

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda		
Date:	Thursday 1 March 2018		
Time:	10.00 am		
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU		
Full Members:	<div><div>Chairman Jim Thorndyke</div><div>Vice Chairman Carol Bull and David Roach</div><div><div><u>Conservative Members (12)</u></div><div>Terry Clements Robert Everitt Paula Fox Susan Glossop Ian Houlder</div><div>Ivor Mclatchy Alaric Pugh Andrew Smith Peter Stevens</div></div><div><div><u>Charter Group Members (2)</u></div><div>David Nettleton</div><div>Julia Wakelam</div></div><div><div><u>Haverhill Indys Member (1)</u></div><div>John Burns</div><div></div></div><div><div><u>Independent (non-group) Member (1)</u></div><div>Jason Crooks</div><div></div></div></div>		
Substitutes:	<div><div><u>Conservative Members (6)</u></div><div>John Griffiths Sara Mildmay-White Richard Rout</div><div>Peter Thompson Frank Warby Vacancy</div></div> <div><div><u>Charter Group Member (1)</u></div><div>Diane Hind</div><div></div></div> <div><div><u>Haverhill Indys Member (1)</u></div><div>Tony Brown</div><div></div></div>		
*** THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA ***			
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:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

DEVELOPMENT CONTROL COMMITTEE: AGENDA 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 online here:

<https://planning.westsuffolk.gov.uk/online-applications/>

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 Council Core Strategy 2010
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Local Plan Policies Map 2015
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
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 must 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' website:

<https://www.westsuffolk.gov.uk/planning/upload/Guide-To-Having-A-Say-On-Planning-Applications.pdf>



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 set out in the National Planning Policy Framework (paragraph 206). 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/altered, 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/altered, 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 Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) 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 Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (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/alterd, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) 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 the Planning Practice Guidance.

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

Agenda

Procedural Matters

Part 1 - Public

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 - 12

To confirm the minutes of the meeting held on 1 February 2018 (copy attached).

**4. Planning Application DC/17/2429/VAR - Haverhill
Research Park, Hanchett End, Haverhill**

13 - 46

Report No: **DEV/SE/18/007**

Variation of condition 8 of DC/14/2087/OUT to remove use class restrictions limiting B1 (c) light industry to ancillary areas of individual buildings only, allowing for a general B1 (a) (b) (c) light industrial use across the whole site

**5. Planning Application DC/17/0688/FUL - 46 To 47, St
Andrews Street South, Bury St Edmunds**

47 - 70

Report No: **DEV/SE/18/008**

Planning Application - 3 storey building with basement level to comprise 16 no. residential apartments (following demolition of existing buildings). As amended by revised plans and documents received on 25 September 2017

**6. Planning Application DC/17/2451/HH - 6 Spring Cottages,
Sturmer Road, Haverhill**

71 - 78

Report No: **DEV/SE/18/009**

Householder Planning Application - Single storey rear extension

**7. Tree Preservation Order TPO/028 (2017) - The Foundry,
Old Bury Road, Stanton**

79 - 90

Report No: **DEV/SE/18/010**

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 1 February 2018 at 10.00 am at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairman Carol Bull and David Roach

John Burns

Terry Clements

Robert Everitt

Paula Fox

Susan Glossop

Ian Houlder

David Nettleton

Alaric Pugh

Andrew Smith

Peter Stevens

Julia Wakelam

By Invitation:

Mike Chester

Patrick Chung

Sarah Stamp

359. **Apologies for Absence**

Apologies for absence were received from Councillor Ivor Mclatchy.

The Democratic Services Officer also explained that since publication of the agenda Councillor Jason Crooks had lost his seat on the Committee as a result of the UKIP Group ceasing to exist on the Borough Council, in light of recent resignations from said Group. This seat was, therefore, now a 'vacancy' and appointment to the Committee would be addressed at the meeting of full Council on 20 February 2018.

360. **Substitutes**

There were no substitutes present at the meeting.

361. **Introductions**

The Service Manager (Planning – Development) introduced Members to the two Legal Officers in attendance who were imminently due to qualify in their profession; following which they would be providing legal support to future meetings of the Development Control Committee. She also introduced Matthew Harmsworth; a Planning Officer who had recently joined the team.

362. **Minutes**

The minutes of the meeting held on 7 December 2017 were unanimously received by the Committee as a correct record and were signed by the Chairman.

363. **Planning Applications DC/17/1763/FUL & DC/17/2606/VAR - Nunwick Farm, Rede Road, Whepstead (Report No: DEV/SE/18/002)**

(Councillor David Nettleton declared a non-pecuniary interest in this item, in that one of the objectors, who was representing family members that were neighbours to the applications' site, was his next door neighbour.)

DC/17/1763/FUL - Planning Application - Construction and part retention of a single storey outbuilding to provide garaging and storage associated with the residential occupation of the site

DC/17/2606/VAR - Planning Application - Variation of Condition 9 of DC/15/0426/FUL (Planning Application - Change of use of land from agriculture to domestic use) to read "The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied"

Planning Application DC/17/1763/FUL had been referred to the Development Control Committee following consideration by the Delegation Panel. The application had been referred to the Delegation Panel at the request of Ward Member (Chedburgh) Councillor Mike Chester.

Accordingly, related Planning Application DC/17/2606/VAR was also presented to the Committee for determination as it concerned the same site.

The Parish Council had no objection to either application, letters of representation had been received from a number of third parties; some in support of the applications and others objecting to both.

A Member site visit was held prior to the meeting. Officers were recommending that both applications be approved subject to conditions, as set out in Paragraph 64 of Report No DEV/SE/18/002.

The Principal Planning Officer drew attention to the supplementary papers that had been circulated in connection with the applications, following publication of the agenda.

The Officer also advised that since agenda publication one further letter of representation had been received citing support, in general terms, for both applications. Furthermore, Officers were aware that Members had been contacted directly by an objector and he reminded the Committee to consider the applications before them on their own merits, irrespective of previous enforcement action on the site, which had no bearing on the determination of the schemes.

It was also highlighted to Members that previously approved Planning Application DC/17/2606/VAR was not be revisited in terms of the issue of principle, which was already established. The matter seeking determination was purely permission to vary the wording of a condition in connection with a previous approval.

Speakers: Mr Bill Hill (on behalf of family members who were neighbours to the applications' site) spoke against the application
Mr Brian Morron (agent) spoke in support of the application

Councillor Peter Stevens thanked the Case Officer for the clarity of report and presentation. He also made reference to the changes in planning legislation that had occurred over time. Councillor Stevens stated that he was satisfied with the Officer recommendations and moved that the applications be approved as per the report.

Councillor Carol Bull echoed this satisfaction and seconded the motion.

On conclusion of further remarks made by Members of the Committee, the motion was put to the vote and with 13 voting for the motion and with 1 abstention, it was resolved that

Decisions

DC/17/1763/FUL

Planning permission be **GRANTED** subject to the following conditions:

1. Time limit.
2. Compliance with plans.
3. Building to be used for purposes incidental to the enjoyment of the dwelling under construction within the large' barn on the site.

DC/17/2606/VAR

Planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 28th April 2018.
2. The soft landscaping shown on drawing 2276/102 Revision D 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.
3. The hard landscaping shown on drawing 2276/102 Revision D shall be implemented within six months from first occupation (or within such extended period as may first be agreed in writing with the Local Planning Authority).

4. The development shall proceed in accordance with the contents of the letter dated 20th April 2015 (ref KO/46348) and The Remediation Method Statement dated November 2015 (ref 46348), both documents produced by Richard Jackson Ltd.
No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation method statement referred to above has been submitted to and approved in writing by the Local Planning Authority.
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
5. The bin storage area shown on drawing 2276/102 Revision D shall be implemented before first occupation and thereafter retained.
6. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 1 Class E and Part 2 Class A - B of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
8. The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied.

364. **Planning Application DC/17/1487/FUL - Station Yard, Station Road, Barnham (Report No: DEV/SE/18/003)**

Planning Application - 1no. industrial storage building (B8)

This application had been referred to the Development Control Committee in light of it being a major development and because the Parish Council objected to the proposal which was contrary to the Officer recommendation.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 71 of Report No DEV/SE/18/003.

As part of her presentation the Senior Planning Officer drew attention to conditions 7, 8 and 9 which concerned HGV movements. Since publication of the agenda, and following further consultation with Suffolk County Council Highways, amendments had been made to these conditions as outlined to the meeting.

Speakers: Councillor Ed Wyer (Chairman, Barnham Parish Council) spoke against the application

Councillor Andrew Smith (Ward Member: Bardwell) spoke against the application
Mr James Tanner (agent) spoke in support of the application

Prior to the Chairman opening the item up for debate by the Committee, the Lawyer advising the meeting reminded Councillor Smith of the importance of not having a closed mind in respect of the proposal before Members that was seeking determination. Councillor Smith acknowledged this.

In response to a question with regard to vehicle charging points the Case Officer confirmed that the conditions in respect of this had been guided by the Council's Environment Team and 5% of the parking would include electrical car charging points, but this did not include provision for HGV charging.

A number of Members made comment with regard to the facility operating on Sundays and Bank Holidays. The Officer explained that construction on these days was restricted via conditions but not the operation of the facility; which had a need to open on these days in order to meet demand.

Councillor David Nettleton moved that the application be approved, as per the Officer recommendation and inclusive of the amendments to conditions 7 – 9 as outlined. This was duly seconded by Councillor Terry Clements.

Upon being put to the vote and with 11 voting for the motion and with 3 against, it was resolved that

Decision

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.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 Prior to the installation of any water supply to the building a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. The use of any water installations shall not commence until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
- 4 The strategy for the disposal of surface water (dated October 2017, ref: 22050/802 by Plandescil) and the Flood Risk Assessment (FRA) (dated Oct 17, ref: 22050/FRA&SWDS/Rev0/CS) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 5 The building hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 6 No development shall commence until details of a construction

- surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.
- 7 The total number of HGVs to and from the building shall not exceed 42 per day.
- 8 HGV movements to and from the building hereby approved will only take place between 7am - 7pm daily.
- 9 On commencement of the use of the building hereby approved, the owners/operators of the site shall keep an up-to-date log of all HGVs movements associated with the building which shall include the times and registration of the vehicles entering/leaving the site each day. The Register shall be made available for inspection by the Local Planning Authority within 24 hours of request.
- 10 The site 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.
- 11 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
- 12 The vehicular access hereby permitted shall be a minimum width of 7.3 metres for a distance of 15m metres measures from the nearby edge of the carriageway.
- 13 Before the use of the building hereby approved commences details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.
- The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 14 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 15 Gates shall be set back a minimum distance of 15m metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
- 16 The use shall not commence until the area(s) within the site shown on drawing 1733 1 I for the purposes of loading, unloading, manoeuvring and parking of vehicles for both existing and proposed units and the secure storage of cycles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 17 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of

the metalled carriageway and a line 4.5m metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 153 metres in a westerly direction and 164m in an easterly direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

- 18 The carriageway shall be widened to at least 6.5m for at least 50m from the access in a easterly direction.
- 19 Construction works must not take place within the stone curlew breeding season (March to the end of August). If it is proposed to carry out works during this period, an assessment of the effects of the proposals which must include review of RSPB nest records up to 500m from the site to assess whether birds are likely to be nesting within the distance where they may be disturbed. The assessment should be submitted and agreed in writing prior to commencement of development and any mitigation measures provided in full.
- 20 Prior to commencement of the building hereby permitted details for precautionary site clearance and management of the site including a method statement shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented as approved in writing by the local planning authority.
- 21 The works shall be carried out in accordance with the details contained in the Biodiversity Survey by Framlingham Environmental dated 29th June 2017 as submitted and agreed in principle with the Local Planning Authority prior to determination. The enhancement measures shall be implemented prior to the occupation of the building hereby approved.
- 22 The works shall be carried out and the building operated in accordance with the details contained in the SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT received on 19 Dec 2017. The agreed electric vehicle charge points for staff and/or visitor use shall be provided prior to first operational use of the site. The Electric Vehicle Charge Points shall be retained thereafter.
- 23 A Travel Plan as detailed in the said statement shall be submitted to and agreed in writing with the Local Planning Authority prior to its first occupation. The approved details of the travel plan shall be implemented prior to the first use of the building and the development shall be operated in accordance with the travel plan thereafter unless otherwise approved in writing by the Local Planning Authority.

365. Planning Application DC/17/2235/HH - 29 Thistledown Drive, Ixworth (Report No: DEV/SE/18/004)

Householder Planning Application - Two storey rear extension (following demolition of existing conservatory)

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The matter was referred to the Delegation Panel because the Parish Council had submitted objections.

A Member site visit took place prior to the meeting. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 22 of Report No DEV/SE/18/004.

As part of his presentation the Planning Officer drew attention to updated plans which reflected the amendments that had been made to the application since original submission (as made reference to in Paragraph 3 of the report). He also clarified that the decking shown on the plans would be at ground level.

The Officer also made reference to the applicant's fall-back position in respect of Permitted Development Rights. The Committee was advised that should the scheme be amended by a 10cm reduction (relative to No. 27) and 30cm (relative to No. 31) then it would not require planning permission.

Speaker: Mr Jeff Laidlaw (neighbour) spoke against the application

A number of Members commented on the potential loss of light the application would have on No. 27. The Case Officer explained that any loss of light was considered to be minimal and restricted to the first part of the day as the rear gardens in question were North facing. In response to comments made by the neighbour in this regard the Planning Officer had requested shadow plans from the agent, however, these had been unable to have been provided prior to the meeting of the Committee.

Some Members remarked on the dissatisfaction at not having shadow plans to refer to, when they had been specifically requested. As such, Councillor John Burns proposed that the application be deferred for consideration at a later meeting inclusive of shadow plans. This was duly seconded by Councillor David Nettleton, who suggested that there could be value in a repeat site visit held in the early part of the day.

Upon being put to the vote, and with 13 voting for the motion and with 1 against, it was resolved that

Decision

The application be **DEFERRED** for consideration at future meeting of the Development Control Committee inclusive of shadow plans.

366. **Planning Application DC/17/2276/FUL - 11 Hardwick Lane, Bury St Edmunds (Report No: DEV/SE/18/005)**

Planning Application - 1no. dwelling

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The matter was referred to the Delegation Panel because the Town Council had no objection to the proposal,

which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 23 of Report No DEV/SE/18/005.

The Planning Officer advised that since publication of the agenda one further letter of representation had been received in support of the scheme.

Speakers: Councillor Sarah Stamp (Ward Member: Southgate) spoke in support of the application
Mr Ben Elvin (agent) spoke in support of the application

Councillor Alaric Pugh spoke in support of the scheme and proposed that the application be approved, contrary to the Officer recommendation of refusal. This was duly seconded by Councillor David Nettleton who also spoke in support.

The motion for approval was verbally supported by a number of other Members, in light of which the Case Officer read out a number of conditions that would be applied to the application if approved. Officers did not consider a risk assessment to be necessary.

Upon being put to the vote, and with the vote being unanimous, it was resolved that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 1 Class A, B and C of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
- 5 The site 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.
- 6 Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.
- 7 No security lights or floodlights shall be erected on site without the submission of details to, and written approval

from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.

- 8 The use shall not commence until the area(s) within the site shown on Drawing No. 54-17 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 9 The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 54-17 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 10 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

367. Planning Application DC/17/2482/FUL - Land North of Willow Tree Farm, Mill Road, Brockley (Report No: DEV/SE/18/006)

Planning Application - 2no. dwellings with associated vehicular access and copse area

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The matter had been referred to the Delegation Panel at the request of Councillor Peter Stevens (Ward Member: Cavendish) and because the Parish Council had no objection to the proposal, which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 35 of Report No DEV/SE/18/006.

The Planning Officer drew attention to the plan within 'late papers' that had been circulated in connection with the application, as a result of the version included within the agenda having been printed incompletely.

The Officer also highlighted Paragraph 32 of the report in which it explained the position with regard to a neighbouring approved application site that fell partly within the remit of Babergh District Council.

Speaker: Mr Dean Pearce (agent) spoke in support of the application

Councillor Peter Stevens spoke in support of the scheme and proposed that the application be approved, contrary to the Officer recommendation of refusal. This was duly seconded by Councillor David Roach.

The motion for approval was verbally supported by a number of other Members, in light of which the Case Officer read out a number of conditions that would be applied to the application if approved.

The Service Manager (Planning – Development) explained that whilst the proposed development did not accord with Policy DM27, Members clearly considered that it was a sensitive and modest development which would

contribute to the Council's housing supply. In this case Officers, therefore, did not consider a risk assessment to be necessary. She also advised the Committee that there had been a number of recent appeal decisions made in relation to Policy DM27 and she would look to arrange a Member seminar on this topic in the near future.

Upon being put to the vote, and with 13 voting for the motion and with 1 against, it was resolved that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.
- 4 The acoustic insulation of each dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.
- 5 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 17/79/06 as per DM01 (SCC - Domestic Vehicular Access Layout); with an entrance width of 4.5m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.
- 6 The access driveway shall be constructed at a gradient not steeper than 1 in 8.
- 7 Prior to the development hereby permitted being first occupied, the access onto Mill Road shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 8 The use shall not commence until the areas within the site shown on Drawing No. 17/79/06 for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.
- 9 Prior to the access being constructed the ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.
- 10 Before construction of the access is first commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be

- carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 11 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no means of frontage enclosure shall exceed 0.6 metres in height above the level of the carriageway of the adjacent highway.
 - 12 The recommendations expressed in section 5 of the submitted Great Crested Newt Assessment prepared by Skilled Ecology Consultancy Ltd. (dated November 2017, received 1st December 2017) shall be implemented in full.
 - 13 The dwellings hereby permitted shall not be occupied until there has been 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 prior to occupation (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 ten 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.
 - 14 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

On conclusion of this item the Service Manager (Planning – Development) advised Members that it was to be the Planning Officer's last meeting in attendance at the Development Control Committee, in light of him leaving the West Suffolk Councils later in the month in order to take up a Senior Planning Officer post at South Cambridgeshire District Council. All Members wished the Officer well in his future endeavours.

368. **Announcement**

Prior to closing the meeting, the Chairman reminded all Members that they were to receive a training seminar immediately following the Committee.

The meeting concluded at 12.20pm

Signed by:

Chairman



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/007

Development Control Committee 1 March 2018

Planning Application DC/17/2429/VAR – Haverhill Research Park, Hanchett End, Haverhill

Date Registered:	15.11.2017	Expiry Date:	14.02.2018 (EOT until 05.03.2018)
Case Officer:	Gary Hancox	Recommendation:	Approve Application
Parish:	Withersfield	Ward:	Withersfield
Proposal:	Variation of condition 8 of DC/14/2087/OUT to remove use class restrictions limiting B1 (c) light industry to ancillary areas of individual buildings only, allowing for a general B1 (a) (b) (c) light industrial use across the whole site.		
Site:	Haverhill Research Park, Hanchett End, Haverhill		
Applicant:	Mr Nic Rumsey		

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:

Gary Hancox

Email: gary.hancox@westsuffolk.gov.uk

Telephone: 01638 719258

Background:

The application being a major has been referred to the Development Control Committee because Withersfield Parish Council have objected to the proposal contrary to the Officer recommendation of APPROVAL.

Proposal:

1. The application seeks the variation of condition 8 of DC/14/2087/OUT to remove use class restrictions limiting B1 (c) light industry to ancillary areas of individual buildings only, and instead allowing for a general B1 (a) (b) (c) business use across the whole site.

Site Details:

2. The site extends to approximately 7 hectares and is allocated for employment use having the benefit of outline planning permission for a research and development business park and a hotel. It is located at the western edge of Haverhill but within the parish of Withersfield and beyond the residential development at Hanchet village. It is adjoined by the Haverhill by-pass (A1017) to the south west and Cambridge Road to the north (A1307). Adjoining the site to the east is the residential development known as the 'Arboretum'. This development shares the main spine road serving the site with access to the A1017 and is serviced with infrastructure having already been provided, including sustainable drainage attenuation features and a landscaped pond.

Planning History:

Reference	Proposal	Status	Decision Date
DC/14/2087/OUT	Outline Planning Application (Means of Access to be considered) - Construction of research/business park (Class B1) and hotel (Class C1) (previously approved under applications SE/11/1062 and SE/11/1063) See Working Paper 2 for relevant committee report.	Application Granted	22.12.2014
DC/14/0180/FUL	Planning Application - Erection of four storey building comprising Innovation Centre for Haverhill Research Park, including car parking areas and new vehicular access as amended by agents	Application Granted	10.06.2014

email dated 30th April 2014 requesting that the Innovation Centre be allowed to operate on a 24 hour basis

SE/12/1339/RM	Reserved Matters - Application Submission of details under SE/11/1064 - The layout, siting, design and external appearance of buildings and details of open space and landscape design to serve the erection of 150 dwellings as amended by plans received 29 November 2012 showing revised layout and building types with associated changes to open space, landscaping and highways	Approved	11.01.2013
SE/11/1062	Outline Planning Application - Erection of Research/Business Park (Class B1) development	Application Granted	18.01.2012
SE/11/1061	Planning Application - Ground remodelling, provision of services, infrastructure and new access road together with structural landscaping in connection with proposed development of site for employment and residential purposes as amended by plan received 30.09.2011 showing extent of highway boundary	Application Granted	18.01.2012

Consultations:

Withersfield Parish Council – Object.

- The existing restriction on use class B1c as being ancillary to B1a and b use was considered to be a reasonable and valuable safeguard to the type of development permitted and ensured that any such development would be compatible with its position adjacent to and sharing access with a residential development;
- Two of the four development sites were accessed solely via the housing estate access road, and the addition of vehicles associated with

predominantly light industrial usage would be incompatible and lead to a danger for families resident in the area;

- A change of use would lead to a significant change in the character of the research park and the Arboretum development which had been marketed as providing a high quality environment;
- The change of use, if permitted, would have a detrimental impact on the concept of the research park which formed a gateway to Haverhill. It could significantly undermine the future of the Town.

Haverhill Town Council – Object.

- The Research Park is an iconic 'Gateway to Haverhill', aspirations for this site are for a high-end research related activity, to capitalise on our proximity to Cambridge. There remains a significant amount of industrial land zoned elsewhere along the by-pass.
- Policy HV10 needs to be read in conjunction with paragraph 6.11 'the site known as Haverhill Research Park, has the potential to deliver a high quality research and business park to attract high technology firms and related activities' (our emphasis). The Vision 2031 Local Plan, still has 12 years to run, so calling time on this aspiration is precipitous.
- General Industrial Use would affect the quality of life for existing residents, air quality, noise from industrial operations, as well as HGV movement. The latter may be both heavier and slow moving vehicles, which compromise the safety of vehicles emerging onto the A1307 given the proximity to two roundabouts from which traffic will be accelerating.
- Impact on air quality is of particular concern in respect of the early years nursery located on the site in expectation of no industrial activity.
- The potential move away from the original aspirations for the Research Park would be a significant blow to the Town given the intention that the site was to attract some of the prosperity being generated by research around Cambridge. The Borough Council and the LEP/s have invested significant public funds to this end. The opportunity to benefit from this remains and therefore should not be easily discarded.
- In order for the applicant to demonstrate the Change of Use is unavoidably necessary, they must demonstrate the existing use is unsustainable. Given that the sustainability of the site is predicated on the construction of the Innovation Centre, until this is actually built and occupied, the applicant is not in a position to successfully prove an argument for Change of Use.
- In addition to the concerns held by the Town Council, we are aware that residents on the Arboretum feel very strongly that this proposed change betrays the ways their houses were marketed, for example: when purchasing their properties some residents specifically sought to live at the Arboretum due to the development being a Research Park.'

Uttlesford District Council – No comments.

South Cambridgeshire District Council – No comments.

SCC Highways - accepts the change of use class on this site, providing that each site when it comes forward meets all Suffolk parking guidance and other relevant guidance and policy that applies at that time.

Public Health and Housing – No objection.

Economic Development & Growth (EDG) - Supports the application to vary condition 8 of the existing consent to allow for B1c uses.

- Initial studies undertaken with regard to the future potential and viability of the concept of a research park at Haverhill were originally based around Policy HAV3 which allocated the land at Hanchett End, Haverhill as a strategic employment site for B1 and B8 uses. This included a) light industrial, research and office use; b) units for new and small firms involved in high technology and related activities; or c) low density development with extensive landscaping.
- More recently policy HV10 of the Vision 2031 document stated that development at Haverhill Research Park (HRP) will comprise the following B1 classes - light industrial, research and office use; units for new and small firms involved in high technology and related activities; or low density development with extensive landscaping. Both these policies, therefore, envisaged that a high quality research park would include light industrial uses.
- From an economic development point of view allowing this wider range of uses within HRP increases the likelihood of the site being used for employment purposes.
- EDG is aware of at least one company that chose not to locate on HRP because it was not able to apply under the Outline consent – even though its B1c operation would have been acceptable in Policy terms.

Representations:

Cllr Jane Midwood (Local Member) – fully supports the decision taken by Withersfield Parish Council to object to the planning application.

- Withersfield Parish Council reached their decision following a public meeting at which a large number of residents from The Arboretum, Hanchett End and Barsey Close and other areas of the village were present. The meeting was conducted in a fair and proper manner and fully enabled residents to voice their concerns. I attended the public meeting by invitation as Borough Councillor for the ward and remained to observe the extraordinary meeting of the Parish Council which followed.
- My chief concern is access to the proposed development sites. Light industrial traffic would share the access road to the already occupied residential area.
- The significant change of status from Research Park to a light industrial site would, I believe, be detrimental to the quality of life of nearby residents. These residents bought their properties in the knowledge that they would be living in a high quality environment – the focus of the marketing strategy.
- The existing restriction to Class B1c use of the site should be retained as a safeguard to maintain the residential nature of this part of the Research Park, forming an attractive gateway to Haverhill and fulfilling the original objectives for the future of the site.

Local Residents – 20 letters of objection received mainly from residents of The Arboretum estate, but also from Hanchett End and Surridges Farmhouse.

- Inappropriate to use this area for light industry. It will create noise and traffic for the residents of the Arboretum, the Flying Feathers and the Nursery.
- Further residential development would be more appropriate.
- Lorries and extra cars parking will cause congestion and a safety concerns when the children are dropped off.
- Already traffic issues at the junction to the estate due to restricted vision.
- Would affect the quality of life for existing residents.
- Industrial units here would involve Heavy vehicles coming and going into the estate day and night and on the weekends.
- People bought houses with the promise of high spec office buildings.
- There is already a mass of existing & vacant industrial sites available in Haverhill.
- Buildings typically associated with light industry would not be in keeping with the vision or the surrounding countryside.

(Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

Policy:

3. 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:

Joint Development Management Policies Document:

- Policy DM1 - Presumption in Favour of Sustainable Development
- Policy DM2 - Development Principles/Local Distinctiveness

St Edmundsbury Core Strategy December 2010

- Policy CS1 - Spatial Strategy
- Policy CS2 - Sustainable Development
- Policy CS3 - Design and Local Distinctiveness
- Policy CS7 - Sustainable Transport
- Policy CS9 - Employment and the Local Economy
- Policy CS12 - Haverhill Strategic Growth
- Policy CS14 - Community Infrastructure

Haverhill Vision 2031:

- Policy HV1 - Presumption in Favour of Sustainable Development
- Policy HV10 - Strategic employment site - Hanchett End, Haverhill

12 hectares of land at Hanchett End, Haverhill are allocated as a strategic employment site for class B1 use of the Town & Country Planning (Use Classes) Order 1987 (as amended).

Development at the Haverhill Research Park will comprise the following:

- *light industrial, research and office use;*
- *units for new and small firms involved in high technology and related activities; or*
- *low density development with extensive landscaping.*

The amount of land available for development, location of uses, access arrangements, design and landscaping will be informed by a masterplan for the site (a masterplan was adopted in 2011 for a limited period of 3 years)

Other Planning Policy:

4. National Planning Policy Framework (2012) core principles and paragraphs 22, 56 - 68

Officer Comment:

5. Haverhill Vision Policy HV10 allocates a strategic employment site in a gateway location at the western approach to the town at Hanchett End adjacent to the Spirit of Enterprise roundabout. This site is known as the Haverhill Research Park, and its aim is to deliver a high quality research and business park to attract high technology firms and related activities. A masterplan for the development of the site was adopted in 2011 for a period of three years recognising likely issues concerning the viability of developing the site due to high infrastructure costs. The masterplan therefore allowed, as an exception to policy, the construction of new homes on part of the site to assist in the delivery of the wider employment site. Planning permission for 150 dwellings was approved in January 2013, and the 'Arboretum' development has now been completed.
6. Policy HV10 states that development at the Haverhill Research Park will comprise the following:
 - light industrial, research and office use;
 - units for new and small firms involved in high technology and related activities; or
 - low density development with extensive landscaping.
7. This policy does not seek to restrict or limit B1 use to office and research and development only, but merely gives in principle support for all forms of light industry, but especially to high end technology businesses both new and established.
8. Outline planning permission DC/14/2087/OUT, sets out the parameters for the development of the site and includes the following condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), the site and all buildings erected thereon shall be used for Class B1 (Business) purposes and Class C1 (hotel) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, or in any legislation revoking or re-enacting that class, save that any uses falling within Class B1C (light industry) shall be limited to ancillary areas of any individual buildings where the predominant use of any building shall remain B1A (offices) or B1B (research and development).

Reason: To ensure the appropriate use of the site in accordance with Policy HV10 of the Haverhill Vision 2031.

9. This condition effectively restricts any business wishing to locate at the site to a very specific type of use in line with the vision set out in the policy. It also allows for a hotel (Class C1) on the site as shown in the approved masterplan. Control of future buildings is maintained through the submission of reserved matters. However, a restriction of this type is not necessarily required to meet the aims of the policy.
10. For member's information the Use Classes Order 1987 splits business uses into the following classes, having regard to the type and scale of use being carried out.

B1 Business – (a) offices, (b) research and development and (c) industrial process (which can be carried out in a residential area without causing detriment to the amenity of the area)

(Note: - B1 (c) uses can include manufacturing of small goods, however it is the impact on the amenity of the local area that will dictate its inclusion in this class)

B2 General Industry – industrial process not falling within B1. Uses in this class can often include much noisier and intrusive industrial process, perhaps using solvents and chemicals.

B8 Storage or distribution – uses in this class tend to involve warehouses and or distribution centres.

See link below for full explanation of the Town and Country Planning (Use Classes) Order 1987, as amended:

<http://lichfields.uk/media/2913/lichfields-use-class-order.pdf>

11. The applicants contend that the condition restriction is no longer necessary and is in fact contributing to the lack of interest in businesses locating to the site. The applicants state that development plots within the site have been actively marketed for B1 Use, in accordance with the outline planning permission, for over six years. However, to date no businesses have chosen to locate at the Research Park. Prospective occupiers for new buildings on the site have expressed the view that the planning condition places an unwelcome restriction on their likely occupation and business use of any building and have cited the wording of the condition as a reason not to move to the Research Park.
12. In support of their request, the applicants cite paragraph 22 of the NPPF *"planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose"....."applications for alternative uses of land or buildings should be treated on their merits having regard to market signals..."*. Marketing evidence since 2012 has also been provided including the following:
- Dedicated website set up in 2012 – pays particular attention to cost comparison with the Cambridge market, creation of high quality, well landscaped environment, and deliverability.

- Three agents appointed (also in 2012) – Cheffins (well-established local agents), Carter Jonas (national agents with specific R&D/science park expertise), and Bray Fox Smith (to cover the London market).
 - Property press – regular advertising and PR events to promote site.
 - Local initiatives – Agent/occupier functions on and off-site; continuous dialogue with, and membership of, Haverhill and Suffolk Chambers of Commerce, including several presentations at their Breakfast Meetings; HRP had membership for several years of UKSPA, Cambridge Network, Cambridge Wireless, and Cambridge Cleantech.
 - Targeted marketing – regular, targeted contact made with specific R&D occupiers and local companies.
 - Two different attempts at 'branding' of the HRP have been made.
 - Local incentives strongly pursued, with good degree of success - e.g. Enterprise Zone status achieved for site in March 2016.
 - Obtained detailed planning permission twice for an Innovation Centre and engaged in detailed discussions with St John's College in respect of joint working on the Innovation Centre.
13. The applicants also indicate that they have failed to attract business from the Cambridge market and that the R&D/Technology market is not cost sensitive with businesses being willing to pay more to be in the established Cambridge clusters. The aspirations to create a viable Research Park development are unachievable at present, and recent evidence suggest that this situation will not change in the foreseeable future. Five years of extensive and continuous marketing for B1 uses without a single deal with any prospective occupier illustrates this fact.
14. If approved, the relaxation of the condition to allow light industrial uses to occupy the site would potentially widen the marketing opportunity to include solely light industrial occupiers. This may attract business to the site and kick start development. The Council's own Economic Development & Growth team supports this approach, and also note that Policy HV10 envisages that a high quality research park would include light industrial units. The Council would still have control over the scale and appearance of any buildings through the submission of reserved matters or full applications.
15. The variation of the condition as proposed will still result in development that accords with development plan policies, and is one that would assist in bringing forward economic development on a site that has sat vacant for some time now. Condition 8 as detailed in the recommendation also ensures that the only uses that can be developed are those listed and the wording of the condition removes the permitted development rights for changes between uses classes otherwise conveyed by the Town and Country Planning (General Permitted Development) Order 1995 as amended.
16. The strong views of the Parish Council and some local residents against the proposal are noted. However, many of the concerns raised are based on a

supposition that the proposed variation of the condition will allow for B2 general industrial uses to occupy the site. These being uses that may not be compatible with residential dwellings. This is not correct. The application proposes a B1 'Business' use across the site, and this use can include offices, research and development of products and processes, and light industry appropriate in a residential area. (i.e. capable of operating with minimal amenity impact.)

17. Many residents of 'The Aboretum' have stated that there would be additional harm to amenity from increased traffic including HGV's. However, there is no reason to suggest that this would be the case, as even if there was interest and take up of light industrial units, these would be unlikely to generate significant levels of HGV traffic. Furthermore, no concerns have been raised by the Local Highway Authority in this respect.

Conclusion:

18. In conclusion, the proposed variation of the condition to allow for a general B1 use across the site will still result in a development that accords with Policy HV10 and other development plan policies. The proposal is supported by the Council's Economic Development & Growth team, and allowing this wider range of uses within the Haverhill Research Park increases the likelihood of the site being used for employment purposes in the future. Whilst this proposal is not suggesting alternative land uses, the NPPF is clear that the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose should be avoided. This application accords with this approach.

Recommendation:

19. It is recommended that planning permission be **APPROVED** subject to the all conditions as per outline permission DC/14/2087/OUT (see Working Paper 1) except:

Condition 1 to read

(a) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 22nd Dec 2024 (this being 10 years from the date of outline permission DC/14/2087/OUT). (Officer note – see Working Paper 2)

(b) The development hereby permitted shall be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990.

Condition 8 to read

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), the site and all buildings erected thereon shall be used for Class B1 (Business) purposes only and a single hotel (Class C1) as defined in the

Town and Country Planning (Use Classes) Order 1987 as amended, or in any legislation revoking or re-enacting that class.

Reason: To ensure the appropriate use of the site in accordance with Policy HV10 of the Haverhill Vision 2031 and the approved masterplan.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2429/VAR](#)

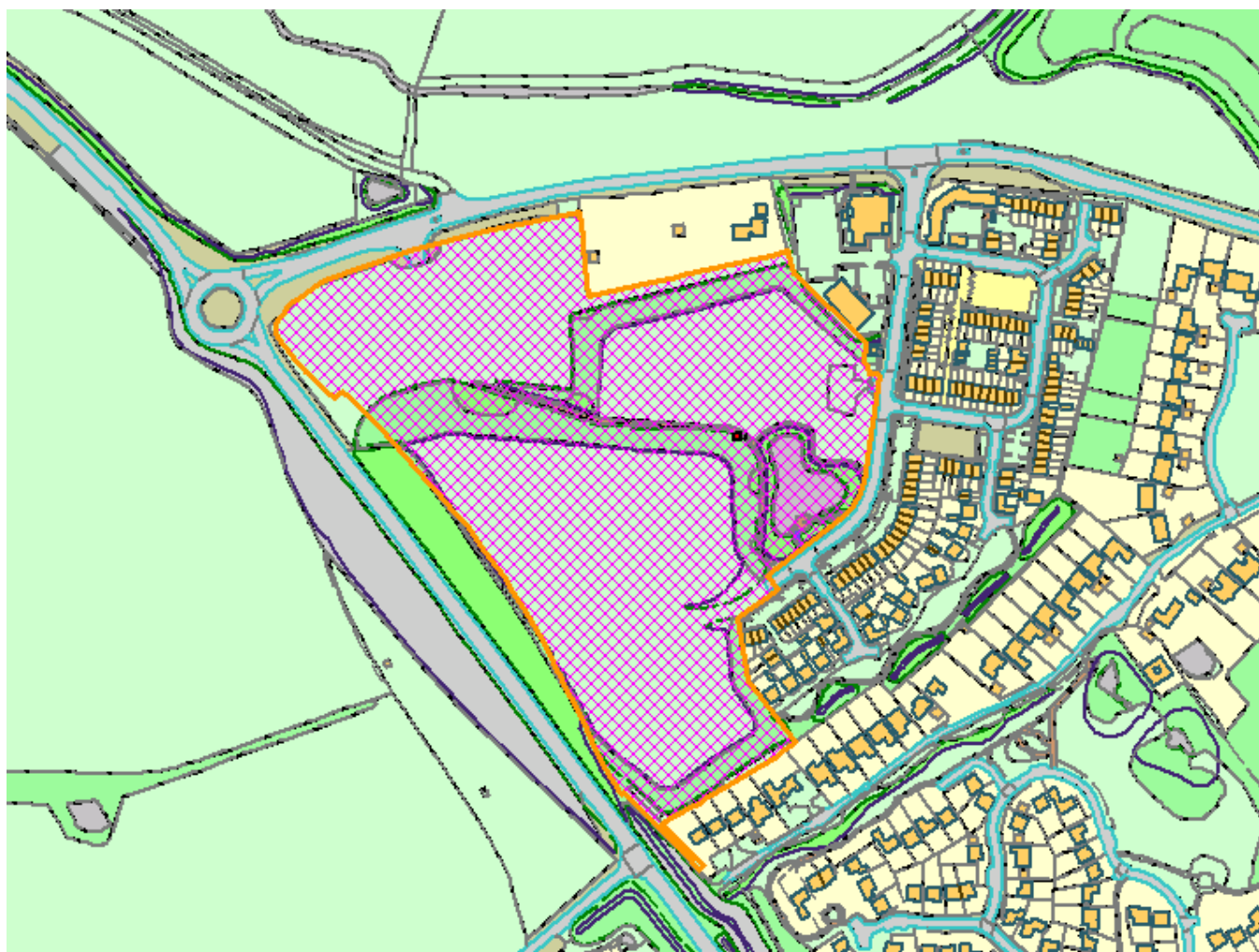
Working Paper 1 – Decision notice for DC/14/2087/OUT

Working Paper 2 – Officer report for DC/14/2087/OUT

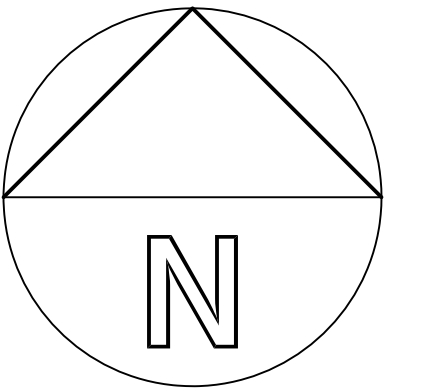
This page is intentionally left blank

DC/17/2429/VAR

Haverhill Research Park, Hanchett End, Haverhill



This page is intentionally left blank



No	Revision	Date	Init
1			
Job			
HAVERHILL RESEARCH PARK			
HANCHET END, HAVERHILL			
Drawing			
SITE LOCATION PLAN			
Client			
JAYNIC			

FRANK

SHAW

ASSOCIATES

LIMITED

ARCHITECTS

Penmore House Tel 01246 233255	Hasland Fax 01246 220009	Chesterfield www.frankshawassociates.co.uk	Derbyshire S41 0SJ
Scale	Date	Drawn/Checked	
1:1000@A1	14/11/17	MB	
Job No	Dwg No	Rev	
05021	200		
05021-FSA-XX-00-DR-A-200			

St. Edmundsbury Borough Council

Application No: DC/14/2087/OUT

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

AGENT

Cheffins - Mr Paul Sutton
Clifton House
1 & 2 Clifton Road
Cambridge
Cambridgeshire
CB1 7EA
United Kingdom

APPLICANT

Jaynic Investments LLP
FAO: Mr Nic Rumsey
C/o Cheffins
Clifton House
1 & 2 Clifton House
Cambridge
Cambridgeshire
CB1 7EA
United Kingdom

Date 6th November 2014
Registered:
Date of 22nd December 2014
Decision:

PROPOSAL

Outline Planning Application (Means of Access to be considered) - Construction of research/business park (Class B1) and hotel (Class C1) (previously approved under applications SE/11/1062 and SE/11/1063)

LOCATION

Haverhill Research Park, Hanchett End, Haverhill, Suffolk,

OUTLINE permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the application shown above, the plans and information contained in the application, and subject to compliance with the following condition(s) and the submission of 'Reserved Matters':

- 1 Before any individual phase of the development commences precise details in respect of the following matters (which shall be based upon the plans submitted in support of this application and which are hereinafter referred to as the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority:-

(a) the layout of that part of the site and any development thereon which shall be based upon an accurate survey of the site and which shall indicate accurately the position, height, spread and species of any trees and hedges

within and on the boundaries of the site (including any trees and hedges which it is proposed to remove);

(b) the siting, design and external appearance of all buildings to be erected thereto;

(c) the provision, siting and amount of land to be allocated for open space;

(d) a landscape design showing:-

(i) an indication of all existing trees and hedgerows on the land, including details of any to be retained together with measures for their protection in the course of development;

(ii) details of proposed planting;

(iii) details of the means of forming enclosures, the materials to be used for paved areas and hard surfaces;

(iv) finished levels in relation to existing levels;

(v) the provision, alignment, height and materials of all walls, fences and other means of enclosure.

Reason: To secure orderly and well designed development in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

2 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 10 years from the date of this permission.

(b) The development hereby permitted shall be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990.

3 Before any individual phase of the development hereby permitted is commenced the following details (Design Code) relating to the building(s) to be erected on that part of the application site shall be submitted to and approved in writing by the Local Planning Authority:-

(i) samples of the external materials to be used in the construction of the buildings;

(ii) details of brickbond and mortar mix;

(iii) details (including materials/colour finish) of balconies, windows and external doors;

(iv) details of surfacing;

(v) building heights and density

- (vi) detailed working drawings of all elevations and floor plans drawn to a scale of not less than 1:50 or 1:100
- (vii) block principles - Handling of blocks and different block types.
- (viii) frontage codes - Principles for building frontages and set back.
- (ix) street hierarchy and codes
- (x) parking strategy - for parking and how this is accommodated within the development, and
- (xi) details of sustainability in construction methods

The development shall be carried out in complete accordance with the approved details and specifications unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To secure orderly and well-designed development in accordance with the provisions of the Masterplan and Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 4 The development shall be carried out and completed in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

- 5 No development shall take place, including any works of demolition, earth works or site clearance or construction, until a Construction Method Statement incorporating a Site Waste Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition, site clearance and ground remodelling works
- viii) details of the extent of areas to be protected (fenced) during the works to ensure reduce the risk of ground compaction within areas which will be landscaped
- ix) make provision for the regular review of the site waste management plan during the project and for review and analysis on completion
- x) hours of construction operations including times for deliveries and the removal of excavated materials and waste;
- xi) site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading, access and vehicle turning areas;

- xii) noise method statements and noise levels for each construction/site clearance activity including any piling and excavation operations;
- xiii) dust, dirt and vibration method statements and arrangements;
- xiv) site lighting.

The details submitted should include measures to allow for the possibility of the development being constructed in a phased manner as approved under condition 3.

Reason: To ensure a satisfactory form of development and in the interests of public safety in accordance with the provisions of Policy CS3 (Design and Local Distinctiveness) of the Core Strategy.

- 6 Demolition or construction works shall not take place outside 0730; hours to 1900; hours Mondays to Fridays and 0800; hours to 1300; hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

- 7 No development shall commence until a scheme for the provision of fire hydrants within the application site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation

Reason: To ensure the adequate supply of water for fire fighting/community safety

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), the site and all buildings erected thereon shall be used for Class B1 (Business) purposes and Class C1 (hotel) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, or in any legislation revoking or re-enacting that class, save that any uses falling within Class B1C (light industry) shall be limited to ancillary areas of any individual buildings where the predominant use of any building shall remain B1A (offices) or B1B (research and development).

Reason: To ensure the appropriate use of the site in accordance with Policy HV10 of the Haverhill Vision 2031.

- 9 The completed development (excluding any floorspace associated with the hotel) shall not exceed a maximum total gross floor area of 41,805 square metres.

Reason: To ensure an appropriate scale of development in accordance with the adopted masterplan and Policy HV10 of the Haverhill Vision 2031.

- 10 The trees shown on the approved landscaping scheme to be retained shall be protected in the manner shown on the submitted plans or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

- 11 The approved scheme of landscaping in respect of each phase of the development shall be implemented not later than the first planting season following the commencement of development on the phase to which it relates (or within a specific time scale as may 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.

- 12 Prior to the commencement of the development, a landscape management plan relating to the landscaped areas, identified in the plans submitted in respect of condition 1, including long term design objectives, management responsibilities and maintenance schedules for the amenity grass areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved unless any subsequent variations are agreed in writing with the Local Planning Authority.

Reason: To enhance the appearance of the development in accordance with the provisions of Policies CS3 (Design and Local Distinctiveness) of the Core Strategy and NE3 (Protection of the Landscape) of the Replacement Local Plan.

- 13 The development hereby approved shall be implemented in full in accordance with the scheme of ecological mitigation submitted with planning application

SE/11/1062 unless the prior written approval of the Local Planning Authority is given for any variation:

Martin Newcombe Ecological Survey Report
Reptiles report
Robert Stebbings Survey for Bats report

05/05/2010
01/11/2010
17/03/2011

Reason: In the interests of the protection of wildlife on the site.

- 14 Before any individual phase of the development is commenced, details of the estate roads and footpaths, relating to that phase of the development (including layout, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard in the interest of highway safety.

- 15 No building shall be occupied until the carriageways and footways serving that building have been constructed to at least base course level or better, in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

- 16 No development shall commence until details of the areas to be provided for the loading, unloading, manoeuvring, parking of vehicles, including secure cycle storage, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided.

- 17 The gradient of any vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner in the interests of road safety

- 18 No building shall be occupied until details of the travel arrangements to and from the site for employees and customers, in the form of a Travel Plan, including monitoring provisions have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented before the building to which it relates is first brought into use and thereafter adhered to.

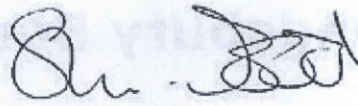
Reason: In the interests of sustainable development.

- 19 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a new or amended Method Statement detailing how this unsuspected contamination shall be dealt with.
Reason: To protect and prevent pollution of controlled waters in accordance with the National Planning Policy Framework 2012 and Environment Agency Groundwater Protection (GP3) documentation.
- 20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
Reason: To protect and prevent pollution of controlled waters
- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: To protect and prevent pollution of controlled waters.
- 22 No building shall be occupied until it has been provided with bin storage areas, refuse storage provision and collection points, the specification of which shall have first been approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory development of the site in accordance with the provisions of Policy CS3 (Design and Local Distinctiveness) of the Core Strategy.

NOTES:

- 1 This permission is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991 (relating to planning application ref:SE/11/1062 and Se/11/1063 previously granted in respect of this site).
- 2 It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's West Area Manager should be contacted at Shire Hall, Bury St Edmunds, IP33 1RF. Telephone 01284 352000.

- 3 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or regulation other than the Town and Country Planning Act 1990 or under any covenant.
- 4 In accordance with the Regulation 11D of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2008, a fee of £97 will be charged for each request for the discharge of a condition(s) attached to this planning permission. The fee will need to be submitted with each request. Cheques should be made payable to St Edmundsbury Borough Council.
- 5 The granting of planning permission does not grant or imply the right to construct any part of the development (including foundations, walls and roof) on or overhanging the adjoining property or to enter onto adjoining property without the consent of the owner of that property (other than in accordance with the provisions of the Party Wall Act) in order to carry out construction work or subsequent maintenance work.
- 6 In the event that the landscaping scheme referred to in Condition 1 includes the carrying out of planting within the curtilage of any building the occupier of that property may become responsible for the carrying out of the approved landscaping in so far as it relates to that property, should those works not have been carried out by the developer, and for its subsequent maintenance.
- 7 The development hereby approved should be built in accordance with the approved plans as a further planning permission will be required where material alterations or revisions are proposed to an approved scheme. An application for non-material changes to the planning permission can be submitted in writing to the Local Planning Authority under Section 96A(4) of the Town and Country Planning Act 1990. A specific form will be required for that purpose and these are available via the Planning Portal or they can be downloaded from the Borough Council's website (www.stedmundsbury.gov.uk) A fee of £28 for a householder application or £195 for all other applications will be required in order to register the application.
- 8 The responsibility for the safe development and secure occupancy of the site rests with the developer. If contamination is found on the site that was not previously identified, the Borough Council's Environmental Health Department should be contacted as a matter of urgency to discuss the situation.
- 9 In accordance with the 'National Planning Policy Framework' the Council confirms it has implemented the requirement to work with the applicant in a positive and proactive way.


DNB

Steven Wood
Head of Planning and Regulatory Services

Date: 22 December 2014

St. Edmundsbury Borough Council

NOTES

- 1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications:	Section 78 Town and Country Planning Act 1990
Listed Building Applications:	Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990
Advertisement Applications:	Section 78 Town and Country Planning Act 1990 Regulation 15 Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, *or* within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

- 2 If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

This page is intentionally left blank

Planning Application DC/14/2087/OUT

Date 6th November 2014 **Expiry Date:** 5th February 2015
Registered:

Case Chris Rand **Recommendation:** Approve
Officer:

Parish: Withersfield **Ward:** Withersfield

Proposal: Outline Planning Application (Means of Access to be considered) - Construction of research/business park (Class B1) and hotel (Class C1) (previously approved under applications SE/11/1062 and SE/11/1063)

Site: Haverhill Research Park, Hanchett End, Haverhill, Suffolk

Agent Cheffins - Mr Paul Sutton
Applicant: Jaynic Investments LLP

Proposal:

1. Planning permission is sought in outline for the renewal of the existing outline planning permission for the construction of the research/business park (Class B1) and hotel (Class C1), which were originally approved in January 2012.

Application Supporting Material:

2. The application is in outline and is supported by a Planning Statement and a plan identifying the site. Information supporting the previously approved outline planning applications has been added for information.

Site Details:

3. The site is an area of 7.04 hectares located at the western edge of Haverhill (within the parish of Withersfield), beyond the residential development at Hanchet Village. It is adjoined by the Haverhill by-pass to the south west (A1017) and Cambridge Road to the north (A1307).

The junction of these two roads at the spirit of enterprise roundabout adjoins the site to the west. Adjoining the site to the east is an area of residential development currently under construction. This development is served by the main spine road serving the application site.

4. The site is served by a spine road having access to Cambridge Road and has been laid out in a series of serviced development platforms. Drainage infrastructure has been provided, including sustainable drainage attenuation features, including a landscaped pond feature centrally located.

Planning History:

5. SE/11/1061 – Planning application – Ground remodelling of the Haverhill Research Park site, provision of services and new access road together with structural landscaping.
6. SE/12/1671/RVCON – Planning application - Ground remodelling of the Haverhill Research Park site, provision of services and new access road together with structural landscaping with variation to Condition 8 of SE/11/1061.
7. SE/11/1062 – Outline planning application – erection of a research/business park (Class B1).
8. SE/11/1063 – Outline planning application - Erection of Hotel (Class C1), Public House/Restaurant (Class A3/A4) and Crèche (Class D1).

Consultations:

9. Suffolk County Council Highways: All previous comments and conditions apply.
10. Suffolk County Council Archaeology: As the archaeological works for the site have been carried out under application SE/11/1062, I would recommend that there would be no requirement for any further work for this current application.
11. Suffolk Fire and Rescue Service: We have made comment on this location under application ref: SE/11/1063 and SE/11/1062. This may remain in place for this application.
12. Environmental Health - Domestic and Pollution: Recommends that a condition requiring a Construction Method Statement be attached to any permission granted.
13. Environment Agency: Recommends that conditions requiring sustainable drainage and mitigation in the event of contamination being found be attached to any permission granted.

14. Anglian Water: Recommends that a condition relating to a surface water management strategy be attached to any permission granted. A comment is also made that the submitted surface water strategy is unacceptable.

Representations:

15. Withersfield Parish Council: No objection.
16. Haverhill Town Council: Strongly supports the application.
17. South Cambridgeshire District Council: No adverse comment.

Policy: The following policies of the Replacement St Edmundsbury Borough Local Plan 2016 and the St Edmundsbury Core Strategy December 2010, the Haverhill Vision 2031 and draft joint Forest Heath and St Edmundsbury Development Management Document have been taken into account in the consideration of this application:

18. Replacement St Edmundsbury Borough Local Plan 2016:

- Policy DS4 - Masterplans
- Policy L4 - Standards of open space
- Policy T1 Transport Assessments
- Policy T8 Cycling and pedestrian strategies
- Policy NE3 - Protection of the landscape
- Policy NE4 - Natural Resources
- Policy NE5 - Environmental Quality

19. St Edmundsbury Core Strategy December 2010

- Policy CS1 - St Edmundsbury Spatial Strategy
- Policy CS2 - Sustainable Development
- Policy CS3 - Design and Local Distinctiveness
- Policy CS7 - Sustainable Transport
- Policy CS9 - Employment and the Local Economy
- Policy CS12 - Haverhill Strategic Growth
- Policy CS14 - Community Infrastructure Capacity and Tariffs

20. Haverhill Vision 2031

- Policy HV1- Presumption in Favour of Sustainable Development
- Policy HV10 - Strategic Employment Site - Hanchet Ends, Haverhill

21. Draft Joint Forest Heath and St Edmundsbury Development Management Document

- Policy DM - Presumption in Favour of Sustainable Development
- Policy DM2 - Creating Places - Development Principles and Local Distinctiveness)
- Policy DM30 - Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Other Planning Policy:

- 22.National Planning Policy Framework (2012) core principles and paragraphs 56 – 68
- 23.Planning Practice Guidance (PPG)

Officer Comment:

- 24.The application seeks to renew the existing outline planning application for the Research/Business Park approved under applications SE/11/1061 and SE/11/1062 which were approved in 2012 and are due to expire in January 2015. Although the ground remodelling, including strategic landscaping and access road have been completed, there has been no submission of details for any of the Research Park development to date.
- 25.A Public House/restaurant has been constructed at the entrance to the development, but outside the current application site and land to the east of the site, served by the access road is currently being developed for housing.
- 26.The ground remodelling referred to above includes the provision of strategic landscaping and the provision of sustainable drainage for the entire site. Notwithstanding the comment from Anglian Water relating to the submitted surface water strategy, these details have previously been resolved, conditions discharged and the scheme provided. Accordingly, the suggested condition relating to a surface water strategy from both the Environment Agency and Anglian Water is not necessary.
- 27.Since the original outline planning permission was granted, there have been two significant changes in the policy framework. The first is the introduction of the NPPF in 2012 which promotes sustainable development and the second, the adoption of the Haverhill Vision 2031 Development Plan Document, which confirms and brings forward the allocation of the site as a Research Park in Policy HV10.
- 28.The site represents a significant proportion of the strategic employment land for Haverhill and will need to be developed over significant period of time. It is appropriate, therefore, that any planning permission should provide sufficient time to allow for the delivery of a significant element of the site before it is subject to review. A time period of 10 years is considered appropriate in this instance.

Conclusion:

- 29.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 **Approved** subject to the following conditions:

1. Reserved matters
2. Time limit – Outline – 10 years
3. Design code
4. Development in accordance with submitted plans
5. Construction method statement
6. Restrict hours of construction work
7. Fire hydrants to be provided
8. Restrict use
9. Limit maximum floorspace
10. Trees to be retained
11. Landscaping to be implemented
12. Landscape management plan to be agreed
13. Ecological mitigation to be undertaken
14. Estate road details to be agreed
15. No building to be occupied until road and footpath provided
16. Parking/loading areas to be agreed and provided
17. Restrict access gradient
18. Travel plans to be provided and implemented
19. Mitigation for previously unidentified contamination
20. No infiltration of surface water
21. Foundation design to be agreed
22. Provision of refuse storage and collection points

Documents:

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

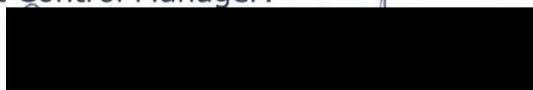
Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY (or West Suffolk House details as applicable)

Case Officer: Chris Rand

Tel. No. 01284 757352

Development Control Manager:

Date: 22/12/14



22/12/14

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/008

Development Control Committee 1 March 2018

Planning Application DC/17/0688/FUL – 46 to 47, St Andrews Street South, Bury St Edmunds

Date Registered:	03.04.2017	Expiry Date:	03.07.2017 EoT until 23.03.2018
Case Officer:	Marianna Hall	Recommendation:	Approve Application
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning Application - 3 storey building with basement level to comprise 16 no. residential apartments (following demolition of existing buildings). As amended by revised plans and documents received on 25 September 2017.		
Site:	46 to 47, St Andrews Street South, Bury St Edmunds		
Applicant:	Julia MacKay Properties		

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:

Marianna Hall

Email: marianna.hall@westsuffolk.gov.uk

Telephone: 01284 757351

Background:

This application is presented to the Development Control Committee at the request of the Ward Members (Abbeygate), and because the Town Council objects to the proposal, which has an Officer recommendation for approval subject to conditions and subject to the completion of a S106 Agreement.

Proposal:

1. Planning permission is sought for the erection of a three-storey building with basement to provide 16 no. flats following the demolition of former takeaway and education centre buildings at 46-47 St Andrews Street South in Bury St Edmunds. The development would provide 10 no. two-bedroom and 6 no. one-bedroom flats all comprising open-market units. The building would be set back from the adjacent footpath with a low boundary wall and planting proposed along the site frontage. A pathway along the southern boundary of the site is proposed to provide access to cycle and bin storage behind the building. No on-site car parking is proposed.
2. The application has been amended since its original submission following concerns raised by officers regarding the scale of the building in relation to surrounding development and the resulting impact upon the streetscene. The original proposal was for 18 no. flats (12 no. two-bedroom and 6 no. one-bedroom) within a 3½ storey building.

Application Supporting Material:

3. Information submitted with the application is as follows:
 - Application Form
 - Design and Access Statement
 - Planning Statement
 - Plans
 - Transport Statement
 - Phase I Contaminated Land Assessment
 - Level 1 Flood Risk Assessment & Drainage Strategy
 - Financial Contribution Assessment (confidential)

Site Details:

4. The site is located on the west side of St Andrews Street South between a furniture shop and barber shop and currently comprises a vacant hot food takeaway unit and a vacant youth and adult education centre with car parking in front. To the rear of the site is the Waitrose supermarket car park and directly opposite are some recently constructed dwellings. The existing buildings on the site are in poor condition and of no architectural merit. The site is located within the settlement boundary for Bury St Edmunds and immediately adjacent to its Town Centre Conservation Area. The site is within the Town Centre but outside of its Primary Shopping Area and Primary Shopping Frontages. Several properties to the east fronting Guildhall Street are listed buildings.

Relevant Planning History:

Reference	Proposal	Status	Decision Date
SE/09/1489 (No. 46)	Regulation 3 Application – Change of use from youth information and support centre to youth and adult education, youth club and detached youth workers base. To include café for users of the centre.	Granted	12/01/2010
SE/08/1414 (No. 47)	Planning Application – Change of use from Class A2 (Offices) to Class A5 (takeaway).	Granted	14/11/2008
SE/02/3509/P (No. 47)	Planning Application – Change of use from Class A1 (Shop) to Class A2 (Financial and Professional Services).	Granted	05/12/2002
SE/00/3496/P (No. 46)	Regulation 3 Application – Change of use from retail use (Class A1) and associated store to youth information and support centre for community education (Class D1).	Granted	15/01/2001
E/87/3071/P (No. 46)	Erection of retail premises with ancillary office and staff facilities.	Granted	08/10/1987
E/86/1450/P (No. 47)	Change of use of two ground floor rooms to pet shop with flat above.	Granted	12/05/1986

Consultations:5. Town Council

Original scheme: Objection on the grounds of parking.

Amended scheme: Withdraws previous objection and raises no objection.

Revised comments: Resubmission of previous objection on the grounds of parking.

6. Conservation Officer

Original scheme: Recommend refusal. Development would be taller than adjacent Neptune building resulting in an extremely large and overbearing property dominating the street scene. Top floor would be clearly visible above existing buildings. Difference in scale between proposed building and neighbouring buildings becomes more apparent due to their proximity. Note large scale buildings of the arc visible in the background but the separation distance reduces their apparent scale. Proposal at its current scale fails to preserve or enhance the character or appearance of the conservation area or its setting, nor does it enhance or better reveal the setting of the heritage assets in the vicinity. The less than substantial harm caused by the proposed development is not outweighed by public benefit. Redevelopment of the site has the opportunity to enhance the area and the provision of accommodation in this location is possible but with a building of smaller scale. No objection to the overall design approach for the building but it is possible to reduce the scale at both ends by removing a storey off the end bays to maintain the symmetry, if that is a feature which is considered to be paramount in the design, as lower end bays are a feature of Georgian architecture. No objection to the demolition of the existing buildings.

Amended scheme: Revised scale fits more comfortably between the two neighbouring buildings than the earlier scheme, due to the reduced parapet and removal of the mansard roof. This is a modern building but reflects the traditional proportions and massing of Georgian architecture. It is a huge improvement to the street scene and would enhance the setting of the conservation area (the site is just outside the boundary). I have no objection to this application subject to a condition requiring samples of external materials and surface finishes.

7. SCC Archaeological Service

Site lies in an area of archaeological potential. Conditions recommended to secure appropriate investigation and recording.

8. SCC Highways

Original scheme: Recommends refusal due to insufficient parking. Site currently/previously used for commercial purposes with some parking provision. It is accepted that a reduction in parking can be applicable for sustainable town centre locations however it cannot be assumed that future residents will not own a car. Development is on a busy route near a school where parking restrictions apply. Any on street parking/waiting here would impact on highway safety. Accept there are public car parks but these are designed for shoppers and visitors to the town and their capacity should not be undermined by residential parking. At least one parking space per apartment should be provided in addition to the cycle storage indicated.

Amended scheme: Recommends refusal, previous comments still apply. In highly sustainable locations we may accept 1 space per dwelling and no

visitor parking. To offer no parking could encourage residential parking in public car parks, thus reducing the capacity for visitors to Bury St Edmunds, or inappropriate or obstructive parking and waiting on the highway which will impact on highway safety for all users. Welcome the inclusion of 36 cycle stands however these should be secure and covered. Also welcome the provision of Residents Travel Packs but would need to understand the exact content and means to manage these.

9. Environment Team

Content with the recommendations of the contaminated land assessment subject to conditions. Recommend a sum is provided to allow provision of off-site electric vehicle charge points.

10. Suffolk Fire and Rescue Service

Advisory comments provided regarding access to buildings for fire appliances and firefighters. No additional water supply for firefighting purposes is required in this case. Recommend consideration be given to the provision of an automatic fire sprinkler system.

11. Public Health & Housing

No objections.

12. SCC Flood & Water Management

No formal comments to make. Happy for development to follow Building Regulations and Anglian Water should be consulted. Recommend any soakaways take roof water only as site is within a Groundwater Protection Zone 1.

13. Anglian Water

Wastewater Treatment: Foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network: Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine a pumped discharge rate. Surface water strategy/flood risk assessment submitted relevant to Anglian Water is unacceptable, recommend conditions to secure an acceptable scheme.

14. Environment Agency

Previous use of the site presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location. Documents submitted provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Conditions recommended.

15. SCC Planning and Infrastructure Officer

Financial contribution sought towards primary education and libraries.

16. Housing Strategy & Enabling Officer

Original scheme: Require 30% on-site affordable housing provision comprising 5 units with 0.4 commuted sum.

Amended scheme: Support proposal to provide 2 affordable dwellings which can be agreed as shared equity dwellings on a 75% sale basis with a 25% second charge in favour of St Edmundsbury Borough Council.

17. Bury St Edmunds Society

Original scheme: Objects for reasons of road safety and detailed design. Site located adjacent to busy junction where pedestrians cross and is on a two-way bus route. Site is also not close to public parking which may lead to unsafe street parking. Concerned about scale of building in streetscene, should act as a transition between the taller Neptune building and diminutive scale of the Dennys building. Feel the design does not reflect the town's 18th century heritage as suggested. Subterranean single aspect basements and lack of outdoor amenity space will provide a poor standard of amenity. Applicant is seeking too much from this modest site.

Amended scheme: Objects. Removal of two apartments does not reduce the concerns previously raised. A terrace of town houses with parking would be more appropriate.

18. Suffolk Preservation Society

Original scheme: Welcomes principle of redeveloping the site but consider the scale, layout and detailed design to be contrary to policy and harmful to the setting of the conservation area. Absence of parking is unrealistic. Recommend a revised scheme is sought that is at least one storey lower and with a more cohesive design.

Amended scheme: Welcome reduction in height of building but inadequacies of detailed design remain. A high quality contemporary design would be appropriate and the current proposal represents a missed opportunity.

Representations:

Original scheme

19. Representations regarding the original scheme for 18 no. flats were received from Hill Farm Barn in Bressingham (as owner of a neighbouring building), Walrond Cottage St Andrews Street South, 86 Guildhall Street, 87 Guildhall Street, 88 Guildhall Street, Waitrose Ltd and the Churchgate Area Association making the following summarised comments:

- Welcome plans to improve an increasingly dilapidated area.
- Scheme should include retail space at ground level given proximity to town centre.

- Building is disproportionately large and out of character and will be visually dominant.
- A block of flats is not appropriate in this location.
- Will overlook, overshadow and result in a loss of privacy for nearby properties.
- Buildings should be renovated into quality family homes or retail units.
- Infrastructure is already at breaking point with buses, emergency vehicles and residents struggling to use the highways and have services delivered.
- No long term parking available near the site.
- St Andrews Street South is already heavily congested with frequent examples of illegal parking.
- No provision for parking for residents and six spaces are being removed in an area already severely short of parking spaces.
- Lack of on-site parking provision will lead to future residents and visitors using Waitrose car park which is only intended for customer use. This will make it more difficult for customers to park and will impact on the vitality and viability of the store and wider town centre.
- Will harm important views from the Conservation Area and the setting of 87 Guildhall Street, a Grade II listed building.
- Application fails to assess the impact on heritage assets.
- Query where bins will be stored.

Amended Scheme

20. Representations regarding the revised scheme for 16 flats have been received from Walrond Cottage St Andrews Street South, Waitrose Ltd, 2 Kings Mews, 87 Guildhall Street, the Churchgate Area Association and Bonnie Doon Albert Street making the following summarised comments:

- Whilst number of units has been reduced, lack of on-site parking provision will still lead to future residents and visitors using Waitrose car park which is only intended for customer use. This will make it more difficult for customers to park and will impact on the vitality and viability of the store and wider town centre.
- Concerned about lack of parking and resulting impact on the highway.
- Development will exacerbate severe problems people already have with parking.
- Query where bins will be stored.
- Building is still too large for the site.
- Will not visually enhance St Andrews Street South which the Town Centre Master Plan is specified as an area that needs improvement.
- Proposal will adversely affect the conservation area and the listed buildings therein.
- Conservation Officer required height of development on east side of St Andrew's Street South to be reduced to reflect nearby buildings, suggest this should also apply here.
- Rear aspect of building will be in view of our property, blocking light and obstructing existing views.
- Basement accommodation does not provide decent living accommodation.
- Scheme represents cramped form of overdevelopment.

- We provided a feasibility study for this site for a very different scheme.

Policy:

21.The following policies have been taken into account in the consideration of this application:

22.St Edmundsbury Core Strategy (December 2010):

- Policy CS1 St Edmundsbury 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 CS14 Community Infrastructure capacity and tariffs

23.Bury St Edmunds Vision 2031 (September 2014):

- Policy BV1 Presumption in Favour of Sustainable Development
- Policy BV2 Housing Development within Bury St Edmunds
- Policy BV25 Conserving the Setting and Views from the Historic Core
- Policy BV27 Bury St Edmunds Town Centre Masterplan

24.Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places – Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM11 Protected Species
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- 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 DM42 Open Space, Sport and Recreation Facilities
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Other Planning Policy/Guidance:

25.National Planning Policy Framework (2012)

26.National Planning Practice Guidance

27.St Edmundsbury Borough Council Supplementary Planning Document for Open Space, Sport and Recreation Facilities (December 2012)

28.Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (SPD) (October 2013)

29.Bury St Edmunds Town Centre Masterplan (2017)

Officer Comment:

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

- Principle of Development
- Design and Impact on Character, including Heritage Assets
- Residential Amenity
- Highway Safety
- Contamination and Air Quality
- Flood Risk and Drainage
- Planning Obligations
- Affordable Housing and Development Viability

Principle of Development

31.Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for St Edmundsbury comprises the Core Strategy, the three Vision 2031 Area Action Plans and the Joint Development Management Policies Document. National planning policies set out within the National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development contained at its heart are also material considerations.

32.The NPPF explains (in 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.

33.Paragraph 9 of the NPPF 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.

34.Core Strategy Policy CS1 confirms the towns of Bury St Edmunds and Haverhill as being the main focus for the location of new development.

This is re-affirmed by Policy CS4 which sets out the settlement hierarchy for the district. Policy BV1 of the Bury St Edmunds Vision 2031 echoes national policy set out within the NPPF insofar as there is a presumption in favour of sustainable development, and Vision Policy BV2 states that within the housing settlement boundary for Bury St Edmunds planning permission for new residential development will be granted where it is not contrary to other planning policies. The NPPF states within its core principles that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), such as the application site in this case.

35. Whilst the previous uses of the existing buildings would have generated some degree of employment, this is not considered to constitute an employment site for the purposes of Policy DM30 (which seeks to safeguard employment uses in the Borough). No. 46 was previously a youth and adult education centre run by the County Council and No. 47 comprised a hot food takeaway which has now relocated elsewhere within the town. The education centre is understood to have closed down in 2015.
36. The site lies within the defined Town Centre of Bury St Edmunds but just outside of its Primary Shopping Area where Policy DM35 prioritises retail uses.
37. Having regard to the policy context as set out above, the principle of the redevelopment of this site to provide residential properties is acceptable.

Design and Impact on Character, including Heritage Assets

38. The site occupies a visually prominent position within the Town Centre, fronting onto St Andrews Street South. The boundary of the Town Centre Conservation Area is also immediately adjacent to the site frontage, running along the back edge of the public footpath. There are a number of listed buildings within the Conservation Area fronting onto Guildhall Street to the east of the site.
39. The site lies within both the 'Cornhill, Buttermarket and arc (the heart of the town centre) Character Area' and the 'Kings Road and Robert Boby Way Character Area' within the recently adopted Town Centre Masterplan for Bury St Edmunds. The Masterplan identifies the enhancement of the existing buildings and spaces to make the area more attractive as a key priority here, and encourages the potential for improvements to be explored through redevelopment.
40. The site currently contains two vacant buildings that do not make a positive contribution to the street scene due to their form, design and general condition. Whilst No. 46 is set back within the site behind a small car parking area and is obscured from some views by the adjacent substantial furniture store building (Neptune) and by No. 47, No. 47 is more prominent within the street scene and features external extraction equipment associated with its previous takeaway use. The demolition of the existing buildings can be wholly supported and the redevelopment of this site provides a clear opportunity to significantly improve its appearance within the street scene, to the benefit of the character of the wider area.

41. The application site is located within the urban area where the enclosure of streets and public spaces by built form with active frontages facing onto the spaces are a common feature. The proposals have gone through a number of developments and refinements including a reduction in height and unit numbers. Consideration has been given to the site's surroundings and the scheme as amended is subservient in scale to the neighbouring Neptune building to the south and has an acceptable relationship to the more modest property on its north side currently used as a barber shop. The proposed apartment building is also to be set back within the site behind a low boundary wall with railings, providing an appropriate level of new planting to the front of the building commensurate with the urban location and character of the proposals. The building is of a modern design but reflects the traditional proportions and massing of Georgian architecture, and is considered by officers to significantly improve the street scene and the setting of the adjacent conservation area having regard to the current nature of the site. For these reasons, the development is furthermore not considered to harm the settings of the nearby listed buildings within Guildhall Street to the east.
42. The site lies within an area of archaeological potential recorded on the County Historic Environment Record, on the edge of the historic core of the town. St Andrew's Street lies along the line of the town ditch and whilst it has been recorded on its eastern side, its full extent and depth is not known. The site has potential to lie on the western edge of the medieval town defences. As groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist, the Archaeological Service recommends conditions to secure appropriate investigation and recording.

Residential Amenity

43. The site is bounded by commercial development to the north, west and south with a mixture of commercial buildings and residential properties to the east on the opposite side of the street. There is understood to be residential accommodation above the barber shop to the immediate north of the site with several first and second floor windows within the gable end facing the side elevation of the proposed apartment building. The first floor windows are obscure glazed and the application documents state that these serve a kitchen and bathroom, with the second floor window providing light to a loft storage area. These windows are however already affected to a degree by the existing takeaway building (No. 47) on the site which sits in close proximity and is two storey in scale. Whilst the proposals would introduce a taller building in this location it would be set further back by approximately 2.6m. In this context the proposals are not considered to have a significant impact upon amenity over and above the current situation, and not at a level that would justify a refusal of planning permission on this ground.
44. Some concerns have been raised regarding the impact of the development on the amenities of residential properties in Guildhall Street to the east of the site whose rear gardens back onto St Andrews Street South. Given however the scale of the development and its separation distance from these properties, the scheme is not considered to raise any adverse issues in this respect. It is noted that planning permission has been granted for

residential development within the rear garden areas of Nos. 87 and 88 Guildhall Street, fronting onto St Andrews Street, and that these developments are under construction. There will therefore be further built development between the application scheme and the rear gardens of these properties.

45. The proposal includes the provision of four basement flats and some concerns have been raised regarding the amenities of the future occupiers of these units. The flats would each be lit by lightwells to either the front or rear and would be single aspect. The only rooms that do not have direct natural light are the bathrooms which are centralised within the layout to ensure maximum habitable room access to the lightwells. The rooms are also of an adequate size. Overall it is not considered that the amenity effects arising upon eventual occupiers of these basement dwellings would be so adverse so as to justify a refusal of planning permission.

Highway Safety

46. The Highway Authority has objected to the proposal and recommended refusal as the development fails to meet the adopted parking standards for car parking. However, the Suffolk Parking Guidance states at page 5 that *"the guidance contained within this document is only one factor to be taken into account when judging planning applications. The issue of parking provisions will be considered alongside existing local policy and all other material planning considerations. It is a matter for the local planning authorities to balance this guidance against all the other material considerations"*.
47. The guidance also states that in sustainable town centre locations a reduction to the parking guidance may be considered. In this case the site is within the town centre of Bury St Edmunds, within walking distance of a wide range of local shops and amenities including the bus station and the railway station. The site is therefore within a highly sustainable location. This part of St Andrews Street is also subject to parking restrictions, with double yellow lines on its western side, reducing the likelihood of the development leading to on-street parking in the immediate vicinity and causing inconsiderate or unsafe obstructions on the road or footpath.
48. Given the town centre location of the development it is reasonable to assume that in this case those looking to move into the properties would do so in the full knowledge of the absence of any on-site or nearby on-street car parking facilities, and as such would be those who do not ordinarily rely on the use of a private car. Annual season tickets for the long stay carpark on St Andrews Street North and private garaging within the town would provide possible options for those looking to retain a car for occasional use. The development will provide two covered and secure cycle spaces for each flat, which would be controlled by condition.
49. In addition to the County guidance, Policy DM46 of the Joint Development Management Policies Document states that the local planning authority will seek to reduce over-reliance on the car and to promote more sustainable forms of transport, and that in town centres and other locations with good accessibility to facilities and services and/or well served by public transport a reduced level of car parking may be sought in all new development

proposals. It is also noted that the site lies within an area identified within the recently adopted Town Centre Masterplan where one of the key priorities is giving greater priority to pedestrians and reducing or removing traffic.

50. Taking account of the wider policy context, the flexibility built into the parking guidance, the emphasis on sustainable development in the NPPF and the low likelihood of any harm to highway safety arising as a result in the reduction in on site car parking, it is considered that the weight to be attached to the conflict with the parking standards and the resulting highways objection would be reduced in this case to a level that would not be sufficient to justify a refusal of the proposal on highway safety grounds.

Contamination and Air Quality

51. The application is supported by a Phase 1 Contaminated Land Assessment which provides a suitable summary of the risks associated with land contamination and provides detailed recommendations for further works. The Environment Officer is satisfied with the recommendations for further assessment of the risks and recommends that the standard land contamination condition is attached to any planning permission granted.
52. The EPUK document *Land-Use Planning & Development Control: Planning For Air Quality* (January 2017(v1.2)) recommends that major developments are subject to measures to help reduce the impact on Local Air Quality and states that all major developments should be targeted as whilst very few developments will show a direct impact on local air quality, all developments will have a cumulative effect. Core Strategy Policy CS2 requires the conserving and wherever possible enhancing of natural resources including air quality. The Council's Environment Team recommends the provision of on-site electric vehicle charge points to facilitate and encourage the uptake of zero-emission vehicles in order to enable a long term enhancement of the local air quality. As this development does not propose any on-site car parking however, a financial contribution is suggested to allow the provision of off-site electric vehicle charge points. Given however the scale of the development in this case together with the accepted viability constraints (discussed later in this report), officers are of the opinion that such a contribution could not reasonably be sought.

Flood Risk and Drainage

53. The site lies within Flood Zone 1, being land at the lowest risk of flooding. No objections have been received from the Environment Agency or from Suffolk County Council as lead local flood authority. Concerns have been raised by Anglian Water in terms of the proposed drainage strategy and the foul sewerage network, however, Anglian Water has advised that an acceptable scheme can be secured by condition.

Planning Obligations

54. The NPPF (paragraph 204) sets out the requirements of planning obligations, which are that they must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and,

c) Fairly and reasonably related in scale and kind to the development.

55. The County and Borough/District Councils have a shared approach to calculating infrastructure needs in the adopted Section 106 Developers Guide to Infrastructure Contributions in Suffolk. The St. Edmundsbury Core Strategy includes the following objectives and policies relevant to providing infrastructure:

- Strategic Objective 1 seeks to ensure that new development occurs where there is adequate capacity in existing services, facilities and infrastructure or where this capacity can reasonably be provided.
- Policy CS14 sets out the Councils' approach to the sequential development of sites and community infrastructure capacity tariffs.

56. The County Council has confirmed that a scheme of this scale will generate two primary school age children, and that it is forecast that there will not be capacity at the local catchment school. A contribution of £24,362 is therefore sought towards the extension, improvement or enhancement of additional pupil capacity at Guildhall Feoffment Community Primary School. Officers consider that such a request is reasonable and necessary in order to make the development acceptable in planning terms.

57. Each dwelling is expected to generate the need for 2.8 library items per annum (Suffolk standard level of stock per 1000 population is 1,174, CIPFA Library Survey 2015). The average cost of library stock in Suffolk is £5.66 per item. This includes books and physical non-book items, such as spoken word and music CDs, and DVDs, as well as daily newspapers and periodicals. This gives a cost per dwelling of $2.8 \text{ items} \times £5.66 = £16$ per dwelling, for a total contribution of £256. This will be spent on providing additional items of lending stock plus reference, audio visual and homework support materials to mitigate the impacts of the proposed development on the local library service.

58. A contribution of £10,285 towards open space improvements is sought by the Borough Council to extend the existing play area in the Abbey Gardens with a new bespoke piece of equipment. This is also considered reasonable and compliant with the CIL Regulations.

59. The agent has confirmed that the applicant is willing to enter into a Section 106 legal agreement to secure the above obligations.

Affordable Housing and Development Viability

60. Policy CS5 of the Council's Core Strategy requires schemes of more than ten units to provide up to 30% as affordable housing. In this instance two units were sought to be affordable taking into account the application of Vacant Building Credit for the existing buildings on the site. The Policy states however that where necessary the local planning authority will consider issues of development viability and mix, including additional costs associated with the development of brownfield sites and the provision of significant community benefits, and may be willing to negotiate a lower percentage or tenure mix of affordable housing. In this case the development does not propose any affordable housing due to viability issues.

61.The case put forward by the applicant regarding viability has been accepted by officers and is discussed in greater detail below. The failure of the proposal to make any provision of affordable housing is a factor that weighs heavily against the proposal in the balance of considerations. Noting however the wording of Policy CS5, the approval of a development proposal with a lower level of affordable housing than that targeted could still be considered as policy compliant given the flexibility embedded within the policy for consideration of matters such as viability.

62.The NPPF 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."

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

"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."

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."

64.The applicant has submitted a viability assessment which seeks to demonstrate that the scheme would not be viable with any affordable housing. The viability reports are confidential documents and therefore are not published, but have been reviewed carefully by officers with the support of independent specialists in this field.

65.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.

66.The Joint Affordable Housing Supplementary Planning Document provides further guidance about testing development viability, including

commissioning independent advice at the developer's expense. In this case the Council commissioned Chris Marsh and Co. Ltd. to critique the viability assessment provided. The developer's viability assessments and the critique carried out on this are not discussed in detail in this report given their strictly confidential nature.

67. 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, this scheme would not be viable with a policy compliant level of affordable housing. In fact the position reached is that the proposal would not be viable with the provision of any affordable housing, albeit a provision for S106 obligations has been made. Consideration has been given to whether or not the proposal can secure the provision of two shared equity affordable housing units but this has not been shown to be possible within the bounds of a viable scheme. Furthermore, the appraisal shows the developer is accepting a notably reduced profit level which is, in words accepted by the Authority's independent consultant, *'significantly below the profit level originally anticipated'*.
68. Notwithstanding the reduced profit level in this case, the applicant is still offering a suite of S106 measures as set out above. It is therefore only the affordable housing levels that stand to be compromised from fully policy compliant levels (dropping from 30% to 0%). Core Strategy Policy CS5 and its related SPD do however allow for a reduction in this contribution where adverse scheme viability is demonstrated.
69. Core Strategy Policy CS14 (Community Infrastructure Capacity and Tariffs) states that all new proposals for development will be required to demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure exists or will exist prior to that development being occupied. Policy CS14 does not make any concessions on viability grounds. When this policy is therefore considered alongside Policy CS5, which does make such concessions, this suggests that where a viability case is demonstrated it is the level of affordable housing rather than the provision of necessary infrastructure that should be reduced. This approach recognises that the S106 requirements set out above are intrinsic and fundamental to ensuring that any development is sustainable, in a way perhaps that the provision of affordable housing is not.
70. The provision of affordable housing is nevertheless a key corporate and political priority of the West Suffolk Authorities and Policy CS5 does require the maximum level of affordable housing to 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.
71. A review of the other planning obligations sought from the development has been carried out and are all considered necessary in order to make the development sustainable. Accordingly, these should be prioritised over affordable housing provision to ensure the development is

sustainable with respect to infrastructure provision. In any event, and as advised, there is no scope for any form of other priority here, noting the inability of the scheme to make any provision for affordable housing.

Conclusions:

72. The scheme would provide additional housing on a currently vacant, brownfield site in a highly sustainable location within the town centre. Having regard to the appearance and condition of the existing buildings on the site, the redevelopment proposed would furthermore significantly improve the street scene to the benefit of the character and appearance of the area including the setting of the adjacent conservation area. The development is considered to be in keeping with its surroundings and would not have an unacceptable impact upon the amenities of neighbouring properties.
73. Whilst the development does not propose any on-site car parking, the site is within the town centre of Bury St Edmunds with services and amenities readily accessible by means other than the private car. The adjacent highway is also controlled by parking restrictions, which together with the highly sustainable location of the development and the type of accommodation proposed, reduces the likelihood of adverse issues arising as a result of the development to an acceptable degree.
74. The proposal fails to make a policy compliant provision of affordable housing. The level of 30% set out within Policy CS5 is however a target, and the policy also expressly allows for the consideration of viability. These factors therefore reduce the weight to be attached to this harm. The viability argument put forward in this case has furthermore been objectively and independently reviewed and corroborated. Taking all matters into account and noting the significant benefits of the proposals, the failure to provide affordable housing, whilst weighing against the scheme, is not considered to justify a refusal of planning permission in this case.
75. In conclusion it is considered that the lack of affordable housing in this case should not otherwise prevent the development of this site given the clear urban regeneration benefits of the scheme and that, as a matter of balance and subject to appropriate conditions and the completion of a S106 agreement, planning permission should otherwise be granted.

Recommendation:

76. It is recommended that Delegated Authority be granted to the Assistant Director (Planning & Regulatory Services) to **GRANT** planning permission subject to the applicant first entering into a Section 106 agreement in respect of education, library and open space contributions.

Any such approval to thereafter be granted by Officers to also be subject to the following conditions:

- 1) The development hereby permitted shall be commenced 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) The development hereby permitted shall be carried out in complete accordance with the details shown on the approved plans and documents.
Reason: To define the scope and extent of this permission.
- 3) No development shall commence until the following components to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:
- i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
 - iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
- Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.*
- 4) No occupation of any part of the development shall take place until a verification report demonstrating the completion of works set out in the remediation strategy approved under Condition 3(iii). The long term monitoring and maintenance plan approved under Condition 3(iii) shall be updated and be implemented as approved.
Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses
- 5) If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses
- 6) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
Reason: To prevent environmental and amenity problems arising from flooding.

- 7) No development shall commence until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.
Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants.
- 8) The use of penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed method, does not harm groundwater resources.
- 9) No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To prevent environmental and amenity problems arising from flooding.
- 10) No development shall commence 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: To safeguard archaeological assets within the site from impacts arising from the development and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by the development. This condition requires matters to be agreed prior to commencement since any groundworks have the potential to affect archaeological assets within the site.*
- 11) No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority in accordance with

the programme set out in the Written Scheme of Investigation approved under Condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the site from impacts arising from the development and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by the development.

- 12) No work of construction above slab level shall commence until samples of the external materials and surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory.

- 13) The cycle storage facilities within the site shown on the approved plans shall be provided prior to any of the flats being first occupied and shall thereafter be retained and used for no other purpose.

Reason: To encourage residents to use sustainable transport.

- 14) Not less than 3 months prior to the first occupation of any flat, details of the contents of a Residents Travel Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Within one month of the first occupation of any flat, the occupiers of each of the flats shall be provided with a Residents Travel Pack. The Residents Travel Pack shall be maintained and operated thereafter.

Reason: To encourage residents to use sustainable transport.

- 15) The areas to be provided for the storage of refuse and recycling bins shown on the approved plans shall be provided in their entirety prior to any of the flats being first occupied and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse and recycling bins are not stored on the highway causing an obstruction and dangers for other users.

- 16) No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

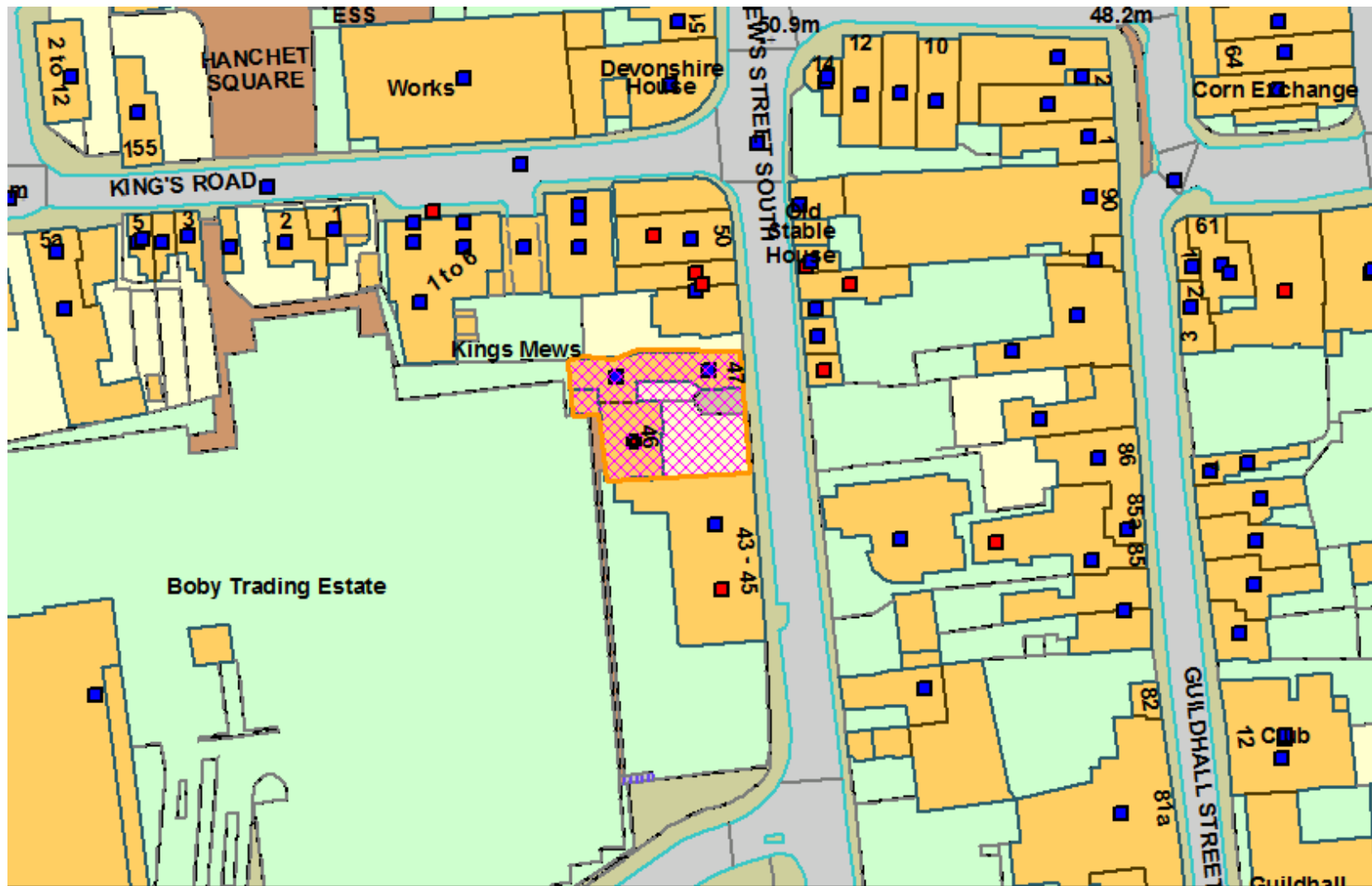
Reason: To improve the sustainability of the dwellings in accordance with policy DM7 of the Joint Development Management Policies (2015).

Documents:

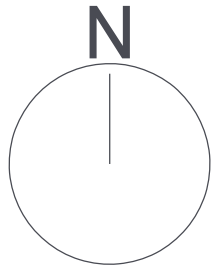
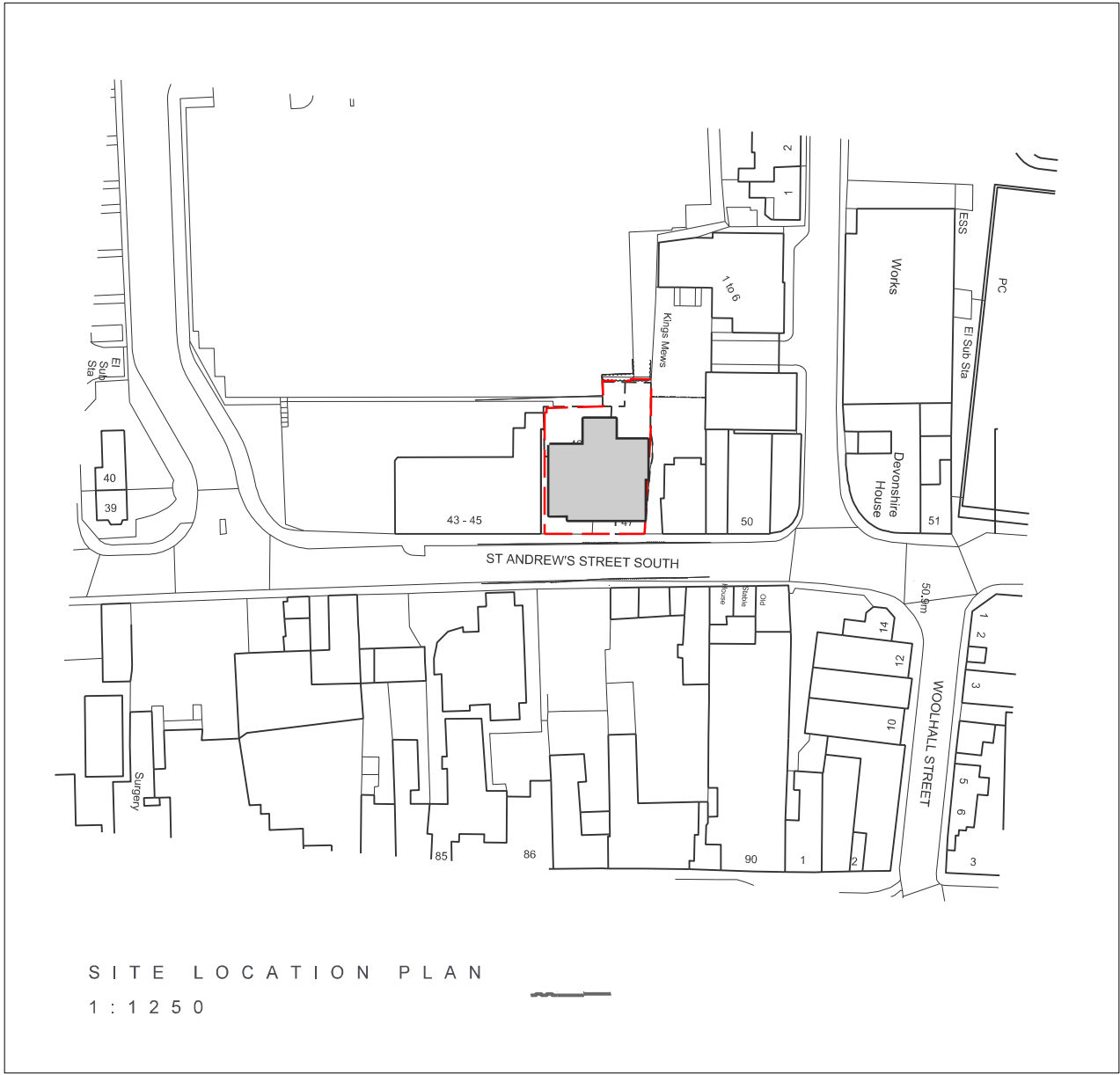
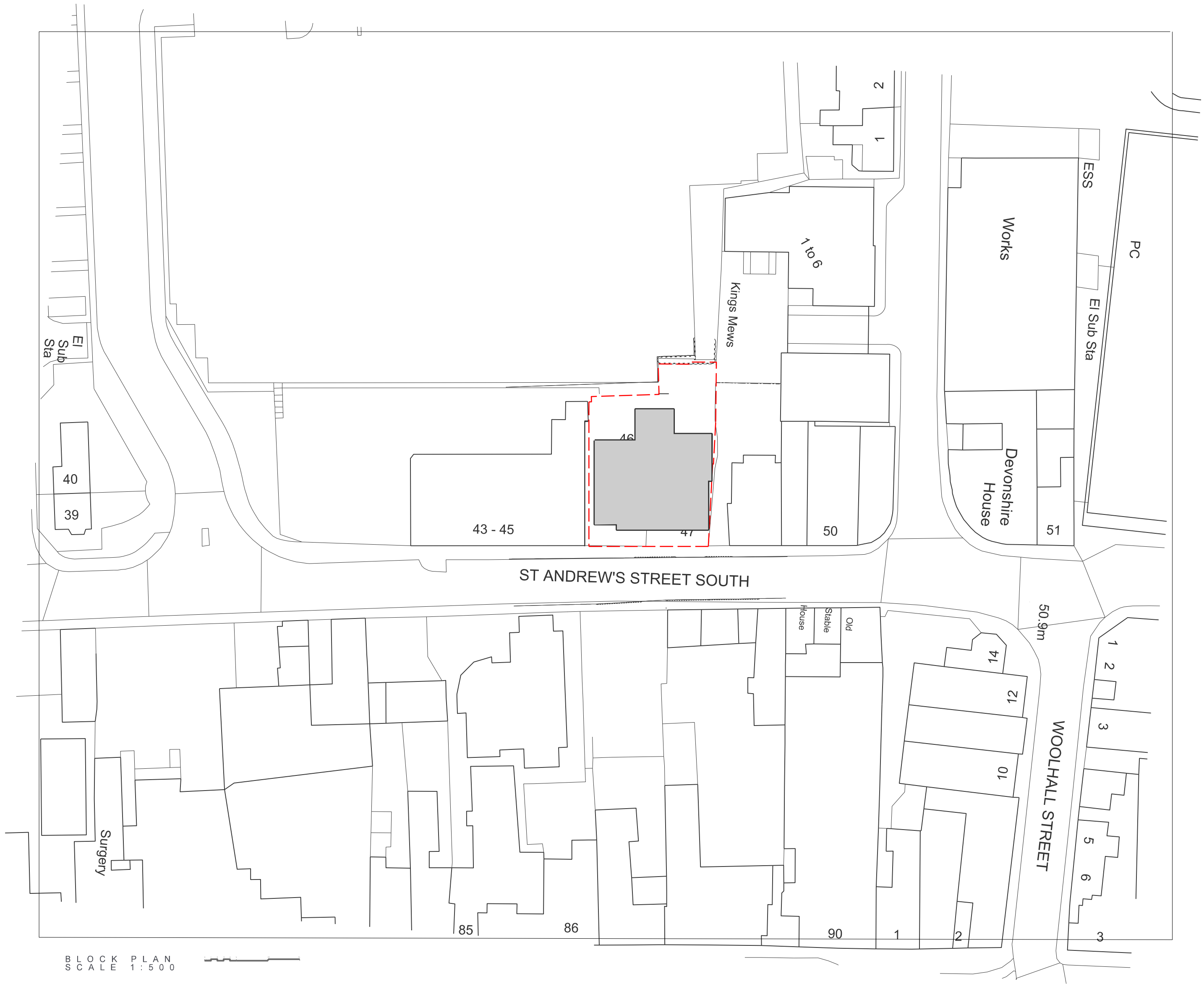
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/0688/FUL](https://www.barnet.gov.uk/DC/17/0688/FUL)

DC/17/0688/FUL

46-47 St Andrews Street South, Bury St. Edmunds



This page is intentionally left blank



DO NOT SCALE FROM THIS DRAWING. WORK TO FIGURED DIMENSIONS.
THIS DRAWING IS THE COPYRIGHT OF STANLEY BRAGG ARCHITECTS LTD
AND SHOULD ONLY BE REPRODUCED WITH THEIR EXPRESS PERMISSION.

A	PLANNING SUBMISSION	JR	28.03.17
REV	NOTE	DRN	DATE

SKETCH	BUILDING REGS	
PRELIMINARY	TENDER	
APPROVAL	CONSTRUCTION	
X PLANNING	HAS FILE	

Stanley Bragg
ARCHITECTS
STANLEY BRAGG ARCHITECTS LIMITED
PAPPIUS HOUSE, 1ST FLOOR, TOLLGATE WEST, COLCHESTER, CO3 8AQ
T: 01206 571371 F: 01206 766497
3RD FLOOR ELDON HOUSE, ELDON STREET, LONDON EC2M 7LS
T: 0203 6975 925
E: arch@stanleybragg.co.uk

CLIENT JULIA MACKAY PROPERTIES			
PROJECT ST. ANDREWS STREET SOUTH			
DRAWING DEMOLITION, BLOCK AND SITE LOCATION PLAN			
SCALE 1:500 @ A1	1:1250 @ A1	DRAWN JR	CHECKED SEJ
DATE MARCH 2017	REVISION A		
DRAWING NUMBER 6405/1203	1		

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/009

Development Control Committee 1 March 2018

Planning Application DC/17/2451/HH – 6 Spring Cottages, Sturmer Road, Haverhill

Date Registered:	06.12.2017	Expiry Date:	09.03.2018
Case Officer:	James Claxton	Recommendation:	Approve Application
Parish:	Haverhill	Ward:	Haverhill East
Proposal:	Householder Planning Application - Single storey rear extension		
Applicant:	Mr Ben Pumfrey		

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 consider the attached application and associated matters.

CONTACT CASE OFFICER:

James Claxton

Email: James.claxton@westsuffolk.gov.uk

Telephone: 01284 757382

Background:

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

Proposal:

1. Planning permission is sought for the erection of a single storey rear extension to create additional accommodation to facilitate care for an elderly relative. The proposal has a footprint of approximately 3.6 metres by 3.6 metres. The roof has a single aspect slope which is approximately 2.7 metres in height next to the dwelling, dropping down to 2.6 metres on the north elevation. Proposed elevation materials are composite timber weather boards.

Site Details:

2. The site comprises a two storey dwelling sited in close proximity to Haverhill but outside the settlement boundary. The property forms part of a terrace, with the principal elevation facing approximately south onto Sturmer Road. The associated gardens are approximately 7 metres in width by 60 metres in length.

Planning History:

None relevant.

Consultations:

3. Town Council: No Objection

Representations:

- None received.

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

4. Joint Development Management Policies Document:
 - Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
 - Policy DM24 (Alterations and Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage)
5. St Edmundsbury Core Strategy 2010
 - Policy CS3 (Design and Local Distinctiveness)

Other Planning Policy:

6. National Planning Policy Framework (2012)

Officer Comment:

7. Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.
8. In the case of this application, the dwelling is located within a curtilage which is able to accommodate the scale of development without over-development occurring. The extension is considered respectful of the character, scale, design and appearance of the existing dwelling and surrounding area.
9. The proposal is considered acceptable in relation to neighbouring properties. There is no harm to the amenity of neighbouring residents, by virtue of the location of the proposal, which would provide an element of screening between the two properties and could be considered to increase the level of privacy associated with the patio areas.
10. It is considered that, given that the proposal is not visible from the public realm, the proposal would not result in harm to the character of the existing dwelling or the wider area, and would accord with policies DM2 and DM24 in that regard.

Conclusion:

11. 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:

12. It is recommended that planning permission be **APPROVED** subject to the following conditions:
 1. 01A – 3 year time limit
 2. 14FP – Accordance with approved plans

Documents:

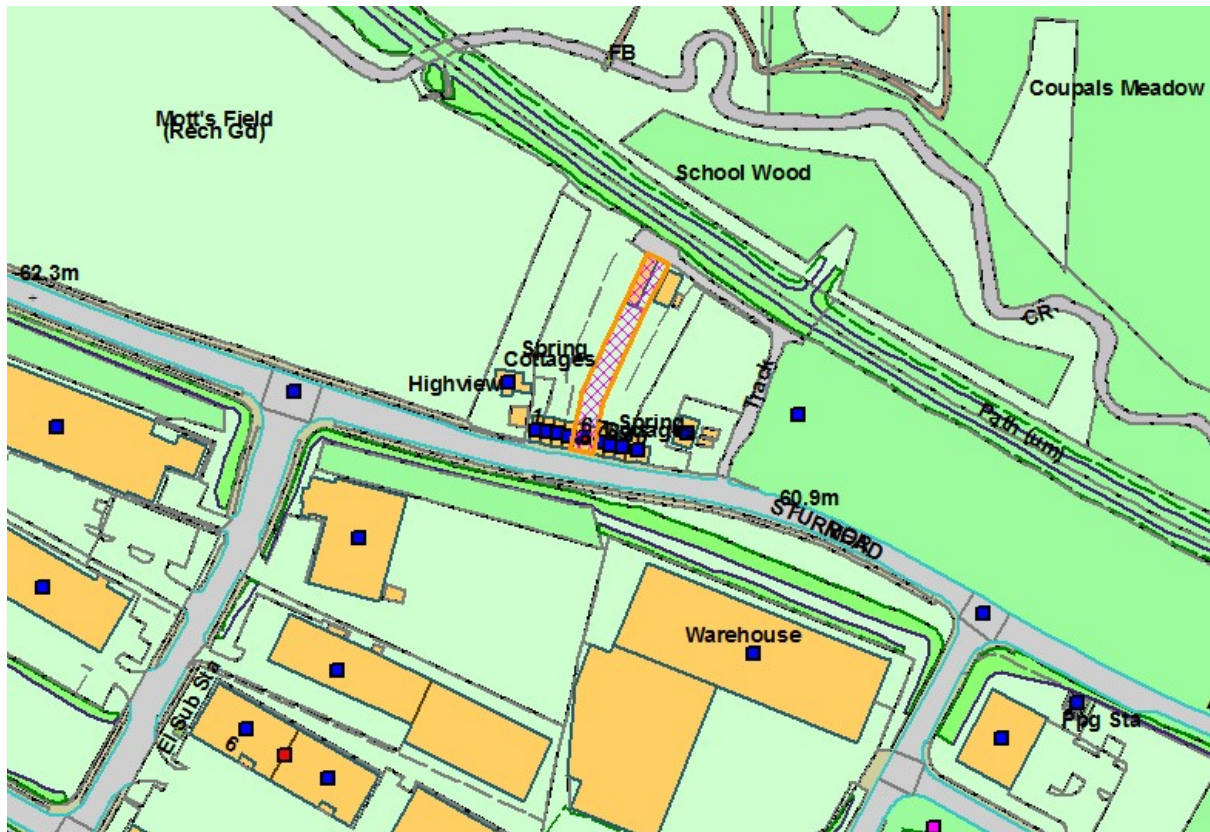
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZJVQBPDKNK00>

This page is intentionally left blank

DC/17/2451/HH

6 Spring Cottages, Sturmer Road, Haverhill

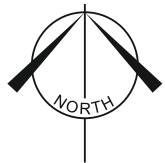


This page is intentionally left blank

**Extension to 6 Spring Cottages,
Haverhill
BLOCK PLAN**

December 2017

Scale: 1:200 @A3



rear
garden

New extension

new position for
rear access gate

former position of
rear access gate

SPRING COTTAGES

1

6

8

10

STURMER ROAD

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 1 March 2018

Tree Preservation Order TPO/028 (2017) – The Foundry, Old Bury Road, Stanton

Synopsis:

A Tree Preservation Order (TPO) was made on two Horse Chestnut trees, located at The Foundry, Old Bury Road, Stanton on 23 November 2017. The TPO was served to protect the two trees in response to an outline planning application to develop this site.

The trees occupy a prominent position within Stanton on the junction of Old Bury Road, Hepworth Road and Upthorpe Road and contribute significantly to the character, appearance and amenity of the locality.

A letter of objection has been considered, however the TPO is considered to be necessary to ensure the trees are properly considered as part of any planning application.

It is recommended that Members **CONFIRM** the TPO without modification.

Commentary:

1. The Borough Council's Standing Orders allow for the making of provisional Tree Preservation Orders by your Officers, subject to reporting any representations relating to such action at the Development Control Committee.
2. A request was made by the Parish Council for Officers to consider protecting the trees located to the front of The Foundry site on Old Bury Road. The Tree Officer visited the site and recommended that the trees be protected. An additional sycamore tree was not recommended for protection.
3. A tree preservation order was subsequently made. The reason for the Tree Preservation Order is that:

These two Horse Chestnut trees are located in a prominent position next to the main road, close to the heart of Stanton village. The road which these trees are situated next to is busy with pedestrians walking from nearby housing into the village. They also border the Stanton conservation area and it is considered that these trees do contribute to the character, appearance and amenity of this area. The order is further required to protect these trees as this area has high potential for future development.

4. Planning application DC/17/2624/HYB was submitted to St Edmundsbury Borough Council in December 2017 which seeks permission for the demolition of the buildings on the site and outline permission for 9 dwellings.
5. A representations has been made in relation to the Tree Preservation Order by the agent representing the owner of the Tripp Batt Country Store objecting to the tree preservation order. The main concerns raised in the objection are as follows:
 - the trees have been assessed as part of the above planning application to not have considerable amenity value, and have been classed C1 using BS 5837:2012. The trees are described as '*of low quality and value: currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested). Unremarkable trees, limited merit/impaired condition;*'
 - some planting in this location enhances the conservation area and street scene, this could be achieved through other landscaping and/or new planting rather than placing a TPO on these particular trees;
 - Planning policy should enable the benefits of future planning proposals to be weighed up against any loss or impact on these trees;
 - a well-designed development of any kind on the site would have a considerably longer lifetime than 20 years and be likely to result in more benefits to the community on balance than two trees of 'limited merit and value' and which have restricted root space due to the pavement surface; and
 - by enabling development in this location the planning authority would have the capacity to impose planning conditions related to planting and landscaping and therefore to provide a street scene that has higher amenity value for a longer time period.
6. Officers have considered the objections to the order carefully along with the information which is available including that which was submitted with the planning application.
7. The Tree Officer visited the site prior to making the tree preservation order and commented that *these are of value and do contribute to the appearance and amenity of the area which is also the conservation area. They have been managed well and have been kept at a height which can be well managed for the future. They both have a good form and there doesn't appear to be any defects which would compromise these trees.* The applicant's tree survey confirms the position that no immediate arboricultural work is required to these trees and that they could be retained on site for a period of at least 10 years. The agent's comments also confirm that the trees, in this location, enhance the conservation area and street scene. A TEMPO amenity assessment has been undertaken that confirms that taking into account all the factors, including the condition of the tree and the remaining longevity, the tree is suitable for protection.
8. The agent makes the case that the public visual amenity afforded by the trees could be achieved through replacement of the trees with other landscaping and/or new planting rather than placing a TPO on these particular trees. He also states that planning policy should enable the benefits of future planning proposals to be weighed up against any loss or impact on these trees. The tree

preservation order has not been made to stop development but to ensure that the trees and their environmental benefits are properly considered as part of the proposals.

9. The current planning application shows these trees retained in situ, although it is noted that this is an outline application with an indicative layout. The trees are also shown to be retained within the tree survey and that they could be adequately protected. The current situation is that the applicant is not seeking to remove the trees. The tree preservation order would ensure that if development goes ahead with the retention of the trees, the trees would be adequately protected during the construction period and potentially into the future.

Finance/Budget/Resource Implications:

10. Works to or removal of a tree or trees covered by a TPO will require the formal consent of the local planning authority before any work can be carried out. Currently all such applications are submitted to the local planning authority and do not attract a fee. The Council's Planning Services and Arboricultural Officers will deal with subsequent applications arising as a result of the TPO without any additional fee income. There may also be appeals should TPO consent be refused.
11. Should an application for works to a preserved tree (or for its removal) be refused, the local planning authority may in certain circumstances, be liable to pay compensation to the affected property owner, should the trees cause damage to a property. Such claims are, however, rare and, in this instance, considered unlikely given that the condition and location of the trees can be considered fully when deciding where to locate new dwellings and other facilities associated with any development.

Environmental Impact and Sustainability

12. Removal of any trees, which are considered to be worthy of protection in the public interest, would detract from the visual amenity of the local environment and in this case may effect the amenity of any future development.

Policy Compliance/Power

13. The local planning authority has powers under the Town & Country Planning Act 1990 and the Town & Country Planning (Trees) Regulations to make a TPO if it appears expedient in the interests of amenity to do so.
14. The making of a TPO in this instance, is in line with the powers and policies of the Council.

Performance Management Implications

15. The applications determined under the TPO provisions and any subsequent appeals are not currently the subject of any national or local performance indicators.

Legal Implications

16. This provisional TPO is served on the owner and occupier of the land affected by the TPO, and also on owners and occupiers of adjoining land, who had a period within which to make objections or representations to the Order. The statutory consultation period expired on 20 December 2018.

Human Rights Act and Diversity Implications

17. These matters have been assessed in relation to and are considered to comply with the requirements of the Human Rights Act 1998. In relation to Article 6, interested parties have been advised of the making of this provisional Tree Preservation Order and their views have been considered within this report. Any interference with Rights under Article 8 and Article 1 of the First Protocol are necessary in the public interest.

Crosscutting Implications

18. None

Risk Assessment

19. As set out above, the Council may, in certain circumstances, be required to pay compensation to owners of properties damaged by preserved trees, if the Council has refused consent to carry out works to the affected tree and such works may have prevented the damage. These claims, however, are rare.

Council Priorities

20. The Council is keen to safeguard the built and natural environment.

Recommendation:

21. It is recommended that the report be noted and Members CONFIRM the Tree Preservation Order without modification.

Documents Attached:

Working Paper 1 - TPO including plan and schedule

CONTACT OFFICER

Jaki Fisher

Email: Jaki.fisher@westsuffolk.gov.uk

Tel: 01284 757346

Town & Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

St. Edmundsbury Borough Council

Tree Preservation Order TPO/028(2017) The Foundry, Old Bury Road, Stanton, Bury St Edmunds

The St. Edmundsbury Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, make the following Order:-

Citation

- 1.** This Order may be cited as Tree Preservation Order TPO/028(2017) for The Foundry, Old Bury Road, Stanton, Bury St Edmunds

Interpretation

- 2.** (1) In this Order "the authority" means the St. Edmundsbury Borough Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.** (1) Subject to article 4, this Order takes effect provisionally on 23rd November 2017

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and, subject to the exceptions in regulation 14, no person shall -

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


4. Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 23rd November 2017

The Common Seal of the St. Edmundsbury Borough Council
was affixed to this Order in the presence of:-




.....
Authorised by the Council to sign in that behalf

Authorised Signatory

CONFIRMATION OF ORDER

[This Order was confirmed by the St. Edmundsbury Borough Council without modification
on the

..... day of20.....]

OR

[This Order was confirmed by the St. Edmundsbury Borough Council], subject to the
modifications indicated by *[state how indicated]*, on the

..... day of20.....]

.....
Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by the St. Edmundsbury Borough Council
on the

..... day of20.....]

.....
Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the St. Edmundsbury Borough Council on the

..... day of20.....] by a variation Order under the reference
number

*[insert reference number to the variation
which is attached]*
Order], [a copy of

.....
Authorised by the Council to sign in that behalf]

REVOCATION OF ORDER

[This Order was revoked by the St. Edmundsbury Borough Council on the

..... day of20.....] under the reference number

.....
Authorisation by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES Trees specified individually (encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Horse Chestnut (<i>Aesculus hippocastanum</i>)	Located along the Southern boundary, adjacent to Old Bury Road.
T2	Horse Chestnut (<i>Aesculus hippocastanum</i>)	Located along the Southern boundary, adjacent to Old Bury Road.

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>

Group of Trees (within a broken black line on the map)

<i>Reference on Map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

Woodlands (within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>

IMPORTANT THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

**Town and Country Planning Act 1990
Town & Country Planning (Tree Preservation) (England) Regulations 2012**

**Tree Preservation Order TPO/028(2017)
The Foundry, Old Bury Road, Stanton, Bury St Edmunds**

THIS IS A FORMAL NOTICE to let you know that on 23rd November 2017 the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping, wilfully damaging or wilfully destroying any of the trees described in the Schedule and shown on the map without the Council's consent. A certified copy of the Order and the map included in it may be inspected without charge at St Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU between the hours of 08.45am and 5.00pm Monday to Friday.

The Council have made the Order because:

These two Horse Chestnut trees are located in a prominent position next to the main road, close to the heart of Stanton village. The road which these trees are situated next to is busy with pedestrians walking from nearby housing into the village. They also border the Stanton conservation area and it is considered that these trees do contribute to the character, appearance and amenity of this area. The order is further required to protect these trees as this area has high potential for future development.

The Order took effect, on a provisional basis, on 23rd November 2017. It will continue in force on this basis for a further six months or until the Order is confirmed by the Council, whichever first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 20th December 2017. Your comments must meet regulation 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is attached. Please send your comments to the Head of Planning and Regulatory Services at the address shown below. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made. You should bear in mind that any representations submitted may be made available for public inspection.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Stephen Holyland, on 01284 757359, who will be pleased to help you.

Dated: 23rd November 2017

Signed: 

Service Manager (Legal) on behalf of St. Edmundsbury Borough Council

Any communications should be addressed to:

Head of Planning and Regulatory Services
Planning And Regulatory Services
St Edmundsbury Borough Council,
West Suffolk House,
Western Way,
Bury St Edmunds,
Suffolk, IP33 3YU

Reference: Stephen Holyland

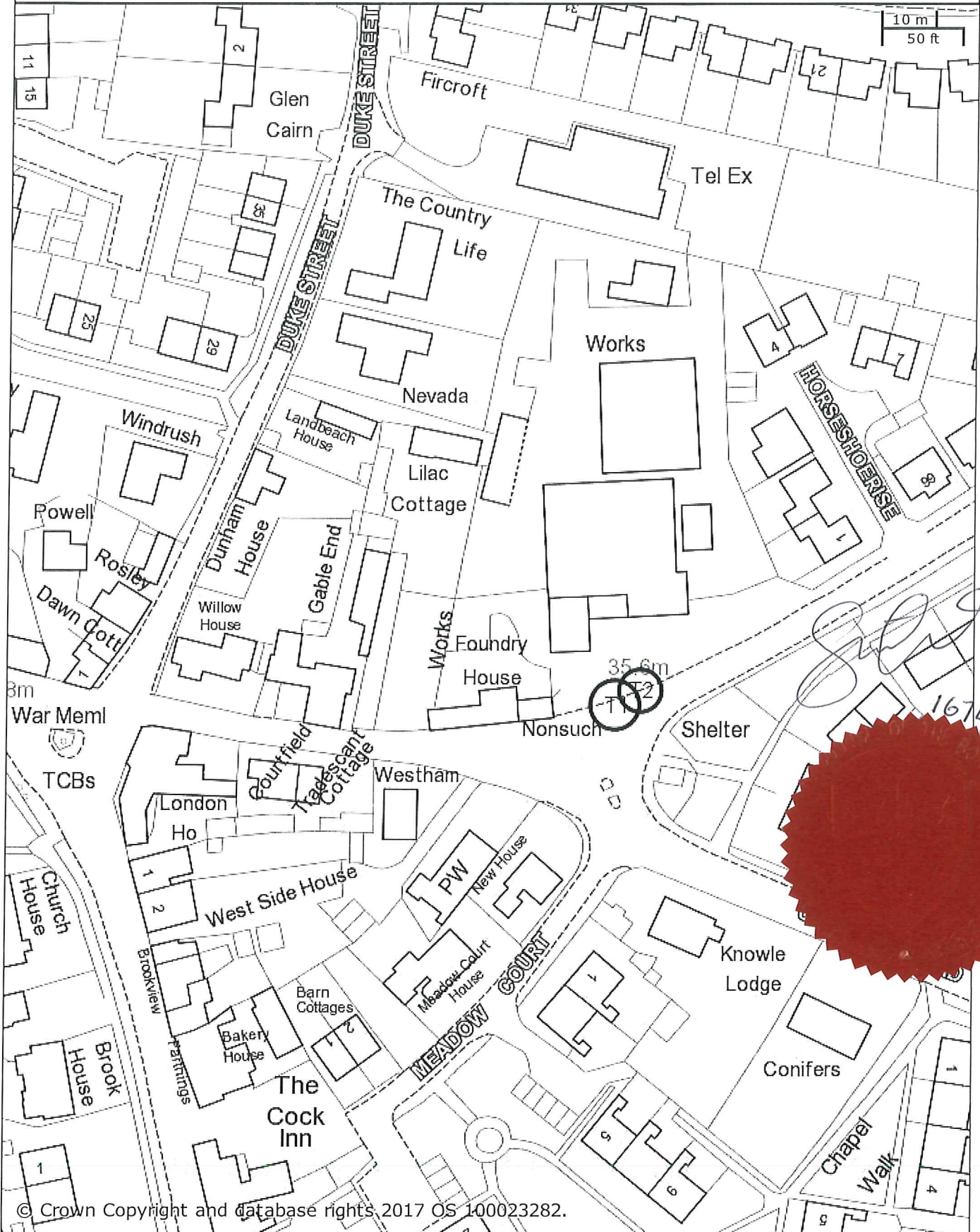
COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6. (1) Subject to paragraph (2), objections and representations —

- (a) shall be made in writing and —
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objection.
- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TPO/028(2017) Trees on Land at The Foundry, Old Bury Road, Stanton



© Crown Copyright and database rights, 2017 OS 100023282.

St Edmundsbury BC
Western Way
Bury St Edmunds
IP33 3YU
01284 763233

Forest Heath & St Edmundsbury councils
West Suffolk
working together
www.westsuffolk.gov.uk

Forest Heath DC
College Heath Road
Mildenhall
IP28 7EY
01638 719000

Scale: 1:1000

Printed on: 22/11/2017 at 8:45 AM by sholyland

© Crown Copyright and database rights 2017
OS 100023282/100019675.



This page is intentionally left blank