



Appeal Decision

Site visit made on 20 June 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 13TH July 2023

Appeal Ref: APP/F3545/W/22/3304006

Sentinel Works, Northgate Avenue, Bury St Edmonds IP32 6AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Terry Sprigings (Wentworth County Properties Ltd) against the decision of West Suffolk Council.
- The application Ref DC/21/2328/FUL, dated 24 November 2022, was refused by notice dated 7 June 2022.
- The development proposed is described as the development of 9no. dwellings, with a mix of 3 & 4 bedroom house types for residential use. Previous use was mixed B1/B8.

Decision

1. The appeal is allowed and planning permission is granted for the Development of 9no. dwellings, with a mix of 3 & 4 bedroom house types for residential use. Previous use was mixed B1/B8; at Sentinel Works, Northgate Avenue, Bury St Edmonds IP32 6AZ; in accordance with the terms of the application Ref: P22/S2871/HH, dated Ref DC/21/2328/FUL, dated 24 November 2022, subject to the conditions in the annex to this letter.

Application for Costs

2. An application for costs was made by Mr Terry Sprigings (Wentworth County Properties Ltd) against West Suffolk Council. This application is the subject of a separate decision.

Background and preliminary matters

3. Planning permission¹ has been granted on the appeal site for the erection of eight dwellings. As per the appeal documents and from my observations on my site visit, the existing commercial buildings on site have been demolished, and it would appear that footings for some of the dwellings had been constructed. As such the existing approved application has commenced and would therefore be a material consideration to this scheme. I have made my decision on this basis.
4. The layout in terms of the building footprints and car parking areas are very similar to the approved scheme, with the main differences being the appeal site has a pair of semi-detached dwellings to the north of the entrance with a slightly larger footprint, whereas the approval had a terrace of three dwellings; and to the rear of the site the two detached dwellings as approved have been changed to two semi-detached dwellings, giving an increase from 8 to 9 dwellings. Additionally, the turning head in front of the approved Plot 7 (proposed Plots 8&9) has been shortened and an additional two tandem car

¹ West Suffolk Council Planning Ref: DC/19/1406/FUL

spaces have been added with sheds relocated and parts of front gardens reduced. Given that a number of elements of the scheme have already been approved, I will not revisit these issues and will concentrate only on the matters in dispute between the parties.

Main Issue

5. The main issues are the effect of the proposed development upon:
- The character and appearance of the site and the greater locality;
 - Whether there is suitable provision of parking and servicing of dwellings; and
 - The living conditions of existing and future occupants.

Reasons

Character and Appearance

6. The existing site was a business use and contained a number of factory buildings which stood within a residential neighbourhood. Adjoining both sides of the appeal site as well as along Norfolk Road predominantly consists of detached dwellings which appear to date from the mid-late twentieth century. Dwellings are set back from the street and contain vegetated front gardens, hedgerows and street trees and grass verges between the road and footpath which gives a green and leafy feel to the area with an emphasis on visual gaps and spaces in and around the dwellings. The appeal site is located off a driveway which extends from a bend in Norfolk Road where the site does not have a direct frontage to Norfolk Road and is somewhat detached from the street scene.
7. The Committee minutes and the Council's further statement concerns appears to be more related to layout, with commentary regarding overdevelopment and cramped form of development. I also note comments from interested parties with regards to increased density and increased height of dwellings impacting character and appearance.
8. With regards to the layout, there will be some perception of change, given the slight increased number of entrances and changes in subdivision as the dwellings at the front are larger and to the rear they are narrower. However, to me, these changes in the proposed scheme would present a better appearance to the street scene given the proposal for a pair of semi-detached dwellings, rather than the approved terrace. This layout would adapt better to the surrounding character and appearance of the area which consists of larger detached dwellings where there is an emphasis on spaces in and around dwellings. The proposed spaces in and around the dwellings are satisfactory for a development of this nature and car parking and amenity spaces are well related to the dwellings and are convenient.
9. Turning to density, the addition of one further dwelling does increase the density of the development, however it is the dwellings that are becoming smaller, rather than a material increase in the size of dwelling and reduction in space around it to any great degree. With regards to heights of the dwellings, there has been a change to the roof forms, but no increase in overall height. Plots 2 & 3 have a different roof form, however the apex of the roof would be

moved forward which reduces the depth of the roof and the rear wing inset from the apex which would appear to be more of a reduction in massing and form from what was approved. Either way, it is not considered that the change in roof form would be materially detrimental to the character and appearance of the area. As such I disagree that the proposal would be contrived, out of character, too tall, too dense or consist of an overdevelopment of the site.

10. Consequently, the proposal would be compliant with the West Suffolk Joint Development Management Development Policies Document (JDMPD) Policies DM2 and DM22 as well as Policy CS3 of the St Edmundsbury Core Strategy (CS) which seeks to consider a number of design principles to ensure a development is appropriate to local distinctiveness, such as character, scale, density and massing of the locality, to create coherent and legible places, amongst others.

Parking and servicing of dwellings

11. Turning to proposed tandem parking spaces, whilst not ideal, they are within the same ownership of the dwelling they are allocated to. The street and turning head which these spaces are accessed from is not unusual in this context and it is noted has also been approved in such a way in the previous scheme. The additional set of car spaces would remove a small section of greenspace and reduce the size of the turning head, however this would not have a detrimental effect on the provision of parking or manoeuvring of vehicles.
12. Turning to bin dragging areas, there is no Local Plan Policies or guidance which suggests an appropriate distance. Whilst I appreciate that there would be an increase of dwellings to the rear of the site from 4 (as opposed to two in the approved plans) needing to wheel their bins further, the distance does not appear to be excessive. The route of travel for the bins is relatively convenient given that there are no major obstacles with a clear path on a street that would have slow moving traffic and would be largely limited to the few people that live in the development. As such I disagree that bin dragging distances would be materially detrimental to the performance of the site. Taking the above into account, the proposal would be compliant with JDMPD Policy DM46 which seeks that proposals for redevelopment provide appropriately designed and sited areas for car parking and service vehicles.

Living Conditions

13. The Committee minutes discuss the impacts to amenity but does not elaborate upon this. The Decision Notice particularly relates to the loss of outlook from the new development which will be assessed. In assessing living conditions, JDMPD Policy DM2g seeks to ensure developments protect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity. I also note additional comments from interested parties that have concerns with regards to the loss of light and amenity towards the adjacent Sentinel House kitchen, utility and bedroom windows from proposed Plot 3; and overlooking from Plot 3 to the rear garden of Sentinel House.
14. With regards to lack of outlook, there is a very minimal variation between the approved scheme and the appeal scheme. Whilst there may be a small

difference in visual appearance and massing, I do not consider that there would be such a material change from the approved application that would decrease the level of outlook or the feeling of enclosure from neighbouring residents.

15. Turning to overlooking, there are no first floor windows on Plot 3 which face towards Sentinel House, and no windows to the rear elevation of Plot 3 that would cause overlooking to this neighbouring dwelling. With relation to proposed Plots 4 and 5, the first floor windows which are the bathroom and landing would look into the garden of Sentinel House. However these are non-habitable rooms and the appellant has agreed with the proposed condition suggested by the council to obscurely glaze both of these windows and be non-opening. I note that the remaining dwellings have been positioned to avoid any overlooking into habitable room windows or private garden spaces and would be generally appropriate. There is discussion with regards to the two windows, one from a bathroom and one from a landing which are placed in the first floor of proposed plot 1 which have the potential to overlook No.45 Norfolk Road. Whilst these are non-habitable rooms, the appellant has agreed to a condition which makes these windows obscurely glazed and non-openable above 1.7 metres, which would be suitable to avoid any perception of overlooking.
16. Turning to loss of light and outlook, according to the Council's calculations there would be a 2 metre separation at its narrowest point between proposed Plot 3 and Sentinel House. According to the submitted appeal documents the utility room windows and the kitchen are not habitable rooms. Whilst I agree with the interested party that there would be a decrease in light from existing conditions, this property would still receive an adequate level of light given the setback distances between the properties and that much of the effect of loss of light would occur in the winter months and during early morning with adequate sun received during the afternoon. It is considered an adequate level of light is achieved to habitable rooms and garden space of Sentinel House.
17. Taking the above into account, it is considered that the proposal would not cause adverse detriment to the living conditions of existing or future residents and would be compliant with JDMPD Policy DM2g as described previously.

Other Matters

18. I also note comments within the planning application from interested parties that raise concerns with regards to highway safety, particularly at school drop and off collect times; the lack of visitor and delivery parking; lack of parking provision spilling onto Norfolk Road; bin parking area being a safety hazard; lack of electric charging points; management of communal areas; and environmental implications of chimneys.
19. Parking has been provided in accordance with planning policy and the Highways team has not raised any objections with regards to impacts to the road or from school drop/off and pick up. On my site visit I noticed that Norfolk Road was operating satisfactory and it did not appear that any highway safety concerns were evident or that the proposed development would cause any increased highway safety issues or require additional visitor parking or delivery bays. With regards to electric charging points, these have been requested by the highways team and can be adequately dealt with via a condition placed on the permission. With regards to the chimneys, it is unclear whether these are working chimneys, or real, but either way this could be dealt adequately via

building regulations and is not a planning matter to consider. The management of communal areas, including bin storage is not a planning matter.

Conclusion and conditions

20. I conclude that the proposal is generally appropriate and would be compliant with the development plan on the basis of the reasons discussed and subject to the conditions listed in the annex of this letter.
21. I have had regard to the context of the Framework and the National Planning Practice Guidance which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Council has forwarded a list of proposed conditions should the appeal be allowed, in which the appellant has also agreed to their placement on the permission.
22. Suggested Condition 1 is a standard time limit condition for the commencement of works and Suggested Condition 2 details the approved plans. Both conditions are standard conditions which are necessary and are required for the avoidance of doubt. Suggested Conditions 3 seeks that the metal fence along the northeast highway frontage not exceed 0.6m in order to allow appropriate visibility splays. This is in the interests of highway safety and is considered a necessary condition to add to the permission. Suggested Condition 4 and 5 are occupancy limited conditions that seek that parking, roads and bin storage areas are implemented prior to the occupancy of the site. This condition is considered necessary and appropriate as a prior to occupancy condition so that the site is able to function properly prior to residents occupying the site. Suggested Condition 6 seeks that electric vehicle charging points be installed and Condition 7 seeks that bicycle stores are to be provided prior to occupation which is considered appropriate, addresses concerns of interested parties and would meet the test of conditions.
23. Suggested Conditions 8 requests a Construction Management Plan and Suggested Condition 9 requests a photographic survey of the highway. Both conditions seek to ensure satisfactory construction of the scheme to avoid harm to living conditions as well as to ensure that the development does not impact upon the condition of the highway. Both conditions are considered appropriate and would meet the tests of conditions. Suggested Condition 10 seeks that recommendations as presented in the Arboricultural Impact Assessment & Method Statement are carried out which is considered appropriate to avoid the impacts towards trees and would meet the test of conditions. Suggested Condition 11 seeks that biodiversity enhancements are undertaken such as the placement of bat bricks and bird boxes are placed prior to occupation of the development. This condition is appropriate for meeting Development Plan policy regarding biodiversity enhancement and would meet the test of conditions.
24. Suggested Condition 12 seeks to approve external lighting details which seeks to ensure lighting is appropriate for safety and the biodiversity value of the area. I have made changes to the wording to remove the requirement that no other external lighting can be implemented without prior consent from the council, as this would be impractical to monitor and not be able to be enforced and would not meet the tests of conditions with many external light installations being de minimis. This condition has been amended accordingly.

Suggested Condition 13 seeks to limit the hours of development in order to avoid harm to living conditions of surrounding occupiers which is considered reasonable and would meet the tests of conditions. Suggested Conditions 14, 15, 16 and 17 all deal with the issues regarding site contamination investigations and remediation strategy which are necessary and proportionate to the proposal and would meet the test of conditions. Suggested Condition 18 relates to the obscure glazing of windows and making them unopenable above 1.7 metres which is necessary to avoid any perception of overlooking as discussed previously. This condition would meet the tests of conditions. Suggested Condition 19 concerns the boundary treatment being erected prior to first occupation which is considered appropriate to avoid overlooking and to be appropriate to the character and appearance of the development. This is considered necessary and meets the test of conditions.

25. Suggested Condition 20 seeks the provision of water consumption to meet building regulations which also forms part of development plan policies. The requirement is considered appropriate and would meet the test of conditions. Suggested Condition 21 seeks the submission of materials which will ensure the development is appropriate and blends into the character and appearance of the locality. Whilst limited details of materials are submitted with the application, this condition would ensure that more detail is provided. It therefore meets the test of conditions. Suggested Condition 22 seeks that landscaping is approved, implemented and maintained, which is considered appropriate and would meet the test of conditions.

J Somers

INSPECTOR

ANNEX: Schedule of Conditions

1) The development hereby permitted shall be begun not later than three years from the date of this permission.

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated:

- 'Proposed Plans and Elevations, Plot 1,' Drawing No. 21.09/10, Dated October 2021;
- 'Proposed Plans and Elevations, Plots 2, 3, 4 & 5,' Drawing No. 21.09/20 Rev B, Dated October 2021;
- 'Proposed Plans and Elevations, Plots 6 & 7,' Drawing No. 21.09/40, Dated April 2021;
- 'Proposed Plans and Elevations, Plots 8 & 9,' Drawing No. 21.09/50, Dated March 2022;
- 'Proposed Site Layout,' Drawing No. 21.09/02 Rev D, Dated October 2021;
- 'Proposed Street Scene,' Drawing No. 21.09/04 Rev A, Dated February 2022;
- 'Front Boundary Wall Detail,' Drawing No. 21.09/04, Dated November 2021.
- 'Tree protection Plan,' Drawing No. 0AS19-084-TS01, Dated June 2019;

3) The metal fence along the northeast highway frontage of the site shall be reduced to and not exceed 0.6 metres above the level of the adjacent carriageway before occupation of the development. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

4) The areas to be provided for the storage and presentation for collection/ emptying of refuse and recycling bins as shown on Drawing No.21.09/02 Rev.D shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

5) Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. No.21.09/02 Rev. D for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

6) Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

7) The development hereby permitted shall not be brought into use/ first occupied until the cycle storage facilities indicated on Drawing no. No. 21.09/02 Rev. D have been provided in their entirety and been made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless any approval of the Local Planning Authority is obtained for any variation to the approved details.

8) A Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The strategy shall outline the means of mitigation from the effects of construction. This should include the following:

- Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which may operate overnight.
- Methods for dust control and suppression. (dust management plan);
- Details of wheel washing facilities including location and type.
- The areas for the storage of plant and materials.
- Location of site compound.
- All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

The strategy shall also include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

9) No part of the development shall be commenced until a photographic condition survey of the highway fronting and near to the site has been submitted to and approved in writing by the Local Planning Authority.

10) The development shall be carried out strictly in accordance with the Arboricultural Impact Assessment & Method Statement ref. OAS 19-084-AR01 Rev A as submitted with the application.

11) Prior to works above slab level details of biodiversity enhancement measures to be installed at the site (including three bat bricks, wildlife friendly amenity grassland, House Sparrow boxes on at least 2 of the units, hedgehog gaps within the fencing and three bee bricks within southern elevations of 4 new units at 2-3m height), including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

12) No external lighting shall be installed until a lighting scheme has been submitted to and approved by the local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

13) No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.

14 No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) Based on the risk assessment in the EPS Ltd Supplementary Environmental Assessment (reference UK19.4432c dated 8th February 2022), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

15) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.

16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

17) No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation required under Condition 3 of DC/19/1406/FUL and approved under DCON(A)/19/1406 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

18) Before the dwellings hereby permitted are first occupied/brought into use, the first floor bathroom and landing windows shown on plan 21.09/10 Rev. A for plot 1 and 21.09/20 Rev. B for plot 4/5 first floor rear elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights up to a height of 1.7m from floor level and shall be retained in such form in perpetuity.

19) The boundary treatment shown on the approved plan drawing no. 21.09/02 rev D shall be installed prior to the dwellings being first occupied and thereafter retained in the form and manner installed.

20) The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

21) No development above slab level shall take place until details of the facing and roof materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

22) All planting comprised in the approved details of landscaping shown on the site layout plan shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.