



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/13

Development Control Committee

4 February 2016

Planning Application DC/15/1975/FUL

Land West of 63 Victoria Street, Bury St Edmunds

Date: 12 October 2015 **Expiry Date:** 7 December 2015

Registered:

Case Officer: Sarah Drane **Recommendation:** Approve

Officer:

Parish: Bury St Edmunds Town **Ward:** Abbeygate

Proposal: Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence.

Site: Land West of 63 Victoria Street, Bury St Edmunds

Applicant: Mr Barney Walker – John Stebbings Architects

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Sarah Drane
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Background:

This application is referred to the Committee following consideration by the Delegation Panel. Bury St Edmunds Town Council objects contrary to the Officers' recommendation for approval. At the Delegation Panel it was considered that the applicant should be invited to amend the design of the proposal, such that it was more traditional in appearance. This request was put by Officers to the agent who has declined to make any changes.

A site visit is scheduled to take place on Thursday 28 January 2016.

Proposal:

1. Planning permission is sought for the erection of a detached dwelling within the rear garden area of No. 63 Victoria Street following the demolition of an existing single garage. The proposed dwelling would be two storey in scale, with a single storey flat roof element at the rear. The dwelling is of a modern design and would be finished in buff brick, timber cladding and painted steel work with slate roof.
2. The ground floor accommodation comprises an entrance hall, open plan living room and kitchen/dining room and toilet. On the first floor are two bedrooms and bathroom.
3. The dwelling would front onto Albert Street which runs parallel to Victoria Street. The garden area would lie predominantly to the rear, enclosed by an existing garden wall along the northern boundary and a new wall along the eastern boundary. The existing garden wall along the southern boundary would also remain. A secure cycle store would be provided within the rear garden. An area for bin storage is proposed adjacent to the parking space. One on-site parking space is proposed.
4. The application has been amended since submission. The red line on the floor plan has been amended to reflect the correct site ownership along the boundary with no. 7b Walnut Tree House. A new brick wall with railings is proposed along the site frontage. A new sliding timber garage door is proposed and the bins have been relocated to the rear garden adjacent to the cycle store.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Proposed plans
 - Design and Access Statement
 - Heritage Evaluation
 - Contamination Assessment and questionnaire

Site Details:

6. The application site comprises part of the rear garden area of No. 63 Victoria Street – a two storey terraced property with accommodation in the roof space, situated within Housing Settlement Boundary of Bury St. Edmunds. The site is also within the Victoria Street Conservation Area. The garage to be removed is accessed from Albert Street to the rear of the existing dwelling, adjacent to which is a pedestrian gate. There are three trees on the site which are to be removed.

Planning History:

7. **DC/13/0855/FUL** - Planning Application - Erection of two storey dwelling following demolition of existing garage and boundary fence. As amended by drawings received on 5th February 2014 and 28th February 2014 – Refused and appeal dismissed.

Consultations:

8. Highway Authority: No objection subject to conditions

Environment Team: No objection

Public Health and Housing: No objection

Conservation Officer: No objection subject to conditions

Representations:

9. Town Council: Object – (i) inadequate parking provision, (ii) design, visual appearance and materials not appropriate and (iii) contrary to SPD policy DS3.
10. Comments have also been received from 139 York Rd, 7, 10, 11 and 66 Victoria Street, 7, 7a, 7b, 7c 25 and 26 Albert Street raising the following concerns:
 - Demand for parking in zone H extremely high – space will be taken up by works vans and skips. There is no room to accommodate further cars in the area
 - Cars already park too close to the junction between York Rd and Albert Street, reducing visibility and affecting road safety
 - Design not suitable – not appropriate for the Conservation Area
 - Previous application refused and dismissed at appeal on highways safety grounds.
 - Statement that ‘resident permit parking will not be affected’ – untrue
 - Loss of garage to No. 63 which could be used for parking will impact on parking provision
 - Pedestrians using the footpath will be put at risk.
 - No provision of access shown between new house and 7b which is required under Party Wall Act

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

11. Joint Development Management Policies Document:

- DM1 - Presumption in favour of sustainable development
- DM2 – Creating Places
- DM17 – Conservation Areas
- DM22 – Residential Design
- DM46 – Parking Standards

12. St Edmundsbury Core Strategy December 2010

- Policy CS2 - Sustainable Development
- Policy CS3 - Design and Local Distinctiveness
- Policy CS4 - Settlement Hierarchy and Identity
- Policy CS7 - Sustainable Transport

13. Bury Vision 2031

- BV1 – Presumption in favour of sustainable development
- BV2 – Housing development within Bury St Edmunds

Other Planning Policy:

14. National Planning Policy Framework (2012)

- core principles
- Section 6 – Delivering a Wide Choice of high quality homes
- Section 7 – Requiring Good Design
- Section 12 – Conserving and enhancing the historic environment

Officer Comment:

15. The issues to be considered in the determination of the application are:

- Principle of Development
- Design & Impact on the Conservation Area
- Highways Safety
- Neighbour amenity
- Biodiversity

Principle of development

16. Local Plan Policy BV2 states that within the Housing Settlement Boundaries for Bury St Edmunds, planning permission for new residential development will be permitted where it is not contrary to other policies in the plan. Core Strategy Policy CS1 states that opportunities to use previously developed land and buildings for new development will be maximised through a sequential approach to the identification of development locations in settlements, and that the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. The application site in this case is located within the defined Housing Settlement Boundary of Bury St Edmunds and also comprises brownfield land (currently supporting a domestic garage). As such the principle of residential development is considered acceptable in this case.

More detailed matters relating to design, impact on the conservation area, highway safety, neighbour amenity and biodiversity will be assessed in more detail below.

Design and impact on the Conservation Area

17. Policy CS3 of the Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. The NPPF similarly attaches significant importance to the design of the built environment, stating that decisions should ensure that developments will add to the overall quality of the area, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping (para.58). Local Plan Policy DM17 seeks to ensure that new development within conservation areas has regard to the special character or appearance of their setting and the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para.132).
18. The existing garage on the site is not considered to be of any architectural or historic interest to require its retention in the street scene. The proposed dwelling is of a more modern design when compared to other modern infill developments in the locality which have sought to reflect the Victorian properties in this part of the Conservation Area. The design of the proposed dwelling was raised as a concern at the Delegation Panel meeting. The Conservation Officer does not think it is possible to design a dwelling which would have a traditional appearance when there is a need to provide parking on the site (given the previous dwelling on the site was dismissed at appeal for providing no parking). It would not be appropriate to create an open space within or create an integral garage to accommodate parking on the site for a traditionally designed and detailed dwelling that is typical of the area. The agent has also confirmed that they do not wish to amend the design.
19. The design has been amended in line with the Conservation Officer's comments. The most important consideration is whether the scale and massing of the dwelling is appropriate when assessed within the wider street scene. In this regard the scale, eaves line and proportions of the dwelling are generally consistent with existing built development, albeit the appearance itself, and the fenestration arrangement, are more modern in design. The two storey depth is no greater than the depth of 7b to the north. The Conservation Officer did however, raise concerns about the provision of off street parking which would result in the introduction of an unfamiliar element to this particular part of the conservation area where boundary walls/railings to both historic terraces and the more recent modern development retains a strong sense of enclosure. Efforts to reduce the impact of the provision of off street parking have been successfully made with the introduction of a jetty at first floor level. Whilst this results in a consistent building line at first floor level the ground floor is opened up for off street parking preventing the provision of a boundary to the pavement edge. The plans have been amended to now enclose the frontage with a low wall and railings. The 'garage' area is also now proposed to be enclosed using a sliding timber door. These

amendments are acceptable to the Conservation Officer.

20. The scheme also provides an adequate garden area for the new dwelling as well as remaining garden for No. 63. There are currently two Holly trees towards the front of the site which would require removal in order to accommodate the development. Whilst the trees have some amenity value, this must be balanced against the benefit of the proposed development in terms of improving the overall appearance of the street scene. As such it is considered that a Tree Preservation Order is not warranted in this instance. The concerns of residents and the Town Council are noted, however, having regard to the above, the dwelling, as amended, is considered to be of an appropriate design for its location and would not harm the character or appearance of the Conservation Area.

Highway safety

21. A two storey dwelling on the site was previously refused and thereafter dismissed at appeal on the basis of car parking concerns. The important differences to highlight are that this was for a 3 bed dwelling and there was no on site provision for parking. The principal reason for refusal was on highway safety grounds due to the lack of on site parking provision. This was upheld by the Planning Inspector at appeal.

22. Local Plan Policy DM46 states that within development proposals provision for the parking of vehicles will be required in accordance with the local authority's adopted standards. The current adopted standards are the Suffolk Guidance for Parking adopted in November 2014. The proposed development is a detached two bedroom dwelling and the scheme does make provision for one on-site parking space. The site is in relatively close walking distance of the town centre and is connected to the centre by dedicated cycle routes and bus services along Risbygate Street to the north. The site is therefore in a sustainable location in transportation terms.

23. The Suffolk Guidance for Parking requires a minimum of two car parking spaces for a two bedroom dwelling in the main urban areas and locations where access to public transport is good. The standards, noting that they are 'guidance' rather than 'policy' also make it clear that reductions in these standards are possible, for example in 'main urban areas' where greater use of public transport can be expected. In all cases, the LPA would also seek to rely on a formal consultation with the County Highway Authority in judging whether or not a deviation from the parking standards was or was not appropriate.

24. Albert Street has restricted parking with double-yellow lines along the majority of its east side. There are marked parking bays on both sides of the road which are subject to a Zone H residents permit parking scheme operating from 9am to 5pm on Mondays to Saturdays. All residents are eligible to apply for 2 parking permits. There are also 'H' bar markings at various locations along the street to prevent parking in front of driveways and garages. Albert Street provides a through route between Kings Road and Risbygate Street and is therefore busy at times.

25. Paragraph 39 of the NPPF states that in setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high-emission vehicles. Whilst it is accepted that some journeys from the site could be taken by public transport, walking or cycling, it is considered unrealistic to think that the owner of a two bedroom dwelling will not own a vehicle or need a private car to undertake some journeys. The provision of an additional dwelling in this location without on-site parking would not be acceptable, but now that on site parking is provided, this overcomes previous concerns. The Highways Authority raise no objections to the scheme, so it would be very difficult to substantiate a reason for refusal on this basis noting that in responding on this matter it can be accepted that the County Highway Authority will have considered this matter with some care, particularly in the context of a previous appeal.

Neighbour amenity

26. Policy DM2 states that proposals should not adversely affect residential amenity. The new dwelling does not project beyond the rear wall of No. 7B Albert Street to the immediate north at first floor level. The new dwelling would be sited 0.9m from the boundary with this property. The flat roofed extension which projects beyond the two storey element is single storey with a height of 2.7m and projecting out by 3.3m. There are no side facing windows on the southern side of 7b immediately to the north of the site. Having regard to this relationship and the orientation of the dwellings, the proposal is not considered to significantly reduce sunlight to this neighbouring property or to have an overbearing impact. There are no side facing windows which would overlook the rear gardens of neighbouring properties. The proposal is not therefore considered to cause harm in this respect on amenity grounds.

Biodiversity

27. There are no records of protected or priority species or their habitats on the application site. Whilst there are records of bats in the wider locality, there appears to be minimal opportunity for bats to access the garage building to be demolished and that a survey is not therefore required in this case.

Conclusion:

28. The scheme would preserve and enhance the character and appearance of the Conservation Area by replacing an existing garage of no architectural or historic merit with a dwelling of a modern design considered appropriate to the locality. The development would also deliver residential development within a sustainable location close to local facilities and amenities, and these factors both clearly weigh in favour of the development. The scheme also now provides for onsite parking in accordance with the Council's adopted parking standards. The principle and detail of the development is therefore considered to be acceptable and in compliance with relevant development plan policies and the

National Planning Policy Framework.

Recommendation:

29. It is **RECOMMENDED** that planning permission be **Approved** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
1964.02B – Existing plans
1964.03F – proposed plans
1964.04 – Proposed section
Reason: To ensure the satisfactory development of the site.
3. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
Reason: To protect the amenity of the area.
4. The use shall not commence until the area(s) within the site shown on drawing No 1964.03F for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
5. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM03; and with an entrance width of 3 metres. Thereafter the access shall be retained in the specified form.
Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.
6. Prior to the new development hereby permitted being first occupied, the improved access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

7. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: It is considered necessary to impose a pre-commencement condition so that any potential safety issues can be resolved prior to construction. This will ensure the prevention of hazards caused by flowing water or ice on the highway in the interests of road safety.

8. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splReason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

9. Prior to their use/installation, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:
- sample of external materials and finishes (to include timber boarding)
 - Manufacturer's details of windows and doors (on the basis they are to be as detailed in the proposal - i.e. aluminium), including colour and finish.

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and to safeguard the character and appearance of the Conservation Area.

10. Within 2 months of commencement of development details of all boundary treatments (including front railing details at a scale of 1:2 elevation and 1:1 cross section) shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences/railings to be constructed or erected. The approved details shall be constructed or erected before the development to which it relates is first occupied.

Reason: To ensure the satisfactory development of the site and to safeguard the character and appearance of the Conservation Area.

11. The bin and cycle storage provision shown within the rear garden on drawing 1964.03F shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins and cycles are not stored on the highway causing obstruction and dangers for other users.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NVFLYMPDKNE00>

Case Officer: Sarah Drane

Date: 16.12.2015