

Committee Report

Item No: 4

Reference: B/17/01023

Case Officer: John Davies

Ward: Sudbury East.

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

Description of Development

Outline-Erection of up to 19 apartments along with associated parking, communal areas and construction of new vehicular access.

Location

Crown Building, Newton Road, Sudbury, CO10 2RL

Parish: Sudbury

Site Area: 0.17 ha

Conservation Area: No

Listed Building: No

Received: 18/04/2017

Expiry Date: 03/08/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr Nash

Agent: Ashby Design Limited

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:

Location Plan- 373/17/PL1001A

Proposed Site Ground Plan- 373/17/PL1002D

Site Plan- 373/17/PL1003E

Proposed Plan - 373/17/PL10.00D

Proposed Plan 373/17/PL10.01C

Proposed Plan 373/17/PL10.02C

Proposed Plan 373/17/PL10.03C

Proposed Plan 373/17/PL10.04B
Proposed Elevations – 373/17/PL10.05C
Proposed Elevations – 373/17/PL10.06D
Proposed Elevations – 373/17/PL10.07B
Proposed Elevations – 373/17/PL10.08B
Proposed Elevations – 373/17/PL10.09B
Proposed Elevations – 373/17/PL10.10B
Proposed Sections – 373/17/PL500B
Proposed Sections – 373/17/PL501B
Proposed Sections – 373/17/PL502B
Proposed Sections – 373/17/PL503
Proposed Finishes Schedule

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/16/01360	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.	Not determined
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.
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Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

Officers gave advice regarding the layout, scale and form of development following the previous application.

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

Comments received from Sudbury Town Council:

- welcome the provision of housing and affordable housing in Sudbury and recognise shortage of one and two bed apartments in the town
- the design is not acceptable
- there are pedestrian crossing and traffic safety issues and concerns about traffic congestion.

Recommend refusal on the grounds of:

-
- over-development
 - the height as a 4 storey building compromises the street scene and will result in loss of amenity to neighbouring property
 - the design of the building compromises the street scene
 - the developer should engage with the residents of Belle Vue Road.
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Environmental Health - Land Contamination

No objections as scheme does not provide private gardens.

Environmental Health - Noise/Odour/Light/Smoke

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

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- 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 Mon-Fri and 9-1pm on Saturdays only.
 - no burning to take place on site
 - request conditions for submission of external lighting scheme.
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SCC - Highways

No objection subject to following conditions:

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- access shall comply with Drawing No.DM10 with width of 6metres.
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- plan to be submitted and approved showing details of parking and manoeuvring spaces, cycle storage, electric vehicle charging point, powered two wheeler infrastructure and visitor car parking spaces.
 - provision of refuse storage areas
 - gradient of access to be no more than 1 in 20 for first 5 metres.
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SCC - Fire & Rescue

Advise that they have a fire hydrant on the site which should be protected during development and easily available for inspection after the development is complete.

Economic Development & Tourism

No objection- satisfied that applicant has fully complied with Policy EM24 (loss of employment land).

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.

Suffolk Safer Neighbourhood Police Team

Express concerns over access/egress onto Belle Vue Road, which is narrow and heavily congested by parked vehicles.

SCC Development Contributions Manager: Detailed comments made in relation to the requirements for CIL

B: Representations

Occupier of Parkhall, Belle Vue Road- Object on grounds as follows:

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- increase in traffic on Newton Road and Belle Vue road and demand for parking
 - 4 storey block out of character with area
 - loss of privacy from windows facing Belle Vue Road into bedroom and lounge windows and garden
 - no communal area for residents on estate
 - underground car parking could become magnet for local youths to congregate causing vandalism and anti-social behaviour
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Occupier of Kimberley, Belle Vue Road - object

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- new building will be higher than previous scheme at 4 storeys 12.5 m high and higher than Kimberley
 - will extend forward of building line of other houses on Belle Vue Road - not in keeping with the street
 - building will extend on Newton Rd frontage too close to road and balconies would almost encroach over footways
 - loss of trees on Newton Road
 - site has not been properly secured and maintained
 - increase in demand for parking in Belle Vue Road by residents and visitors to new flats
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Occupier of 2 Belle Vue Road-objection on grounds:

- too many flats and insufficient car parking provision
 - will lead to more parking in Belle Vue Road and Boroughs Piece Road
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Occupier of 4 Belle Vue Road-objection

- over-development and over-dominant in scale/ position at entrance to the town
 - too high
 - barrack-like appearance
 - increase in traffic in Newton Road
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A petition with 20 names and 18 signatures from people with addresses in the immediate area has been submitted which states they are against development of the former Crown building site.

Suffolk Preservation Society object

- design does not give strong sense of place nor a distinctive locally inspired character worthy of this sensitive location
 - building is 4 storeys and nothing in area is this height and therefore would dominate the street scene
 - development should relate well to existing height of area which is no more than 2 storeys
 - deep floor plans and internal corridor access, but good internal storage provided.
 - external balconies are the only external amenity space
 - elevations have adopted a contemporary approach and in this context there is a good argument for this, however, massing of building is too imposing
 - dull pattern of fenestration
 - windows have a post-war municipal character
 - no landscaping scheme nor external amenity space.
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Sudbury Society- object

- agree with the submission by the Suffolk Preservation Society.
 - It could be argued that despite the need for a quality site specific planning application proposal for development of this site are premature.
 - need for a design and planning strategy which embraces this site, the future of the adjoining BT site, the development of the Belle Vue House/old swimming pool site and for a reconfiguration of the Belle Vue junction which would ensure safe and easy pedestrian/cycle movement and ideally incorporate the facility for traffic leaving the town centre to turn up Newton Road.
 - need for a town centre parking strategy given current and future proposals for residential provision in the town centre.
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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.
- 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 existing vehicle accesses 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 original outline application was submitted for a part 3 and part 4 storey block providing up to 20 no. 1-bedroom flats together with 25 on-site parking spaces and use of the existing vehicular access. All details except landscaping are for determination at this stage so the application is virtually a full application. The application also included the provision of affordable housing in the form of 7 no. one bedroom flats.
 - 2.2 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. Affordable housing units were therefore deleted from the proposals.
 - 2.3 In August 2017 the application was amended by the deletion of one dwelling to propose 19 flats and a change of dwelling mix to 16 no. one bedroom flats and 3 no. two bedroom flats. A total of 22 car parking spaces were shown on the submitted plans. 3 no. car parking spaces were deleted in favour of an enlarged communal amenity space.
 - 2.4 Summary of amendments to the proposals (unit numbers refer to original scheme):
 - o Number of proposed apartments reduced from 20 to 19 units
 - o Dwelling mix amended from 20 1 bed flats to 16 no. one bed flats and 3 no. two bed flats
 - o Unit 16 (3rd floor level) deleted facing Belle Vue Road
 - o Projecting balconies to units 1,4,10 and 11 changed to 'juliet' type i.e. non-projecting from face of building
 - o Enlarged communal amenity space to rear of site providing 141 sqms of shared garden space
 - o Total of 23 car parking spaces proposed on site
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- o Units 2, 5, 12 and 17 re-configured with increased projection facing Belle Vue Road in order to provide three 2-bedroom units on the first, second and third floors.
- 2.5 In late October 2017 further revised plans were submitted increasing the amount of on-site parking to a total of 26 on site spaces, but with a consequential reduction in communal amenity space.

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. Babergh 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 proposed would be within the Sudbury and Great Cornard Areas.
- 4.4 Policy CS15 sets out a long 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 relevant.

6. Saved Policies in the Babergh Local Plan

- 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.
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- 6.3 Saved policy TP15 states that new development will be required to provide parking in accordance with adopted parking standards.

7. The Principle Of Development

Loss of Employment Use

- 7.1 The site was formerly used as Government offices and contained a two-storey building 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, the building planning permission was granted for change of use 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 failed to find anyone 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 realistic 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.
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In applying the 'tilted balance' required by 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 The applicant has 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, who having assessed the submitted viability appraisal, has confirmed that the current 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 access is located on Belle Vue Road located at the northern end of Belle Vue Road as far as possible from the junction with Newton Road. The width of the access is 6 metres. The Highway Authority raise no objection but require conditions to be imposed regarding its detailed design.
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- 9.2 The proposals, as amended, would provide a mix of 16 no. 1 bedroom flats and 3 no. 2 bedroom flats. The minimum on-site parking requirement based on adopted Parking standards would be 16 spaces for the one bed units (1 space per dwelling) and 5 spaces for the two bed units (based on 1.5 spaces per unit with 1 space designated per unit and two shared). This makes a total of 21 spaces. In addition, on site visitor parking is required at a ratio of 0.25 spaces per dwelling. This equates to a requirement for 5 spaces. In total, the parking requirement to meet resident and visitor parking needs is 26 spaces. The proposed parking provision, as revised in late October, was increased to 26 spaces in order to meet this requirement and satisfy the parking standards.

10. Design And Layout including Impact On Street Scene

- 10.1 The proposed building would part 4 storeys and part 3 storeys with the four storey element predominantly facing Newton Road and comprising a 'T' shaped form with the head of the T running along the boundary with the Telephone Exchange building. The main frontage to Newton Road would be set back 6 metres from Newton Road but there would be a projecting section at the western end which would provide a visual 'stop' or 'bookend' to the building. The building at this end of the site would rise to 12 metres. Projecting balconies originally propose on the front of the projecting section have been changed to Juliet type given the proximity to the footway.
- 10.2 The part of the building facing Belle Vue Road would be three storeys but given the rising ground levels along Belle Vue Road only the two upper storeys would be visible. The building here would be set back 5.5 metres from the footway.
- 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 design policy sets out design principles which are in line with the NPPF.
- 10.4 With regard to scale, the proposed building would rise up to 4 storeys but predominantly only on the Newton Road frontage. It is acknowledged that this would be larger than the building on site previously and the prevailing scale of development in the vicinity, which is of two storeys. However, greater building scale can be justified in this case because:
- It is a corner site in a prominent position at one of the main road entrances into the town
 - The former building on the site and adjacent telephone exchange building were/are low rise buildings which did not fully exploit the potential of their sites nor properly address the street frontage
 - There is no clearly defined building line along Newton Road
 - There is no strong established character or pattern of development in the immediate area.
- 10.5 The proposed development takes a contemporary building form expressed predominantly by flat roofs, modern glazed openings, varied facing materials. This is considered an acceptable approach in principle as there is no strong established precedent or character that new development is expected to follow. It is noteworthy that the Suffolk Preservation Society acknowledge this in their comments. Therefore, it is considered a location where good contemporary design may be seen as appropriate.
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The site has a main frontage to Newton Road, which is a busy radial route into the town and given its proximity to the town centre is considered more suited to flats rather than houses.

- 10.6 The Submitted DAS states that the proposed development responds to local context with use of similar facing materials and features but in an up- to-date modern application. Use of a combination of brick, render and cladding would be used. The ground floor would be rendered in a light chalk-coloured finish, the first and second floors in buff brick and the roof level would be faced in grey standing seam zinc cladding. A red brick feature brick would be used to provide detailing to the elevations. Windows would be grey UPVC casements with grey polyester powdered coated railings and glass balcony screens.

11. Landscape Impact

- 11.1 There are no landscape impacts.

12. Environmental Impacts - Trees, Ecology And Land Contamination

Trees

- 12.1 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 soft landscaped 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 and no objections have been raised on these grounds.

Drainage

- 12.4 The existing site is predominantly hard surfaced and surface water run-off discharges to the main surface water sewer in Newton Road. The development would be expected to adopt sustainable drainage measures to ideally maintain water run-off on site rather than use of mains drainage. A condition is proposed to this effect.

13. Heritage Issues

- 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.
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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.

- 14.2 Part of the proposed development fronting Belle Vue Road could potentially give rise to overlooking into the house and garden of Park Hill resulting in a loss of privacy. This concern was raised with the applicants in response to the original scheme and in response the applicant made the following changes to the scheme:
- Unit 16 at 3rd floor level was deleted.
 - Proposed balconies to units 1, 4,10,11 and facing Belle Vue Road were deleted and changed to a 'juliet' style whereby they are flush with the face of the building and with no projection.
 - The applicant maintained that the rest of the building facing Belle Vue Road was oriented away from the house and garden and only oblique views would be likely. Moreover, windows in this part of the development above ground floor level are to bedrooms only and not living rooms.
- 14.3 Given the separation distance between the proposed flats and the property Park Hill, which is a distance of 23 metres 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 and loss of privacy 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.

15. Biodiversity And Protected Species

15.1 There are no biodiversity implications.

16. Planning Obligations / CIL (delete if not applicable)

- 16.1 The application is liable for CIL and therefore Suffolk County Council have confirmed 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, impacts on residential amenity and parking. Following amendments to the proposals Officers consider they are able to make a positive recommendation on the proposals subject to conditions.

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 as proposed comprising small accommodation suitable for singles and couples is appropriate especially 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.
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20.3 In this case it is considered, having regard to all relevant considerations assessed in this report including scale and design, access and parking, residential amenity, and other issues, that there are no significant adverse impacts that would demonstrably outweigh the benefits of the development.

RECOMMENDATION

That authority be delegated to the Corporate Manager - Growth & Sustainable Planning to Grant Permission subject to the following conditions:

- 1) Standard Outline Conditions.
 - 2) Approved Plans
 - 3) Elevational design details to be agreed
 - 4) Detailed landscaping plan and timetable
 - 5) Surface water drainage and construction surface water management plan
 - 6) Noise and insulation
 - 7) Lighting design
 - 8) Details of fire hydrants
 - 9) Tree Protection
 - 10) Details of Facing materials
 - 11) As recommended by Highways
 - 12) Ground levels
 - 13) Details of screen walls and fences
 - 14) Construction Management Plan
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