

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda														
Date:	Thursday 5 April 2018														
Time:	10.00 am														
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU														
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice Chairmen Carol Bull and David Roach</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (12)</u></td> <td style="vertical-align: top;">Terry Clements Robert Everitt Paula Fox Susan Glossop Ian Houlder</td> <td style="vertical-align: top;">Alaric Pugh Andrew Smith Peter Stevens Vacancy</td> </tr> <tr> <td style="vertical-align: top;"><u>Charter Group Members (2)</u></td> <td style="vertical-align: top;">David Nettleton</td> <td style="vertical-align: top;">Julia Wakelam</td> </tr> <tr> <td style="vertical-align: top;"><u>Haverhill Indys Member (1)</u></td> <td style="vertical-align: top;">John Burns</td> <td></td> </tr> <tr> <td style="vertical-align: top;"><u>Independent (non-group) Member (1)</u></td> <td style="vertical-align: top;">Jason Crooks</td> <td></td> </tr> </table>			<u>Conservative Members (12)</u>	Terry Clements Robert Everitt Paula Fox Susan Glossop Ian Houlder	Alaric Pugh Andrew Smith Peter Stevens Vacancy	<u>Charter Group Members (2)</u>	David Nettleton	Julia Wakelam	<u>Haverhill Indys Member (1)</u>	John Burns		<u>Independent (non-group) Member (1)</u>	Jason Crooks	
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<p>SITE VISITS WILL BE HELD ON THURSDAY 29 MARCH 2018 AT THE FOLLOWING TIMES (please note all timings are approximate):</p> <p>The coach for Committee Members will depart West Suffolk House at 9.30am and will travel to the following sites:</p> <p style="text-align: right;"><i>Cont. overleaf</i></p>															

1. **Planning Application DC/17/2429/VAR - Haverhill Research Park, Hanchett End, Haverhill, CB9 7RP**
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 visit to be held at 10.10am

2. **Planning Application DC/18/0109/FUL - Detached Dwelling, Parsons Spinney, Front Street, Ousden, CB8 8TW**
Planning Application - 1no. dwelling with garage and access
Site visit to be held at 10.45am *(to be followed by a short comfort break stopover at West Suffolk House approx. 11.15-11.25am)*

3. **Planning Application DC/18/0139/HH - 29 Micklesmere Drive, Ixworth, IP31 2UJ**
Householder Planning Application - Single storey side extension (resubmission of DC/17/1117/HH)
Site visit to be held at 11.45am

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)
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- 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

Page No

1. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 6

To confirm the minutes of the meeting held on 12 March 2018 (copy attached).

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

7 - 46

Report No: **DEV/SE/18/014**

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 - 74

Report No: **DEV/SE/18/015**

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/17/2389/FUL - EMG Used Cars, Tayfen Road, Bury St Edmunds

75 - 124

Report No: **DEV/SE/18/016**

Planning Application - 46 no. apartments and 1 no. commercial unit (Class A1/A2/A3/B1(a) use) (Re-submission of DC/16/0730/FUL)

- 7. Planning Application DC/18/0109/FUL - Detached Dwelling, Parsons Spinney, Front Street, Ousden** **125 - 138**
Report No: **DEV/SE/18/017**
Planning Application - 1no. dwelling with garage and access
- 8. Planning Application DC/18/0139/HH - 29 Micklesmere Drive, Ixworth** **139 - 148**
Report No: **DEV/SE/18/018**
Householder Planning Application - Single storey side extension (resubmission of DC/17/1117/HH)
- 9. Planning Application DC/18/0204/VAR - Land to Rear of 62-63 Victoria Street, Bury St Edmunds** **149 - 160**
Report No: **DEV/SE/18/019**
Planning Application - Variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to 'The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted' for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences)

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Monday 12 March 2018** at **10.00 am** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairman Carol Bull and David Roach

John Burns

Terry Clements

Robert Everitt

Ian Houlder

David Nettleton

Andrew Smith

Peter Stevens

Julia Wakelam

By Invitation:

Jane Midwood

1. **Apologies for Absence**

Apologies for absence were received from Councillors Paula Fox, Susan Glossop and Alaric Pugh.

2. **Substitutes**

There were no substitutes present at the meeting.

3. **Minutes**

The minutes of the meeting held on 1 February 2018 were unanimously received by the Committee as a correct record and were signed by the Chairman.

4. **Planning Application DC/17/2429/VAR - Haverhill Research Park, Hanchett End, Haverhill (Report No: DEV/SE/18/011)**

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

This application had been referred to the Development Control Committee as it related to a major development and because objections had been received from both Withersfield Parish Council and Haverhill Town Council.

The Ward Member (Withersfield) also objected to the application along with a number of local residents.

Officers were recommending that the application be approved, as per Paragraph 19 of Report No DEV/SE/18/011 with a minor typographical correction – in that the reference to "*Condition 1*" be amended to read "*Condition 2*".

The Principal Planning Officer explained that the applicants had stated that development plots within the site had been actively marketed, in accordance with the 2014 outline planning permission, however to date no businesses had chosen to locate to the Research Park.

It was the opinion of the applicants that the condition restriction was no longer necessary and, furthermore, it was this restriction that was contributing to the lack of interest in businesses locating to the site. Hence, the application before Members was made seeking to vary this.

For Members' reference the Case Officer, as part of his presentation, outlined the definitions of B1/B2/B8 business use class.

The Committee were advised that since publication of the agenda:

- A further 9 letters of objection had been received from residents, all raising matters that had previously been covered in earlier representations; and
- A document stating to be a petition (but which contained no signatures) listing 42 names and addresses, had been handed in immediately prior to the Committee meeting.

Speakers: Mr Martin Young (resident) spoke against the application
Councillor Terry Rich (Withersfield Parish Council) spoke against the application
The Case Officer read out a prepared statement from Councillor Pat Hanlon (Haverhill Parish Council) against the application
Councillor Jane Midwood (Ward Member: Withersfield) spoke against the application
(During her statement to the meeting Councillor Midwood explained that she had been emailed the day before by a resident outlining their representation in objection to the application and she would pass this to the Case Officer.)
Mr Paul Sutton (agent) spoke in support of the application

A lengthy debate then ensued with the following comments made by Members of the Committee:

- The need for a site visit was raised;
- Discussion took place on potential alternative access routes, to prevent dual use by residents and businesses;
- The linkage to Vision 2031 and the original aspirations for a '*research*' park/employment zone were discussed;
- The potential to amend the condition to apply to just certain areas/plots furthest away from the residential development (and not the whole site) was put forward; and

- The degree to which the site had been marketed was questioned, with some Members suggesting that more time was needed to undertake this.

The Service Manager (Planning – Development) reiterated that the application before Members was purely seeking the variation of a condition for the entire application site. The extant permission for the development was not up for debate, with the highways/access having been agreed as part of this.

The Service Manager also advised Members on the linkage of the site's application history to the Borough's Vision 2031 Development Plan and emphasised that the relevant policy in the Vision (HV10) permitted light industrial use (B1c), which was the subject of the variation application. The application was, therefore, in accordance with the Development Plan policy for the site. Members were also reminded that, by definition, light industrial use was one that was capable of being carried out without adversely impacting on residential amenity.

Councillor David Roach stressed that the area in question was always intended as an employment area and that all individual plots within the scheme would be subject to individual reserved matters applications. Hence, he moved that the application be approved as per the Officer recommendation. However, this failed to be seconded.

Further discussion then took place, with frequent reference to the impact the application could have on the residential amenity of the neighbouring dwellings.

In light of these concerns, Councillor David Nettleton moved to refuse the application, contrary to the Officer recommendation, and this was duly seconded by Councillor John Burns.

Councillor Robert Everitt questioned the degree to which residents would be affected and, instead, proposed that the application be deferred in order to allow Officers more time in which to work with the applicants. However, this failed to be seconded.

The Service Manager (Planning – Development) explained that the only motion on the table was to refuse the application, contrary to the Officer recommendation, on the grounds of the potential impact on residential amenity. In light of the proposal being in accordance with the Development Plan and in the absence of evidence to support a refusal on residential amenity grounds (i.e. the Council's Public Health & Housing Officers not having objected to the application on these grounds), she advised Members that the Decision Making Protocol would be invoked in respect of this application and that should Members resolve to refuse, Officers would produce a risk assessment for consideration at the next meeting of the Committee.

Furthermore, taking into account comments made during the debate, a Member site visit would be scheduled prior to the next Committee meeting and Officers would endeavour to discuss any possible amendments with the agent for the application, who was present and who had heard all the discussion during the meeting.

Upon being put to the vote and with 8 voting for the motion, 3 against and with 1 abstention it was resolved that

Decision

Members were **MINDED TO REFUSE PERMISSION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to concerns relating to the impact on residential amenity.

(On conclusion of this item the Chairman permitted a short comfort break before continuing with the items on the agenda.)

5. **Planning Application DC/17/2451/HH - 6 Spring Cottages, Sturmer Road, Haverhill (Report No: DEV/SE/18/012)**

Householder Planning Application - Single storey rear extension

This application had been referred to the Development Control Committee because the applicant was an employee of the Local Authority.

Haverhill Town Council had cited no objections to the development and no third party representations had been received.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 12 of Report No DEV/SE/18/012.

Councillor John Burns spoke as Ward Member (Haverhill East) and raised no objection to the proposal. Henceforth, he moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor David Nettleton.

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

Decision

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

1. 01A – 3 year time limit
2. 14FP – Accordance with approved plans

6. **Tree Preservation Order TPO/028 (2017) - The Foundry, Old Bury Road, Stanton (Report No: DEV/SE/18/013)**

The Ecology Tree & Landscape Officer advised the Committee that 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 the site.

Members were informed that the trees occupied a prominent position within Stanton on the junction of Old Bury Road, Hepworth Road and Uphorpe Road

and were considered to contribute significantly to the character, appearance and amenity of the locality.

One letter of objection had been received in response to the TPO (as outlined in Paragraph 5 of Report No DEV/SE/18/013).

Officers considered the TPO to be necessary to ensure that the trees were properly considered as part of any planning application and, therefore, recommended that the TPO be confirmed without modification.

The Chairman spoke as Ward Member (Stanton) and wholeheartedly agreed that the trees in question did contribute significantly to the locality.

Councillor Andrew Smith moved that the recommendation be approved and this was duly seconded by Councillor Carol Bull.

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

Decision

The report be noted and Tree Preservation Order TPO/028 (2017) The Foundry, Old Bury Road, Stanton be **CONFIRMED WITHOUT MODIFICATION.**

7. **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 11.26 am

Signed by:

Chairman

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/014

Development Control Committee 5 April 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
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:

1. This application was deferred from consideration at the Development Control Committee meeting on 12 March 2018. Members resolved that they were ***minded to refuse planning permission*** due to the detrimental impact on the residential amenity of occupiers of 'The Arboretum' estate from potential increased traffic and HGV movements associated with light industrial uses. This resolution was contrary to the officer recommendation of approval. At this point, the Decision Making Protocol was invoked requiring the further reporting of this matter in the form of a risk assessment report before a decision is able to be made.
2. The Decision Making Protocol states that "*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 Services and the Assistant Director for Legal and Democratic Services (or Officers attending Committee on their behalf)*
 - *A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.*
 - *An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc. risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.*
 - *In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity."*
3. The purpose of this report is to provide a risk assessment for Members in accordance with the Decision Making Protocol, should planning permission be refused for the development contrary to the officer recommendation having regard to its accordance with Vision 2031 Policy HV10 and the NPPF and the absence of objections from relevant consultees – Suffolk County Council Highways Authority and the Council's Public Health and Housing team.
4. The previous officer report for the 12 March 2018 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.
5. The officer recommendation, which is set out at the end of this report, remains that planning permission should be approved.
6. For details of the **proposal, site, planning history, consultations, representations, policy, and Officer comment**, please refer to Working Paper 1 Paragraphs 1 – 18.

Risk Assessment:

7. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to refuse planning permission for the development proposal, having regard to the accordance with Vision 2031 Policy HV10 and the officer recommendation to approve planning permission. For the reasons set out in this report it remains officers' recommendation that permission be approved. If Members remain minded to refuse the application, they must be satisfied that any risks associated with doing so have been properly considered.
8. Members will recall that the previous officer recommendation was to approve planning permission as 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.
9. Furthermore 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, which supports the wider use of B1 (c) to encourage development of the site). The NPPF is an important material consideration and should be given significant weight in the determination of applications, although acknowledging that this must be considered alongside other policy/material considerations Members should also note that the existing condition (set out in full at paragraph 8 of the attached Working Paper) allows for ancillary B1(c) use, and any business at the site could have a degree of light industry as part of their operation. No objections have been received from technical consultees in respect of residential amenity impact, and therefore there is no technical evidence to support a refusal of the application.
10. If Members remain of the opinion that this application should be refused, they must be aware of any potential risks that may arise. The most significant potential risks in this case are reputational and financial, as development is refused that is otherwise plainly in accordance with adopted policy with no technical objections in respect of impact on residential amenity.
11. Officers consider the development proposed in this case to accord with policy. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.
12. In the absence of evidence to substantiate a reason for refusal it is likely that an appeal would be allowed. The applicants would have the right to recover their appeal costs (in full or in part, depending upon the circumstances) from

the Council should the Inspector conclude the Local Planning Authority has acted unreasonably. Advice about what can constitute unreasonable behaviour by a Local Authority at appeal is set out in the National Planning Practice Guidance. Relevant examples of unreasonable behaviour include:

- *preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;*
- *failure to produce evidence to substantiate each reason for refusal on appeal, and;*
- *vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.*

13. In the absence of evidence to substantiate its reasons for refusal Officers consider it would be extremely difficult to defend a potential claim for the partial or even full award of costs at appeal. An award of costs (including partial costs) against the Council would have financial and reputational implications for the Council.

14. In this case, and for the reasons set out in full in the Officer report attached as Working Paper 1, Officers consider that it would be difficult to defend a reason for refusal on grounds of residential amenity impact from allowing B1 (c) light industrial uses across the site, as by definition, B1 (c) uses should be appropriate in a residential area and be capable of operating with minimal amenity impact. Officer's opinion is that light industrial uses are unlikely to generate significant levels of HGV traffic, and indeed there is no evidence to suggest that this would be the case. The definition of B1 (c) uses (i.e. capable of being carried out in a residential area) is also indicative of an expectation that traffic impact on residential amenity would not be harmful.

15. Furthermore, Policy HV10 does not seek to restrict B1 uses and also allows and indeed anticipates light industrial uses on the site.

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)

16. Finally, whilst acceptance of a B1 (c) use does not increase the acceptability of other uses on the site, including residential, a refusal of B1(c) uses on the site would further harm the marketability, viability and deliverability of the site for development as a research and development park, perhaps forcing the landowner to consider alternative land uses for the site in the future. The

deliverability of the Policy HV10 vision would also be harmed. Whilst such alternative uses would still be contrary to Policy HV10, with the Council having effectively indicated that even a policy compliant use is not necessarily acceptable for the site, the Council would be in a weaker position to resist them.

Other Matters:

17. At the 1st March Development Control Committee meeting members discussed the potential of amending road layouts within the site. However, members are reminded that the existing road layout, or indeed future internal road layouts are not for discussion or determination under this application. This application only seeks to vary a condition. The general layout of the site has been approved through a masterplan and adjacent residential development was approved in January 2012 at the same time as the original outline permission for the research park.

Conclusion:

18. It remains the opinion of officers that the proposal accords with the development plan, and that there are no material considerations to indicate that a decision should be made contrary to the development plan. This is reflected in the recommendation made below.

19. Notwithstanding the above, if Members are minded to refuse the application on grounds of amenity impact, then without prejudice to the Officer recommendation of approval, the following refusal reason is suggested:

Allowing a general B1 business permission will likely result in an increase of light industrial uses across the site leading to an increased use of the shared access road by associated traffic, including HGV's, cars and vans. This could result in a reduced level of amenity for residents of the adjoining residential development through increased noise and pollution disturbance and traffic congestion on a road already serving residential properties as well as a nursery and public house. This would be contrary to Joint Development Management Policy DM2 (g) and paragraph 17 of the NPPF.

Recommendation:

20. 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 2 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.

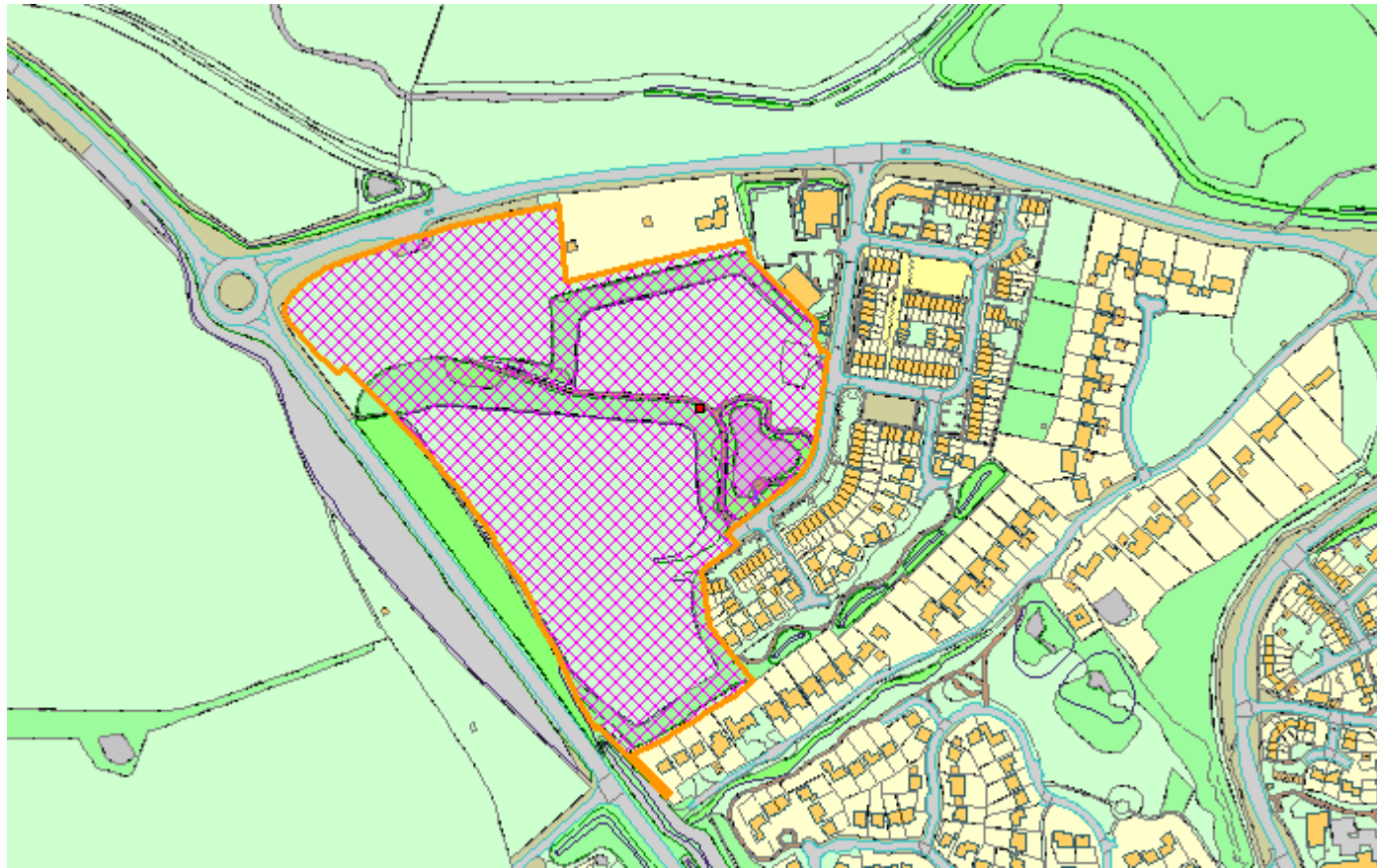
Documents:

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 – Committee Report from 12 March 2018

Working Paper 2 – Decision notice for DC/14/2087/OUT

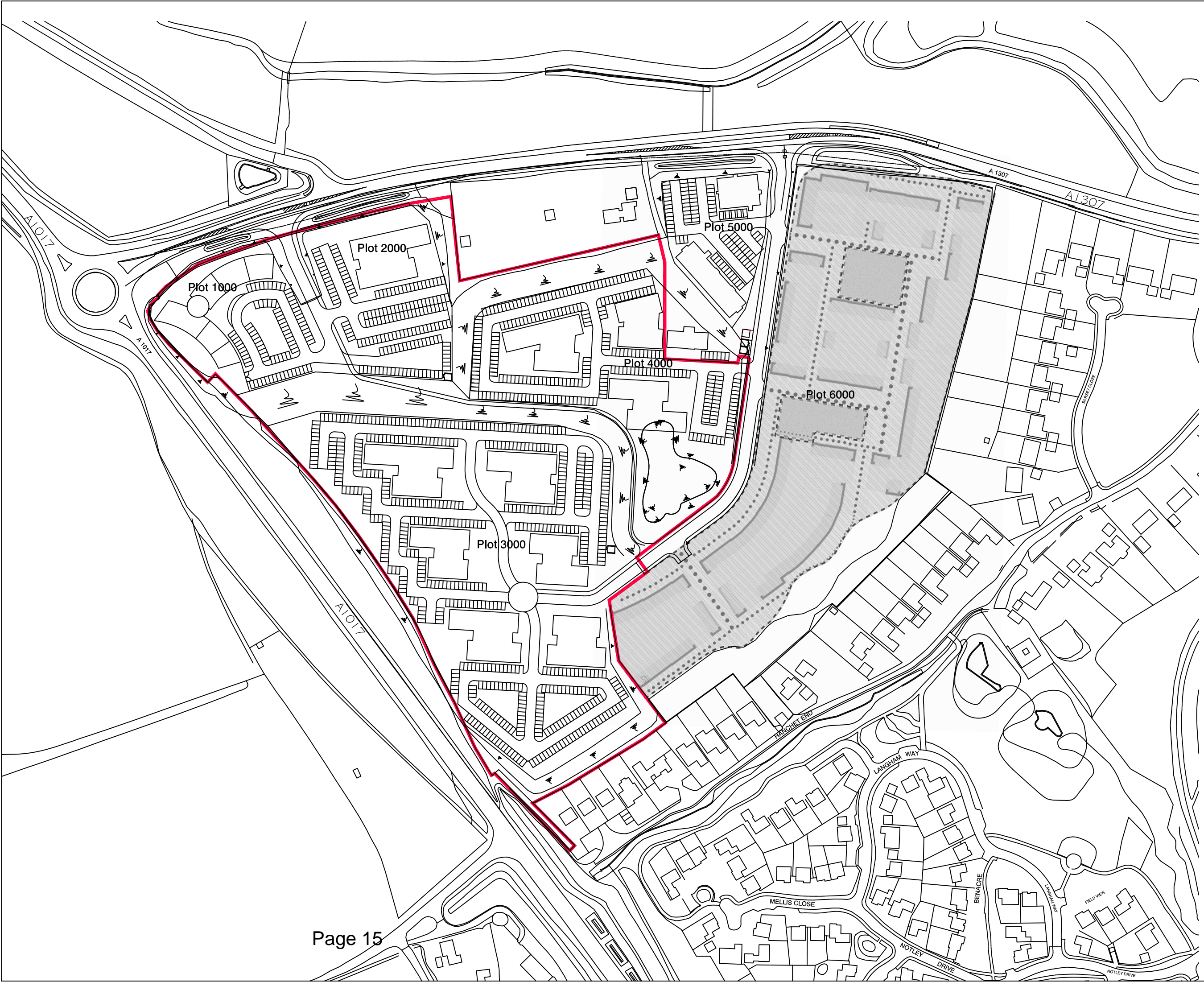
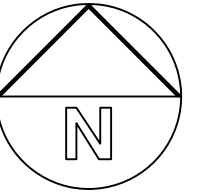
Working Paper 3 – Officer report for DC/14/2087/OUT



DC/17/2429/VAR

Haverhill Research Park, Hanchett End, Haverhill, Suffolk

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A HOUSING LAYOUT UPDATED 23/8/11 DHW
No Revision Date IHS

Job
HAVERHILL RESEARCH PARK

Drawing
LOCATION PLAN
- B1 OUTLINE PLANNING

Client
CARISBROOKE INVESTMENTS

**FRANK
SHAW
ASSOCIATES
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ARCHITECTS**

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Scale	Date	Drawn/Checked
1:2000 @ A3	18/8/11	DHW/MBW
Job No	Dwg No	Rev
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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/011

WORKING PAPER 1

Development Control Committee 12 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)	Application Granted	22.12.2014
	See Working Paper 2 for relevant committee report.		
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 - 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	Application 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 revocating 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

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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	05/05/2010
Reptiles report	01/11/2010
Robert Stebbings Survey for Bats report	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.

Steven Wood
DNB

Steven Wood
Head of Planning and Regulatory Services

Date: 22 December 2014

Abuse of Rights (Control of) Regulations 2007
Town and Country Planning (Control of) Regulations 1990
Town and Country Planning Act 1990
Section 78
Areas (Act 1990)
Planning (Listed Buildings and Conservation Areas) Act 1990
Section 20
Town and Country Planning Act 1990
Section 76

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of refusal 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. It is a condition of a planning application relating to the sale or substantially the same land and development as is already the subject of an advertisement and notice 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. 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 that 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 Secretary of State's requirements, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not intend to refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

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.

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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:

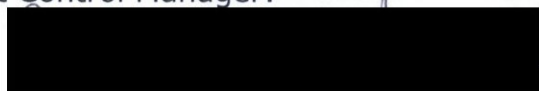
Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY (or West Suffolk House details as applicable)

Case Officer: Chris Rand

Tel. No. 01284 757352

Development Control Manager:

Date: 22/12/14



22/12/14

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/015

Development Control Committee 5 April 2018

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

Date	03.04.2017	Expiry Date:	03.07.2017
Registered:			EoT until 23.03.2018
Case Officer:	Marianna Hall	Recommendation:	Approve Application
Parish:	Bury St Edmunds	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, 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. 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.

Further comments received on 26th February and 19th March: Previous recommendation and comments still apply. In addition, charges for public car parks are high and will not encourage residents to use them. Presence of nearby hairdresser, dental surgery and school also create demand for the limited on-street parking. Cycle Route 51 runs through St Andrews Street South. Cycle parking and means of storage is not acceptable. Access to cycle store from private pathway obstructed by bin store. Private pathway should be wider as it is a pedestrian and cycle access. Also space between cycle store and rear wall may be insufficient to manoeuvre a cycle. Arrangement of cycle store outside Flat 6 is unclear. Conditions and S106 contribution recommended should permission be granted against our advice. S106 contribution of £15,000 requested to secure alterations to current parking restrictions on St Andrews Street and the surrounding area. Conditions to cover matters of travel packs, car club, bin storage and presentation, cycle storage, surface water drainage, construction and deliveries management plan, and S278 agreement for highway work.

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)
30. Suffolk Guidance for Parking Technical Guidance Second Edition (November 2015)

Officer Comment:

31. 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

32. 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.

33. 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.

34. 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.
35. 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.
36. 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.
37. 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.
38. 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

39. 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.
40. 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.

41. 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.
42. 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.
43. 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

44. 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.

45. 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.
46. 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

47. 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"*.
48. 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.
49. St Andrews Street South is subject to parking restrictions with double yellow lines on its western side adjacent to the site and most of the east side of the street having a single yellow line with parking restrictions therefore applying between 8am and 6pm. This therefore reduces the

likelihood of the development leading to on-street parking in the immediate vicinity, and thereby causing inconsiderate or unsafe obstructions on the road or footpath. Had parking on the existing single yellow lines during the evening ever been a problem then the County Council have a mechanism to amend this to double yellow lines but have never sought to. There are several on-street parking bays to the south of the site which can be used for up to 1 hour on Mondays to Saturdays between 8am and 6pm which could potentially provide for servicing and deliveries to the development.

50. 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 or have otherwise made arrangements for parking elsewhere. Annual season tickets for the public car parks in the town would provide possible options for those looking to retain a car, however, it is likely that the cost of this may also serve to discourage car ownership. The development will provide secure cycle storage in accordance with the standards and it is also proposed to provide residents with Travel Packs, the details of which can be secured by condition.
51. Concerns have been raised by Suffolk County Council as Highway Authority regarding the layout and design of the proposed cycle storage. It is alleged that not all of the cycle stands as shown can accommodate two bikes as intended and that it is also unclear how the cycle store to the rear of Flat 6 will be accessed due to the location of the adjacent bin storage area. Concerns are also raised regarding its proximity to the rear boundary wall. There is however sufficient space within the site to revise the layout of the cycle storage in order to address these matters, and an acceptable scheme can be secured by condition.
52. The Highway Authority have also raised concerns regarding the type of enclosure proposed for the cycle stores, in particular regarding its level of security and its visibility (being finished in Perspex). The cycle stores would however be accessed via a private footpath which the agent has advised would be secured by a locked gate and therefore only accessible by residents. This detail can be included as part of the revised cycle storage scheme secured by condition. The proposed materials will enable natural surveillance of the bike stores from the flats and as such this is considered to be acceptable.
53. The Highway Authority have suggested a number of conditions that should be attached to any permission granted in the provisional event that a decision is made contrary to their recommendation of refusal. These include the agreement of bin storage and presentation areas, secure cycle storage, surface water drainage, travel packs, a construction and deliveries management plan and highway works to remove the existing vehicular access, reinstate the footway and relocating street lighting and traffic signs. Conditions covering these matters are included within the officer recommendation of approval at the end of this report.
54. In addition to the above, the Highway Authority have recommended that a car club is provided to encourage car sharing. WSP Transport and

Development Planning, on behalf of the applicant, consider this to be unreasonable given the otherwise modest scale of the development. WSP advise that there are no existing car clubs in Bury St Edmunds upon which the development could build, and that an operator is unlikely to take on the responsibility and risk of delivering the car club service for a scheme of this modest size. The Highway Authority have not provided any further response to these points and in the absence of any such response and justification, officers are not content that this particular requirement is strictly necessary in order to otherwise make the development acceptable.

55. The Highway Authority have also suggested that if planning permission is granted, a Section 106 contribution of £15,000 should be secured for alterations to the current parking restrictions on St Andrews Street and the surrounding area. The Highway Authority state that these alterations may include upgrading single yellow lines to double yellow lines, creating disabled parking bays, extending existing parking bays and/or changing the existing time limit on parking bays. Some of these works would increase the restrictions on parking in St Andrews Street South and others would appear to allow more parking on the street. On the basis of the information provided by the Highway Authority, officers are not content that altering the existing restrictions on the street as a whole and in the surrounding area are directly related to this development and are fairly and reasonably related in scale and kind to the development. As such officers do not consider this request to meet the relevant tests under the CIL regulations. The agent has however agreed to carry out highway works that are directly related to the development, comprising the reinstatement of the footway following the removal of the existing vehicular access and the relocation of lighting and signage in the location of the southern pedestrian access to the flats. These works can be secured by condition.

56. In addition to the County Council parking 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. The site also 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.

57. 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 of off-site car parking (and that other mechanisms exist to control any such unauthorised parking should it occur), it is considered that the weight to be attached to the conflict with the parking standards and the resulting County Council objection would be reduced in this case to a level that would not be sufficient to justify a refusal on highway safety grounds. As discussed above, queries and concerns raised by the Highway Authority regarding the cycle storage and bin storage can be addressed via conditions.

Contamination and Air Quality

58. 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.
59. 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

60. 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

61. 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.
62. 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.

63. 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.
64. 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 items x £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.
65. 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.
66. 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

67. 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.
68. 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.
69. 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."

70. 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."

71. 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.

72. 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.

73. 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.

74. 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*'.

75. 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.
76. 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.
77. 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.
78. 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:

79. 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.

80. 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.

81. 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.

82. 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:

83. It is recommended that delegated authority be granted to officers 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 of water pollution caused by mobilised contaminants, and to prevent hazards caused by the discharge of surface water onto the highway.

- 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) All HGV and construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any

deliveries of materials commence. No HGV movements shall be permitted to or from the site other than in accordance with the routes defined in the Plan, and no equipment or materials shall be stored on the highway. The Construction and Deliveries Management Plan shall include, but not be restricted to, adequate parking of vehicles for demolition and construction site staff and visitors, means to ensure mud, water and other debris does not migrate onto the highway, times and movements of delivery vehicles including routes to and from the site and times and duration of site operation, storage of equipment and materials and location of site security fencing. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and/or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive areas.

- 13) 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.

- 14) No development shall commence until details of secure cycle storage have been submitted to and approved in writing by the Local Planning Authority. The details shall provide for a minimum of 2 cycle spaces per dwelling and the storage shall be secure from theft, damage and weather. The approved cycle storage facilities 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.

- 15) 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.

- 16) No development shall commence until details of the areas to be provided for the storage and presentation of refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. The areas 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.

- 17) No development shall commence until details of the highway works to reinstate the footway at the existing vehicular crossover have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall include the raising of kerbs, associated surfacing and drainage and the re-siting of street lighting and traffic signs from the proposed pedestrian access. The

agreed works shall be carried out before the development is first occupied.

Reason: To ensure that the highway works required as a result of the development are carried out to the correct specification in the interests of highway safety.

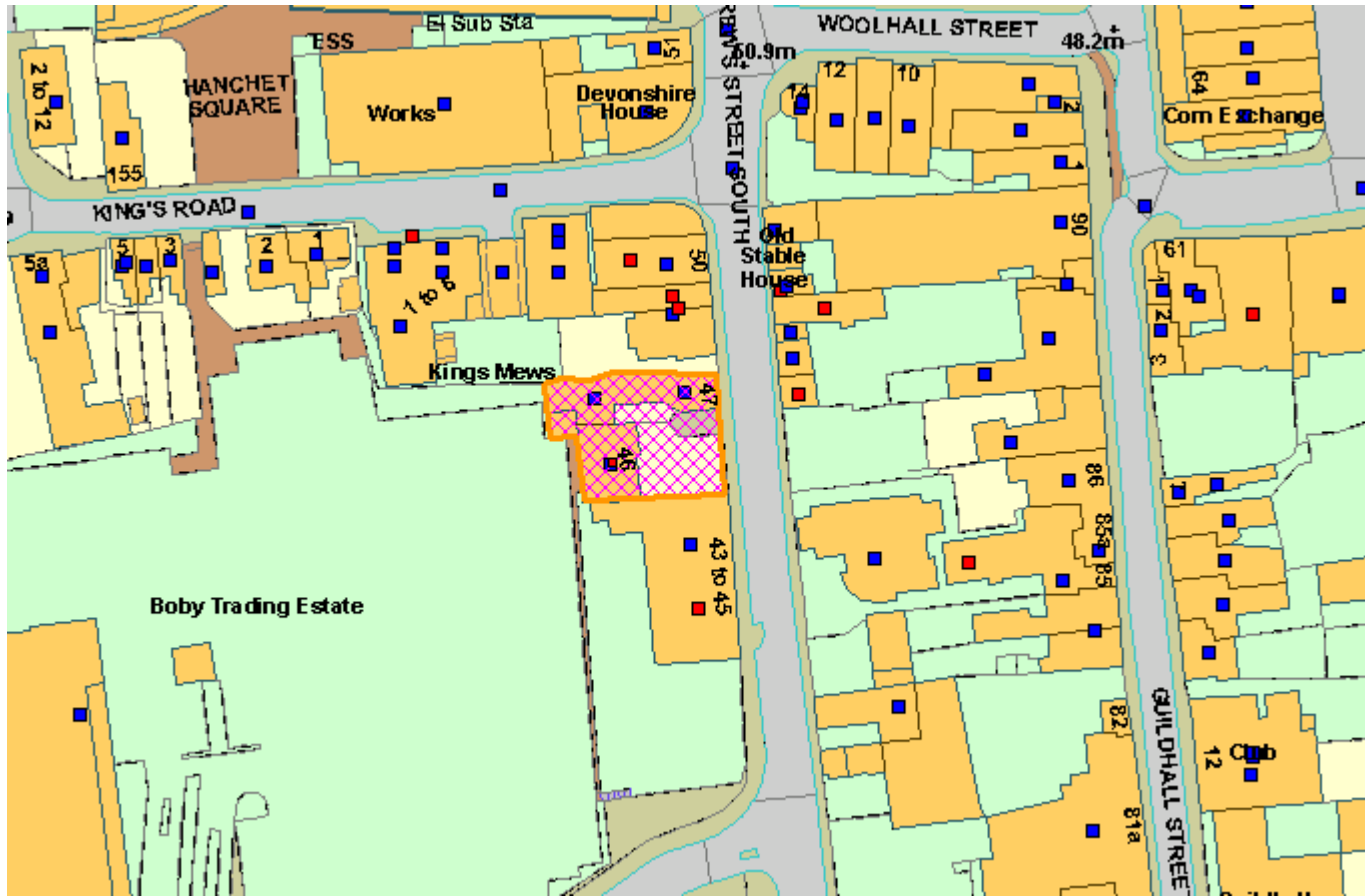
18) No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

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](#)

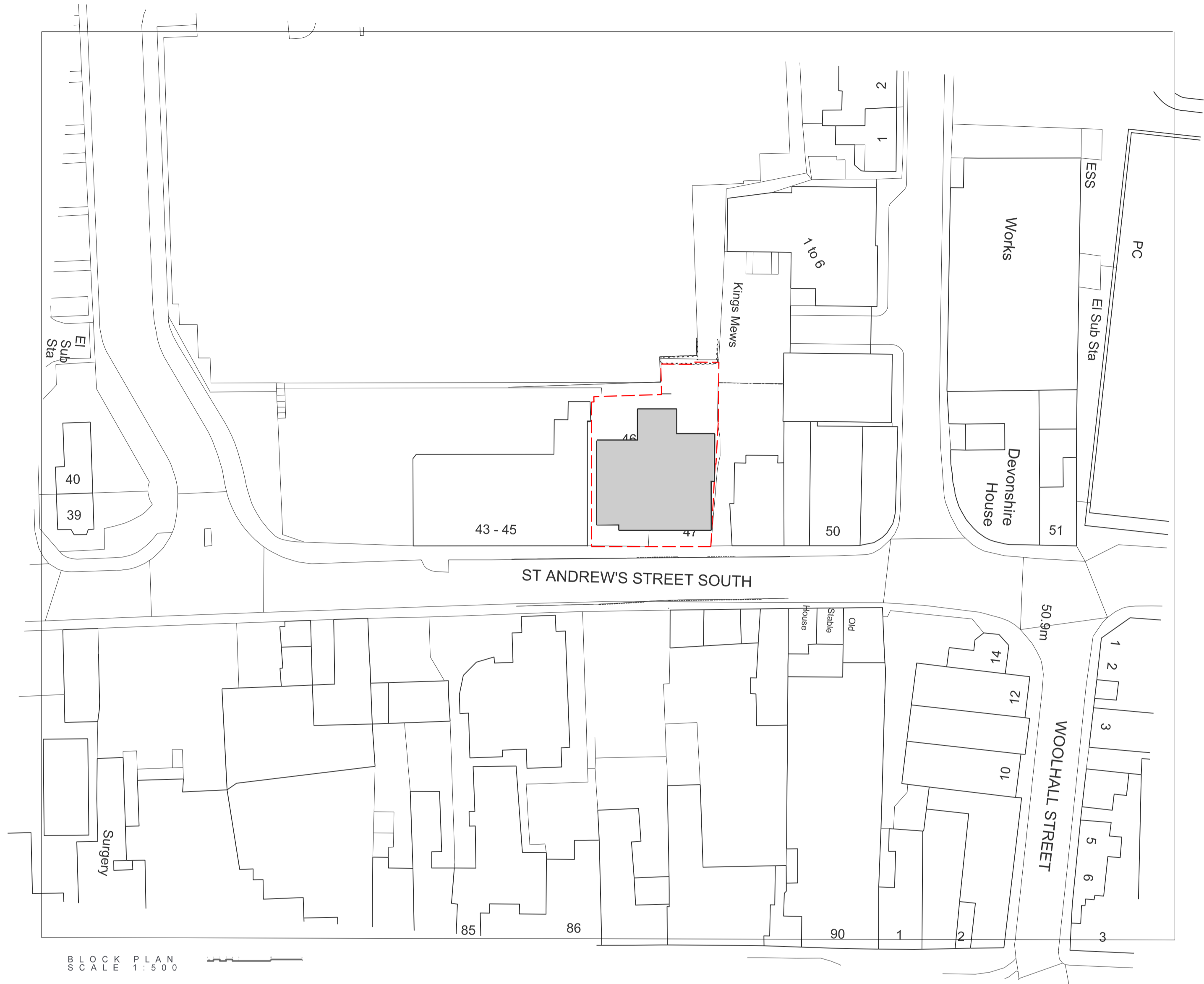
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DC/17/0688/FUL

46 To 47, St Andrews Street South, Bury St Edmunds, Suffolk

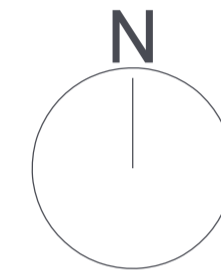
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DEMOLITION PLAN
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DEMOLITION PLAN
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A	PLANNING SUBMISSION	JR	28.03.17
REV	NOTE	DRN	DATE

SKETCH	BUILDING REGS	
PRELIMINARY	TENDER	
APPROVAL	CONSTRUCTION	
X PLANNING	HAS FILE	

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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

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/016

Development Control Committee 5 April 2018

Planning Application DC/17/2389/FUL – EMG Used Cars, Tayfen Road, Bury St Edmunds

Date Registered: 10.11.2017 **Expiry Date:** 09.02.2018

Case Officer: Marianna Hall **Recommendation:** Approve Application

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

Proposal: Planning Application - 46 no. apartments and 1 no. commercial unit (Class A1/A2/A3/B1(a) use) (Re-submission of DC/16/0730/FUL).

Site: EMG Used Cars , Tayfen Road, , Bury St Edmunds

Applicant: Kingsway Homes Ltd - Mr Belal Rouf

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 referred to the Development Control Committee because the Town Council objects to the proposal, contrary to the Officer recommendation of APPROVAL.

Members should note that this is an identical scheme to that approved by the Planning Inspectorate on 1 February 2018 under application reference DC16/0730/FUL. This application had been submitted in the alternative while the appeal in relation to DC/16/0730/FUL was ongoing, with a view to withdrawing the appeal had the application been determined positively before the appeal process. However, due to the objection received from the Town Council it was not possible otherwise to present this application to the Development Control Committee in time and instead efforts were focussed on assisting the appeal process.

The appeal Inspector's decision letter is set out at Working Paper 1 to this report, including a full list of conditions imposed. The delegated report recommending approval for DC/16/0730/FUL is also included at Working Paper 2. This sets out the specific details of the proposal which are therefore not otherwise repeated here.

The purpose of this report in this context therefore is to summarise the additional comments received from consultees and third parties, albeit noting this is an identical scheme to that recently allowed by the Planning Inspectorate.

This report recommends approval in the same terms as allowed by the appeal Inspector. A 'Unilateral Undertaking' has been received from the applicant securing the provision of the details otherwise necessary in order to make the development acceptable.

Proposal:

1. See report at Working Paper 2.

Application Supporting Material:

2. See Report at Working Paper 2.

Site Details:

3. See report at Working Paper 2.

Relevant Planning History:

Reference	Proposal	Status	Decision Date
DC/16/0730/FUL	Planning Application - 46 no. apartments and 1 no. commercial unit (Class A1/A2/A3/B1(a) use).	Appeal Allowed	01.02.2018

Consultations:

4. Town Council – Object on the grounds that this contravenes the principles contained in the Bury Vision 2031, namely that the design and development should employ high quality design and materials to reflect the importance of its location and that the design and development of the site should be sympathetic to any surrounding sensitive environmental and heritage features, and ensure any potential adverse effects are mitigated.
5. Bury St Edmunds Society – Object. Welcomes redevelopment of this site with new homes but concerned about the scale of development particularly the height of the building. Not convinced the scale is appropriate so close to the pavement and adjacent to two-storey development in Ipswich Street. Believe S106 contributions in respect of affordable housing and other infrastructure should be met in full.
6. Suffolk Preservation Society – Welcomes redevelopment of this brownfield site in a highly sustainable location. Design is however over scaled and out of keeping with surrounding development. Proposal fails to identify established local character. Provision of active frontage is welcomed. Plant room, bin store and substation should not form part of street frontage. Design lacks visual interest.
7. Health & Safety Executive – Refer to our planning advice online. Application lies within consultation distance of Major Hazard H1679 (National Grid Gas Holder Station).
8. SCC Highways – Previous comments and recommendations on DC/16/0730/FUL still apply.
9. Suffolk Fire & Rescue Service – Refer to previous comments on DC/16/0730/FUL.
10. Suffolk Constabulary – Refer to previous comments on DC/16/0730/FUL. Advisory comments provided regarding Secure by Design principles.
11. Anglian Water – Foul drainage and sewerage systems currently have capacity for these flows. Surface water strategy/flood risk assessment is acceptable. Condition recommended.
12. SCC Flood & Water Engineer – Strategy has not changed since original application. No objections subject to conditions.
13. SCC Archaeology – Site is within an area of archaeological significance. Conditions recommended to secure appropriate investigation and recording.
14. Public Health & Housing – Conditions recommended regarding noise attenuation.
15. Environment Team – Conditions recommended regarding land contamination and air quality.
16. Environment Agency – Refer to previous comments on DC/16/0730/FUL.

17. SCC Development Contributions Manager – The following contributions are sought: £73,086 for education; £736 for libraries.
18. Parks Infrastructure Manager – Quantum of open space is very limited compared to the maximum number of potential residents. Unit mix allows for families but available outdoor space limits access for meaningful play. Development also bounded on all sides by physical barriers, limiting access to more meaningful spaces to play. Therefore seek an off-site contribution to improve/provide open space/play space provision at a nearby site.
19. Strategic Housing – Development would normally have triggered 20% affordable housing on site in accordance with Policy CS5. Note however the viability argument has been accepted by the Council. No further comments.

Representations:

20. A total of 39 representations have been received, all of which object to the proposal. These can all be viewed in full on the West Suffolk website, and between them make the following summarised comments:

- Building's architecture is not in keeping with the historic character of the town.
- View towards St Johns Street will be damaged.
- Building is too tall.
- Building is out of proportion to neighbouring buildings.
- Building is monolithic, overbearing and poorly designed.
- Recognise need for more dwellings but scheme is asking too much of the site.
- Site needs improvement but development is unsuitable.
- Proposal does not conform to the stated aspirations of Vision 2031.
- Development would put pressure on an already congested junction.
- Development would increase demand for car parking in an area where parking has already decreased.
- Proposal in addition to The Old Maltings and Station Hill developments will compound traffic in surrounding streets.
- The number of parking spaces is too low.
- Visitor spaces should be provided.
- Access off Ipswich Street is incomprehensible. It is a small residential road and traffic will back up.
- The permit scheme is useless as non-residents can still park between 10:00 and 16:00.
- Building would overlook and block light to properties to the rear.
- View would be obscured by the building.
- There is no affordable housing.
- Cycle spaces are welcomed but there are no cycle lanes so this will lead to a further hazard.
- Proposal will have an effect upon air pollution.
- Site should be a green area.
- A terrace with parking in front would be better.
- There is no attempt to provide landscaping or to include any areas of green space.
- Should develop outside the town.
- The medieval wall will be covered and blocked by the design.

Policy:

21. See report at Working Paper 2.

Other Planning Policy:

22. See report at Working Paper 2.

Officer Comment:

23. See Reports at Working Papers 1 and 2 setting out, respectively, the Planning Inspector's conclusions on the proposals and the officer assessment of the relevant considerations. A signed Unilateral Undertaking has been submitted along with this application, setting out and securing the matters otherwise previously agreed and accepted by the Planning Inspector as being reasonable.

Conclusion:

24. In conclusion, officers are satisfied that there have been no material changes in circumstance, policy or wider site context that would otherwise justify a decision at odds with that reached by the Planning Inspectorate on 1st February 2018. The conditions set out by the Inspector are otherwise considered acceptable.

Recommendation:

25. It is recommended that planning permission be **GRANTED** subject to the conditions set out within the schedule appended to the Planning Inspectorate's decision letter shown at Working Paper 1 to this report.

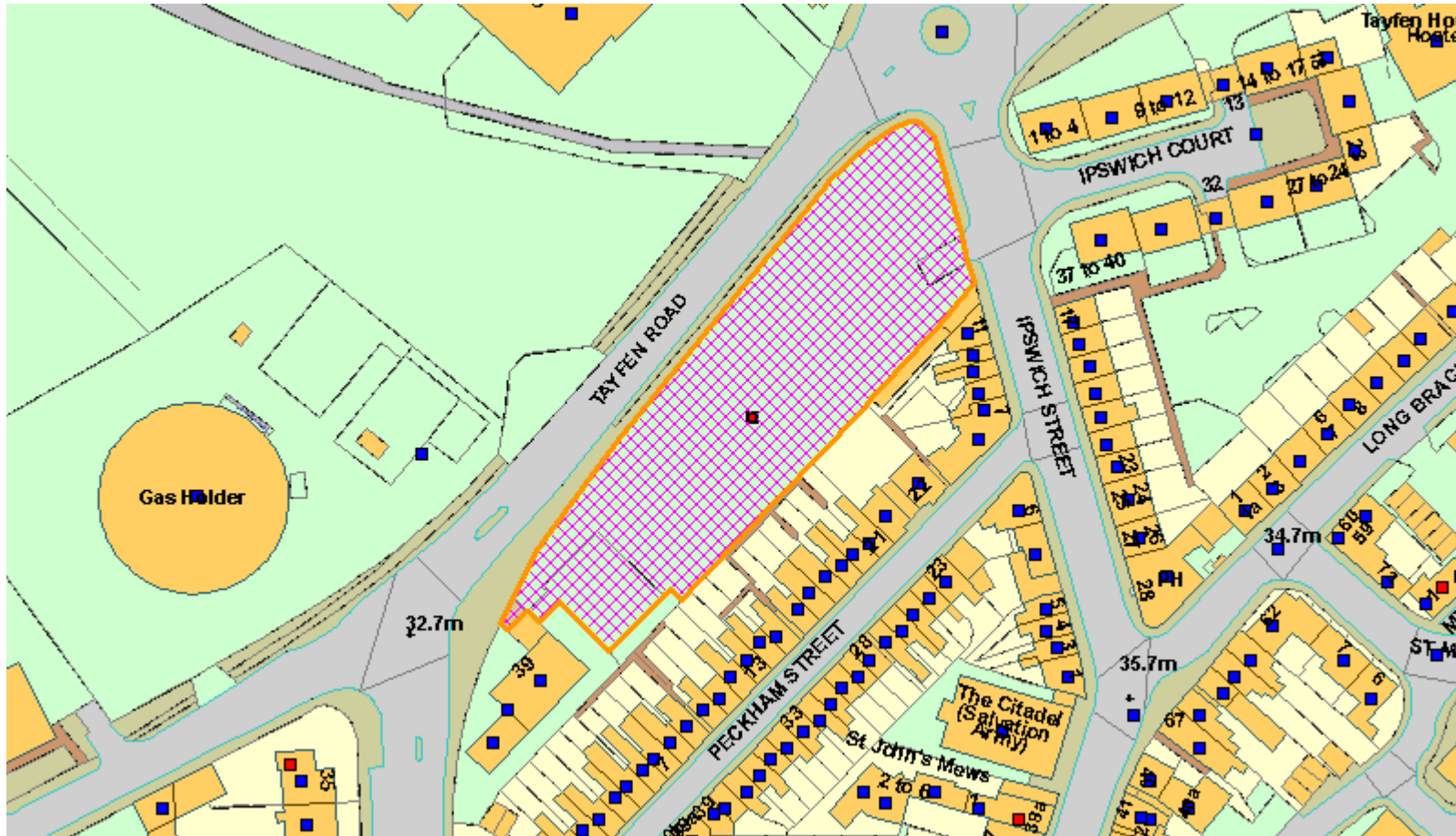
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2389/FUL](#)

Working Paper 1 - The appeal Inspector's decision letter, including a full list of conditions imposed

Working Paper 2 - The delegated report recommending approval for DC/16/0730/FUL

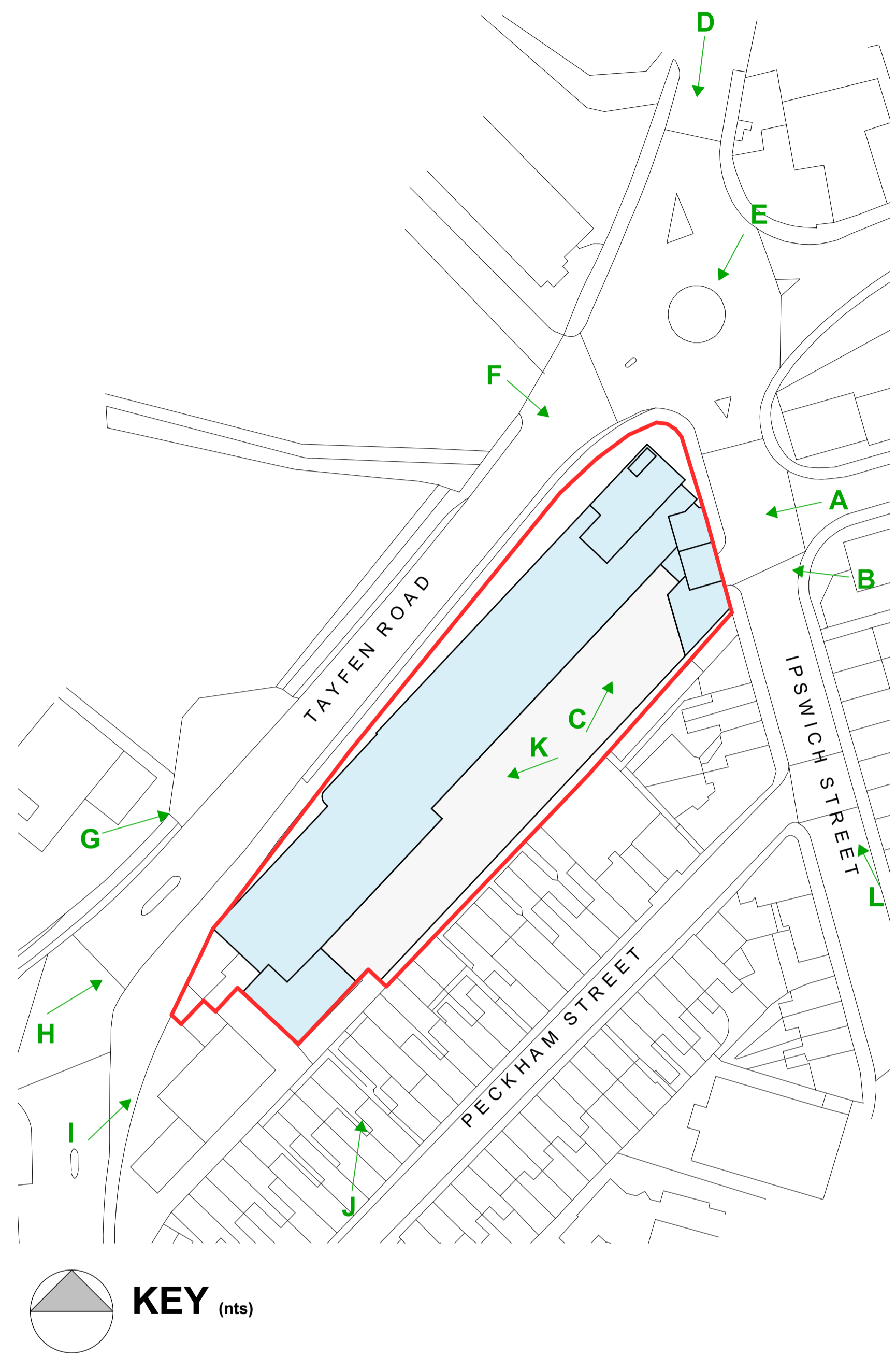
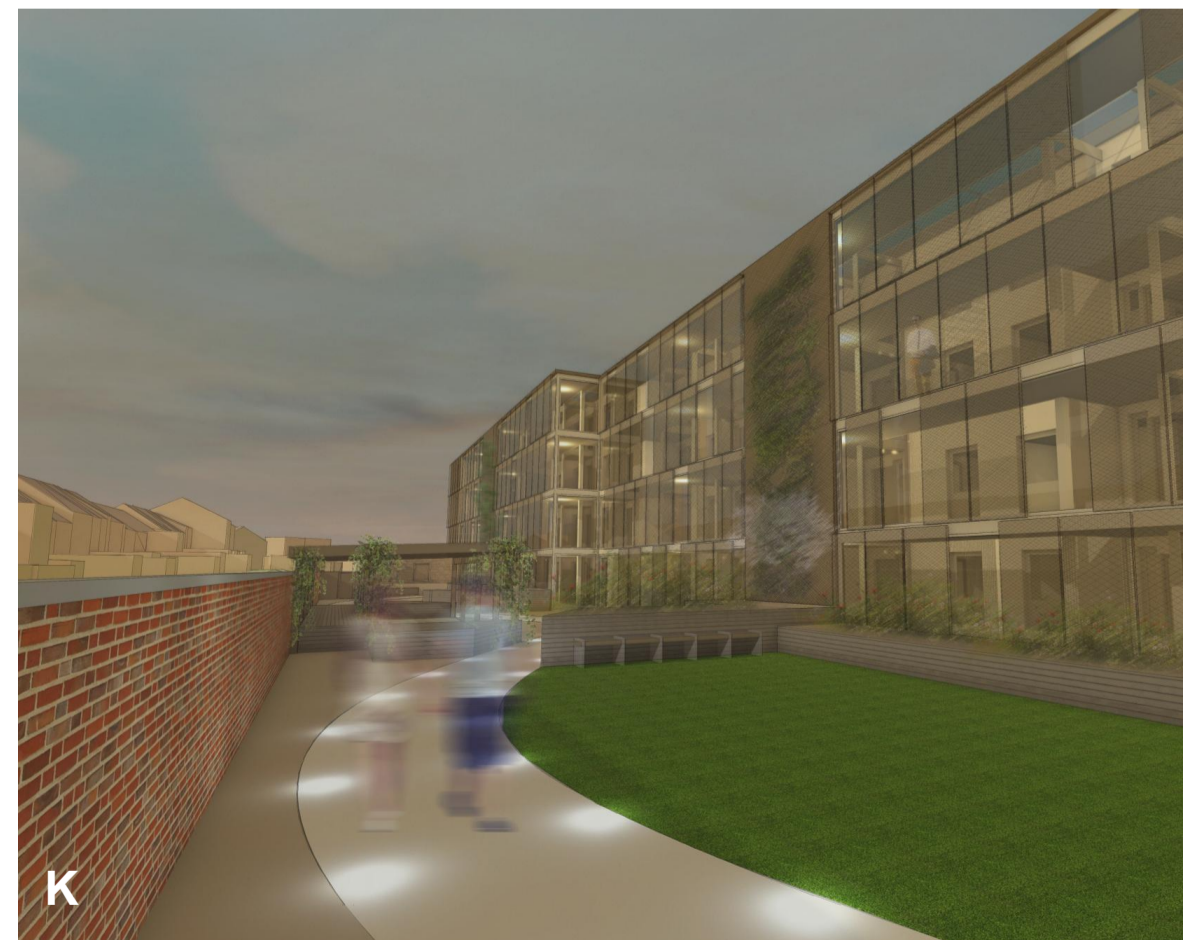
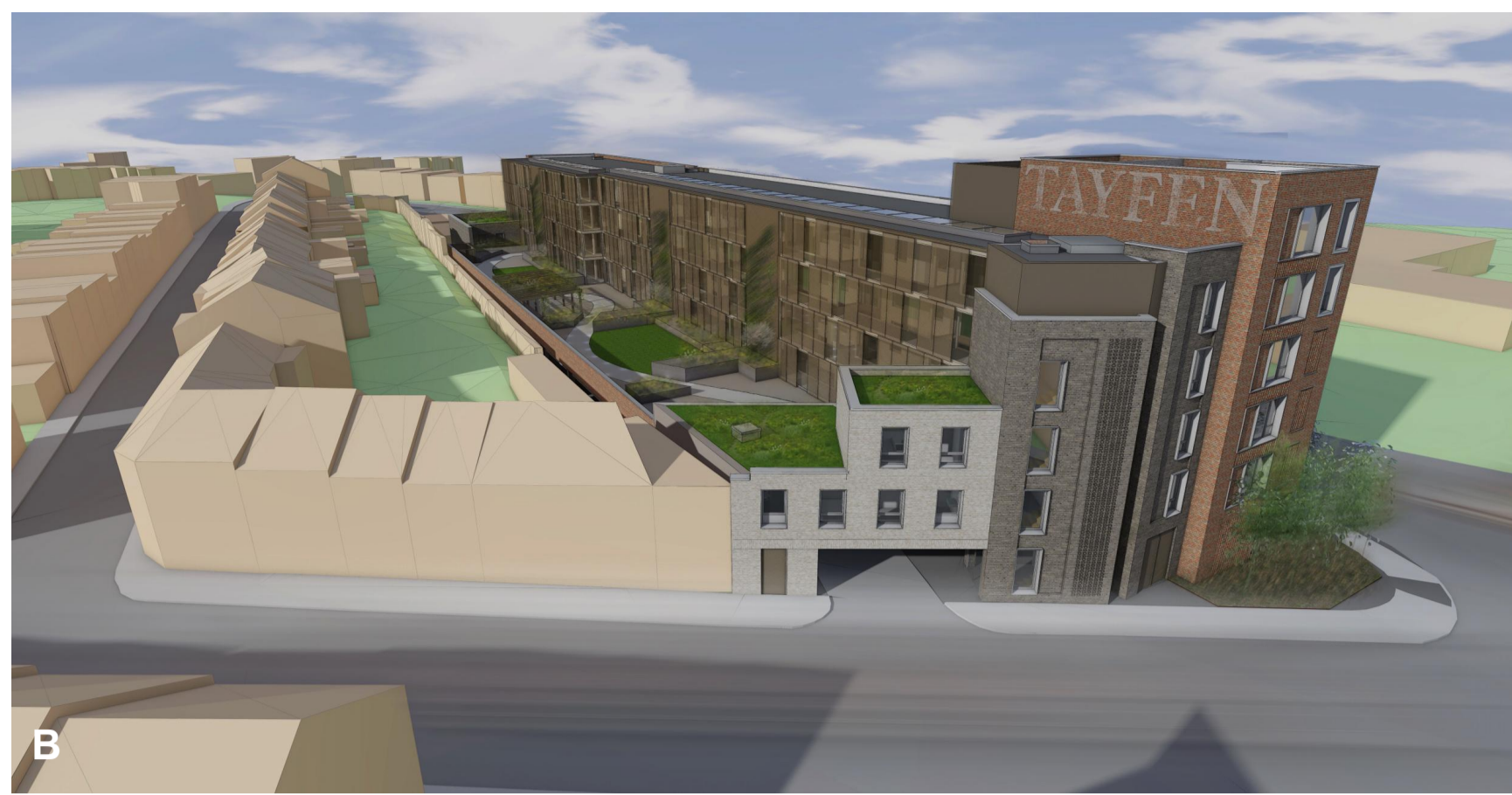
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DC/17/2389/FUL

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John Stebbing
Architects

notes

B	30/10/17	PLANNING ISSUE
revisions		

project
Tayfen Road
Bury St Edmunds
drawing
proposed visuals

scale
nts @ A1
date
17/03/16
number/revision
2057_18B
drawn
bw

John Stebbing
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01284 704546 johnstebbing@architectatwork.co.uk www.architectatwork.co.uk

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Appeal Decision

Inquiry Held on 16 January 2018

Site visit made on 16 January 2018

by G D Jones BSc(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2018

Appeal Ref: APP/E3525/W/17/3183051

EMG Motor Group site, Tayfen Road, Bury St Edmunds IP33 1TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Kingsway Homes Ltd against St Edmundsbury Borough Council.
 - The application Ref DC/16/0730/FUL, is dated 8 April 2016.
 - The development proposed is the erection of 46 no. apartments with commercial unit (A1, A2, A3 or B1(a) use) at ground floor level, communal landscaped podium garden, accesses, undercroft parking, landscaping and associated infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 46 no. apartments with a commercial unit (A1, A2, A3 or B1(a) use) at ground floor level, communal landscaped podium garden, accesses, undercroft parking, landscaping and associated infrastructure at EMG Motor Group site, Tayfen Road, Bury St Edmunds IP33 1TB in accordance with the terms of the application, Ref DC/16/0730, dated 8 April 2016, subject to the conditions contained within the Schedule at the end of this decision.

Application for Costs

2. At the Inquiry an application for costs was made by Kingsway Homes Ltd against St Edmundsbury Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council did not defend the appeal as reflected in the Statement of Common Ground between the main parties (the SoCG) and the proof of evidence of its only witness. The Council also confirmed that, had the appeal not been lodged, it would have granted planning permission for the proposed development subject to conditions and planning obligations.
4. The SoCG also contains a schedule of suggested conditions that are agreed by the main parties but also identifies a further condition, relating to the provision of electric charging points for vehicles, which was suggested by the Council but which was disputed by the appellant. However, during the Inquiry the appellant confirmed that, notwithstanding the SoCG, it now agreed with that suggested condition such that by the time the Inquiry started there were no remaining areas of dispute between the main parties.

5. A Unilateral Undertaking, dated 12 January 2018, made under S106 of the Town and Country Planning Act 1990 (the UU) was submitted shortly before the Inquiry opened. During the Inquiry the appellant confirmed that the UU supersedes an earlier legal agreement within the evidence, dated 19 December 2017.

Main Issue

6. In light of the extent of common ground between the main parties, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.

Reasons

7. Notwithstanding the Council's position on the proposed development, concern has been expressed locally, including by some of those who spoke at the Inquiry, in respect to several considerations. These included the effect of the development on the character and appearance of the area, on the living conditions of neighbours and on highway safety, as well as in respect to parking and congestion.
8. In respect to character and appearance these concerns include that the building would have an excessive scale and height and dominate the surrounding area, the scheme would be out of character with its context and Bury St Edmunds at large, and would represent a missed opportunity if it were to be built. Concerns were also raised over detailed matters of design including facing materials. In regard to living conditions the concerns raised include the building's effect on light to and outlook from neighbouring homes as well as the effect of any overlooking from residents of the development leading to potential loss of privacy; noise, pollution and dust from vehicle movements; and noise and disturbance from the proposed commercial uses.
9. In terms of highway matters it was suggested that the proposed access to Ipswich Street might be relocated to Tayfen Road to discourage potential 'rat running' along Ipswich Street and Peckham Street. In broader terms concerns are raised that the development would harm highway safety, cause more congestion and place greater pressure on on-street parking, which is said to be already problematic.
10. These matters are largely identified and considered within the Council officer's report on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on these matters subject to the planning obligations and the imposition of planning conditions.
11. The development would bring about the remediation and more efficient use of a prominent previously developed site, which the evidence indicates is heavily contaminated and from my observations is somewhat unsightly. In some respects the scheme would contrast with many of the surrounding buildings. For instance, there are no nearby structures as high as the five-storey portion of the proposed building at the corner of Ipswich Street and Tayfen Road. The proposed continuous built form along the site's principal frontage would also

- contrast with the more varied street scene in this part of Tayfen Road. Nonetheless, subject to the careful control of facing materials, the development would represent a very marked improvement on the appearance of the existing site as a car sales use such that the character and appearance of the area would be much enhanced as a result of the scheme.
12. The appeal site stands on much lower ground than the houses to the rear in Peckham Street which back on to the site. Consequently, the scale of the development, when perceived from these neighbouring properties, would be somewhat diminished. The proposed built form is set a reasonable distance away from the rear elevations of the nearest neighbouring buildings such that, while outlook from and light to these properties would be changed as the result of the development, a reasonable relationship would be achieved. This conclusion is supported by a report within the evidence which assesses the development's effect on daylight and sunlight.
 13. Outlook from the rear of the proposed development would be constrained by a series of measures. These include that the habitable rooms of the proposed flats would be positioned beyond internal circulation corridors that would be located adjacent to the rear elevation of the proposed building. Two sets of screens, in the form of perforated metal mesh panels and metal cladding with wire mesh, would also be employed on each side of these corridors. These measures, combined with the building's proposed siting relative to existing nearby properties would ensure that the appeal development would not result in an unacceptable degree of overlooking of neighbouring occupants.
 14. I note that the Council's environmental health service was consulted on the appeal planning application and that it did not conclude that the development would have any significant effect on the living conditions of neighbouring residents. Subject to the imposition of appropriate conditions I see no reason to disagree. Similarly, the County Council, as local highway authority, has not objected to the scheme subject to certain provisions that are proposed to be controlled via planning obligations and conditions. On this basis, in the absence of any substantiated evidence to the contrary, I have found no good reason to believe that development would have any significant effect on highway safety, congestion or parking.
 15. Concerns have also been raised locally that the development would affect local property values and that it is being proposed with the objective of making a profit for the developer. However, other than in respect to the scheme's viability, these are not matters for my consideration in the determination of an appeal made under section 78 of the Town and Country Planning Act 1990.
 16. The proposals would bring a number of benefits as set out in the evidence of both main parties, some of which I have identified above. I have also found no reason to disagree with the Council's conclusion that the scheme accords with the development plan. On this basis, having regard to paragraph 14 of the National Planning Policy Framework, the development proposals should be approved without delay.

Other Matters

17. In the event that planning permission were to be granted and implemented the UU would secure a contribution for the provision of primary school places, open space / play equipment, highways works, bus stops and library facilities. The

Council and the County Council have both produced documents, which address the application of statutory requirements to the planning obligations within the UU and also set out the relevant planning policy support / justification. At the Inquiry I was also advised by the Council that the obligations of the UU would not result in the pooling of more than five obligations for any one infrastructure project or type of infrastructure through planning obligations and there is no evidence to the contrary.

18. I have considered the UU in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations. Having done so, I consider that the obligations therein would be required by and accord with the identified Policies. Overall, I am satisfied that the obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.

Conditions and Conclusion

19. I have been provided with a schedule of conditions which is agreed by the main parties, including in respect to amendments as discussed during the Inquiry. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would be necessary. This condition also includes reference to the planning application form and other application documents in respect to drainage. Their inclusion would be necessary to control the proposed facing materials to help the development harmonise with its context and in the interests of flood prevention.
20. Conditions requiring adequate remediation of any contamination affecting the site would be necessary to safeguard the health and well-being of future occupiers. A single condition to control surface water drainage would be necessary to safeguard against flood risk, in the interests of highway safety and to protect the environment. For these reasons (except for highway safety) a condition to control any penetrative construction methods would also be necessary. Conditions would be necessary to ensure that features of archaeological interest are properly examined / recorded.
21. To protect the living conditions of local residents, conditions would be necessary to control hours of working during construction, the provision of the screening measures outlined above, and the trading hours of and cooking odours from the proposed commercial premises. A condition would also be necessary to ensure that the proposed biodiversity enhancement is implemented. To help provide an acceptable living environment for residents of the development, a condition to secure noise attenuation and ventilation would also be necessary. The approval and implementation of a scheme for the provision of fire hydrants would also be necessary in the interests of occupants' safety. Conditions to control off-site highways works, the position of access gates and the provision of on-site parking and manoeuvring space would be necessary in the interests of highway safety.
22. To promote sustainable modes of transport, conditions to secure the implementation of a Travel Plan and the provision of on-site electric vehicle charging points would be necessary. To provide certainty, to protect the

character and appearance of the area, and in the interests of highway safety, a condition would be necessary to secure the proposed refuse/recyclable storage facilities. A condition to limit water consumption rates per dwelling would be necessary to protect the environment. To protect the character and appearance of the area, a condition to maintain the proposed landscape works would also be necessary.

23. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

G D Jones

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Whipps, Solicitor, Holmes & Hills LLP	Instructed by Jo Hooley, St Edmundsbury Borough Council
He called ¹	
Marrianna Hall MSc(Hons)	Senior Planning Officer, St Edmundsbury Borough Council

FOR THE APPELLANT:

Christopher Young of Counsel	Instructed by Stephen Hinsley, Tetlow King Planning Ltd
He called ²	
Stephen Hinsley BA(Hons) MRTPI	Senior Director, Tetlow King Planning Ltd
John Stebbing	John Stebbing Architects Ltd
DipArch(Hons) RIBA	

INTERESTED PERSONS:

Charles Coldrey	Local Resident
Jill Anderson	Local Resident
David Nettleton	Borough Ward Councillor

DOCUMENT submitted at the Inquiry

- 1 Application for Costs by the Appellant against the LPA, dated 16 January 2018

¹ As there were no matters of dispute between the main parties by the time the Inquiry opened, Ms Hall was not 'called' as such but did contribute to the 'roundtable' session on planning obligations and conditions

² Both of the appellant's witnesses gave evidence in chief but were not cross-examined by the Council

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/E3525/W/17/3183051:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in complete accordance with the details shown on the following approved plans and documents, as received by the Council on 11 April 2016 *unless otherwise stated below*:
 - Dwg No 2057.05A Existing Site Plan
 - Dwg No 2057.06A Existing Site
 - Dwg No 2057.101C Proposed Ground Floor
 - Dwg No 2057.102B Proposed First Floor
 - Dwg No 2057.103B Proposed Second Floor
 - Dwg No 2057.103B Proposed Third & Fourth Floor
 - Dwg No 2057.104B Proposed Fifth Floor & Roof
 - Dwg No 2057.14C Proposed Sections
 - Dwg No 2057.15C Proposed Elevations
 - Dwg No 2057.17A Proposed Flat Types
 - Dwg No 2057.18A Proposed Visuals
 - Dwg No JSTEB 418/2-001 REV C-1 Concept Hard & Soft Landscape Proposals – Ground & 1st Floor
 - Dwg No JSTEB 418/2-002 REV A Concept Hard & Soft Landscape Proposals – Green Roofs
 - Dwg No 284/2015/SK-01 Proposed Surface Water Drainage Layout & Details
 - Application Form
 - Flood Risk Assessment and Drainage Strategy
 - Micro Drainage report (Porous car park) *received on 8 August 2016*
 - Micro Drainage report (Subbase storage) *received on 8 August 2016*
- 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 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; and
 - (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.
- 4) No occupation of any part of the development shall take place until a verification report has been submitted to and approved in writing by the local planning authority demonstrating the completion of the 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.
- 5) If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise approved in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
 - 6) 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.
 - 7) Penetrative construction methods shall not be used unless otherwise previously approved in writing by the local planning authority. The development shall be carried out in accordance with any such approved details.
 - 8) 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 (LPA). The scheme of investigation shall include an assessment of significance and research questions and:
 - (i) The programme and methodology of site investigation and recording;
 - (ii) The programme for post investigation assessment;
 - (iii) Provision to be made for analysis of the site investigation and recording;
 - (iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (v) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - (vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation; and
 - (vii) The site investigation shall be completed prior to development, or in such other phased arrangement, as approved in writing by the LPA.
 - 9) 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.
 - 10) Site demolition, preparation and construction works shall only be carried out between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays. In any event no site demolition, preparation or construction works shall take place on Sundays or Bank Holidays without the prior written consent of the local planning authority.
 - 11) The perforated metal mesh panels and the metal cladding with wire mesh on the southeast (rear) elevation of the building as shown on drawing no.

- 2057.14C shall be fully installed prior to any of the dwellings being first occupied and shall be retained thereafter as approved.
- 12) Prior to the first occupation of any of the dwellings hereby permitted biodiversity enhancement measures shall be installed in accordance with the details submitted with the application and as shown on drawing numbers JSTEB 418/2-001 REV C-1 and JSTEB 418/2-002 REV A unless alternative details are submitted to and approved in writing by the local planning authority prior to first occupation.
 - 13) No work of construction above slab level shall commence until details of noise attenuation and ventilation measures for the dwellings hereby approved have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented in full prior to the dwellings to which they relate being first occupied.
 - 14) No work of construction above slab level shall commence until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the local planning authority (LPA). No part of the development shall be 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 LPA is obtained for any variation.
 - 15) No part of the development shall be occupied until details of the works to be carried out along the Tayfen Road frontage of the site within the public highway have been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in full prior to the first occupation of any part of the development, including any necessary Traffic Regulation Order which forms part of the proposals. Thereafter the works shall be retained in the approved form.
 - 16) The areas within the site shown on drawing number 2057.101C for the purposes of manoeuvring and parking of vehicles shall be provided prior to the dwellings/commercial unit to which they relate being first occupied. Thereafter those areas shall be retained and used for no other purposes.
 - 17) Not less than three months prior to the first occupation of any dwelling, details of the contents of a Residents Travel Pack shall be submitted to and approved in writing by the local planning authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised travel planning and a multi-modal travel voucher. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with the approved Residents Travel Pack. The Residents Travel Pack shall be maintained and operated as approved thereafter.
 - 18) The refuse and recycling bins storage areas shown on drawing number 2057.101C shall be provided in their entirety prior to the dwellings/commercial unit to which they relate being first occupied and shall be retained and used thereafter for no other purpose.
 - 19) Gates shall be set back a minimum distance of 5 metres from the edge of the nearest carriageway and shall open only into the site and not over any area of the highway.

- 20) The commercial unit hereby approved shall not be open for customers outside the hours of 06:00 to 23:00.
- 21) Prior to the commercial unit being brought into use for any Class A3 purposes, a ventilation system and system to control odours from any cooking process shall be installed in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The details shall include measures to abate the noise from the systems and a maintenance programme for the systems. Thereafter the systems shall be retained and maintained in complete accordance with the approved details unless the prior written consent of the local planning authority is obtained for any variation.
- 22) 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 and shall not be exceeded thereafter.
- 23) All planting shown within the approved details of landscaping shall be carried out in the first planting season following the commencement of the development, or within such extended period as may first be approved in writing by the local planning authority (LPA). 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 LPA gives written consent for any variation.
- 24) The areas within the site shown on drawing no. 2057.101C for the purposes of manoeuvring and parking of vehicles shall be provided prior to the dwellings/commercial unit to which they relate being first occupied. Thereafter those areas shall be retained and used for no other purposes.
- 25) No work of construction above slab level shall commence until details of the provision of electric vehicle charging points to serve the dwellings have been submitted to and approved in writing by the local planning authority. The approved electric charging points shall be provided prior to the dwellings to which they relate being first occupied and shall be retained thereafter as approved.

**Planning Application DC/16/0730/FUL,
EMG Motor Group Site, Tayfen Road,
Bury St Edmunds, Suffolk**

Date Registered:	11.04.2016	Expiry Date:	11.07.2016 EoT 07.07.2017
Case Officer:	Marianna Hall	Recommendation:	Grant
Parish:	Bury St Edmunds Town Council	Ward:	Risbygate
Proposal:	Planning Application - 46 no. apartments and 1 no. commercial unit (Class A1/A2/A3/B1(a) use).		
Site:	EMG Motor Group Site, Tayfen Road, Bury St Edmunds		
Applicant:	Kingsway Homes Ltd - Mr Belal Rouf		

CONTACT CASE OFFICER:
Email: marianna.hall@westsuffolk.gov.uk
Telephone: 01284 757351

Background:

The applicant has lodged an appeal against the 'non-determination' of the planning application within the prescribed decision making period. The time period for the determination of this planning application expired on the 7th July 2017.

The Council is no longer able to determine the application which will now be considered by an appointed Inspector. A decision regarding the Council's position is able to be taken by officers using delegated powers, noting that the Town Council have not objected to the scheme and that Ward Members Cllr Julia Wakelam and Cllr David Nettleton are content for this matter to proceed without reference to the Development Control Committee.

It is recommended that the Authority confirm that, had it still been in a position to do so, that it would have approved the application, subject to conditions and subject to a S106 agreement.

Proposal:

1. Planning permission is sought for the redevelopment of the site to provide a commercial unit at ground floor level together with 46 no. apartments, comprising the following:
 - 34 no. 2-bedroom (4 person) flats;
 - 9 no. 2-bedroom (3 person) flats; and
 - 3 no. 3-bedroom (5-6 person) duplex flats.
2. Nine different flat types are proposed across the scheme. 46 no. car parking spaces are to be provided (5 no. accessible) in a secure ground floor car park, equalling one space per flat. 2 no. covered and secure cycle parking spaces are also proposed for each flat (92 no. in total). 18 no. visitor cycle spaces are also provided.
3. Communal refuse and recycling storage is provided for the flats and is accessible close to the main circulation cores of the building. A gym and concierge service are proposed on the ground floor of the building, accessed from core A.
4. The building proposed comprises a five-storey structure with a six-storey element at the northeast corner of the site. The scale of the building reduces as it turns the corner of Tayfen Road and Ipswich Street, reducing to a more domestic two-storey scale adjacent to the off-site neighbouring dwellings.
5. An active frontage is created using the ground floor for commercial purposes. A landscaped podium deck is proposed at the rear of the building at first floor level and will be at a similar height to the gardens of the Peckham Street properties to the south. The podium deck conceals the residents' car park beneath.
6. The commercial unit proposed at ground floor level measures approximately 290m² and would be served by 5 no. car parking spaces (1 no. accessible) and 10 no. cycle spaces. The existing 11 no. car parking spaces that service the adjoining takeaway units are to be maintained on site and upgraded.

Application Supporting Material:

7. Information submitted with the application is as follows:
 - Application Form
 - Plans
 - Design and Access Statement
 - ELD Design and Access Statement – Landscape Section
 - Planning Statement
 - Brief for Trenched Archaeological Evaluation
 - Surface Water Drainage Scheme
 - Flood Risk Assessment and Drainage Strategy
 - Noise Impact Assessment
 - Transport Assessment
 - Stage 1 Road Safety Audit Designers Response
 - Daylight and Sunlight Assessment
 - Phase 1 – Desk Study and Preliminary Risk Assessment
 - Remedial Options Appraisal
 - Groundsure Geoinsight geo-environmental report
 - Groundsure Enviroinsight environmental report
 - Air Quality Assessment
 - Viability Assessment by Carter Jonas LLP*
 - Development Appraisal by Carter Jonas LLP*
 - Financial Viability Assessment by affordable housing 106*
 - Report on Preliminary Budget Estimate by WT Partnership*

*These documents are confidential and are not available for public viewing.

Site Details:

8. The application site comprises a brownfield site on the south side of Tayfen Road. The site is bounded by Ipswich Street to the east, a tall retaining wall and rear gardens to the houses on Peckham Street to the south, and takeaway food outlets (with St Andrews Street North beyond) to the east. The site is approx 3,000 sqm and has two existing vehicular access points from Tayfen Road and Ipswich Street.
9. Currently the application site is used by the EMG motor group as a used car sales court. The site is vacant of any permanent buildings, but contains a temporary single storey portacabin associated with the car sales use.
10. The site has a metal boundary fence to Tayfen Road and Ipswich Street and there are three small cherry trees within the site to the south west, with a further two small cherry trees just outside the site boundary within the Tayfen Road footpath.
11. The tall retaining boundary wall to the south is a prominent feature of the site. This acts as the rear boundary wall to the Peckham Street properties which abut the site. In places there are large amounts of vegetation growing on the wall. The land sharply rises to the south beyond the application site. The ground floor of the Peckham Street properties is a full storey height above the application site ground level. The difference in height becomes greater as you move further west along Peckham Street and Tayfen Road.
12. To the southwest of the application site the neighbouring single storey takeaway units are sited at the junction of Tayfen Road and St Andrews Street

North. These commercial units have the benefit of using the vehicular entrance to the site from Tayfen Road together with 11 no. car parking spaces on site. These spaces will be retained in the redeveloped site, with pedestrian access provided between them and the retained off site takeaway units.

13. The site lies within the settlement boundary for Bury St. Edmunds. It is approximately 75 metres in a straight line from the nearest part of the Town Centre Conservation Area, and around 150 metres in a straight line from the nearest part of the designated town centre boundary.

Planning History:

Reference	Proposal	Status	Decision Date
SE/02/2676/P	Planning Application - Retention of four pole mounted floodlights	Application Granted	02.04.2003
SE/02/1038/P	Planning Application - Erection of 1.6 metre high perimeter security railings and associated gates (following removal of existing boundary demarcation structure)	Application Granted	07.02.2002
E/99/3290/P	Planning Application - (i) Continued use of land for display/sale of cars and for car/van rental business; and (ii) retention of two portable office buildings, fencing and two pole-mounted flood lights	Application Granted	09.02.2000
E/95/2548/A	Advertisement Application - Retention of two non-illuminated advertisement boards	Application Granted	07.11.1995
E/94/3065/P	Planning Application - (i) Use of land for display/sale of cars and for can/van rental business; (ii) siting of two portable office buildings; (iii) construction of tarmac surface; and (iv) retention of fencing and two pole-mounted floodlights as amended by letter and plans received 19th January 1995 that (a) revise description of development and site area; and (b) detail	Application Granted	01.03.1995
E/94/1121/P	Planning Application - Continued use of land for (i) standing of recovery	Application Granted	03.03.1994

	vehicles (maximum 5 in number) and (ii) stationing of portable building for office purposes		
E/93/2302/P	Planning Application - Use of land for car sales/display purposes utilising existing vehicular access from Tayfen Road	Application Granted	14.10.1993
E/93/1116/P	Planning Application - (i) Continued use of land for car and van rental; (ii) retention of portable office building and (iii) retention of two pole-mounted floodlights and fencing	Application Granted	15.04.1993
E/92/1909/P	Use of land on temporary basis for public car park, car sales, food sales and occasional outdoor sales (including stationing of mobile office and food sales trailer)	Application Withdrawn	24.07.1992
E/90/2846/P	Erection of office building (Class B1) together with associated car parking served by vehicular access from Tayfen Road as amended by letter and plans received 21st January 1991 and further amended by letter and plans received 19th August 1991 cons - bradley and G. Cowley - reconsulted beng, G. Cowley	Application Granted	01.02.1994
E/90/1056/P	Continued use of land for vehicle rental depot on a temporary basis including the retention of a portacabin	Application Granted	09.05.1990
E/88/4171/P	Use of land for vehicle rental depot on a temporary basis including the provision of a portakabin and new fencing	Application Granted	20.01.1989
E/88/1917/P	Erection of two storey offices with associated car parking and vehicular access from Ipswich Street	Application Withdrawn	27.08.1990

E/87/3001/P	Outline Application - Building (6,000 sq.ft.) to house vehicle sales, hire, storage, repair, servicing and maintenance operation with associated car parking, servicing and landscaping also new pedestrian access from Tayfen Road and alterations to vehicular/pedestrian access from Ipswich Street	Application Withdrawn	04.09.1990
E/87/1885/P	Erection of retail warehouse with associated car parking, servicing, landscaping and improved vehicular/pedestrian access from Ipswich Street and pedestrian access from Tayfen Road	Application Withdrawn	14.08.1987
E/86/2255/P	Outline Application - Retail warehouse (non-food) with storage and ancillary space together with car parking as amended by letter dated 23rd July 1986 and attached plan	Application Refused	12.08.1986
E/84/3413/P	Erection of 1 and 2 storey business centre incorporating 6 office units with access	Application Withdrawn	17.06.1986
E/84/1644/P	Erection of one and two storey business centre with access, incorporating (i) six office units (including bank sub-office) and (ii) use of building granted planning permission (Register Index Listed E/83/2315/P) as two office units	Application Refused	10.05.1984
E/80/3689/P	CHANGE OF USE OF DERELICT LAND TO CAR PARK	Application Refused	02.02.1981
E/78/1282/P	2 STOREY TYRE CENTRE & PETROL FILLING STATION WITH OFFICE & ACCESSORIES SHOP	Application Refused	23.05.1978
E/77/1215/P	TRADE AND RETAIL OUTLETS FOR MAJOR TRADE	Application Refused	30.03.1977

Consultations:

14. Town Council

No objection.

15. Suffolk County Council Environment & Transport and Suffolk County Council Travel Plan Officer

Original comments:

Recommend refusal. Proposed loading bay is within public highway and will allow parking and manoeuvring of vehicles affecting safety and congestion on a busy 'A' road. Loading arrangement may also affect SCC's proposal to improve junction between Tayfen Road and Station Hill. When in use, loading bay will restrict minimum required visibility of 2.4m x 43m when in use. Loading arrangements would require changes to the Traffic Regulation Order restricting all parking along Tayfen Road which would not be supported. Development should provide parking and servicing within the site boundary. Would offer the following additional comments should the application be amended. Will be additional traffic on local road network during congested peak periods but this effect is unlikely to be severe. A contribution towards improvements in the area may be sought to mitigate these effects should an acceptable scheme be submitted. Site is in a sustainable location where some reduction in parking is appropriate, however, no visitor spaces are provided and it is likely therefore that visitors will use the spaces identified for the commercial uses. Condition recommended by Travel Plan Officer to secure a Residents Travel Pack should there be any shortfall in parking as partial mitigation.

Further comments:

Further information submitted has partly addressed my concerns. No longer object to the development as details of works within the highway along the site frontage can be dealt with by conditions. Require a £10,000 Section 106 contribution for the Traffic Regulation Order necessary to provide the loading bay within the public highway. Also require £5,000 to provide new bus stops with raised kerbs to encourage use of the bus services that run past the site.

16. Environment Team

- Air Quality: Do not agree with the detailed conclusions of the report, however, ground floor is proposed to be commercial and the annual mean objective does not apply at this point. It is also reasonably considered that there is no risk of the annual mean objective being breached at first floor level. If proposal is amended to include any dwellings at ground floor level the report will need to be revisited.

- Sustainable transport: Recommend condition to secure electric vehicle charge points to promote and facilitate the uptake of electric vehicles on the site.

- Land Contamination: Phase 1 report identifies site as former town gas works with a potential log history of contamination but provides little detail.

Remediation Options Appraisal does however make reference to previous investigations which this Service is aware include detailed plans of the site obtained by previous operators. Report gives an outline of the likely remedial options with regards to human health which is considered as a reasonable approach. Report also gives options for the remediation of ground water. This is usually led by the Environment Agency (EA) but it is important to note that the report gives remedial timescales ranging from 1 to 5 years. Recommend standard land contamination condition is imposed. EA is likely to require further information/conditions with regard to potential land contamination to protect controlled waters.

17. Environment Agency

Site is located above a principal aquifer groundwater body and above a secondary aquifer. Site is within a nitrate vulnerable zone and a Source Protection Zone 1 and is within 20m of the Tayfen Stream. We consider the previous gas works/fuel storage and dispensing land use to be potentially contaminative. The site could present potential pollutant/contaminant linkages to controlled waters. Planning permission could be granted to the proposed development subject to conditions to secure an appropriate remediation strategy and surface water disposal scheme.

18. Suffolk County Council Flood & Water Team

Original comments:

Overall the proposed surface water system is acceptable however further information is required.

Further comments:

Are satisfied with the amended drainage strategy. Condition recommended.

19. Health & Safety Executive (HSE)

Our assessment indicates that the risk of harm to people at the site is such that there are sufficient reasons on safety grounds to advise against the granting of planning permission in this case.

Officer note - The HSE has confirmed that their advice is based on the presence of a hazardous substance consent for a gas holder adjacent to the site. The gas holder itself was demolished in 2016. The HSE confirmed that once the hazardous substance consent is revoked by the LPA, their interest in the site lapses. The consent was revoked on 21st October 2016.

20. Public Health & Housing

No objection however noise impact assessment does not provide details of additional means of ventilation for the residential units. Report states that bedroom windows should be sealed shut to prevent adverse impact from music noise emanating from The Venue site. Ventilation details of these rooms has not been provided.

21. Housing Strategy & Enabling Officer

Unable to support development as it does not accord with Policy CS5 to deliver 30% affordable housing on site.

22. Suffolk County Council Development Contributions Manager

Original comments:

No contributions towards pre-school or primary school places are sought as there is forecast to be surplus capacity to accommodate pupils anticipated from this scheme. A contribution of £736 towards the development of library services is sought. Consideration will also need to be given to adequate play space provision, transport issues, waste management, surface water drainage, fire safety and broadband. As local circumstances may change over time this information is time limited to 6 months.

Updated comments:

Since my previous response there have been several schemes in the locality granted planning permission subject to S106 legal agreements. We will therefore require a contribution for the six primary school places at St Edmundsbury CEVA Primary School at a cost of £73,086.

23. Suffolk Constabulary Designing Out Crime Officer

Advisory comments provided regarding Secure by Design principles for a secure development.

24. Suffolk Fire and Rescue Service

Advisory comments provided regarding access and fire-fighting facilities and water supplies. Recommends that fire hydrants are installed within this development and that consideration is given to the provision of an automatic sprinkler system.

25. Bury St Edmunds Society

Welcomes redevelopment of this site with new homes but consider Section 106 contributions in respect of affordable housing and other infrastructure costs should be met in full. Support the contemporary approach to the design but not convinced five storeys is appropriate because new building is located so close to back edge of pavement. Query if this could be mitigated if the roadside façade is stepped back at a higher level.

26. County Archaeologist

Site is within an area of archaeological significance. Any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

27. Anglian Water

Foul drainage from development is in catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows. Sewerage system at present has available capacity for these flows. Surface water strategy/flood risk assessment submitted with the application relevant to AW is acceptable. Advisory comments provided regarding trade effluent from commercial unit.

Representations:

28. Representations have been received from No. 17 Peckham Street and No. 18 Peckham Street making the following summarised points:
- Development will have a direct impact on light to my property and is akin to having a five storey wall blocking my view.
 - Concerned about overlooking of my property.
 - Concerned that proposal will affect the value of my property.
 - Recognise the need for development but concerned about scale of proposals.
 - Scheme has been well designed to avoid overlooking but its scale and appearance from the rear is monolithic and overbearing.
 - Despite ground level differences proposal would be 4 storeys above garden level of a row of modest terraced houses.
 - Building will significantly reduce sunlight into our rear gardens. Daylight and sunlight report was in a format that could not be accessed online.

Policy:

29. The following policies have been taken into account in the consideration of this application:
30. 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 CS9 - Employment and the Local Economy
 - Policy CS10 - Retail, Leisure, Cultural and Office Provision
 - Policy CS14 - Community Infrastructure capacity and tariffs
31. Bury St Edmunds Vision 2031 (September 2014):
- Policy BV1: Presumption in Favour of Sustainable Development
 - Policy BV2: Housing Development within Bury St Edmunds
 - Policy BV27: Bury St Edmunds Town Centre Masterplan
32. 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 DM20 Archaeology
 - Policy DM22 Residential Design
 - Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
 - Policy DM42 Open Space, Sport and Recreation Facilities
 - Policy DM45 Transport Assessments and Travel Plans

Other Planning Policy/Guidance:

33. National Planning Policy Framework (2012)
34. National Planning Practice Guidance
35. St Edmundsbury Borough Council Supplementary Planning Document for Open Space, Sport and Recreation Facilities (December 2012)
36. Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (SPD) (October 2013)
37. Station Hill and Tayfen Road Concept Statement (October 2007)
38. Draft Bury St Edmunds Town Centre Masterplan (2017)

Officer Comment:

39. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Design and Impact on Character
 - Residential Amenity
 - Air Quality
 - Contamination
 - Highway Safety
 - Noise
 - Flood Risk and Drainage
 - Biodiversity
 - Archaeology
 - Major Hazard Considerations
 - Planning Obligations
 - Development Viability

Principle of Development

40. 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 a material consideration.
41. 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.

42. 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.
43. Core Strategy Policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. This is re-affirmed by 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. This is echoed by Policy BV2 of the Vision 2031 in relation to Bury St Edmunds.
44. The site was included within the Tayfen Road Masterplan Concept Statement but is not included within the final masterplan document. It is therefore an unallocated brownfield site within the urban area of Bury St. Edmunds where support in principle is offered for redevelopment. The mixed use nature of the scheme offers further weight in support for development.
45. Whilst the current use of the site generates some degree of employment, the site is not considered to constitute an employment site for the purposes of Policy DM30. The existing use comprises a sui generis retail use with the majority of the site being used for the display of vehicles. Although there could foreseeably be some loss of employment as a result of the removal of the existing use on the site, the proposed commercial unit that forms part of this mixed use scheme is considered to mitigate this loss and will ensure that the site continues to offer employment opportunities. On this basis, the wording of Policy DM30 does not preclude the redevelopment of this site in the terms sought.
46. Consideration has also been given to the emerging Bury St Edmunds Town Centre Masterplan, albeit this has only very limited weight at this stage. The site is located within 'the northern gateway' which has a mixed character contrasting with the residential character closer to the heart of the town centre. One of the identified priorities is to improve the image and character of this part of the town, making it a more attractive and welcoming gateway for Bury St Edmunds. Whilst little weight can presently be attached to this emerging document it is considered that the redevelopment of this site would not otherwise conflict, and may in fact notably support, these priorities, noting the utilitarian appearance of the site at present and the potential for the site's regeneration to significantly improve this gateway into the town.
47. Accordingly, and taking into account the considerations set out above, the principle of the development can be supported.

Design and Impact on Character

48. The application site is located on one of the major approaches into the town centre and can be considered to be a gateway site to the town's urban core.

The Tayfen Road and Station Hill Concept Plan of 2007 recognised that the site presents a prime opportunity for redevelopment. Furthermore, as set out above, the ambitions of the Bury Town Center Masterplan for the northern gateway are notable. The site is visually prominent in key routes from both the A14 and from the railway station. Accordingly, whilst limited weight can be attached to the Town Centre Masterplan at this early stage, its aspirations remain relevant and the redevelopment of this site offers a significant opportunity for improvement on this important route into town.

49. The application site is located within the urban area and, consequently, urban forms of development are expected. The enclosure of streets and public spaces by built form with active frontages facing onto the spaces are a feature of the locality and the Tayfen Road/Station Hill junction is considered to be a suitable location for a key landmark building. The favourable topography, with land rising around the site, including domestically scaled dwellings at a greater height in close proximity to the site, plus the favourable orientation of the site towards the adjacent mini roundabout, all support the potential for the site to accommodate a building of notable scale.
50. The linear nature of the site and the position of its vehicular accesses have informed the layout of the proposed building, and the position of the building within the site informs its scale in relation to the neighbouring dwellings. A mostly five storey building is proposed with a six storey landmark element at the northeast corner of the site. An active and attractive frontage is created using the ground floor for commercial purposes, with the building addressing the street appropriately with an outward facing design. The proposal seeks to respond to the significant change in level from Peckham Street to the application site, and utilising this level change enables the proposals to be partially hidden in certain views and to significantly reduce any impact on the surrounding environment. A landscape podium deck is proposed at first floor level behind the building and will be at a similar height to the gardens of the Peckham Street properties to the south. This conceals the residents' car park beneath and creates a green buffer between the Peckham Street properties and the new building whilst providing a high quality amenity space for the residential element of the scheme.
51. Each apartment has been designed to achieve dual aspect views with private external spaces accessed directly from living spaces. The layout enables each flat to address both the street frontage and the communal garden. In addition to the landscaped podium garden the apartments will have access to a gym and concierge services, and each property has its own car parking space and secure cycle storage.
52. In terms of materials, brickwork is the predominant finish to be used. Three colours of brick are proposed – red, buff and grey - with the same colour mortar to be used in order to provide a common thread. This mix of brickwork helps to visually break up the façade of the building into distinct elements. Brick detailing further helps to add variety and interest to the façade with each colour of brick having a dominant brick detail. Perforated brick, protruding brick, saw-tooth patterns and recessed panels are used in varying quantities across the main part of the building. The taller element at the corner of the building is finished in red brick and references the prominent red brick warehouse buildings in the area such as Burlingham Mill and the Old Maltings. This corner element is architecturally strong, responding to its prominent location close to the road junction. The top floor of the building

when viewed from the south bears the word 'Tayfen' in faded white paint as a reference to the site's previous industrial setting.

53. The fenestration proposed is regular and vertically proportioned to match the locality. A consistency in opening sizes ties the scheme together and provides a rhythm to the facade that reflects the surrounding Victorian residential streetscape. Windows to each flat are to be double glazed aluminium units with light grey frames and opening sections. Deep reveals to all windows are lined with a light grey powder-coated metal surround, giving an accent and contrast to the openings. A larger external casing to the openings denotes the positions of balconies within the scheme adding variety across the facade. Simple powder coated metal railings are proposed for balconies. The commercial unit is to have large floor to ceiling glazing to match the colour of the windows above.
54. To compliment the chosen bricks a perforated metal mesh cladding is proposed. Three different grades of mesh are used, each differently perforated and expanded, and used in different ways across the scheme. Firstly, the closed grade of mesh (almost solid) acts as a rain screen cladding. This is used mainly across the top floor which together with the setback serves to soften the building form. This cladding when used in front of glazing also provides high levels of privacy for residents. The more open meshes act as a visual screen to the rear circulation route affording privacy for residents by obscuring views in and out. Importantly these meshes still allow plenty of natural daylight through. The three grades of mesh are used across the rear facade in a random pattern to create a textured screen of varying degrees of visual permeability. A mixture of the closed and open mesh cladding is used to the rear of the building to create variety. This is interspersed with a climbing mesh which will be used to create a green wall of climbing plants, which extend vertically up the building and break up the facade. The mesh screening is also used to line the internal light wells. These allow light into the corridor and into the second bedrooms of the properties. The use of the mesh ensures any overlooking issues are mitigated. These architectural meshes are also used on the bin stores, plant areas and bike stores to allow sufficient ventilation and shield unwanted views.
55. The materials chosen are considered to be sympathetic to the site's surroundings, echoing the industrial history of the area and offering a balance between traditional materials and a more contemporary design approach.
56. The indicative landscaping scheme accompanying the application provides an appropriate level of new planting to the front of the building, commensurate with the urban location and character of the proposals. The south-facing communal garden at podium level is well designed, providing areas for relaxation and seating with cover. Raised planters divide the garden space up and provide privacy and interesting views from the new building. The planting extends vertically up the building on a mesh trellis, providing sections of green wall that help to break up the building facade. The lower roof levels are to have green roofs to provide visual interest when looking down from the communal spaces of the upper storeys of the building.
57. The development is not situated within the Town Centre Conservation Area but its boundaries are relatively close by. Whilst the proposed building would likely be visible from within certain parts of the Conservation Area, particularly the tallest part of the structure proposed, the character and

appearance of the Conservation Area would not be significantly influenced or changed as a consequence of the development.

58. In summary, whilst the scale of the proposal is larger than much of the current surrounding development, it is considered to respect the townscape character and successfully addresses the key features and constraints of the site. The proposal comprises a high quality scheme and would provide a gateway building close to the town centre in this prominent location. This is considered to weigh significantly in favour of the development in this case.

Residential Amenity

59. The scheme has been designed to take into account the significant level change between the application site and the Peckham Street properties to the south, with the commercial element proposed at ground floor level and residential accommodation at first floor level and above, including the residents' podium garden which would be at the same level as the gardens of the Peckham Street dwellings. The building's footprint is also positioned on the site close to Tayfen Road, thereby providing an active street frontage and reducing its impact on the surrounding residential dwellings, particularly those on Peckham Street.
60. The building addresses the important street junction and steps down gradually to the south towards the Ipswich Street and Peckham Street properties. This reduced scale at this point ensures an acceptable effect upon amenity. To the southwest of the site the building will be partially obscured by the existing tall retaining boundary wall. The building's massing reflects the depth of the Ipswich Street properties and effectively continues the existing terrace along the street. No significant overshadowing issues are identified due to the position of the new building to the north of the Peckham Street properties, and the visible rear elevation of the building will be a minimum of 20 metres away from the rear of the Peckham Street properties.
61. The residential flats on the upper floors are to be served by two main circulation cores with lift access and a further escape stair. Core A is accessed via Tayfen Road and Core B via Ipswich Street. All cores and staircases are connected to provide full access throughout the building from any entrance point. The linear nature of the site and the requirement to create a narrow building with an appropriate degree of separation from neighbouring properties, whilst also achieving dual aspects for each flat, has resulted in the design of a 'transparent' circulation route. This circulation route within the southern part of the building is separated from the apartments by light wells which punch through all of the upper floors of the building. These light wells provide daylight to each flat and separate the circulation route from the windows to the flats. Bridge links allow access from the corridor into each flat. This corridor and light well in turn acts as a buffer between properties on Peckham Street and the proposed apartments, helping to obscure views from and to the proposed apartments to minimise any impact on residential amenity.
62. A daylight and sunlight assessment has been prepared and submitted for consideration. This reaches a logical and considered position in relation to the likely amenity effects of the proposal. Noting the above and notwithstanding the scale of the building proposed, officers are satisfied that the amenity effects of the proposal are acceptable given the urban context of the site.

63. Consideration must also be given to the amenity effects associated with the proposed commercial unit. The application documents state that this would be used for Class A1 (retail), A2 (financial and professional), A3, (restaurant), or B1a (office) purposes. The provision of a commercial element is considered to be a positive feature of the scheme, contributing to the mix of uses in the area and enhancing the sustainability credentials of the site. The commercial element allows for an active street frontage and negates the air quality concerns that may otherwise arise if residential accommodation were proposed at ground floor level (see below).
64. The unit is proposed to be capable of opening between 06:00 and 23:00 seven days a week. The site is however in an area where traffic noise is notable and it is not considered that any impacts arising in this location and context would be harmful to amenity during these times. Conditions limiting the hours of use and requiring the bin storage and car parking associated with the commercial use to be made available prior to first use will be necessary. Furthermore, should the unit be used for Class A3 purposes, a condition requiring details of mitigation of cooking odours will also be necessary. Subject to appropriate controls it is considered that the impact of the proposed commercial use upon amenity can be made acceptable.

Air Quality

65. The submitted Air Quality Assessment undertaken by Air Quality Consultants has been reviewed. Officers do not agree with the detailed conclusions of the report regarding modelled levels of the annual mean objective for NO₂, which are significantly lower than the levels modelled by other consultants for nearby developments. However, the ground floor is proposed as commercial and the annual mean objective does not apply at this point. At first floor level the modelled levels from both the Air Quality Consultants report for this development and the modelled levels from other reports received for the surrounding area are below the annual mean objective and therefore it is reasonably considered that there is no risk of the annual mean objective being breached at first floor level.
66. Policy DM2(k) of the Joint Development Management Policies Document requires proposals for all developments to produce designs that encourage the use of sustainable transport and Policy CS2 of the Core Strategy requires the conserving and, wherever possible, enhancing of other natural resources including, air quality. Paragraph 35 of the NPPF states that: 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission vehicles'. In order to encourage the uptake of sustainable transport in the form of electric vehicles and to enhance air quality, it is recommended that a condition is imposed to require details of electric vehicle plug in charging points to be submitted for agreement, and thereafter provided on site.

Contamination

67. The application is supported by a Phase 1 Desk Study and Preliminary Risk Assessment and a Remedial Options Appraisal. The Desk Study report identifies the site as the former town gas works with a potential long history of contamination but provides little further detail. The report does not refer to the previous investigations undertaken at the site, does not identify the nearest surface water feature correctly (the Tayfen Stream is located within 20m to the north) and does not include a risk assessment. A greater level of detail within the desk study would normally be expected for such a potentially contaminated site. The Remediation Options Appraisal does however make reference to previous investigations which included detailed plans of the site. The report gives an outline of the likely remedial options with regards to human health, which is considered a reasonable approach given the current geo-environmental understanding of the site. The proposals for undertaking further analysis of shallow soils are welcomed and it is agreed that the archaeological trench investigation would be an appropriate time to undertake this work. Accordingly it is recommended that a standard land contamination condition is imposed.
68. The site is located above the WFD principal aquifer Cam and Ely Ouse Chalk Groundwater body and above a secondary aquifer (Lowestoft formation). The site is also within a nitrate vulnerable zone and a Source Protection Zone 1 in addition to being within 20m of the Tayfen Stream. Data shows that groundwater is between 1.5m and 2m below ground level. Given the previous use of the site the Environment Agency (EA) advises that the site could also present potential pollutant/contaminant linkages to controlled waters. The EA is however satisfied that planning permission can be granted for the proposed development subject to conditions to secure appropriate measures to address the risks in this case.

Highway Safety

69. The scheme utilises the existing vehicular accesses from both Tayfen Road and Ipswich Street. Remodelling of the highway and pavement area around the new building is also proposed. The vehicular entrance off Tayfen Road is to be used for both access and egress with the vehicular entrance off Ipswich Street to be used for egress only.
70. The car parking area to the rear of the new building and beneath the podium landscaped gardens deck comprises two distinct areas of car parking. Underneath the building proper, and separated from the other area by a sliding gate, are 46 no. car parking spaces to serve the flats at a ratio of one space per unit. These spaces are marginally below the size specified within the Suffolk Guidance for Parking (they measure 4.8m by 2.4m instead of the required 5m by 2.5m). Furthermore, the guidance requires a provision of 25 spaces above what is presently provided for the residential units together with an element of visitor car parking. Suffolk County Council have however removed their initial objection to the scheme, and the weight that must be attached to this failure to meet the guidance is therefore significantly reduced. The site is located within a sustainable location close to the town centre where the guidance suggests that a reduction in parking standards can be justified. Noting also the lack of objection from the local highway authority in this regard, it is considered that a refusal on such grounds could not reasonably be substantiated.

71. The scheme provides two secure cycle storage spaces per flat together with a further ten cycle storage spaces for visitors. The 11 no. existing car parking spaces that serve the adjacent takeaway units are to be retained, with a pedestrian link provided through the western end of the building. 5 no. parking spaces are shown for the new commercial unit, plus a loading bay within a reconfigured kerb area along Tayfen Road. The Highway Authority are content that the loading bay will not impinge on visibility when exiting the site to any material extent. These works which are within the highway can be dealt with by conditions. Designated bin storage areas are also proposed as part of the scheme for both the residential and commercial elements, ensuring that there are no adverse impacts on the highway in this regard.
72. Suffolk County Council has requested a £10,000 Section 106 contribution for the Traffic Regulation Order which will be necessary to provide a loading bay within the public highway to serve the commercial unit, as proposed within the application. Although there are bus stops in the area there is a steep hill to access some services which only route via the railway station. Therefore Suffolk County Council have requested a contribution of £5,000 to provide new stops with raised kerbs to encourage use of the various bus services that run past the site. These matters are considered compliant with the provisions of the CIL Regulations, and have been requested from, and agreed by, the applicant.

Noise

73. The environmental noise survey and analysis submitted with the application demonstrates that the application site is within an area exposed to a range of different noise sources of differing magnitudes. Although this indicates that acoustic treatment of the proposed development will need to be robust in order to achieve a good internal sound environment, it is also noted that the area is largely residential and that there is housing within a similar distance, if not closer than the proposed development, to these existing noise sources.
74. Noise from passing road traffic along Tayfen Road is identified as the dominant noise source in the area. The submitted report also notes music noise during the late evening and night time appearing to arise from 'The Venue' at 1A Tayfen Road, to the northeast of the site. The nearby Beerhouse Public House also has a licence permitting live music. The submitted noise assessment indicates that appropriate attenuation could mitigate the impacts identified, and a condition is therefore recommended to secure such.
75. It is noted that since the submission of this scheme planning permission has been granted for the redevelopment of The Venue and surrounding land, ref. DC/16/0267/FUL, which includes the removal of The Venue and its replacement with housing. It is noted that some of the mitigation measures would only be required if this redevelopment did not proceed. On this basis the recommended condition requires details of noise mitigation measures, including the potential for windows to be fixed shut and rooms ventilated mechanically, to be submitted and agreed prior to implementation. At the point of submission this will need to clarify the requirement, or not, for fixed windows and mechanical ventilation, based on whether or not the nearby music venue has otherwise been redeveloped as per the recently granted planning permission.

Flood Risk and Drainage

76. The site lies within Flood Zone 1, being land at the lowest risk of flooding. No objections have been received from the Environment Agency, Suffolk County Council as lead local flood authority, or from Anglian Water in this regard. Capacity exists to accommodate waste from the site and, subject to appropriate conditions, the effects of the proposal upon matters of flood risk and drainage can be considered acceptable.

Biodiversity

77. Whilst the application is not accompanied by any biodiversity reports, the site in this case is laid entirely to hardstanding with the only building being a porta cabin. As such there are no foreseeable issues in terms of the impact on protected or priority species or habitats. Policy DM12 requires biodiversity enhancement measures to be provided commensurate with the scale of developments. No enhancement measures are proposed as part of the application, however, these can be secured via an appropriate condition. Enhancement measures could include, for example, the provision of bird boxes, bat boxes, native berry-bearing trees/shrubs, native pollinating plants or wildflower areas etc. Subject to such a condition, the proposal would accord with Policy DM12.

Archaeology

78. This site lies within an area of archaeological significance, over the line of Bury St Edmunds' medieval town defences which comprised a rampart and flint wall with a ditch outside. The southern boundary wall of the proposed development area, a retaining wall for land behind, lies along the likely line of the medieval rampart. A rapid assessment of the fabric of that extant historic wall has indicated that it is apparently mostly of 18th century date. The town ditch, which is likely to lie under the site, is very large (probably over 4m deep in the centre), and this has been recorded at locations to the east of the proposed development area as well as down St Andrew's Street, which was the western line of the defences.
79. A full section across the ditch has never been investigated so the width and depth of it can only be projected. There is potential for deposits within the ditch to contain rich and varied archaeological remains. In other places sections of medieval flint and mortar masonry from the early town walls have also been found pushed into the ditch, presumably at a date when the town boundaries were remodelled, walls pulled down and the ditch filled in. The nature of the ditch line is not fully understood in the area of the application site, as it may have met Tayfen water - a stream or watercourse which is documented as running along the northern edge of the town and is shown on Thomas Warren's 18th century maps. How the two features interacted is not fully known. The site is likely to have been heavily remodelled in later periods, with gasworks on the site from the early 19th century.
80. As the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist, conditions are necessary to secure appropriate investigation and recording.

Major Hazard Considerations

81. The Health and Safety Executive advised in 2016 that planning permission should be refused for the proposed development due to its proximity to a major hazard - this being the former gas holder tower that was located on the opposite side of Tayfen Road. This has since been demolished (application DC/14/1859/DE1 refers) and the associated Hazardous Substances Consents on that site have been revoked. On this basis, the health and safety risks that previously existed no longer do so, and this is no longer a constraint on the redevelopment of the site.

Planning Obligations

82. As set out above, Suffolk County Council as the local highway authority has requested a financial contribution of £10,000 towards the cost of the Traffic Regulation Order that will be necessary to enable the delivery of the loading bay to serve the proposed commercial unit. This is considered wholly reasonable to mitigate the costs otherwise arising from this scheme. A contribution is also requested, and is considered reasonable and necessary, in relation to the provision of bus stops within the vicinity of the site. The principle of these contributions has been agreed with the applicant.
83. Suffolk County Council as the education authority has also identified a shortfall in the number of available primary school places and requests a financial contribution of £73,086. A contribution of £736 towards the costs of library provision within the area is also requested. A contribution of £26,136 sought by the Borough Council for additional play equipment and future maintenance of the play area at the nearby Fen Meadows is also considered reasonable and compliant with the CIL Regulations.
84. Policy CS5 of the Council's Core Strategy requires schemes of more than ten units to provide up to 30% as affordable housing. 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.
85. 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.
86. This leaves the following Planning Obligations to be secured:
- £10,000 for the TRO associated with highways works
 - £5,000 towards the costs of bus stop provision
 - £73,086 towards the costs of primary school places
 - £736 towards the costs of library provision.
 - £26,136 towards the costs of off-site public open space improvements

87. The provision of such essential infrastructure is necessary to mitigate the direct impacts of the proposal. The inclusion of such within a S106 Agreement / Unilateral Undertaking is therefore fundamental to ensuring a sustainable development, notwithstanding the absence of any affordable housing provision.

Development Viability

88. 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."

89. 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."

90. The applicants submitted a viability assessment with the planning application in 2016 and have updated it subsequently. The updated assessment seeks to demonstrate that the scheme would not be viable with any S106 contributions. 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.
91. 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.
92. 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 Andrew Golland Associates to critique the viability

assessment provided. The developer's viability assessments and the critique carried out by AGA are not discussed in detail in this report given their strictly confidential nature.

93. 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 nor any S106 contributions. In this case however the applicant has taken a pragmatic view and has sought to offer a S106 package as close to a policy compliant position as possible. 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, as outlined above, for a reduction in this contribution where adverse scheme viability is demonstrated.
94. 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 in the Heads of Terms above are intrinsic and fundamental to ensuring that any development is sustainable, in a way perhaps that the provision of affordable housing is not.
95. Nonetheless, the provision of affordable housing is a key corporate and political priority of the West Suffolk Authorities and Policy CS5 does require the maximum level of affordable housing 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.
96. 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:

97. Noting the conclusions set out above, this must remain a balanced matter. Officers are satisfied that the proposal provides many and notable benefits. The design is excellent, and shows clear regard for the constraints of the site with an intelligent and well-formed layout, at an appropriate scale, with clear and significant urban regeneration benefits. The proposal also effectively minimises any adverse amenity effects to an acceptable level, noting the town

centre location of the site, whilst also providing an acceptable degree of parking, circulation and amenity space, and providing a mix of units on the site. That the scheme also ensures provision of essential s106 infrastructure requirements also weighs notably in favour of approval.

98. On the other side of the balance of considerations is the fact that 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.
99. In conclusion it is considered that the lack of affordable housing in this case should not otherwise prevent the development of this site 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. This matter has now been appealed on the grounds of non-determination and the LPA is therefore unable to make a decision on the application. It is however recommended that it be communicated to the Planning Inspectorate that, had St. Edmundsbury Borough Council still been in a position to do so, it would have resolved to grant planning permission in this case.

Recommendation:

That it is resolved that the Local Planning Authority would have **granted planning permission** had the non-determination appeal not been lodged, subject to the signing of a S106 Agreement or submission of a Unilateral Undertaking to secure the provisions set out above, and 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 following approved plans and documents:
 - Drawing no. 2057.05A Existing Site Plan received on 11 April 2016
 - Drawing no. 2057.06A Existing Site received on 11 April 2016
 - Drawing no. 2057.101C Proposed Ground Floor received on 11 April 2016
 - Drawing no. 2057.102B Proposed First Floor received on 11 April 2016
 - Drawing no. 2057.103B Proposed Second Floor received on 11 April 2016
 - Drawing no. 2057.103B Proposed Third & Fourth Floor received on 11 April 2016
 - Drawing no. 2057.104B Proposed Fifth Floor & Roof received on 11 April 2016
 - Drawing no. 2057.14C Proposed Sections received on 11 April 2016

- Drawing no. 2057.15C Proposed Elevations received on 11 April 2016
- Drawing no. 2057.17A Proposed Flat Types received on 11 April 2016
- Drawing no. 2057.18A Proposed Visuals received on 11 April 2016
- Drawing no. JSTEB 418/2-001 REV C-1 Concept Hard & Soft Landscape Proposals – Ground & 1st Floor received on 11 April 2016
- Drawing no. JSTEB 418/2-002 REV A Concept Hard & Soft Landscape Proposals – Green Roofs received on 11 April 2016
- Drawing no. 284/2015/SK-01 Proposed Surface Water Drainage Layout & Details received on 08 August 2016
- Application Form received on 11 April 2016
- Groundsure Enviroinsight report received on 11 April 2016
- Groundsure Geoinsight report received on 11 April 2016
- Air Quality Assessment ref. J2452/1/F1 received on 11 April 2016
- Brief for Trenched Archaeological Evaluation received on 11 April 2016
- Design and Access Statement by John Stebbing Architects received on 11 April 2016
- ELD Design and Access Statement – Landscape Section received on 11 April 2016
- Planning Statement received on 11 April 2016
- Remedial Options Appraisal received on 11 April 2016
- Flood Risk Assessment and Drainage Strategy received on 11 April 2016
- Micro Drainage report (Porous car park) received on 8 August 2016
- Micro Drainage report (Subbase storage) received on 8 August 2016
- Noise Impact Assessment received on 11 April 2016
- Phase 1 – Desk Study and Preliminary Risk Assessment received on 11 April 2016
- Effect upon Daylight and Sunlight report received on 11 April 2016
- Transport Assessment received 11 April 2016
- Stage 1 Road Safety Audit Designers Response received 4 August 2016

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 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 a satisfactory method of surface water drainage. This condition requires matters to be agreed prior to commencement to ensure the prevention of pollution of controlled waters from potential pollutants associated with the current and previous land uses. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems.
- 7) 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. The development shall be carried out in accordance with the approved details.
Reason: To protect and prevent the pollution of controlled waters. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.
- 8) 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.

9) 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.

10) The site demolition, preparation and construction works shall only be carried out between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays. No site demolition, preparation or construction works shall take place on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of occupiers of properties in the locality.

11) No work of construction above slab level shall commence until details of the facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

12) The perforate metal mesh panels and the metal cladding with wire mesh on the southeast (rear) elevation of the building as shown on drawing no. 2057.14C shall be provided prior to any of the dwellings being first occupied and shall be retained thereafter as approved.

Reason: To protect the amenities of occupiers of neighbouring properties.

13) Prior to the development being first occupied, details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority. The applicant is hereby advised that options for complying with this condition are varied and could be any one or more of a number of measures, proportionate, reasonable

and relevant to the site in question. These include, but are not limited to, integral bird boxes, integral bat boxes, native berry-bearing trees/shrubs, native pollinating plants or wildflower areas, and where adjacent to Green Infrastructure potentially hedgehog domes, hedgehog highways (connecting gardens through small holes in boundary fences) or hibernacula, wildlife pond, and / or compost heaps.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with the provisions of Policy DM12 of the Joint Development Management Policies.

- 14) No work of construction above slab level shall commence until details of noise attenuation and ventilation measures for the dwellings hereby approved have been submitted to and agreed in writing. The approved measures shall be implemented in full prior to the dwellings to which they relate being first occupied.

Reason: To protect the amenities of future occupiers of the development having regard to the noise impacts identified in the submitted Noise Impact Assessment.

- 15) No work of construction above slab level shall commence until a scheme for the provision of fire hydrants has 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.

- 16) No part of the development shall be occupied until details of the works to be carried out along the Tayfen Road frontage of the site within the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full prior to the first occupation of any part of the development, including any necessary Traffic Regulation Order which forms part of the proposals. Thereafter the works shall be retained in the approved form.

Reason: To ensure the works within the highway are properly constructed and brought into use at the appropriate time in the interests of highway safety.

- 17) The areas within the site shown on drawing no. 2057.101C for the purposes of manoeuvring and parking of vehicles shall be provided prior to the dwellings/commercial unit to which they relate being first occupied. Thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained where on-street parking and manoeuvring would be detrimental to highway safety.

- 18) No work of construction above slab level shall commence until details of the provision of electric vehicle charging points to serve the dwellings have been submitted to and approved in writing by the Local Planning Authority. The approved electric charging points shall be provided prior to the dwelling being first occupied and shall be retained thereafter as approved.

Reason: To promote and facilitate the uptake of electric vehicles on the site.

- 19) Not less than 3 months prior to the first occupation of any dwelling, 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 and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised travel planning and a multi-modal travel voucher. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings 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.
- 20) The areas to be provided for the storage of refuse and recycling bins shown on drawing number 2057.101C shall be provided in their entirety prior to the dwellings/commercial unit to which they relate 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.
- 21) 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.
Reason: In the interests of highway safety.
- 22) No work of construction above slab level shall commence until a scheme of measures to prevent the discharge of surface water from the development onto the highway have 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 first occupied and shall be retained thereafter in its approved form.
Reason: To prevent hazards caused by flowing water or ice on the highway.
- 23) The commercial unit hereby approved shall not be open for customers outside the hours of 06:00 to 23:00.
Reason: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality.
- 24) Prior to the commercial unit being brought into use for any Class A3 purposes, a ventilation system and system to control odours from any cooking process shall be installed in accordance with details that first shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to abate the noise from the systems and a maintenance programme for the systems. Thereafter the systems shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.
Reason: To protect the amenities of occupiers of properties in the locality.
- 25) 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).
- 26) All planting shown within the approved details of landscaping shall be

carried out in the first planting season following the commencement of the development, or within such extended period as may first be agreed in writing with the Local Planning Authority. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/16/0730/FUL](#)

Case Officer: Marianna Hall Phone: 01284 757351

Development Manager: Rachel Almond Date: 3/11/17

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/017

Development Control Committee 5 April 2018

Planning Application DC/18/0109/FUL – Detached Dwelling, Parsons Spinney, Front Street, Ousden

Date Registered:	25.01.2018	Expiry Date:	22.03.2018
Case Officer:	Kerri Cooper	Recommendation:	Refuse Application
Parish:	Ousden	Ward:	Wickhambrook
Proposal:	Planning Application - 1no. dwelling with garage and access		
Site:	Detached Dwelling, Parsons Spinney, Front Street		
Applicant:	Mr David Saltmarsh		

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:

Kerri Cooper
Email: kerri.cooper@westsuffolk.gov.uk
Telephone: 01284 757341

Background:

1. The application has been referred to the Development Control Committee following Delegation Panel on 7 March 2018. A site visit is scheduled for 29 March 2018.

Proposal:

2. Planning Permission is sought for the construction of 1no. dwelling with garage and access. The proposal is for a two storey detached dwelling with link attached double garage. The dwelling is positioned towards the rear (north) of the site, accessed via a long driveway from Front Street.

Site Details:

3. The site forms the garden area of Parsons Spinney, located within designated countryside, adjacent to the housing settlement boundary. The site is adjacent to a designated special landscape area and slopes steeply downward away from the roadside.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
SE/02/1133/P	Planning Application - Erection of first floor side extension and single storey rear extensions	Application Granted	21.01.2002	28.02.2002
E/87/1864/P	Erection of loose boxes	Application Granted	08.04.1987	01.06.1987
E/84/2315/P	Conversion of garage to sitting room and re-building of garden room	Application Granted	14.06.1984	20.07.1984
E/80/2062/P	Dwelling house and access	Application Refused	15.04.1980	12.06.1980
E/79/3457/P	Residential development - 7 dwellings and access	Application Refused	23.10.1979	17.12.1979

Consultations:

4. Conservation Officer: Due to the separation distance between The Old Rectory and application site and the existing planting along the site boundaries and the proposed planting, it is not considered that there will be an adverse impact to the setting of the Listed Building.

5. Public Health and Housing: No objection, subject to conditions.
6. Environment Team: No objection, subject to conditions.
7. Environment & Transport – Highways: No objection, subject to conditions.
8. Tree Officer: The majority of the trees that are proposed to be removed have been previously topped, rendering them unsightly and relatively low in amenity value. However, the sizeable number of trees to be removed would undoubtedly have an impact on the local environment. An appropriate replacement planting scheme would be required.
9. Forestry Commission: No comments received.

Representations:

10. Parish Council: Ousden Parish Council has no objections to this application on the basis that historically it has always been in favour of allowing small scale growth within the village.
11. Ward Member: Councillor Pollington fully supports the application and considers that the proposed development meets the spirit of Policy DM27.
12. Neighbours: 1no. letter of objection has been received from the owner/occupier of The Old Rectory, which includes the following summarised points:
 - Not against development, however agree with the comments set out in the pre-application advice by the Local Planning Authority;
 - Impact on neighbouring amenity - overlooking;
 - Impact on setting of Listed Building;
 - Does not comply with Policy DM5 or DM27;
 - Overdevelopment of the site
13. 2no. letter of support has been received from the owners/occupiers of 3 Hill View and Smiths Cottage, which includes the following summarised points:
 - Good design;
 - Will not adversely affect highway;
 - Accords with many planning policies as it is within a cluster;
 - Provides accessible housing;
 - No concerns regarding line of sight of proposed development
14. All representations can be viewed in full online.

Policy:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness

- Policy DM5 Development in the Countryside
- Policy DM7 Sustainable Design and Construction
- Policy DM13 Landscape Features
- Policy DM15 Listed Buildings
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- National Planning Policy Framework 2012

Officer Comment:

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

- Principle of Development
- Impact on Visual Amenity and Landscape Character
- Impact on Listed Building
- Impact on Neighbour Amenity
- Impact on Highway
- Other Matters

Principle of Development

16.The proposed development comprises the provision of 1no. dwelling, with associated garage and access. The application site lies outside of the two defined Settlement Boundaries for Ousden.

17.The application site is located in designated countryside, and policy CS4 identifies the settlement of Ousden as an Infill Village. Such villages have a limited range of services, and only infill development comprising single dwellings, or small groups of five dwellings or fewer will normally be acceptable. Policy CS13 further states that development permitted in such

locations will only be so much as is necessary reflecting the need to maintain the sustainability of services in the community they serve, and the provision of housing for local needs. Development outside defined areas will be strictly controlled.

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
19. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. Paragraph 12 of the NPPF is clear however that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts with such should be refused unless other material considerations indicate otherwise.
20. St Edmundsbury Borough Council has a 5 year housing supply and therefore, its policies for the supply of housing (including settlement boundaries) are considered up-to-date and are material considerations in the determination of this application, (para 49 NPPF). The Council has a 5.3 year supply of housing including a 20% buffer.
21. Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development.' The policy goes on to state that 'a new or extended building will be permitted, in accordance with other policies within this plan, where it is for a small scale residential development of a small undeveloped plot, in accordance with policy DM27'.
22. Policy DM27 (Housing in the Countryside) states that proposals for new dwellings will be permitted in the Countryside subject to satisfying the following criteria - (i) the development is within a closely 'knit' cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and (ii) the scale of the development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.
23. The proposed dwelling is set back from Front Street and located centrally in the area defined as Countryside, in-between the two clearly defined settlement boundaries for Ousden. The settlement boundaries have been established in this way to ensure two separate village envelopes within Ousden and to ensure that the otherwise generally open area between

them is protected, for the sake of the setting and character of the settlement.

24. There is a recognised physical edge to development at the western edge of Ousden. Those dwellings outside of this built up area are isolated and do not form part of the continuous development along Front Street. This includes the existing host dwelling, Parsons Spinney. The proposal would create an erosion of and encroachment into the countryside, distinctively separate from the two housing settlement boundaries.
25. The position of the dwelling, set back from the road, and not within 'a small undeveloped plot', and set back from the highway means that the proposal cannot gain any support from Policy DM27. No weight can be attached to the 'spirit' of DM27. Whilst there has been debate and bespoke consideration by Planning Inspectors as to what constitutes a cluster in terms of number and nature of buildings, in all cases allowed appeals have still been 'within' a cluster. In this context the proposal conflicts with the Development Plan as a matter of fact and this is a matter which weighs very heavily against the scheme.
26. Development here would harmfully erode the undeveloped 'openness' currently found between the two settlement boundaries of Ousden. Furthermore, the appeal site is not within an otherwise continuous built up frontage being surrounded by open countryside on three sides. In this respect the proposal is not 'infilling' but is instead a sprawling and urbanising intrusion into the countryside, within an otherwise very sensitive location. As such, the dwelling would harm the countryside and due to its set back into the site would have little visual affinity with its nearest neighbours resulting in it appearing isolated from the adjoining settlement boundary areas. It is therefore considered that the proposal is contrary to Policy DM27 and thus also Policy DM5.
27. As the proposed dwelling would be located in the countryside and does not meet an 'exceptional circumstance' as envisaged in the Core Strategy and set out in Policies DM5 and DM27 of the Joint Development Management Policies Document, it is considered that the proposal undermines the planned strategy for housing supply, and the protection of the countryside, contained in the Development Plan taken as a whole. Whilst the National Planning Policy Framework aims to boost housing supply significantly this is to be achieved in a sustainable way following a genuine plan led approach, which in this case is primarily set out in Policies CS4 and CS13 of the Core Strategy and DM5 and DM27 of the Joint Development Management Policies Document. On the contrary, the provision of a dwelling outside of any settlement boundaries, and noting that Ousden is designated as an infill village with only a relatively modest range of services, further suggest that this is an unsuitable and unsustainable location for a new dwelling.
28. It is acknowledged that the proposal would generate some economic activity if approved. This could however be said for all development proposals and is not, in itself, sufficient reason to set aside the conflict with policy in this case. Officers' consider that there are no material

considerations cited which outweigh the clear and significant conflict with the development plan in this case. These facts weigh very heavily, and fundamentally, against the scheme in the balance of considerations.

29. The principle of development is therefore contrary to the Development Plan. Accordingly, notwithstanding consideration of any matters of detail, this policy conflict is considered to be a very notable weight against the proposal, and sufficient to justify refusal on its own.

Impact on Visual Amenity and Landscape Character

30. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area.
31. Policy DM13 (Landscape Features) states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features wildlife or amenity value.
32. The provision of 1no. dwelling would intrude into this open countryside setting, which forms an important gap between the two clusters of the settlement. It would have an unwelcome urbanising effect on views towards the settlement, and upon its setting. The proposal would harmfully erode the important green gap between clustered settlements within the parish of Ousden. A dwelling in this location, plus associated curtilage and paraphernalia, would significantly and materially alter the landscape character of this area. The proposal would create a visual intrusiveness in this attractive rural location and create a significant impact as to cause material harm to the surrounding landscape, to the detriment of the character and appearance of the area.
33. Moreover, a number of trees are to be removed from the front and rear of the site to facilitate the proposed development and access. Whilst these trees are not of high value, they contribute to the character and appearance of the area in this rural location. Although the dwelling is positioned is set back from the highway significantly, the removal of the trees and the provision of the access will result in wider views of the proposed dwelling, plus the garage and access, as for it to appear prominent and otherwise intrusive in this setting.
34. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
35. The proposed dwelling is of a two storey scale and of a large footprint. The dwellings along Front Street vary in design, scale and form. The proposed dwelling is located within a plot commensurate with the scale of the dwelling, ensuring Parsons Spinney is left with sufficient amenity space. Although the design and scale of the dwelling is not considered to be out

of keeping with dwellings in the area, the proposed development will result in an adverse impact upon the landscape character and appearance of the area.

Impact on Listed Building

36. Policy DM15 states that proposals must demonstrate a clear understanding of the significance of the setting of the building, alongside an assessment of that impact. Proposals will be permitted whether they are of a scale, form, height, massing and design which respect the setting of the building and views inward and outward of that listed building.
37. The proposed dwelling is located to the west of Parsons Spinney. To the east of Parsons Spinney is The Old Rectory is a Grade II Listed dwelling.
38. The proposed development is located some distance from The Old Rectory to the west. Development to the north east and north west already flanks the boundaries of The Old Rectory. A tennis court is located within the curtilage of The Old Rectory and would sit parallel to the proposed development. Existing planting provides some screening between The Old Rectory and the proposed development site, and restrict views of the open countryside when looking west from the Old Rectory. Whilst views of the proposed development site from the north are likely to be possible until the young planting becomes established, it is considered unlikely that this view is significant in terms of the setting of the heritage asset.
39. As such, it is not considered that there will be a detrimental impact to the setting of the listed building as a result of the proposed development.

Impact on Neighbour Amenity

40. The proposed dwelling is set back from Parsons Spinney and positioned at a lower level within the site. Beyond Parsons Spinney lies The Old Rectory. Concerns have been raised by the owners/occupiers of The Old Rectory in terms of impact on their amenity. The proposed dwelling is of a substantial scale, however it is sited within the plot as to leave significant separation distance between the existing two dwellings. Furthermore, the existing established planting along the boundaries, along with securing additional planting for the proposed development would mitigate this further. Therefore, it is considered the impact of the proposed development will not be to a level as to cause harm to neighbouring amenity by virtue of loss of light, overlooking or overbearing.

Impact on Highway

41. Policy DM22 states that development should apply innovative highway and parking measures designed to avoid visual dominance of those elements in new development, whilst meeting highway safety standards. Development should ensure appropriate levels of permeability and accessibility for all, and consider the needs of pedestrians and cyclists before car users. Proposals should seek to create a safe and welcoming environment.

42. A new access is proposed off Front Street to serve the proposed dwelling. The Highway Authority considers that the proposed access will provide adequate visibility along this road and will not surplus the current situation to lead to an adverse impact on highway safety subject to conditions.
43. Policy DM46 requires that development have appropriately designed and sited parking areas to limit unsafe parking within the street scene. Proposals should accord with the adopted standards, in this instance the Suffolk Guidance for Parking 2014 adopted by Suffolk County Council.
44. Sufficient on-site parking is available as to accord with the parking standards set out in the document referred to above.

Other Matters

45. The application site is situated within Flood Zone 1 of the Environment Agency's Flood Map. Therefore, located in a low risk area of flooding.
46. Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore, a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

47. The application site lies outside of a defined settlement boundary and is therefore within the countryside where the provision of new housing is strictly controlled. The proposal is contrary to adopted planning policies which direct new open-market housing to sites within the defined limits of existing settlements and the application does not therefore accord with the development plan.
48. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the development plan is the starting point for decision making and proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise. As set out earlier in this report, officers are of the opinion that there are no material considerations that indicate that policy should be set aside in this case.

Recommendation:

49. It is recommended that planning permission be **REFUSED** for the following reasons:
1. Policies CS1 and CS4 between them establish the spatial strategy and the settlement hierarchy for development within St. Edmundsbury. Both seek to resist, in conformity with the provisions of Para. 55 of the

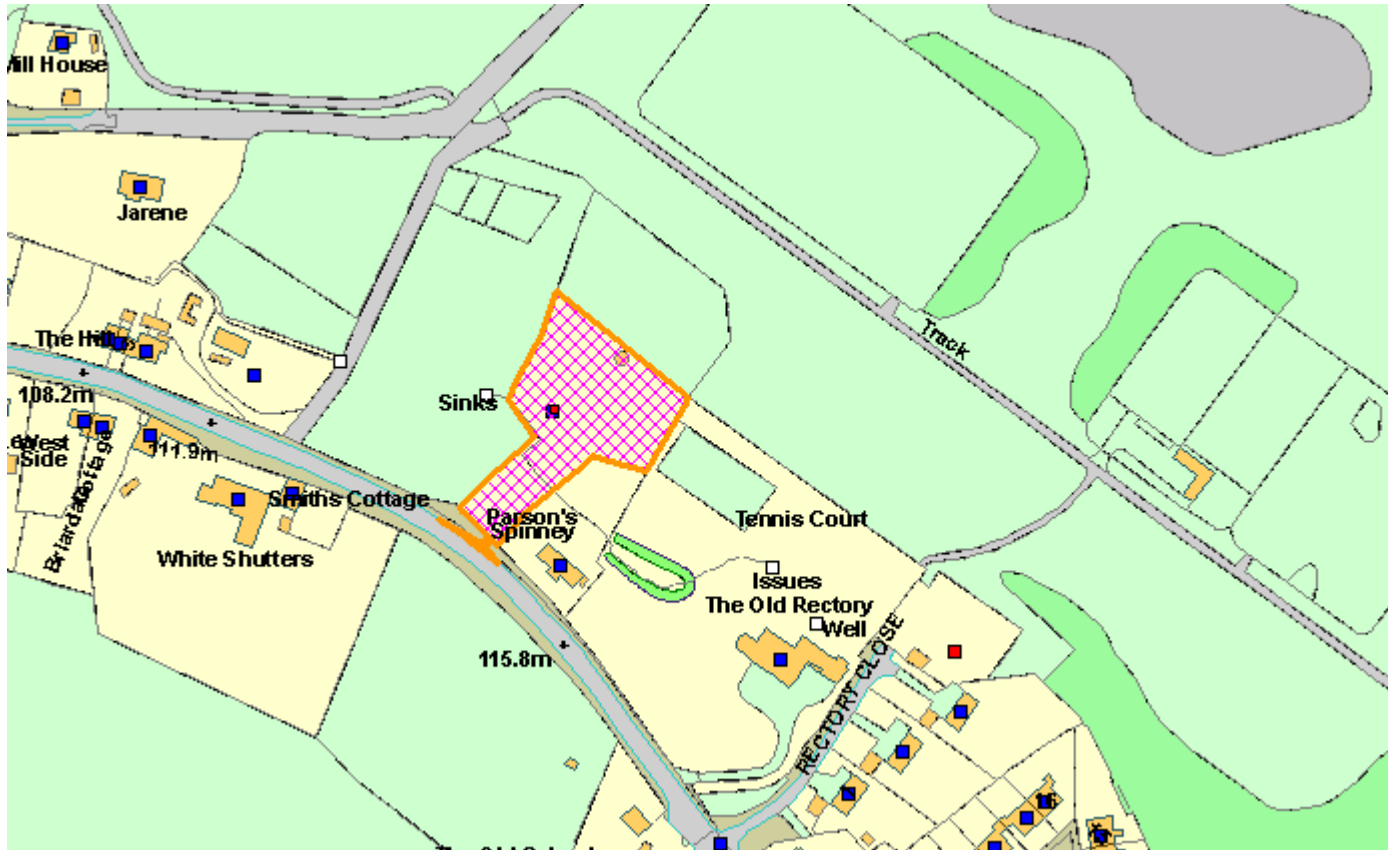
National Planning Policy Framework (NPPF), residential development outside of settlement boundaries in otherwise unsustainable areas. Furthermore, Policy DM5 states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the circumstances where dwellings will be permitted outside of settlement boundaries. Ousden is a lower order settlement and the provision of a dwelling outside of the designated settlement boundary represents an unsustainable form of development. The proposal does not meet the provisions of policy DM27 in that it is not within a cluster and neither is it considered to be a small undeveloped plot within an otherwise continuous built up frontage. There are no material considerations that outweigh this significant conflict with the Development Plan.

2. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area, and Policy CS4 seeks to ensure that development proposals do not adversely affect the setting of a settlement.

The proposal would create an encroachment to the countryside, distinctively separate from the housing settlement boundary. The proposal would harmfully erode the important green gap between clustered settlements within the parish of Ousden. A dwelling, plus garage and driveway in this location, as well as associated curtilage and paraphernalia, would significantly and materially adversely alter the landscape character of this area to its detriment. The proposal would create a visual intrusiveness in this otherwise presently attractive rural location and create a significant impact such as to cause harm to the surrounding landscape, to the significant material detriment of the character and appearance of the area. The proposal is therefore contrary to the provisions of Policy DM2, Policy DM13 and the National Planning Policy Framework (NPPF).

Documents:

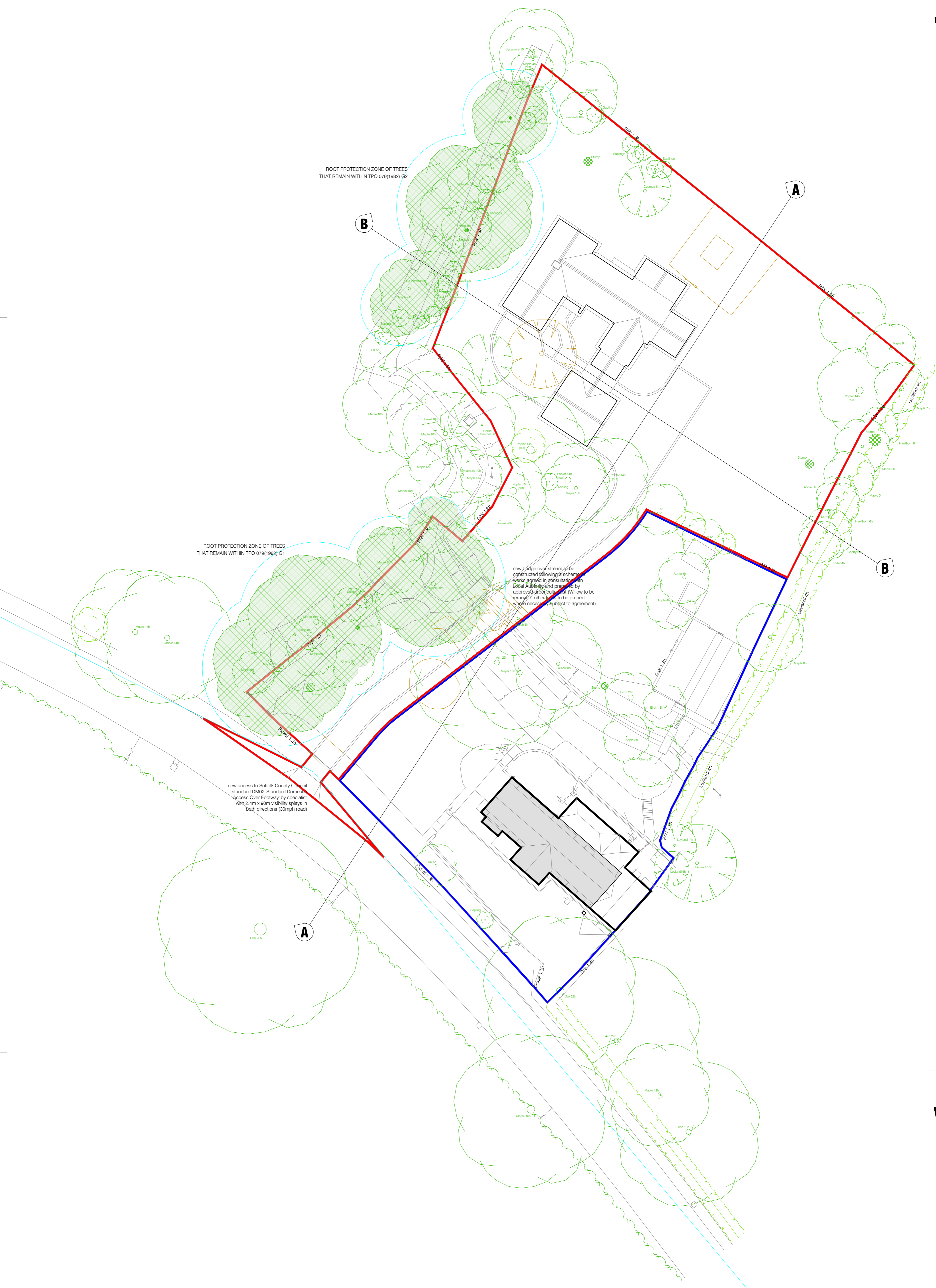
50. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0109/FUL](#)



DC/18/0109/FUL

Detached Dwelling, Parson's Spinney, Front Street, Ousden, Suffolk

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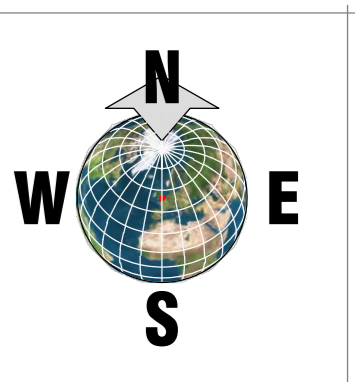


ROOT PROTECTION ZONE OF TREES THAT REMAIN WITHIN TPO 079(1982) G2

ROOT PROTECTION ZONE OF TREES THAT REMAIN WITHIN TPO 079(1982) G1

new bridge over stream to be constructed following a scheme works agreed in consultation with Local Authority and prepared by approved arboriculturist (Willow to be removed, other trees to be pruned where necessary, subject to agreement)

new access to Suffolk County Council standard DM02 Standard Domestic Access Over Footway by specialist with 2.4m x 90m visibility splays in both directions (30mph road)



Proposed new dwelling adjacent Parsons Spinney, Front Street Ousden, Newmarket, Suffolk CB8 8TW for Mr & Mrs Saltmarsh

MS2 Architectural Consultants Limited

726-1 002

1:200 December 2017

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/018

Development Control Committee 5 April 2018

Planning Application DC/18/0139/HH – 29 Micklesmere Drive, Ixworth

Date Registered: 23.01.2018 **Expiry Date:** 20.03.2018

Case Officer: Jonny Rankin **Recommendation:** Refuse Application

Parish: Ixworth & Ixworth Thorpe **Ward:** Ixworth

Proposal: Householder Planning Application - Single storey side extension (resubmission of DC/17/1117/HH)

Site: 29 Micklesmere Drive, Ixworth

Applicant: Mr Jeremy Tattersall

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:

Jonny Rankin
Email: jonny.rankin@westsuffolk.gov.uk
Telephone: 01284 757621

Background:

This application is referred to Committee following consideration by the Delegation Panel on 7 March, 2018. It was referred to the Delegation Panel as the Officer recommendation for REFUSAL is contrary to the view of the Parish Council, who have no objection.

A site visit is scheduled for 29 March 2018.

Proposal:

1. Planning permission is sought for a single storey side extension (resubmission of DC/17/1117/HH).
2. The extension has a footprint of 2.1m x 8.4m with a height to the eaves of 2.2m and 3.8m to the highest point of the roof (which moves from pitched to flat, front to rear of the proposed extension). The plans also include for the conversion of the existing garage and insertion of a roof lantern which would not otherwise require planning permission and are not therefore considered further here.
3. The previous proposal had a footprint of 2.9m x 10m (measured at the widest points), as such this current proposal reduces on the former by 0.8m in width and 1.6m in length.

Site Details:

4. The application site is a detached dwelling fronting Micklesmere Drive and situated within the Housing Settlement Boundary.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
DC/17/1117/HH	Householder Planning Application - Single storey side extension	Application Refused	31.05.2017	04.07.2017
DC/18/0139/HH	Householder Planning Application - Single storey side extension (resubmission of DC/17/1117/HH)	Pending Decision	23.01.2018	
E/88/2694/P	Submission of	Application	10.06.1988	07.11.1988

	Details	-	Granted		
	Residential development (Phase II) 66 dwellings (DUPLICATE APPLICATION) as amended by plans received 21st October 1988				
E/88/2082/P	Submission of Details Residential development Phase II (66 dwellings)	of -	Application Withdrawn	14.04.1988	14.07.1988
E/87/3138/P	Submission of Details - Erection of 100 dwellings with garages, estate roads and access as amended by letter and plan received 18th January 1988	of -	Application Refused	07.09.1987	17.03.1988
E/87/1873/P	Outline Application - Residential development (100 units) with access	Application	Application Granted	08.04.1987	18.12.1987

Consultations:

County Highways:

5. Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below.

Representations:

Parish Council:

6. Ixworth & Ixworth Thorpe have no objection to this application.

Policy:

- Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design and Local Distinctiveness

Other Planning Policy:

7. National Planning Policy Framework (2012) core principles and paragraphs 56 - 68.

Officer Comment:

8. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Design and Form
 - Impact upon Amenity
9. The policies listed above state that planning permission for alterations, extensions to dwellings, annexes and other ancillary development will be permitted provided that the proposal respects the character and design of existing dwellings, will not result in over development of the curtilage and will not adversely affect the residential amenities of neighbouring properties.
10. The host property is semi-detached in form with a small area of grass providing soft landscaping up to the adjacent pavement and highway on the eastern side. There is also a modest change in levels between the property and the adjacent footpath. The property curtilage reduces in width from the front to rear elevation where it meets the existing garden fencing.
11. Policy DM24 requires extensions to dwellings to respect the character, scale and design of existing dwellings as well as the character and appearance of the immediate and surrounding areas.
12. Whilst the proposal modestly reduces upon the previous proposal (by 0.8m in width and 1.6m in length), the same principles apply in respect of the location and appearance and resulting affects. The positioning of the extension in this visually prominent location will be prejudicial to the character and appearance of the host building as well as to the streetscene generally. The continuation of the single storey garage with cycle store and utility element behind represents poor design and an incongruous and awkward addition to the property in this readily visible location on the

corner. Accordingly, the proposal cannot be considered to meet the provisions of DM2 or DM24, nor the requirements of the NPPF in relation to good design.

13. The amenity effects remain acceptable given the location to the flank facing a highway, and the effect upon the highway is satisfactory. Nonetheless, for the reasons set out above, the proposal will have a harmful effect upon the character and appearance of the area, contrary to the provisions of Policies DM2 and DM24.

Conclusion:

14. In conclusion, the development is considered to be contrary to development plan policies and the National Planning Policy Framework.

Recommendation:

15. It is recommended that planning permission be **REFUSED** for the following reason:

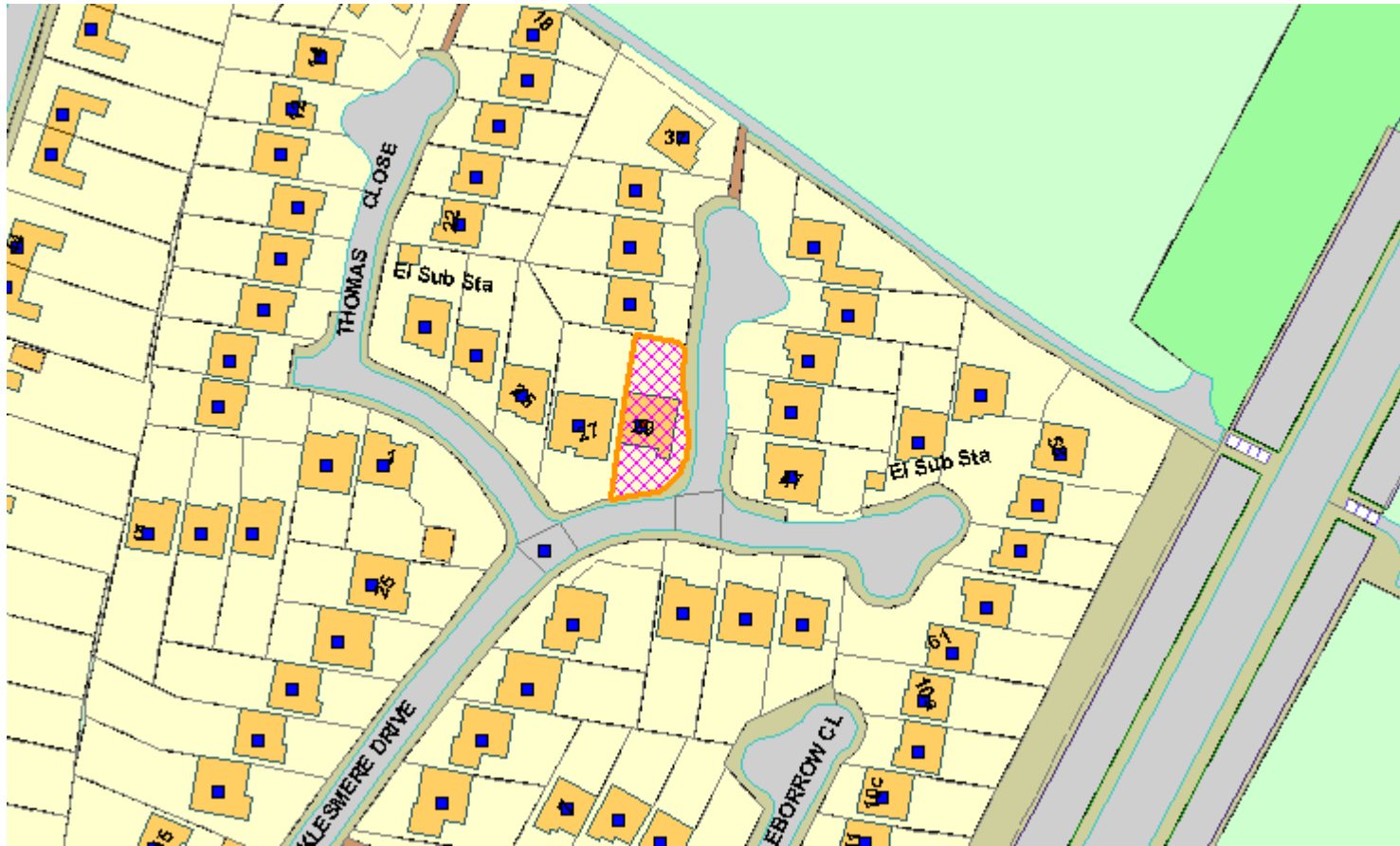
1. The positioning of the extension in this visually prominent location will be prejudicial to the character and appearance of the host building as well as to the streetscene generally. The continuation of the single storey garage with cycle store and utility element behind represents poor design and an incongruous and awkward addition to the property in this readily visible location close to the back edge of the pavement. Accordingly, the proposal cannot be considered to meet the provisions of DM2 or DM24, nor the requirements of the NPPF in relation to good design.

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=P2ZYDYPDLRE00>

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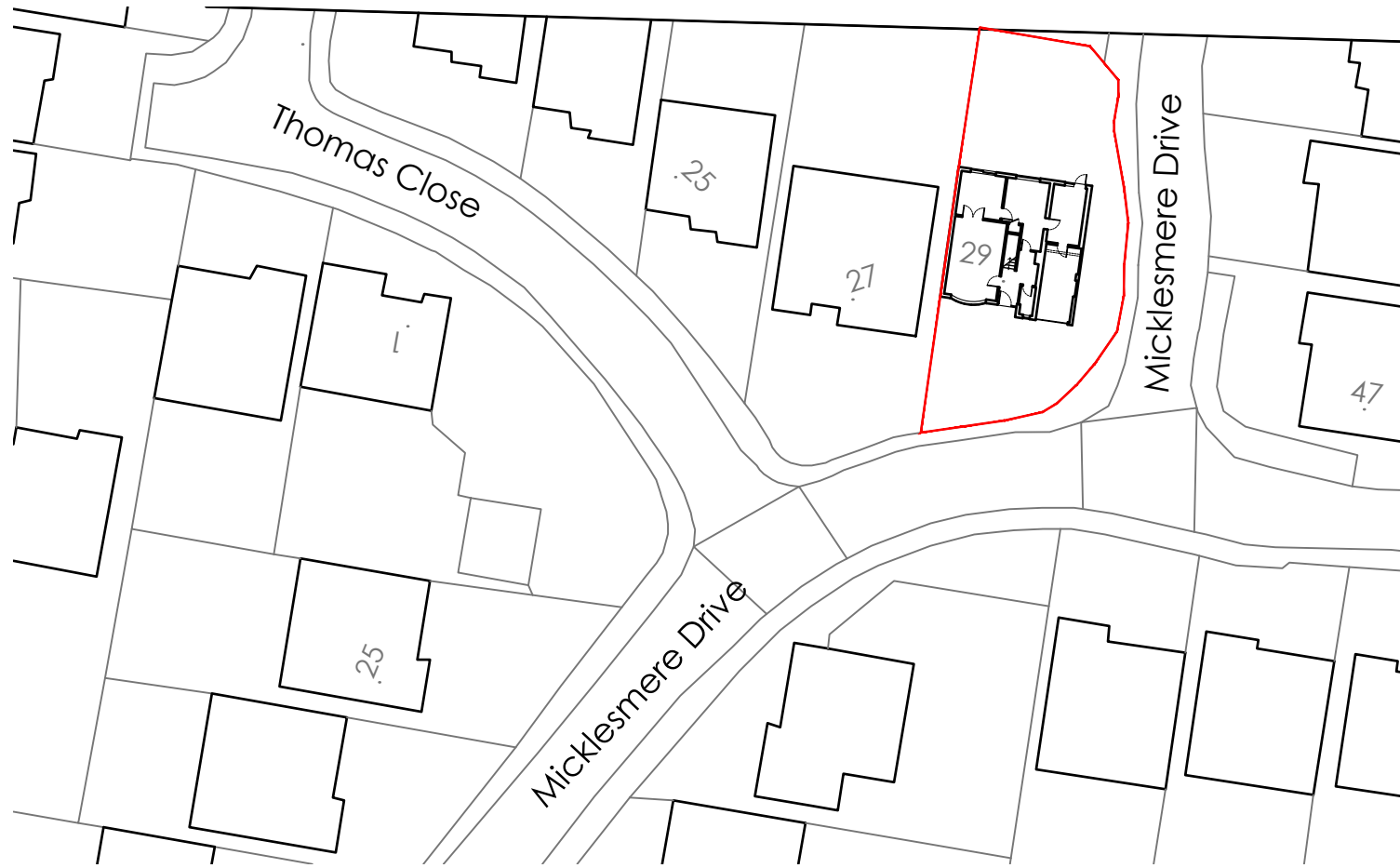
DC/18/0139/HH

29 Micklesmere Drive, Ixworth, IP31 2UJ

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0m 10m 20m 30m 40m

Scale 1:500



site location plan - 1:500

0m 4m 8m 12m 16m

Scale 1:200



block plan - 1:200

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/019

Development Control Committee 5 April 2018

Planning Application DC/18/0204/VAR – Land to Rear of 62-63 Victoria Street, Bury St Edmunds

Date Registered: 02.02.2018 **Expiry Date:** 30.03.2018

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

Parish: Bury St Edmunds **Ward:** Abbeygate

Proposal: Planning Application - Variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to 'The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted' for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences)

Site: Land To Rear Of, 62-63 Victoria Street, , Bury St Edmunds

Applicant: Rowan Hazel Homes

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:

Jonny Rankin

Email: jonny.rankin@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is referred to the Development Control Committee because the prospective purchaser of one of the properties (as permitted by DC/16/2803/FUL) is a contracted employee of this Authority.

Proposal:

1. Planning permission is sought for the variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to '*The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted*' for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences).
2. The proposal description has been amended since submission, at officer request, from:

Planning Application - Variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to "Prior to the occupation of the dwelling(s) hereby permitted a payment of £5000 shall have been paid to Suffolk County Council to allow the creation of additional parking bays and drawing number SK02" for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences).

Site Details:

3. The site is situated to the rear of 62 and 63 Victoria Street, within the Housing Settlement Boundary and Victoria Street Conservation Area. An extant consent exists for the location allowing for 2 no. two storey dwelling following demolition of existing garage and boundary fence (DC/16/2803/FUL). This consent has been implemented and whilst this consent technically seeks permission for the entire development again, it is the specific wording of Condition Five that is relevant.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
DC/13/0855/FUL	Planning Application - Erection of two storey dwelling following demolition of existing garage and boundary fence. As amended by drawings received on 5th February	Application - Refused	13.12.2013	28.04.2014

	2014 and 28th February 2014.			
DC/15/1975/FUL	Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence.	Application Granted	30.09.2015	04.02.2016
DCON(A)/15/1975	Application to Discharge Condition 7 of DC/15/1975/FUL	Application Granted	11.07.2016	25.08.2016
DC/16/1618/FUL	Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence revised scheme of DC/15/1975/FUL	Application Granted	27.07.2016	04.11.2016
DC/16/2803/FUL	Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences)	Application Granted	21.12.2016	08.02.2017
DCON(A)/16/2803	Application to Discharge Condition 6 (External Materials and Finishes) of DC/16/2803/FUL	Application Granted	20.03.2017	09.05.2017
DC/18/0204/VAR	Planning Application - Variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to "The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall	Pending Decision	02.02.2018	

be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted' for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences)

Consultations:

County Highways:

- 4. The amendment of the TRO is progressing and has successfully gone through the consultation process. Suffolk Highways are now looking to implement the scheme. So the scheme should be completed by the first occupation or reasonably close to it. Therefore I have confidence that accepting this amendment will not be detrimental to highway safety.*

Public Health and Housing:

5. Public Health and Housing do not object to this variation. Previous comments proposed on the original application are upheld.

Environment Team:

6. Thank you for consulting the Environment Team on the above application. We have no comment on, or objection to, the proposed variation.

Representations:

7. Neighbour representations: received from 3no. properties objecting on the basis of the loss of parking spaces and otherwise in relation to the construction of the consented properties (DC/16/2803/FUL).
8. *Officer note; those issues relating to the construction are otherwise aside from the consideration of the Variation of Condition, those relating to a party Wall Agreement and / or Act are a civil and legal matter to be pursued by the relevant parties.*

Town Council:

9. 23rd February 2018; Objects on the grounds that this application is contrary to National Planning Policy guidance on the use of positively worded conditions requiring payment of money or other consideration (www.gov.uk/guidance/use-of-planning-conditions Reference ID: 21a-005-20140306).

10.15th March 2018; In response to amended description - we withdraw the previous objection; we now raise no objection.

Policy:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM46 Parking Standards
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport

Other Planning Policy:

11.National Planning Policy Framework (2012) core principles and paragraphs 56 - 68.

Officer Comment:

12.The development in question already has the benefit of planning permission. This remains extant and capable of implementation. It is not within the scope of this submission to consider the principle again, rather only issues relating to the condition being varied can be assessed. The issues to be considered in the determination of the application are therefore limited to the highway safety related implications arising from the proposed revised wording to Condition Five.

13.There have been no other material changes in circumstance since the grant of planning permission that are otherwise material. The site context remains the same and the wider planning policy situation remains the same. Accordingly, the sole matter for consideration relates to the implications of the revised wording in the condition now proposed.

Highway Safety

14.As per the Area Highway Authority response and as established via the previous and extant consent DC/16/2803/FUL the principle of increasing on-street parking to reflect the increased parking demand the dwellings will produce is acceptable.

15. In their consultation response Area Highways state; *the amendment of the TRO is progressing and has successfully gone through the consultation process. Suffolk Highways are now looking to implement the scheme. So the scheme should be completed by the first occupation or reasonably close to it. Therefore I have confidence that accepting this amendment will not be detrimental to highway safety.*
16. This variation does not seek to vary the delivery of the consented parking bays (as per drawing number; SK02) but more simply to amend the delivery from '*... prior to the first occupation of either of the dwellings hereby permitted*' to '*The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted*'. This request is in reaction to the Suffolk County Council Area Highway's timescale for delivery as opposed to any resistance or unwillingness on the applicants' behalf. This will allow the completion and occupation of the dwellings rather than otherwise suffering a delay in occupation while the completion of the Traffic Regulation Order catches up. It is the opinion of Officers that this approach is reasonable in the circumstances, not least noting that the relevant monies have been paid to fund the TRO process, which is now at an advanced stage.
17. Because this is a variation of condition proposal it represents a new consent in its own right. Accordingly, it will be necessary to re-impose previously imposed conditions on this consent, amended to reflect any updated details that have subsequently been agreed.
18. Accordingly the proposal is considered acceptable in both highways safety and parking terms.

Conclusion:

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

Recommendation:

20. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. NS Time Limit
 2. 14FP Approved Plans
 3. NS Demolition and construction timings
 4. NS Additional parking bay(s)
 5. NS External materials and finishes
 6. NS Boundary treatments

7. NS Bin and cycle storage provision
8. NS Waste material arising
9. NS Security lights or floodlights

Informatives:

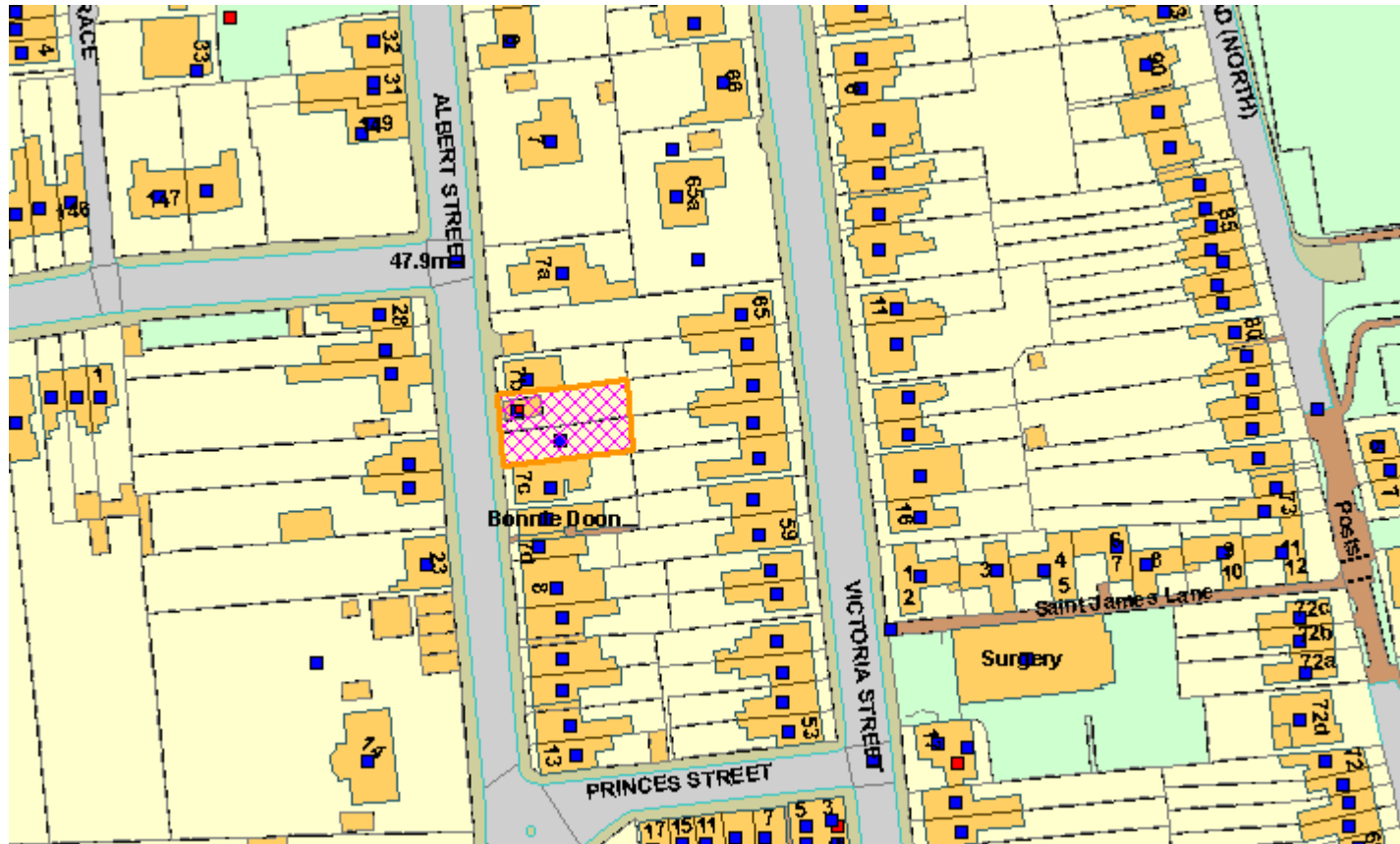
- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case amended proposal description.

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=P3GXI9PDLXZ00>

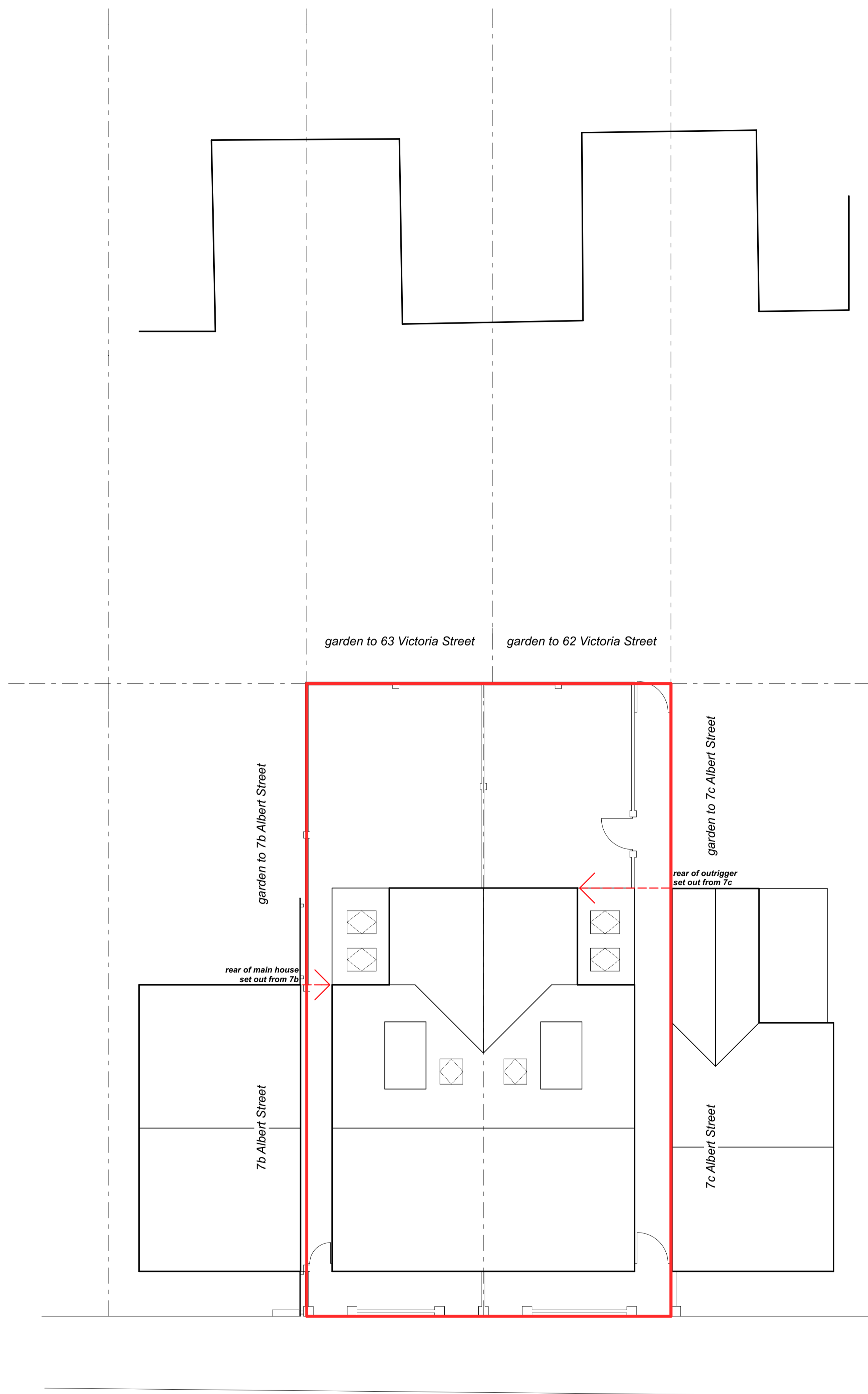
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DC/18/0204/VAR

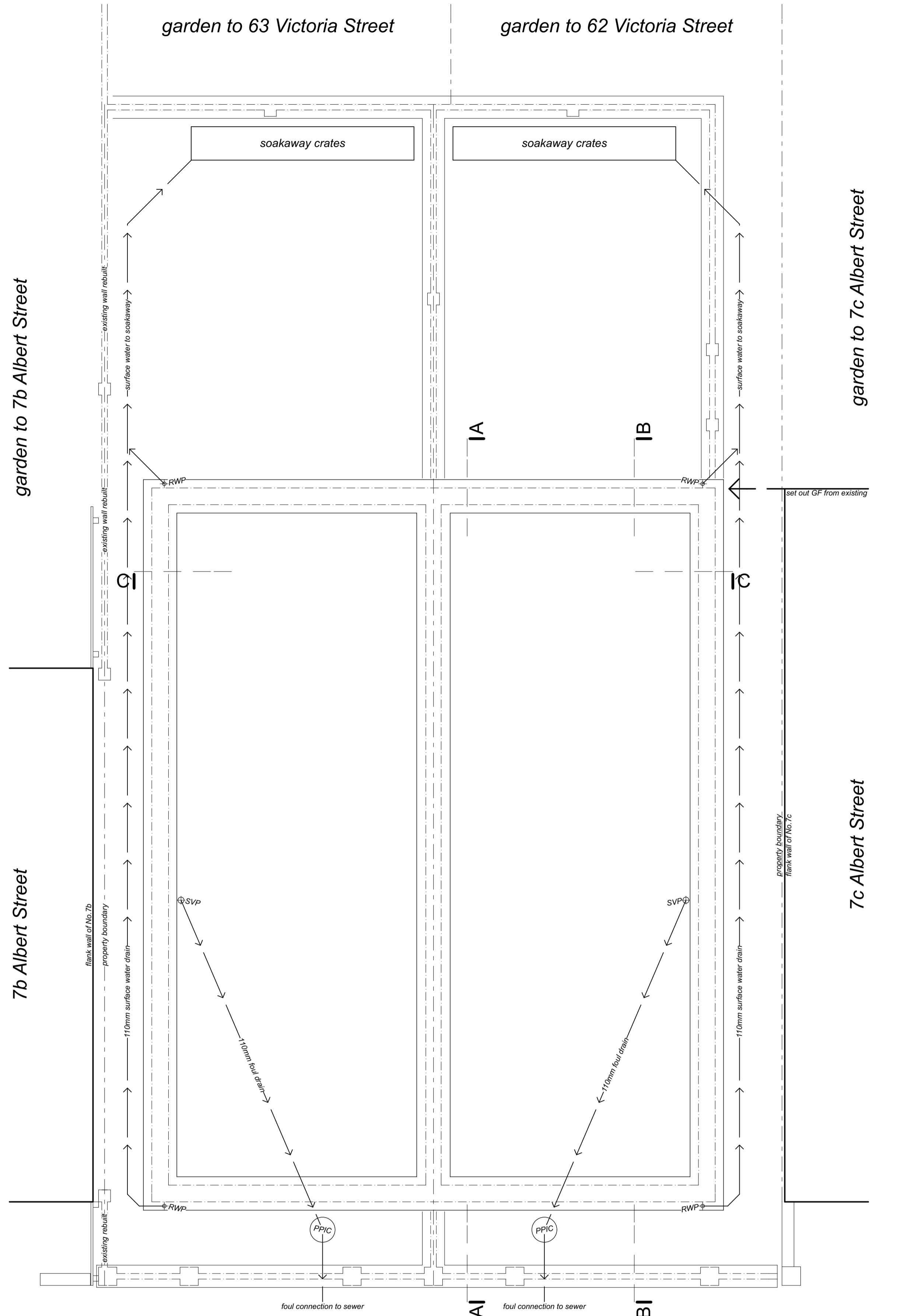
Land To Rear Of 62-63 Victoria Street, Bury St Edmunds,
Suffolk, IP33 3BD

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block plan @ 1:100 on A1 (1:200 on A3)

a l b e r t s t r e e t



foundation plan @ 1:50 on A1 (1:100 on A3)
(all foundations to match depth of adjacent properties)

John Stebbing
Architects

location plan @ 1:1250 on A1 (1:2500 on A3)

no.	description	date

project
**land to the rear of
62-63 Victoria Street**

drawing
block plan/foundations

scale
1:100/1:50 on A1 (1:200/1:100 on A3)

date
01/12/2016

number/revision
1964_10

drawn
trs

John Stebbing
Architects

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01284 704546 johnstebbing@architectatwork.co.uk www.architectatwork.co.uk

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