

# Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 SEPTEMBER 2016**

**DEV/FH/16/026**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/16/0723/FUL – 35 KINGSWAY, MILDENHALL**

## **Synopsis:**

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

## **Recommendation:**

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

## **CONTACT OFFICER**

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# Committee Report

**Date** 11 April 2016

**Expiry Date:** 6 June 2016

**Registered:**

EoT 19 August 2016

**Case** Marianna

**Recommendation:** Grant

**Officer:** Christian

**Parish:** Mildenhall

**Ward:** Market

**Proposal:** Planning Application DC/16/0723/FUL - Dwelling adjoining No. 35 Kingsway

**Site:** 35 Kingsway, Mildenhall

**Applicant:** Ms C Spraggins

## **Background:**

**This application is referred to the Development Control Committee following consideration by the Delegation Panel.**

**It was referred to the Delegation Panel as the Parish Council has objected to the application and the Officer recommendation is one of approval.**

**A site visit is scheduled to take place on Monday 5 September 2016.**

## **Proposal:**

1. Planning permission is sought for the erection of a two-storey 3-bedroom dwelling. The dwelling would be attached to No. 35 Kingsway, providing an end-terraced property, and would use the existing vehicular access which would become shared between both properties. To the rear of No. 35 and the new dwelling it is proposed to provide a shared parking area.
2. The application has been amended since submission to clarify the treatment of the front (south) and side (east) boundaries following concerns raised by both the Parish Council and the County Highway Authority.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Application Form
  - Design and Access Statement
  - Land Contamination Questionnaire
  - Groundsure Homebuyers report

- Plans

### **Site Details:**

4. The application site comprises part of the garden area of No. 35 Kingsway - a semi-detached house located in a residential area and within the housing settlement boundary of Mildenhall. There is an existing vehicular access on the east side of No. 35, beyond which is a footpath leading to Peterhouse Close to the north.

### **Planning History:**

5. None relevant to the current proposal.

### **Consultations:**

6. County Highway Authority:  
*Initial comments* – Additional information required. Boundary unclear between driveway and public footpath. Measures to protect boundary and users of footpath required. Details of how railing at end of footpath will be protected from vehicles using the driveway required. Recommend refusal in the absence of this information.  
*Further comments* – Conditions recommended regarding layout and surfacing of access, bin storage, surface water drainage and manoeuvring and parking.
7. Environment Team: Based on submitted information am satisfied that the risk from contaminated land is low.
8. Public Health & Housing: Conditions recommended regarding construction hours, burning of waste and external lighting.

### **Representations:**

9. Councillor Bowman: Concerned regarding the limited space within the site for car parking which will be shared by two family units, and the greater potential for vehicles to have to reverse out onto Kingsway.
10. Parish Council: Object due to the safety and access close to the pathway and the proposed crossing next to the property.
11. A representation has been received from the occupier of No. 33 Kingsway making the following summarised comments:
  - Query whether sufficient room for 4 vehicles as shown.
  - Concern that vehicles may park on grass verge/pavement in front of property, damaging the verge, blocking pedestrian access and limiting visibility for pedestrians crossing the road and for vehicles using the driveway.
  - Query whether conditions can be imposed to prevent parking on pavement/verge.

**Policy:**

12. The following policies have been taken into account in the consideration of this application:
13. Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-2026 (May 2010):
  - Policy CS1 Spatial Strategy
  - Policy CS5 Design Quality and Local Distinctiveness
  - Policy CS7 Overall Housing Provision (sub-paragraph 1 only)
  - Policy CS10 Sustainable Rural Communities
14. Forest Heath Local Plan (1995) Saved Policies:
  - Inset Map 2 - Mildenhall
15. 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/Guidance:**

16. National Planning Policy Framework (2012)
17. Planning Practice Guidance

**Officer Comment:**

18. The issues to be considered in the determination of the application are:
  - Principle of development
  - Design and impact on the area
  - Highway safety
  - Residential amenity

Principle of development

19. The site is located within the town of Mildenhall which Core Strategy Policy CS1 identifies as being one of the key areas for development. The application site currently comprises part of the garden of No. 35 Kingsway, and it is noted that the NPPF excludes private residential gardens from the definition of 'previously developed land'. The NPPF 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. This approach is reflected in Policy DM2 of the Council's Joint Development Management Policies Document.

20. Having regard to the above, it is considered that the residential development of this site is acceptable in principle.

#### Design and impact on the area

21. The proposed dwelling is of a simple design which is considered to be in keeping with the existing property that it would adjoin. The dwelling has a bay window on the ground floor to match both No. 35 and 33 adjacent and would also be finished in similar materials. There are a variety of dwelling types and styles along Kingsway including terraced properties, and the proposal would not therefore appear out of character in this respect. The scheme is considered to provide an acceptable private amenity space for the new dwelling, commensurate with its modest scale, whilst also retaining an appropriately sized garden for No. 35. The dwelling would be positioned broadly in line with No. 35 and would leave adequate space for a shared driveway to the east leading to a generously sized parking and turning area. Overall the development is considered to be of an acceptable design and would not harm the character or appearance of the area.

#### Highway safety

22. The agent has provided an amended plan to address the initial queries and concerns raised by both the Parish Council and the County Highway Authority regarding the proposal.
23. No. 35 Kingsway has an existing vehicular access which would become a shared access to also serve the proposed dwelling. The access is to be widened slightly by the removal of a section of wall along the front boundary. The remaining wall here is to be replaced with a new wall that is only 600mm high to provide adequate visibility. On the east side of the access the existing brick wall is to be extended in order to protect the existing adjacent railings at the end of the public footpath, preventing conflict between vehicles and pedestrians in this location. This new section of wall would again be 600mm in height. The amended plan also shows that several overgrown bushes in this location will be removed, further improving visibility for pedestrians entering Kingsway from the footpath. Although the Parish Council has maintained its objection to the application on highway safety grounds, the County Highway Authority is now satisfied with the proposals. The scheme includes appropriate improvements to the existing access, having regard to its increased use serving an additional dwelling, and also provides an appropriate level of parking within the site for both dwellings. As such it is not considered that a refusal of planning permission could reasonably be substantiated on highway safety grounds in this case.

### Residential amenity

24. The dwelling would be slightly taller than No. 35 due to its differing roof form but would also be set back from the existing dwelling so as not to appear overly dominant. No windows are proposed in the west elevation overlooking No. 35 and there is a good degree of separation between the proposed dwelling and No. 39 to the east, with a public footpath also separating the two. As such the proposal is not considered to raise any adverse issues in terms of residential amenity.

### **Conclusion:**

25. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

26. It is recommended that planning permission be **GRANTED** subject to the following conditions:

1. Time limit
2. Compliance with plans
3. Dwelling - materials and colour finishes to match No. 35
4. Boundary walls – materials to be agreed
5. Hours of construction (as recommended by Public Health & Housing)
6. Removal of PD rights for new openings on west elevation
7. Access improvements as per Highways requirements
8. Surfacing of access to be agreed
9. Bin storage area to be provided and retained
10. Surface water drainage to be agreed
11. Parking and turning areas to be provided and retained

### **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=O59JO4PDGGA00>