

Committee Report

Item No: 3

Reference: B/16/01360

Case Officer: John Davies

Ward: Sudbury East.

Ward Member/s: Cllr Adrian Osborne. Cllr Jan Osborne.

Description of Development

Outline planning application (with some matters reserved) for Residential Development of 20 1 & 2 Bed Apartments and 3 Cart Lodge Apartments (23 in total) together with parking and external amenity area.

Location

Former Crown Building, Newton Road, Sudbury, CO10 2RL

Parish: Sudbury

Site Area: 0.17 ha

Conservation Area: No

Listed Building: No

Received: 07/10/2016

Expiry Date: 04/04/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: n/a

Applicant: Mr.R.Crow

Agent: None

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Site Plan 1352/P1/01C - Received 10/10/2016

Elevations - Proposed 1352/P1/02 - Received 10/10/2016

Floor Plan - Proposed 1352/P1/03C - Received 10/10/2016

Floor Plan - Proposed 1352/P1/04C - Received 10/10/2016

Proposed Plans and Elevations 1352/P1/05B - Received 10/10/2016

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for:

a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/17/01023	Outline-Erection of up to 20 apartments along with associated parking, garaging, communal areas and construction of new vehicular access.	Under consideration
B/14/01158	Outline - Erection of up to 33 apartments along with associated parking, garaging, communal areas and access.	Withdrawn 11/02/2015
B/11/01512	Change of use from business use (Class B1) to retail use on ground floor (Class A1 use) and business use (Class B1) on the first floor, alterations to ground floor windows on front and eastern side (facing Belle Vue road) of building and alterations to rear access to Belle Vue road.	Granted 07/02/2012

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

CN01 - Design Standards
CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development
EM24 - Retention of Existing Employment Sites
SD02- Mixed Use Areas-Business and Service
SD03- Mixed Use Areas-Shopping and Commerce
SD04- Mixed Use Areas-Residential Development

BABERGH CORE STRATEGY 2014

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03- Strategy for Growth and Development
CS15 - Implementing Sustainable Development
CS18- Mix and Types of Dwellings
CS19- Affordable homes

SUPPLEMENTARY PLANNING DOCUMENTS

Employment Land SPD
Affordable Housing SPD
Suffolk Guidance for Parking 2014

List of other relevant legislation

- Human Rights Act 1998
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

None

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Sudbury Town Council

- Welcome housing on site and affordable housing in Sudbury and recognise shortage of 1 and 2 bed apartments in the town
 - Design is not acceptable and its presentation
 - There are pedestrian crossing and traffic safety issues in the area and concerns about traffic congestion in the town.
 - Lack of parking facilities in line with County standard and lack of visitor parking.
 - Recommend Refusal on grounds of over-development and not in line with street scene and loss of amenity to neighbouring residences.
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Environmental Health - Noise/Odour/Light/Smoke

Comment on lack of any details of sustainable development measures.

Economic Development & Tourism

No objection- satisfied that applicant has fully complied with Policy EM24 (loss of employment land) and that an extensive agreed marketing campaign was undertaken in an attempt to find a commercial use for this site.

Environmental Health - Land Contamination

Acknowledge the EnviroRisk report dated October 2014, by Waterman Energy, Environment and Design Limited. Although this report is a comprehensive desk top study, it does not include a site walkover or overall assessment of risk. Therefore, it is only part of a Phase 1 study, and a full Phase 1 study is required for this development.

Environmental Health - Noise/Odour/Light/Smoke

No objection but request consideration of following matters and suggested conditions:

- potential for loss of amenity due to traffic noise and recommend condition to require appropriate acoustic glazing provided for flats facing Newton Road to meet internal noise values given in BS:8233
- sound insulation between flats is required but noted that this would be covered by Building Regulations.
- requested Construction and Environmental Management Plan given proximity of existing dwellings
- request noise condition for construction works and limitations on delivery times to 8-6 pm on Mon-Fri and 9-1pm on Saturdays only.
- no burning to take place on site
- request condition for submission of external lighting scheme.

SCC - Fire & Rescue

Refer to Building Regulations requirements with respect to fire fighting appliances and firefighters. State that requirements for hydrants on the site not known at this stage but will be ascertained at the water planning stage.

SCC - Highways

Recommend approval subject to conditions regarding access, parking and refuse details but object to proposal access arrangement on grounds that safe and suitable access to the site cannot be achieved for all contrary to the National Planning Policy Framework with the vehicular access layout shown on drawing 1352/P1/01 Rev. A. due to the proximity of the vehicular access to Newton Road, the narrow width of the access and limited inter-visibility between drivers on Newton Road and emerging from the access. In combination this is likely to result in vehicles braking sharply on the A131 posing a severe impact. The proposed access is only 10 metres from the junction of Belle Vue Road with Newton Road. It would be a couple of metres further than the location of an existing access to an office car park with 12 spaces but pose a very significant increase in use. This increases the risk of an accident significantly.

LHA suggest that a satisfactory access could be achieved by moving the access to where parking spaces 10 and 11 are (on drawing 03C). This should provide for acceptable visibility splays in both directions and be far enough away from Newton Road to address the risk expressed above.

The width of the proposed access allows for one vehicle to use it at any one time. It would not be uncommon for one driver to want to enter at the same time as another exits. The inter-visibility would result in vehicles waiting at the junction with Newton Road as another exits the site. There is significant potential for surprise braking manoeuvres as a result, with vehicles not clearing Newton Road in time.

The access way should be made a 5.5 – 6 metres wide for a minimum 10m from the carriageway edge to facilitate passing of two cars off the highway. This is slightly wider than recommended in the Suffolk Design Guide for Residential Areas to account for the swept path of turning cars and narrow carriageway. Also raise concern about access through the car parking area and some parking.

Anglian Water

Recommend a condition requiring a surface water management strategy before works commence.

SCC Floods and Drainage-

Comment that insufficient information provided to assess surface water drainage issues.

SCC Development Contributions Manager

Detailed comments provided in relation to the requirements for CIL

B: Representations

Sudbury Society- object:

- this fresh application seems little changed from previous scheme
 - lacks any architectural merit
 - poor planning of the main building is evidence that it is excessive for the site
 - internal corridors and artificially lit kitchens might be acceptable in a budget hotel, they are certainly not acceptable in contemporary residential provision,
 - common entrances are very mean.
 - dispute the claim that the flats are accessible to residents with disabilities since every flat involves at least one flight of stairs, and we could not find evidence of the passenger lift.
 - residential provision close to the town centre is welcome and encourages access by foot or cycle but any application for this site must accept that the two crossings to reach King Street are both hazardous and the lack of any obvious route to Great Eastern Street and beyond is evidence that pedestrian access across this junction is very poor.
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Janus, Belle Vue Road objects:

- traffic congestion in Belle Vue Road where access is proposed
 - building bigger and taller than former tax office
 - refuse storage on frontage of site
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Occupier 9 Belle Vue Road objects:

- parking provision of 1 space per unit not enough to allow for 2 bed units and visitors and would lead to more parking on Belle Vue Road.
 - refuse bins on site frontage are unsightly causing litter and smells
 - access for emergency vehicles is doubtful
 - would add to traffic flow on busy junction of Belle Vue Road with Newton Road especially at peak times
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- 23 units are too many
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Residents petition with 18 signatures objecting to the proposal on the following grounds:-

- lack of sufficient parking and access onto Belle Vue Road would lead to increased parking pressure and congestion
 - refuse bins on site frontage would cause smells, litter, noise and be unsightly.
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Suffolk Preservation Society

- welcome a smaller scheme on this brownfield site to provide 23 small units in a highly sustainable location
 - concerned about extent of site coverage, depth and bulk of principal block and design quality
 - scheme is lacking in architectural character or distinction
 - universal design approach does not give a strong sense of place
 - design has very deep plan, large expanse of flat roof and wide gable ends, bulky and unrelieved roof line
 - blind openings to car park level create dead frontage
 - central gabled features are weak and lack sufficient modelling with shallow gables and insufficient articulation to make principal elevations architecturally interesting.
 - no information on facing materials
 - limited outside space for this number of flats
 - scheme should be referred to Design Review Panel
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PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1 The site is a vacant and cleared plot on the corner of Newton Road (the A134) and Belle Vue Road. Newton Road is the main radial route leading into Sudbury town from the south-east and Belle Vue Road is a residential street. The site is 0.17 hectares in area.
 - 1.2 The site was formerly occupied by a two-storey building used as a tax office by the Inland Revenue, which was demolished in 2014. It has remained vacant and derelict ever since and its run down and neglected appearance severely detracts from the surrounding area and the approach to the town centre.
 - 1.3 The site is surrounded by residential uses on Belle Vue Road comprising mainly two storey terraced houses and predominantly detached houses on Newton Road. Opposite the site is the site of Belle Vue House and the public park. To the west of the site is a telephone exchange building. Ground levels gently rise along Newton Road away from the town centre and they rise more steeply up Belle Vue Road from Newton Road.
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- 1.4 The site is close to the town centre and there are no listed buildings nearby nor is the site within the Sudbury Conservation Area, the boundary of which is located to west of junction of Girling Road/Newton Road approximately 60 metres to the west of the site.
- 1.5 There were formerly two vehicle access into the site from Belle Vue Road and a public footpath runs along the rear boundary between Belle Vue Road and the side elevation /garden of Kimberley leading via Minden Road to East Street.

2. The Proposal

- 2.1 The application is in outline with only landscape details reserved and for the erection of two residential blocks of flats providing a total of 23 apartments. The principal block, as proposed, is a three storey building facing the Newton Road and Belle Vue Road frontages and angled at the junction of the two roads. A secondary two storey block of three flats is proposed to the rear.
 - 2.2 Access to the site would be from Belle Vue Road approximately 10 metres from the junction with Newton Road. The access would lead down into a car parking area underneath the principal building. A rear access from the car park area would lead to more parking both underneath the rear block and in the open rear area.
 - 2.3 Parking provision on site comprises 22 spaces beneath the principal building together with 4 spaces within the rear building and 7 spaces in a rear open parking area making a total of 33 no. spaces in total. An enclosed cycle parking area is proposed within the main parking area of the principal building with space to store 30 bikes.
 - 2.4 An external refuse bin store area is proposed on the Belle Vue Road frontage.
 - 2.5 The proposed dwelling mix would be 19 no. one bedroom apartments and 3 no. two bedroom apartments and, as originally proposed, of these 7 no. would be affordable one bed units and 1 no. would be an affordable two bed unit.
 - 2.6 A communal garden area is proposed to the rear of the main building located within a small area in between the rear of the principal block and the rear elevation of the smaller block. It comprises an area of around 55 square metres and identified on the Site Layout Plan as a Seating Area.
 - 2.7 Proposed facing materials are red facing brick work, dark tiled roof and black windows and doors.
 - 2.8 The principal building would extend virtually the whole frontage of Newton Road and Belle Vue Road and would be set back no less than 5 metres from the footway. The ridge height would be 10.5 metres and the eaves level would be at 6.5 metres. The span or width of the building from the front to back walls would be 16 metres. The smaller building would have a ridge height of 7.5 metres and a span of 6.2 metres.
 - 2.9 The main design features of the principal building are a pair of large gables rising to 12.5m at their apexes, the middle of which pair mark the 'break' in the frontage between Newton Road and Belle Vue Road. The gables are wide with horizontal band windows and finished in render. The accommodation at roof (3rd storey) level would be lit by a row of dormers and given the wide span of the roof it would have a 10 metre wide flattened section.
 - 2.10 In June 2017 the Applicant submitted a confidential viability appraisal in support of the assertion that the development was unable to provide affordable housing as it was financially unviable. Therefore, none of the proposed units are identified as being affordable.
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3. National Planning Policy Framework

- 3.1 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4. Core Strategy

- 4.1 Policy CS1 states that the Council will support sustainable development unless material considerations indicate otherwise.
- 4.2 Policy CS2 sets out the settlement policy for the district and states that development will be guided sequentially to the towns, core and hinterland villages.
- 4.3 Policy CS03 states that employment and housing growth over the plan period will be accommodated within Babergh's existing settlement pattern and within new urban extensions. The most new housing during the plan period would be within the Sudbury and Great Cornard areas.
- 4.4 Policy CS15 sets out a list of criteria that need to be considered to demonstrate that proposals are sustainable.
- 4.5 Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.
- 4.6 Policy CS19 requires all residential development to provide 35% of units as affordable housing.

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

- 5.1 None.

6. Saved Policies in the Local Plans

- 6.1 Saved Policy EM24 seeks to protect employment land and buildings and requires developers to demonstrate that proposals for non-employment uses such as residential are justified based on either :
1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
 2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.
- 6.2 Saved Policy CN01 requires all development to be of appropriate scale, form, detailed design and construction materials for the location.
- 6.3 Saved policy TP15 states that new development will be required to provide parking in accordance with adopted parking standards.
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7. The Principle Of Development

Loss of Employment Use

- 7.1 The site was formerly used as Government tax offices and contained a two-storey building dating from the 1960s which was demolished a few years ago. The use as a tax office ceased in 2010 and it was vacant for a number of years before its demolition in 2014. During that period, planning permission was granted for change of use of the building to retail use and it was marketed for alternative commercial uses but no commercial occupiers were found. Following demolition, the site was subject to a one year long pre-agreed marketing campaign between September 2015 and September 2016, which secured no one willing to redevelop the site for an alternative employment use. The campaign was pre-agreed by the officers in Planning and Economic Development and the latter were content that the applicants had satisfactorily demonstrated that there was no demand for commercial development of the site. The development is therefore compliant with Policy EM24.

Housing Use

- 7.2 The principle of housing use on the site is acceptable as it accords with Policy CS2 and is also supported by Policy SD04 within the Mixed Use Areas of Sudbury. The development would provide a large number of small units which is seen to be meeting a great need within the town for accommodation for small households, which is acknowledged in the comments of the Sudbury Town Council. High housing need for small one and two bedroom accommodation was identified in the Babergh Housing needs Survey of 2008 and this remains the case today. Small sized accommodation was also confirmed in the Affordable Housing SPD as in high demand.
- 7.3 The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.4 Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
- 7.5 The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by
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this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

- 7.6 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'
- 7.7 The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
- 7.8 A summary of the Babergh 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years

Affordable Housing

- 7.9 Policy CS19 requires all residential development to provide 35% of units as affordable housing and the scheme as originally submitted included 8 affordable dwellings. The applicant has subsequently submitted a viability appraisal to justify their assertion that the development of the site cannot support an affordable housing component on the site or a commuted sum. The submission has been assessed by the Council's Viability Officer. It is accepted that the scheme is not viable in itself and therefore cannot deliver any affordable housing.
- 7.10 Whilst the development would neither provide on-site affordable accommodation nor a commuted sum towards off site provision it is still likely to offer small private market apartments at the lower end of the market.

8. Sustainability Assessment Of Proposal

- 8.1. The site is located within the limits of the urban area of Sudbury /Great Cornard and within a Mixed Use Area according to Inset Map 1b where Sudbury Local Plan policies SD02, SD03 and SD04 are applicable. These policies promote mixed uses and the proposals are not inconsistent with these policies. The site is on the edge of the town centre and highly accessible to all town centre shops and services.

9. Site Access, Parking And Highway Safety Considerations

- 9.1 The proposed vehicular access to the site is from Belle Vue Road and is located approximately 10 metres from the junction with Newton Road. The proposed single access would replace two former accesses which served the former Crown building on the site. These comprise an access around 5 metres from the junction which served a car park on the frontage and a second access further back and adjacent to the footpath which served a rear car parking area.
- 9.2 The Highway Authority have raised significant concerns about the proposed access in view of its proximity to Newton Road together with the obstruction of sightlines towards Newton Road that would be caused by the bin store located adjacent to it. Other concerns are raised about its width. The width of the proposed access allows for one vehicle to use it at any one time. It would not be uncommon for one driver to want to enter at the same time as another exits. The inter-visibility would result in vehicles waiting at the junction with Newton Road as another exits the site. There is significant potential for surprise braking manoeuvres as a result, with vehicles not clearing Newton Road in time. They conclude that safe and suitable access to the site cannot be achieved for all contrary to the National Planning Policy Framework.
- 9.3 The scheme proposes 19 one bed flats which would have one parking space each and 4 two beds flats which would each have two spaces. This makes a total of 27 spaces for residents. In addition there are 6 additional visitor spaces making up a total of 33 spaces on site. The adopted parking standards in Suffolk Guidance for Parking 2014 require a minimum of one space for each one-bedroom unit and a minimum of 1.5 spaces for two bed units and 0.25 spaces per unit for visitors. The minimum parking requirement is therefore 31 spaces. Clearly the proposed scheme provides satisfactory on-site parking.

10. Design And Layout

- 10.1 The proposed principal building is arranged in a continuous form with frontages onto Newton Road and Belle Vue Road and would be three storeys high including accommodation at roof level lit by rows of dormer windows. The 'break' in the continuous elevation would be defined by a pair of gables facing the apex of the junction. The proposed building would be set back 5 metres from the footway and extend up to 2 metres from the boundaries of the site on Newton Road adjoining the telephone exchange building and the footpath linking Belle Vue Road and Minden Road. The building would have a wide span from front to back elevations of 16 metres and as a consequence at roof level the central section above the dormers would be flat. The height of the building would be 10.5 metres rising to 13 metres at the apex of the gable. Due to rising ground levels along Belle Vue Road the proposed building would be dug into the slope such that its height above ground level close to the footpath would be around 8 metres high.
- 10.2 The proposed building, as described above, would have a squat appearance with an overly horizontal emphasis expressed by the wide span form and glazing pattern especially the lines of roof dormers. The design is to some extent relieved by the feature gables which provide a necessary means of 'turning the corner' between Newton Road and Belle Vue Road, however, the gables themselves are wide and have continuous glazing bands which counteract the verticality of the gables. The lines of dormers also have a repetitive and top-heavy appearance that detract from the elevations. The positioning of a refuse storage building on the frontage to Belle Vue Road is also a feature that detracts from the character and quality of the development.
- 10.3 The NPPF advises (Para.56-68) that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is proper to seek to promote or reinforce local distinctiveness. It goes on to advise that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Saved policy CN01 which is a general
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design policy sets out design principles which are in line with the NPPF . It is considered that the proposed principal block is of poor design quality that does not relate well to its surroundings and notwithstanding the need to develop this site, it is considered that it would not reinforce or enhance the character and quality of the area.

- 10.4 The smaller two storey secondary building to the rear would have little if any impact on views of the site from either Newton Road or Belle Vue Road as it would be largely screened by the principal block. It would therefore have a negligible impact on the street scene.

11. Landscape Impact

- 11.1 There are no landscape impacts.

12. Environmental Impacts - Trees, Ecology And Land Contamination

Trees

- 12.1 The application was accompanied by an Arboricultural Impact Assessment by Tree Planning Solutions, which surveyed four existing trees on the site and recommended their retention within the development. These existing trees on the site are to be found on the site edges predominantly along the Newton Road frontage, where they contribute to views into and from the town along Newton Road. A line of trees is also found along the footpath to the rear of the site where they provide a green and pleasant edge to the footpath. It is proposed to retain these trees and there is potential for additional planting along Belle Vue Road in order to provide filtered views of the building.

Ecology

- 12.2 The existing site is predominantly hard surfaced of concrete and tarmac and there is little, if any, natural habitat potential although trees on the site may provide bird nesting sites .

Ground Contamination

- 12.3 There is no evidence of any significant ground contamination on the site.

13. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 13.1 The site is not adjacent to any listed buildings and is neither within nor adjacent to the Sudbury Conservation Area and therefore it is not considered that there is no harm to heritage assets.

14. Impact On Residential Amenity

- 14.1 The site has road frontages onto Newton Road and Bellevue Road and there are residential properties adjacent to the site whose amenity/living conditions may be affected by the proposal. The property known as Park Hill on the corner of Newton Road and Belle Vue Road is a two storey house set centrally within its plot and has a garden area to the front and side of the house enclosed by a fence and tall vegetation. The occupiers have objected to the proposals on the grounds of overlooking of their house and garden and point out that they have foster children who have a reasonable expectation of privacy.
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- 14.2 The frontage to the principal block facing Belle Vue Road would be sited 12 metres back from the footway boundary to Park Hill and given the rising ground levels along the road, would appear as a two storey building from the road level. Given the separation distance between the proposed flats and Park Hill, and the presence of high fencing and mature hedge screening to the boundary of Park Hill it is considered, on balance, that no significant overlooking would arise. Moreover, it would be unreasonable to restrict any development with openings along the Belle Vue Road frontage on the grounds of amenity given that the site faces a road frontage.
- 14.3 Another property adjacent to the site is Kimberley which is the first or end property on the north-west side of Belle Vue Road and is separated from the site by the public footpath. The side elevation of the principal block would be positioned 2 metres from the boundary facing the side elevation of Kimberley and the separation distance between the properties would be 8 metres. The elevation would have single openings at ground and first floor level which would only light communal lobbies. There would therefore be no overlooking from any of the proposed flats nor any other amenity impacts.

15. Biodiversity And Protected Species

- 15.1. There are no biodiversity implications.

16. Planning Obligations / CIL

- 16.1 The application is liable for CIL and therefore Suffolk County Council have outlined that they would be making a bid for CIL money to mitigate the impact of the development on education, pre-school, libraries and waste.
- 16.2 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

17. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 17.1 Granting this development will result in the following financial benefits:
- New Homes Bonus
 - Council Tax
 - CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

18. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

- 18.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 18.2 In this case Officers have worked with the applicant to try to overcome concerns raised about the proposals particularly with regard to urban design and highways matters. However, these issues give rise a magnitude of demonstrable harm which it has not been possible to overcome and be able to make a recommendation other than that of a refusal.

19. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

- 19.1 The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development:
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

20. Planning Balance

- 20.1 The site was a former employment site but use as offices ceased many years ago and despite marketing efforts to re-let and redevelop the site for alternative commercial use these have not proved successful. Officers are satisfied that there is no realistic prospect of employment use on all or part of the site.
- 20.2 Alternative housing use of the site is considered appropriate in principle and the type of development comprising small units of accommodation suitable for single people and couples is appropriate close to the town centre and is in high demand. The proximity of the site to the town centre and all its services means that it is highly accessible and sustainable in those terms. The 5 Year Housing Land Supply position means that sustainable development should be approved unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 20.3 In this case it is considered that the poor design of the building and the inadequate access arrangements as assessed earlier in the report are matters which would give rise to significant harm to the character and appearance of the area and highway safety respectively and which would outweigh the benefits of the development.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Refuse Outline Consent for the following reasons:

- Footprint, massing and design unacceptable and contrary to design advice in the NPPF, saved policy CN01 and policy CS15.
 - Access arrangement contrary to highways advice in the NPPF.
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