

**TO: Members and Substitutes of the
Development Control Committee**

**(Copy to recipients of Development
Control Committee Papers)**

Contact Helen Hardinge
Direct Dial 01638 719363
Email helen.hardinge@westsuffolk.gov.uk

31 August 2018

Dear Councillor

**ST EDMUNDSBURY DEVELOPMENT CONTROL COMMITTEE - THURSDAY 6
SEPTEMBER 2018**

I am now able to enclose, for consideration on the Thursday 6 September 2018 meeting of the St Edmundsbury Development Control Committee, reports for the following items that were unavailable when the agenda was printed.

**Agenda
No**

Item

4. **Planning Application DC/18/0721/FUL - Saxon House, 7 Hillside Road, Bury St Edmunds (Pages 1 - 2)**

Report No: **DEV/SE/18/028**

Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces

5. **Planning Application DC/18/0863/FUL - 19 Hillside Road, Bury St Edmunds (Pages 3 - 4)**

Report No: **DEV/SE/18/029**

Planning Application - Change of use from B1/B8 Business/Storage and Distribution to D2 Assembly and Leisure - Personal training and Martial arts unit

Leah Mickleborough • Service Manager (Democratic Services) and Monitoring Officer

Phone 01284 757162 • **Email** leah.mickleborough@westsuffolk.gov.uk

Forest Heath District Council • District Offices • College Heath Road • Mildenhall • Suffolk • IP28 7EY
St Edmundsbury Borough Council • West Suffolk House • Western Way • Bury St Edmunds • Suffolk • IP33 3YU
www.westsuffolk.gov.uk

6. **Planning Application DC/18/0829/OUT - Land Adjacent to the Old Parsonage, The Street, Fornham St Martin (Pages 5 - 6)**

Report No: **DEV/SE/18/030**

Outline Planning Application (Means of Access to be considered) - 1no dwelling

Helen Hardinge
Democratic Services Officer



Development Control Committee 7th September 2018

Committee Update Report

Item 4 – DC/18/0721/FUL – Saxon House, 7 Hillside Road, Bury St. Edmunds

1. On reflection, and following further assessment and discussion, officers consider that the refusal reasons 1 and 2 on page 21 of the Committee Agenda should be merged and amended. As set out at para 28 on page 18 of the agenda the extant and now implemented planning permission for D1 use (Community Dental Services) is limited to a 'personal' use by Community Dental Services for special dentistry care. It is further limited to 6 treatment rooms with the remaining floor space of the building to be used ancillary only. This was to restrict the extent of the permission and enable the Local Planning Authority to keep the site under review having regard to the special circumstances under which permission has been granted.
2. However, the permission was granted on a permanent basis and has subsequently been implemented. The unit therefore at present has a D1 use and the proposed intensification by utilising the first floor for an additional D1 use (Community Healthcare Service) would as such not result in the *loss* of employment land as stated in refusal reason 1.
3. Refusal reason 3 on page 21 also requires amendment as the comments from Highways referred to 5 treatment rooms whereas in fact only 4 are proposed. The required additional parking spaces therefore need to be adjusted.
4. Officers therefore recommend the following amended refusal reasons:

Reason 1:

The proposal is for community healthcare service facilities, a D1 Use, intended for a geographically wider area than within walking distance. The application site lies 2.3km from the town centre, within an area designated as employment land for B1 and B8 Use Classes in policy BV14(e). The site does not benefit from good public transport and/or walking access nor would it benefit from possible linked trips. The proposal therefore fails to comply with policy CS7, which seeks to reduce the need to travel through spatial planning and design, and is contrary to policy in the NPPF, notably para 103, 108 and 110 which (inter alia) seek to actively manage patterns of growth to make the fullest possible use of walking, cycling and public transport, and focus

significant development in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

Moreover, the intensification of the existing D1 use at the application site, in an inaccessible location where most patients and staff are likely to arrive by car, together with the insufficient on-site parking means that it is considered likely that the use will in turn fetter the activities of existing neighbouring employment uses through additional traffic movements and insufficient on-site parking thus potentially preventing them from expanding or intensifying. As such the proposal will have likely adverse effects on employment generation and is contrary to policy DM30 and policy in the NPPF, particularly paragraph 80, which seeks to ensure that decisions help to create the conditions in which businesses can invest, expand and adapt.

The provision of the service and the need for suitable premises are factors which weigh in favour of the proposal. However, the policy conflict and harm identified above together with the inaccessible location and adverse effect on highway safety significantly and demonstrably outweigh the benefits of the proposal.

Reason 2:

The proposal includes five additional parking spaces where in accordance with the Suffolk Parking Guidance 28 additional parking spaces would be required for the 12 (equivalent full time) staff members and four treatment rooms. There would therefore be a severe under-allocation of on-site parking. This is considered likely to lead to inappropriate on-street parking which can often be part or fully on the footway causing an obstruction to other road users and a danger to pedestrians.

Furthermore, the proposed additional five parking spaces would reduce the available space for manoeuvring for the existing parking spaces five to 12 from the required 6.0m to 4.0m. 4.0m is considered insufficient for safe reversing and turning of cars and would render spaces five to 12 inaccessible. Additionally, space 32 reduces the access width to 3.0m throughout, removing the small wider passing place which would allow vehicles entering the site a passing place when encountering vehicles leaving the site. Without this passing space the access would be too narrow to be acceptable for a shared use access.

The proposal therefore fails to provide adequate parking and safe and suitable access for all, contrary to policy DM2 (I) and DM46. And the proposal would have an unacceptable impact on highway safety as a result of significant under provision with parking. As such the proposal is contrary to policy in the NPPF, particularly 105, 108 to 110.



Development Control Committee 7th September 2018

Late Papers

Item 5 – DC/18/0863/FUL – 19 Hillside Road, Bury St Edmunds

1. Further comments from the Highways Authority have been received which expand on their original comments. This resulted from a discussion between the Planning Officer and the Highway Authority with regards to their original comments which did not consider the future possible uses for the unit if a D2 use class was allowed. Because there are no controls on how the business operates that could be implemented due to the clash with local and national policy, and that there is not an appropriate mechanism which could control the ongoing availability of parking outside of that associated with the unit.

Highways Comments

Further to our letter dated 20 June 2018.

It is not known what proportion of the total available space of 111sqm is proposed to be used as public space. The Suffolk Guidance for Parking: Technical Guidance 2nd Ed. Nov. 2015 (SGP) forms the adopted 'standards' and sets out a maximum requirement of 1 car parking space per 20m of public area for D2 other uses (see page 57). The County Council, as Highway Authority, is satisfied that the parking provision of 3 spaces meets the minimum requirement for the stated use as a "training and martial arts" facility, as clarified by Mr Willis in his letter dated 18 June 2018.

The Highway Authority is however, sensitive to the fact that if granted planning consent, this premise could lawfully be utilised for other D2 purposes and wish to note that the parking provision of 3 spaces would be significantly less than required for some of those other (theoretical) D2 uses. For instance, the maximum parking requirement for D2 sports halls and gyms is 1 space per 10sqm of public area. Against that criteria, the available parking at this location would be considered sub-standard. This scenario could raise the possibility of surplus customer parking being displaced to parking spaces allocated to other units or onto the local road and footway network. It is noted that the use of double yellow lines to restrict on-street parking at the access to these units (see photo below) indicates that there may have been a problem with inappropriate parking in the past.



Following review of our responses to date I note the omission of a secure cycle storage condition. I recommend the that any permission that the Planning Authority may give should include the cycle storage condition shown below please:

The use shall not commence until details of the areas to be provided for secure cycle storage are submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall retained thereafter and used for no other purpose.

be

Reason: To ensure that sufficient space for the on-site secure cycle storage is provided and maintained.



Development Control Committee 7th September 2018

Late Papers

Item 6 – DC/18/0829/OUT – Land Adjacent to the Old Parsonage, The Street, Fornham St. Martin

1. Tree Preservation Orders

2. To rear of the site are two TPO trees referenced T18 and T19 which are both Evergreen Oak (*Quercus Ilex*). The Tree Officer confirmed that they had concerns regarding the shading of the garden space by the adjacent Evergreen Oaks, and that this may place the high amenity trees under pressure for inappropriate pruning in the future. However this is based solely on an indicative layout and any development would be subject to permission being granted for any reserved matters. In this regard it is considered that the nature and size of the application site would allow for revisions to be made through the submission of Reserved Matter where the layout of the proposal could be agreed in such a manner to further reduce possible pressures on those trees. On this basis, and notwithstanding the views of the Tree Officer, it is not considered that there would be any adverse effects upon the trees such that a refusal at this stage could be justified.

3. Non-Designated Heritage Assets

4. Following further discussions with the Conservation officer, and whilst noting that previous comments received focussed specifically on the assessment of whether the host dwelling and proposal would negatively impact on designated heritage assets and conservation areas, further discussions were had in regards to the host dwelling being considered as a non-designated heritage asset.
5. From which it was concluded that the host dwelling could be considered to be a non-designated heritage asset which has historically benefited from a substantially spacious setting, as detailed on historic mapping, especially to the south, and which contributes significantly to the character of the dwelling. Whilst the proposal could be considered to be relatively modest in scale, it is reasonable to expect a substantial curtilage in association with the host dwelling, and therefore that there would be a level of harm created by the proposal due to its close proximity to the host dwelling.

6. The demolition of wall to create the access may be achieved through the use of Permitted Development rights, however as access is required as part of this development, it is therefore appropriate to give consideration to it, and it is considered that the access would create further negative impacts to the setting of the non-designated heritage asset.
7. The close proximity of the proposed development, together with the loss of the wall to create the access, would have a detrimental impact on the setting of the non-designated heritage asset, which currently enjoys an undeveloped setting to the south of the host dwelling. Furthermore the proposal provides no real benefits to the public, creating only private benefits, and additional positive weight which would outweigh those reasons for refusal.
8. Recognising that additional consideration which weighs against the proposal, the reason for refusal has been edited to include the details of the harm to the non-designated heritage asset, which is detailed below.

Revised reason for refusal

The proposal is for a dwelling outside the settlement boundary and would fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited on the end of the settlement, and therefore represents a visually unsustainable ribbon development contrary to the above policies of general restraint. By reason of this location, and noting its close proximity to the host dwelling, and as a result of the provision of an opening within the garden wall, the proposal would create a visual intrusion, having an unwelcome urbanising effect on public views of the locality and upon the more loosely grained gap between settlements, creating a significant impact so as to cause material harm to the surrounding character and appearance of the area.

The existing property and its expansive walled garden also provides a suitable setting for a dwelling of this scale and appearance, befitting its status as a non designated heritage asset. The provision of a dwelling within this location will arbitrarily truncate the presently spacious curtilage and provide a dwelling in close proximity to the existing property. Taken together this will detract materially and harmfully from the setting of the non designated heritage asset proving contrary to the provisions of Para 197 of the NPPF.

Accordingly, the proposal fails to accord with policies DM2, DM5, DM13, DM22, DM27, CS2, CS3, CS4 and CS13 and paragraphs 78 and 79 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations, as well as paragraph 197 of the NPPF which seeks to offer support to the protection of non designated heritage assets. The proposal is in clear and significant conflict with local and national policies.