposal will overlook 9 Windsor Close
 - The access close to a junction would be dangerous
 - The area is overcrowded
 - Sewage system cannot cope
 - There have been many new houses built recently in the locality

21. In addition to the above a petition containing 157 signatories relating to development in Lawshall was reported to Development Committee on 1 July 2009.

PLANNING CONSIDERATIONS

22. The application site is situated within the Built-up Area Boundary of Lawshall where the principle of residential development on the site is acceptable, subject to an assessment of all material planning considerations. The key issues in the determination of this application are:

- Impact upon the character of the area
- Impact upon residential amenities;
- Parking provision and Highway implications.

Impact upon the character of the area

23. The previous planning application was outline in form with all matters reserved. It was refused under the scheme of delegation on the grounds that that proposal would be out of character with the prevailing pattern of development within the locality and due to the constraints and shape of the site (which was different to that proposed) would represent a cramped form of development.
24. However the current application, whilst still in outline (but with an illustrative layout) now demonstrates that it would be possible to build a new dwelling on the site without it appearing as unduly cramped or furthermore out of character with the street scene.
25. The proposed bungalow being single storey in form would not appear as an obtrusive feature and it would address Lawshall Row in a positive manner creating an active frontage in comparison to the existing situation of the Shepherd's Drive development that turns its back to the road.
26. The Parish Council state that granting planning permission in this location could set a precedent for development between the site and 2 Shepherds Drive, but Officer's suggest that would be very unlikely as the layout of that property in terms of its relationship to its boundaries is far more restricted. The current garden of No.3 is more spacious than that of No.2.
27. In street scene terms this proposal would be sympathetic and if sensitively designed could complement The Forge development opposite which is also single storey in nature. Single storey properties predominate within the immediate vicinity and therefore the proposed dwelling would not be out of character.

Impact upon residential amenities

28. A mature hedge exists between 4m and 6m high along the northern site boundary. Given the orientation of the properties in Windsor Close which themselves have close boarded fencing at least 1.8m high to their rear boundaries, abutting the intervening footpath, there would be no overlooking from a single storey dwelling as proposed to these properties.
29. Furthermore the ability to condition the erection of boundary treatment to the currently open south and eastern boundaries would also prevent mutual overlooking between the proposed dwelling and the host property.
30. The proposal would not give rise to an overbearing feature and no material overshadowing would be caused thereby protecting residential amenities.

Parking provision and Highway implications

31. Whilst the layout is reserved for subsequent approval, the illustrative site plan identifies that two vehicles could be parked clear of the highway.
32. The LHA on inspecting the site and local highway conditions raise no objections, subject to the imposition of reasonable planning conditions.

Public Open Space

33. Policy HS32 of the Adopted Local Plan requires all applications proposing new dwellings to make provisions for Public Open Space. This is either in the form of on-site provision or off-site provision in the form of a commuted payment.
34. 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. The applicant has provided the requisite documentation to enter into a planning obligation with the local planning authority to provide a commuted sum towards off-site Public Open Space Provision.

CONCLUSION

35. The proposed development would make efficient use of a previously developed site and would give rise to a development that would not be out of character with its surroundings and would furthermore protect the amenities of surrounding residents.
36. The level of parking provision for the proposed dwelling more than meets the Council's adopted standards and no objection is raised by the LHA on the grounds of Highway safety.

REASONS FOR APPROVAL

37. It is considered that the proposed development would make good use of land situated within the Built up Area Boundary whilst ensuring that the character of the street scene and the amenities of neighbours are protected. The proposal is therefore compliant with Policies SS1 and ENV7 of the East of England Plan and Policies HS02, HS27, HS28, HS32, CN01, LP01 and TP15 of the Babergh Local Plan Alteration Number 2 (2006)

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:
 - Financial contribution towards Public Open Space
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant outline planning permission subject to the following conditions:
 - Standard Time limit
 - Submission of Reserved matters: Appearance, Landscaping, Layout
- (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:
 - Failure to provide financial contribution towards Public Open Space