

Committee Report

Item No: 1

Reference: DC/18/02513

Case Officer: John Davies

Ward: Sudbury East.

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

Description of Development

Application under Section 73 of the Town and Country Planning Act - Erection of up to 19 apartments with associated parking, garaging, communal area and vehicular access - without compliance with Condition 3 (Approved Plans and Documents) to allow amendments to the approved plans

Location

Crown Building, Newton Road, Sudbury, CO10 2RL

Parish: Sudbury

Site Area: 0.17 ha

Conservation Area: No

Listed Building: No

Received: 2/06/2018

Expiry Date: 03/09/2018

Application Type: Section 73

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: N/A

Applicant: APC UK Ltd

Agent: Mr Bryan Staff

DOCUMENTS SUBMITTED FOR CONSIDERATION

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

A20/E01- Proposed Elevations- Received 17/8/18

A20/P00- Ground Floor Plan- Received 17/8/18

A20/P01- First Floor Plan- Received 17/8/18

A20/P02- Second Floor Plan- Received 17/8/18

A20/P03- Third Floor Plan- Received 17/8/18

A20/P04 Rev G- Site and Roof Plans- Received 3/10/18

A21-22-006- Site Line Sections- Received 17/8/18

18-6311-301- Drainage Layout- Received 17/8/18

Design and Access Statement- Received 17/8/18

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 19 apartments along with associated parking, communal areas, and construction of new vehicular access.	Approved
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.	Refused
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

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

Officers gave advice regarding the proposed changes and recommended the submission of the s73 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:

REFUSE - Concern over the inclusion of a study and an en-suite within a one bedroom flat. In the original plan the third floor flat was removed due to concern of the loss of amenity and intrusive overlooking of neighbouring gardens. The inclusion of the proposed roof garden will again create intrusive overlooking including that of a property that houses vulnerable people. The council were also concerned over the noise that a communal garden could create. We have also been advised that the measurements of the distance between the proposed development and the houses on Belle Vue Road is incorrect.

Comments on Revised Plans:-

REFUSE - Concern over the inclusion of a study and an en-suite within a one bedroom flat. In the original plan the third floor flat was removed due to concern of the loss of amenity and intrusive overlooking of neighbouring gardens. The inclusion of the proposed roof garden - even with the amended location, will still create intrusive overlooking including that of 'Park Hall', a property that houses vulnerable people. The 'sight vision' into this property has not been included on any plans even though the roof garden will look directly down. The council were also concerned over the noise that a communal garden could create.

Environmental Health - Land Contamination - No objections.

Environmental Health - Noise/Odour/Light/Smoke

Confirm with respect to noise and other environmental health issues that they do not have any further comments to make and no objection to the proposal. Note comments made at outline stage below:

- 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.

SCC – Highways

- The Highway Authority note that the application drawings for the individual dwellings show a number of the apartments have a study which could be used as an extra bedroom and comment that the parking provision required to comply with Suffolk Guidance for Parking 2015 (SGP) requires 27 spaces with 5 visitor bays. Therefore additional parking spaces are required.
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They state that if the proposal has insufficient parking spaces, this will likely to cause inconsiderate and unsafe obstructions to the surrounding road or footpath network and add pressure onto an already densely utilised on-street parking network.

- A reduction to the parking standard may be considered where a proposal has been designed to be an exceptional sustainable development. The application has to promote a car-club or encourage an overall need to reduce the use of high emission vehicles. Main urban areas are defined as those having frequent and extensive opportunities for public transport, high employment within the area and very good cycling and walking links. SGP notes that planning policy in recent years tries to promote less reliance on the motor vehicle and move to more sustainable methods of travel. However, this approach is only successful in city centres.

Advise that should the LPA be minded to approve permission the following conditions should be included:

- Access to be designed in accordance with Suffolk County Council Drawing No. DM10; with an entrance width of 6m
- Areas shown on plans for parking and refuse storage to be provided
- Gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres

SCC - Fire & Rescue -Advise on fire fighting requirements and water supplies.

Anglian Water -No response.

Suffolk Constabulary- Design out Crime Officer

"I strongly advise that the applicant applies for ADQ and Secured by Design accreditation and I would be pleased to work with the agent and/or the developer to ensure the proposed development incorporates the required elements. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75% and achieve ADQ. Express concerns over access/egress onto Belle Vue Road, which is narrow and heavily congested by parked vehicles."

SCC Development Contributions Manager: No comments.

Heritage Team: The Heritage Team was not consulted on the initial application, ref.no. B/17/01023. However, the proposed changes are cosmetic and whilst they obviously alter the appearance of the elevations, changing window openings and amending the form of balconies, etc. they do not do so in a manner that enhances the local distinctiveness of the place, which was one of the initial concerns of the SPS. Their amended form neither preserves nor enhances what has already been given permission, so in terms of their impact on the character and appearance of the place, the impact of the alterations is neutral.

B: Representations

Original Plans:

Occupier of Kimberley, Belle Vue Road - object

- addition of roof level terrace adds to height of building and its use is likely to cause noise and disturbance
 - adverse impact of terrace to side of building
 - position of Kimberley not accurately shown on the plans
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- internal flat layouts have been altered to create additional 'study' rooms which could be occupied as additional bedrooms thus increasing capacity of units
- building too close to Newton Road and could prejudice visibility at access

Sudbury Society- Object

"This latest submission is if anything a clumsier building than its predecessors with poor internal circulation to the flats. It is unworthy of its key site at the entrance to the town centre and once again makes no attempt to show a concern for pedestrian access to the centre or for its context. Maybe a willingness to reduce its size, possibly not extending up Belle Vue Road, might be the key to a better building."

Revised Plans:

Kimberly- objection on following grounds:

- Roof terrace adds to height of building facing Belle Vue Road
- Terrace to Flat 9 is of no real benefit to occupier
- Removal of existing footway in front of footpath on Belle Vue Road
- Addition of studies has increased number of two bed flats to 15 thus increasing parking pressure on Belle Vue Road.
- Private garden areas face onto Newton Road

Parkhall- objection on following grounds:

- Will suffer loss of amenities from roof garden including overlooking, noise and misuse
- Addition of studies to flats which could be used as bedrooms and add to parking problems
- Traffic problems likely to arise when bins collected

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 un-used ever since and its run down and neglected appearance severely detracts from the surrounding area and the approach to the town centre.
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- 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 approved outline consent was for a part 3 and part 4 storey block providing up to 19 no. 1- and 2 bedroom flats together with 26 on-site parking spaces and use of the existing vehicular access. All details except landscaping were approved at that stage so the application was virtually a full application.
 - 2.2 The outline consent included a number of conditions of which the following required further details to be submitted to the LPA:

Conditions 4 (Facing materials); 5 (Tree Protection);6- (Landscape scheme); 8- Construction Management; 9-Levels; 10- Surface Water Drainage; 11- Screen walls and fences; 13-Parking details; 16- Architectural design details; 17- External illumination; 18-Fire hydrants.
 - 2.3 This application under S.73 is to vary the approved plans as listed under Condition 3 of the outline consent. The changes to the approved plans are listed as follows:
 - Addition of lift shaft and provision of lift access within the building
 - Revisions to elevations including windows and balconies
 - Addition of rooftop amenity area
 - Addition of small enclosed terrace to north side of building for Flat 9
 - Alterations to layout of external areas including changes to parking configuration in order to provide improved entrance area to rear of main building- parking numbers remain the same.
 - Alterations to internal flat layouts with inclusion of studies/home offices and utility cupboards to flats
 - introduction of small private terraces to the ground floor units.
 - 2.4 The Proposal does not include any new units and the dwelling mix of 16 x 1-bed and 3 x 2-bed units remain the same.
 - 2.5 In August 2018 revised plans were received which amended the proposals as follows:
 - roof terrace set back on Belle Vue Road by 2.4 metres
 - elevational design of top floor changed to horizontal banding
 - position of 'Kimberly' on plans adjusted
 - clarification of building height in relation to outline scheme
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3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF), as revised in 2018, 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. 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. Suffolk Guidance for Parking 2014 sets out parking standards for new development.

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

7. Assessment of Proposed Changes

Alterations to Building Elevations

- 7.1 The approved building would be 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.
- 7.2 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.
- 7.3 The changes to the external design can be summarised as follows:
- Size and design of windows altered from a square format design proposed for all floors to different sized window units arranged as a hierarchy reflecting traditional building proportions with larger windows at lower level reducing in size up the building.
 - More windows added to increase daylight to internal spaces
 - Glass balustrades replaced by metal railings and 'Juliet' balconies added
 - Brick string courses added at 1st and 2nd floors to define the floor levels and 'break-up' the brickwork elevations
 - Brickwork features added to windows comprising headers and cills and additional detailing added at parapet level and 2nd floor
 - Top floor set back on all sides and roof design varied to reduce its prominence
 - Raised brick parapet at roof level to reduce mass of top storey and provide guarding
 - Columns reduced in size to be consistent with railing design
- 7.4 These changes reflect a shift in the overall design character of the building from a highly contemporary appearance to one with more traditional references in terms of the design of windows and their surrounds, brickwork detailing and the design of the balconies. The design changes have the effect of assimilating the building more into the character of the surrounding area and are considered acceptable. Conditions are recommended regarding detailed approval of architectural detailing and facing materials.

Internal Changes

- 7.5 The Applicant in the submitted DAS points out that the approved units are spacious but do not maximise this space efficiently. Given the present-day focus on home working and requirements for storage space, many of the units have been re-designed to incorporate studies/home offices. In addition, the introduction of a lift is proposed to improve accessibility and would allow those with impaired movement to access the upper floors, particularly where the units in question offer an opportunity for those seeking to downgrade and be in close proximity to the town centre.
- 7.6 It has been pointed out by consultees that the effects of these changes potentially increase the size of most of the one bedroom flats to two bedroom size and that parking provision on site has not been increased to meet this potential additional demand. The proposed layouts show that 12 no. one bedroom flats have a study room which varies in area from around 8 sqm to 16 sqm and whilst these flats are still referred to as one bedroom size and the additional spaces are named on the plans in each case as a 'study' they could equally be used as additional bedrooms subject to the preferences of the residents. Accordingly, the use of the studies as bedrooms could be associated with increased permanent occupation of the units and therefore potentially generate increased demand for car use. The site does not have additional parking capacity and therefore additional car use would be likely to lead to increased parking demand on surrounding streets.
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Road side parking spaces in Belle Vue Road would be likely to bear the brunt of this additional parking demand.

7.7 This issue has been raised with the Applicant who has responded making the following further submissions:

- The site is located in a city centre location where parking standards clearly state that for the city centre location the minimum parking requirements can be reduced.
- The proximity of the site to local public car parks can also be considered. They point out the following public car parks are within walking distance of the site :
 - Sudbury station - 140 spaces - 1 minute walk,
 - Kingfisher leisure centre 297 spaces- 4 minutes walk ,
 - Roys -268 spaces – 5 minutes walk,
 - Girling street - 78 spaces- 10 minutes walk,
 - North street 199 spaces- 10 minutes walk.
- The addition of studies to the units is important to the viability of the project in attracting young professional families or elderly residents wishing to downscale their accommodation without compromising on valuable space and being close to local amenities.
- The units may also be viewed by professional couples as being advantageous in providing a home office and study space with more of the population working from home.
- A letter from an estate agents (WH Brown) active in Sudbury in the apartment sales market has been submitted in which it is stated that whilst two bedroom apartments remain popular, in reality the second bedroom is predominantly used for alternative purposes reflected in young professionals commuting just two or three days a week and so requiring a dedicated office or study room at home and for down sizers studies are flexible spaces and useful to store/display their possessions collected over the years.
- Suffolk Guidance for Parking Technical Guidance (Second Edition November 2015) and the proximity of the site to Sudbury Town Centre and various transport links.
- Electric Vehicle recharging points are to be provided to support the use of low emission vehicles.
- Paragraph 109 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” The impacts are alleged not to fall into either category.

7.8 The adopted Suffolk Parking standards with respect to Main Urban Areas states that a reduction in parking provision may be considered where a proposal has been designed to be an exceptional sustainable development which avoids the provision of parking adjacent to houses in the main layout. Main urban areas are defined as those having frequent and extensive opportunities for public transport and cycling and walking links; close proximity to local services (including accessing education, healthcare, food shopping and employment); and on street parking controls at all times e.g. double yellow lines. The site does not meet all the above criteria as on-site parking controls are not in place on surrounding streets and therefore there is no mechanism for controlling displaced parking demand from the site.

The Guidance also states that the presumption that occupiers are required to use off road public car parks for parking of their vehicles is not generally supported.

- 7.9 The implicit change to the overall dwelling mix of the development where a large number of one bedroom units can potentially become two bedroom size is significant and whilst some of these rooms may be used as an office, study, or as a storage space it is more likely that most will be used as second bedrooms and the occupancy levels of the development are therefore likely to rise. The Highway Authority has pointed out that additional parking should be provided on site in accordance with the increase in two bedroom units. No increase has been made and the site is not large enough to provide additional parking. Officers consider that it is inevitable that an additional demand for parking will have consequences for increased parking pressure on parking spaces on adjoining roads most notably Belle Vue Road and the concerns raised about this by the Town Council are acknowledged. In addition, the Highway Authority has commented that this will be likely to cause inconsiderate and unsafe obstructions to the surrounding road or footpath network and add pressure onto an already densely utilised on-street parking network.
- 7.10 For these reasons it is considered that the internal alterations and associated external window changes are unacceptable and contrary to saved policy TP15 (parking standards) and the associated Suffolk Guidance for Parking SPD.

Roof Level Amenity Areas

- 7.11 In order to improve the amenities for the residents of the block the Applicant proposes to add a communal roof terrace above the three storey part of the building facing Belle Vue Road.
- 7.12 The proposed roof terrace would have an area of approximately 111 sqm and accessed from the main corridor on the third floor. To mitigate overlooking, particularly towards the properties of Park Hall and Kimberley, on Belle Vue Road, the extent of the terrace is pulled back from the edge of the roof and surrounded by an opaque screen and vegetation at a height of at least 1.8m. The screen would be set back 2.4m on the Belle Vue Road frontage and 4.25m from the roof edge facing Kimberley.
- 7.13 Details of the screen and planting (species, growth rate, maintenance etc) can be secured by condition and it is envisaged that the screen would either comprise obscure glazing or a timber screen with acoustic attenuation and the vegetation would be in appropriately designed planters with incorporated irrigation.
- 7.13 It is acknowledged that the use of the roof terrace may give rise to noise and disturbance, however, this is not likely to be any more disruptive than the use of ground floor communal spaces. The Applicant has suggested that a management company or on-site governing body could be responsible for ensuring that the use of the terrace is restricted between reasonable daytime hours with no excessive floodlighting and that activities restricted so there is no amplified music, late night parties, bbqs etc. The Applicant is willing to enter into dialogue with the Council regarding the wording of an appropriate condition to control its use.
- 7.14 The terrace to unit 9 on the second floor would be sunken and surrounded by a screen to mitigate any overlooking to neighbours.

8 Site Access, Parking and Highway Safety Considerations

- 8.1 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 at outline stage raised no objection but required conditions to be imposed regarding its detailed design.
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- 8.2 The proposals would provide a mix of 16 no. 1 bedroom flats and 3 no. 2 bedroom flats, which is un-changed from the approved outline scheme. This is notwithstanding the changes to the internal layouts and incorporation of 'study' rooms which as discussed earlier in the report could have the effect of increasing the number of two bedroom units from 3 no. up to 15 no. flats.
- 8.3 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 a further 5 spaces. In total, the parking requirement to meet resident and visitor parking needs is 26 spaces which was met with the outline consent scheme.
- 8.4 The proposed development with the inclusion of studies to 12 of the one bedroom flats has the effect of potentially increasing the number of two bedroom flats to 15 with 4 remaining one bedroom units. The on-site parking requirement for this mix would be a total of 32 spaces which is an additional 6 spaces.

9. Heritage Issues

- 9.1 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 harm to heritage assets.

10. Planning Obligations / CIL

- 10.1 The application is liable for CIL and Suffolk County Council have previously 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.
- 10.2 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.

11. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 11.1 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

12. Statement Required by Article 35 of the Town And Country Planning (Development Management Procedure) Order 2015.

- 12.1. 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.
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- 12.2 In this case Officers have worked with the applicant to try to overcome concerns raised about the proposals particularly with regard to issues associated with internal changes to the layout, neighbour amenity concerns raised by roof terraces, elevational changes and parking. Notwithstanding these changes Officers consider the proposals to be unacceptable with respect changes to the mix of the redevelopment and lack of sufficient on- site parking likely to cause inconsiderate and unsafe obstructions to the surrounding road or footpath network and add pressure onto an already densely utilised on-street parking network.

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

- 13.1. 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.

14. Planning Balance

- 14.1 The site has outline consent for up to 19 flats. The site has been vacant, un-used and an 'eye-sore' for 4 years and is much in need of regeneration.
- 14.2 The changes to the design of the scheme with the introduction of some traditional design features have the effect of assimilating it more into the character of the surrounding area and are considered acceptable. The roof terrace would represent an additional amenity for the residents but has the potential to cause loss of amenity (overlooking, noise, disturbance) to neighbours. However, subject to appropriate screening and control of its use it is considered that adverse impacts would be limited. The internal flat layout changes and associated changes to window arrangements would create additional rooms for 12 no. one bed flats. Whilst this makes more efficient use of the units it is also likely to result in increased occupancy levels and be likely to increase parking demand.
- In the absence of the provision of increased on- site parking this is likely to result in extra parking pressure on adjoining streets which would be likely to cause inconsiderate and unsafe obstructions to the surrounding road or footpath network and add pressure onto an already densely utilised on-street parking network.
- 14.3 For the above reason refusal is recommended.
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RECOMMENDATION

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

Increase in number of two bedroom flats and a reduction in on-site parking resulting in development not in compliance with Policy TP15 of Babergh Local Plan and adopted minimum parking standards as set out in Suffolk Guidance for Parking 2014 resulting in harm to surrounding road network as a result of additional parking pressure on surrounding streets likely to cause inconsiderate and unsafe obstructions.