



*St Edmundsbury*  
BOROUGH COUNCIL

**DEV/SE/16/68**

# **Development Control Committee**

## **6 October 2016**

### **Planning Application DC/16/1618/FUL**

### **Rowan House, Albert Street, Bury St Edmunds**

**Date:** 9 August, 2016      **Expiry Date:** 4 October, 2016  
**Registered:** (extension of time agreed until 7 October)

**Case Officer:** Jonny Rankin      **Recommendation:** Refuse

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

**Proposal:** Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence (Revised scheme of DC/15/1975/FUL)

**Site:** Rowan House, Albert Street, Bury St Edmunds

**Applicant:** Mr Barney Walker

**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.

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## **Background:**

**This application is referred to the Committee because the Officers' recommendation of refusal conflicts with the no objection received from the Town Council. In other circumstances this matter would have gone before the Delegation Panel but given the history of this site Officers have brought this directly to the Development Control Committee for consideration.**

## **Proposal:**

1. Planning permission is sought for 1 no. two storey dwelling following demolition of an existing garage and boundary fence. The proposal is a revised scheme of DC/15/1975/FUL which also sought permission for a single dwelling. That permission provided for a dwelling of more modern appearance with a single off-road car parking space. This present proposal does not provide for any off-road car parking.
2. The detached dwelling is proposed 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 further two storey element extending to the rear. The dwelling is of a traditional design and would be finished in buff brick, buff coloured stone and with a slate roof.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Application Form
  - Location Plan
  - Proposed Elevations
  - Existing and Proposed Block Plan
  - Biodiversity Checklist
  - Land Contamination Questionnaire.
  - Parking Survey

## **Site Details:**

4. The site is situated to the rear of 63 Victoria Street, within the Housing Settlement Boundary and Victoria Street Conservation Area; there is currently garage in situ. An extant consent exists for the location allowing for 1 no. two storey dwelling following demolition of existing garage and boundary fence (DC/15/1975/FUL). This consent has not been implemented.

## Planning History:

Reference	Proposal	Status	Decision Date
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.	Application Refused and dismissed at appeal	28.04.2014
DC/15/1975/FUL	Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence.	Application Granted	04.02.2016
DCON(A)/15/1975	Application to Discharge Condition 7 of DC/15/1975/FUL	Application Granted	25.08.2016

## Consultations:

5. Public Health and Housing: no objection subject to conditions.
6. Environmental Agency: we have no comments to make on the revised scheme.
7. Environmental Health: Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.
8. Conservation Officer: The amended proposal details a traditional approach to mirror that adopted along Albert Street in recent years and involves the removal of off-street parking enabling the provision of a traditional boundary wall and railings enforcing a strong sense of enclosure characterised elsewhere within the conservation area. I therefore have no objections to the revised proposal subject to conditions.
9. Highway Authority: *Notice is hereby given that the County Council as Highways Authority recommends that permission be refused for the following reasons: Inadequate Parking Provision. The application seeks to provide a 3-bedroom dwelling on the site of the former garage at 63 Albert Street, now known as Rowan House, Albert Street. The demolition of this garage will remove one parking space. The Suffolk Guidance for Parking – 2015 (SGP) requires the following:*

- For a three bedroom dwelling, 2 spaces per dwelling are to be provided within the curtilage; and
- A minimum of 2 secure covered cycle spaces.

10. From the submitted plans no on-site parking has been provided. Whilst the SGP allows for a reduction in standards in some circumstances, subject to certain conditions, for a 3-bedroom dwelling 2 parking spaces must be provided. Paragraph 32 of the National Planning Policy Framework (NPPF) requires decisions to take account of "safe and suitable access to the site can be achieved by all". Albert Street is subject to a resident's parking scheme which is heavily used with parking at peak periods extremely difficult. H markings and double yellow lines highlight the issue of on street parking at this location and how Albert Street cannot support any additional on-street parking.

11. Despite the double yellow line waiting restrictions, the use of H markings and the presence of the residents parking scheme, this proposal would very likely result in obstructive and dangerous parking on Albert Street and the surrounding streets. Paragraph 32 of the NPPD seeks to ensure that all developments should have safe and suitable access for all people. Access to appropriate parking facilities is an important part of that aim. In this case that aim would not be fulfilled and consequently the development would not be sustainable and result in an unacceptable risk to road safety.

12. In mitigation, if a plan is supplied which demonstrates sufficient parking as set out within the SGP then SCC Highways can reconsider this application.

### **Representations:**

13. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues.

14. Ward Member: Cllr Nettleton - Supports the application and contests the Highways Authority reasons for refusal. Has provided a Zone H parking space survey dated 4 September 2016 (plus previous surveys of 3 January and 24 January 2016).

15. Neighbours: letters of representation were received from 6 no. neighbouring properties objecting upon the following grounds:

- Lack of parking provision.
- Removal of trees.
- Highway safety.
- Hours of construction works.

**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:

16. Joint Development Management Policies Document:
- DM1 - Presumption in favour of sustainable development
  - DM2 – Creating Places
  - DM17 – Conservation Areas
  - DM22 – Residential Design
  - DM46 – Parking Standards
17. 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
18. Bury Vision 2031
- BV1 – Presumption in favour of sustainable development
  - BV2 – Housing development within Bury St Edmunds

**Other Planning Policy:**

19. 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:**

20. 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

21. 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). Permission has also previously, and recently, been granted on this site for a single dwelling. As such the principle of residential development is considered acceptable in this case.

22. Further 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

23. 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).

24. As per the Conservation Officer comments the proposal is considered to; *'mirror that adopted along Albert Street in recent years and involves the removal of off street parking enabling the provision of a traditional boundary wall and railings enforcing a strong sense of enclosure characterised elsewhere within the conservation area'*. Therefore the scheme is considered acceptable in Conservation terms. This acceptable impact is considered to be a factor which weighs in favour of the proposal therefore.

#### 25. Highway safety

26. A two storey dwelling on the site was previously refused and thereafter dismissed at appeal on the basis of car parking concerns. The important point to highlight is that this was also for a 3 bed dwelling and as with the current proposal made 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.

27. As per the Inspector's decision Appeal Ref APP/E3525/A/14/2220489:

*In conclusion, I have found that the development would generate a requirement for a maximum of 1 off-street car parking space, in accordance with the Suffolk Advisory Parking Standards (2002). However, the main parties agree that the proposed 3 bedroom dwelling would generate a demand for two cars. While holders of parking permits for Zone H could park anywhere within the zone, due to the existing deficit of on-street parking spaces in Albert Street, for the above reasons I conclude that a family dwelling would be likely to result in an increased demand for on-street parking which in these circumstances is likely to lead to illegal parking, which in turn would be hazardous to other road users and pedestrians'.*

28. Whilst the County Parking Standards referenced have been superseded

(by The Suffolk Guidance for Parking – 2015 (SGP)), this recent appeal decision still stands and forms an essential material consideration. In any event, the present parking standards are more stringent than they were at the time of the previous appeal decision so the conclusions of the Inspector remain valid.

29. A further proposal DC/15/1975/FUL addressed this point and accordingly gained planning permission by including for off-street parking. This permission, for a single dwelling, remains extant and could be built.
30. In considering the current proposal, the lack of car parking is therefore a material consideration. Local Plan Policy DM46 states that within development proposals provision for the parking of vehicles will be required in accordance with the local authorities adopted standards. The Suffolk Guidance for Parking requires a minimum of two car parking spaces for a three 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.
31. 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.
32. 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 is not acceptable, as such and as evidenced by appeal decision APP/E3525/A/14/2220489 and by the latest comment from SCC as Highway Authority, upon which great weight must be placed.
33. The Highways Authority objection to the scheme must be respected, and this must be taken as weighing significantly against the scheme in the balance of considerations.

### Neighbour amenity

34. 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

35. 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:**

36. 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 traditional design considered appropriate to the locality, and by the use of appropriate boundary treatments and suitable enclosure. 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.
37. However, in omitting the off-street parking the scheme fails to provide for onsite parking in accordance with the Council's adopted parking standards. This is a significant matter, which is considered to outweigh and benefit arising from this scheme.
38. The detail of the development is therefore considered to be unacceptable and fails to comply with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

- 1. Paragraph 32 of the National Planning Policy Framework (NPPF) requires decisions to take account of "safe and suitable access to the site can be achieved by all". Albert Street is subject to a resident's parking scheme which is heavily used with parking at peak periods extremely difficult. H markings and double yellow lines highlight the issue of on street parking at this location and how Albert Street cannot support any additional on-street parking. Despite the double yellow line waiting restrictions, the use of H markings and the presence of the residents parking scheme, this**



**proposal would very likely result in obstructive and dangerous parking on Albert Street and the surrounding streets. Paragraph 32 of the NPPF seeks to ensure that all developments should have safe and suitable access for all people. Access to appropriate parking facilities is an important part of that aim. In this case that aim would not be fulfilled and consequently the development would not be sustainable and result in an unacceptable risk to road safety.**

**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=OAXBQPPDIL600>

Case Officer: Jonny Rankin

Date: 19 September, 2016