



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/20

Development Control Committee

3 March 2016

Planning Application DC/15/2245/OUT

Land between 4 and 8 Norfolk Road, Bury St Edmunds, IP32 6AY

| | | | |
|----------------------|--|------------------------|----------------|
| Date | 9 November | Expiry Date: | 4 January 2016 |
| Registered: | 2015 | | |
| Case Officer: | Marianna Christian | Recommendation: | Grant |
| Parish: | Bury St Edmunds | Ward: | Northgate |
| Proposal: | Outline Planning Application (All Matters Reserved) - 7 no. dwellings. | | |
| Site: | Land between 4 and 8 Norfolk Road, Bury St Edmunds, IP32 6AY | | |
| Applicant: | Mr John George | | |

Synopsis:

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

CONTACT CASE OFFICER:

Email: marianna.christian@westsuffolk.gov.uk

Telephone: 01284 757351

Background:

This application is presented to the Development Control Committee following consideration by the Delegation Panel. The application was referred to the Delegation Panel at the request of the Ward Member. Bury Town Council have no objection to the proposal based on the plans received.

A Committee site visit will be undertaken on Thursday 25th February 2016.

Proposal:

1. Outline planning permission is sought for the erection of 7 no. dwellings. All matters are reserved at this stage and therefore the application is seeking to establish the principle of residential development at this scale on the site.
2. An indicative layout has been submitted to demonstrate how the site could accommodate 7 no. dwellings, with 4 units fronting onto Norfolk Road and a further 3 units to the rear of these. The 3 dwellings towards the rear of the site are stated to be single storey properties. The development would utilise two existing accesses onto Norfolk Road and an additional new access is also proposed.
3. This is however an outline planning application with all matters reserved, and access, appearance, landscaping, layout and scale are not therefore for consideration as part of this application. As such an alternative proposal for 7 dwellings might reasonably come forward as part of a reserved matters application.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Application Form
 - Site Plan
 - Block Plan
 - Tree Survey, AIA & Protection Plan

Site Details:

5. The site comprises a large parcel of land between numbers 4 and 8 Norfolk Road and currently forms part of the garden area to number 8. There is close-boarded fencing and established hedging along the site boundaries and the land falls from west to east. The site is located within the housing settlement boundary for Bury St. Edmunds.

Planning History:

6. SE/12/1110/OUT Outline Planning Application - For three detached houses and vehicular accesses. Granted 02.10.2012.
7. SE/08/1650 Outline Planning Application - Erection of 3 no. detached dwellings and vehicular accesses. Granted 22.01.2009.
8. SE/04/3845/P Outline Planning Application - Three detached houses and vehicular access. Granted 04.01.2005.
9. SE/01/3383/P Outline Planning Application - Three detached houses and vehicular access. Granted 08.01.2002.

Consultations:

10. Bury Town Council – No objection based on information received.
11. Environment Team – Contaminated Land: Condition recommended to secure appropriate investigation and remediation.
12. Public Health and Housing: No objection.
13. County Archaeological Service: Conditions recommended to secure appropriate investigation.
14. County Highway Authority: Note significant difference in levels between site boundary and edge of carriageway. Conditions recommended regarding layout, gradient and surfacing of access, bin storage, surface water drainage, manoeuvring and parking areas including secure cycle storage and visibility splays.
15. Suffolk Fire and Rescue Service: Advisory comments provided regarding access for fire appliances and firefighters. No additional water supply for fire fighting purposes is required. Recommends consideration be given to provision of an automatic fire sprinkler system.
16. Strategic Housing: Support application in principle including provision of 2 no. two-bedroom bungalows as affordable units. Providing garages with them may however increase rent for tenants, and developer will need to discuss this with chosen 'Registered Provider' at an early stage.

Representations:

17. Ward Member (Northgate) Councillor Hind:
 - 7 dwellings is overdevelopment of the site.
 - Density and layout will alter balance and rhythm of existing properties.
 - On street parking in Norfolk Road will inevitably occur, impairing visibility for vehicles accessing and leaving existing properties and causing accidents.
 - Road already suffers traffic problems arising from people using it as

short cut.

- If allowed this could open up possibility of other people seeking to utilise their land for development.

18. Councillor Wakelam:

- Object as a resident of Northgate Avenue and member for adjoining ward.
- 7 dwellings is overdevelopment of the site and inappropriate for this road, characterised by larger houses and large gardens.
- Will increase pressure of traffic on a road which, with Northgate Avenue, is already subject to increasing traffic particularly from rat runners.

19. Neighbours:

Letters of representation have been received from numbers 2, 4, 7, 11 and 25 Norfolk Road and numbers 54 and 55 Avenue Approach making the following summarised objections:

- Out of character with existing dwellings and detrimental to the street scene.
- Overdevelopment of the site.
- Insufficient parking spaces provided, visitors likely to park in Norfolk Road.
- New private drive would limit parking on Norfolk Road and be detrimental to the area.
- Layout does not identify visibility splays for access.
- Already traffic congestion problems on Norfolk Road at peak times.
- Will impact on rear outlook of surrounding properties.
- Possibility of overlooking and lack of privacy to close properties seem to have not been considered.
- Plot 4 will tower over 4 Norfolk Road due to difference in site levels.
- Norfolk Road is inappropriate location for affordable housing.
- Access arrangement is different to that previously approved under SE/12/1110/OUT.
- If approved a restriction should be imposed to prevent access to 115 Fornham Road from the new private drive.
- Query whether public utilities are capable of accommodating the development.
- Would set precedent for similar proposals.
- Would enable further development within garden areas by extending the private drive.
- Priority should be to develop scruffy brownfield sites before permitting backfill in well established attractive streets.
- No neighbour/community consultation was carried out prior to the application.
- My application for an annex was refused due to setting a precedent for misuse of large gardens and rear access lanes.

A letter of representation has also been received from 2 Avon Court, Tollgate Lane making the following summarised comments:

- No objections provided that Plots 5, 6 and 7 do not later become houses instead of bungalows as my house is at the rear of these

and sits 4.5-5' lower.

- Request no building work carried out after 12pm on a Saturday or on Sundays as noise levels will be considerable.

Policy: The following policies have been taken into account in the consideration of this application:

20. St Edmundsbury Core Strategy (December 2010):

- Policy CS1 – St Edmundsbury Spatial Strategy
- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness
- Policy CS4 Settlement Hierarchy and Identity

21. Bury St Edmunds Vision 2031 (September 2014):

- Policy BV1: Presumption in Favour of Sustainable Development
- Policy BV2: Housing Development within Bury St Edmunds

22. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places – Development Principles and Local Distinctiveness
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

Other Planning Policy:

23. National Planning Policy Framework (2012).

24. National Planning Policy Guidance.

Officer Comment:

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

- Legislative context for outline applications
- Principle of development
- Affordable housing
- Amount of development and impact upon surrounding area
- Highway safety
- Residential amenity
- Section 106 matters

Legislative context for outline applications

26. This application is for outline planning permission with all matters reserved for subsequent consideration, these being access, appearance, landscaping, layout and scale. The National Planning Practice Guidance (NPPG) confirms that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the

subsequent approval of one or more 'reserved matters'.

27. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

28. An application for outline permission does not need to give details of any reserved matters, albeit information is often provided at the outline stage in 'indicative' fashion to demonstrate that the site is capable of accommodating the level of development proposed. Where access is a reserved matter the application for outline planning permission must state the area or areas where access points to the development proposal will be situated.

29. Under Section 92 of the Town and Country Planning Act 1990, applications for approval of reserved matters must be made within a specified time limit, normally three years from the date outline planning permission was granted. Applications may be made either for all reserved matters at once, or individually. Even after details relating to a particular reserved matter have been approved, one or more fresh applications can be made for the approval of alternative details in relation to the same reserved matter. Once the time limit for applications for approval of reserved matters has expired however, no applications for such an approval may thereafter be submitted.

30. In this instance it is important to understand what is being considered in the application, as a number of concerns have been raised about elements of the development that can only be considered at reserved matters stage, if outline planning permission were to be granted. Noting the scope of applications for outline permission outlined above, it is important to look solely at the principle of residential development of the site at this scale (being 7 no. dwellings) and whether this accords with adopted planning policy.

Principle of development

31. The site is located within the housing settlement boundary for Bury St Edmunds where Policy BV2 of the Bury St Edmunds Vision 2031 document states that planning permission for new residential development will be granted where it is not contrary to other planning policies. The Vision document states that there is a significant demand for new housing in Bury St. Edmunds to meet the needs of existing residents and a growing population. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and Policy BV1 of the Vision document states that when considering development proposals, the Council will take a positive approach that reflects this.

32. The application site comprises part of the garden of no. 8 Norfolk Road. The NPPF excludes private residential gardens from the definition of 'previously developed land' and states in paragraph 53 that LPAs should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the NPPF does not preclude residential developments on existing garden land but highlights that such proposals should be considered having regard to local distinctiveness.

33. The Joint Development Management Policies Document continues this theme in policy DM2(d) which states that proposals should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. The garden in this case however is enclosed by 2.5 metre high close-boarded fencing along its southern boundary with Norfolk Road and is not considered to make a significant contribution to the street scene. This is evidenced by the previous outline planning permissions granted to develop the land immediately between numbers 4 and 8 Norfolk Road in 2002, 2005, 2009 and most recently in 2012 (see paragraphs 6-9 of this report).

34. Therefore whilst the application proposes the development of the garden associated with no. 8 Norfolk Road, this is not precluded by either national or local policy as it is considered that the garden does not make a significant contribution to the character or appearance of the settlement. The proposal would contribute to the supply of housing in Bury St Edmunds and is located in a generally sustainable location where development is encouraged within Policy BV2 and the NPPF.

35. Having regard to the above, it is considered that the residential development of this site accords with adopted planning policy and is acceptable in principle.

Affordable housing

36. The proposal includes the provision of two affordable homes in accordance with Policy CS5 of the St Edmundsbury Core Strategy. The Council's Housing Strategy and Enabling Officer has advised that 2 no. two-bedroom properties would be appropriate together with a commuted sum with the precise amount of such being agreed at a later date should outline planning permission be granted. Concerns have been raised by local residents that affordable housing would not be appropriate in this location, however, Core Strategy Policy CS5 requires developers to integrate land for affordable homes within sites where housing is proposed to ensure that affordable housing is provided and comes forward in parallel with market homes. As such the proposal accords with Policy CS5 subject to the completion of a S106 Agreement.

Amount of development and impact upon surrounding area

37. A layout plan has been submitted to show how the site could be developed to provide a total of 7 no. dwellings. This shows 4 no. semi-detached two-storey dwellings fronting onto Norfolk Road (Plots 1-4) with 2 no. semi-detached bungalows (Plots 5 and 6) and 1 no. detached bungalow (Plot 7) sited directly behind these. It is important to note however that scale and layout are reserved matters in this case and do not therefore form part of the application under consideration. As such the layout plan provided is for indicative purposes only, to demonstrate how the number of dwellings proposed could be arranged on the site.

38. Concerns have been raised locally that the density and layout of the development would be out of character with existing housing in Norfolk Road and would be harmful to the street scene. The predominant pattern of development in Norfolk Road comprises dwellings fronting the highway with deep gardens, and it is acknowledged that the scheme therefore represents a departure from this existing character by including an element of 'backland' development, with Plots 5, 6 and 7 sited behind Plots 1, 2, 3 and 4. An alternative arrangement could be proposed at reserved matters stage were outline permission to be granted. Clearly any proposal for 7 no. dwellings on this site however would include an element of 'backland' development in order to achieve this amount of development on the land concerned.

39. 'Backland' development can be problematic in both character and amenity terms. Tandem development in particular, where a new dwelling is sited directly behind an existing dwelling, can disrupt a street scene if characterised by primarily linear development, and can also give rise to mutual overlooking between properties and noise or disturbance where a new vehicular access is sited close to neighbouring dwellings.

40. The site in this case however comprises a substantial area of land,

significantly larger than other gardens in Norfolk Road. It is also unusual in terms of its form, extending to the side as well as to the rear of No. 8 and directly bounding the highway. The application suggests that Plots 1-4 fronting Norfolk Road could be two-storey in scale with Plots 5-7 behind being bungalows. Whilst the proposal includes an element of 'backland' development, the indicative layout is considered to represent an efficient use of this large piece of land in what is a highly sustainable location, without material adverse impact upon the character and appearance of the area. The layout plan submitted demonstrates that the site can accommodate 7 no. dwellings with good sized gardens and an appropriate level of parking in a manner that would be acceptable in amenity terms, both for future occupiers of the development and existing neighbouring properties. Whilst it is acknowledged that the scheme differs from the existing pattern of development in Norfolk Road, it is not uncommon for predominantly linear development to be punctuated by small cul-de-sac developments in this way. The proposal represents a comprehensive development of the site with a cluster of dwellings which will have their own inherent character as a small development, and the 'backland' aspect of the proposal is not considered to be harmful in this case.

Highway safety

41. As this is an outline application with all matters reserved, including access, the application is only required to state the area(s) where access points to the development will be situated. The indicative layout plan submitted shows a new access onto Norfolk Road with a private drive to serve Plots 5, 6 and 7 at the rear of the site. Plots 1-4 would be served by two existing accesses. These are not currently in use although there are dropped kerbs and gates within the boundary fencing in these locations. The County Highway Authority has raised no objections to the access arrangements shown, subject to appropriate conditions.

42. Concerns have been raised locally regarding existing parking issues and traffic congestion in Norfolk Road. Whilst the detail of the parking provision for the development does not fall to be considered under this application, with layout being a reserved matter, the indicative plan submitted shows that 7 no. dwellings can be accommodated on the site each with its own parking area and garage, sufficient to meet the relevant standards within adopted parking guidance. It is acknowledged that the development would increase vehicle movements on Norfolk Road and that the accesses to serve the dwellings would reduce the opportunity to park along the north side of Norfolk Road, however, the County Highway Authority has not objected to the proposal. It is considered therefore that a refusal of planning permission on highway safety grounds could not reasonably be substantiated in this case.

Residential amenity

43. The scale and layout of the development are reserved matters, and as such there are no detailed plans of the proposed dwellings at this stage. It is likely that any dwellings towards the rear of the site would need to be single storey in scale in order to achieve an acceptable relationship both

with numbers 4 and 8 Norfolk Road adjacent and with any dwellings at the front of the site, however, this would fall to be considered at reserved matters stage should outline permission be granted. The ground levels across the plot vary and concerns have been raised about the relationship between Plot 4 and no. 4 Norfolk Road. This would also be addressed at reserved matters stage where full details of existing and proposed ground levels and finished floor levels would be required in addition to detailed drawings of the dwellings including their relationship to existing buildings. Overall officers are satisfied that the site can accommodate the amount of development proposed without materially harming the amenities of existing neighbouring properties.

Section 106 matters

44. Policy CS5 of the Core Strategy requires 20% of dwellings to be affordable where sites are 0.3 hectares and above. This would amount to 2.1 units in this case. The scheme includes 2 affordable dwellings as part of the development and a commuted sum is sought for the remaining 0.1 unit (calculated pro rata) in accordance with the Council's Affordable Housing SPD.
45. The Council's Legal department is in the process of drawing up a Section 106 agreement to secure the above.

Other matters

46. The application is accompanied by a Phase 1 Desk Study and Preliminary Risk Assessment in respect of land contamination. The Council's Environment Team has recommended that a limited intrusive investigation be carried out to determine the extent of any potential contamination. This can be secured by condition.
47. The site lies within an area of archaeological potential and the County Archaeological Service has recommended that appropriate investigation and recording is secured by condition.

Conclusion:

48. The application has been submitted in outline form with all matters of detail to be reserved for further applications. The application therefore seeks only to establish the principle of residential development of 7 no. dwellings on this site. Officers are satisfied that the principle of the development is acceptable and is in full compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that delegated authority be granted to officers to grant outline planning permission subject to the applicant first entering into a Section 106 agreement in respect of affordable housing.

Any such approval to thereafter be granted by officers to also be subject to the following conditions:

- 1) 1B Time Limit Outline
- 2) 2A Reserved Matters – none submitted with outline
- 3) 4F Facing and Roofing Materials
- 4) 6B Archaeological Investigation
- 5) 12B Details of Boundary Treatment
- 6) 14A Levels and Roof Heights
- 7) 14F Compliance with Plans
- 8) 15A Contamination
- 9) 18(0)E Access to Accord with Drawing No. DM03 with entrance width of 4.5 metres
- 10) 18(0)H Access Gradient (amended to 1 in 12)
- 11) 18(0)I Access Gradient 1 in 8
- 12) 18(0)J Existing Access to be Surfaced
- 13) Details of areas for bin storage TBA
- 14) 18(0)N Means to Prevent Discharge of Surface Water
- 15) 18BB Details of Parking/Manoeuvring
- 16) 18(0)Q Clear Visibility to be Provided
- 17) 21A Foul Water Drainage
- 18) 21B Surface Water Drainage

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=NXDWI7PD LAX00>

Case Officer: Marianna Christian

Tel. No. 01284 757351