

## **Development Control Committee 8 July 2020**

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

**Date Registered:** 05.03.2020                      **Expiry Date:** 10.07.2020

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

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

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

**Site:** 35 St Andrews Street North, Bury St Edmunds

**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.

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## **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 Application - (i) change of use from guest house (Class C1) to house of multiple occupancy (Sui Generis) (ii) conversion of outbuilding to additional self-contained unit of living accommodation.
2. The operation of the main semi-detached building will be similar to existing, with 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 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
4. The description of the application has been amended through the application process in order to provide an accurate and clear description. The initial submitted scheme stated that the change of use was from guest house (Class C1) to house of multiple occupancy (Class C4). However, this was in fact incorrect and the correct use class is (Sui Generis). Houses in multiple occupation under Class 'C4' are limited to houses with no more than six residents and therefore a house in multiple occupation with more than six residents becomes by its nature is a 'Sui Generis' use. In this case we have a proposal for a house in multiple occupation that could be occupied by more than six residents and therefore is a (Sui Generis) use. As a result, the description of the application has been changed from a guest house (Class C1) to house of multiple occupancy (Sui Generis). Following the changed description a further re-consultation of the application followed.

## **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:**

5. 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 or article 4 area and the site is not located within the Bury St Edmunds Town Centre.

**Planning History:**

6.

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:

7. *No objection based on information received.*

11/06/2020:

8. *No objection based on information received subject to Conservation Area issues and Article 4 issues.*

**Public Health and Housing**

06/04/2020:

9. *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.*

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

### **Environmental Team**

26/04/2020:

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

05/06/2020:

11. *Thank you for re-consulting the Environment Team on the above application. Our previous comments remain unchanged.*

### **Ecology and Landscape Officer**

16/04/2020:

12. *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.*

## **Suffolk County Council Highway Authority:**

06/04/2020:

13. *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:

14. *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.*

08/06/2020:

15. *Further to our letter dated 3 April 2020. We have reviewed the revised Block Plan 10914/ PA/002 which shows modifications to the boundary wall as a means to improving visibility at the existing access. The changes are welcomed by the Highway Authority. Also noted are the indications of the proposed bin storage and presentation areas and the cycle storage facilities. Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions previously recommended except for the proposed B2 bin presentation, as that issue has now been addressed.*

11/06/2020:

16. *Further to our letters dated 3 April and 8 June 2020. The County Council as Highway Authority has reviewed the objection document you emailed on the 10 June and the points you made about the prospects of this application going to Planning Committee on 8 July. This application represents a small overall increase in the number of potential residents that can be accommodated in this dwelling. That potential increase will not lead to a significant impact on the local highway network. This exiting access appears to have been in use since 2007 when planning consent was approved to extend the existing dwelling. The access may have been in use for longer, but we have not researched the history of the site further back. The Highway Authority has researched the accident and collision history at the site of the access for the period going back from today back to 2007. Ten reportable road accidents have occurred at the junction between St Andrews St North and the A1302 main road. None of the accidents are directly associated with the access to the above property. The accident and collision data does not evidence that there have been two road accident fatalities at the site since 2007. The nature of the accidents and collisions that have occurred at the site do not appear to be unusual for a busy urban roundabout junction.*

*The town centre location of this property, the number and proximity of services and public transport options, the availability of local car parks and the existing parking restrictions mean that this site is considered as a sustainable location and meets the requirements for the Highway Authority to accept a reduced minimum parking offer. The proposal will not lead to a change in the number of vehicles that are able to park on-plot (three). The proposal will therefore, not lead to an intensification of vehicular use of the access. It is possible that the proposed use as a HMO may see the number of car owning residents fall, compared to the previous use as a guest house.*

*The proposal indicates that secure cycle storage will be provided for residents and we have recommended a planning condition to that effect accordingly. Waste and recycling bins will be stored on-plot and moved to the highway only to enable collection. Both the window and door of the converted outbuilding open inwards and not over the highway. The National Planning Policy Framework (NPPF) sets out in S109 that, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

*The Highway Authority has previously indicated that it has reservations about the access location because of the higher risk reversing movements but the absence of historical accident evidence does indicate that the proposed development will not have an unacceptable impact on highway safety nor that the cumulative impact of this proposal could be considered severe. The Highway Authority concludes that there are not any NPPF grounds to recommend refusal.*

*The planning process has enabled the Highway Authority to recommend improvements to the access and the applicant has agreed to remove two sections of the front wall, on either side, to improve driver/pedestrian intervisibility. The planning process has also secured the provision of secure cycle storage to promote sustainable travel and hopefully reduce the overall*

*number of vehicle movements. The Highway Authority has noted the time limited parking bay on Andrews St North.*

*The objector considers that there are reasons under The Road Traffic Act 1988 and The Traffic Signs Regulations and General Directions 2016 to support the objection. The Highway Authority advises any party who considers that an offence may have occurred to report the matter to the Police. We are not aware of vehicle movements having been reported in the past under this legislation. As part of a planning consultation the Highway Authority can not provide comment on legal matters that have not been investigated or substantiated.*

*To conclude, this planning application will maintain the status quo with regard to this existing access. No works are required in the highway and there will not be any dedication of new highway. The Highway Authority has reviewed accident data and concluded there are no safety grounds to justify recommendation of refusal. In this case it is considered that it should not be necessary for the Highway Authority to attend the Planning Committee as the relevant evidence has been set out, considered and commented in in our consultation responses.*

### **Suffolk Fire and Rescue Service**

16/04/2020:

*17. 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.*

### **West Suffolk Waste Business Management Operations**

18/03/2020:

*18. 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.*

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

28/04/2020:

*19. 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.*

20.All consultation responses can be viewed in full online.

### **Representations:**

21.Third party objections have been received in relation to this application. The objections received have been from the neighbouring property of 34 St. Andrews Street North, Bury St. Edmunds.

A summary of the main objection points are listed below

- Incorrect misleading description of the application
- Impact on community balance and character of the area
- The severe harm on the residential amenity of neighbouring properties through an unacceptable increase in noise, disturbance and loss privacy.
- Overlooking from the conversion of the outbuilding leading to loss of privacy.
- The adverse impact on highway and pedestrian safety through lack of off-street parking that will increase competition for parking on surrounding street.
- The property is not inclusive and is in discrimination of persons who are disabled therefore not in accordance with the Equality Act 2010.

### **Policy:**

22.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.

23.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)

24. 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:**

25. 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
- Third Party Comments

#### Principle of Development

26. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.

27. The proposed change of use from guest house to house of multiple occupancy and conversion of outbuilding to additional self-contained unit of living accommodation must be considered in relation to policy DM2. It states that development 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 policy CS3, policy DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.

28. The application site lies within an existing mixed 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.
29. 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 their nature and therefore it is considered the development will not lead to any adverse impacts upon the sense of place and character of the area or the amenity.
30. 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 does not meet the criteria to be considered a valued community facility as defined by the policy, 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.
31. As a result, the proposed development is considered to accord with the relevant planning policies and the principle of development is acceptable.

#### Impacts on Amenity

32. Although, only minor external alterations are proposed. It is noted that an increase in the number of bedrooms provided within a House of Multiple Occupation can potentially have wider implications for adjacent properties and residents alike. These potential impacts arise due to the increase in occupancy and the associated activities that are naturally inherent with there being a greater number of occupants. General comings and goings increase and there may be an increase in noise due to the addition of further individuals within the property.
33. However, notwithstanding this, the current use is a guest house as it does appear that the 2015 approval was never implemented, certainly that is the position as set out on the existing floor plans and as confirmed by the applicant in their submission. The increased capacity of the property from 8-bedrooms to 9-bedrooms on the site is not deemed to give rise to an unacceptable additional impact on existing residential amenity, over and above what might lawfully already be experienced as part of the present use. The current guest house use already has a level of 'comings and goings' that in the view of officers would be similar to a House of Multiple Occupation, notwithstanding the additional bedroom. The conversion of the outbuilding will include upgrades to its fabric which will include improved acoustic performance in accordance with current Building Regulations standards. The Public Health and Housing team have commented on the application stating that an acoustic noise assessment that demonstrates that the development can achieve the guidelines of internal noise levels, prior to the first occupation of the development should be submitted, which is considered to be reasonable and will be conditioned in this instance. This notes that the noise impacts associated with permanent occupation as

opposed to more transient guest house use requires suitable and effective mitigation in order to be acceptable in amenity terms.

34. The conversion of the outbuilding will not lead to any adverse impacts to neighbouring amenity by reason of loss light, overlooking or overbearing effects. The outbuilding is set at substantial gradient lower than the host building and, due to the site levels in the area generally, also lower than the neighbouring dwelling. Further, the conversion of the outbuilding will not lead to any additional windows being inserted. The existing windows facing the neighbouring (34 St Andrews Street) property on the western elevation are sky lights that will be facing upwards and not across into the amenity area of 34 St Andrews Street. The outbuilding is positioned 11 metres away from the rear of the neighbouring property.
35. Therefore, as a result of the difference in levels between the application site and the neighbouring property, the approximate 11 metre distance between the outbuilding and neighbouring property, the modest scale of the outbuilding, and noting that no new windows are proposed to be inserted into the outbuilding it is considered the conversion will not lead to adverse impacts in terms of overlooking from the proposed occupiers of the outbuilding to the neighbouring property, nor to any materially adverse amenity effects arising from its use. Accordingly the proposal is in accordance with policy DM2 - Creating Places Development Principles and Local Distinctiveness .
36. Given the wider mixed commercial uses and the generally residential nature of the locality, the scale of the plot and the generally unobtrusive nature of the use proposed, which at worst is only a very minor intensification of the residential use of the building, no material conflict with the Local Planning Authority's existing suite of planning policies has been identified and it can be concluded that the impacts upon amenity are considered to be acceptable.

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

37. 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. The removal of the wall is 1.2 metres in length and a removal of two brick columns to allow for improved visibility splays are considered to be relatively modest changes which will not have an overall adverse impact on the street scene or the character of the area.
38. The proposal will lead to some sighting of bins located to the front of the property, it is noted and is a factor that weighs marginally against the scheme. The provision of large commercial sized bins in a location where they will be visible in the street scene is clearly going to have very modest adverse impact. However, within the context of a mixed character, edge of town centre location and noting the site is not within a sensitive designation such as a conservation

area, it is not considered that this level of 'harm' is insufficient could justify a refusal of the application.

39. It is considered the proposed changes are modest and will not have any negative effect on the character of the area in terms of 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, with limited or no adverse impacts arising upon the character and appearance of the area.
40. Therefore, it is considered the development is in accordance with policies DM2 and DM22 and will have no adverse impact on the character of the area or design, form and scale of the building.

### Highway Matters

41. At paragraph 110, the 2019 NPPF provides that applications for planning permission should enable safe use of public highways so far as possible for all. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed. This supports paragraph 109 of the NPPF which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe.
42. Amended plans were requested in order to overcome concerns raised from the Highway Authority regarding the visibility splays 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.
43. Following the amended description, the Highway Authority was re-consulted and reiterated their response of 16/04/2020. except for the condition proposed requiring the details of the area to be provided for the presentation of Refuse/Recycling bins for collection, which was no longer needed since those details were shown on the amended plans received.
44. The comments of the waste team are noted, however they are considered to be a matter of detail which the applicant can resolve with the waste team should the application be approved. The amended 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.
45. Accordingly, the application is judged to be sufficiently compliant with policies DM2 and DM46 with respect to highway safety and parking provisions.

## Biodiversity

46. 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.
47. 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.
48. 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 and an informative to reflect this can be added to the any decision notice. This accords with comments received from ecology and landscape officer.

## Other Matters

49. The Environmental Team have commented on the application and have stated that they have no comments with regards to air quality or contaminated land.
50. 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 levels recommended in BS8233:2014 and the WHO. The property is sited on the junction of two busy roads: Parkway and St Andrews Street and therefore would potentially be subjected to elevated noise levels from high traffic flows. Public Health and Housing 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 the condition will be worded that the noise report shall be submitted and approved before the first occupation of the development.
51. The West Suffolk Council Waste Business Management Operations team commented on the application, as mentioned in paragraph 36, and 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 Waste 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 in land use planning terms.

52. The property will be managed by the Council's Housing Team which already currently manages several temporary accommodation properties across West Suffolk. It is considered the application, if approved, will help to deliver the increase in need for homeless accommodation across West Suffolk, and this is a factor which weighs in its favour. The Housing team has been extremely busy over the last 3 months accommodating a large number of people due to COVID-19. The Housing team has stated that since the pandemic there has been more people presenting to the council as homeless and in need of support with currently having 149 households in temporary or emergency accommodation including 30 families and 105 single people or couples, plus 14 rough sleeper beds. This compares to 83 households in June 2019. It is expected this demand to continue with the concerns around job losses and recession. The Housing team confirmed that there are two temporary accommodation officers who visit their sites on a regular basis. This is usually daily, resources permitting. When a tenant signs a licence agreement the house rules are explained to them and they are advised that any breaches could lead to the offer of accommodation being withdrawn. When necessary, if a resident has breached the terms of their licence agreement they have been evicted. There is a strict no smoking rule at all HMO accommodation along with no visitors. The council has an agreement with Verse, who clean the accommodation. Any repairs and essential maintenance are handled by the council's property services team.
53. The application site is located within an area that is located near good transport facilities, services and the town centre uses and therefore is a sustainably located development, noting the NPPF principles that seek to reduce reliance on the use of the private car.
54. Third party comments have been received in relation to the proposal as not being inclusive in terms of level and suitable access for all. Under section 149 Equality Act 2010 (the Act), a public authority must in the exercise of its functions have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race (the Public Sector Equality Duty – PSED). The weight and extent of the duty are highly fact sensitive and a matter of planning judgement.
55. In terms of this proposal the agent has confirmed that existing accessible provision and fittings will be retained. The objection refers to the potential for a ground floor accessible bedroom – another unit here will prevent the scheme's compliance with regards to providing the necessary communal space and is not considered desirable therefore. The agent assessed whether the outbuilding

could be made into an accessible unit however, it is not large enough to provide the necessary circulation space or facilities. This unit, however, could accommodate a tenant of impaired mobility noting the flush access at the main entrance and that it is level throughout. This unit could be provided with Document M fittings i.e. grab rails if deemed necessary and could potentially be more open plan if required. The agent has confirmed that if residents do require level access, the housing team has two fully accessible units under construction as self-contained flats at Mudds Yard in Bury St Edmunds which are suitable for those residents with mobility impairment. On this basis, and noting the reasonable steps the applicant has taken given the constraints of the building, in combination with the confirmation that alternative, purpose built accommodation is held by the applicant it is considered that the benefits of providing an increased offer and mix of accommodation weighs in favour of the proposal despite the identified constraints around accessibility of the building.

### Third Party Comments

56. Third party comments from the nearest neighbour to the application site have been received on a number of matters. In relation to the impact on community balance and character of the area, the objection received falls into two distinct elements; the adverse effects on community cohesion arising from an HMO, plus the adverse effects on character arising from the siting of bins in a prominent location. The existing planning unit is already used in a commercial and intensive manner so the impacts arising from occupation and use are not considered to be greater than those associated with a typical family home, the use for which the premises were originally built. Furthermore, the wider area, as an edge of town centre location, includes a diverse range of uses, as would be expected, including peripheral commercial uses on St. Andrews Street, obvious town centre uses, offices, flats, family houses. Examples of these include offices and takeaway units, dwellings, as well as retail premises. Officers consider that a material change of use from the use already operating at the site to a slightly larger HMO will not have an unacceptable impact on the balance and character of the area given its existing, diverse and varied range of uses. In relation to the second point, the impact on character arising from the siting of bins in a prominent location is noted and is a factor that weighs marginally against the scheme. The provision of large commercial sized bins in a location where they will be visible in the street scene is clearly going to have very modest adverse impact. However, within the context of a mixed character edge of town centre location and noting the site does not lie within a sensitive designation such as a conservation area, it is considered that this level of modest 'harm' would not be sufficient to justify a refusal of the application.
57. Third party comments received in relation to the incorrect description have been addressed by amending the application description and a re-consultation followed.
58. Third party comments have been received in relation to noise and disturbance and loss of privacy. Noting the existing uses at the site, noting the edge of town centre and noting the limited car parking available coupled with the management restrictions such as the no visitors policy, these will naturally limit the visitors to the site and so movements will be predominantly be generated by residents and staff., Officers are satisfied that there will not be

any material adverse effects as a result of the intensification of the use. . Noise and disturbance above and beyond any 'normal' day to day activity will be a management issue for the operators, in conjunction with formal involvement from Public Health and Housing if required. Internal living conditions , if the application is to be approved, can be addressed via the proposed condition 3 which relates to the requirement for noise mitigation to ensure an acceptable internal living environment. Instances of anti-social behaviour and crime in the street, in the officer's view, are not likely to be materially affected by this proposal and if they do occur are a matter for the management of the site and potentially the police.

59. The issues relating to the overlooking effects from the conversion of the outbuilding is not considered to be materially harmful for the reasons discussed above, including the favourable levels and the height of the windows. The outbuilding is set at a substantial gradient lower than the host building. Further, the conversion of the outbuilding will not lead to any additional windows and the windows facing the neighbouring of 34 St Andrews Street property on the western elevation are sky lights that will be facing upwards and not across into the amenity area of 34 St Andrews Street. Therefore, with the positioning of the skylights and the lower gradient levels it is considered that the conversion will not lead to adverse impacts with regards of overlooking effects and therefore is in accordance with policy DM2.
60. The objector has raised an issue relating to the trees on the boundary. This is not a material concern because they are modest specimens that will have no adverse effects upon the living conditions of any occupiers of the site . However, if the trees eventually create an amenity issues, then action can be considered under 'High Hedges' legislation to ensure they are reduced in height. In conclusion, for the reasons set above and in the amenity section of the report, officers conclude that the proposal will not lead to a significant adverse effect on amenity.
61. Third party comments have been received in relation to the adverse impact on highway and pedestrian safety though lack of off-street parking that will increase competition for parking on surrounding streets. A consultation response from the Highway Authority states that this application represents a small overall increase in the number of potential residents that can be accommodated in this dwelling. That potential increase will not lead to a significant impact on the local highway network. This exiting access appears to have been in use since 2007 when planning consent was approved to extend the existing dwelling. The access may have been in use for longer, but we have not researched the history of the site further back. The Highway Authority has researched the accident and collision history at the site of the access for the period going back from today back to 2007. Ten reportable road accidents have occurred at the junction between St Andrews St North and the A1302 main road. None of the accidents are directly associated with the access to the above property. The accident and collision data therefore does not evidence that there have been two road accident fatalities at the site since 2007. The nature of the accidents and collisions that have occurred at the site do not appear to be unusual for a busy urban roundabout junction. The town centre location of this property, the number and proximity of services and public transport options, the availability of local car parks and the existing parking restrictions mean that



this site is considered as a sustainable location and meets the requirements for the Highway Authority to accept a reduced minimum parking offer. The proposal will not lead to a change in the number of vehicles that are able to park on-plot (three). The proposal will therefore, not lead to an intensification of vehicular use of the access. It is possible that the proposed use as a HMO may see the number of car owning residents fall, compared to the previous use as a guest house.

62. The Highway Authority also stated that the proposal indicates that secure cycle storage will be provided for residents and it is recommended a planning condition to that effect accordingly should the application be approved. Waste and recycling bins will be stored on-plot and moved to the highway only to enable collection. Both the window and door of the converted outbuilding open inwards and not over the highway. The National Planning Policy Framework (NPPF) sets out in S109 that, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The Highway Authority has previously indicated that it has reservations about the access location because of the higher risk reversing movements but the absence of historical accident evidence does indicate that the proposed development will not have an unacceptable impact on highway safety nor that the cumulative impact of this proposal could be considered severe. The Highway Authority therefore concluded that there are not any NPPF grounds to recommend refusal. Further, the planning process has enabled the Highway Authority to recommend improvements to the access and the applicant has agreed to remove two sections of the front wall, on either side, to improve driver/pedestrian intervisibility. The planning process has also secured the provision of secure cycle storage to promote sustainable travel and hopefully reduce the overall number of vehicle movements. The Highway Authority has noted the time limited parking bay on Andrews St North.

63. The third-party comments received consider that there are reasons under the Road Traffic Act 1988 and The Traffic Signs Regulations and General Directions 2016 to support the objection. The Highway Authority advises any party who considers that an offence may have occurred to report the matter to the Police. The Highway Authority are not aware of vehicle movements having been reported in the past under this legislation. However, as part of a planning consultation the Highway Authority has confirmed that they cannot provide comment on legal matters that have not been investigated or substantiated. Therefore, to conclude, this planning application will maintain the status quo with regard to this existing access. No works are required in the highway and there will not be any dedication of new highway. The Highway Authority has reviewed accident data and concluded there are no safety grounds to justify recommendation of refusal. Further, the Housing Team have confirmed that very few of the residents own cars.

### **Conclusion:**

64. The detailed and comprehensive objections received in relation to this application have been taken into consideration in the assessment of this matter, and as part of the planning balance. The area is characterised by its mixed appearance, and by the mix of uses located within the vicinity, as expected of

an edge of town centre location. The physical changes to the site, including the provision of bin storage areas, are not considered to adversely affect the character and appearance of the area. Furthermore, it is also considered that the amenity effects arising will not be materially more harmful than those already arising from the present lawful use, and that a refusal on such grounds would again not bear scrutiny. Members will further note the detailed and considered comments received from Suffolk County Council as Highway Authority in relation to the transportation impacts, concluding, as they do, that the proposal will not be any worse than the existing scenario. Officers are also mindful of the benefit of providing such accommodation in such a location with limited adverse consequences, and this also weighs in favour in the planning balance.

65. In conclusion therefore, 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:**

66. 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. 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 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. The wall frontage enclosure for one metre either side of the vehicle access shall be reduced to one metre above the level of the adjacent footway. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the wall as altered 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. 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](#)