



*St Edmundsbury*  
BOROUGH COUNCIL

**DEV/SE/17/06**

# **Development Control Committee Report 5 January 2017**

**Planning Application: DC/16/2319/FUL  
Acorn Lodge, Sandy Lane, Bury St Edmunds**

**Date:** 14 October 2016      **Expiry Date:** 9 December 2017

**Registered:**

**Case Officer:** Ed Fosker      **Recommendations:** Approve

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

**Proposal:** Planning Application - 2 no. dwellings.

**Site:** Acorn Lodge, Sandy Lane, Bury St Edmunds  
Suffolk

**Applicant:** Livens Property Care Limited - Mr Mark Livens

**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: Ed Fosker  
Email: Edward.fosker@westsuffolk.gov.uk  
Telephone: 01638 71943

## **Background:**

**This application is presented to the Committee as it relates to a locally contentious application. In this scenario therefore, and noting the Parish Council objection to the application, the proposal has not been submitted to the Delegation Panel and it is presented directly to the Development Control Committee for consideration.**

**It is proposed to undertake a site visit on Tuesday 3 January 2017.**

## **Proposal:**

1. Planning permission is sought for the erection of 2 no. three bed semi-detached dwellings fronting Sandy Lane with two off-street parking spaces per property located on the frontage.

## **Site Details:**

2. The application property comprises a detached office building (which benefits from a prior approval for a change of use to one residential dwelling) located on Sandy Lane in Bury St Edmunds. There is a block paved parking area to the front of the building and a single storey brick outbuilding to the rear. The site is enclosed by walls and fencing with the exception of the parking area. The building is domestic in appearance and lies within the Housing Settlement Boundary of Bury St. Edmunds.

## **Planning History:**

3. DC/16/1391/FUL: Planning Application - 2 no. dwellings. Refused for the following reason: 'The introduction of windows at first floor level to the rear elevation which serve habitable rooms would lead to a serious loss of residential amenity, by reason of the close proximity to the boundary of the rear garden to No. 1 Norfolk Road. As such, this conflicts with the provisions of Policy CS3 of the Core Strategy, DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February (2015) and the National Planning Policy Framework which seek to create a high quality environment'.
4. DC/16/0301/FUL: Planning Application - 2 no. dwellings. Withdrawn: 05.04.2016.
5. DC/15/2386/P3JPA: Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Change of use from Office (Class B1(a)) to Dwellinghouse(s) (Class C3) to create 1 no. dwelling. Approved: 18.01.2016.
6. E/99/1942/P: Planning Application - (i) Conversion of existing store to office use; and (ii) erection of front entrance canopy and free-standing workshop building supported by letter received 11th June 1999. Approved: 28.06.1999.

7. E/98/3226/P: Planning Application - Change of use from builder's yard and office to residential (single dwelling) and associated alterations (amended scheme). Refused: 18.01.1999.
8. E/98/2581/P: Planning Application - Change of use from builder's yard and office to residential (single dwelling) and associated alterations. Refused: 07.10.1998.
9. E/84/3336/P: Modernisation of storage facilities for builders yard and provision of builders offices and mess room on first floor together with erection of screen fence, wall and access gates to yard. Approved: 11.01.1985.
10. E/84/3335/P: Modernisation of storage facilities for builders yard and the formation of one person flat on first floor together with erection of screen fence, wall and access gates to yard. Refused: 27.12.1984.
11. E/79/3293/P: Conversion of existing 2 storey building to residential dwelling. Refused: 08.11.1979.

**Consultations:**

13. Bury St. Edmunds Town Council – Object on the grounds of overdevelopment, highway safety, traffic generation and overlooking.
14. Suffolk County Council as Highway Authority – *This is an access lane for vehicles to the rear of properties and is not designed for pedestrian access onto the highway. There is an office currently using this lane and as such we would not restrict permission for this to change use as the status quo remains. Although a change of use will need to make the first five metres at each access onto the adoptable highway of bound material to stop detritus from entering the adoptable highway.*

*Any further intensification on this lane for residential use will require improved visibility to meet Manual for Streets standards at both ends of Sandy Lane, pedestrian facilities will need to be installed from any new development to the adopted highway to allow safe entry and egress. This is to allow a vehicle and pedestrian to pass without conflict, as it is noted that refuse trucks currently access via this lane and thus a safe route is required for all user types. Without this provision all future development up this lane will be refused on safety grounds under the NPPF.*

15. Public Health and Housing – No objection.
16. Environmental Services – Based on the information submitted the Environmental team are satisfied that the risk from contaminated land is low.

## **Representations:**

17. Twelve letters of representation have been received from the occupiers of 1, 5, 7 & 17 Norfolk Road, 96, 101 & 105 Fornham Road and 1, 3, 54, 55 & 63 Avenue Approach. The points raised are summarised below:

- Overlooking/loss of privacy,
- Would set a precedent for backland development along Sandy Lane,
- Additional traffic,
- Poor vehicular access,
- Insufficient parking,
- Sandy Lane unsuitable for vehicles,
- 'Planning by Stealth',
- Impact on wildlife,
- Who will maintain Sandy Lane,
- Further pressure on current drainage/sewerage system,
- Proposed development is not in keeping with the area,
- Poorly designed properties.

## **Policy:**

18. The following policies have been taken into account in the consideration of this application.

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

- Policy DM1 – Presumption in Favour of Sustainable Development
- Policy DM7 – Sustainable Design and Construction
- Policy DM22 - Residential Design
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness

20. Bury St Edmunds Core Strategy (2010):

- Policy CS1: Spatial Strategy
- Policy CS3: Design Quality and Local Distinctiveness

21. National Planning Policy Framework: Core Planning Principles

- Section 6: Delivering a Wide Choice of High Quality Homes
- Section 7: Requiring Good Design
- Section 8: Promoting Healthy Communities

## **Officer Comment:**

22. The site is located within the Housing Settlement Boundary for Bury St. Edmunds and is in a position where shops and facilities are in close proximity. As such, the principle of new small scale windfall residential development in this location is considered sustainable and generally acceptable. However, consideration would also need to be given to other adopted policies and the provisions of the National Planning Policy Framework.

23. The NPPF makes it clear in paragraph 56 that 'good design' is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'. In this case, it has been demonstrated that the proposal would comply with this criteria. Policy DM22 states that development should create and support continuity of the built form and enclosure of spaces, also respecting the existing pattern of development.
24. Consideration must be given to the fact that the principle of residential development on this site has been established in 2016 when the change of use from office to residential was granted via the Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Change of use from Office (Class B1(a)) to Dwellinghouse(s) (Class C3).
25. The distance between the rear elevation of the existing office and the rear elevation of the house to the north is approximately 27m; the proposed scheme would marginally increase the degree of separation relative to this existing situation.
26. With the current office building positioned to the southern side of the site there would, as part of the already approved prior notification change of use, be a first floor rear bedroom window (facing the rear garden of no. 1 Norfolk Road) which could be unobscured and allowed as part of the permitted development. The agent has sought to overcome the previous reason for refusal by obscure glazing the two rears facing bathroom windows and moving the bedroom window to the side elevation on the property on its western side. The single rear bedroom window to the semi, located to the eastern side, remains unobscured. Whilst concern has been raised with regard to the relationship between this window and the rear boundary with no. 1 Norfolk Road it should be noted that the window is positioned further away from the rear site boundary than the current rear elevation of the existing building, creating a greater degree of separation from the neighbouring property to the north. It can also reasonably be concluded that overlooking from this single non obscure glazed window will not be materially worse than from the single window that would be inserted within the permitted development change of use of the building that already has consent. This will be subject to conditions preventing the insertion of further windows in this elevation and to ensure that the proposed two bathroom windows are fitted with obscure glazing.
27. Paragraph 32 of the National Planning Policy Framework requires decisions to take account of "safe and suitable access to the site can be achieved by all". The Highways Authority have raised no objection to the proposed access and parking arrangement subject

to conditions being attached to any permission to ensure adequate parking and manoeuvring space, bin storage, dimensions of vehicular access and the first five metres at each access onto the adoptable highway of bound material.

28. Concern has been raised with regard to the proposal setting a precedent for further residential development in this area, however, should future applications be submitted they would be considered on their individual merits having regard to the particular impacts in each case.
29. The Highways Authority has stated that "further intensification on this lane for residential will require improved visibility to meet the Manual, for Streets standards at both ends of Sandy Lane, pedestrian facilities will need to be installed from any further new development to the adopted highway to allow safe entry and egress. This is to allow a vehicle and pedestrian to pass without conflict, as it is noted that refuse trucks currently access via this lane and thus a safe route is required for all user types. Without this provision all future development up this lane will be refused on safety grounds".
30. It is considered that the mock 'Victorian' design of the semi detached dwellings, set back from the frontage of the relatively modest plots which they occupy, with off street parking at the front would not be so out of character with the surrounding area so as to justify refusal on amenity or design grounds. Also given the location on the northern side of Sandy Lane behind the properties which front Fornham Road and Norfolk Road very limited views would be afforded in the wider street scene.
31. The National Planning Policy Framework states that development should be of high quality design and reflect the identity of local surroundings as well as providing a good standard of amenity for all existing and future occupants of land and buildings, contributing positively to making places better for people. It is considered that this proposal accords with these provisions and as such represents an acceptable form of development. It is also considered that the benefit brought by the addition of two dwellings to the housing market should also be respected. The properties benefit from a sufficiency of external amenity space. Consequently, the proposal complies with the provisions of adopted policy and is recommended for approval.

#### **RECOMMENDATION:**

That planning permission be **granted** subject to the following conditions:

1. Development to commence within 3 years
2. Materials as specified

3. In accordance with plans
4. Removal of permitted development rights for extensions, roof alterations, outbuildings.
5. Removal of permitted development rights for the insertion windows or openings at first floor level.
6. The two rear facing windows hereby approved shall remain fixed obscure glazed.
7. 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.
8. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.  
The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
9. Prior to the new dwelling hereby permitted being first occupied, the new 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.
10. Before the development is occupied 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.
11. Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

**Informative:**

1. If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

**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=OF6Z1TPD05M00>