

## **Development Control Committee** **13 May 2020**

### **Planning Application DC/20/0420/FUL –** **35 St Andrews Street North, Bury St Edmunds**

**Date Registered:** 05.03.2020      **Expiry Date:** 30.04.2020

**Case Officer:** Nicholas Yager      **Recommendation:** Approve

**Parish:** Bury St Edmunds Town Council      **Ward:** Abbeygate

**Proposal:** Planning Application - (i) change of use from guest house (Class C1) to house of multiple occupancy Class C4) (ii) conversion of outbuilding to additional self-contained unit of living accommodation

**Site:** 35 St Andrews Street North, Bury St Edmunds, IP33 1SZ

**Applicant:** Mr Darren Dixon - West Suffolk Council

**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:

Nick Yager  
Email: Nicholas.Yager@westsuffolk.gov.uk  
Telephone: 01284 757629

## **Background:**

**The application is referred to the Development Control Committee as the application has been submitted on behalf of West Suffolk Council.**

## **Proposal:**

1. Planning permission is sought for the change of use from a guest house (Class C1) to house of multiple occupancy (Class C4) and the conversion of outbuilding to additional self – contained unit of living accommodation.
2. The operation of the main semi-detached building will therefore be very similar, with only minor alterations to the internal layout and the same number of habitable units within. The outbuilding is to be converted from a utility and general storage area to an additional unit of living accommodation for two persons. Existing office/reception space within the main building will be utilised by West Suffolk Housing staff to provide an on-site presence and manage the buildings and occupants. With the conversion of the outbuilding, the development consists of the change of use from an eight-bedroom guest house to a nine-bedroom multiple occupancy building.
3. Living accommodation will therefore comprise of:

Basement floor- 2 no. 2 person flats

- First floor- 4 no. 2 person rooms
- Second floor- 2 no. 2 person rooms
- Outbuilding- 1 no. 2 person bedsit

## **Application Supporting Material:**

- Application Form
- Location Form
- Amended Planning Statement
- Amended Block Plan
- Existing Floor Plans
- Proposed Floor Plans
- Proposed Elevations
- Superseded Block Plan
- Superseded Planning Statement

## **Site Details:**

4. The application site is a former guest house (Class C1) located within the settlement boundary for Bury St Edmunds. The site is located on the corner of St Andrews Street North Street and Tayfen Road (A1302). The building is four storeys with off street car parking to the front of the property and an outbuilding and amenity area located to the rear. The site is not located within a conservation area and the site is not located within the Bury St Edmunds Town Centre.

## Planning History:

5.

Reference	Proposal	Status	Decision Date
DC/15/2044/FUL	Planning Application - (i)Change number of Letting Bedrooms from 9 to 3 within existing Guest House (ii) Creation of 2 Residential Flats and reconfiguration of Owners Accommodation within existing structure (iii) New window to front elevation, new roof window and balcony to rear elevation	Application Granted	04.12.2015

## Consultations:

### **Town Council 30/04/2020:**

6. No objection based on information received.

### **Public Health and Housing 06/04/2020:**

7. *I could support this application subject to an acoustic assessment that demonstrates the development can achieve the guideline internal noise levels recommended in BS8233:2014 and the WHO. The property is sited on the junction of 2 busy roads: Parkway and St Andrews Street and therefore would potentially be subjected to elevated noise levels from high traffic flows. I note that the most sensitive rooms, with the exception of the outbuilding conversion, have windows that face towards St Andrews Street or are side on to Parkway. Therefore, the bedrooms of the main building may be shielded from the worst impacts, and this may be sufficient to mitigate adverse traffic noise effects, but without an assessment I am unable to recommend approval at this time.*

*The previous use of the building as a guest house would not have required any particular noise mitigation as it was not being used as a permanent residence. Therefore, the following condition would be applicable:*

*No construction for any dwelling shall commence until details in respect of the following has been submitted to and approved in writing by the Local Planning Authority:*

- i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 Guidance on sound insulation and noise reduction for buildings (2014). The development shall adopt the proposed sound insulation measures as stated.*

8. *I am satisfied that the proposed room sizes and facilities comply with the West Suffolk adopted HMO amenity standards.*

**Environmental Team 26/04/2020:**

9. *We have no comments with regards to air quality or contaminated land.*

**Ecology and Landscape Officer 16/04/2020:**

10. *Planning applications within Bury St Edmunds that have potential to affect bats should be treated with caution because of the bat caves at The Glen and on Horringer Road. In addition, this site is located very close to a large area of green space. However, I have had a look at records and the detail of the application which, as you say, is a change of use. It appears that the scope of works is to add a few new fitted kitchens. I therefore agree that the risk to bats is small. In this case, I don't think a bat survey needs to be conditioned however I would recommend that Property Services are advised to carry out a bat check in the interest of Due Diligence.*

**SCC Highway Authority:**

06/04/2020

11. *It is noted that this application does not propose any change to the existing access to the highway and will, probably not lead to a significant impact on total vehicular movements because the parking offer is limited by space restrictions and no new parking spaces are being created. However, the Highway Authority must express reservations about any potential, even if small, intensification of use of the vehicular access because of the access's substandard qualities. This property does not benefit with sufficient space for on-plot vehicle turning which means that there is a high level of vehicles leaving, or returning to the highway in reverse gear. The highway risk of a vehicle undertaking a reversing manoeuvre at this location, is heightened by the visibility restrictions caused by the high boundary walls and pillars. This restriction on visibility is worst in the southwesterly direction where intervisibility between drivers and pedestrians is limited to a very short distance indeed. Intervisibility could be significantly improved by reducing the height of a short section of the wall and this is strongly recommended. For the longer term the Highway Authority recommends that the existing vehicular access is stopped up in favour of a new access into the rear part of the property. I think it is probable that there did use to be a vehicular access into the rear area because there is an extended length of dropped kerb in front of the outbuilding. Maybe the building was a garage in the past? The provision of bin and cycle storage facilities are noted but I have not been able to ascertain where the bins would be presented for collection. The Highway Authority would like clarification of this matter to be reassured that bins are not being presented in the vicinity of the vehicle access and increasing risk to pedestrians using the busy adjacent footways. We are satisfied that this matter could be addressed by condition.*

17/04/2020

12. *Further to the Highway Authority's response dated 3 April 2020. We have reviewed the revised plan 10914/ PA/002 which includes modifications to the vehicular access to improve visibility and a relocated bin storage/presentation area. Suggested conditions of vehicular access, refuse/recycling bins, presentation of refuse/recycling bins and parking and manoeuvring.*

**Suffolk Fire and Rescue Service 16/04/2020:**

13. *Access to the building must meet with the requirements of the Building Regulations. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes. No additional water supply for firefighting purposes is required. Recommend that proper consideration be given to the provision of a fire sprinkler system and consultation should be made with Water Authorities to determine flow rates in all cases.*

**Business Management Operations 18/03/2020:**

14. *I have been asked to comment on planning application DC/20/0420/FUL and on looking at the drawings have noticed that the bins do not look like they could be pulled out if there were cars parked in the parking spaces (obviously bins would need to be pulled out by the residents to road side). Also waste management at HMO's can prove problematic if not carefully considered at the outset and I wondered if there were any plans to ensure that contamination of recycling material is kept to a minimum.*

15. *Following the amended plans received which showed a relocation of the bins the Business Management Operations were re-consulted.*

28/04/2020

16. *To mitigate any accumulations of waste, my suggestion is that the housing team arrange for additional bin collections. This is a practice that we use at other flatted/HMO premises and helps to alleviate some of the problems. It means that we can provide smaller bins that will be easier and quicker for the collection crews to move, and therefore the impact on traffic will hopefully be shorter. My suggestion is that we provide 2 x 660L bins, one for general waste and one for recycling. The general waste bin will need to be emptied twice a week.*

17. *All consultations can be viewed in full online.*

**Representations:**

18. *No representations received.*

**Policy:**

19. *On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The*

development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM22 Residential Design
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM22 – Housing Design
- Policy DM41 Community Facilities and Services
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity

### **Other Planning Policy:**

National Planning Policy Framework (2019)

21. 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 provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

### **Officer Comment:**

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

- Principle of Development  
Impacts on Amenity
- Impacts on the Character of the Area/ Design and Scale
- Highway Matters
- Biodiversity
- Other Matters

## Principle of Development

23. Development such as the provision of the change of use from guest house to house of multiple occupancy and conversion of outbuilding to additional self-contained unit of living accommodation will be considered in accordance with DM2 and will be generally acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing that there is not an adverse impact upon residential amenity. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
24. The application site lies within an existing commercial and residential area within the settlement boundary for Bury St Edmunds, where development is considered to be broadly sustainable and where new development should be focused. The proposal seeks what is a generally similar use to the previous lawful use as guest house, with only a modest increase in overall bedrooms as a consequence of the conversion of the outbuilding.
25. In conjunction with policy DM2, policy DM22 requires residential development to maintain or create a sense of place and character, as well as to optimise local amenity and be of a high architectural merit. The proposed changes to the existing development are relatively minor in its nature and therefore it is considered the development will not lead any adverse impacts upon the sense of place and character of the area or the amenity. The architectural merit is not altering and is relative to the surrounding area.
26. Policy DM41 seeks to prevent the loss of valued community facilities and services in areas outside of town centres. In the case of this proposal, it is considered that the existing guest house use is not a valued community facility, and, in any event, there is ample alternative provision nearby, so there is no conflict with policy and no objection to its loss under policy DM41.
27. Accordingly, it is considered that the proposed development is considered to accord with the relevant planning policies and the principle of development is therefore considered to be acceptable.

## Impacts on Amenity

28. Although no external alterations are proposed, it is noted that an increase in the number of bedrooms provided within a House of Multiple Occupation does have the potential to have wider implications for adjacent properties and residents alike. These potential impacts arise due to the increase in occupants and the associated activities that are naturally inherent with there being a greater number of occupants. General comings and goings increase whilst there may be an increase in noise due to the addition of a further individual within the property.
29. However, notwithstanding this, the current use is a guest house and the increased capacity of the property from 8-bedroom to 9-bedroom site is not deemed to give rise to an unacceptable additional impact on existing residential amenity in any event, over and above what might lawfully already be experienced as part of the present use. The guest house current use already

has a level of 'comings and goings' that would be similar to a House of Multiple Occupation, notwithstanding the additional bedroom. In this instance, given the generally residential nature of the locality, the scale of the plot and the generally unobtrusive nature of the use proposed, no material conflict with the Local Planning Authorities existing suite of planning policies has been identified and it can be concluded that the impacts upon amenity are acceptable.

#### Impacts on the Character of the Area/ Design, Form and Scale

30. The only significant changes to the street scene will be the replacement of both outbuilding doors fronting the highway and the removal of a small section of the wall and two brick columns to the front of the property to allow for improved visibility splays. One of the doors is to be replaced with a new partially glazed domestic type front entrance door to allow for improved thermal performance and security, and the other door is to be replaced with a fully glazed unit to the full height of the opening to provide natural daylight to the bedsit and to ensure compliance with Building Regulations standards for controlled fittings. The removal of the wall is 1.2 meters in length and a removal of two brick columns to allow for improved visibility splays are considered to be relatively modest changes and will not have an overall effect on the street scene or the character of the area.
31. It is considered the proposed changes are modest and will not have any negative effect on the character of the area, design, form and scale. The conversion of the outbuilding from storage to accommodation is to the rear of the site and cannot be seen from the street scene.
32. Therefore, it is considered the development in accordance with DM2 and DM22 will have no adverse implication to the character of the area or design, form and scale.

#### Highway Matters

33. At paragraph 110, the 2019 NPPF provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed.
34. Amended plans were requested in order to overcome concerns raised from the Highway Authority regarding the visibility splays with the access and the space between parking and bin manoeuvring. Amended plans were received on the 15/04/2020 which made alterations to the vehicular access to improve visibility and also provided for the relocation of the bin storage/presentation area. The Highway Authority confirmed on the 16/04/2020 that the amendments overcame the concerns raised and the application is now considered to be acceptable. Suggested conditions were recommended regarding the vehicular access, refuse/recycling bins, presentation of refuse/recycling bins and parking and manoeuvring. The conditions considered to be acceptable in this instance.
35. In this regards the comments of the waste team are noted and respected, however are not considered sufficient to justify any further negotiation here. The bin storage and presentation areas are acceptable in land use planning

terms, without detriment to the character of the area, or to pedestrian or vehicular safety, either through obstructing the pavement or blocking site lines. Concerns about the size of the bins and the potential for contamination of materials placed within them is not a material planning consideration and is a management issue for the site operators and the waste collection authority.

36. Accordingly, the application is judged to be sufficiently compliant with policies DM2 and DM46 with respect to highway safety and parking provisions.

### Biodiversity

37. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.
38. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancements.
39. Planning applications within Bury St Edmunds that have potential to affect bats should be treated with caution because of the bat caves at The Glen and on Horringer Road. However, the planning application is a change of use application with a few modest alterations to the existing building. Therefore, the risk of the development harming bats is small. It is considered in this case, a bat survey does not need to be conditioned, however, it is recommended that Property Services are advised to carry out a bat check in the interest of due diligence. This accords with comments received from ecology and landscape officer.

### Other Matters

40. Environmental Team have commented on the application and have stated that they have no comments with regards to air quality or contaminated land
41. Public Health and Housing have commented on the application stating that they could support this application subject to an acoustic assessment that demonstrates the development can achieve the guideline internal noise level achieve the guideline internal noise levels recommended in BS8233:2014 and the WHO. The property is sited on the junction of 2 busy roads: Parkway and St Andrews Street and therefore would potentially be subjected to elevated noise levels from high traffic flows. Public House and House note that the most sensitive rooms, with the exception of the outbuilding conversion, have windows that face towards St Andrews Street or are side on to Parkway. Therefore, the bedrooms of the main building may be shielded from the worst impacts, and this may be sufficient to mitigate adverse traffic noise effects. The previous use of the building as a guest house would not have required any particular noise mitigation as it was not being used as a permanent residence. Therefore, the condition that no development shall commence until details of the noise levels have been submitted has been recommended, which is reasonable in this

instance. As the application is a change of use and the conditioned will be worded that the noise report would be submitted and approved before the first occupation of the development.

42. Business Management Operations team commented on the application stated they had potential concerns whether or not the bins located on the site could be pulled out if there were cars parking in the parking spaces. Further, concerns were raised that waste management at Houses in Multiple Occupation can be problematic if not carefully considered at the outset and queried if there were any plans to ensure that contamination of recycling materials is kept to a minimum. Following the amended plans received this overcame the concerns raised regarding the relationship between the bins and the parked cars, this was further confirmed by the Highway Authority re-consultation. Regarding the waste management query, the agent confirmed that they will be providing split bins in the kitchens for general waste and recycling. Further, the agent confirmed that they have agreed to the collection suggestion criteria of the Business Management Team that the bins will be emptied twice a week. However, this is a management issue for the operator and waste collection officer that is not material at this stage.

### **Conclusion:**

43. 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:**

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

1. Time Limit - 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:

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

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
10914/ PA/002	Site Block Plan	15.04.2020
10914/PA/001	Site Location Plan	05.03.2020
10914/PA/003	Existing Floor Plans	05.03.2020
10914/PA/005	Proposed Elevations	05.03.2020
10914/PA/004	Proposed Floor Plans	05.03.2020

3. Noise Details - 1. No occupation of the site shall commence until details in respect of the following has been submitted to and approved in writing by the Local Planning Authority:

- i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 Guidance on sound insulation and noise reduction for buildings (2014). The development shall adopt the proposed sound insulation measures as stated.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. Vehicular access- The wall frontage enclosure for one metre, either side of the vehicle access, shall be reduced to 1 metre above the level of the adjacent footway. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

Reason: In the interests of highway safety in order to maintain intervisibility between highway users.

5. Refuse/recycling bins - The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 10914/PA/002 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

6. Presentation or Refuse/ Recycling Bins - The details of the area to be provided for the presentation of Refuse/Recycling bins for collection shall be submitted to and approved in writing by the Highway Authority.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

7. Parking and Manoeuvring - The use shall not commence until the areas within the site shown on Drawing No. 10914/PA/002 for the purposes of manoeuvring and parking of vehicles and for the purposes of cycle storage have been provided and thereafter that 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 ensure that sufficient on-site cycle storage is provided and maintained.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0420/FUL](#)