



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/019

Development Control Committee 5 April 2018

Planning Application DC/18/0204/VAR – Land to Rear of 62-63 Victoria Street, Bury St Edmunds

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|-------------------------|-----------------|------------------------|---------------------|
| Date Registered: | 02.02.2018 | Expiry Date: | 30.03.2018 |
| Case Officer: | Jonny Rankin | Recommendation: | Approve Application |
| Parish: | Bury St Edmunds | Ward: | Abbeygate |

Proposal: Planning Application - Variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted' for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences)

Site: Land To Rear Of, 62-63 Victoria Street, , Bury St Edmunds

Applicant: Rowan Hazel Homes

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:

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Background:

This application is referred to the Development Control Committee because the prospective purchaser of one of the properties (as permitted by DC/16/2803/FUL) is a contracted employee of this Authority.

Proposal:

1. Planning permission is sought for the variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to '*The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted*' for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences).
2. The proposal description has been amended since submission, at officer request, from:

Planning Application - Variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to "Prior to the occupation of the dwelling(s) hereby permitted a payment of £5000 shall have been paid to Suffolk County Council to allow the creation of additional parking bays and drawing number SK02" for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences).

Site Details:

3. The site is situated to the rear of 62 and 63 Victoria Street, within the Housing Settlement Boundary and Victoria Street Conservation Area. An extant consent exists for the location allowing for 2 no. two storey dwelling following demolition of existing garage and boundary fence (DC/16/2803/FUL). This consent has been implemented and whilst this consent technically seeks permission for the entire development again, it is the specific wording of Condition Five that is relevant.

Planning History:

| Reference | Proposal | Status | Received Date | 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 | Application - Refused | 13.12.2013 | 28.04.2014 |

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|-----------------|---|---------------------|------------|------------|
| | 2014 and 28th February 2014. | | | |
| DC/15/1975/FUL | Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence. | Application Granted | 30.09.2015 | 04.02.2016 |
| DCON(A)/15/1975 | Application to Discharge Condition 7 of DC/15/1975/FUL | Application Granted | 11.07.2016 | 25.08.2016 |
| DC/16/1618/FUL | Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence revised scheme of DC/15/1975/FUL | Application Granted | 27.07.2016 | 04.11.2016 |
| DC/16/2803/FUL | Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences) | Application Granted | 21.12.2016 | 08.02.2017 |
| DCON(A)/16/2803 | Application to Discharge Condition 6 (External Materials and Finishes) of DC/16/2803/FUL | Application Granted | 20.03.2017 | 09.05.2017 |
| DC/18/0204/VAR | Planning Application - Variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to "The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall | Pending Decision | 02.02.2018 | |

be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted' for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences)

Consultations:

County Highways:

- 4. The amendment of the TRO is progressing and has successfully gone through the consultation process. Suffolk Highways are now looking to implement the scheme. So the scheme should be completed by the first occupation or reasonably close to it. Therefore I have confidence that accepting this amendment will not be detrimental to highway safety.*

Public Health and Housing:

5. Public Health and Housing do not object to this variation. Previous comments proposed on the original application are upheld.

Environment Team:

6. Thank you for consulting the Environment Team on the above application. We have no comment on, or objection to, the proposed variation.

Representations:

7. Neighbour representations: received from 3no. properties objecting on the basis of the loss of parking spaces and otherwise in relation to the construction of the consented properties (DC/16/2803/FUL).
8. *Officer note; those issues relating to the construction are otherwise aside from the consideration of the Variation of Condition, those relating to a party Wall Agreement and / or Act are a civil and legal matter to be pursued by the relevant parties.*

Town Council:

9. 23rd February 2018; Objects on the grounds that this application is contrary to National Planning Policy guidance on the use of positively worded conditions requiring payment of money or other consideration (www.gov.uk/guidance/use-of-planning-conditions Reference ID: 21a-005-20140306).

10.15th March 2018; In response to amended description - we withdraw the previous objection; we now raise no objection.

Policy:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM46 Parking Standards
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport

Other Planning Policy:

11.National Planning Policy Framework (2012) core principles and paragraphs 56 - 68.

Officer Comment:

12.The development in question already has the benefit of planning permission. This remains extant and capable of implementation. It is not within the scope of this submission to consider the principle again, rather only issues relating to the condition being varied can be assessed. The issues to be considered in the determination of the application are therefore limited to the highway safety related implications arising from the proposed revised wording to Condition Five.

13.There have been no other material changes in circumstance since the grant of planning permission that are otherwise material. The site context remains the same and the wider planning policy situation remains the same. Accordingly, the sole matter for consideration relates to the implications of the revised wording in the condition now proposed.

Highway Safety

14.As per the Area Highway Authority response and as established via the previous and extant consent DC/16/2803/FUL the principle of increasing on-street parking to reflect the increased parking demand the dwellings will produce is acceptable.

15. In their consultation response Area Highways state; *the amendment of the TRO is progressing and has successfully gone through the consultation process. Suffolk Highways are now looking to implement the scheme. So the scheme should be completed by the first occupation or reasonably close to it. Therefore I have confidence that accepting this amendment will not be detrimental to highway safety.*
16. This variation does not seek to vary the delivery of the consented parking bays (as per drawing number; SK02) but more simply to amend the delivery from '*... prior to the first occupation of either of the dwellings hereby permitted*' to '*The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted*'. This request is in reaction to the Suffolk County Council Area Highway's timescale for delivery as opposed to any resistance or unwillingness on the applicants' behalf. This will allow the completion and occupation of the dwellings rather than otherwise suffering a delay in occupation while the completion of the Traffic Regulation Order catches up. It is the opinion of Officers that this approach is reasonable in the circumstances, not least noting that the relevant monies have been paid to fund the TRO process, which is now at an advanced stage.
17. Because this is a variation of condition proposal it represents a new consent in its own right. Accordingly, it will be necessary to re-impose previously imposed conditions on this consent, amended to reflect any updated details that have subsequently been agreed.
18. Accordingly the proposal is considered acceptable in both highways safety and parking terms.

Conclusion:

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

Recommendation:

20. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. NS Time Limit
 2. 14FP Approved Plans
 3. NS Demolition and construction timings
 4. NS Additional parking bay(s)
 5. NS External materials and finishes
 6. NS Boundary treatments

7. NS Bin and cycle storage provision
8. NS Waste material arising
9. NS Security lights or floodlights

Informatives:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case amended proposal description.

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=P3GXI9PDLXZ00>