

Parish: SUDBURY**Location: The Contact Hall, Girling Street, Sudbury, CO10 1LZ****Proposal: Erection of 2 no. three storey semi-detached dwellings (existing building to be demolished)****Applicant: Mr P McGregor****Case Officer: Graham Chamberlain****Date for Determination: 6 July 2009**

Following the refusal of an earlier scheme Members (at the Development Committee meeting of the 01/07/09) requested that any resubmission of the planning application be reported to Development Committee for determination.

THE SITE

1. The contact hall is a former social club located on Girling Street, a predominantly residential street on the periphery of Sudbury Town Centre. The properties around the Contact Hall are Victorian in character and appearance with simple, symmetrical elevations, a standard form scale and layout and period details such as chimneys. The materials are predominantly brick (Suffolk Whites) with a slate roof. Rear access to the garden is provided by central passages. The properties are arranged in semis. To the north of Girling Street is Newmans Road. This area of Sudbury is also characterised by a Victorian street layout and character to the buildings.
2. Opposite the Contact Hall there is a public car park with access through to North Street. Girling Street is a main traffic artery through Sudbury and is an integral part of the one way system. To this end it is subject to a Traffic Regulation Order prohibiting parking in the road.
3. The Contact Hall is an interesting building. It is single storey and finished in stone. It also has a Victorian character and symmetry to it. It is however no longer used. The building is set higher than the pavement. The site slopes up from the pavement towards Newman's Road. The elevations show the level changes proposed. Rear access to the garden of the Contact Hall is provided to the side of the property.
4. The site is located within the Sudbury settlement boundary. It is outside of the Town Centre Conservation Area (Girling Street being the boundary) and is not subject to any relevant planning constraints.

THE PROPOSAL

5. The proposal is for the demolition of the Contact Hall and the erection of 2 two bedroom dwellings arranged in a semi.
6. The dwellings as proposed would have accommodation over three floors with rear dormer windows in the roof to provide the second bedroom. The ridge and eaves height would be level with those either side. The entrance doors would also be level with the properties either side with steps up from the street. The applicant is proposing to build the properties on a flat level; therefore part of the site would need to be reduced by 1.3m.

RELEVANT HISTORY

7. B/09/00548 – this was for the erection of two three bed houses. This was refused by the Development Committee on the 01/07/09 for the following reasons:

- Adverse impact on the street scene and character of the area and poor overall design
- Adverse impact on neighbours
- Lack of a S106 Agreement towards open space
- Lack of a contaminated land assessment

The scheme now under consideration differs in the following ways:

- The front elevation is designed such that it replicates the form, appearance and detailing of the properties on either side.
- The rear two storey element has been scaled down to a single storey rear projection
- The applicant has submitted evidence of title and a draft legal agreement committing to an open space contribution
- A Phase 1 contaminated land assessment has been submitted.

NATIONAL GUIDANCE

8. **PPS1** (Delivering Sustainable Development)

9. **PPS3** (Housing)

10. **PPS23** (Planning and Pollution Control)

PLANNING POLICIES

11. The following Development Plan policies are relevant to this proposal;

East of England Plan - 2008

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

Babergh Local Plan (Alteration No.2) 2006

- **CN01** Maintaining Local Distinctiveness
- **HS01** Housing in Towns/Urban Areas
- **HS27** Housing Density
- **HS28** Infilling
- **HS32** Open Space
- **TP15** Parking

The relevant documents can be viewed via the internet. For further details please see Page 4.

CONSULTATIONS

12. Sudbury Town Council – no comments at time of writing.

13. LHA – No response at the time of writing (no objections were raised to application B/09/00548)

14. BDC Contaminated Land Officer – No comments at time of writing, Members will be updated once comments are received (recommended refusal of B/09/00548 in the absence of information).

REPRESENTATIONS

15. None

PLANNING CONSIDERATIONS

Principal of Development

16. The proposal is for the erection of two houses in the Sudbury built up area. The proposal is the reuse of previously developed land. Therefore, in accordance with Policies HS01 and PPS3, the principle of the development is acceptable subject to compliance with relevant planning policies.

Design and Impact on Character

17. Policies HS28 and CN01 of the Local Plan require all new development to be of an appropriate scale, form, design and finish. Policy ENV7 of the EEP states that all new development should be of high quality and based on a robust site appraisal. PPS3 in Paragraph 10 states that planning authorities should deliver well designed high quality housing; this is echoed in PPS1 which places design towards the centre of the planning system (Paragraph 34) stating that development which fails to improve the quality and character of the area should not be supported.
18. Policy HS28 of the Local Plan specifically relates to residential infill development such as that proposed. It states that planning permission will be refused if the:
- The site should remain undeveloped
 - The proposal represents over development
 - The layout provides unreasonable standards of privacy, garden size and amenity
 - The proposal would be of a scale, density or form which would be out of keeping with the surrounding area.
19. The site at present comprises of Contact Hall and rear garden. The Contact Hall is not listed and is not within a Conservation Area. Consequently there is no protection or presumption in favour of retaining the building. The site is not designated as an Area of Visual or Recreational Amenity. The building is of some interest but is not of any particular merit or rarity which would warrant its protection. For these reason the site should not remain undeveloped as it is not a particularly important feature in visual or environmental terms.
20. As the principle of the development is acceptable, and the site does not need to stay undeveloped on visual or environmental terms, the assessment under Policy HS28 moves on to the question of over development and the form, scale and design of what is proposed.
21. The site area is approximately 0.0353ha. This gives a density of 56 dwelling per hectare (dph). This is a reasonable density for a site so close to the town centre and is broadly comparable to the other Victorian semis in the vicinity. However the density of a scheme is only an indicator of whether or not the scheme is over development; the buildings relationship with the plot and surroundings also needs to be assessed. Other indicators of over development are whether there is a cramped appearance, contrived design or an under provision of amenity space and parking. The design also needs to be viewed in its context.

22. The proposed building would have a two storey appearance from the front, echoing the proportions of the properties either side. This will enable the scale of the building to fit its context so the visual scale will not be incongruous. The building would fit comfortably into the space currently occupied by the Contact Hall. The plot width and depth and the visual scale of the building is therefore in character. The building can not therefore be considered an over development in this respect.
23. The development will not appear 'squeezed in' as the previous application had. The small scale nature and uniformity of the Victorian properties is a defining characteristic of the street scene. This has been respected in the scheme as now proposed. The scheme also comfortably includes a garden and space for bins etc...
24. The design is slightly contrived. The applicants have had to use steps at the front of the properties to meet disabled access requirements and the rear elevation has two large dormers windows. The dormers windows would not be prominent in the street scene or public realm and are not considered to be materially harmful. The steps have included railings and are well designed. They will not harmfully dominate the front elevation. These design elements are, on balance, acceptable, being a well thought out solution to the constraints of the site and the applicant's aspirations.
25. The previously refused scheme lacked any access to the rear gardens. A central alley has now been incorporated into the design. This helps to integrate the scheme into the street scene and addresses the practical problems of where to keep bins, bikes etc...
26. The character of this part of Girling Street is relatively straight forward as the buildings are of a Victorian style and scale with a symmetrical appearance arranged in semis. There are no dormer windows in the street scene.
27. The proposed window placement respects the arrangement and symmetry found on other properties in the row of houses. The central doors, with symmetrically placed windows as found on the properties either side, has been replicated in the scheme. As such has a string course, lintel details, central alleyway, chimney to break the ridge (and therefore mass of the roof), cottage style windows, verticality to the windows and doors and even a date stone. The detailing is important to this scheme and will enable it to integrate into the street scene. Careful consideration will need to be given to materials. The applicant will use timber windows and doors (which provided integrity to the period design concept) and has proposed a cream brick and natural slate to the roof. A condition has been added requiring details of the materials to be submitted.
28. The overall scale of the dwellings, and the aesthetic appearance, would result in a positive addition to the street scene. The development as proposed would be of a scale and form that is in keeping with adjacent buildings (Policy HS28), does not represent an over development of the site (Policy HS28) and pays particular attention to the nature of adjacent development (Policy CN01).

Highways and Parking

29. The proposal does not include any parking provision. Whilst there are concerns about this given that the scheme is for two 2 bedroom houses, the site is within a comfortable walking distance of the town centre (less than 400m is a comfortable walking distance) and the Local Highway Authority have not recommended refusal. On street parking would not be possible due to the Traffic Regulation Order.

Open Space

30. At the time of writing a Section 106 Agreement relating to open space is being prepared. This is required under Policy HS32. The recommendation takes this into account.

Impact on neighbour amenity

31. The previously refused application included a large two storey rear projection. This has been scaled down to two single storey rear projections. This ensures that there will not be an unreasonable loss of light, overbearing or a loss of outlook.
32. The neighbours either side raised concerns under the previous application that they would be unable to maintain the side walls of their properties if the development were to go ahead. Officers have some sympathy with this but it is not a material consideration (falls under the Party Wall Act). The occupant of 38 Girling Street had raised a concern relating to a bathroom window he has recently installed in the side elevation. The proposal would effectively result in the removal of natural light to the bathroom via this window and the complete loss of outlook. However given that the window serves a bathroom, which is not primary accommodation, this is not a reason for refusal. Both neighbours were concerned about the excavations (and therefore the impact on foundations) necessary to build out the scheme. However this is also not a material planning consideration as it is covered by other legislation (the Party Wall Act and the Building Regulations).
33. The neighbours to the rear of the site were concerned by over looking from rear windows. There would be the rear dormer windows in the rear roof slope and first floor bedroom windows facing the properties in Newmans Road. However, the window to window distance would be over 30m, this is a reasonable distance (21m is usually considered to be reasonable).

Contamination

34. At the time of writing clarification is being sought that the Phase 1 assessment submitted is sufficient in demonstrating that there is no adverse impact by way of an unacceptable risk from contaminates to future occupants.

Reason for Approval

35. Subject to the attached conditions, the proposed development will have no adverse impact on the street scene, the character of the area, neighbour amenity or highway safety. The development therefore adheres to saved policies HS28, HS27 and CN01 of the Babergh District local Plan Alt 2 (2006) and national guidance in PPS1 and PPS3.

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:
- An planning obligation towards recreation provision under Policy HS32
- (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 planning permission subject to the following conditions:
- Standard time limit
 - Details of materials
 - Landscaping scheme including details of all boundary treatment

- As recommended by the LHA
 - Removal of PD rights to alter the front elevation
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured by the 19th October 2009, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
- The absence of a s106 Agreement relating towards recreation (Policy HS32).