



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/76

Development Control Committee 3 November 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 1 December 2016)
Case Officer:	Jonny Rankin	Recommendation:	Grant permission
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.

CONTACT CASE OFFICER:

Email: jonny.rankin@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application was referred to the Development Control Committee on 6 October 2016 because the Officer recommendation at that time of refusal conflicted 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 decided to present this directly to the Development Control Committee for consideration.

At the meeting on 6 October Committee members resolved they were 'minded to approve' which resulted in the Decision Making Protocol being invoked which would require a Risk Assessment Report to be brought back to members at a future meeting. In correspondence following the October meeting Officers have negotiated an alternative solution that will ensure the provision of additional on-street parking spaces in the vicinity of this development. This can be secured through the imposition of conditions, as agreed with the applicant and the County Highway Authority.

Members will note therefore that the recommendation now before the Committee is one of approval and that on this basis no Risk Assessment Report is presented.

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, but by way of Grampian Condition has secured on-street car parking space(s).
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: as per the background preamble to this report in correspondence with the applicant Officers have negotiated and agreed two conditions to be applied to any consent which stop-up the existing access from the street and which secure up to 2no additional off street car parking spaces on Alert Street. This has allowed the Highway Authority to withdraw their objection, which had formed the basis of the previous Officer recommendation for refusal at the October Development Control Committee.

Representations:

10. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues.
11. One of the Ward Members: Cllr David 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).
12. 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:

13. Joint Development Management Policies Document:

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

14. 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

15. Bury Vision 2031

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

Other Planning Policy:

16. 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:

17. 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

18. 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.

19. 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

20. 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).

21. 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.

22. Highway safety

23. 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.

24. 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'.

25. 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.

26. 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.

27. In considering the current proposal, now updated to include for the

provision of on street car parking space(s), whilst not explicitly in line with the SGP, up to two additional on street car parking spaces can be secured within parking Zone H on Albert Street. The specific detail of these is not known, and will be agreed through the conditions proposed below. However, the Highway Authority have confirmed that they are satisfied from a highway safety and engineering perspective that up to two spaces, and at least one, can be provided, at the developer's expense, along Albert Street without adverse consequences on visibility or highway safety.

28. As such, the Highway Authority has removed the previous holding objection and the increased demand for on-street parking which (likely to lead to illegal parking) can be considered to have been addressed or at least alleviated by this additional provision. A condition is proposed which is worded to the effect that development cannot proceed until details have been determined, and cannot be occupied until the spaces have been provided. This is a wholly reasonable style of condition. Accordingly, subject to Conditions, Suffolk County Council as Highway Authority have no objections to the proposal.

Neighbour amenity

29. 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

30. 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:

31. 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.
32. 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.

33. 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.

Conclusion

34. 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 on street parking subject to condition and in agreement with County Highways. 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:

It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions:

1. 01A Time Limit Detailed
2. 14F Compliance with Plans
3. NS Demolition and construction timings
4. NS Access stopped up

All means of vehicular access within the frontage of the application site shall be permanently and effectively "stopped up" and footway reinstated, in a manner which previously shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

5. NS Additional parking bay(s)

A scheme for the provision of additional parking bay(s) and associated works on Albert Street (or in close proximity in the same parking zone) shall be implemented in its entirety prior to the first occupation of the development in a manner which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to provide additional parking on street, without which the development would be detrimental to highway safety.

6. NS External materials and finishes
7. NS Boundary treatments
8. NS Bin and cycle storage provision

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: 25 October, 2016