

Item No: 3 **Reference:** B/08/01371
Parish: Sudbury
Location: 8 Hillside Road
Proposal: Construction of vehicular access (onto Cats Lane) and construction of driveway and gates.
Applicant: Mr A. Pettitt
Case Officer: Graham Chamberlain **Date for Determination:** 23.10.08

This application is reported to committee as the Council have an interest in the site being the land owners of the Open Space.

THE SITE

1. The site is located to the east of Sudbury within a predominantly residential area. Cats Lane links Newton Road with Cornard Road. The area has a distinctive character with housing of a similar scale and appearance set back from the road. The spaciousness of the residential estate is an important component of the areas sense of place.
2. 8 Hillside Road is an end of terrace property situated next to an open space on the Newton/Cats Lane Junction. The Open Space provides a visual break between Newton Road and the residential development of the Windsor Place estate to the south. The open space softens the street scene.
3. The open space is currently enclosed by a low hedge; it is mainly laid to lawn but does have a number of feature trees which add interest to the open space. The landscaping ensures the site makes a contribution to the area and is not just a grass verge.
4. There is an informal foot path or 'desire line' running through the open space, linking the footpath at Newton Road to the gap in the hedge where the access is proposed onto Cats Lane.

THE PROPOSAL

5. The application is for a new vehicular access. The access would be onto Cats Lane and be located opposite Betty Cocker Grove. An existing gap in the hedge would be enlarged and a new drive way provided across the open space linking Cats Lane and the residential property of 8 Hillside.
6. The open space is not in the ownership of the applicant consequently a Certificate B notification was served on the Council.
7. As the access would not be serving another development which is Permitted Development (as set out in the General Permitted Development Order), and also constitutes an engineering operation, planning permission is required.
8. The applicant has altered the scheme from that refused by the Development Control Committee in August 2008 by proposing the following
 - A green ground stabiliser plate and grass crete finish to the driveway
 - A landscaping scheme which includes shrubs either side of the entrance and 2 feature trees
 - Erect a gate/bar to prohibit unauthorised access

- Replace the gate which provides access from the open space to 8 Hillside (this does not require permission)
- Provide a parking area within the garden of 8 Hillside (does not need permission)

RELEVANT HISTORY

9. There are two relevant applications B/05/01995 and B/08/00304.
10. B/05/01995 - This was an application made by the Council to provide an access off Hillside Road (to the front of 10-16 and rear of 2-8 Hillside Road). This was approved. It has not been implemented to date.
11. B/08/00304 – This application was refused by the Development Control committee in August (2008) for the following reason:-

‘Policy CN01 of the Babergh Local Plan requires all new development proposals to be of an appropriate scale, form, design and construction material for the location and in particular local features both natural and built should be retained and attractive public and private spaces should be created. 8 Hillside Road is an end of terrace property situated adjacent to an open space on the Newton Lane/Cats Lane junction. The open space provides a visual break between Newton Road and the residential development of the Windsor Place estate to the south and also makes a positive contribution to the street scene. The proposal by virtue of the proposed access that would cut across the open space would result in an unattractive feature that would adversely impact on the setting and appearance of this area of Cats Lane contrary to policies CN01 of the Babergh Local Plan and ENV7 of the East of England Plan. Further if approved the proposal would set an undesirable precedent difficult to resist in the future.’

NATIONAL GUIDANCE

12. **PPS 1:** Delivering Sustainable Development

PLANNING POLICIES

13. 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, 2008

- **ENV7:** Quality in the Built Environment

Babergh Local Plan (Alteration No.2) 2006

- **CN01:** Maintaining Local Distinctiveness

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

OBSERVATIONS

14. At the time of writing Sudbury Town Council had not commented, their comments on the previous application were as follows (members will be updated if the Town Council provide comments) – Recommends refusal as they have serious highway concerns

15. At the time of writing the Local Highway Authority had not commented on this application specifically, their comments on the application determined in August are as follows (members will be updated if comments are received) - The land in question appears to be owned by BDC, authority/or sale by them would be required, if this was agreed SCC would agree to a single access to the front garden of No. 8 Hillside Rd, with provision of suitable parking and turning area and the construction of a DC 101 entrance onto the highway. An access running along the front of Nos. 10-16 Hillside Rd was approved in 2005 (B/05/01995) but never implemented. Another discussion was held regarding the practical aspects of a parking area for local residents on the land at the corner of cats Lane and Newton Road adjacent to Nos. 8 and 16. An application was not pursued because of the access onto Cats Lane being too close to the junction.
16. Contracts and Asset Management Division (Babergh District Council) – Objects
 - The area of land is well used by children as it is one of the few large areas of grass in the area not littered by cars parked on it or near it.
 - It is also an uninterrupted sweep of grass in an area becoming more and more covered by buildings and black top.
 - Allowing an access would create a precedent in the area.
 - Crossings would make maintenance more difficult.
 - There would be more likelihood of cars being parked on the grass when the house holder has many cars or there are many visitors to the property.
 - Finally it is the loss of yet more open space for the use by all in exchange for more black top for the use of one house hold.

REPRESENTATIONS

17. At the time of writing, no third party representations have been received.

PLANNING CONSIDERATIONS

18. The main issues for consideration in this case are whether the access would prejudice highway safety and/or the character and appearance of the area.

Highway Safety

19. Officers are concerned that the proposed access is also an informal footpath which appears to be well used. There is also tactile paving and pedestrian dropped kerbs near the proposed entrance.
20. However from the comments previously received from the LHA (and outlined above) it would appear that although the LHA have previously expressed concerns about a parking area which requires an access off Cats Lane, in this instance, the LHA do not object to a single access serving 8 Hillside provided there is a suitable turning area and the access constructed to the relevant specification (DC 101). In light of this assessment it would be difficult to resist this application on highway grounds, particularly as B/08/00304 was not refused on highway safety grounds.

Impact on the Open Space and Character of the Area

21. As outlined above, the open space adds to the amenity of the area. Although not identified as an Area of Visual or Recreational Amenity in the Local Plan, the open space adds to the street scene and is a key component of the original composition of the estate.

22. The proposed access would cut across this open space adversely impacting on the important contribution the undeveloped open space makes to the setting and appearance of Cats Lane. The access track would appear as an alien feature in what is an important green space. The DC 101 access (which would be required on safety grounds) would require a hard, impervious surface finish from the carriageway back 5m. This would result in an unattractive feature (when viewed against the well maintained lawn and greenery) which would erode the special qualities of the open space.
23. If this application were to be approved it would set an undesirable precedent which would be difficult to resist in the future. Additional accesses could end up criss-crossing the open spaces and highway verges, eroding the greenery with a proliferation of hard standings and visual clutter caused by parked vehicles. The scheme cannot therefore be seen in isolation. Furthermore there is no evidence or justification explaining why this is a unique situation which could justify overriding the harm identified.
24. At the August development Control Committee meeting, Members discussed this application and resolved that an access in this position would be unacceptable in principle. Members discussed the potential of a temporary or personal permission, but such a condition was not considered to comply with the Circular 11/95 – The Use of Planning Conditions. Officers and Members considered at that time whether conditions could have over come the harm identified, for example a landscaping condition or a condition requiring details of the hard surface to be submitted. Again such conditions were not considered to overcome the harm identified and the objection in principle.
25. Therefore, the alterations to the scheme now proposed do not overcome the objection to the principle of an access in this location or the visual harm that would occur and the resultant harm on the character and appearance of the open space.

RECOMMENDATION

- (1) Refuse the application for the following reasons,
 - Adverse impact on the open space, street scene and character of the area CN01 of Babergh Local Plan (Alteration No. 2) 2006 and ENV7 of the East of England Plan .