

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

1 FEBRUARY 2017

DEV/FH/17/008

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.

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Committee Report

Date	11 April 2016	Expiry Date:	6 June 2016
Registered:			EoT 10.02.2017
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. The application was referred to the Delegation Panel as the Parish Council objected to the application and the Officer recommendation is one of approval.

Members visited the site on 5 September 2016 and a further site visit is scheduled to take place on Monday 30 January 2017.

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. The extent and layout of the shared car parking area has also been amended to take into account the location of a protected tree on the site and an Arboricultural Method Statement has been provided.

Application Supporting Material:

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

- Groundsure Homebuyers report
- Arboricultural Method Statement
- 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. There is a protected lime tree in the northeast corner of the plot (T2 of TPO/2004/01).

Relevant Planning History:

5. F/2007/0266/TPO Re-pollard 1 Lime tree. Granted 17/05/2007.

Consultations:

6. County Highway Authority:

Original 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. Ecology Tree & Landscape Officer:

Original comments – Block plan and parking plan are inconsistent. Parking should not be located beneath protected tree due to common problem of honey dew which will lead to future conflict. Tree is in good health and of high public amenity value. Surfacing of parking area has potential to impact the tree. Crown of tree is proposed to be raised to 3m. Locations of protective measures have not been shown on plan. No details of the porous surface for the parking area are provided, nor are details of its implementation. It may also be necessary to protect the tree from cars reversing into it. Concerned proposals to safeguard the tree are not specific enough.

Further comment – New information addresses concerns regarding tree protection during construction period. It can still however be anticipated that the proposal is likely to lead to continued pressure for intervention and management of the tree, for example re-pollarding and pruning back in the future.

8. Environment Team: Based on submitted information am satisfied that the risk from contaminated land is low.
9. Public Health & Housing: Conditions recommended regarding construction hours, burning of waste and external lighting.

Representations:

10. 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.
11. Parish Council: Object due to the safety and access close to the pathway and the proposed crossing next to the property.
12. 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:

13. The following policies have been taken into account in the consideration of this application:
14. 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
15. Forest Heath Proposed Submission Single Issue Review (SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution Regulation 19 consultation (January 2017):
 - Policy CS7 Overall housing provision and distribution
16. Forest Heath Local Plan (1995) Saved Policies:
 - Inset Map 2 - Mildenhall
17. 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:

18. National Planning Policy Framework (2012)

19. Planning Practice Guidance

Officer Comment:

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

- Principle of development
- Design and impact on the area
- Highway safety
- Arboricultural impacts
- Residential amenity

Principle of development

21. 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.

22. 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

23. 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.

24. The shared parking area to serve No. 35 and the new dwelling has been increased in size since the application was originally submitted in order to provide four spaces on its western side away from the protected tree on the site. This has reduced the sizes of the rear garden areas to No. 35 and the proposed dwelling to approximately 31m² and 17m² respectively. The rear garden for the new dwelling in particular is modest in size, however, given the scale of the property and the absence of any minimum standards in this regard, officers are of the opinion that a refusal of permission could not reasonably be substantiated on such grounds.

25. Overall the development is considered to be of an acceptable design and would not harm the character or appearance of the area.

Highway safety

26. 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 submitted plan also shows that several overgrown bushes in this location will be removed, further improving visibility for pedestrians entering Kingsway from the footpath.

27. The Parish Council has objected to the proposal due to safety and the proximity of the access to the pathway and a proposed crossing next to the site. The application has been discussed with a Highway Engineer at Suffolk County Council who has confirmed that a zebra crossing is planned to be provided on Kingsway to the east of the footpath leading to Peterhouse Close. The Engineer has confirmed that the new crossing will not affect the access to the proposed dwelling.

28. Following concerns raised by the Ecology Tree & Landscape Officer regarding parking beneath the protected lime tree on the site, the shared parking area has been increased in size to provide a row of four spaces on its western side. The agent has also provided parking plans to show how vehicles would be able to enter and exit the site in a forward gear to avoid reversing onto Kingsway. The parking plans show that this is possible, although a car using the northern-most space would need to make several manoeuvres if the other three spaces were occupied. The County Highway Authority has been consulted on the revised parking layout and diagrams and is 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.

Arboricultural impacts

29. An Arboricultural Method Statement has been provided in respect of the protected lime tree on the site. The tree is located in the northeast corner of the site and within the shared parking and turning area proposed. The layout of the parking area has been amended to provide spaces in a single row on the opposite side to the tree. The report includes protection measures for the tree during construction, further details of which have now been provided by the agent. In order to protect the tree and its roots

following the construction of the dwelling from vehicles manoeuvring within the site, a curb constructed of wooden sleepers is proposed to provide a physical barrier. The Ecology Tree & Landscape Officer has confirmed these details to be satisfactory.

Residential amenity

30. 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:

31. 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:

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

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

Documents:

All background documents relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O59JO4PDGGA00&documentOrdering.orderBy=date&documentOrdering.orderDirection=ascending>