

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda														
Date:	Thursday 3 December 2015														
Time:	10.00 am														
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU														
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice-Chairmen Tim Marks and Angela Rushen</p> <p><u>Conservative Members (13)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Carol Bull</td> <td style="width: 33%;">Ivor Mclatchy</td> </tr> <tr> <td>Robert Everitt</td> <td>Alaric Pugh</td> </tr> <tr> <td>Paula Fox</td> <td>David Roach</td> </tr> <tr> <td>Susan Glossop</td> <td>Peter Stevens</td> </tr> <tr> <td>Ian Houlder</td> <td>Patricia Warby</td> </tr> </table> <p><u>UKIP Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Burns</td> <td style="width: 33%;">Tony Brown</td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Julia Wakelam</td> <td style="width: 33%;"></td> </tr> </table>	Carol Bull	Ivor Mclatchy	Robert Everitt	Alaric Pugh	Paula Fox	David Roach	Susan Glossop	Peter Stevens	Ian Houlder	Patricia Warby	John Burns	Tony Brown	Julia Wakelam	
Carol Bull	Ivor Mclatchy														
Robert Everitt	Alaric Pugh														
Paula Fox	David Roach														
Susan Glossop	Peter Stevens														
Ian Houlder	Patricia Warby														
John Burns	Tony Brown														
Julia Wakelam															
Substitutes:	<p><u>Conservative Members (6)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Terry Buckle</td> <td style="width: 33%;">Betty Mclatchy</td> </tr> <tr> <td>Terry Clements</td> <td>Frank Warby</td> </tr> <tr> <td>John Griffiths</td> <td></td> </tr> </table> <p><u>UKIP Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Jason Crooks</td> <td style="width: 33%;"></td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Nettleton</td> <td style="width: 33%;"></td> </tr> </table>	Terry Buckle	Betty Mclatchy	Terry Clements	Frank Warby	John Griffiths		Jason Crooks		David Nettleton					
Terry Buckle	Betty Mclatchy														
Terry Clements	Frank Warby														
John Griffiths															
Jason Crooks															
David Nettleton															
<p>SITE VISITS WILL BE HELD ON THURSDAY 26 NOVEMBER 2015. Transport to leave West Suffolk House at 9.30am.</p> <p>Sites to be visited</p> <ol style="list-style-type: none"> 1. Planning Application DC/15/1303/FUL – Sharp’s Lane, Horringer 2. Planning Application DC/15/1936/FUL – Ounce House, 13-14 Northgate Street, Bury St Edmunds 															

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Six Members
Committee administrator:	David Long Committee Administrator & SEBC Scrutiny Support Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk

Agenda

Procedural Matters

Page No

1. Apologies for Absence

2. Substitutes

Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.

3. Minutes

1 - 6

To confirm the minutes of the meeting held on 5 November 2015 (copy attached).

Part 1 - Public

4. Planning Application DC/13/0906/FUL

7 - 74

Erection of 133 no. one and two bedroom flats and 2 no. Class A1, A2 or A3 retail units with associated access, car parking, landscaping, bin and cycle storage (following demolition of existing buildings), as amended, at Land at Station Hill, Bury St. Edmunds for Peal Estates LLP.

Report No. DEV/SE/15/67

See also agenda item 10 below.

5. Planning Application DC/15/1936/FUL

75 - 90

Change of use from 1 no. former dwelling and 1 no. hotel (as consented under LPA reference E/86/2066/P) to a mixed use, restaurant and small hotel to provide 9 guest bedrooms and 2 staff bedrooms in the basement (Class C1); (ii) single storey rear extension (following demolition of existing extension and garage); and (iii) new car park and landscaped gardens to the rear of the property providing 13 car parking spaces for customer use and alterations to parking at the front of the property to provide 5 parking spaces at Ounce House, 13-14 Northgate Street, Bury St. Edmunds for the Chestnut Group.

Report No. DEV/SE/15/68

6. Planning Application DC/15/1303/FUL

91 - 104

Indoor equestrian school and storage barn at Land at Sharp's Lane, Meadow Farm, Horringer for Mr Richard Ames.

Report No. DEV/SE/15/69

7. House Holder Application DC/15/2071/HH

105 - 114

Loft conversion to form additional bedroom with dormer window

to rear elevation at 77, Queen's Road, Bury St. Edmunds for Mr Andrew Mills

Report No. DEV/SE/15/70

8. Tree Preservation Order Application DC/15/2166/TPO 115 - 122

Tree Preservation Order 106 (1986) 11 – 2 no. Quercus Ilex (01449 and 01451 on plan) : Crown reduction by 10% and overall reshaping at 26, Bullen Close, Bury St. Edmunds for St. Edmundsbury Borough Council.

Report No. DEV/SE/15/71

9. Planning Application - Cross Boundary - DC/15/1557/FUL 123 - 130

Installation of 33 KV underground electricity cable from solar farm site at Avenue Farm, Icklingham (Reference F/2013/O258/ESF) to the proposed solar farm site at West Farm, Barnham (Reference DC/13/0801/FUL) for Elveden Farms Ltd.

Report No. DEV/SE/15/72

Part 2 – Exempt

10. Planning Application DC/13/0906/FUL 131 - 154

Erection of 133 no. one and two bedroom flats and 2 no. Class A1,A2 or A3 retail units with associated access, car parking, landscaping, bin and cycle storage (following demolition of existing buildings), as amended, at Land at Station Hill, Bury St. Edmunds for Peal Estates LLP.

Exempt Appendix A to Report No. DEV/SE/15/67

11. Planning Enforcement works in default of Enforcement Notice 155 - 160

Exempt Report No. DEV/SE/15/73

Agenda Notes - Version for Publication

**DEVELOPMENT CONTROL COMMITTEE
 AGENDA NOTES**

Notes

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Emerging Policy documents	Emerging Policy documents
Joint Development Management Policies	Joint Development Management Policies
Core Strategy – Single Issue review	Vision 2031
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene

- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
 - Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
- Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.

Decision Making Protocol - Version for Publication

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services;
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterred, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training

- In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

This page is intentionally left blank

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 5 November 2015 at **10.00 am** at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Jim Thorndyke
Vice -Chairman Angela Rushen

John Burns
Carol Bull
Tony Brown
Robert Everitt
Paula Fox
Susan Glossop

Ian Houlder
Ivor Mclatchy
Alaric Pugh
David Roach
Julia Wakelam

Substitute attending:
Betty Mclatchy

125. **Apologies for Absence**

Apologies for absence were received from Councillors Tim Marks, Peter Stevens and Patsy Warby.

126. **Substitutes**

The following substitution was announced:

Councillor Betty Mclatchy for Councillor Patsy Warby.

127. **Minutes**

The minutes of the meeting held 1 October 2015 were confirmed as a correct record and signed by the Chairman.

128. **Planning Applications**

The Committee considered Reports DEV/SE/15/63 to DEV/SE/15/66 (previously circulated).

RESOLVED – That:

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and approval to carry out works to trees covered by a preservation order be made as listed below;
- (2) approved applications be subject to the conditions outlined in the written reports (DEV/SE/15/63 to DEV/SE/15/66) and any additional conditions imposed by the Committee and specified in the relevant decisions: and
- (3) refusal reasons be based on the grounds outlined in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

129. **Reserved Matters Application DC/15/1308/RM - Submission of details under Outline Planning Permission DC/13/0520/OUT**

The appearance, landscaping, scale and layout for 20 dwellings with associated service road and access, as amended by plans received 14 October 2015 revising the mix and layout and as amended by plans received 19 October 2015 revising landscaping, at Land South of School Road, Risby for Fleur Developments Ltd.

(Councillor Robert Everitt declared a local non-pecuniary interest as he knew the owner of land adjacent to the application site although there had been no contact between them regarding the proposal. Councillor Everitt remained within the meeting)

Officers in presenting the report referred to the objection received from Risby Parish Council and the occupiers of residential properties at Quay's Barn which adjoined the application site to the north. This related to loss of residential amenity to these occupiers and in response the applicants had submitted amended plans indicating supplementary planting along the northern boundary to obviate overlooking from the proposed development into the gardens of properties at Quay's Barn.

The following person spoke on this application.

- (a) Applicants - Jamie Bird, Director, Fleur Developments Ltd

In response to Members' questions Officers advised as follows:

- (i) the applicants had obtained the agreement of the owner of the existing access serving Quay's Barn, a private roadway, for this to be used by construction traffic in connection with the proposed development;
- (ii) Condition 5 of the Outline Permission provided restrictions on movements of construction traffic between 8.00am and 6.00pm. Condition 6 required a Construction Method Statement to be submitted for approval;
- (iii) an issue relating to the re-positioning of Plot 1 in relation to the footpath/trackway running along the rear garden had not required resolution as the window which would be within view was a ground floor bathroom window and not a primary living room window;
- (iv) in relation to the stated position of Suffolk County Council, Highways that the highway authority would not be adopting the access roads, footways, verges, drainage and street lighting relating to the development there was no provision in Planning Law for the County Council to be compelled to assume these responsibilities. In general terms it was open to developers to seek an agreement under Section 38 of the Highways Act 1980 with the highway authority for roads etc. within developments to be adopted. If proposed roadworks did not meet the County Council's standards this agreement would not be forthcoming and in such circumstances an alternative mechanism for providing for the future upkeep of roads would be implemented. In such situations it was usual for the developers to provide a fund for a Management Company to take responsibility for future maintenance works with the owners of properties within the development also being contractually obliged to make financial contributions to the fund;
- (v) it was not intended that the supplementary planting would contain large trees but would be of appropriate species which would provide adequate screening but which would not overshadow the existing adjoining gardens; and
- (vi) details of highways drainage and surface water disposal had not yet been approved but Conditions 11 and 21 of the Outline Permission required these to be submitted for approval before the commencement of development.

The Committee remained concerned that the costs of future road maintenance would fall upon the owners of properties within the development and in particular those that would be occupying the affordable houses element of the scheme. The hope was therefore expressed by Members that the applicants would seek to secure a Section 38 Agreement whereby the County Council would adopt the estate roads etc. because of the proximity of the application site to the village school the Committee asked that the applicants take extra care that construction vehicle movements did not occur at daily opening and closing times for the school.

The Committee asked that in cases when applications for Approval of Reserved Matters were being considered details of conditions imposed under the outline permission be included in the written reports.

Decision

Approval of Reserved Matters be granted with the concerns of the Committee about future road maintenance and construction traffic movements, referred to above, being formally drawn to the applicants' attention.

130. **House Holder Application DC/15/1441/HH**

Single storey side extension, two storey rear extension and garage conversion including extension to form 'granny annexe' at 3 Clopton Park, Wickhambrook for Mr and Mrs Keith Dailey.

The Committee had visited the application site on 29 October 2015.

The following persons spoke on this application:

- (a) Objector - Michael Kemp
- (b) Applicants - Carolyn Dailey

The Committee noted the applicants' case of need, as stated during the public speaking session and in Appendix A of the report, which was to provide a measure of 'independent living' space for their son who had a disability and additional accommodation for elderly parents.

In discussing this proposal reference was made by Members to objections that had been raised that the application, if granted, would create a precedent for enlargement of other properties in Clopton Park and that the proposal constituted overdevelopment. Officers advised that in the event of other proposals coming forward in respect of other properties on the estate each of these would have to be judged on their merits and therefore, if Members were mindful of granting permission for the application under consideration, a precedent would not be created. Officers also suggested that, as the proposed additions were relatively small, the overall footprint of the property would only be increased by a minor extent in relation to the overall size of the plot.

Reference was made to the recommended conditions to be attached to any grant of permission contained in the ultimate paragraph of the written report which were in shortened form. Members asked to be supplied with an unabbreviated list of Standard Conditions as a reference document for future use. Officers confirmed that the proposed Condition 4 would require that the annexe could only be occupied in connection with the main dwelling.

Decision

Permission be granted.

131. **House Holder Application DC/15/1901/HH**

**(i) Single storey rear extension to existing building; and
(ii) replacement of front path and new gate at 77 Queen's Road, Bury St Edmunds for Mr Andrew Mills.**

The application was before the Committee because the applicant was the husband of a contracted employee of St Edmundsbury Borough Council.

A Member raised a question in relation to boundary treatments between terraced properties such as that relating to the application site and its immediate neighbours and asked whether there were controls over the height of hedges or greenery. Officers responded by advising that the High Hedges Law provided under the Anti-social Behaviour Act 2003 had introduced controls over the height of hedges and a mechanism for resolving disputes, e.g. in cases where it was alleged hedges were blocking out natural light to a neighbouring property. The legislation did not stipulate a maximum height for hedges and cases referred to Councils would be judged on their merits. If complaints were upheld a Remedial Notice would be served on the person responsible for the hedge specifying immediate works to be undertaken to the hedge. The notice could also stipulate requirements for future maintenance of the hedge.

Decision

Permission be granted.

132. **Trees in Conservation Area Notification DC/15/1964/TCA**

T1 – Apple tree – Fell and replace at Forge Cottage, The Street, Horringer

This notification had been received from a member of staff of St Edmundsbury Borough Council and therefore consideration was required to be given to it by the Committee. Officers confirmed that the intention was for the replacement tree to be of the same species.

Decision

No objections be raised.

133. **Disposal of wood following tree surgery by the Council**

Arising on a matter raised by a Member at the last meeting of the Committee regarding the disposal of wood after tree works had been carried out by the Council, Officers advised that similar question had arisen at Forest Heath DC's Development Control Committee. The following update was therefore given. In many cases contractors carrying out works to trees were required to remove material from sites and often this was of poor quality because of decay or disease. Where the timber involved was of good quality outlets were investigated, an example being where willow had been supplied for the manufacture of cricket bats. In other circumstances material was left on site to encourage biodiversity. The Councils' policy was available on the website.

Whether material was made available to the public for firewood was left to the discretion of contractors.

The Committee sought clarification about the procedure for notifying Members of intended works to trees in their wards. Officers advised that not all such works were subject to controls under Planning legislation. Applications in respect of those that required the approval of the Council as local planning authority were included in the weekly lists issued to Members. For works to trees scheduled by the Council which did not fall into this category the Committee's request that appropriate Ward Member(s) be given advance notice of these would be passed onto Parks Officers. Members also suggested that it would be helpful if relevant Town/Parish Councils were also informed at the same time.

The meeting concluded at 11.08am

Signed by:

Chairman

Background:

This application was deferred by Committee at its meeting on 6 August 2015. Members were minded to grant planning permission for the proposed development but requested a further report on S106 matters before reaching a final decision on the planning application. Officers had recommended that planning permission be refused and the 'minded to' protocol was invoked in light of the significance of this matter. A copy of the committee report (reference DEV/SE/15/044) is attached at Appendix B.

The planning application has been amended since the Committee considered the planning application in August. The two small commercial units (which were added into the planning application earlier this year) have been removed. This amendment attracted objections from the Highway Authority given the two units could not be satisfactorily serviced. The applicants have reverted back to the planning application in its submitted form and 135 dwellings (all flats) are proposed.

Proposal:

1. A description of the proposal is included at paragraphs 1-9 of report number DEV/SE/15/044 (Appendix B), although Members are to note that the two commercial units have been removed from the application which is now exclusively for residential development (135 flats).

Application Supporting Material:

2. The documents comprising the planning application are listed at paragraph 10 of report number DEV/SE/15/044 (Appendix B).

Site Details:

3. The site and its surroundings are described at paragraphs 11-16 of report number DEV/SE/15/044 (Appendix B).

Planning History:

4. There are a number of planning applications relevant to the current commercial uses operating from the buildings on site, but none are of direct relevance to this residential led mixed use development.

Consultations:

5. These are set out at paragraphs 18 – 49 of report number DEV/SE/15/044 (Appendix B).

6. The Parks and Infrastructure Manager (SEBC) has considered the scheme in the light of public open space requirements and has provided the following comments:
- We would seek a contribution towards providing additional/improved play provision at Fen Way, Tay Fen Meadows, to create a facility that could serve the planned number of units here at Station Hill and the Tayfen Road Development Site. This facility would cost in the region of £75,000.00 to provide.
7. A further consultation response has been received from Suffolk County Council (Planning Obligations) in the light of the enactment in April 2015 of the S106 pooling restrictions imposed by Article 123 of the Community Infrastructure Levy Regulations 2010. These Regulations bar pooled funding being secured from more than 5 planning obligations towards any particular infrastructure type or project. The County Council's updated comments are as follows:
- The County Council have adopted the 'Section 106 Developers Guide to Infrastructure Contributions in Suffolk' (2012), which sets out the agreed approach to planning applications with further information on education and other infrastructure matters provided within the supporting topic papers.
 - As of 6th April 2015, the 123 Regulations restrict the use of pooled contributions towards items that may be funded through the levy, even where there is none in place. The requirements being sought here would meet the new legal test however it is anticipated that the District Council is responsible for monitoring infrastructure contributions being sought.
 - **Education (Primary).** The local catchment schools are St Edmundsbury CEVCP School and Kind Edward VI CEVC Upper School. There are currently insufficient places available in all catchment schools to accommodate pupils arising from the development. Therefore funding will be required as follows:
 - 17 primary places required = £207,077
 - 3 secondary school places required = £55,065
 - 1 sixth form place required = £19,907
 - **Education (Pre-school provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 7 pre-school pupils are anticipated at a cost of £6,091 per place. A capital contribution of £42,637 is requested. The Council confirms the contributions will be invested to relocate and expand the Feoffment Pre School facility in the town.

- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Transport** refers to relevant policy and guidance.
- **Libraries.** Due to pooling restrictions, no libraries contribution is sought.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions.
- **Supported Housing.** Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, may need to be considered as part of the overall affordable housing requirement. We would also encourage all homes to be built to 'Lifetime Homes' standards.
- **Sustainable Drainage Systems.** When considering major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate. As of 6th April 2015, the sustainable drainage provisions within the Flood and Water Management Act 2010 have been implemented, and developers are required to seek drainage approval from the county council and/or its agent alongside planning consent. The cost of ongoing maintenance is to be part of the Section 106 negotiation.
- **Fire Service.** Early consideration should be given to access for fire vehicles and provisions of water for fire-fighting. The provision of any necessary fire hydrants will need to be covered by appropriate planning conditions. Suffolk Fire and Rescue Service (SFRS) seek higher standards of fire safety in dwelling houses and promote the installation of sprinkler systems and can provide support and advice on their installation.
- **Superfast broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).

Representations:

8. These are set out at paragraphs 50-58 of report number DEV/SE/15/044 (Appendix B).
9. Further representations were received after report no DEV/SE/15/044 had been completed and these were reported verbally to Members of the Development Control Committee at their meeting in August. Those additional representations received are summarised as follows:
 - Councillor Mrs. Wakelam wrote to express her concerns about the planning application and support for the officer recommendation

that planning permission should be refused. The principal areas of concern were;

- the height of the proposed buildings which would dominate and overshadow the listed station buildings.
 - poor aspects of the layout and lack of tree planting to Station Hill
 - lack of on-site provision of public open space.
 - 10% affordable housing is not acceptable
 - Other contributions to infrastructure should be provided.
- Pigeon Investments Ltd (owners of Burlingham Mill sited adjacent to the application site) requested that development along the Station Hill frontage be controlled by condition to prevent visibility splays to other access points in Station Hill from being compromised by the development.

Policy:

10. Relevant Development Plan policies are listed at paragraph 59 of report number DEV/SE/15/044 (Appendix B).

Other Planning Policy:

11. Other relevant planning policy is discussed at paragraphs 60-67 of report number DEV/SE/15/044 (Appendix B).

Officer Comment:

12. The full officer assessment is included at paragraphs 68-234 of report number DEV/SE/15/044 (Appendix B). Members deferred their consideration of the planning application to provide opportunity for the submitted viability appraisal to be updated to reflect current market conditions and to consider a more detailed report on the planning obligations to be secured by S106 Agreement. This section of the report is therefore focussed on S106 (and related) matters, but also includes a 'risk assessment' given the Committee resolved it is 'minded to' grant planning permission, contrary to officer advice.

13. The applicants have updated their viability assessment and this is attached as a confidential paper at Appendix A. Officers have commissioned an independent review of the viability assessment and this piece of work will be completed in advance of the Meeting on 4th December 2015. Members will be updated separately on the findings of the independent assessment. This assessment is not anticipated to demonstrate anything other than the proposed development, with a fully policy compliant level of S106 contributions, would not be viable in 'normal' market conditions. The discussion on S106 matters included in this section of the report has been prepared on that key assumption.

S106 matters

14. The Framework repeats the tests of lawfulness for planning obligations

which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:

- be necessary to make the development acceptable in planning terms.
- be directly related to the development, and
- be fairly and reasonably related in scale and kind to the development.

15. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.

16. The following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts):

Affordable Housing

17. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.

18. Core Strategy policy CS5 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).

19. Core Strategy Policy CS5 requires 41.5 of the 135 dwellings to be secured as 'affordable' (80% for affordable rent and 20% for shared ownership). The applicant has offered 13 dwellings as affordable (just under 10%) citing adverse viability for the below policy levels (a copy of their assessment is attached as a confidential paper at appendix A). The viability of the development and its impact upon affordable housing provision in particular is considered later in this section of the report.

Education

20. The Framework states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

21. Core Strategy Policy CS14 considers educational requirements (additional school places) as an essential infrastructure requirement.
22. The Local Education Authority has confirmed, post School Organisational Review, there is no capacity at local primary and secondary schools (including Sixth form) to accommodate the pupils forecast to emerge from this development and has requested developer contributions to mitigate impacts. The contributions would be used towards delivering additional school places in the catchment. The applicants have agreed, in principle, to provide the contributions and these could be secured via S106 Agreement.
23. Suffolk County Council has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) whom are forecast to reside at the development. The applicants have confirmed they are willing to provide this contribution in full.

Public Open Space

24. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
25. Core Strategy Policy CS14 considers provision of open space and recreation as required infrastructure.
26. Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.
27. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The SPD has, however, been largely superseded by the enactment of the pooling restrictions by Regulation 123 of the Community Infrastructure Levy Regulations 2010. This has had the effect of making unlawful the collection of general 'levies' to be used towards public open space. The collection of up to five contributions to be used towards specific (named) public open space projects would however be lawful. The formulas set out in the adopted SPD for calculating off-site cash payments for public open space can no longer be applied to this development at Station Hill.
28. The adopted Station Hill Masterplan document illustrates that strategic open space provision will be provided off-site in later phases of the masterplan and a separate area which will ultimately serve both the Station Hill and Tayfen Road Masterplan developments. The absence of public open space within the site is acceptable in principle, but only on the assumption the development contributes towards accessible public open space elsewhere. The Council's Parks Team has requested a payment of £75,000 is secured from this development to be used to enhance

children's play facilities at the nearby Tayfen Meadows public open space to the west of the application site.

29. In this case, a policy compliant position would see the delivery of circa 1,644sqm (0.1644ha) of 'open space' on the application site (circa 14% of the total site area). The application effectively proposes no on site provision of public 'open space'. The Council's Park's Team has requested a payment of £75,000 is secured from this development to be used to enhance children's play facilities at the nearby Tayfen Meadows public open space to the west of the application site. This payment would be secured in lieu of provision at the application site. The applicants have confirmed they are willing to provide this contribution as part of a S106 Agreement.

Libraries

30. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and initially requested a capital contribution of £21,780. However upon further consideration, following enactment of Regulation 123 of the CIL Regulations (pooling restrictions), the County Council has withdrawn its request given that contributions have already been secured from five or more planning obligations. No contributions towards the provision of libraries services would be secured from this development.

Health

31. The NHS Property Services has confirmed there is sufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, no health contribution is to be secured from the proposed development.

Highways

32. Suffolk County Council, in its role as local Highway Authority has not requested any S106 contributions from this development for off-site highways works/improvements.

33. A travel plan is required for this development. The Travel Plan Co-Ordinator at Suffolk County Council has requested several amendments are made to the Travel Plan submitted with the planning application. Discussions are on-going with the applicant and certain measures included in a Travel Plan (particularly if they are financial in nature) might need to be secured as part of the S106 Agreement, including any bond secured to underpin the delivery of the plan. Suffolk County Council is presently considering whether they are able/prepared to accept a developer contribution that would be used by them to implement the Travel Plan on behalf of the developer. The Heads of Terms of a S106 Agreement set out in the next section are reflective of the currently unresolved nature of the Travel Plan and allows for potential for contributions to be secured should the need arise.

34. Network Rail, as owner of other land forming part of the wider Station Hill Masterplan site, has objected to the planning application on the grounds that (inter alia) no mechanism is in place or proposed to secure contributions from the development to off-set potential cumulative impacts upon infrastructure arising from anticipated development at the Station Hill and Tayfen Road sites. Potential impact upon the highway network is cited as a particular area of concern in this respect.
35. The approach suggested by Network Rail is not reasonable and would be contrary to the legal tests set out at Regulation 122 of the CIL Regulations (paragraph 190 above). There is no certainty that development of the later sites will be realised, and even if they do come forward the delivery timetable cannot be predicted with any certainty. It is unlikely that the Station Hill Masterplan development, as a whole, will be delivered in the short term. Accordingly, and given the relatively short payback periods which are appropriately included in S106 Agreements, it is unlikely that a 'cumulative impact' contribution would be able to be used within a reasonable time period and would likely be returned to the developer unspent before the all of the contributions could be secured. In any case, the Highway Authority has not requested a contribution to off-set cumulative impacts probably because it has not found it possible to determine the nature of the works that would be required given the uncertainties that exist.
36. In light of the above, the impact of each individual development must be considered on its own merits in the light of prevailing conditions and committed developments (with planning permission) at the time the development is considered. Appropriate S106 contributions should be secured from developments being proportionate and directly related to the impacts arising from that development.

Economic Development Contribution

37. Upon considering the planning application at the August meeting, Members instructed officers to explore whether it is possible to secure a developer contribution to be used for economic development initiatives away from the application site. In particular, Members were concerned that policy BV8 of Vision sought a mixed use development of the wider masterplan site, but the planning application proposed (at the time) almost 100% housing. Members were concerned that the loss of existing employment and employment opportunities at the site might be lost with no mitigation.
38. The applicants have offered a one-off contribution of £50,000 to be used in the town towards economic development initiatives. This is despite the schemes' adverse financial viability (please refer to the next sub section). The contribution is considered to meet the legal tests set out at paragraph 13 above and is considered reasonable when all circumstances are taken into account. The contribution would need to be secured as part of the S106 Agreement.

Development Viability

39. The Framework states under the heading of 'Ensuring viability and deliverability' (paragraph 173);

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

40. The National Planning Practice Guidance sets out the following advice on development viability:

41. *"Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level."*

42. *"A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."*

43. The Growth and Infrastructure Act inserted new Sections 106BA, BB and BC into the 1990 Town and Country Planning Act. These sections introduce an application and appeal procedure for the review of planning obligations on planning permissions that relate to the provision of affordable housing. Obligations including a *"requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market"* are within scope of this new procedure. The purpose of this legislative amendment is to unlock stalled developments that have 'unrealistic' planning obligation requirements by allowing the developer opportunity to review (and reduce) affordable housing requirements if it can be demonstrated that delivery of the development is being stalled on financial viability grounds. Whilst not directly relevant to this planning application (which is not a S106 Agreement review) it does serve to demonstrate the direction of travel for S106 Agreements and that viability (the ability to deliver housing development) is a material planning consideration which must be taken into account, particularly when negotiating S106 packages from developments.

44. The applicant submitted a viability assessment with the planning application in January 2014 and updated it in November 2014. These were the subject of an independent assessment which subsequently validated the document (Nov '14 update). The viability assessment has been further updated (November 2015) and is currently the subject of independent review. The updated assessment seeks to demonstrate the proposals would not be viable with any S106 contributions. The viability reports are confidential documents and therefore are not published.
45. There are no Development Plan policies specifically addressing development viability although Core Strategy policy CS5 (Affordable Housing) states that targets for affordable housing provision are subject to viability being demonstrated, using whatever public subsidy may be available in the case. If the target cannot be achieved, the affordable housing provision should be the maximum that is assessed as being viable.
46. The Joint Affordable Housing Supplementary Planning Document provides further guidance about testing development viability, including commissioning independent advice, at the developers' expense. In this case, the Council commissioned Chris Marsh Associates (CMA) to critique the viability assessment. The developer's viability assessment and the critique previously carried out by CMA are not discussed in detail in this report given their strictly confidential nature. The applicants have, however, agreed to share these documents with Committee Members on the understanding that the sensitive information contained within them will not be shared with third parties nor debated in public session. A copy of the latest viability assessment is therefore provided to Committee Members as confidential papers to be read alongside this Committee report. A copy of the independent assessment of the latest (November 2015) viability assessment will be made available via the late papers and/or verbally summarised as part of the officer presentation to Members, as appropriate.
47. The applicant's viability assessment seeks to demonstrate that in the context of 'normal' and widely accepted industry standards regarding expectations of land value and developer profit, their scheme at Station Hill would not be viable. In this case, however, the applicant's have taken a pragmatic view of their development and have sought to offer a S106 package as close to a policy compliant position as possible. It is only the affordable housing levels that stand to be compromised from fully policy compliant levels (dropping from 30% to 10%), but Core Strategy policy CS5 and its related SPD allow for a reduction in this contribution where adverse scheme viability is demonstrated.
48. Core Strategy Policy CS14 does not make concessions on viability grounds so when this policy is considered alongside CS5 which does make those concessions it suggests that where a viability case is demonstrated, it is the level of affordable housing that should be reduced. Indeed this approach is supported by the new provisions of the Planning Act discussed at paragraph 42 above.

49. Nonetheless, the provision of affordable housing is a key corporate and political priority of the West Suffolk Authorities and policy CS5 does require the maximum level of affordable housing is provided from new developments, within the parameters of scheme viability. Furthermore the Affordable Housing SPD confirms, in cases where viability is demonstrated to justify a reduction in affordable housing provision, other obligations should be reviewed (on a priority basis) to establish whether the affordable housing offer could be increased.
50. A review of the other planning obligations sought from the development has been carried out and all of the 'other' contributions are considered necessary in order to make the development sustainable. Accordingly, these provisions should be prioritised over affordable housing provision to ensure the development is sustainable with respect to infrastructure provision.

Risk Assessment

51. A risk assessment is required in this case given Members are minded to grant planning permission for the development contrary to officer advice.
52. Given that Members are of mind to *grant* planning permission there is limited risk of an appeal with its associated costs. There is potential for the applicants to appeal against the imposition of a condition or conditions they do not agree with, but it is normal practice to agree precise wording with applicants prior to entering into a S106 Agreement so this risk is considered negligible. The recommended conditions are included at the end of this report, but only in a summarised form to allow for their precise wording to be agreed with the applicants if the Committee remains minded to approve this application.
53. The principal risk associated with a potential grant of planning permission in this case is a potential Judicial Review. However, officers are content Members have properly considered the material planning issues and the justification for going against officers' advice in this case are properly and adequately recorded in the minute of the August committee meeting.
54. Officers consider the risks associated with a potential grant of planning permission in this case are limited.

Conclusion:

55. At their meeting on 6 August 2015, the Committee resolved they were of mind to grant planning permission for the proposed development but wished to consider the S106 Heads of Terms and development viability in more detail and in the light of up to date evidence.
56. If the Committee remains of mind to grant planning permission it is recommended that the applicant's offer of S106 Heads of Terms is secured. Planning permission should only be granted following validation of the viability assessment by the Council's viability consultant and satisfactory resolution of the objections received from Suffolk County

Council's Travel Plan Co-Ordinator.

Recommendation:

Members should note that the application remains recommended for **REFUSAL** in line with the recommendation and reasons set out in the report at Appendix B. However, should Committee remain of mind to grant planning permission for this development it is **RECOMMENDED** the planning permission is subject to:

i) The completion of a S106 agreement to include:

- Affordable housing (10% = 13 units)
- Education contribution (Primary and Secondary School - £282,049)
- Pre-school contribution (£42,637)
- Tayfen Meadows Play Area Contribution (£75,000)
- Economic Development Contribution (£50,000)
- Travel Plan contribution and/or bond (if subsequently considered necessary and lawful by the Head of Planning and Growth).
- Any further clauses considered necessary by the Head of Planning and Growth.

ii) the prior satisfactory resolution of the objections received from the Travel Plan Co-Ordinator at Suffolk County Council, and;

iii) controlling conditions, including:

- Time limit (3 years for commencement)
- Compliance with approved plans
- Materials, detailing and colours
- Archaeology
- Strategy for enhancing water use efficiency, post occupation
- Bin and cycle storage strategy
- Landscaping (precise details of new hard and soft landscaping and strategy for future management and maintenance).
- Ecology (strategy for provision of enhancements at the site)
- Construction management plan, including working hours.
- As recommended by the Local Highway Authority
- No planting, structures or development to be carried out in the foot/cycleways to the frontage of the site (to protect visibility splays)
- As recommended by the Environment Agency, including contamination & remediation (further investigations and any remediation necessary)
- Means of enclosure
- Noise mitigation (measures to be applied to flats)
- Fire Hydrants
- Waste minimisation and re-cycling strategy (demolition)
- Foul and surface water drainage scheme.
- Implementation of an agreed Travel Plan (unless the matter is addressed fully via the S106 Agreement)
- Any additional conditions considered necessary by the Head of Planning and Regulatory Services.

Documents:

All background documents including application forms, drawings and other supporting documentation (but excluding viability reports) relating to this application can be viewed online.

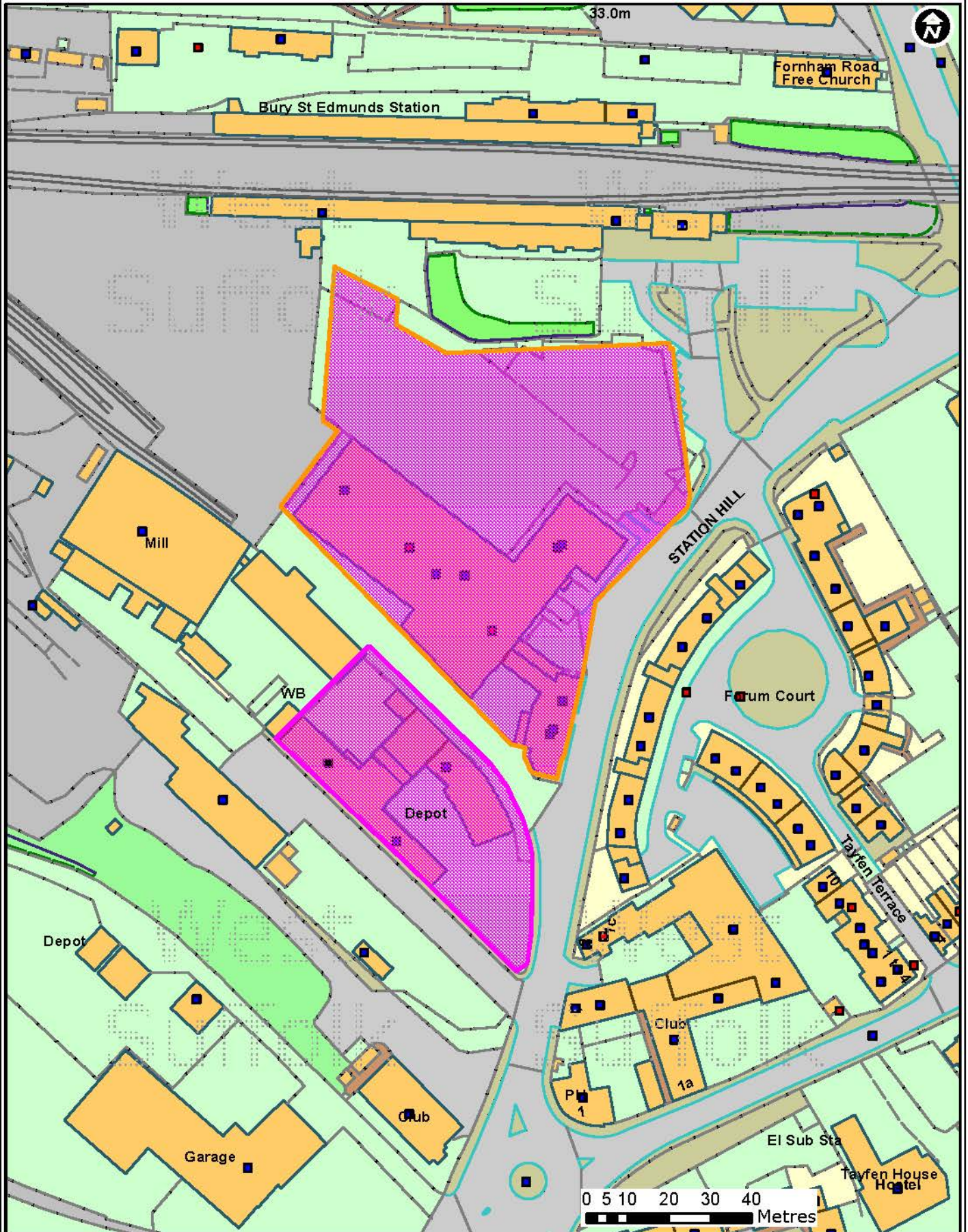
Appendices

Appendix A – Viability assessment (confidential paper, not published)

Appendix B – Officer report to August 6th meeting of the Development Control Committee

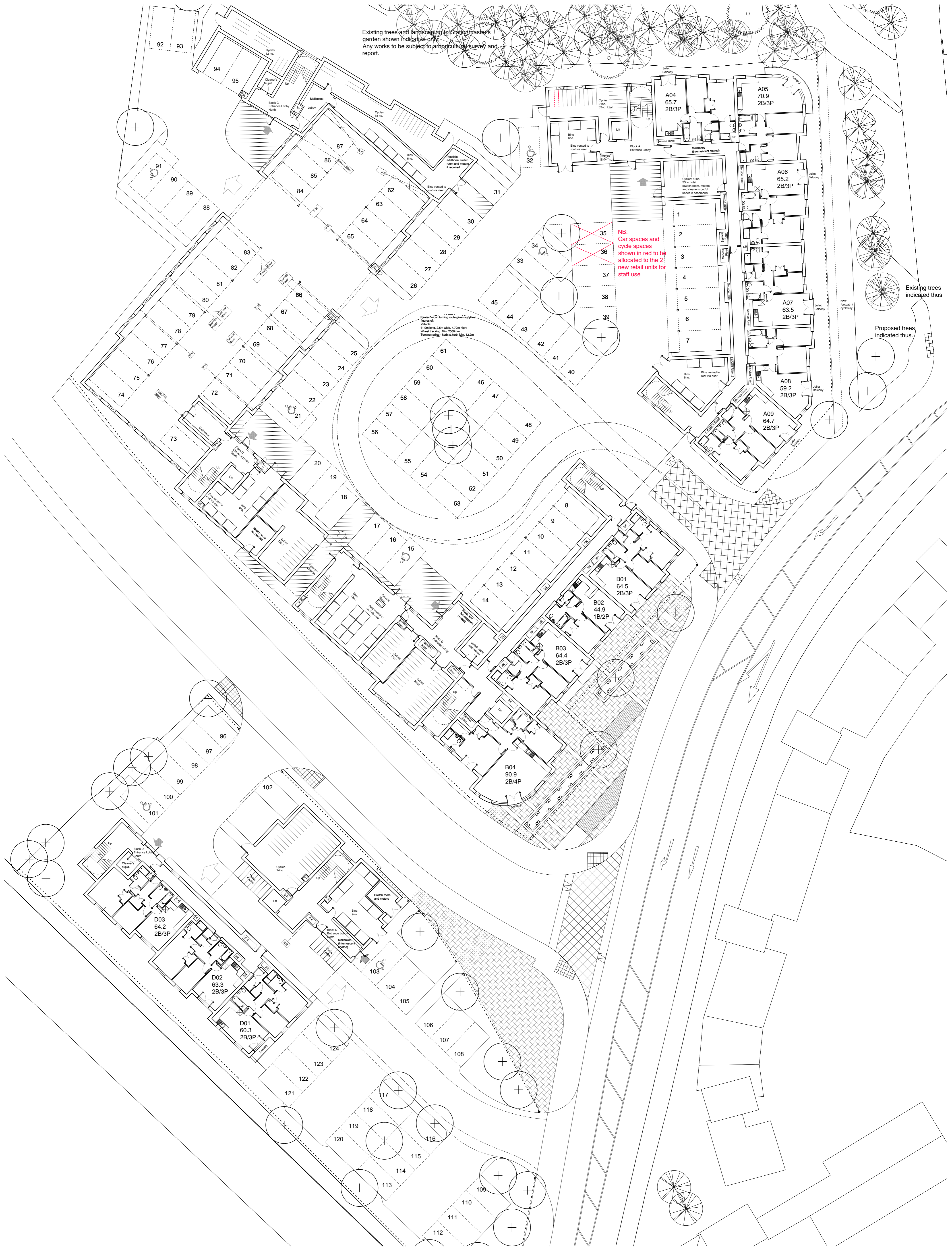
Case Officer: Gareth Durrant

Tel. No. 01284 757345

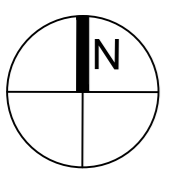


This page is intentionally left blank

Existing trees and landscaping to Stationmaster's garden shown indicative only. Any works to be subject to arboricultural survey and report.



NB: Car spaces and cycle spaces shown in red to be allocated to the 2 new retail units for staff use.



REV	DATE	CHK	AMENDMENTS	NOTES
D00	16.10.2014	df	New spine road added and Station Hill widened.	XXX
D01	17.02.2015	df	Parking / cycle spaces allocated to new retail units.	XXX

Feilden + Mawson
 21-27 Lamb's Conduit Street London WC1N 3NL
 +1 Ferry Road Norwich NR1 1SU
 Horningsea Road Fen Ditton Cambridge CB5 8SZ
 email: info@feildenmawson.com www.feildenmawson.com

CLIENT
Hopkins Homes
 JOB
Station Hill
Bury St. Edmunds
Suffolk

DRAWING
Masterplan - Ground Floor Plan
New Spine Road

PLANNING			
SCALE	PAPER	DATE	REV
1:200	A1	Oct 2014	
JOB	DWG	REV	
7495		131	D01

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/15/044

Development Control Committee

6 August 2015

Planning Application DC/13/0906/FUL Land at Station Hill, Bury St Edmunds

Date	23 January	Expiry Date:	31 May 2015 (with agreed extension)
Registered:	2014		
Case Officer:	Gareth Durrant	Recommendation:	Refuse Planning Permission
Parish:	Bury St Edmunds	Ward:	Risbygate
Proposal:	Erection of 133 no 1 and 2 bedroom flats and 2 (no) class A1, A2 or A3 retail units with associated access, car parking, landscaping, bin & cycle storage (following demolition of existing buildings), as amended.		
Site:	Land at Station Hill, Bury St Edmunds		
Applicant:	Peal Estates LLP		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Gareth Durrant
Email: Gareth.durrant@westsuffolk.gov.uk
Telephone: 01284 757345

Background:

This application is referred to the Committee because it is for 'major development' and the officer recommendation is at odds with that of Bury St Edmunds Town Council.

Proposal:

1. Planning permission is sought for the erection of 133 flats and two small commercial units (Class A1, A2 or A3). There would be 105 no. 2-bed flats and 28 no. 1-bed flats in the scheme. The application proposes 13 affordable flats (9.8%). The 133 flats proposed by the planning application translate to a density of circa 153 dwellings per hectare.
2. The two commercial units at ground level to the north of the site, facing towards the station would have gross floor areas of circa 71 and 65 square metres respectively.
3. The application has been amended since submission with the two small commercial units now proposed in lieu of two of the 2-bed flats (the planning application was first submitted for the erection of 135 flats). Some of the building blocks have been moved and tweaked in order to protect an access corridor through to the operational land behind the site and to introduce the 13 affordable housing units now proposed. The amended drawings have been the subject of re-consultation.
4. The development would be served by two vehicular accesses onto Station Hill and all existing buildings and structures within the site would be demolished to make way for new development.
5. The flats would be provided in four building blocks. One of these would be separated by the other three by a track which provides vehicular access from Station Hill to land behind the application site (the land and track are outside the control of the applicants).
6. The proposed buildings are generally four storeys, although a feature building is proposed at the crest of Station Hill with 6 storeys (with a single penthouse flat provided in each of the upper two floors). Similarly, and owing to a drop in levels, there is basement accommodation proposed in the northern most element of the development, leading to a part 4 and part 5-storey building facing towards the station buildings. Two small commercial units (Use Class A1, A2 or A3) are proposed in the basement with four additional storeys of flats above.
7. The buildings proposed in the planning application are of varying scales, partly owing to the changing number of floors within some parts of the scheme and partly owing to changes in levels, particularly closest to the Station Hill frontage. The majority of the proposed buildings would be four storeys 12-13 metres in height above ground level. The more limited provision of three storey development is lower (9.2-10.3 metres in height). The height of five storey element towards the north of the site (with basement) rises as land levels reduce. This building would be up to 15 metres at its tallest point where it would face towards the

Station buildings. Finally, the tallest elements of the buildings; the six storey element centrally positioned at the crest of the hill, would be 18.6 metres at its tallest point.

8. A range of materials (types and colours) would be used in the design of the buildings. The following palette is proposed;
 - Walls – Red/buff facing brickwork; white render; western red cedar board cladding
 - Roofs – Dark grey insulated zinc standing seam
 - Detail – Dark grey aluminium windows and doors; Black uPVC rainwater goods.
9. The application includes full details of vehicle parking and manoeuvring. A total of 123 car parking spaces are proposed to serve the 133 dwellings and x2 commercial units. Information submitted with the application indicates the commercial units would be serviced from some existing parking bays within the Station forecourt area (outside the application site).

Application Supporting Material:

10. The following documents comprise the planning application (including amendments/additional information received after the application was registered):
 - Forms and drawings including layouts, sections, and flat details, demolition plan, access details and landscaping.
 - Design and Access Statement.
 - Geoenvironmental assessment (contamination).
 - Transport Assessment.
 - Tree Report, Plan and Arboricultural Assessment.
 - Statement of Community Engagement.
 - Bat Emergence and Return to Roost Survey.
 - Utilities report.
 - Planning Statement.
 - Phase 1 Habitat Survey.
 - Noise Report.
 - Heritage Report.
 - Flood Risk Assessment.
 - Archaeological Desk Based Assessment.
 - Viability Assessment (Confidential document) and a non-confidential summary (available to the public for comment).

Site Details:

11. The site is positioned adjacent to the town railway station and occupies the frontage of former railway land fronting Station Hill. It contains a number of commercial uses operating from within the buildings currently occupying the site, including takeaways, a nightclub, a retail shop and a nursery. There is also a car park serving the commercial uses and station. A charging system is in place within the car park, although the first two hours are free.
12. The application site is largely surrounded (except for its highway frontage) by existing/former railway land, including the station entrance buildings and platforms to the north, operational land (active sidings for the transfer of minerals) to the west and other under-used land to the south. The Burlingham Mill also sits adjacent (but outside) the application site. This imposing structure is presently not in active use but was formerly used for seed cleaning and storage.
13. Station Hill provides a vehicular and pedestrian link from Tayfen Road to the A1101 Fornham Road and allows traffic using these two roads choice to avoid negotiating the Northgate Roundabout at busy times. Station Hill also provides access to the station forecourt and reception.
14. The application proposes no public open space provision (other than incidental landscaped or private areas) and minimal amenity spaces for residents.
15. The site is outside the town centre and its Conservation Area.
16. The site is part of a larger allocation of land for a residential led mixed use development in the Bury St Edmunds Vision 2031 Development Plan Document (Policy BV8) and was carried forward from the previous local plan.

Planning History:

17. There are a number of planning applications relevant to the current commercial uses operating from the buildings on site, but none are of direct relevance to this residential led mixed use development.

Consultations:

i) Scheme submitted with the planning application (January 2014).

18. Natural England: submits **no objections** to the application and comments the development will not damage or destroy any statutory nature conservation sites (e.g. any SSSI's or the Special Protection Area).

19. Environment Agency: **no objections** subject to x5 conditions requiring i) submission of a remediation strategy for the decontamination of the site, ii) strategy for addressing any presently unknown contamination subsequently found at the site (e.g. during construction), iii) details of surface water drainage to be submitted for approval, iv) no penetrative construction methods unless agreed with the LPA (to safeguard groundwaters from potential contamination), and v) submission and approval of a Construction Method Statement.
20. The Agency notes the subsequent surface water drainage scheme will need to increase storm water storage capacity to ensure the system can cope with repeated storm events. The agency provides other informative comments and advice.
21. Highways England (previously Highways Agency): **no objections** and comments the proposals will not affect the safety or operation of the A14 Trunk Road.
22. NHS Property Services Ltd (on behalf of NHS England): no objections and no requirement for a Health Contribution based on sufficient capacity within the catchment surgeries that would serve the proposed development.
23. Anglian Water Services: **no objections** and comments the foul drainage from the development would be received by the Fornham All Saints Treatment Works which, along with the transporting sewerage system, has capacity to accommodate the flows arising. They also comment on the surface water strategy and request an agreed strategy is reflected in any planning permission granted.
24. Suffolk Wildlife Trust: **no objections** and requests the recommendations of the ecological survey reports are implemented in full (secured via planning conditions).
25. Suffolk County Council - Highway Authority (Roads): initially did not object to the planning application, subject to conditions, but subsequently withdrew their comments to enable further consideration to be given.
26. Suffolk County Council – Highway Authority (Rights of Way): **do not wish to comment.**
27. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).
28. Suffolk County Council (Planning Obligations): **no objections** to the planning application and provided the following comments (summarised);

- We would encourage a comprehensive approach to the development of the whole Station Road/Tayfen Road area which is particularly important in terms of considering cumulative transport and education requirements.
- The Authority request involvement in any S106 negotiations as a consequence of viability considerations and in any case consider this is not over-riding as careful consideration must be given to the presumption in favour of sustainable development as set out in the NPPF.
- **Education (Primary).** (nb these comments were made prior to the County Councils decision to adopt a 2-tier system as part of their Schools Organisational (SOR) of the town's schools last year. Revised comments and requests, following SOR, are set out later in this report). We currently forecast to have sufficient surplus places at the catchment primary and secondary schools, but have no surplus capacity at the catchment middle school. Therefore we will require contributions towards providing additional school places at a total cost of £45,804 for the three school age pupils arising (£15,268 per pupil place).
- **Education (Pre-school provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 6 pre-school pupils are anticipated at a cost of £6,091 per place. A capital contribution of £36,546 is requested. The Council confirms the contributions will be invested in the local area to improve & enhance local early years provision.
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** A capital contribution of £21,780 to be used towards libraries is requested. The contribution would be available to spend at the local catchment library in Bury St Edmunds.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions.
- **Supported Housing.** We would also encourage all homes to be built to 'Lifetime Homes' standards.
- **Sustainable Drainage Systems.** Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits.

- **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
 - **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).
29. Suffolk County Council – (Planning Obligations): wrote to update their position following their decision to adopt a two-tier schooling system in the town following School Organisational Review (SOR). Comments were received as follows (summarised):
- Following the SOR there are insufficient places available in all catchment schools to accommodate pupils arising from the development. Therefore funding will be required for 17 primary places totalling £207,077, 3 high school places totalling £55,056 and 1 sixth form place totalling £19,907. The requirement in total is £282,049.
30. Suffolk County Council – Archaeology: **no objections** and comments as follows;
- The proposed development site lies within an area of archaeological interest. It lies on the northern fringe of the medieval town, overlooking Tay Fen, and this location is topographically favourable for early occupation, particularly for Anglo-Saxon and prehistoric activity. Medieval extra-mural activity may also have taken place on this site. The proposed works have the potential to damage any archaeological deposits and below ground heritage that exist.
31. The Authority concludes by confirming there are no grounds to refuse planning permission in order to achieve preservation in situ of any important heritage assets. Conditions are recommended to record and advance understanding of the significance of any heritage asset (below ground archaeology) before it is damaged or destroyed.
32. SEBC – Strategic Housing: **comments** that the scheme should provide 40.5 affordable homes [from the 135 dwellings proposed at the time by the application] and notes there is no intention to provide affordable housing. The team confirms there is substantial housing need in Bury St Edmunds and would be happy to work with the developer in order to secure compliance with policy.
33. SEBC – Environmental Heath (noise): **no objections.** Officers have considered the noise report and consider dominant noise sources are road traffic and railway activities, although noise from freight activities on adjacent land and from the Railway Club building have been considered. The team consider noise levels on the balconies of some of the blocks are likely to exceed recommended maximum noise levels but realistically these cannot be mitigated. Noise mitigation can be provided to achieve target internal noise levels, but in some rooms this will require windows to be kept closed and mechanical ventilation provided.

A condition is recommended in order to achieve an acceptable noise mitigation strategy for affected flats.

34. SEBC – Leisure, Culture and Communities: **objects** to the planning application and comments that the majority of public open space falls outside of the development boundary and is therefore not guaranteed to go ahead. This means that the development itself contains very little public open space of any meaning or use to future residents and would fall short of the requirements of the SPD for open space, sport and recreation facilities.

ii) Amended drawings/details received November 2015

35. Natural England: **no objections** and refers to its earlier comments (paragraph 18 above).
36. NHS Property Services Ltd (on behalf of NHS England): **no objections** and did not wish to comment further.
37. Environment Agency: **no objections** and refers to its earlier comments (paragraph 19 above).
38. Highways England (previously Highways Agency): does not wish to comment.
39. Anglian Water: **no objections** and refers to its earlier comments (paragraph 23 above).
40. Suffolk County Council (Highways -Rights of Way): **no objections** and refers to its earlier comments (paragraph 26 above).
41. Suffolk County Council (Highways – Travel planning): **comments** their comments will be included as part of a comprehensive highways response.
42. Suffolk County Council (Archaeology): **no objections**, and refers to its earlier comments and requests for conditions (paragraph 30 above).
43. Suffolk County Council (Flood and Water): **no objections** and comments that the drainage systems must be in accordance with CIRA 697 sustainable drainage and including exceedance routes.
44. SEBC – Environmental Health (noise): **no objections** and refers to its earlier comments and suggested condition (paragraph 33 above).
45. SEBC – Environmental Health (land contamination): **no objections** based on the findings of the Geoenvironmental report and recommended imposition of an appropriately worded condition to secure the further investigations recommended in the report.

46. SEBC – Planning Policy: **no objections**, sets out relevant planning policies and comments on the ability to determine the planning application in advance of the masterplan being adopted (which was the position at the time).

iii) Amended drawings/details received February 2015

47. Suffolk County Council (Highways): **objects to the amendments**. The Authority is content with the residential aspects of the amended planning application but is concerned about parking provision for the two commercial units and the absence of servicing provision within application site.
48. Suffolk County Council (Highways – Travel Planner): **objects** to the application in the absence of an adequate and approved Travel Plan. He notes the Travel Plan has not been amended in response to comment since the application was submitted and sets out the criticisms of the document (predominantly the 5% modal shift target set out in the draft Travel Plan which should, in his view, be a target of 15% given the reduced parking provision and to demonstrate a good ‘car-free’ development).
49. SEBC – Planning policy (Conservation): **objects** and after setting out Local and National planning policies relevant to Conservation provides the following comments (summarised):
- This application is for the development of Phase 1 of the larger Station Hill site and is located close to the listed station and adjoining station masters house/hotel. There is therefore the potential for this phase of the development to have an impact on the setting of these listed buildings. The listed signal box is located to the west of the site and, whilst the impact of Phase 1 of the development would be minimal, further phases would impact on its setting. The former railway hotel, railway bridge, chapel and St Saviours remains are of sufficient distance away that their setting is unlikely to be adversely affected.
 - The site boundary of Phase 1 is drawn tightly against the edge of the garden fronting the station master house. The garden land and ground floor of the building is considerably lower than the application site, with the existing car park levels at approximately the first floor level of the house. The cross-section drawings do not show this relationship, instead showing the section of the western-most end of the development, which is at a lower level, with the station. Even at this lower level, however, the proposed Block A is clearly taller than the station.
 - The edge of the development is less than 25 meters away from the listed buildings. At the closest points, Block A, elevation AO2, is five storeys in height, reducing to four storeys with the slope of the land, and Block C, elevation CO2, is four storeys in height. Taking into account the level differences between the site and the garden,

however, this would make the height of the four storey elements the equivalent of five storeys when standing in the garden. This, coupled with the close proximity to the listed station buildings, would result in domineering and overbearing development which would erode the views of the station and significantly encroach on the setting of the listed buildings. I note that there are trees around the edge of part of the garden but the development would provide a solid screen which would be harsher and more apparent than the trees. They would not adequately screen the development and may, in any case, be reduced or removed in the future. They are not within the control of the developer and should not be relied upon to mitigate against the impacts of the development in its current form.

- No assessment has been made of the visibility or otherwise of the proposed buildings from the platforms, particularly the northern platform. I note that the heritage assessment considers that stations are usually surrounded by buildings so the new development would not be an issue. The station as existing, however, is not surrounded by buildings and does enjoy a degree of space and the views of the chimneys along the southern side are clearly appreciated against open sky. The impact of any new development on this aspect of the building must be clearly demonstrated.
- Burlingham Mill is not listed but is considered to be a non-designated heritage asset. Its setting is currently poor and there is therefore scope to enhance it. The edge of Block D closest to it would be approximately 35m away from the Mill. The masterplan shows a square and gardens (which would form part of a later phase), around the Mill so the proposed Phase 1 development, which the cross-section details indicate is lower in height, would not have an adverse impact on the setting or appreciation of the Mill.

Conclusion

- Whilst there is undoubtedly an opportunity to improve the station approach and setting, the development as proposed is too large and domineering. The station is a distinctive building and should be the focal point of the site, which is after all, Station Hill.
- The scales of Blocks A and C in close proximity to the station buildings are unacceptably large and overbearing, having an adverse impact on the setting of the listed buildings. These parts of the development should be reduced in scale and if possible pulled back further from the listed buildings. Cross-sections showing the direct relationship with the station and station masters house and garden are required to demonstrate the resulting impact.
- A visual assessment of the impact of the development from the northern platform is required.

- An assessment of the buildings proposed for demolition should be provided to demonstrate the extent of their significance.
- There is scope to alter the development to provide a satisfactory relationship with the listed buildings. In its current form, however, the development would be harmful to the setting of the listed buildings and is therefore recommended for refusal as contrary to the requirements of DM15, and paragraphs 132 and 137 of the NPPF.

Representations:

i) Scheme submitted with the planning application.

50. Bury St Edmunds Town Council: **no objections**.
51. Bury St Edmunds Society **objects** to the application and provides the following comments (summarised):
- No S106 contributions for affordable homes, education, or playing facilities or traffic movements.
 - No on site play provision and very little soft landscaping.
 - Concern the development (particularly its lack of open spaces and infrastructure contributions) would prejudice delivery of the wider Masterplan development.
 - Concerned that failure to provide the homes to Code 4 levels would be a burden for future generations if the planning authority does not insist upon those standards.
52. Suffolk Preservation Society: **comment** as follows (summarised):
- Welcomes the redevelopment of the brownfield site to provide a significant number of small residential units in this highly sustainable location.
 - The viability claim to remove the S106 package and avoid sustainable construction features should be reviewed independently.
 - The layout of the development is car dominated resulting in a deficiency of communal public space, thus the scheme fails to create a distinctive quality environment.
 - There appear to be limited cycle routes (despite the presence of cycle racks).
 - The layout of the majority of flats is single aspect with some facing north, north-east or north-west. This will result in a lack of natural light to these properties. This exacerbates the lack of accessible communal areas within the site.
 - The detailed design of the blocks is pedestrian and lacks a distinct design quality and are thus contrary to National Policy (para 56 of the NPPF).

- The Society urges a design review of the scheme in accordance with para 62 of the NPPF.

53. Network Rail: *(note Network Rail has submitted comment in its capacity as a private landowner of land adjacent to the application site and not in its capacity as guardian of the rail network. Accordingly, their comments are included in this section as 'representations' as opposed to being included as a consultee comment in the previous section) – **objects** to the planning application on the following grounds (summarised):*

- We have no concerns about a residential development of the site. However, we would comment that by no providing any commercial uses envisaged in the policy within Phase 1 would limit the opportunity (if any) to deliver uses other than residential on the Masterplan site, as none would be considered viable without active/roadside frontage.
- We are committed to ensure that development of our land is delivered in the future in line with the Council's aspirations, although it is to be noted that parts of the railway sidings are currently operational and will continue to do so until the land becomes surplus to Network Rails requirements. Our client is concerned that appropriate consideration has not been given to this factor in the formation of the application.
- The proposed access for the southern plot of the Phase 1 development is extremely close to the existing Network Rail access, with virtually no off-set. This gives rise to a highway safety issue with potential traffic conflicts.
- Furthermore, the proposed access arrangements are not satisfactory for the continued use of the Network Rail owned access road for Network Rail vehicles (including HGV's) that access this freight land.
- We request the access arrangements are altered to reflect existing land uses prior to the application being determined.
- There are a number of issues with the design approach which is likely to undermine the delivery of subsequent phases of the Masterplan development. These are:
 - The narrow specification of the access in-between the southern and northern plots. The arrangement does not allow for an appropriate gateway to the remaining Masterplan phases which will inevitably constrain the development potential of the wider site. It is evident that no cycleway provision can be delivered.
 - Sufficient access and access corridor provision would need to be reserved and secured to ensure the delivery of the remaining Masterplan phases, but these details do not form part of the Phase 1 application.
 - It is evident from the applicant's submissions that the highway infrastructure requirements have only been considered in respect of the Phase 1 application, and thus no highway contributions have been identified. This approach is inappropriate for a

Masterplan site such as this, which seeks a comprehensive redevelopment (albeit in phases), as the overall highway and infrastructure requirements for the wider masterplan site have not been identified. There are no mechanisms in place to ensure that proportionate contributions are secured from the whole Masterplan site. This would undermine the viability and deliverability of the subsequent phases.

- In addition, there are concerns about the approach to gathering the evidence for and thus the content of the applicants Transport Assessment which does not, therefore, adequately address the highway infrastructure requirements for Phase 1 or the wider Masterplan site.

- Relevant Development Plan policies require parking to supplement the requirements of the railway station, and an improved public transport interchange, which are not required directly to support residential development on Phase 1 or the subsequent Masterplan phases. Accordingly it would be down to the subsequent phases to bear the costs of these requirements.

- the Phase 1 development proposes very limited open/amenity space to future residents. The majority of open spaces shown fall outside the application boundary, on Network Rail land adjoining the railway line. This land will not be brought forward until the later phases are brought forward. The development effectively relies on 'off-site' open space provision and, accordingly, if this application is allowed to go ahead, there should be an appropriate mechanism to secure the developer's financial contributions towards these spaces.

54. One letter was received in **support** of the application which commented that the development is well thought out on what is an unattractive and derelict site. A request is made to secure high quality materials and avoid the blue coloured render which the correspondent considers has not aged well on the Forum buildings on the opposite side of Station Hill.

ii) Amended drawings/details received November 2014

55. Bury St Edmunds Town Council: **no objections**.
56. Network Rail: **objects** to the application in the continued absence of a mechanism to secure the provision of the road/footpath/cycleway corridor to serve later phases of the masterplan development. It is pointed out the freshly widened road corridor and bell mouth junction remains below standards for HGV movement set out in the Freight Transport Association Ltd guidance. Network Rail re-affirms its previous position that agreement needs to be in place between all of the landowners to secure delivery of the access road in order that the Phase 1 development would not prejudice delivery of later phases. It goes on to repeat some of its earlier objections (paragraph 53 above) and criticises the additional transport information submitted by the

applicants, including the absence of cumulative assessment raised previously. Finally the issue of safety and noise impact from the operational rail sidings is raised with a concern that the continuance of the operation must not be compromised by the residential development proposed by Phase 1.

iii) Amended drawings/details received February 2015

57. Network Rail: continues to **object** and repeats most of the objections submitted in previous correspondence (reported at paragraphs 53 and 56 above).
58. One letter has been received from a local resident of the town passing **comment** on the planning application. He points out that Rail users need car parking facilities and this application seems to be removing car parking for the Station. The scheme should provide some parking for users of the Station within the development.

Policy:

59. The following policies of the Joint Development Management Policies Document (2015), the Bury St Edmunds Vision 2031 (2014) and the St Edmundsbury Core Strategy (2010) have been taken into account in the consideration of this application:

Joint Development Management Policies Document (2015):

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM3 – Masterplans
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM7 – Sustainable Design and Construction.
- Policy DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- Policy DM11 – Protected Species.
- Policy DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM15 – Listed Buildings.
- Policy DM16 – Local Heritage Assets.
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses.
- Policy DM35 – Proposals for Main Town Centre Uses.
- Policy DM37 – Public Realm Improvements.
- Policy DM42 – Open Space, Sport and Recreation Facilities.
- Policy DM44 – Rights of Way.
- Policy DM45 – Travel Assessments and Travel Plans.

- Policy DM46 – Parking Standards.

Bury St Edmunds Vision 2031 (2014)

- Policy BV1 – Presumption in Favour of Sustainable Development.
- Policy BV2 – Housing Development within Bury St Edmunds.
- Policy BV8 – Station Hill Development Area – Bury St Edmunds.
- Policy BV17 – Out of Centre Retail Proposals.

St Edmundsbury Core Strategy December (2010).

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS5 (Affordable Housing)
- Policy CS7 (Sustainable Transport)
- Policy CS8 (Strategic Transport Improvements)
- Policy CS10 (Retail, Leisure, Cultural and Office Provision)
- Policy CS11 (Bury St Edmunds Strategic Growth)
- CS14 (Community Infrastructure Capacity and Tariffs)

Other Planning Policy:

60. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (September 2013).
 - Open Space, Sport and Recreation Supplementary Planning Document (December 2012).
61. Full Council considered the Station Hill Masterplan at their meeting on 7th July. Council resolved to adopt the Masterplan, subject to a number of changes being secured to the content and other matters being resolved. At the time of writing those matters had not been fully resolved, but the Masterplan document can now be given weight when considering planning applications on land within the Masterplan area.
62. The Masterplan, which has been prepared in the light of Development Plan policies and an adopted Concept Statement, will not form part of the Development Plan for the District. The Masterplan will have the status of informal planning guidance and will be a material consideration when determining planning applications. It will be down to the decision maker in each case to consider the weight to be attributed to the Masterplan.
63. The National Planning Policy Framework (hereafter referred to as 'the Framework') sets out government's planning policies for England and how these are expected to be applied.

64. Paragraph 14 of the Framework identifies the principle objective:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
 - or specific policies in this framework indicate development should be restricted."

65. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

66. The relevant policies of the Framework are discussed below in the Officer Comment section of this report.

67. The Government has (March 2014) published National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process. The Guidance is (where relevant) discussed in the Officer Comment section of this report.

Officer Comment:

68. This section of the report begins with a summary of the main legal and legislative requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of, national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

Legal Context

The Conservation of Habitats and Species Regulations 2010

69. Given the location of the various designated nature sites in the District (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an 'appropriate assessment' of the implications for that site before consenting the plan or project.
70. The application site is not in the close vicinity of designated (European) sites of nature conservation. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites and no concerns have been raised following consultation about these proposals. Officers have therefore concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations).

71. The planning application was screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not therefore required to accompany the planning application.

Natural Environment and Rural Communities Act 2006

72. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

73. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The St Edmundsbury Development Plan is comprised of the adopted Core Strategy the three Vision 2031 Area Action Plans and the recently adopted Joint Development Management Policies Document. National planning policies set out in the Framework are also a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

74. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

75. Section 72(1) of the same Act states;

...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

76. The development is not situated in a Conservation Area but its boundaries are relatively close by. Whilst the proposed buildings would be visible from within certain parts of the Conservation Area, particularly the taller structures proposed, the character or appearance of the Conservation Area would not be significantly influenced or changed as a consequence of the development.

77. There are a number of Grade II listed buildings in the vicinity of the application site. Whilst the application does not propose alterations to these buildings, their settings, particularly the setting of the Station buildings are likely to be affected by the development proposals. The legislative duty to pay special attention to the desirability of preserving the setting of the listed buildings is considered later in this section of the report.

Crime and Disorder Act 1998

78. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application but the proposal does not raise any significant issues.

Principle of the Development

79. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

80. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

- i) economic (contributing to building a strong, responsive and competitive economy),
- ii) social (supporting strong, vibrant and healthy communities) and,
- iii) environmental (contributing to protecting and enhancing our natural,

built and historic environment)

81. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
82. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - making it easier for jobs to be created in cities, towns and villages; moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
83. Core Strategy policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. This is re-affirmed by CS4 which sets out the settlement hierarchy for the District. Policy BV1 of Vision 2031 repeats national policy set out in the Framework insofar as there is a presumption in favour of sustainable development. Saved Local Plan policy H2 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan. This is repeated by policy BV2 of Vision 2031 in relation to Bury St Edmunds.
84. Policy BV8 of Vision 2031 allocates the application site and other land for mixed use development. The range of uses permitted by the Policy include:
 - Residential (300 dwellings indicative)
 - Offices and other B1 industry
 - Leisure uses
 - Small scale retail uses to serve local needs (capped at 150 sqm of net floorspace)
 - Parking (ancillary to these uses and for the station)
 - An improved public transport interchange and
 - Strategic landscaping and public realm improvements.
85. In his report into Vision (in response to a claim that residential development of the site is the only viable option) the Planning Inspector, Roger Clews, stated "the Council intend to apply policy BV8 flexibly so there is no need to consider viability of non residential uses at this stage". By this he was content for the precise mix of uses to be

determined at planning application stage where viability could be tested against prevailing market conditions.

86. The site was allocated for an almost identical development in the now superseded Local Plan (2006), but development was not realised during that plan period. A concept statement was prepared jointly for the Station Hill and adjoining Tayfen Road sites and adopted by the Council in October 2007. This was the subject of consultation.
87. The Concept statement identifies opportunities to create a new quarter for Bury St Edmunds with pedestrian and transport access to the railway station, high quality urban and architectural design and attractive and well used public open space. Opportunities are recognised to improve transport connections, provide high density (residential led) development and provide public realm improvements, particularly to the Station Hill road frontage (including landmark buildings provided to frame key vistas and important urban views and features safeguarded). In its concept plan, the Concept Statement recognises that the Station Hill site will be predominantly residential with some limited mixed use potential.
88. The Concept statement acknowledges that development of the sites cannot come forward at the same time because of their different characteristics and the constraints of the area (including the active railway sidings) and confirms the masterplans will be required to address phasing of development, where appropriate.
89. The Station Hill Masterplan document has been prepared within the parameters of the Concept Statement and recognises that redevelopment is likely to be residential led, with opportunities for non-residential uses explored further at planning application stage/s.
90. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the NPPF and in Vision 2031. Policy DM30 aims to protect employment land in employment use and sets out detailed criteria for how non-employment development proposals of employment sites will be considered.
91. Large parts of the site (the remaining buildings) are currently in employment use and are thus deemed to be protected by policy DM30 of the Joint Development Management Policies Document. However, in this case, the allocation of the site for redevelopment is important and, ultimately, determinative with respect to the policy aspiration to protect employment land. In this case the specific allocation of the land for redevelopment takes precedent over the more general and blanket approach to protecting/safeguarding employment land in employment use. Accordingly, the requirements of DM30, to demonstrate the buildings are no longer required or suitable for employment related uses can reasonably be set aside given the formal allocation of the site for a residential led mixed use redevelopment.

92. As stated elsewhere in this report, the application site is allocated by policy BV8 of Vision 2031 for a residential led mixed use development. Whilst a range of non-residential uses are listed in the policy, these need to be applied flexibly when considering planning applications with particular regard given to viability and market conditions. The Concept Statement prepared jointly for the Station Hill and Tayfen Road Masterplan sites indicates there are limited opportunities for non-residential uses at the Station Hill site. The most likely location within the Masterplan site for non-residential uses are ground floors opposite the station forecourt and the Station Hill road frontage. The document also discusses the potential for Burlingham Mill to be used as a hotel, but acknowledges this would be subject to viability considerations, noting that residential is a likely alternative.
93. The Station Hill Masterplan does not attempt to prescribe particular use types to different areas of the site and acknowledges that subsequent planning applications should seek to provide a mix of uses to conform to the concept statement and policy BV8 with flexibility applied when each planning application is considered having regard to viability and other considerations.
94. Upon its submission, the planning application for Phase 1 of Station Hill was for 100% residential development (135 no. flats). The applicants have subsequently amended the application and have introduced 2 no small commercial units at ground floor level fronting towards the Station forecourt in lieu of two of the flats (133 flats are now proposed). This is the general location illustrated on the concept plan within the adopted concept statement.
95. There are viability issues with this development which threatens its deliverability. Accordingly, and in the light of the viability evidence submitted in support of the planning application, it is highly unlikely that the inclusion of a string of commercial uses along the Station Hill frontage would be viable, given such uses would be lower value in comparison to more profitable residential use. It is unlikely that a scheme including the provision of commercial uses at ground floor level along the Station Hill frontage would be deliverable.
96. The inclusion in the planning application of two small commercial units fronting the Station forecourt is a gesture by the applicant and represents an attempt at bringing their proposals closer to the policy aspiration of achieving a mixed use development of the site. The applicants remain concerned about their ability to successfully market (dispose) of these premises to the market, but are prepared to provide them in order to gain closer alignment to the aspirations of policy BV7. This is considered a reasonable approach and, given viability considerations, is considered acceptable by your officers.
97. In the light of the above discussion, the planning policy and Masterplan context and given the economic conditions affecting the site, officers consider the development of the 'Phase 1' site at Station Hill with 133 flats and two small commercial units accords with national and local

policies, including the mixed use development allocation in Policy BV7 of Vision 2031, and is therefore acceptable in principle.

98. The remainder of the officer assessment below considers other material considerations and impacts in detail (and in no particular order) and discusses S106 requirements before reaching conclusions and a recommendation.

Natural Heritage

99. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
100. Core Strategy policy CS2 seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity. Saved Local Plan policy NE2 safeguards protected species from the potentially adverse impacts of development, unless there is no alternative to development and suitable mitigation measures have been undertaken.
101. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements relating to potential impacts upon sites of biodiversity and geodiversity interests. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.
102. The development proposals would not affect any internationally, nationally or locally designated sites of nature conservation interests.
103. The applicant's ecological assessment and subsequent bat survey confirms the application site has been surveyed for a range of rare species. The report concludes the site is suboptimal for protected species. The following measures are recommended to enhance the ecological qualities of the site as part of the redevelopment proposals;
 - Provision of 6 (no.) bat boxes throughout the development.
 - Provision of 6 (no.) bird boxes throughout the development.
 - Incorporation of native species/wildlife attracting species and wildflower swards in the landscaping scheme.

104. No concerns or objections have been raised in response to the proposals, including their potential impact upon the hierarchy of designated nature conservation sites and protected species. The potential to secure biodiversity enhancements in the event that planning permission is granted is acknowledged and could be secured by means of appropriately worded conditions.

Transport and Highway Safety

105. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
106. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
107. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
108. Policy CS7 of the Core Strategy seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas). Policy CS14 sets out infrastructure delivery requirements from new development proposals and how these are to be secured. The provision of new relief roads in Bury St Edmunds [delivery being part of the strategic residential and employment sites allocated around the town], improved sustainable transport links and A14 junction improvements are regarded by the policy as 'fundamental infrastructure'.
109. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.

110. The applicants have submitted a Transport Assessment with the planning application. The following key conclusions are drawn by the document;

- *This report has demonstrated that the site is located sustainably in the context of the NPPF 2012 with good connectivity to the centre of Bury St. Edmunds and major employment destinations by non-car modes of transport. The site is adjacent to the rail station with high frequency buses operating to within 50m of the site boundary and the Town Centre accessible within a 5-10 minute walk or a 5 minute cycle from the site.*
- *In terms of trip generation, the proposed phase 1 development replaces existing leisure development and parking which generates some existing traffic. It is therefore expected that the net number of additional vehicle trips generated by the development would be small, with Phase 1 of the residential development generating an additional 12 vehicle trips in the AM Peak and 5 in the PM Peak. Junction capacity assessment results demonstrate that the proposed phase 1 redevelopment at Station Hill would have a negligible impact on driver delay and queuing, with the junctions at Station Hill continuing to operate with RFCs below 1.0. The junction of Out Northgate / Compiegne Way / Tayfen Road would marginally exceed capacity in the 2018 base year without the development however the Phase 1 scheme would not increase queuing at this junction. For this reason, we consider that the impact of the Phase 1 scheme on the local highway network would be negligible.*
- *In order to further reduce the transport impacts of the Phase 1 development, a residential travel plan will be implemented as well as public realm enhancements along the site frontage at Station Hill which would provide additional shared space for pedestrians and cyclists. The removal of existing buildings on the site provides the opportunity to create a new plaza and wider footways and new cycleway along the frontage of the site which would be offered for adoption as part of the public highway (or be undertaken as part of s278 works where the works are within the extents of existing public highway).*
- *This would feature attractive landscaping with new seating set back from the carriageway. The space would encourage the movement of pedestrians surrounding the site and connecting with the railway station to the north of the site. Such proposals would adopt principles of Manual for Streets (MfS) and MfS2, helping to balance the link and place functions of Station Hill. The phase 1 site access arrangements have also been amended to allow a wider space between the phase 1 parcels to facilitate the delivery of the future redevelopment of the rail sidings as part of the surrounding masterplan.*

- *Therefore based on the above it is considered that in highway and transport terms there should be no reason why the Phase 1 development should not proceed.*
111. The Highway Authority at Suffolk County Council has accepted the findings of the Transport Assessment. Some concerns have been raised about the content of the document by consultants working on behalf of an adjacent landowner and these have been forwarded to the Highway Authority which has not changed its stance on the conclusions drawn by the Assessment.
112. Access to the proposed development is considered safe and suitable and officers are satisfied the development would not lead to significant highway safety issues or hazards on approaches to the site, or further afield around Bury St Edmunds. Furthermore, satisfactory evidence has been submitted to demonstrate the proposed development would not lead to congestion of the local highway network, including during the am and pm peak hours.
113. Third party concerns have been raised about the lack of a holistic approach to delivery of any highway improvements required from the Tayfen Road and Station Hill Masterplan sites as a whole. This is discussed further in the S106 section (below) of this report.
114. The Local Highway Authority has expressed concerns about the lack of service provision afforded to the two commercial units proposed to the north of the site, facing towards the station forecourt. No space is provided within the application site for delivery vehicles. Instead, the applicant has indicated that some parking spaces within the Station forecourt area could be used for these purposes. This is considered inadequate for the following reasons:
- The parking facility is on private land and parking charges apply to the spaces. It is not clear that the landowners consent has been sought or attained for this land to be used for delivery vehicles.
 - The parking spaces have been designed for car use and would be unsuitable for use by large vans or small lorries which would be expected to deliver goods to the commercial units. If cars are parked in the bays it is unlikely that sufficient space would be available for delivery vehicle use. This would lead to vehicles parking on the highway or causing temporary obstruction within the Station forecourt area.
115. The absence of suitable servicing arrangements for the two commercial units is a significant dis-benefit of the proposals.
116. Some concerns have been expressed about the loss of the surface car park from the application site as a consequence of this development. Others have requested new parking provision is made available for use of visitors to the Station. The car park currently operating from the

application site is available for general public use, but is targeted towards visitors accessing the retail unit warehouse and day nursery operating from the rear and the hot food take-away's and nightclub operating from the frontage. The car park is free to use for up to two hours at which point charging applies. The application site has been visited by your officers on a number of occasions over the past two years in connection with this planning application, the development of the Station Hill Masterplan and the adoption of the Vision 2031 Development Plan Document. The car park has always been underused with only a handful of spaces being occupied on each occasion across what is a relatively large car park. Similarly the parking spaces provided within the station forecourt area are also underused. The parking charges which apply here are not considered unreasonable (approx. £3 per day) and should not act as a deterrent to users of the Station.

117. It is not apparent that the loss of the car park would displace important parking capacity from the station given it is currently underused. In any case, it would be unreasonable to insist that the developer provides a car park that is not related to their development and which would be solely intended for the benefit of the Station. Given the absence of cars from the local car parks, the railway passengers arriving at the station must be arriving via other (more sustainable) transport modes. Should a future need arise for additional parking provision for the Station there are opportunities to provide this on land associated with the Station, both within the Masterplan site (land owned by Network Rail) and spare land located on the north side of the station.

Built Heritage

118. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
119. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
120. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict

between the heritage asset's conservation and any aspect of the proposal.

121. The Framework goes on to discuss how to consider 'substantial harm' and 'less than substantial harm' and advises where 'substantial harm' would occur, the local planning authority should refuse consent unless it can be demonstrated the harm is outweighed by substantial public benefits. Where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework advises this harm should be weighed against the public benefits of the proposal.
122. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) conserving or enhancing the historic environment including archaeological resources.
123. Policy DM15 of the Joint Development Management Policies Document requires development proposals affecting (inter alia) the setting of a listed building to demonstrate a clear understanding of the significance of the setting of the building alongside an assessment of the potential impact of the proposal upon that significance. The policy also requires new developments to respect the setting of listed buildings, including inward and outward views and be of an appropriate scale, form, height, massing and design which respects the listed building and its setting. Policy DM16 addresses proposals affecting non designated heritage assets. Policy DM17 sets out criteria for considering development proposals within, adjacent to or visible from within a Conservation Area. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance.
124. As stated previously, the development proposals would have only a negligible impact upon the character and appearance of the Bury St Edmunds Conservation Area given that some components of the development are likely to be apparent in views from some parts of the Conservation Area. These visual impacts and more particularly, their impact upon the character of the Conservation Area would not be significant.
125. The application site is in relatively close proximity to four Grade II listed buildings. The nearest listed structure, and that most affected by the proposed development, are the station buildings and, in particular, the Station Masters House. Other listed buildings, namely the signal box to the west of the station platforms, the railway bridge over Fornham Road to the east of the platforms and the Station public house (formerly the 'Linden Tree') are more distant from the proposed development such that their character and settings would not be affected by the proposed development.
126. The north boundary of the application site sits adjacent to the gardens of the Station Masters House which itself adjoins the Station reception buildings. The application site sits above a slope which drops dramatically into the Station Masters Gardens. Ground levels at this part

of the site are approximately a building storey higher than the ground levels of the adjacent gardens. This means that any development of the northern extreme of the application site, particularly close to the north boundary would have an intimate relationship with the Station Masters House and Gardens.

127. The application proposes two blocks of buildings adjacent to the north site boundary; labelled on the drawings as blocks A and C. Block A is situated to the north eastern corner and Block C to the north western corner. Proposed building Block A is a 4 and 5 storey building with heights ranging between an upper of 16.3m (4-storeys and basement) and lower of 12m (4-storeys). This building is positioned close to the alignment of the north boundary with a varied set back of between 1 and 2 metres (note the balconies provided to the north east corner flats would be within 0.6 metres of the boundary). Proposed building Block C to the north west (and which is positioned next to block A with a gap of approximately 8 metres between the two proposed structures) is entirely four storeys and is more consistent in height, varying between 12.85 metres (maximum) and 11.7 metres (minimum). This structure would also be positioned close to the north boundary with a set back of between 0.75 and circa 5 metres (this range is owing to the erratic nature of the boundary alignment at this point). The buildings are around 25 metres away from the listed buildings themselves, but much closer to the usable areas of the Station Masters Gardens.
128. The Council's Conservation Officer has expressed strong concerns about the relationship of these proposed building blocks to the listed buildings and the Station Masters Garden which is an important part of the curtilage and setting (paragraph 49 above). She concludes the proposed buildings, which are four and five storey's and mostly positioned on raised land, would dominate and overbear the listed building and significantly encroach upon its setting. The depth and content of the Heritage Statement is also criticised. The planning application is recommended for refusal in the light of these concerns.
129. The Heritage Statement submitted with the planning application considers the impact of the development proposals upon the setting of the Station Buildings includes the following commentary (in full):
- *The development has no physical impact on the Railway Station, and stands outside, but in part adjacent to, its curtilage. Its impact is only on the Station's setting. There are two aspects to this impact which is primarily visual, the physical relationship in terms of massing between the development and the south side buildings of the railway station and the visibility or otherwise of the development from the station platforms and to a lesser extent passing trains.*
 - *The massing of the proposed development is similar to the existing recent buildings, and in position stands back to respect and support the central buildings of the south side of the Station and to close out the visual gap on the south side of the station approach, creating a positive urban space at the station entrance where currently there is*

rather disorganised parking. This will enhance the setting of the station buildings on this side, particularly as viewed from the bottom of the hill to the east.

- *The garden and trees between the station and the development act as a discrete screen and buffer. No attempt is made to mimic the detail design of the Station, which would be difficult to do successfully and would probably detract from the station rather than enhance it.*
 - *The impact on the significance of the station in this respect is medium and beneficial as it enhances the immediate setting of the station entrance on the south side and activates the derelict site beside the station which is a positive outcome.*
 - *Visibility from the railway platforms is more subjective. It would be unreasonable to propose that new development should not be visible from the platforms as Railway stations by their nature attract dense development in their immediate surroundings – not having such development is what would be unusual and most railway stations have continuing development around them (ref Cambridge) which is very visible and not seen as negative.*
 - *These proposals will not be readily visible from the south platform near the station buildings. The skyline may be visible from the north platform but the proposed building is set back sufficiently for this not to be dominant or overbearing. The development will be visible from the platform ends but this is a much lesser impact.*
 - *Overall the visual impact will be minor and neutral.*
130. Officers disagree with the conclusions of the Heritage Statement with respect to the impact of the proposed development upon the setting of the station buildings and share those expressed by the Council's Conservation Officer. The relationship of the proposed development to, and impact upon, the listed station buildings and the apparent encroachment into and dominance of their settings is considered a significant dis-benefit of the proposals. Whilst this impact is a significant factor in the determination of this planning application, particularly in the light of the duty imposed upon decision makers in considering these impacts (paragraph 74 above), the impact is considered to result in 'less than substantial' harm to the heritage asset, as defined by the NPPF. Accordingly, the harm identified needs to be weighed against the public benefits of the development proceeding. This balancing exercise, which represents the officer view, is conducted later as part of the conclusions to this report.
131. The Burlingham Mill, a substantial and imposing historic, yet unlisted, structure is positioned to the south west of the application site. The Mill buildings are deemed to be non-designated heritage assets. Whilst tall, four storey buildings are proposed towards the south and south west of the application site (adjacent to the mill buildings), they would not

compete visually with the Mill Structure given its own height, bulk and brick built structure and the separation that would be retained between it and the new development. Furthermore, the development proposals would not affect or block any key townscape views of the Mill buildings which are concentrated to vistas from the west (Tayfen Meadows), east (Ipswich Street) and south east (St Andrews Street North). There are no concerns about the impact of the development proposals upon the Mill buildings including the setting.

132. An Archaeological Desk Based Assessment has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesigned heritage assets). The report explains there are no known below ground heritage assets within the application site, the greater part of which has already been subject to extensive remodelling to form level surfaces for the coal yards, goods sheds, railway sidings and tracks etc. that previously occupied the site.
133. It has been established, however, that there is some potential for as yet unknown archaeological remains to be present, particularly from the Medieval and Post-medieval periods. The reports suggest intrusive archaeological works may be required to explore this possibility further.
134. The Archaeological Service at Suffolk County Council has been consulted of the planning application and recommends that further archaeological work will need to be undertaken prior to the commencement of any development at the site. The Service are content that the further work does not need to be undertaken prior to the determination of this planning application and there are no grounds to consider refusal of planning permission on archaeological grounds. A condition could be imposed upon any planning permission granted requiring that further archaeological works are carried out and recorded.

Design Considerations

135. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning 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.
136. The Framework also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

137. With regard to the process of judging the design aspects of a particular development proposal the Framework advises, when appropriate, that major projects should be referred for a national design review. Officers have attempted to convince the applicants to participate in a design review of their scheme but this has been met with resistance. Accordingly, the scheme has not been the subject of design review, despite the National Planning Policy position and the importance placed on achieving a quality of design set out in Local Policy and the Framework.
138. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) making a positive contribution to local distinctiveness, character, townscape and the setting of settlements. Policy CS3 sets out more detailed criteria for achieving high quality design that respects local distinctiveness.
139. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals, where appropriate. Policy DM22 sets out detailed design criteria for considering new residential proposals.
140. The planning application is a full application with all details included for consideration this this stage.

Relationship to context

141. The application site is located outside of, but is relatively close to the Bury St Edmunds town centre boundary and the Conservation Area. However, owing to the topography of the area and the architecture and nature of uses at and surrounding the site, it bears no relationship to the special and attractive character of these aforementioned areas.
142. There are a range of uses in the area, particularly in Station Hill where the character could fairly be categorised as 'transitional' given the visual influence and deteriorating impression of the Station Hill Masterplan site. Notwithstanding the negative characteristics of Station Hill, there is a scattering of listed buildings in the area, including the town's station buildings. The impact of the proposals upon the setting of the listed buildings is discussed elsewhere in this report. There is no particular 'palette' of existing building forms or architecture that could be used to define Station Hill. Accordingly, the application site is relatively unconstrained to a particular architectural style. Indeed, the hill itself is dominated on its western side by the contemporary 'Forum' structures. A range of blocks of flats of coloured render and modern form and detailing completed under a decade ago. These modern structures compete with the more utilitarian and former railway structures present on and behind the application site on the west side of Station Hill. The proposal's dense urban form and modern architectural detailing and materials would not, in your officers' view, appear out of keeping with the general character of Station Hill.

Scale and townscape impact

143. The application proposes a range of building scales from three-storey up to six-storey elements. The scheme is predominantly four storeys in scale, typically ranging from 12 to 13 metres in height. The tallest elements of the scheme are located at the Station Hill frontage at the crest of the hill close to the centre of the site frontage. These buildings have been designed and positioned to be seen and, from a prominent starting point at the crest of the hill, extend up to six storeys and 18.6 metres in height.
144. Other tall elements of the scheme would be positioned at the north end of the site where a further storey over the general four storey block is provided by basement accommodation (owing to the fall in levels along this part of Station Hill). This particular part of the building, which acts as a corner post to the scheme in front of the Station buildings would be 16.3 metres in height measured from ground level.
145. The buildings proposed by the application are tall and like the Burlingham Mill adjacent, some elements of the proposals, the six-storey structure in particular, would be seen from various vantage points in this part of the town. The visual prominence of some of the proposed buildings ought not be a matter of concern if the form and architecture of the prominent elements of the proposal are of sufficient quality and longevity to enhance the local townscape. In this case, the architecture of the scheme would be markedly different from the local vernacular, but pastiche architecture would not be appropriate given the heights proposed; there are no historic buildings of great height in the town (even the cathedral tower is of modern construction, and the Council Offices at West Suffolk House even more so).
146. The architecture of the buildings is not innovative or ground breaking and this might be explained by the economic circumstances of the site; it might be perceived by the developer there is limited spare capital to expend on unusual design or construction. Furthermore the proposed designs are not particularly 'risky' and do not attempt to make a strong architectural statement. The design and architecture of the scheme (setting aside the specific layout and listed building setting concerns for a moment) is not unattractive or offensive and the materials and colours employed would be of good quality, but the design approach to scheme does appear to be rather 'safe'. The chosen design solution is perhaps a missed opportunity to provide something more innovative and interesting. Nonetheless officers do not consider, on balance (and other than the conflicting relationship with the listed station buildings to the north and the layout of the site to the south), that the scale, architecture and outward appearance of the development would unacceptable.

Connectivity

147. Owing to the location of the site adjacent to the station buildings and railway line there are limited opportunities for connections to be made to the north, albeit the site is close the railway bridge and pedestrian crossing which enables passage from the site frontage onto Fornham Road and to a supermarket located conveniently to the north of the site. The town centre is a relatively short walk to the south (albeit with a hill to negotiate if the central retail core is the destination).
148. Pedestrian and cyclist infrastructure would be enhanced along the west side of Station Hill, along the application site frontage, as a consequence of this development. Opportunities are available for connections to be made from the application site to other parts of the Masterplan area as it comes forward for development. An under-croft pedestrian access is shown through one of the proposed building blocks to connect to the existing access track through to the rear parts of the Masterplan site. Whilst this link is unlikely to be used significantly at first, its importance would be enhanced as further development of the site occurs, and an access road with footpath and cycleway is provided along the corridor.
149. Further connectivity could be provided from the rear of the application site the rear parts of the wider Masterplan site. Such connectivity is not shown on the plans, but the potential is there given this area is shown for car parking use. If planning permission were to be granted for this development a condition could be imposed requiring further details of a connection at this point and a requirement to build it out to the boundary at an agreed time. It is likely, however, the connection would need to be closed until later development of rear parts of the Masterplan site, behind the application site, are realised and new links can be connected up to it.

Existing trees and hedgerows and new planting

150. A number of mature trees are situated within the Station Masters Gardens and some of these overhang the north boundary of the application site.
151. There are no significant trees or hedgerows within the application site. There are a number of mature trees within the Station Masters Gardens and some of these overhang the north site boundary, where development is proposed close to the boundary. The application material indicates some of these specimens would need to be subjected to significant works in order to enable development to proceed as illustrated. This would have the effect of significantly compromising the specimens to the extent their viability and longevity would be placed at significant risk.
152. Furthermore, given the proximity of a number of the proposed flats to these trees, and given the single aspect nature of these flats (with windows to rooms on one elevation only), it is likely these trees would restrict light to these windows particularly to the lower floors.

Accordingly, and if the proposed flats are built in the positions proposed there would likely be subsequent pressure from the occupants for further works and/or removal of the trees in order to enhance natural light and aspect.

153. The impact of the proposed development upon these trees is considered a dis-benefit of the proposals and whilst on its own might not be sufficient to refuse planning permission, it needs to be reflected in the final decision on the planning application when the benefits of development are considered against the dis-benefits. The matter will be revisited as part of the conclusions of this report where the planning balance is discussed.
154. The proposed development is high density with the vast majority of the site containing either buildings or hardstanding. The development would be devoid of greenspace and where this is provided, it is pushed towards the margins where undevelopable land is left over. Whilst some may consider the lack of greenspace and landscaping a concern, others will applaud the hard and dense urban character and form of the development in what is already a densely developed urban area.
155. Officers are not particularly concerned about the absence of green areas throughout the development site on aesthetical grounds (the matter of provision of public open spaces and recreational opportunities for the residents of the scheme is discussed later). However, in the light of the hard urban streetscape that would undoubtedly result from the scale and density of the proposed development, the provision of strategically located and large street trees becomes an important requirement in order to soften the hard lines of the modern and dominating architecture and to frame and create an attractive setting for the proposed buildings. The provision of street trees is particularly important in Station Hill, because it currently lacks greenery. The importance of enhancing the quality of the Station Hill carriageway is heightened given that people will use it to gravitate between the station and town centre; Station Hill provides a first impression of the town to rail passengers arriving through the station and the application site is therefore regarded as a 'gateway' site in that respect.
156. Whilst there are opportunities to provide some street trees along the Station Hill frontage, given the set back of the buildings, those illustrated on the drawings are poorly aligned and it is unlikely they could be provided along the entire frontage given that buildings are positioned closer to the frontage towards the north end of the site. Accordingly, the lack of opportunity for effective strategic landscaping (large tree provision) along the Station Hill frontage of the site is considered to be a dis-benefit of the development proposals which needs to be taken into the balance when considering whether or not planning permission should be granted.

Parking provision

157. The proposals include 123 car parking spaces (with 2 set aside for the commercial units) at an average of 0.9 spaces per dwelling. Car parking is provided communally and there are no covered garage spaces.
158. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking demand on existing roads. The communal parking courts proposed are particularly well overlooked by the development. Rear or remote communal car parking areas are not popular and can lead to demand for on-street parking in preference to a less-conveniently located parking court; there are none of these proposed as part of this development. Although parking courts are often an undesirable design feature because of the quantity of space they consume, their presence alone cannot merit a refusal of planning permission. The visual impact of the courts must be taken in to the overall balance.
159. Of particular concern in this respect is the prominence of the parking court proposed forward of the southern most of the four blocks of flats proposed by the planning application. The presence of a parking court forward of the proposed four-storey building which itself would be separated from the Station Hill frontage and would therefore appear at odds with the high density and enclosed character the architect has attempted to achieve (relatively successfully) further north.
160. The presence of a prominently located car park adjacent to the Station Hill frontage is undesirable and at odds with the car parking arrangements elsewhere in the proposals, which are generally concealed visually. The set back of the 'Block D' flats might be justified if an important vista were to be lost by positioning it closer to the site frontage. That is not the case here.
161. The provision of the frontage car parking would only serve to protect views over the redundant gasholder site and the adjacent Tayfen Road Masterplan site. The gasholder site is likely to be developed in the longer term with large 'bulky goods/convenience retail buildings which in themselves are normally of utilitarian form and appearance given their floorspace requirements. Views of St Andrews Church tower from the Station Hill carriageway are important, but would not be compromised at all if the building were to be positioned closer to the Station Hill carriageway. Similarly the setting of the listed Station buildings and the unlisted Burlingham Mill would not be compromised if this block of flats were to be re-positioned.
162. There are no urban design reasons which could justify the layout solution proposed for the southern most elements of the proposed development. Indeed, it appears the layout of this part of the site has been engineered in order to achieve a separated vehicular access from Station Hill into the frontage thus avoiding a potential 'ransom' situation from arising were this development to be accessed from the existing track (which has its own access onto Station Hill). The track is not

highway land and is owned/controlled by a third party. These commercial considerations are not material planning considerations, but the consequence of designing the scheme around them is a severely compromised urban form. Officers consider the unresolved layout of the south part of the site is a significant dis-benefit of the development proposals which must be taken into account in the planning balance.

Efficiency of layout

163. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and as a consequence it needs to be laid out efficiently in order to achieve an acceptable result. There is no evidence the applicants have tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF;

Planning decisions should aim to ensure that developments ... optimise the potential of the site to accommodate development, create and sustain and appropriate mix of uses and support local facilities and transport networks.

164. The absence of that consideration (or perhaps the reporting of that consideration in the design and access statement) does not necessarily lead to the conclusion that the development is inefficient. On the contrary and given the high density nature of the proposed scheme with its reduced parking standards (reflecting its sustainable location in-between the town station and town centre) and limited green spaces, the proposals are considered highly efficient and sustainable in this respect.

Placemaking

165. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; for example the enclosure of the Station Hill carriageway from the centre east to the north east of the application site frontage and the creation of an attractive and enclosed urban courtyard within the larger part of the site. Elsewhere, however, there are some areas which would be much less successful in place-making terms including the areas in front of the Station buildings (the Station Masters House and garden in particular) and the paradoxical layout proposed to the southernmost elements of the site.
166. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed Opportunities' and matters which could be improved upon rather than matters which actually cause harm. In this case, however, the two main design criticisms of the development would cause significant harm to the setting of a listed building and compromise the quality of the streetscape that would be created.

External materials

167. The proposed materials (ref paragraph 8 above) would be appropriate to the location and are typical of what you would expect to find on a new flatted residential development. The range included in the materials palette would add visual interest to the proposal and complement the architectural quality of the scheme. The materials proposed in the application are considered acceptable.

Flood Risk, Drainage and Pollution

168. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
169. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
170. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.
171. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from existing watercourses.
172. The flood risk assessment submitted with the planning application confirms that surface water will be managed via a Sustainable drainage system, predominantly via soakaways accommodating rain water from roofs (via sealed down pipes) and parking areas (via permeable paving). This is an improvement on existing systems which include an element of run-off to public systems.
173. The Environment Agency has confirmed its view that the attenuation capacity of the system needs to be increased in order to cope with repeat storm events. The Agency has recommended conditions are imposed upon any planning permission granted requiring the submission of a detailed surface water drainage system for approval. This would ensure the Agency's concerns about attenuation capacity are addressed and a suitable surface water system is provided to serve the development.
174. The planning application is accompanied by a Phase I and II Geo-environmental report. The report concludes that contaminants are present on the site (at relatively low levels) but are not particularly

hazardous or pose a risk to human health, particularly given that all of the proposed units would be flats with no private gardens. The report recommends further intrusive survey work is carried out post demolition to enable areas beneath existing buildings to be properly investigated. It also recommends further groundwater investigations are carried out. These 'actions' could reasonably be required by conditions of a potential planning permission. Indeed, both the Environment Agency and the Council's Environmental Health Officer have requested conditions to this effect.

175. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate further investigation of contamination and subsequent mitigation.
176. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations, subject to the imposition of suitably worded conditions, as discussed.

Residential amenity

177. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
178. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

Impacts upon residents of the proposed development

179. The application site is situated near to the Stowmarket to Cambridge railway line and the A14 Trunk Road such that there is potential for the occupants of the proposed development to be adversely affected by intermitted noise from trains passing by their properties and the more constant traffic noise from the A14. The application site is also positioned close operational railway sidings currently used for the transfer of minerals.
180. The Council's Environmental Health Officers have not raised concerns with respect to noise disturbance and have requested conditions are imposed upon any planning permission granted to provide acoustic protection in the construction of the dwellings. These measures are

considered reasonable and would serve to safeguard the potential residents of the scheme from significantly adverse noise impacts.

Impact upon existing residents

181. Some existing residents living close to the application site may be affected by the proposed development. In particular there are some existing flats which front the application site on the opposite side of Station Hill and will front towards some of the buildings proposed by this planning application. The degree of separation between the frontages of existing and proposed dwellings is such that there are no concerns arising about potential (harmful) overlooking, dominance or loss of light to the existing dwellings. It is telling that none of the occupiers of these flats have objected to the planning application to develop the application site frontages.
182. There is likely to be an increase locally in the noise environment during periods of construction. Such impacts are common to developments of this type where large sites are developed adjacent to existing dwellings. The impacts, although potentially adverse, would not be significant such that the occupiers' enjoyment of their properties would be compromised. Accordingly the proposals are considered acceptable with respect to their potential impact upon existing residents.

Sustainable construction and operation

183. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
184. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
185. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

186. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.
187. Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.
188. The planning application was submitted over a year in advance of the adoption of the Joint Development Management Policies Document and is therefore not accompanied by a statement confirming how Building Control requirements for energy efficiency will be achieved. The Design and Access Statement does not suggest any methods will be used above standard Building Control Requirements, which is currently deemed acceptable by National Planning policy and related national guidance.
189. The planning application does not address water efficiency measures and does not presently propose a strategy for minimising water use. The proposals are therefore contrary to policy DM7 of the Joint Development Management Policies Document in this respect. Given that the planning application was submitted in advance of the plan (and policy DM7) being adopted it is, on this occasion, considered reasonable to impose a condition requiring these details to be submitted at a later date and the agreed measures subsequently incorporated into the construction/fitting out of the development.

Planning Obligations

190. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
 - be directly related to the development, and
 - be fairly and reasonably related in scale and kind to the development.
191. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.

192. The following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts)

Affordable Housing

193. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
194. Core Strategy policy CS5 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
195. Core Strategy Policy CS5 requires 39.9 of the 133 dwellings to be secured as 'affordable' (80% (32 no.) for affordable rent and 20% (7no) for shared ownership. The applicant has offered 13 dwellings as affordable (just under 10%) citing adverse viability for the below policy levels. The viability of the development and its impact upon affordable housing provision in particular is considered later in this report.

Education

196. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
197. Core Strategy Policy CS14 considers educational requirements (additional school places) as an essential infrastructure requirement.
198. The Local Education Authority has confirmed, post School Organisational Review, there is no capacity at local primary and secondary schools (including Sixth form) to accommodate the pupils forecast to emerge from this development and has requested developer contributions to mitigate impacts. The contributions would be used towards delivering additional school places in the catchment. The applicants have agreed, in principle, to provide the contributions and these could be secured via S106 Agreement.
199. Suffolk County Council has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) whom are forecast to reside at the development. The applicant is not willing to provide this contribution on the grounds of adverse viability. The absence of this contribution is considered a dis-benefit of the

proposals and thus needs to be balanced against the perceived benefits in determining whether planning permission is to be granted for the development. The planning balance is discussed in the Conclusions at the end of the report.

Public Open Space

200. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
201. Core Strategy Policy CS14 considers provision of open space and recreation as required infrastructure.
202. Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.
203. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance.
204. The Masterplan document illustrates that strategic open space provision will be provided off-site in later phases of the masterplan and a separate area which will ultimately serve both the Station Hill and Tayfen Road Masterplan developments. The absence of public open space within the site is acceptable in principle, but only on the assumption the development contributes towards accessible public open space elsewhere. The calculator included in the Open Space SPD can be used to calculate the required contributions. These are as follows:
- | | |
|---|--------------------|
| • Parks and Gardens | £38,178.00 |
| • Natural and Semi Natural Green Spaces | £7,953.75 |
| • Green Corridors | £4,613.18 |
| • Amenity Greenspaces | £4,135.95 |
| • Provision for Children and Young People | £90,142.50 |
| Total contribution require | £145,023.38 |
205. Following the enactment on Regulation 123 of the CIL Regulations in April this year, which deems the pooling of more than five developer contributions towards infrastructure categories unlawful, it is no longer possible to secure developer contributions towards i) outdoor sports facilities, ii) allotments, community gardens and urban farms iii) churchyards and cemeteries or iv) built facilities.
206. In this case, a policy compliant position would see the delivery of 1,644sqm (0.1644ha) of 'open space' on the application site (circa 14% of the total site area). The application effectively proposes no on site 'open space' and does not presently offer contributions to be used towards off-site green infrastructure to compensate the shortfall in

provision. This is contrary to the SPD and the requirements of the aforementioned Development Plan policies.

207. The absence of public open space is a significant dis-benefit of the proposals and needs to be considered in the overall balance when considering whether the dis-benefits of the development (as a whole) significantly and demonstrably outweigh the benefits.

Libraries

208. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £21,780. The County Council is yet to confirm how and where the contribution they have requested would be used. They will need to do this in order to satisfy the tests set out in at Regulation 122 of the CIL Regulations (paragraph 190 above). The recommendation at the end of the report makes provision to refuse planning permission in the absence of this contribution being secured from the development should it subsequently be justified to do so.

Health

209. The NHS Property Services has confirmed there is sufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, no health contribution is to be secured from the proposed development.

Highways

210. Network Rail, as owner of other land forming part of the wider Station Hill Masterplan site, has objected to the planning application on the grounds that (inter alia) no mechanism is in place or proposed to secure contributions from the development to off-set potential cumulative impacts upon infrastructure arising from anticipated development at the Station Hill and Tayfen Road sites. Potential impact upon the highway network is cited as a particular area of concern in this respect.
211. The approach suggested by Network Rail is not reasonable and would be contrary to the legal tests set out at Regulation 122 of the CIL Regulations (paragraph 190 above). There is no certainty that development of the later sites will be realised, and even if they are the delivery timetable cannot be predicted with certainty. It is unlikely that the Station Hill Masterplan development, as a whole, will be delivered in a reasonable timescale. Accordingly, and given the relatively short payback periods which are appropriately included in S106 Agreements, it is unlikely that a 'cumulative impact' contributions would be able to be used within a reasonable time period and would likely be returned to the developer unspent before the all of the contributions could be secured. In any case, the Highway Authority has not requested a contribution to off-set cumulative impacts probably because it has not found it possible

to determine the nature of the works that would be required given the uncertainties that exist.

212. In light of the above, the impact of each individual development must be considered on its own merits in the light of prevailing conditions and committed developments (with planning permission) at the time the development is proposed. Appropriate S106 contributions should be secured from developments being proportionate and directly related to the impacts arising from that development.

Development Viability

213. The Framework states under the heading of 'Ensuring viability and deliverability' (paragraph 173);

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

214. The National Planning Practice Guidance sets out the following advice on development viability:

215. "Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.

216. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."

217. The Growth and Infrastructure Act inserted a new Section 106BA, BB and BC into the 1990 Town and Country Planning Act. These sections introduce a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. Obligations which include a "requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market" are within scope of this new procedure. The purpose of this legislative amendment is to unlock stalled developments that have 'unrealistic' planning obligation requirements by

allowing the developer opportunity to review (and reduce) affordable housing requirements if it can be demonstrated that delivery of the development is being stalled on financial viability grounds. Whilst not directly relevant to this planning application (which is not a S106 Agreement review) it does serve to demonstrate the direction of travel for S106 Agreements and that viability (the ability to deliver housing development) is a material planning consideration which must be taken into account, particularly when negotiating financial contributions from developments.

218. The applicants have submitted a viability assessment with the planning application (amended in November 2014) which demonstrates the development would not be deliverable with a policy compliant S106 package. The viability report is a confidential document and therefore is not available for public consumption. The report claims that the development proposals would not be deliverable with a 'policy compliant' level of S106 contributions.
219. There are no Development Plan policies that relate specifically to development viability although Core Strategy policy CS5 (Affordable Housing) states that targets for affordable housing provision are subject to viability being demonstrated, using whatever public subsidy may be available in the case. If the target cannot be achieved, the affordable housing provision should be the maximum that is assessed as being viable.
220. The Joint Affordable Housing Supplementary Planning Document provides further guidance about testing development viability, including commissioning independent advice, at the developers' expense. In this case, the Council commissioned Chris Marsh Associates (CMAA) to critique the viability assessment. The Viability Assessment and the critique carried out by CMA are not discussed in detail in this report given their strictly confidential nature. The applicants have, however, agreed to share these documents with Committee Members on the understanding that the sensitive information contained within them will not be shared with third parties nor debated in public session. Copies of these documents are therefore provided to Committee Members as confidential papers to be read alongside this Committee report.
221. Core Strategy Policy CS14 does not make any concessions on viability grounds so when this policy is considered alongside CS5 which does make those concessions; it suggests that where a viability case is demonstrated, it is the level of affordable housing that should be reduced. Indeed this approach is supported by the new provisions of the Planning Act discussed at paragraph 217 above.
222. Nonetheless, the provision of affordable housing is a key corporate and political priority of the West Suffolk Authorities and policy CS5 does require the maximum level of affordable housing should be provided from new developments, within the parameters of scheme viability. Furthermore the Affordable Housing SPD confirms, in cases where viability is demonstrated to justify a reduction in affordable housing

provision, other obligations should be reviewed (on a priority basis) to establish whether the affordable housing offer could be increased.

223. A review of the other planning obligations sought from the development has been carried out and (with the possible exception of the libraries contribution which is yet to be properly justified) all of the contributions are required in order to make the development sustainable. Accordingly, these provisions should be prioritised over affordable housing provision in order to ensure the development is sustainable with respect to infrastructure provision.
224. Given that costs and values in the housing market are constantly changing and that the viability assessment is likely to be out of date and irrelevant to current market conditions, it should be refreshed prior to the completion of any S106 Agreement to ensure the level of developer contributions is maximised. However, given that the application is recommended for refusal, an additional reason for refusal has been added to the recommendation to ensure development viability is re-assessed or refreshed prior to the determination of a potential appeal.

Summary

225. The viability of the scheme does not allow for a policy compliant level of S106 contributions to be gained from the development. However, and in accordance with Government policy (paragraph 173 of the NPPF in particular), the absence of contributions to be used towards open space and recreational/green space infrastructure, early years education and (subject to confirmation) libraries provision is regarded as a significant dis-benefit of the scheme to be taken into account in the planning balance. The applicants have decided to amend their scheme to provide an element of affordable housing instead of the other important infrastructure contributions. A request has been made to determine the planning application in its current form.

Conclusions and planning balance

226. Paragraph 14 of the NPPF policy BV1 of Bury St Edmunds Vision 2031 and Policy DM1 of the Joint Development Management Policies document places a presumption in favour of sustainable development and, where the development plan is (inter alia) out of date or there are no relevant policies, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies on the Framework taken as a whole.
227. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. Furthermore, the proposals include two small commercial units which would provide an element of employment post construction. The development would, subject to the completion of a S106 to secure a

package of mitigation measures, provide additional infrastructure of wider benefit – including primary, secondary and sixth form education provision.

228. On the other hand, the scheme would, in the absence of appropriate contributions, place additional burdens upon other infrastructure including green infrastructure, early years education provision and libraries. This is considered a significant dis-benefit of the development which significantly undermines the sustainability credentials of the scheme.
229. Furthermore the two commercial units proposed to the north east of the application site would not be serviced from within the application site. This is likely to lead to delivery vehicles using the Station Hill carriageway or the station forecourt to conduct their business. The absence of servicing facilities for the commercial units is a dis-benefit of the development proposals.
230. In terms of the social role of sustainability, the development would provide a level of market and affordable housing to meet the needs of present and future generations which is a benefit to be afforded significant weight. The development would also result in a dense but liveable urban environment at a highly sustainable location. Again, the absence of any developer contributions to offset identified impacts upon public open space provision, libraries and early years education provision would place additional social pressures upon the occupiers of the development.
231. The absence of capacity at the local schools to cater for the pupils emerging from this development on a permanent basis is regarded as a dis-benefit of the development but is capable of full mitigation by provision of classroom extensions which would be funded in part by developer contributions from the scheme.
232. In relation to the environmental role significant environmental benefits would accrue from the redevelopment of the site which is hoped would act as a catalyst for further development of the wider Station Hill masterplan site and the nearby Tayfen Road masterplan site. Considerable improvements would also be made to the visual appearance of the immediate environment of Station Hill. Information submitted with the planning application indicates there would be net biodiversity gains arising as a result of development which itself counts as an environmental benefit of the proposals.
233. There are some aspects of the layout, design and scale of the proposed development where significant environmental dis-benefits would occur. In particular the settings of the adjacent Grade II listed Station buildings would be severely affected by the oppressive nature of the scale and siting of some of the buildings proposed adjacent to the north site boundary. The development would also adversely impact on a number of mature trees within the curtilage of the Station Masters gardens and would place further pressure to fell them in the future given their close

proximity to windows included on the proposed buildings. Similarly, at the southern end of the site, the layout of proposed Block D and its parking provision is ill conceived and would severely compromise the design qualities of the scheme. The proposed development layout also lacks opportunities to include large street trees which could help to soften and frame the hard urban development proposed by the application.

234. Officers consider the identified dis-benefits arising from these development proposals would significantly and demonstrably outweigh the identified benefits. It is concluded that development of the site in the manner proposed would not represent the standard of sustainable development required by the Framework. The development proposals would not be sustainable and would be contrary to national policies set out in the Framework and a number of key and up-to-date Development Plan policies. Consequently, paragraph 14 of the Framework (and Development Plan policies BV1 and DM1) direct that planning permission should be refused.

Recommendation:

It is **RECOMMENDED** that planning permission is **refused** on the following grounds (summarised):

- The development is not sustainable as defined in the Framework and is not in accordance with relevant Development plan policies. The benefits of development are significantly and demonstrably outweighed by its dis-benefits, in particular:
 - i) the significantly adverse impact of the development upon the setting of the Grade II listed station buildings.
 - ii) the adverse impact of the development on trees of high amenity value, including increased future pressure to curtail or remove the specimens given the close proximity of the proposed development to them.
 - iii) the ill conceived layout of the south part of the application site, in particular the failure to enclose the Station Hill carriageway at this point and poorly placed and prominent communal car parking areas forward of the proposed 'Block D' building.
 - iv) the absence of adequate space within the application site for service/delivery vehicles to the commercial units.
 - iv) the absence of a mechanism to secure the infrastructure and an affordable housing package that could viably be secured from the development and, moreover, the unwillingness of the applicant to provide necessary contributions to off set adverse impacts and/or increased pressure upon green infrastructure, early years education and libraries.

v) the out of date nature of the viability assessment which informs the level of affordable housing provision offered as part of the development proposals.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MY3J6JPDHOK00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY.

Case Officer: Gareth Durrant

Tel. No. 01284 757345.

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 December 2015

Planning Application DC/15/1936/FUL Ounce House, 14 Northgate Street, Bury St Edmunds

Date: 12 October **Expiry Date:** 7 December 2015
Registered: 2015

Case Officer: Sarah Drane **Recommendation:** Approve

Parish: Bury St Edmunds Town **Ward:** Eastgate

Proposal: Planning Application - (i) Change of use from 1no former dwelling and 1no hotel (as consented under LPA reference E/86/2066/P) to a mixed use; restaurant and small hotel to provide 9 guest bedrooms and 2 staff bedrooms in the basement (Class - C1) (ii) Single storey rear extension (following demolition of existing extension and garage) (iii) New car park and landscaped gardens to the rear of the property providing 13 car parking spaces for customer use and alterations to parking at the front of the property to provide 5 parking spaces

Site: Ounce House, 14 Northgate Street
Bury St Edmunds

Applicant: Chestnut Group - Mr Philip Turner

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

CONTACT CASE OFFICER: Sarah Drane
Email: sarah.drane@westsuffolk.gov.uk
Telephone: 01638 719432

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel. The Officer recommendation is for approval, contrary to the views of Bury St Edmunds Town Council, who object.

It is proposed that a site visit will take place on Thursday 26 November 2015.

Proposal:

1. Planning permission is sought for the change of use from a former dwelling and hotel (as consented under LPA reference E/86/2066/P) to a mixed use restaurant and small hotel to provide 9 guest bedrooms and 2 staff bedrooms in the basement (Class - C1) and a single storey rear extension (following demolition of existing extension and garage). The proposal also includes a new car park and landscaped gardens to the rear of the property providing 13 car parking spaces for customer use and alterations to parking at the front of the property to provide 5 parking spaces.
2. The proposed hotel comprises of 9 bedrooms all with ensuite bathrooms. The basement will contain 2 staff bedrooms, kitchen, office and stores. The ground floor contains a large reception area, private dining room, kitchen, bar lounge and toilets. A single storey extension is proposed at the rear to accommodate a large main dining area. On the first floor are 5 ensuite bedrooms and the second floor a further 4 ensuite bedrooms. A new velux window is proposed on the rear elevation serving the ensuite to bedroom 9.
3. In terms of the site layout, as submitted, the vehicular access points remain as existing, with 5 parking spaces to the front of the building. The existing driveway to the north of the building would be utilised to accommodate a rear car parking area which shows a further 13 spaces (18 in total). A Holly tree would be removed to facilitate the rear extension. A new terrace area to the rear, landscaped garden, bin and bike store are also proposed.
4. The application has been amended since submission to overcome concerns raised by the Highways Authority. The parking area to the rear has been amended slightly to show correctly sized parking spaces in accordance with the adopted parking standards. The description has also been amended to make it clear that this is a mixed use scheme as the restaurant will be available to non-residents.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Existing and proposed plans

- Location plan
- Design & Access Statement
- Supporting Planning Statement
- A number of background supporting documents
- Kitchen extract details
- Acoustic Report
- Tree report

Site Details:

6. The site is situated within the settlement boundary of Bury St Edmunds and within the Conservation Area. The site is also close to the town centre boundary which follows Looms Lane approx. 125m to the south of the application site. The existing building was built as a three storey semi detached town house and has had various alterations and extensions over the years. The site has a brick boundary wall topped with railings along the frontage. There is a vehicular access on the southern side of the site off Northgate Street. The access on the northern side is shared with those dwellings adjacent to the north. There is an existing gated driveway on the northern side of the building. There is a brick boundary wall (varying in height from 1.5m – 1.8m) surrounding the entire rear garden. There are residential properties set within substantial grounds surrounding the site to the north, south and west.

Planning History:

7. **E/86/2066/P** - Change of use from residential with day and night nursery to hotel also change of existing integral garage to bedroom for disabled – approved
E/89/3452/P - Change of Use from residential to restaurant on lower ground floor only – approved
E/89/3682/P - Provision of exit door and fire escape from lower ground floor building – approved
E/93/1854/P - Planning Application - Continued use of former restaurant/office/ reception on lower ground floor and study on ground floor as offices (Class B1) – approved
DC/15/0251/FUL - Planning Application - (i) Change of use from 2no dwellings to small hotel (Class - C1) (ii) Single storey rear extension (following demolition of existing extension and garage) and associated works - refused

Consultations:

8. Highway Authority: After raising initial concerns, no objections are offered on the amended plans subject to conditions.

Public Health & Housing: no objections, subject to conditions.

Economic Development: *'This proposal to provide high quality hotel accommodation in the central area if Bury St Edmunds is supported by Economic Development & Growth. As well as increasing the provision of quality hotel*

accommodation in Bury St Edmunds the proposed development will create 26 new employment positions in the town. The projected local expenditure, which estimated to be in the region of £1.171m in the first year, followed by in excess of £650,000 pa thereafter, is welcomed.'

Suffolk Fire & Rescue Service: No objection

Conservation Officer: Proposed works largely acceptable with the exception of the proposed car park. Loss of the garden area to parking is regrettable, but it is acknowledged that views into the rear garden will be limited from the public realm. Loss of trees on the site could result in harm to the character and appearance of the Conservation Area.

Ecology Tree & Landscape Officer: Scheme will result in impact on the rear garden area. If permission is granted, it is recommended that the measures in the Arboricultural report are carried out and an Arboricultural Method Statement be secured.

Historic England: Recommend the application to determined in accordance with local and national policy guidance.

SCC Fire & Rescue: No objection

Representations:

9. Bury St Edmunds Town Council: object: '*(i) the change of use and extension on the grounds of traffic generation, noise and disturbance resulting from use, smells, effect on conservation area, adequacy of parking/loading/turning and proposed use being contrary to St Edmundsbury Borough Councils Development Management Plan policies DM2 and DM34, Core Strategy Policy CS2 and the National Planning Policy Framework; OBJECTS to (ii) the proposed extension on the grounds of noise and disturbance resulting from use, smells, traffic generation and effect on conservation area and being contrary to St Edmundsbury Borough Councils Development Management Plan policies DM2 and DM34, Core Strategy Policy CS3 and the National Planning Policy Framework; OBJECTS to (iii) new car park to the rear of the property on the grounds of noise and disturbance resulting from use, the adverse effect on both the general amenity of the area and residential amenity of adjacent properties and detrimental effect on the Conservation area and being contrary to St Edmundsbury Borough Councils Development Management Plan policies DM2 and DM34, Core Strategy Policy CS2 and the National Planning Policy Framework'*
10. In addition, representations have been received from 12, 12A, 15 & 16 Northgate Street, Durley Lodge, Garland Lodge, Horndon House and Pump Lane House, raising the following concerns:
 - Amendments made have not overcome concerns raised on previous application
 - Right of use of existing vehicular access not made clear
 - Increase in traffic to the site will increase risk of safety issues for vehicles and pedestrians

- In / out one way system needs to be created for traffic
- There is little difference from the previously refused scheme.
- There are lots of inaccuracies in relation to the historic use of the property
- Any access to the rear should be locked at night to ensure security
- Impact of extractor fans and smells from the site
- Impact on residential amenity of neighbouring currently tranquil gardens from use of terrace garden area on summers evenings to late at night – people eating / drinking and smoking.
- Previous B&B / Restaurant use was on a much lesser scale than that proposed
- Car movements into the rear garden at all hours will seriously impinge on the peace which is currently a characteristic of properties in the locality
- Only low level lighting should be allowed to rear
- Noise and smell from kitchen and dining areas
- Loss of property value
- Impact on rear garden trees
- Noise from a 24hr hotel will be an alien introduction into the rear gardens of surrounding properties
- Car park area on higher level exacerbating impact from noise and car lights from the development
- Vehicular noise and noise associated with people coming and going
- Proposals don't meet parking standards
- Planted border around the car park on amended site layout not sufficient and needs to be made wider
- Not appropriate to convert a garden in the conservation area to a car park
- There are public car parks nearby and other similar establishments thrive without the need for on site car parking
- Activities granted through Temporary Event Notices will further impact on residential amenity.

11. The description of the proposal has been changed during consideration of this application. This was on the basis that reference to the restaurant use was necessary to highlight that the proposal was a mixed use of hotel and restaurant, rather than simply a hotel use with ancillary restaurant function.

12. Consequentially, a full reconsultation process has taken place to reflect this amended description. At the time of writing no additional comments have been received. The additional consultation period expires on 26th November 2015 and matters will be updated, either in the late papers or verbally at the meeting, as appropriate.

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

13. Joint Development Management Policies Document:

- Policy DM1 – Presumption in favour of sustainable development
- Policy DM2 – Creating Places
- Policy DM17 – Conservation Areas
- Policy DM34 – Tourism Development
- Policy DM46 – Parking Standards

14. St Edmundsbury Core Strategy December 2010:

- Policy CS3 – Design & Local Distinctiveness
- Policy CS9 – Employment and the Local Economy

Other Planning Policy:

15. National Planning Policy Framework (2012)

- core principles
- Section 1 – Building a strong competitive economy
- Section 7 – Requiring good design
- Section 12 – Conserving and enhancing the historic environment

Officer Comment:

16. The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on residential amenity
- Economic benefits
- Impact on the Conservation Area
- Highway Safety

Principle of development

17. The site falls within the settlement boundary of the town, but just outside the defined town centre. This is clearly a sustainable location, within easy reach of shops, services and public transport. A hotel and restaurant use therefore, in principle, is a suitable use for the location. It is the detail of the operation of the proposed use which will be the determining factor as to whether such a scheme can be supported. One of the key considerations is the impact that the proposed use will have on the residential amenity presently enjoyed by neighbouring residential properties.

18. As can be seen from the planning history and from the supporting information submitted by the applicant the property has in the past operated as a hotel or B&B with restaurant. However, the permission granted under E/86/2066/P was significantly restricted. Conditions included; no more than 7 letting rooms, use by hotel residents only (not open to non-residents) and only half of the building (No.13) was to benefit from the new use – No. 14 to remain in residential use. The last lawful use of the building is not entirely clear but it would be reasonable to conclude that any previous operation at the site would not have been in the manner, or at the intensity, now proposed. The applicant states that '*It is accepted that there is no specific planning consent in place that exactly reflects how Ounce House has operated throughout the last 25 years.*' To date, a lawful development certificate has not been applied for, but the applicant maintains, based on the information provided by the previous

owner (as set out in the Supporting Planning Statement and letter received on 16.11.2015), that the property was last in a C1 use (without dining facilities available to non-residents). This use therefore, in the past has been considered favourably, albeit on a considerably more restricted basis.

Impact on residential amenity

19. The scheme proposes access to the rear of the property to enable (as amended) the parking of 13 cars (reduced from 16 in the previously refused scheme). The proposed rear parking area was a significantly concerning aspect of the previously refused proposals. The amended layout provided shows how the spaces can be accommodated at the rear of the site, with the removal of 3 trees. T1 (magnolia) would be removed to facilitate the vehicle passing point and trees T4 & T8 (False Acacia and Common Yew) to accommodate the access and parking spaces. T2 (Holly) is also proposed to be removed to enable the construction of the rear extension. The remaining trees can be safeguarded and an Arboricultural Method Statement and Tree Protection Plan can be secured by condition.
20. The layout shows spaces pulled further away from the northern boundary wall (the closest space being 5.4m away from the northern boundary compared to 2m on the refused scheme). This enables new planting to be put in to help mitigate any impact and protect the boundary walls. A planting scheme has been provided with the application and these details can be secured by condition.
21. The management of the site has been set out in a more detailed Operational Management Plan (OMP) when compared to the previous application. It covers specific matters in relation to parking, deliveries, the terrace, lighting, garden and tree maintenance, servicing, bins, smoking and security. This will certainly help mitigate the impact on the residential amenity of adjoining occupiers. However, even with the best endeavours of the operator, this will inevitably not prevent the opening and closing of car doors, starting of engines and people talking as they vacate the site late into the evening. The car park is also at the rear of the property, enclosed on all sides by presently tranquil private rear gardens. The proposed car parking area, whilst reduced by 3 spaces, still fills a significant area of the rear garden, indicating an intensity of development and use that cannot be considered wholly compatible with this location. However, the car parking has been moved away from the boundaries of Nos. 15 and 16 Northgate Street to the north (the closest space being 5.4m away from the northern boundary compared to 2m on the refused scheme) and Garland Lodge to the west (previously within 6m of their boundary, now 8m). There are now 5 spaces adjacent to the boundary with Pump Lane House to the south rather than 6 as proposed under the previous scheme (positioned within the same distance from the boundary – approx. 2m). The impact of general use and movement within this area will materially change both the visual outlook from nearby properties and will also lead to a potentially intensive use, including movement, noise and general disturbance including from vehicle lights, potentially at highly unsocial hours. These movements would be lessened by the number of parking spaces being reduced from 16 to 13 as now proposed. The

relocation of the spaces further away from the western and northern boundaries and the opportunity for additional planting combined with the measures proposed with the OMP would lessen the impact, but it is acknowledged that there is still likely to be some notable adverse impact upon amenity which must be considered to weigh against the scheme in the balance of considerations.

22. The OMP also states that all deliveries will be made to the front of the building. The agent has confirmed that due to the type of business the applicant runs, the majority of deliveries will be by way of a transit van (not by larger lorries from wholesale distributors like Bookers/Brakes), with a laundry delivery once a week and food and drink deliveries 2-3 times a week. The existing area at the front of the site can be easily accessed by the types of delivery vehicles expected. If there are any larger vehicles, as with any other property on Northgate Street, they would temporarily park up on the road. This would be managed by the applicant to limit any potential disturbance to residents, with intervention by the Authority through the Operational Management Plan as necessary.

In terms of the use of the terrace area at the rear, the OMP states there will be no external amplified music, and that those using the terrace will be asked to vacate it on or around 9pm. External lighting details can be secured by condition. In relation to bins, these would not be filled between the hours of 9pm – 9am to minimise noise disturbance. The precise details, plus details of implementation and compliance with the OMP, can be secured by condition.

23. An Acoustic report has been submitted to further support the proposals. This, along with the kitchen extract details, amended plans and an acoustic report submitted on behalf of one of the neighbours, have been examined by the Public Health and Housing team. Their comments conclude that they raise no objections, but consider it necessary to impose a number of conditions should permission be granted. They do however again state that *'noise arising from people within the garden and terrace areas and from vehicle movements to and from the proposed car park to the rear of the site is still likely to be heard by the neighbouring residential occupiers, particularly during the daytime and at least up to 9pm during the evenings. Whilst this type of noise would not be considered to be a statutory noise nuisance in accordance with the nuisance provisions within the Environmental Protection Act 1990, but may still give rise to a lack of amenity to the existing residential occupiers in the vicinity of Ounce House'* This supports the views of Officers reached in the preceding section, and therefore it is this particular consideration that must be carefully balanced against the benefits of the proposals.

Economic Benefits

24. Additional information has been submitted in this respect by the applicant. The application is supported by the Council's Economic Development team. There are clear economic benefits from the proposed scheme, which must be weighted accordingly in the balance of considerations. The application form states that an additional 17 full time equivalent posts would be created (6 more than was originally anticipated) which is not

insignificant. This venture is a further expansion of the applicant's successful businesses established in Moulton and Granchester and will lead plainly and on its own face to wider economic benefits from increased overnight visitors to the town and the associated additional spend. It will support the tourist industry in the town which is a very important part of the Town's economy. Policy DM34 is supportive of tourism development subject to meeting a number of criteria, one of which is that the scheme should not adversely affect the amenities of the area.

25. Nonetheless, and notwithstanding the amenity harm arising, Officers consider that the very tangible economic benefits arising from this development must be given notable weight in support of the scheme in the balance of considerations.

Impact on the Conservation Area

26. The site is within the Conservation Area, but views into the rear garden from the public realm are limited. Whilst a few of the trees are to be removed, a significant number are to be retained which will not significantly alter the character or appearance of the site. Suitable conditions can be imposed to secure their protection during the construction phase. Further landscaping of the site will help mitigate the visual impact of the newly laid access. The design of the proposed rear extension is also considered to be appropriate in its context.

Highway Safety

27. Whilst concerns have been raised about the accesses and parking provision, the Highways Authority have raised no objections to the amended site layout, subject to a condition to secure the provision of the parking and turning as shown on the amended site plan.

Conclusion:

28. The proposed hotel use and associated works clearly have matters that weigh both in its favour and against it, so the recommendation remains a finely balanced one, as it did at the time the last application was considered. At that stage Officers concluded (supported through the Delegation Panel) that the matter should be refused. This is precisely the type of business that should be encouraged and supported within the town and other suitable locations such as this, particularly noting the generally greater level of activity along Northgate Street as a primary route into the town centre, albeit such should never be at the expense of any unreasonable amenity impacts. Officers consider that with the obvious economic benefits, added to the more detailed Operational Management Plan now submitted, and added to the material changes that have been made to the number and position of the rear car parking spaces, that the fine matter of balance now falls in favour of approval.

29. In consideration of all the above matters, it is still felt that the rear gardens to Ounce House as well as adjoining neighbouring properties currently form part of a tranquil and private undeveloped environment within the Conservation Area. The introduction of the proposed change of use and in particular, the use of the rear terrace, garden and car park

areas is likely to result in some noise arising from people within those areas and from vehicular movements to and from the proposed car park to the rear of the site. However, with the amendments to the rear parking, proposed landscaping and detailed OMP, this impact is considered to be sufficiently reduced to enable the economic benefits of the scheme to outweigh the harm to residential amenity.

Recommendation:

It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
2. 14FP – Compliance with approved plans
3. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
Reason: To protect the amenity of the area.
4. The installation of the kitchen extract ventilation system shall be in accordance with the design submitted (Bridge drawing, received on 24.09.2015), including all odour and noise mitigation measures, as detailed in the Specification and Defra Report RM20566R2 prepared by Purified Air. Any proposed alterations to the final installation shall be submitted to the Local Planning Authority, for approval, prior to installation. The new system shall be installed prior to the use hereby approved commencing.
Reason: To safeguard the residential amenity of neighbouring properties.
5. The playing of any amplified, recorded or live music or speech within the external garden areas and terrace shall be prohibited at all times.
Reason: To protect the amenity of neighbouring residential occupiers.
6. Any external lighting to Ounce House shall first be submitted and approved in writing prior to installation. Any lighting proposed within the car parking areas, external terrace and gardens shall be so positioned as to minimise the risk of any glare to the adjacent residential occupiers.
Reason: To protect the amenity of neighbouring residential occupiers.
7. The use shall not commence until the area(s) within the site shown on OH 11 E for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles, motorcycles and secure cycle storage has

been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles, motorcycles and secure cycle storage is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles. On-street parking and manoeuvring would be detrimental to highway safety to users of the highway and cycle storage would encourage sustainable modes of travel.

8. All physical works hereby approved within the garden area shall be carried out in accordance with the Hayden's Arboricultural Method Statement and Tree Protection Plan dated 22.09.2015 (revision B).

Reason: To ensure retained trees within the site which add to the character and appearance of the Conservation Area are appropriately safeguarded during the construction phase of the development.

9. Within three months of the commencement of development, there shall be submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following 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.

Reason: To enhance the appearance of the development.

10. Prior to the use commencing, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall include detailed proposals of how and when the premises will be serviced; details of the use and management of the car parking areas hereby approved; details of the times and nature of use of the external terrace, including a restriction on amplified music being played externally; details of any external lighting within the site and the times when such will and will not be lit; details of soft landscape maintenance schedules; details of bin and refuse storage, including the type of containers, their location and times when they will be collected; details of any external smoking areas; plus details of any external security cameras. The submitted plans shall also provide an opportunity for periodic review of the Plan. The use hereby approved shall be run in complete accordance with the approved Operational Management Plan.

Reason: To protect the amenity of neighbouring residential occupiers.

11. The restaurant use hereby approved shall be restricted as follows:
- Sunday to Thursday – last orders in the restaurant no later than 9.30pm (except resident guests) and restaurant to be closed by 11.30pm
 - Friday and Saturday - last orders in the restaurant no later than 10.00pm (except resident guests) and restaurant to be closed by 12.00pm

Reason: To protect the amenity of neighbouring residential occupiers.

12. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: It is necessary to impose a pre-commencement condition to safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with DM20 of the Joint Development Management Policies Document, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012)

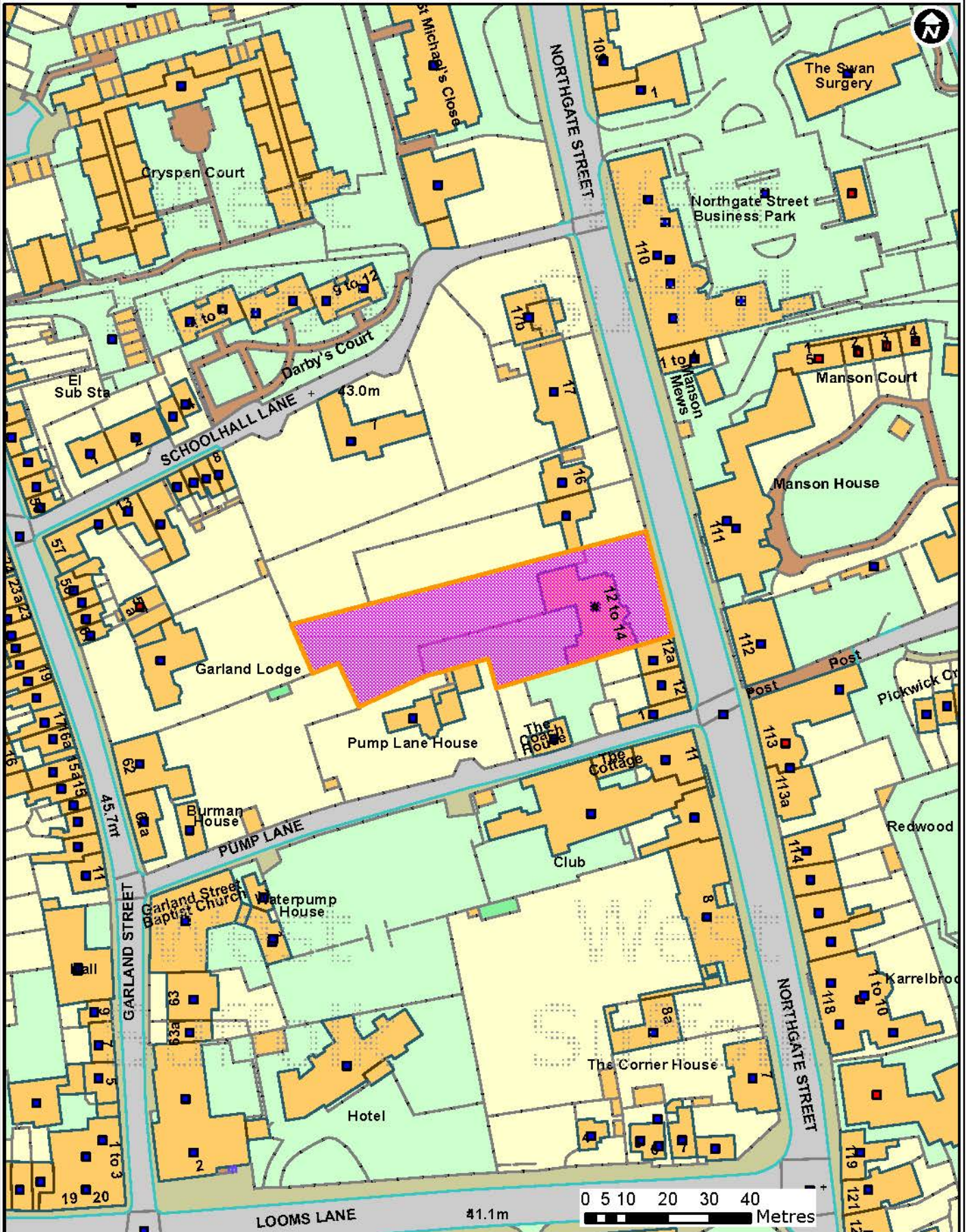
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NV4NHQPDKKC00>

Case Officer: Sarah Drane

Date: 18 November 2015



This page is intentionally left blank

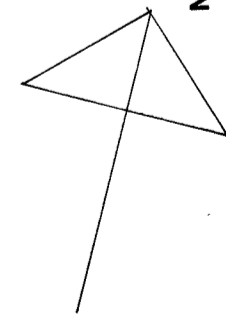
PUMP LANE



NORTHGATE STREET

MAXIMUM 17 NO. CAR PARKING SPACES

Existing hotel sign



- E PTW space annotated 26.10.15
- D Parking dimensions added 16.10.15
- C Car parking adjusted July, 2015

Project:	OUNCE HOUSE, 14 NORTHGATE STREET, BURY ST EDMUNDS, SUFFOLK, IP33 1HP		
Subject:	SITE PLAN		
Scale:	1 : 200	Date:	JAN,15
Project Ref:	OH	Drwg. No.:	11
Rev.:	E		
Architects:	Big Brown Dog Limited The Old Post Office, Brookside, Dalham, Suffolk CB8 8TG		
T:	01638 500234	F:	01638 500343
E:	bigbrowndog@keme.co.uk		
Original size:	A2		
	© BIG BROWN DOG LIMITED		

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 December 2015

Planning Application DC/15/1303/FUL

Land at Meadow Farm, Sharp's Lane, Horringer

Date: 2 October 2015 **Expiry Date:** 1 January 2016
Registered:

Case: Charlotte **Recommendation:** Approve
Officer: Waugh

Parish: Horringer Cum Ickworth **Ward:** Horringer and Whelnetham

Proposal: Planning Application - Indoor equestrian school and storage barn

Site: Land at Meadow Farm, Sharp's Lane, Horringer

Applicant: Mr Richard Ames

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER: Charlotte Waugh
Email: charlotte.waugh@westsuffolk.gov.uk
Telephone: 01284 757349

Background:

This application is referred to the Committee as it is a major application and the Officers' recommendation of approval is contrary to the views of the Parish Council.

It is proposed that Members visit the site on Thursday 26 November 2015.

Proposal:

1. Planning permission is sought for the erection of an indoor equestrian school and a storage barn.
2. The equestrian school would measure approximately 50 x 24 metres with an eaves height of 4.5 metres and a ridge height of 6.6 metres. The building would be constructed of blockwork with olive green boarding above and a grey profiled sheet roof. Full height doors would be located on each end and on the northern side elevation.
3. The storage barn would measure approximately 24.5 x 10.7 metres with an eaves height of 4.6 metres and a ridge height of 6.4 metres. The building would be constructed of profiled metal sheeting with green elevations and a grey roof with roof lights.
4. Amended plans were submitted during the course of the application which in addition to the above, included the replacement of an existing timber stable block containing 3 boxes with a new block of 3 boxes and a covered wash down area.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Location plan
 - Site layout plan
 - Proposed plans and elevations
 - Plans of replacement stables – received 13.11.15
 - Landscaping plan – received 16.11.15
 - Landscape Appraisal
 - Planning Statement
 - Planning Assessment
 - Ecological Scoping Survey

Site Details:

6. Meadow Farm is an established equine facility which is used by the applicant as part of his equine enterprise, including equine eventing team and training.
7. The applicant's land extends beyond the application site to 325ha, some of which is being operated as an equestrian enterprise with other land

being in agricultural use. The existing buildings include 2 stable blocks, a barn, a groom's dwelling (known as Stable Barn) and the main dwelling, Meadow Cottage, which is a Grade II listed building. The building is located within the countryside, outside of the Housing Settlement Boundary of Horringer.

8. The application site is located to the south of the site adjacent to an existing ménage and stable block and currently comprises paddocks. It is accessed via a track which runs from the stables and dwelling at the top of the site right through to these rear paddocks.

Planning History:

9. The site has an extensive planning history, including enforcement related matters, with the below being considered relevant:
- 10.E/89/3348/P – Erection of hay barn – Approved
- 11.E/89/3347/P - Retention of stables and change of use of agricultural land to garden/paddocks - Approved
- 12.E/95/2817/P - Erection of stable block and tack room (following demolition of existing stables) – Refused – Allowed on appeal
- 13.SE/05/02602 - Retention of horse exerciser - Approved
- 14.SE/06/2151 – Erection of single storey dwelling to be used as grooms accommodation - Refused
- 15.SE/07/0251 Erection of single storey dwelling to be used as grooms accommodation – Refused – Allowed on appeal
- 16.SE/10/1004 - Retention of 1 ½ storey dwelling for groom's accommodation - Approved
- 17.SE/12/0994/FUL - Planning Application - Retention of replacement barn – Withdrawn
- 18.ENF/11/0235: Enforcement notice issued for the erection of a building without planning permission:22.05.2013 – giving 4 months from the 1st July 2013 to remove the unauthorised structure unless an appeal is made
- 19.SE/13/0826 – Retention of replacement barn (resubmission of SE/12/0994/FUL) – Refused – Dismissed on appeal
- 20.APP/E3525/C/13/2200691 – Appeal against enforcement notice ENF/11/0235: Removal of an unauthorised structure – Dismissed 26/03/2014
- 21.DC/14/1117/FUL Planning Application - Extension to existing barn following demolition of 3 bays – Refused – Appeal dismissed

22.DC/14/1307/FUL - Planning Application - Proposed equestrian building incorporating indoor school, boxes and hay store – Withdrawn

Consultations:

23.Highway Authority: No objection.

Environmental Health (Land Contamination): No comment.

Public Health and Housing: No objections.

Natural England: No objections.

Landscape and Ecologist: No objections.

Conservation Officer: No objections.

Representations:

24.Horringer Parish Council: Object on the following grounds:

- *The application is contrary to Policy DM13. The site is located within a Special Landscape Area and involves large scale buildings of industrial design and appearance, which would be a dominant and intrusive feature in an area of attractive countryside*
- *The application does not comply with Policy DM32 which requires (inter alia) that new equine development in the countryside should not have a significant adverse effect on the character and appearance of the locality and new buildings should be located within or adjacent to an existing group of buildings and have a minimal visual impact within the landscape. In this case the proposals would encroach substantially into the surrounding countryside and are poorly related to nearby buildings.*
- *The development represents a significant intensification of the existing equine activities on the site. It is likely to give rise to increased nuisance to local residents in terms of noise, lighting and substantially increased vehicular activity both within the site and in Sharpes Lane itself.*
- *Inadequate information has been provided to illustrate the full impact of the proposals on the local landscape generally and nearby residential properties in particular. Similarly, the application also provides inadequate information on traffic generation and vehicular movements arising from the development.*

25. Representations have been received from three local residents raising the following summarised objections:

- No further development should be considered until the illegal building is

- removed
- The equine business is growing at a rapid rate – increased traffic and noise
- Inaccuracies on location plan
- Noise generated by heavy machines, generator leaf blower, quad bikes, reversing horns
- Traffic creation – access and parking
- Invasive lighting has increased over the years
- Contrary to adopted policies
- No landscaping proposed between the development and Sharpes Barn
- Loss of amenity
- Restrictive covenant precludes commercial use
- Intensification of use in rural area

Policy: The following policies of the Joint Development Management Policies Document 2015 and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

26. Joint Development Management Policies Document 2015:

- Policy DM1 Presumption in favour of Sustainable Development
- Policy DM2 Creating Places
- Policy DM5 Development in the Countryside
- Policy DM11 Protected Species
- Policy DM13 Landscape Features
- Policy DM32 Business and Domestic Equine Related Activities in the Countryside
- Policy DM46 Parking Standards

27. St Edmundsbury Core Strategy December 2010

- Policy CS3 Design & Local Distinctiveness
- Policy CS13 Rural Areas

28. Rural Vision 2031

- RV1 Presumption in favour of Sustainable Development

Other Planning Policy:

29. National Planning Policy Framework (2012)

- core principles
- Section 7 – Requiring Good Design

Officer Comment:

30. The planning issues to be considered in the determination of the application are:

- Principle of Development
- Impact on Visual Amenity/Listed building/Landscape
- Impact on Residential Amenity
- Impact on Ecology

Principle of Development

31. The applicant runs a 3 day eventing team which competes at major events including the Olympics, as well as running a breeding programme to rear and train horses for this team. This is well established on the site, with the equine operation commencing in 2001. This establishment is evidenced in the appeal decision for the groom's house in 2008 where the planning inspector acknowledges the unique nature of the enterprise and affords considerable weight to the contribution the enterprise makes to the country's sporting life.
32. The site benefits from an existing ménage, however this is outside and unlit which means its use is limited to daylight hours and good weather. The proposal for an indoor riding area will allow training to continue in all seasons and will mean horses do not need to be exercised on the road. In addition, the storage barn will replace that existing at the northern boundary.
33. The NPPF and Development Management Policies encourage the creation and expansion of rural businesses and agricultural diversification and the application gains support from the provisions of this local and national policy. The principle of further equine development on the site is considered acceptable subject to satisfactory impacts on the landscape, listed building and residential amenity.

Impact on Visual Amenity

34. This application is submitted following withdrawal of the previous application which has allowed discussion with Officers in order to address the previous concerns raised. These concerns related to the impact of the buildings (previously 1 building) on the surrounding landscape as well as on the grade II listed host dwelling. This revised proposal is to construct an indoor equestrian school and storage barn within the countryside to the south of the existing cluster of buildings at Meadow Farm but closely related to the existing ménage and stable block. Therefore, whilst the buildings are proposed behind existing built development and as such, on land which is currently open, it is adjacent to existing facilities.
35. The proposed position of the structures now respects the strategic gap between the residential properties to the west and Meadow Farm. This gap is part of the setting of the listed farmhouse which will remain open and unchanged. The proposed buildings are unlikely to be visible from Sharpes Lane and will be sufficiently distant from all neighbouring properties such that they will not be overbearing. The buildings will not be visible from Meadow Cottage or in views with it and will allow the retention of the open aspect the listed building currently enjoys. On this basis, the Conservation Officer is satisfied that the proposed development will not adversely affect the setting of the listed building.
36. Adopted landscape policies allow development which respects the local landscape character and setting. The proposal is supported by a landscape appraisal as well as a landscape plan which has been revised during the course of the application. The landscape appraisal includes an assessment of the likely impact of the proposals from the B1066 and also identifies

that there is potential for the buildings to be partially visible from some areas to the south, particularly the ridge line of the structures which would be the most visible element especially in winter.

37. The landscape plan proposes a 10 metre wide woodland belt which would surround the indoor riding area and would give the appearance of a small plantation when viewed at a distance from the countryside. In addition, a tree and hedge border would be planted to surround the western paddock and would provide a degree of screening to views from Glebe Close. Whilst the top of the buildings would remain visible, due to the separation distance and the softening provided by the planting the development is not considered to appear dominant in views. A condition is recommended to ensure that the landscaping scheme is implemented in accordance with the plans submitted.

Impact on residential amenity

38. The buildings themselves are located to the south of the site where they are not visible from Sharpes Lane. The closest dwellings to the development are Sharpes Barn, which is to the north east of the application site where the storage barn will be approximately 140 metres away and the indoor riding area behind this at approximately 165 metres away. 1 Glebe Close is located to the north west of the application site and will be approximately 130 and 125 metres away respectively. Whilst views from Glebe Close are currently open, the boundary between the site and Sharpes Barn is already planted with trees and hedging, albeit they are not yet fully established, which is in the neighbours ownership. Whilst this landscape buffer will not completely screen views of the proposed buildings, it will ensure they are not overly dominant as well as help to contain any activity associated with the proposal.

39. Concerns have been received from neighbouring occupants and the Parish Council regarding the intensification of the use of the site. At present, the site has sufficient stabling to accommodate 21 horses. No further stables are proposed as part of this development and as such, this number is unlikely to increase as a result of this proposal. The facilities proposed will enable the horses to be exercised and trained year round and through inclement weather. Therefore, whilst it would be fair to say that activity on the site may increase, this activity will take place within the proposed building where it will have no impact on residential amenity and will mean horses do not need to otherwise leave the site for this purpose.

40. A barn has been erected at the northern end of the site, close to the access with Sharpe's Lane which does not benefit from planning permission. Members may be aware that this building is subject to an extant enforcement notice which has not been complied with, and in such case non-compliance constitutes a criminal offence. This is currently being progressed by the Enforcement team and at the time of writing there is no further information that can be put into the public domain. The applicant claims that the storage barn proposed will replace that existing, albeit on a smaller scale. However, these issues need to be resolved independently.

41. Furthermore, Environmental Health are currently investigating a noise complaint, largely due to the use of a leaf blower at the northern end of the site. It is not considered that this impacts on the consideration of this application and the Environmental Health Officer is satisfied that the proposed development is acceptable in all regards. Statutory noise nuisances can be dealt with under Environmental Health legislation and as such, this issue can be pursued independently from the planning process.
42. At present the majority of activity within the site is focused at the northern end, where the site adjoins the residential curtilages of two separate dwellings. The intention to relocate the storage barn to the southern end of the site will take the current activity (vehicle movements, movement of straw bales, hay and feed, loading of horses for transportation, use of horse treadmill etc) away from the adjacent residential dwellings and as such, reduce the noise and activity which neighbouring occupants endure currently.
43. Parking spaces have been shown on the submitted site layout to the satisfaction of the Highway Authority. The development proposed should not increase the amount of vehicle movements to the site and will relocate vehicles and horse transporters to the new storage barn, thus allowing horses to be loaded and vehicles to be stored at the southern end of the site.
44. Consequently, it is appreciated that neighbouring occupants have experienced difficulties in the past due to the close proximity of development to common boundaries. However, the development proposed will re-locate the main activities of the enterprise to the rear of the site where it will enjoy a larger separation distance from residential dwellings and on that basis, will improve residential amenity.

Impact on Ecology

45. An ecological scoping survey was undertaken which concluded that no species were using the site and there was low potential for bats or other protected species to be affected as a result of this development.

Conclusion:

46. The buildings proposed have a large footprint and will undoubtedly be seen in the landscape, especially whilst landscaping is maturing. However, their impact on wider countryside views is mitigated by the substantial woodland belt proposed. Additionally, due to their proposed location the buildings will not affect the setting of the listed building or residential amenity but will re-locate the hub of the enterprise further from adjacent dwellings.
47. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

48. It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions:

1. Time limit (01a)
2. Landscaping to be implemented in accordance with plans
3. Details of lighting to be submitted and approved prior to installation
4. Development to be in accordance with approved plans (14FP)

Documents:

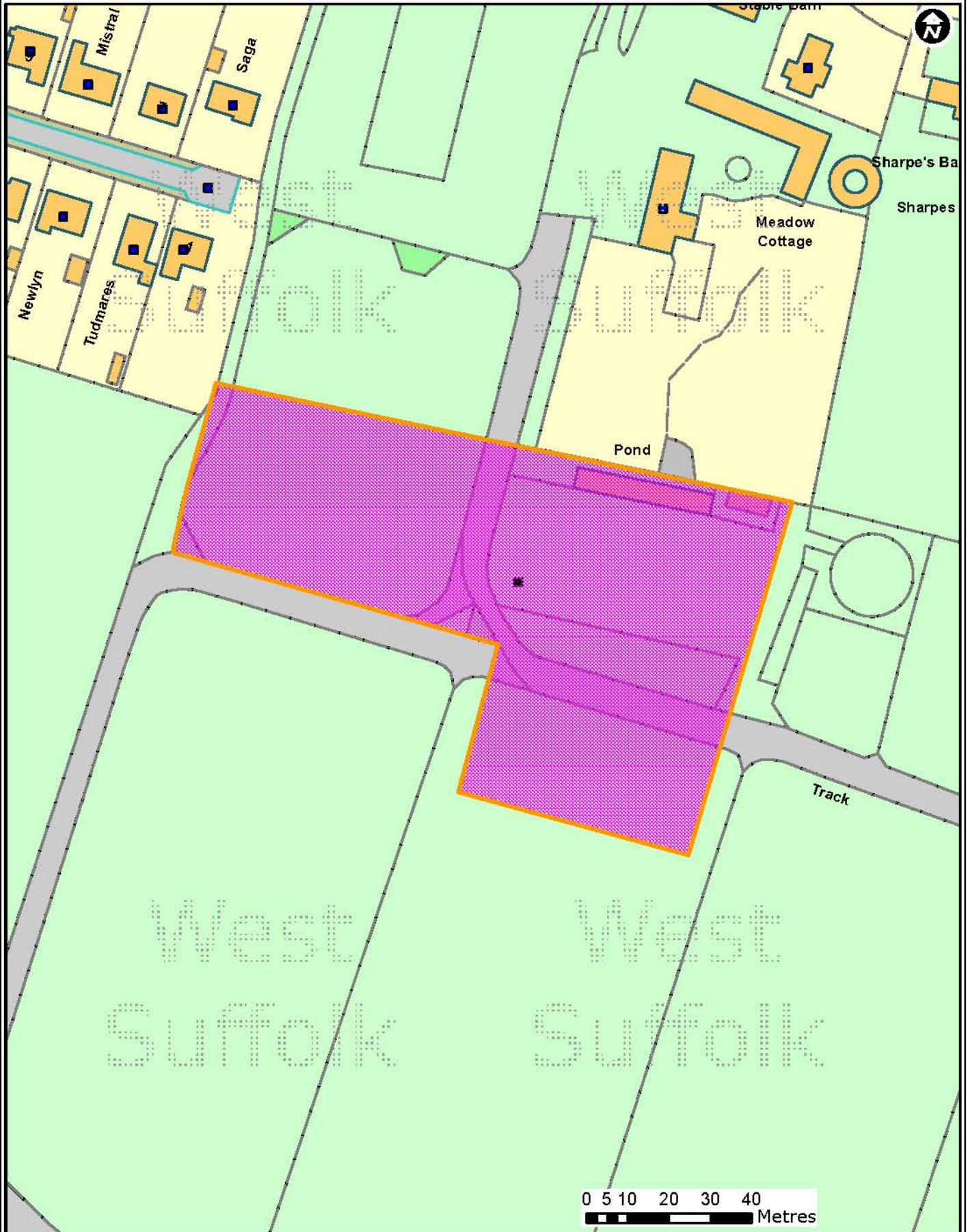
All background documents including application form, drawings and other supporting documentation relating to this application can be viewed online:

http://svr-plandms-02:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DC%2F15%2F1303%2FFUL

This page is intentionally left blank

DC/15/1303/FUL

Meadow Farm, Horringer



This page is intentionally left blank



Client: RICHARD AMES	
Project: PROPOSED INDOOR SCHOOL, & BARN/STORE, MEADOW FARM, SHARPE LANE, HERRINGER	
Drawing: DETAILED PLANNING - SITE PLAN	
Scales: 1:500 @ A2	
Date: JUNE 2015	Date plotted: GF
Contract: 3960	Revision: 04
BROWN & SCARLETT ARCHITECTS	
<small>Old School Studios, 140 Eastgate Street, Barr St Edmunds, Suffolk IP33 1XX Tel: 01284 768800 Fax: 01284 702880 Email: info@brownandscarlett.co.uk</small>	



Site layout plan 1:500

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 December 2015

House Holder Application DC/15/2071/HH

77 Queens Road, Bury St Edmunds

Date: 21 October **Expiry Date:** 16 December 2015
Registered: 2015

Case Officer: Jonny Rankin **Recommendation:** Approve

Parish: Bury St Edmunds **Ward:** Risbygate

Proposal: House Holder Planning Application - Loft conversion to form an additional bedroom with Dormer window to rear elevation

Site: 77 Queens Road, Bury St Edmunds, IP33 3EW

Applicant: Mr Andrew Mills

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Email: jonny.rankin@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is referred to the Committee because it is made by the husband of a contracted employee of St. Edmundsbury Borough Council.

Proposal:

1. Planning permission is sought for loft conversion to form an additional bedroom with dormer window to rear elevation. The proposed dormer is 3.1m wide, 1.8m tall and has a joins the existing roof ridgeline via a cat-slide roof.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application form
 - Existing and proposed block plan
 - Proposed rear dormer window drawing
 - Pre-application enquiry
 - Heritage statement

Site Details:

3. The site is a terraced dwelling situated with the Bury St Edmunds Housing Settlement Boundary, Bury St Edmunds (Victoria Street) Conservation Area and also subject to Article 4 Direction.

Planning History:

4. DC/15/1901/HH Householder Planning Application - (i) Single storey rear extension to existing building (ii) Replacement of front path and new gate. Application granted.

Consultations:

5. Conservation Officer: The proposed development is located to the rear of a property restricted by an article 4 direction located within the Victoria Street conservation area. The proposed works will therefore have little impact on the character or appearance of the conservation area as seen from the public realm. I therefore have no objections.

Representations:

6. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues.

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

7. Joint Development Management Policies Document:
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
 - Policy DM16 (Local Heritage Assets and Buildings Protected by an Article 4 Direction)
 - Policy DM17 (Conservation Areas)
 - Policy DM24 (Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage)
8. St Edmundsbury Core Strategy December 2010
- Policy CS3 (Design and Local Distinctiveness)

Other Planning Policy:

9. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

10. The issues to be considered in the determination of the application are:
- Principle of Development
 - Design and form
 - Impact on the Conservation Area and Article 4 Direction
 - Impact on neighbour amenity

Principle of development

11. The policies listed above state that planning permission for alterations, extensions to dwellings, annexes and other ancillary development will be permitted provided that the proposal respects the character and design of existing dwellings, will not result in over development of the curtilage and will not adversely affect the residential amenities of neighbouring properties.

Design and form

12. The application proposes a loft conversion to form an additional bedroom with dormer window to rear elevation. The proposed dormer is 3.1m wide, 1.8m tall and has a joins the existing roof ridgeline via a cat-slide roof.
13. Given the modest scale of the dormer and its position to the rear elevation of the property it is considered a sensitively located addition to the property.

Impact on the Conservation Area and Article 4 Direction

14. Policy DM16 states extension or alteration of buildings protected by Article 4 direction will be permitted where they:

- a. demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance;
 - b. respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building;
 - c. will not entail an unacceptable level of loss, damage or covering of original features; and
 - d. have regard to the setting, plot layout and boundary features.
15. Development to the rear of the property will not adversely affect the street scene, appearance of the Conservation Area or the reasoning behind the Article 4 Direction. As such the conservation officer does not object to the proposal.
16. Policy DM17 states that proposals should preserve and enhance the character or appearance of the conservation area and works should be of an appropriate scale, form, height and massing. Given the modest nature of the rear dormer it is considered the proposals are compliant with Policy DM17.

Impact on neighbour amenity

17. The dormer is modest in depth and height and is proposed on the rear elevation of the property. Whilst the dormer increases the potential for overlooking and perceived overlooking into neighbouring gardens, it is not considered to do so in a more substantive way than existing first storey windows, or in a way that would otherwise be unacceptable in this context.
18. By virtue of its location and in particular its modest scale the proposed dormer would not be considered a prominent or overbearing addition and would be in accordance with DM24 of the Joint Development Management Document and Policy CS3 of the Core Strategy.

Conclusion:

19. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions:

1. 01A – Time limit detailed.
2. 14FP – Development to accord with the plans, including detailed materials.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NW3O2HPD00Z00>

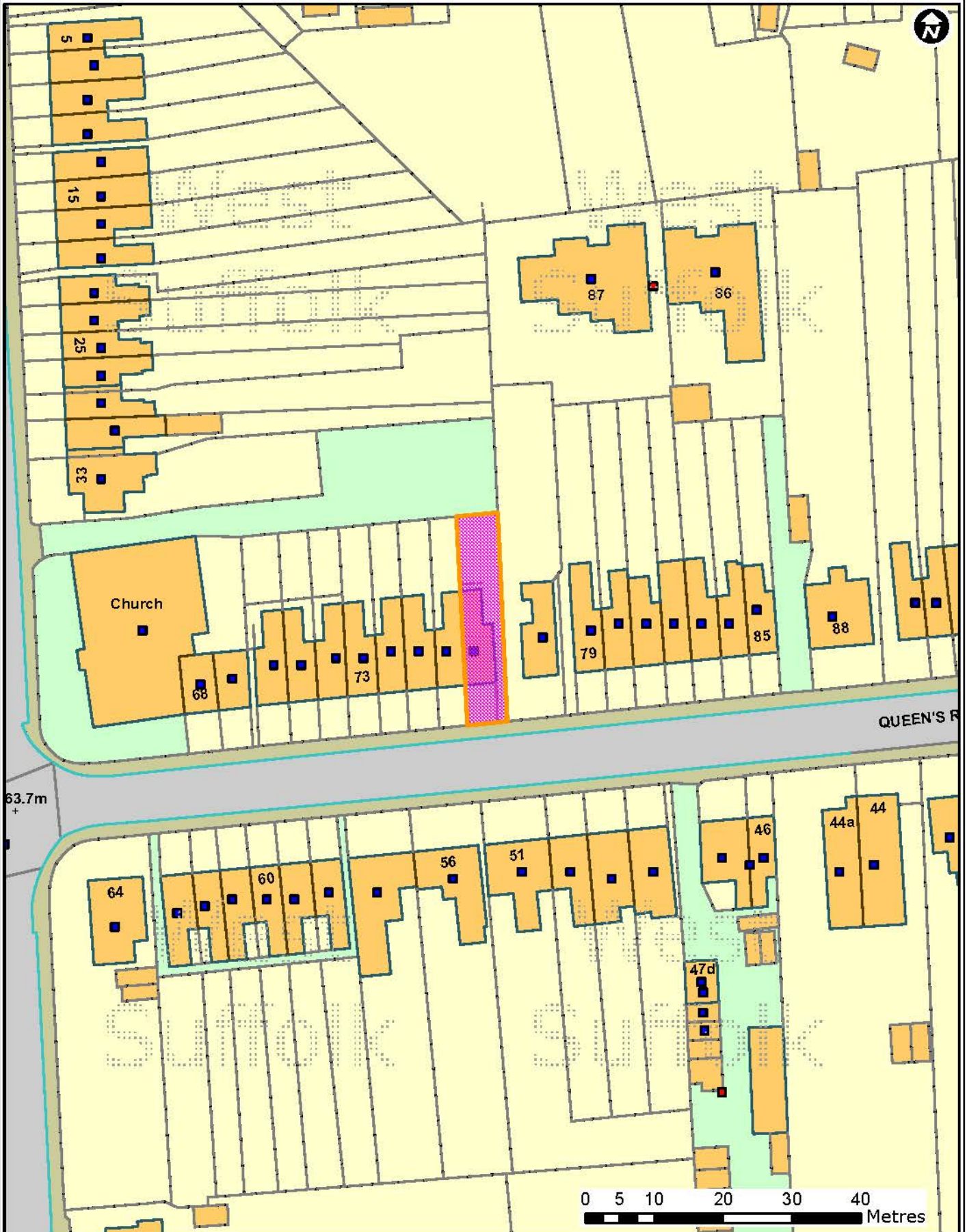
Case Officer: Jonny Rankin

Date: 17 November 2015

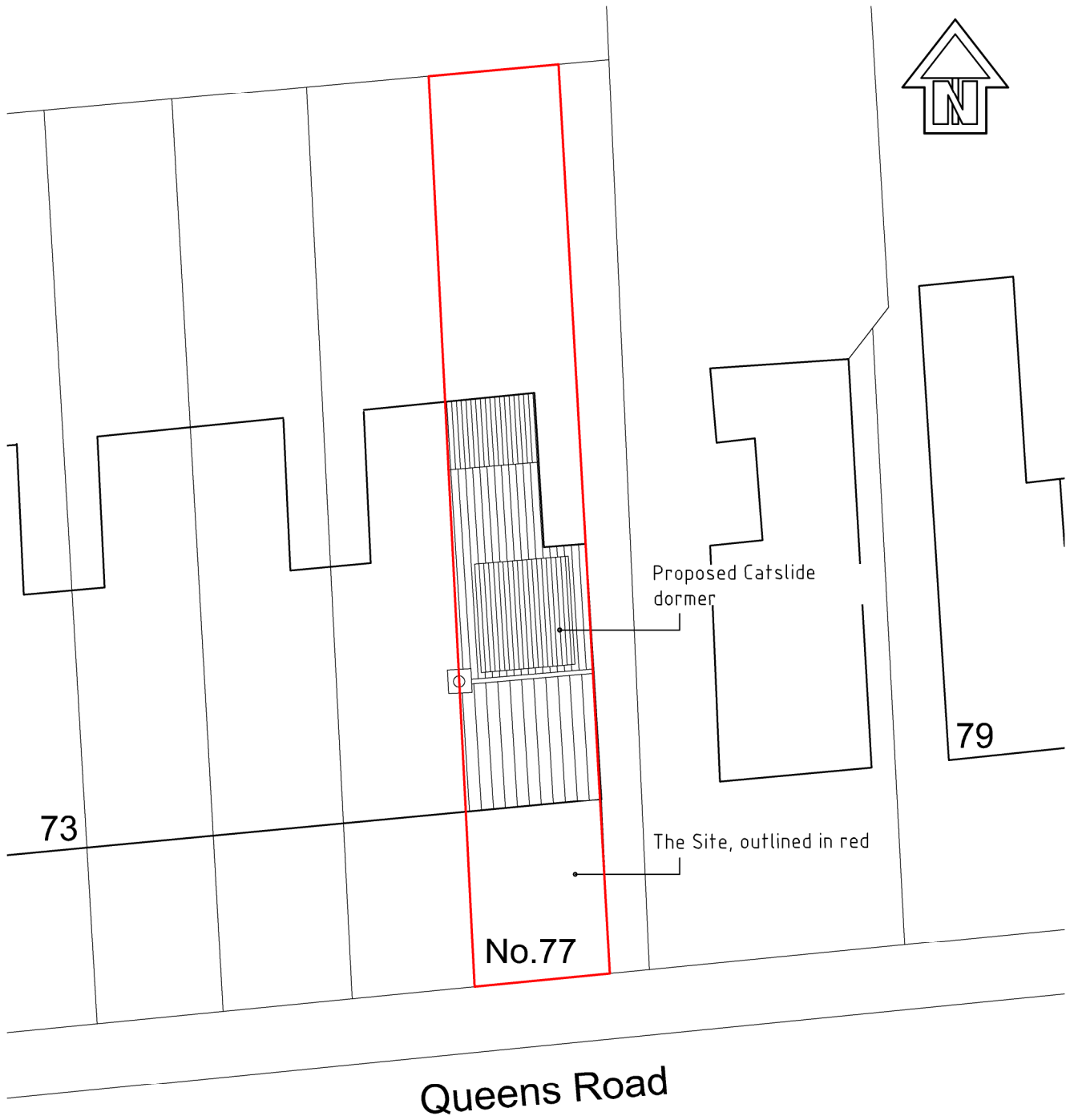
This page is intentionally left blank

DC/15/2071/HH

77 Queens Road, Bury St Edmunds



This page is intentionally left blank



This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 December 2015

Planning Application DC/15/2166/TPO 26 Bullen Close, Bury St Edmunds

Date: 26 October **Expiry Date:** 21 December 2015
Registered: 2015

Case Officer: Jonny Rankin **Recommendation:** Approve

Parish: Burt St **Ward:** Abbeygate
Edmunds

Proposal: TPO106(1986)11 - Tree Preservation Order - 2no Quercus Ilex (01449 & 01451 on plan) - Crown reduction by 10% and overall reshaping

Site: 26 Bullen Close, Bury St Edmunds, Suffolk, IP33 3JP

Applicant: St Edmundsbury Borough Council

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Email: jonny.rankin@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is referred to the Development Control Committee because the Local Authority is the applicant.

Proposal:

1. Permission is sought for works to trees as specified in the above description.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application form
 - Tree location plan
 - Arboricultural works list

Site Details:

3. The site is situated within the Housing Settlement Boundary and comprises an attractive array of trees to the rear of flats in Bullen Close and the surrounding open space. The trees are well developed and form an attractive and important feature of the area.

Planning History:

4. None relevant.

Consultations:

5. Tree officer: *'Will be updated at the meeting - awaiting comment, meeting arranged for 2pm Thursday 19th'*.

Representations:

6. Town Council: No objection based on information received.

Officer Comment:

7. The proposed crown reductions and reshaping will reduce the risk of failure and extent of the branches encroaching upon the flats at 18 – 28 Bullen Close.
8. The works are in accordance with standard arboricultural practice and are considered necessary, and acceptable.

Conclusion:

9. In conclusion the proposal is considered to be appropriate works in line with good arboricultural standards and will contribute to the long term vitality and viability of the trees.

Recommendation:

It is **RECOMMENDED** that **Approval be Granted** subject to the following conditions:

1. Standard Time limit.
2. Works to appropriate Arboricultural Standard.

Documents:

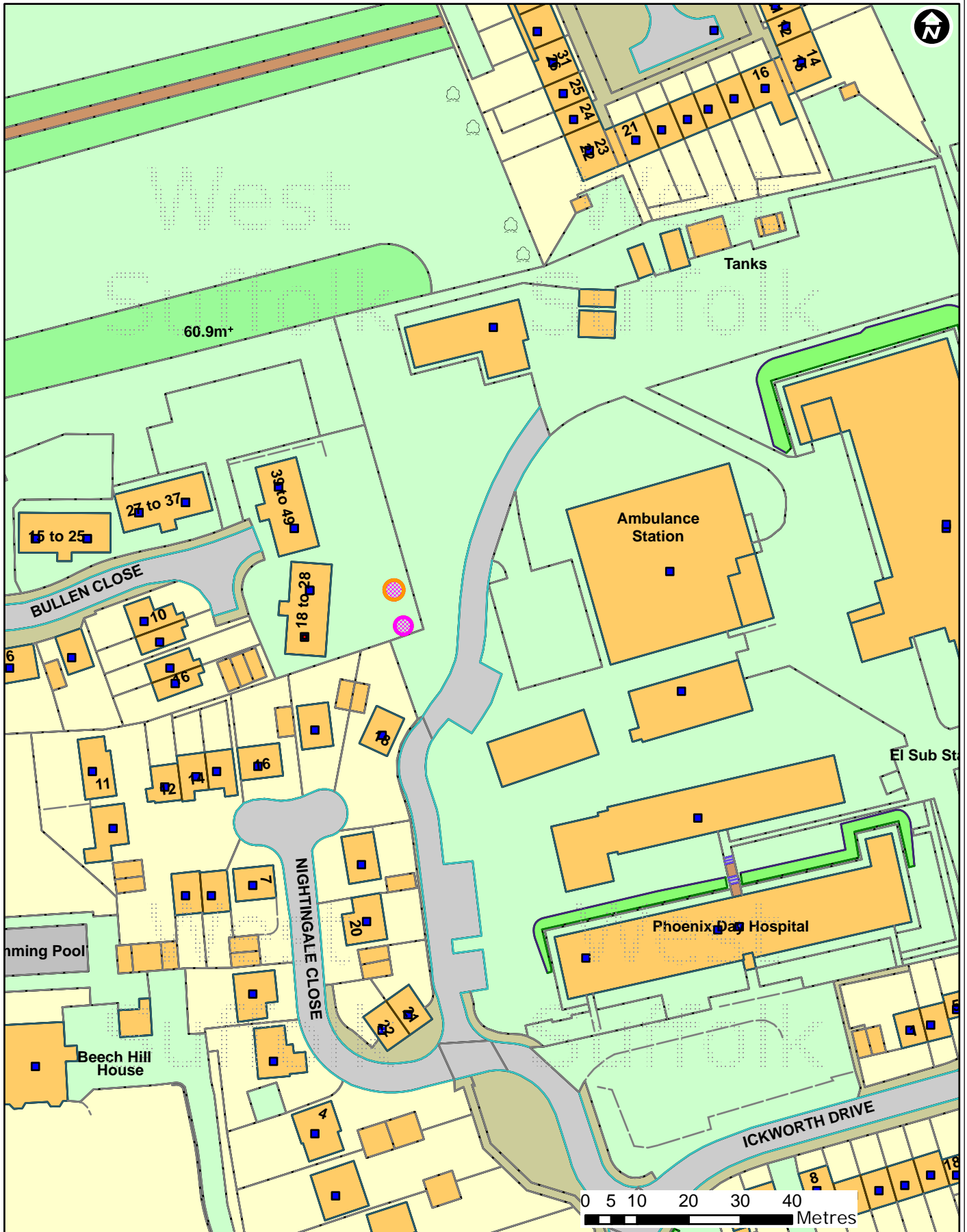
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NWO7IEPDL2C00>

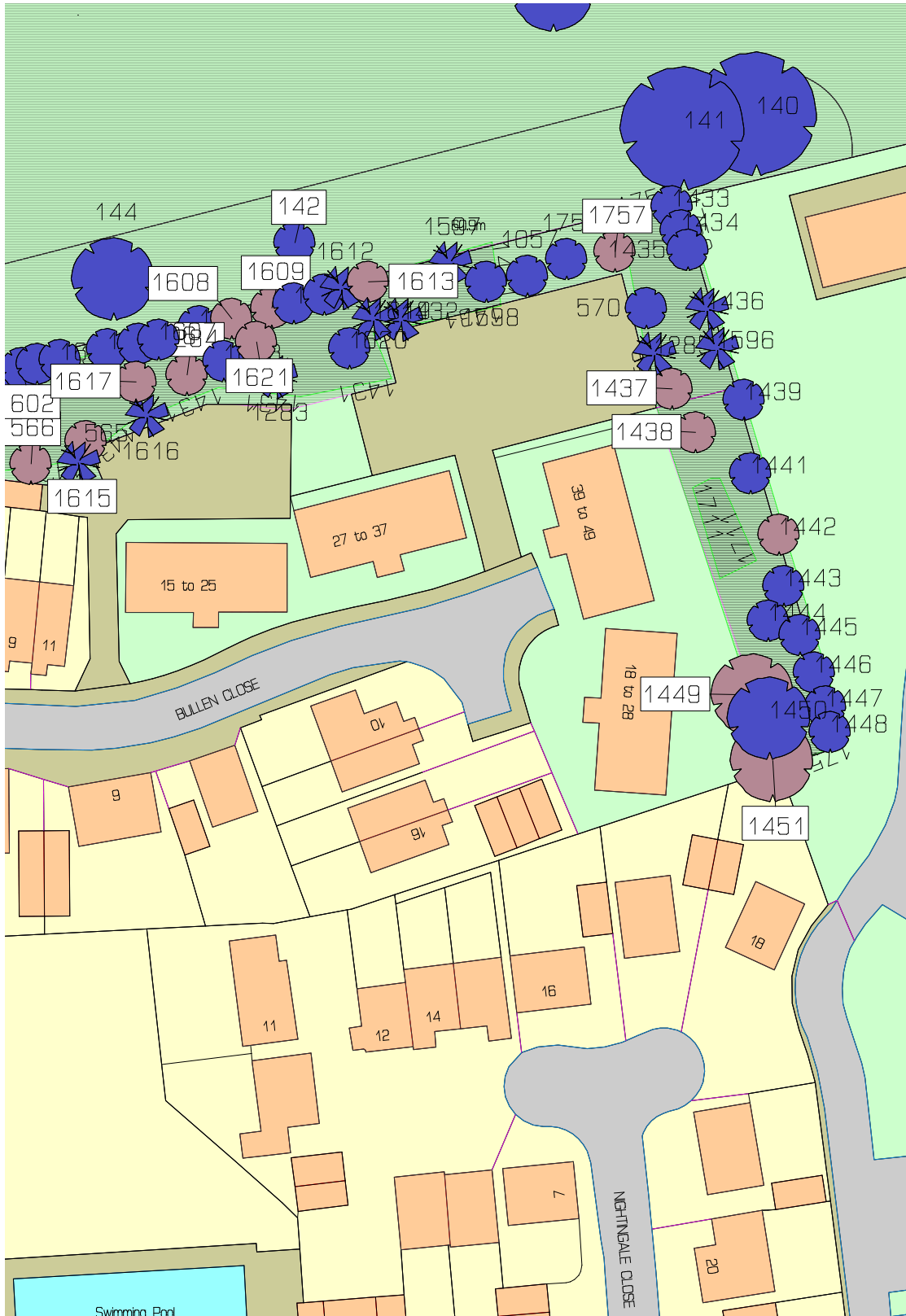
Case Officer: Jonny Rankin

Date: 17 November 2015

This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 3 December 2015

Planning Application DC/15/1557/FUL

Avenue Farm, Icklingham to West Farm, Barnham

Date: 23 September **Expiry Date:** 23 December 2015
Registered: 2015

Case Officer: Dave Beighton **Recommendation:** Delegate Authority to FHDC to determine this application

Parish: Barnham **Ward:** Bardwell

Proposal: Planning Application - Cross Boundary Application - Installation of a 33KV underground electricity cable from the solar farm site at Avenue Farm, Icklingham (F/2013/0258/ESF) to the proposed solar farm site at West Farm, Barnham (DC/13/0801/FUL)

Site: Avenue Farm Icklingham to West Farm Barnham
Suffolk

Applicant: Elveden Farms Ltd.

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee grant delegated authority to Forest Heath District Council to determine this application.

CONTACT CASE OFFICER: Dave Beighton
Email: dave.beighton@westsuffolk.gov.uk
Telephone: 01638 719470

Background:

This application is presented before the Committee not for determination, but to request that the Committee grants delegated authority to Forest Heath District Council for FHDC to consider and determine this cross boundary application on behalf of St. Edmundsbury Borough Council.

Proposal and Officer Comment:

1. Planning permission is sought for the installation of an underground cable from the approved solar farm at Avenue Farm, Icklingham (within FHDC administrative area), through to the site of the proposed solar farm at Barnham, within St. Edmundsbury. This latter solar farm was refused by SEBC and is presently at appeal.
2. The installation will involve the formation of a 1.5 metre deep and 0.5 metre wide trench. The soil on either side of the trench will remain undisturbed. The route will follow existing tracks from Avenue Farm northbound towards Dukes Ride wood and then following Dukes Ride eastwards to West Farm. The entire cable route follows existing farm tracks.
3. The cable will enable electricity generated by the Icklingham solar farm to be connected to the National Grid via connection points at West Farm, Barnham. This of course assumes a grant of planning permission through the ongoing appeal in relation to the West Farm solar farm, but this is not a material consideration for the purposes of considering this scheme, which must be judged on its own merits.
4. This application is what is known as a 'cross boundary application'; that is, it is a development proposal which due to its size, nature and geographical extent, crosses between more than one local council area. In this case the two Authorities involved are Forest Heath District Council and St. Edmundsbury Council. In cases such as this it is practise for the same application to be submitted to both Planning Authorities. Application DC/15/1556/FUL is presently with FHDC for consideration. It is also practice in case such as this for the planning application fee to be paid to the Authority which contains the majority of the development proposed, which in this case is Forest Heath.
5. Thereafter, it falls to the Authorities involved to co-ordinate their subsequent determination and approval of matters. In discussion with Legal Officers it is considered that the simplest and most expeditious method of determining this matter is for St. Edmundsbury Council to grant delegated authority to Forest Heath, such that Forest Heath can determine the entire application on behalf of both Authorities. Such a step is possible under S101(1) of the Local Government Act 1972, which states as follows –

101 Arrangements for discharge of functions by local authorities.

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

(a) by a committee, a sub-committee or an officer of the authority; or

(b) by any other local authority.

6. What such a delegation would effectively do is enable Forest Heath to be the sole Local Planning Authority for the purposes of this matter. It would simplify the matter for the developer since there would be a single decision notice and a single set of conditions (rather than duplication of such) and it would simplify the consideration process as well since there would be a single report etc. It is recommended that delegated authority is granted to FHDC, not just for the consideration and determination of this application but also for any condition requiring the discharge of work thereafter as well as any potential requests for variation of condition or non material amendment etc. that might arise in the ordinary course of events subsequently.
7. Accordingly, and as advised above, this matter is not therefore presently before Members for consideration and determination, rather it is presented on a procedural basis. Officers recommend that St. Edmundsbury Borough Council give delegated authority to Forest Heath District Council in order that Forest Heath can thereafter consider and determine this application on behalf of both authorities. Once such delegated authority has been granted it is anticipated that any detail submitted under DC/15/1557/FUL would be superfluous and the matter could be withdrawn, with consideration of the entire matter made by FHDC under DC/15/1556/FUL.

Recommendation:

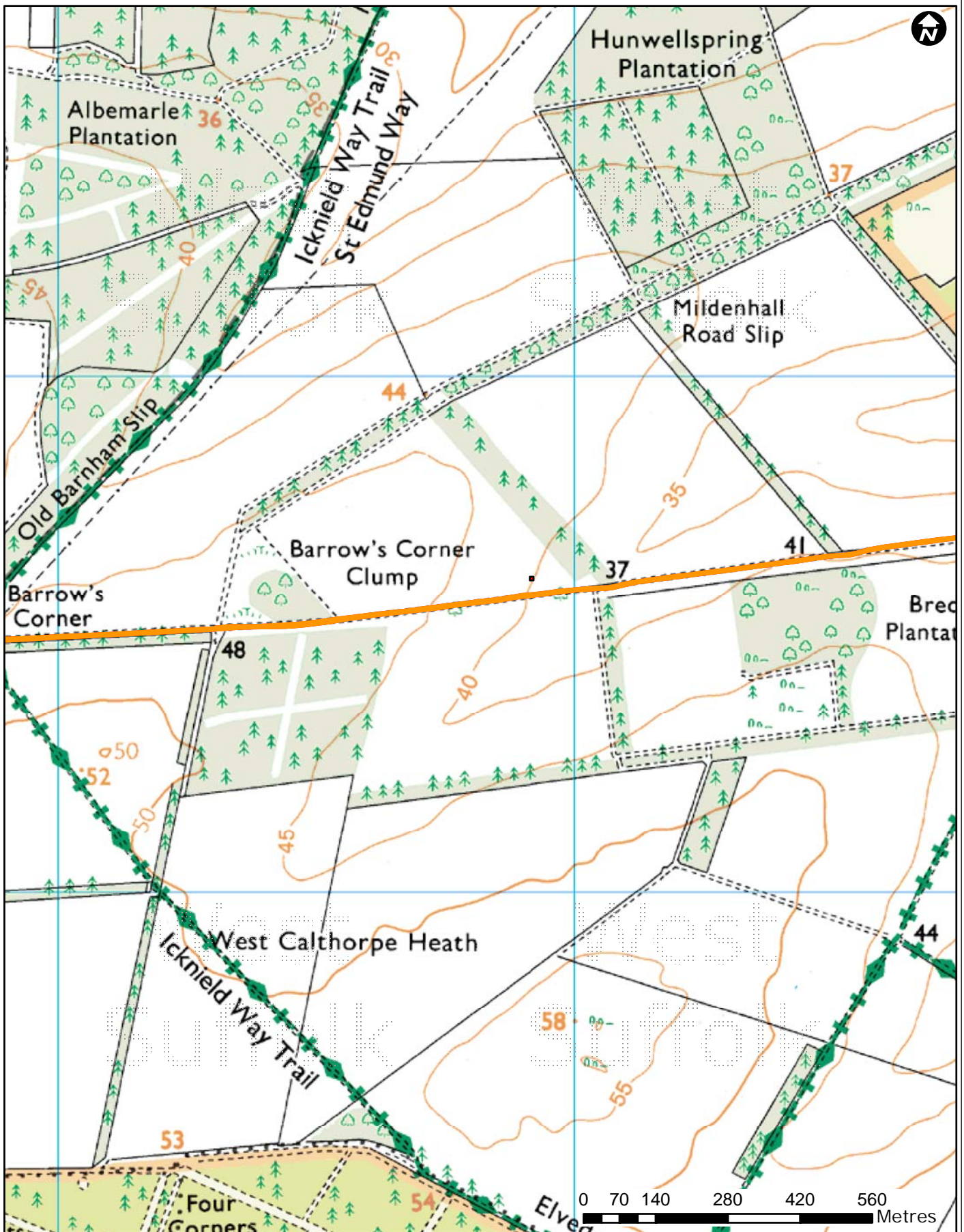
8. It is **RECOMMENDED** that St. Edmundsbury Borough Council gives delegated authority to Forest Heath District Council to enable Forest Heath District Council to formally determine all planning matters within both Council areas in relation to the proposed underground electricity cable between Avenue Farm, Icklingham and West Farm, Barnham, presently submitted for consideration under planning application reference DC/15/1557/FUL. This delegation to extend to any potential discharge of condition applications plus consideration of any potential variation of condition or non material amendment applications relating to the same development.

Documents:

All background documents including application form, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NSCYMSPDJLJ00> - Dave Beighton – 01638 719470

This page is intentionally left blank



This page is intentionally left blank

Avenue Farm Solar Cable Route



Page 129

This material may be subject to copyright © and require a license statement



ELVEDEN

Elveden Farms Ltd
Estate Office
Elveden
Thetford
Norfolk IP24 3TQ

Tel: 01842 890223
Fax: 01842 890070
Email: estate.office@elveden.com
Web: www.elveden.com

Key

 Cable Route
 Estate Boundary

Operator:	S. Cox
Department:	Woods
Drawing No:	1
Date: 22/07/2015	Scale: 1:55000

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank