

Development Control Committee 5 June 2019

Planning Application DC/18/2483/FUL – Land Adjacent to Culford Terrace, Mill Road, Bury St Edmunds

Date Registered:	12.12.2018	Expiry Date:	06.02.2019
Case Officer:	Charlotte Waugh	Recommendation:	Approve Application
Parish:	Bury St Edmunds Town Council (EMAIL)	Ward:	Abbeygate
Proposal:	Planning Application - 3no. dwellings and repositioning of parking area		
Site:	Land Adjacent to Culford Terrace, Mill Road, Bury St Edmunds		
Applicant:	Orwell Housing Association		

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.

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Background:

The application is referred to Development Control Committee following consideration by the Delegation Panel. The Town Council object and the recommendation is for approval.

Proposal:

1. The application seeks consent for a terrace of three two bedroom dwellings which will be owned by Orwell Housing Association and be occupied as affordable rent. Each dwelling will be served by a single parking space to the front of the site which is accessed off Mill Road South.
2. An area of land to the north of the development site is included within the red line and will retain its use for residents parking.

Application Supporting Material:

3.
 - Location Plan
 - Existing and proposed site plans
 - Proposed elevations and floor plans
 - Planning Statement
 - Tree survey and Arboricultural Impact Assessment
 - Land Contamination Assessment
 - Land ownership details

Site Details:

4. At present the site is used for informal parking by local residents and is partially screened from the highway by a red brick wall, which projects back into the site on either side of the access. An area to the rear of the site is currently within the garden of no. 41 and contains an outbuilding, the common boundary formed by a close boarded fence. A Sycamore tree sits on the north east corner of the site, with an Elder to the rear and an area of Dogwood/elder adjacent.
5. The scheme slopes down by approximately 0.9 metres from north to south. Mill Road South is a no-through road with the majority of dwellings in the area being terraced. On-street parking is provided on the East side of the road with a residents parking permit scheme in place.
6. The site is within the Housing Settlement Boundary.

Planning History:

7. None

Consultations:

8.

Highway Authority	No objection subject to conditions
Environment Team	No objections subject to conditions requiring land contamination investigations and the inclusion of electric vehicle charge points
Strategic Housing	The Strategic Housing Team supports the above application in principle as we have a growing need for more affordable housing

Public Health and Housing

No objection

Representations:

9. Bury Town Council - Object to this application – based on new information - on a) lack of parking provision, and b) loss of amenity, on the basis that existing parking provision is being lost.

10.12 representations have been received making the following summarised comments:

- Parking is already at a premium on Mill Road South – loss of further parking space through this development
- Currently difficulties with access, including for emergency vehicles which will be exacerbated
- Construction work will have a considerable impact on traffic
- Northern area of site was converted to parking for residents of 15-21 Mill Road South in 1995/6 when on-street parking was removed. These residents need to retain their right to park here.
- Area is over-developed
- What plans are in place to limit noise and disruption to residents?
- Noise and air pollution from construction
- Design of new houses does not match anything in the area

Policy:

11. On 1 April 2019 a new, single Authority; West Suffolk Council was created. The pre-existing development plans are carried forward by regulation (Local Government (Boundary Changes) Regulations 2018) and remain appropriate to the determination of applications by West Suffolk Council.

12. 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:

St Edmundsbury Core Strategy December 2010

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy)

Joint Development Management Policies 2015

- Policy DM1 (Presumption in favour of sustainable development)
- Policy DM2 (Design and local distinctiveness)
- Policy DM6 (Flooding and sustainable drainage)
- Policy DM7 (Sustainable design and construction)
- Policy DM14 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards)
- Policy DM22 (Residential design)
- Policy DM46 (Parking Standards)

Bury Vision 2031:

- Policy BV1 (Presumption in Favour of Sustainable development)
- Policy BV2 (Housing development within Bury)

Other Planning Policy:

13.National Planning Policy Framework (2019) (NPPF/Framework)

14.National Planning Practice Guidance

15.The NPPF was revised in February 2019 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 Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Visual Amenity
- Highway Issues
- Impact on Residential Amenity
- Land contamination and Air Quality

Principle of Development

17.The application site is located within the housing settlement boundary of Bury St. Edmunds, the largest town within West Suffolk where Core Strategy Policies CS1 and CS4 focus large scale growth. Furthermore, Policy BV2 of the Bury Vision 2031 (2014) allows for new residential development within the settlement boundary. Therefore, the principle of residential use is considered to be in accordance with these policies.

Visual Amenity

18.Core Strategy Policy CS3 and Joint Development management policies DM2 and DM22 require all development to fully consider the context in which it sits, contribute to a sense of local distinctiveness and compliment the natural landscape and built form that surrounds it.

19.The surrounding area is characterised by terraced dwellings, two storey in height and modest in scale. Whilst some sit on the back edge of the pavement others are positioned further back into the site. Mostly constructed of red brick the terrace opposite, which is orientated at a right angle to the highway is rendered with the pair of dwellings to the north built in buff bricks as proposed in this case. Whilst the blue brick detailing on the plinth and around the front door is not traditional, many of the dwellings feature porches and with no specific style dominating the area, the design is thought to complement the existing variety of dwellings in the locality. In terms of scale, the properties respect the dwelling and plot size of the surrounding area and accord with the surrounding pattern of development.

20. An arboricultural survey accompanies the development and provides an assessment of the trees on site. A large sycamore exists in the northern corner of the site and whilst the survey acknowledges that it is of poor quality (category C) it will be retained with a crown reduction. A smaller Elder is present at the rear of the site and is proposed for removal along with an area of Dogwood and Elder. These features are categorised C and U respectively and as such, their removal is considered acceptable. Other trees are located on the front boundary of the northern parcel of land which will remain unaffected by the proposed development, general works however are recommended for their health. The survey contains measures to protect these trees during the course of construction and these measures will be conditioned on any approval. The retention of these trees is considered to enhance the appearance of the area and development.
21. Overall, the scale, position and appearance of the scheme is considered to take account of surrounding development and respect the wider area in accordance with policies DM2, DM22 and CS3.

Highway Issues

22. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM45 which ensures that development provides for the provision of parking to serve new development.
23. At present the site is laid to hard standing and accommodates informal vehicular parking. Removal of this area for residential development will therefore result in a loss of parking space for local residents which is in high demand. The applicant also owns a parcel of land to the north (included within the red line) which will be available for parking, albeit residents claim that this area was reserved for those at 15-21 Mill Road South when yellow lines were introduced in the mid 1990's. There is no record of this area being specifically reserved for these residents and the site has been within the ownership of the applicant since 1994 who have no knowledge of this arrangement. On this basis, it cannot be considered that this piece of land is restricted to use by certain dwellings. 19 surrounding dwellings are owned by Orwell Housing and are served by 26 parking spaces, 11 proposed on this northern parcel of land and the remainder is formal parking in and around the dwellings. (This number does not include on-street parking which is also available on Mill Road South.) This is considered to represent an acceptable ratio given the size of the dwellings and proximity to the town centre.
24. A block paved parking area is proposed to serve each dwelling accommodating a single vehicle. Given that the dwellings are two bedroom and the site is located very close to the town centre where other sustainable modes of transport are accessible, the Highway Authority is satisfied with this provision. It is acknowledged that the highway is narrow but it is considered that sufficient space is available to manoeuvre in and out of these spaces. On this basis, it is considered that this development provides sufficient parking to serve itself and will not have a significant adverse impact on local residents.

Impact on Residential Amenity

25. Policies DM2 and DM22 of the Joint Development Management Policies Document also seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users.
26. The site borders no. 11 to the South and no. 41 to the rear. An existing footpath exists adjacent to no. 11 and will be retained by the development. By reason of the position of the proposed dwelling opposite no. 11, its orientation and lack of adjacent windows it is not considered that this development will have an adverse impact on its occupants by reason of loss of light, overshadowing or loss of privacy. In terms of no. 41 to the rear, part of the side garden serving this property has been given over to the development and as such their rear garden will now border residential gardens. The dwellings are positioned to the East of no. 41 and given the distance are unlikely to cause significant overshadowing. They do however contain windows on the rear at first floor level, 1 serving a bedroom and 1 a bathroom (which will be obscure glazed) on each dwelling. Dwellings 2 and 3 particularly will have more opportunity to overlook the adjacent residential garden. The distance from the proposed elevations to the common boundary with no. 41 measures between 8.9 metres (unit 1) and 6.8 metres (unit 3). This relationship is likely to result in some loss of amenity to the existing occupants, albeit the dwellings are located in a fairly tight knit area of town where there is a degree of mutual overlooking to nearly all the terraced dwellings in this area. On this basis, this development will not introduce overlooking to an area that was previously private. Notwithstanding this, the relationship here does weigh against the development to an extent that would justify refusal of the application.
27. At present, due to the concealed nature of the site it is regularly the subject of fly-tipping, with the site owner clearing the site approximately 18 times a year. Consequently, its re-use for residential does present an opportunity to improve the street scene in this location and remove any anti-social behaviour that occurs in this area to the benefit of residents.

Land Contamination, Air Quality and Sustainability

28. The application is supported by a land contamination assessment and the Environment Team is in general agreement with the findings of this study and the need for intrusive investigations. A planning condition is recommended in this regard.
29. Paragraph 105 of the NPPF states that '*local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*' Paragraph 110 of the NPPF states that '*applications for development should... be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*'
30. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that '*proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality.*' Section 3.4.2 of the Suffolk Parking Standards states that "*Access to charging points should be made available in every residential dwelling.*"

31. In order to comply with these policies a condition requiring electric vehicle charge points is recommended to enhance the local air quality through the enabling and encouraging of zero emission vehicles.
32. The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
33. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) which requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

Conclusion:

34. The application proposes three modest dwellings for affordable rent, a matter which weighs in favour of the scheme. They have been designed to reflect the surrounding pattern of development and include the provision of on-site parking. In addition, they ensure the retention of trees within the site and provide space for additional landscaping which will enhance the street scene in this location as well as removing anti-social behaviour. The orientation of the dwellings means the rear gardens will back on to an adjacent residential property and this relationship weighs against the proposal in that a degree of overlooking will occur. However, the benefits of the scheme are considered to outweigh these concerns and the application is therefore, in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: 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:

18 1594 LOC – Location Plan
18 1594 01 - Proposed site plan
18 1594 03 - proposed floor plans and elevations

Reason: To define the scope and extent of this permission.

3. Prior to commencement of development the following components to deal

with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

4. 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.

5. The use shall not commence until the area(s) within the site shown on Drawing No. 18 1594 01 Rev A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and the back garden sheds for the purposes of cycle storage, 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 is 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 and to provide secure cycle storage to promote sustainable travel.

6. Before the development is commenced 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.

Reason: To prevent hazards caused by flowing water or ice on the highway.
Comment: This could be by utilising a permeable material for the hard areas of the frontage.

7. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, 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.

8. The development shall be carried out strictly in accordance with the recommendations and measures included within Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan produced by Haydens and dated 17th September 2018 and referred 6972 Rev A.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

9. Before the first dwelling hereby permitted is first occupied, the first floor bathroom windows in the rear elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be retained in such form in perpetuity.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, 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.

10. The dwelling(s) 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.

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=PJKWV2PDKSO00>