



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/044

## Development Control Committee 6 December 2018

### Planning Application DC/18/0900/FUL – Proposed Flat Parking Courtyard, Prince of Wales Close, Bury St Edmunds

<b>Date Registered:</b>	11.05.2018	<b>Expiry Date:</b>	02.11.2018 (extended until 10.12.2018)
<b>Case Officer:</b>	James Claxton	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Bury St Edmunds	<b>Ward:</b>	Risbygate
<b>Proposal:</b>	Planning Application - 1no. flat over existing car parking spaces with additional car parking bay created		
<b>Site:</b>	Proposed Flat Parking Courtyard, Prince Of Wales Close, Bury St Edmunds		
<b>Applicant:</b>	Baker Project Management Ltd		

#### **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:

The application is before the Development Control Committee following consideration by the Delegation Panel. The Officer's recommendation is for APPROVAL and the Town Council object to the proposal, raising concerns in relation to parking, loss of amenity, and overlooking.

A site visit is scheduled to take place on Thursday 29 November.

## Proposal:

1. The proposal is for a one bedroom flat over existing car parking spaces with the creation of an additional car parking bay.

## Site Details:

2. The site is located within the parking area associated with the dwellings on Prince of Wales Close, Bury St Edmunds. The surrounding area in relation to the site consists of; to the north the Prince of Wales Close access and then dwellings: to the east is further parking area: to the south are the amenity areas of dwellings facing onto York Road, the boundaries of which also mark the edge of the conservation area: and to the west are the amenity areas of the dwellings that face onto Westley Road. The site is located within the settlement boundary for Bury St Edmunds.

## Planning History:

3. None relevant

## Consultations:

4.

Bury St Edmunds Town Council	Objections on the grounds of parking, loss of amenity, and overlooking
Environment Team	No objections
Highways Authority	No objections
Public Health and Housing	No objections

## Representations:

5. Representations were received from the addresses detailed below, and the material planning considerations detailed in them have been summarised and bullet pointed below. Full copies of those representations are available and can be viewed on the Local Planning Authority's website.

19 Westley Road	Object
21 Westley Road	Object
23 Westley Road	Object
27 Westley Road	Object
29 Westley Road	Object
29 Prince of Wales close	Object
30 Prince of Wales close	Object
84 York Road	Object
85 York Road	Object
86 York Road	Object

### Summarised material planning considerations:

- Possible impacts on amenity
- Overbearing impact
- Security implications
- Impact to parking provision
- Impact to conservation area

### **Policy:**

6. The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

#### **Joint Development management Policies**

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable design and construction
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

#### **St Edmundsbury Core Strategy**

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - St Edmundsbury Spatial Strategy

#### **Other Planning Policy:**

National Planning Policy Framework (2018)

7. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM1, DM2, DM22, CS2, CS3, and CS4, it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy. The policies used in the determination of this application are considered to accord with the revised NPPF and are afforded full weight in the decision making process.

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

- Principle of Development, character & appearance
- Highways Safety
- Residential Amenity
- Other Matters:
  - Representations
  - Highways
  - Sustainable construction
  - Biodiversity

### **Principle of Development, character & appearance**

9. The site is within the Housing Settlement Boundary as defined by the Local Plan. Given that the site is within the settlement boundary the principle of a new dwelling is acceptable as being suitable and sustainable development, and accords with policies DM1, CS1, CS2 and CS3.
10. Policies DM2, DM22 and CS3 all seek to ensure that proposals respect the character, design and scale of the local area. The overall scale of the proposed dwelling is considered to accord with that in the immediate area, which consists of two storey dwellings and blocks of flats using a range of architectural styles.
11. The above policies also seek to ensure that proposed dwellings respect the character and appearance of the surrounding area, which in this location is again characterised by a mixture of dwelling types and designs.
12. As such the proposal is not considered to adversely impact on the character and appearance of the surrounding area. Furthermore the site is located within an existing collection of development and would not significantly impact on the public street scene, nor the views into and out of the conservation area, because its mass and scale would blend into that of the existing. The proposal is considered to accord with policies DM2, DM22, and CS3.

### **Residential Amenity**

13. Policy DM2 seeks to ensure that proposed development does not result in an adverse impact on the amenity of neighbouring residents. The nearest dwelling to the site is a block of flats located to the north and north east of the location of the proposal, measured at the closest points the distance between the two buildings would be approximately 6m. By virtue of the design of the proposal, in that there are no windows proposed on the elevation facing the existing building, no significant impacts on amenity are considered to be created.
14. The nearest dwellings to the proposal that are located outside the site are those that front onto Westley Road. The proposed development would be located to the south east of them at a distance of approximately 19.19 metres, on the boundary of their rear gardens. Through negotiations with the applicant the previously proposed roof lights have been replaced with sun pipes. Whilst the roof lights provided limited views of neighbouring gardens, the use of sun pipes does not allow for views into neighbouring gardens, nor into the dwelling proposed.

15. In addition, the distance from the nearest properties to the proposal is approximately 19 metres. So whilst the development may be perceived as having an overbearing influence on those neighbouring properties, by virtue of the detailed design; no windows on the rear elevation are proposed, the roof slopes away from those properties, and the distances involved, the proposal is not considered to create a significant impact on residential amenity. The proposal is therefore considered to accord with DM2.

## **Other Matters**

### **Representations**

16. Representations have been received from properties located both on the site, Prince of Wales Close, and off the site, Westley Road and York Road. The material planning matters detailed in the representations, are considered to have been addressed in this report under the relevant sections. In regards to security implications, one of the representations received from a property facing onto Westley road detailed concerns about the development encouraging antisocial behaviour by providing an area under the flat that is covered. However the design of the proposal also increases the security of the area by providing further overlooking of the car park, which can be afforded positive weight. In addition the use of those parking spaces located under the proposal would have further scrutiny from the residents living above them.

### **Highways**

17. As confirmed in the highways consultation response received on the 15<sup>th</sup> June 2018, the proposal is not considered to impact on the existing parking levels that are available at this location. The site is located in a sustainable location, which triggers a reduction in the number of parking spaces required with this development. Furthermore the detailed design of the proposal, which still allows the existing parking spaces located under the flat to be used, does not reduce the overall numbers of spaces available on site, and therefore the parking needs associated with this development can be provided by the existing parking at this location.

18. Section 3.4.2 of the Suffolk Guidance for Parking states that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The new NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) states 'Within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' On this basis a condition will be attached to the permission to secure an operational electric vehicle charge point.

### **Sustainable construction**

19. DM7 states (inter alia) that proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external

water use), or that no water fittings exceed the values set out in table 1 of policy DM7.

### **Biodiversity**

20. Given the nature of the proposal and the existing context of the site, the proposal is not considered to have a significant adverse impact on biodiversity.

### **Conclusion:**

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

### **Recommendation:**

22. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reasons: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 and all relevant Core Strategy Policies.

3. No development above slab level shall take place until the details of the materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. The use shall not commence until the area(s) within the site shown on Drawing Nos. 4040 22 and 23 for the purposes of [LOADING, UNLOADING,]

manoeuvring and parking of vehicles and secure cycle storage have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles and secure cycle storage are provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

6. Prior to first occupation, the dwelling shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

7. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: [DC/18/0900/FUL](https://www.suffolk.gov.uk/DC/18/0900/FUL)