

Development Control Committee 6 July 2022

Planning Application DC/22/0172/FUL – Land adjacent to 1 and 2, Park Garden, West Row

Date registered:	21 February 2022	Expiry date:	18 April 2022 EOT 11.07.2022
Case officer:	Britta Heidecke	Recommendation:	Approve application
Parish:	West Row	Ward:	The Rows
Proposal:	Planning application - six dwellings with access, parking and associated site work		
Site:	Land adjacent to 1 and 2, Park Garden, West Row		
Applicant:	Mr Gavin Wells		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

This application was deferred from Development Control Committee on 1 June 2022 for a site visit and to provide further highways related information. The application remains recommended for approval.

Proposal:

1. See Working Paper 1 – para 1 to 3

Site details:

2. See Working Paper 1 – para 4 to 6

Planning history:

3. See Working Paper 1 – para 7

Consultations:

4. No further consultation undertaken or responses received.

Representations:

5. No further representations received.

Policy:

6. See Working Paper 1 – para 15 to 17

Officer comment:

7. The application was deferred at the 1 June Development Control Committee for a site visit and to provide further clarification on highway related matters.
8. Firstly, Members asked for clarification on how collision data is obtained by the highway authority, given objections from local residents which related to accidents in the vicinity. Suffolk County Council Highways does not directly record the number of traffic collisions that occur on roads in Suffolk. The highway authority has confirmed that for this application the collision data was reviewed on both Crashmap.co.uk and their internal SCC system. Crashmap.co.uk uses data from the Department of Transport (DfT) to populate the map and this is updated annually. The SCC system uses data from the police incident records and is updated around once a month. The collection and recording process is governed by the DfT. Full guidance on data collection can be viewed at: <https://www.gov.uk/government/publications/road-accidents-and-safety-statistics-guidance>.
In summary the DfT stipulate that collision data should only consist of collisions where all the following criteria are met:
 - recorded by the police
 - occurred on a public highway
 - involved human death or personal injury
 - involved one or more vehicles and were notified to the police within 30 days of occurrence

Given there is no record of accidents in this location it is likely that the incident reported to Committee by a local resident did not meet these criteria.

9. Secondly, Members sought to better understand the context of comments provided by Suffolk County Council Highways on 23.09.2014 in relation to an outline application for three dwellings also off Parkers Drove, (DC/14/1187/OUT) attached at working Paper 3. Application DC/14/1187/OUT was considered and determined after the approval for 7 dwellings on the site subject to this application (F/2013/0329/OUT), which was approved on 26.11.2013.
10. SCC Highways advised in 2013 in response to a proposal for 7 dwellings on the site subject to this application (F/2013/0329/OUT) (see working Paper 4):
 - Visibility from Parkers Drove onto Friday Street is good and speeds are relatively slow
 - Whilst large vehicles may have difficulties turning the corner at the junction with Parkers Drove this proposed development is unlikely to result in a material increase in the traffic levels undertaking this manoeuvre
 - Whilst Parkers Drove widths falls below adoptable standards, it is the very narrowest road that can support side by side vehicles at low speeds according to Manual for Streets. From site visits, it appeared that speeds are low and therefore the safe operation of Parkers Drove should continue with a small increase in the number of houses served off Parkers Drove.
 - The proposed 7 dwellings fall below the cut off where the amount of vehicles using the road would create a safety issue.
11. The highways comments in response to DC/14/1187/OUT concurred with the comments previously made; that Parkers Drove is substandard and that this development, in addition to the existing and approved dwellings off Parkers Drove, represents an intensification of use which was not considered acceptable.
12. Moreover, the proposed development with three dwellings at the end of Parkers Drove (DC/14/1187/OUT) would have resulted in vehicular use of the continuation of Parkers Drove which is a public right of way - byway 27, resulting in further conflict between vehicular traffic and public right of way users.
13. The officer report for DC/14/1187/OUT at para 22 explains 'A previous planning application for residential development in this location was approved on the basis of the Highways Authority advice stating that it would create a minimal increase in vehicular traffic accessing Friday Street, however, at this time they advised that further intensification of this access would not be supported as there is a maximum number of dwellings that can be safely supported by Parkers Drove.'
14. DC/14/1187/OUT was subsequently refused by reasons of unacceptable impacts on highway safety as well as on a public right of way. The proposed 3 dwellings in 2014 on the site at the end of Parkers Drove were over and above those approved in 2013, whereas this current application is on the same site and same unit number as those approved in 2013.
15. Thirdly, Members raised queries regarding the proposed private waste collection service for this development to be secured by condition. Whilst the applicant has provided details of a private provider who confirmed that

they would be servicing the site, to ensure adequate waste collection an additional condition and informative are now proposed as follows:

Prior to the occupation of any of the dwellings hereby approved a waste collections strategy shall be submitted to and approved in writing by the local planning authority. Details shall be submitted to and approved by the local planning authority as to how the operation of the waste collection strategy will be secured in perpetuity. The dwellings hereby approved shall be occupied in accordance with the waste strategy thereafter unless agreed in writing otherwise.

Reason: To ensure the incorporation of waste collection, storage and recycling arrangements, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Informative: The site will not be serviced by West Suffolk Council waste services. Condition 15 has been imposed to ensure waste collection will be dealt with via a private waste collection provider.

Conclusion:

16. As set out in the supplementary paper to the June committee report (see working Paper 2), the application site is within the settlement boundary for West Row where residential development is acceptable in principle in accordance with policy SA1 and CS1.
17. Moreover, planning permission DC/14/2407/OUT (with subsequent DC/16/2671/RM and DC/17/2149/RM) for 7 dwellings (2 five bed and 5 four bed properties) in this location is extant and therefore capable of implementation. This application for changes in design and layout to 6 of the 7 plots will result in the same scale of development with the same impacts on the access and highways safety. The acceptability with regards to highways safety has therefore already been established. The Highway Authority has in response to this application confirmed their previous view going back to 2013 that due to the scale of development and the good visibility and slow speeds on the bend with Friday Street the proposal will not have unacceptable impacts on highway safety. As such the proposal is acceptable assessed against policy DM2 in this respect.
18. However, members should note that whilst the proposal is considered acceptable with regards to highway safety matters, the extant permission and legitimate fallback position mean that the site is capable of being developed with 7 dwellings, 5 four bed properties and 2 five bed properties. Therefore, the main considerations in this case are the changes to detailed design and layout for 6 of the 7 approved plots.
19. In accordance with policies DM2 and DM22, the design proposed is acceptable in this location which is characterised by a variety of dwelling designs and sizes. Loss of view, per se, is not a material planning consideration and impacts on outlook or overlooking are considered to be acceptable, nor will the proposals be overbearing given the 7.5m chalet height and considerable separation from the rear boundary of between 13.3m and 20.8m. Waste collection is proposed to be provided by a

private service provider from within the site, which will be an improvement to the current approved scheme.

20. In conclusion, whilst there remains a valid fallback position to develop the site which is a material consideration for the assessment of these proposals, subject to the conditions set out below, the proposals are considered acceptable and in compliance with the Council's local plan policies and the NPPF.

Recommendation:

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

- 1 The development hereby permitted shall be begun not later than three 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, unless otherwise stated below:

Reference number	Plan type	Date received
JP-2021-014-70 Plot 7	Proposed elevations & floor plans	2 February 2022
JP-2021-014-60 Plot 6	Proposed elevations & floor plans	2 February 2022
JP-2021-014-10 Plot 1	Proposed elevations & floor plans	2 February 2022
JP-2021-014-40 Plot 4	Proposed elevations & floor plans	2 February 2022
JP-2021-014-30 Plot 3	Proposed elevations & floor plans	2 February 2022
JP-2021-014-20 Plot 2	Proposed elevations & floor plans	2 February 2022
JP-2021-014-1 Rev.A	Location & block plan	20 April 2022

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

- 3 Before the dwelling at plot 4 hereby permitted is first occupied/brought into use, the first floor bathroom window in the south elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights up to 1.70m from floor level 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.

- 4 The Construction Management Statement already submitted with the application shall be adhered to throughout the construction period (except form the superseded domestic waste collection paragraph).

Reason: To ensure the satisfactory development of the site and 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 No construction HGV movements, loading and unloading of vehicles or deliveries shall be taken or despatched outside the hours of 08:00 - 18:00 Mondays to Friday and 08:00 – 13.00 on Saturdays and no deliveries shall be taken or despatched on Sundays and Bank Holidays unless agreed in writing with the Local Planning Authority.

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.

- 6 Demolition or construction works shall not take place outside 8:00 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.

- 7 All construction lighting installations to be provided at the site, including those within the car parking areas, service yards and security, shall be positioned so as not to cause unacceptable glare to the residential properties in the vicinity of the site.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality, 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.

- 8 All planting comprised in the approved details of landscaping detailed on drawing no P-2021-014-1 Rev A shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 9 Prior to occupation the biodiversity enhancement measures shown in the approved plans shall be installed in their entirety and be retained in the

approved form thereafter.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 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.

- 11 The dwelling(s) hereby approved shall not be occupied until the 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. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 12 Prior to occupation each dwelling hereby approved shall be fitted with a domestic sprinkler systems and shall be maintained fully functional thereafter.

Reason: To enhance Firefighter safety in accordance with policy DM22.

- 13 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. JP-2021-014-1 Rev.A for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
No HGV movements shall be permitted to and from the site other than in

accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive areas, in the interest of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 Prior to the occupation of any of the dwellings hereby approved a waste collections strategy shall be submitted to and approved in writing by the local planning authority. Details shall be submitted to and approved by the local planning authority as to how the operation of the waste collection strategy will be secured in perpetuity. The dwellings hereby approved shall be occupied in accordance with the waste strategy thereafter unless agreed in writing otherwise.

Reason: To ensure the incorporation of waste collection, storage and recycling arrangements, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Informative: The site will not be serviced by West Suffolk Council waste services. Condition 15 has been imposed to ensure waste collection will be dealt with via a private waste collection provider.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0172/FUL](#)

Working Paper 1 – June committee report

Working Paper 2 – supplementary paper to June committee report

Working Paper 3 - Suffolk County Council Highways comments on DC/14/1187/OUT

Working Paper 4 – Suffolk County Council Highways comments on F/2013/0329/OUT