



Appeal Decision

Site visit made on 21 September 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/D3505/W/22/3313084

Building Rear of Gaol Lane, Sudbury Suffolk

- 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 Barry Drury of Barry Drury Investments Ltd against the decision of Babergh District Council.
 - The application Ref DC/22/02181, dated 22 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is conversion of existing storage building to form 4no 2 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision was issued, the Babergh and Mid Suffolk Joint Local Plan (JLP) has been adopted, replacing Babergh Local Plan Alteration No.2 (2006) and Babergh Local Plan 2011-2031 Core Strategy & Policies (2014). Suffolk County Council has also issued updated Guidance for Parking (Technical Guidance). The opportunity for further comments was provided.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on highway safety;
 - whether the proposed development would be at an unacceptable risk from contamination; and
 - whether the proposed development would provide acceptable living conditions for future occupiers with respect to daylight and outlook.

Reasons

Highway Safety

5. I acknowledge my site visit represents only a short moment in time and that a limited number of parking spaces were lost to the market on that day.

However, the demand for parking was readily apparent with high occupancy levels and turnover in the public car parks, high levels of on-street parking and dense parking on private land in various locations.

6. The appeal proposal is for four, two-bed dwellings which would give rise to a need for nine parking spaces. The site is in a central location and is well located for access by foot to services and facilities, including public transport, to meet day to day needs without the use of a car. Delivery services could also be used by future occupiers. Cycle parking could be secured by condition. It is reasonable to consider that visitors could use the surrounding public car parking.
7. However, the Suffolk Guidance for Parking (2023) acknowledges that the emphasis for sustainable transport is on locating residential development where car use will be less likely or necessary but contends that car ownership is unlikely to be less. I have no reason to disagree with this. The local highway authority has confirmed it would accept a reduced provision of four spaces. The proposed scheme does not make any provision for off-street parking.
8. Given the extent of parking demand that was evident at my site visit, I can only conclude that the increased demand from four dwellings would add to the parking stress in the surrounding area. This would be compounded by the relatively narrow width of Gaol Lane and the manoeuvre necessary to turn at the end of the road, which would be complicated by the on-street parking and pedestrians in the area.
9. The limitations on the public car parks and on-street parking are such that neither of these would form a practical option for future occupiers. There is no substantive evidence before me with regard to the operation of lift share schemes in the area, the future operation of which are not guaranteed. There is also no substantive evidence that the existing residential properties do not add to the demand for parking.
10. Commercial use of the building would give rise to its own demands on the highway network. However it is likely that these would be different to those that would arise from the proposed development. This therefore would not justify allowing the appeal.
11. A subsequent application¹ for conversion to fewer dwellings on the site has been allowed. I have no reason to think that permission does not represent a realistic fallback. That scheme includes the provision of parking spaces. The fallback position therefore does not lend support to this appeal.
12. The proposed development would therefore have an unacceptable effect on highway safety. This would be contrary to JLP Policy LP29 which requires development to be informed by the relevant parking guidance.

Contamination

13. The application was accompanied by a report which briefly addressed contamination. This stated that the limitations of the study included an assumption that the site was in residential use and that no significant redevelopment was proposed. This is clearly not the case and as such I am not

¹ DC/22/03602

satisfied this provides sufficiently robust evidence that there would not be contaminants present at the site.

14. I have no reason to think this proposal would not involve similar works to allow the conversion to take place than the subsequently approved scheme. The sensitivity of the end users is likely the same. As such, the effect of the fallback would be essentially the same as the proposed development. It therefore would be neutral and would not weigh in support of the proposed development.
15. It has not been demonstrated that the proposed development would not be at an unacceptable risk from contamination. It would therefore conflict with JLP Policies LP15 and LP24 which taken together and insofar as they relate to this issue, require development to protect the health of occupiers from pollution and where necessary include measures to remediate land affected by contamination.

Living Conditions

16. Bedroom 2 in each of the proposed dwellings would be served by two rooflights. These would allow for an unobstructed source of natural light into those bedrooms which would be entirely satisfactory. While there would not be a traditional outlook as would be provided from a window in the elevation, there would be a reasonable outlook from the windows towards the sky. This would be acceptable for a bedroom.
17. The proposed development would therefore provide acceptable living conditions for future occupiers with respect to daylight and outlook. This would be in accordance with JLP Policy LP24 which requires development to be designed for health and amenity.

Other Matters

18. The site lies to the rear of 12-16 (inclusive) Market Place which are all Grade II Listed Buildings. Their significance as it relates to this appeal is derived from their architectural and historic interest as part of the historic core of Sudbury. The site also lies within the Sudbury Conservation Area (CA), the significance of which for the purposes of this appeal lies in its architectural and historic interest in evidencing the historic development of the settlement. In the vicinity of the site, there is no regularity to the appearance of the CA given the varying styles of building. Nonetheless, it is an attractive location, enhanced by the vibrant mixed use character.
19. The proposed alterations would change the appearance of the building from a stark, industrial type building to one with a clearly residential character. This would not result in harm to the significance of surrounding designated heritage assets, as the overall form of the building would remain, and character of the CA already supports a mix of uses which include residential. I therefore conclude the proposed development would harm the significance of the listed buildings and would therefore preserve their special architectural and historic interests. It would also not harm, and therefore preserve, the character and appearance of the Sudbury Conservation Area.
20. There would be a benefit from the delivery of additional dwellings in a location which would provide easy access to services and facilities. There would also be the associated economic benefits of development during the construction and

occupation stages. However, I attach limited weight to these due to the small scale of the development proposed.

Conclusion

21. The proposed development would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

J Downs

INSPECTOR