

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda														
Date:	Thursday 1 November 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 David Roach and Andrew Smith</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><i>Conservative Members (12)</i></td> <td style="vertical-align: top;"> Carol Bull Mike Chester Terry Clements Robert Everitt Paula Fox </td> <td style="vertical-align: top;"> Susan Glossop Ian Houlder Peter Stevens Vacancy </td> </tr> <tr> <td style="vertical-align: top;"><i>Charter Group Members (2)</i></td> <td style="vertical-align: top;">David Nettleton</td> <td style="vertical-align: top;">Julia Wakelam</td> </tr> <tr> <td style="vertical-align: top;"><i>Haverhill Indys Member (1)</i></td> <td style="vertical-align: top;">John Burns</td> <td></td> </tr> <tr> <td style="vertical-align: top;"><i>Independent (non-group) Member (1)</i></td> <td style="vertical-align: top;">Jason Crooks</td> <td></td> </tr> </table>			<i>Conservative Members (12)</i>	Carol Bull Mike Chester Terry Clements Robert Everitt Paula Fox	Susan Glossop Ian Houlder Peter Stevens Vacancy	<i>Charter Group Members (2)</i>	David Nettleton	Julia Wakelam	<i>Haverhill Indys Member (1)</i>	John Burns		<i>Independent (non-group) Member (1)</i>	Jason Crooks	
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*** THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA ***															
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.														

Quorum:	Six Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

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

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**

2. **Material Planning Considerations include:**

- Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
- Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
- The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Council Core Strategy 2010
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Local Plan Policies Map 2015
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:

- Moral and religious issues

- Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests set out in the National Planning Policy Framework (paragraph 206). This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human

Resources, Legal and Democratic) (or Officers attending Committee on their behalf);

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, 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

- | | <i>Page No</i> |
|---|----------------|
| 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
To confirm the minutes of the meeting held on 4 October 2018 (copy attached). | 1 - 10 |
| 4. Planning Application DC/17/0688/FUL - 46 to 47 St Andrews Street South, Bury St Edmunds
Report No: DEV/SE/18/040

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, 24 May 2018, 2 July 2018, 23 July 2018 and 30 August 2018 | 11 - 40 |
| 5. Planning Application DC/18/1220/FUL - 2 & 4 Mill Road, Haverhill
Report No: DEV/SE/18/041

Planning Application - (i) Change of use from financial and professional services (A2) on first floor (2a and 4a) to 3no. flats (C3) with ground floor access to Mill Road; (ii) internal and external alterations | 41 - 52 |

(On conclusion of the agenda Members of the Development Control Committee will receive a training seminar where Officers will deliver an update on planning appeals.)

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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 4 October 2018** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairmen David Roach and Andrew Smith

John Burns

Paula Fox

Carol Bull

Susan Glossop

Mike Chester

Ian Houlder

Terry Clements

David Nettleton

Jason Crooks

Peter Stevens

Robert Everitt

Julia Wakelam

In attendance (Ward Members):

Max Clarke

Paul Hopfensperger

Mary Evans

Sara Mildmay-White

45. **Apologies for Absence**

There were no apologies for absence.

The Democratic Services Officer advised that since publication of the agenda Councillor Alaric Pugh had resigned from the Development Control Committee, hence it was currently operating with a vacancy until such time as an alternative appointment was made.

46. **Substitutes**

There were no substitutes present at the meeting.

47. **Minutes**

The minutes of the meeting held on 6 September 2018 were received by the Committee as an accurate record, with 14 voting for the motion and with 1 abstention, and were signed by the Chairman.

48. **Planning Application DC/18/0721/FUL - Saxon House, 7 Hillside Road, Bury St Edmunds (Report No: DEV/SE/18/033)**

Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces

This application had been referred to the Development Control Committee on 6 September 2018 following consideration by the Delegation Panel, the item had been referred to the Panel at the request of a Ward Member (Moreton Hall).

At the September Committee Members resolved that they were minded to approve the application, contrary to the Officer recommendation of refusal and inclusive of a condition to limit usage of the site to the applicant.

Officers determined that the decision making protocol needed to be invoked which required the Committee to consider this further report, inclusive of a risk assessment, prior to a final decision being made on the application. A Member site visit was held prior to the September Committee meeting.

As part of her presentation the Senior Planning Officer drew attention to the 'late papers' which were issued as a supplement to the agenda papers and which set out:

- The applicant's argument against a 'personal' condition limiting the use of the site and the Officer's subsequent **amended wording for condition No 3**;
- The clarification that **the facility would only have 6 treatment rooms** and not 7, as previously understood by Officers and stated in the September Committee report; and
- The **agent's response to the further comments received from Suffolk County Council Highways** in which they maintained their objection to the application and refuted the applicant's technical note in respect of parking and sustainable travel.

In conclusion, the Case Officer explained that the Planning Authority was continuing to recommend refusal of the application for the reasons set out in Section C of Report No: DEV/SE/18/033.

Also included within the report at Section E (subject to the amendment to condition 3 in the late papers) were proposed conditions for the application should Members determine to approve the scheme.

Speakers: Mr Sinclair Armitage (Project Manager, Community Dental Services) spoke in support of the application
Mr Richard Sykes-Popham (agent) spoke in support of the application

Councillor David Nettleton spoke in support of the application and again stated that he did not agree with the access restrictions that were made reference to. He reiterated the public transport and foot/cycle way connections that existed at the site's location.

Councillor Nettleton proposed that the application be approved, contrary to the Officer recommendation of refusal and subject to the conditions outlined in the report, for the following reasons:

- The harm made reference to by SCC Highways had not been evidenced and the parking could be managed sustainably;

- There were other use class D1 facilities in the vicinity of the application site; and
- The proposal would provide a much needed community healthcare facility for the public.

This was duly seconded by Councillor Terry Clements, who also spoke in support.

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

Decision

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. Before the first floor use hereby approved commences details of the travel arrangements to and from the site for employees and customers, in the form of a Travel Plan, including monitoring provisions shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented before the first floor use hereby approved commences and thereafter adhered to.
3. The building subject to this application shall only be used for community healthcare services (including dentistry) on an appointment only basis and for no other uses within use class D1.
4. The number of treatment rooms shall be limited to 6 at ground floor and to 4 at first floor.
5. The use hereby approved shall be operated in accordance with the details set out in the Car Parking Management Plan (received 13.09.2018).
6. The first floor use shall not commence until the cycle parking has been provided in accordance with the details shown on drawing PL01 Rev.A and thereafter the areas shall be retained and used for no other purposes.
7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

49. **Planning Application DC/18/1017/FUL - Hill View Works, Simms Lane, Hundon (Report No: DEV/SE/18/034)**

Planning Application - 5no. dwellings with 5no. garages and new vehicular access (following demolition of existing industrial buildings)

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel at the request of the Ward Member (Hundon).

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused for the reasons set out in Paragraph 11.1 of Report No DEV/SE/18/034.

As part of her presentation the Senior Planning Officer drew attention to the 'late papers' which were issued as a supplement to the agenda papers and which set out **comments received from Hundon Parish Council in support of the scheme.**

Speakers: Councillor Mary Evans (Ward Member: Hundon) spoke in support of the application
Mr Ben Elvin (representing the applicant and agent) spoke in support of the application

In response to questions raised during the debate the Case Officer responded as follows:

- The **prior approval granted for the site no longer applied** as the building in question had been deemed not to be structurally sound; and
- **A similar application in Hundon had been refused** via Delegation Panel recently (as some Members made reference to). However, the **Committee was reminded to consider each application on its own merits.**

Councillor John Burns proposed that the application be approved, contrary to the Officer recommendation of refusal, inclusive of a condition to address contaminated land. This was duly seconded by Councillor Peter Stevens.

Further discussion then took place with a number of Members making reference to Paragraph 9.19 of the report and raising concern that insufficient evidence had been submitted to establish the potential retention of the site for employment use and that a marketing exercise should, therefore, be undertaken.

Accordingly, Councillor Stevens withdrew his position as seconder for the motion to approve the application, and instead proposed an amendment that the application be deferred, in order to allow time in which for Officers to explore the potential for the site to be marketed with the applicant.

This was duly seconded by Councillor Terry Clements and Councillor John Burns formally withdrew his original motion for approval.

Upon being put to the vote and with 11 voting for the motion, 2 against and with 1 abstention it was resolved that

Decision

Consideration of the application be **DEFERRED** in order to allow time in which for Officers to explore the potential marketing and retention of the site for employment use with the applicant.

(Councillor Robert Everitt left the meeting at 11.00am during the discussion which took place on this item and prior to the voting thereon.)

50. **Planning Application DC/18/1222/OUT - Land East of 1 Bury Road, Stanningfield (Report No: DEV/SE/18/035)**

Outline Planning Application (all matters reserved) - 9no. dwellings

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in light of the objection received from the Parish Council.

Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 26 of Report No DEV/SE/18/035.

As part of his presentation the Principal Planning Officer (on behalf of the Case Officer) made reference to:

- The **planning and appeal history** in respect of the site; and
- The determining factors considered in **the allocation of affordable housing to local people**.

Speakers: Dr Nicholas Amor (neighbour) spoke against the application
Councillor Clive Mears (Bradfield Combust with Stanningfield Parish Council) spoke against the application
Councillor Sara Mildmay-White (Ward Member: Rougham) spoke against the application

A number of Members made comment on the application which principally related to the following concerns:

- The flooding risk of the site;
- Reservations relating to the fact that neither the Borough Council or a registered housing provider had been approached by the applicant with regard to the management of the affordable housing that was proposed – therefore being unable to demonstrate local need; and
- The lack of detail provided, in light of it being an outline application.

In light of the above reasons, Councillor David Nettleton proposed that the application be refused, contrary to the Officer recommendation of approval, and this was duly seconded by Councillor Terry Clements.

The Officers present responded to each of the points raised and explained that they did not consider a refusal on these grounds to be defensible, hence, the Decision Making Protocol would be invoked and the decision would be 'minded to' and subject to the consideration of a risk assessment before a final decision was made.

Councillor David Roach proposed an amendment that the application be deferred in order to allow additional time in which for Officers to seek further information on these matters from the applicant, however, this failed to achieve a seconder.

Upon being put to the vote and with 9 voting for the motion and 5 against it was resolved that

Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, due to the following reasons:

1. The flooding risk of the site;

2. Reservations relating to the fact that neither the Borough Council or a registered housing provider had been approached by the applicant with regard to the management of the affordable housing that was proposed – therefore being unable to demonstrate local need; and
3. The lack of detail provided, in light of it being an outline application.

(On conclusion of this item the Chairman permitted a short comfort break before reconvening the meeting.)

51. **Planning Application DC/18/0635/FUL - 9 St Olaves Precinct, Bury St Edmunds (Report No: DEV/SE/18/036)**

Planning Application - Change of use from Use Class A1 (Retail) to Use Class A5 (Hot Food Takeaway) and installation of an Extraction System

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel at the request of one of the Ward Members, Councillor Max Clarke (St Olaves).

Bury St Edmunds Town Council had submitted comments confirming that they did not object to the proposal. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 24 of Report No DEV/SE/18/036.

As part of his presentation the Senior Planning Officer made reference to Paragraphs 21 and 22 of the report which set out the planning balance to be considered in respect of the application; in relation to losing a retail (A1) unit but conversely preventing a vacant property.

Speakers: Mr Delil Sinsed (operator of neighbouring unit) spoke against the application
Councillor Max Clarke (Ward Member: St Olaves) spoke against the application
Councillor Paul Hopfensperger (Ward Member: St Olaves) spoke against the application
Miss Stacey Hartrey (agent) spoke in support of the application

Members made a number of comments in respect of the application which largely related to the number of other takeaway establishments in the vicinity and the impact the application could have on their sustainability. Reference was also made to the Council's healthy objectives and the conflict that the proposal could have on these.

In response, the Principal Planning Officer:

- Reminded the Committee that **competition and commercial viability was not a planning issue**; and
- Outlined how **Policy DM36** was assessed in relation to the proposal and the marketing that was undertaken in connection with the unit in question.

Councillor David Nettleton spoke in support of the application, he stressed that the number of objectors to the application was a very small percentage of the residents that lived in the locality.

Councillor Nettleton explained that there had been representations made in support of the application and he read some of these out to the meeting. He then moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

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

Decision

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

1. Time limit
2. Approved Plans
3. Opening Hours
4. Submission of extraction system details

52. **Planning Application DC/18/0897/HH - Moat Farm, Wickhambrook Road, Hargrave (Report No: DEV/SE/18/037)**

Householder Planning Application - detached cartlodge

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel as the Parish Council objected to the proposal.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 26 of Report No DEV/SE/18/037.

In response to a question from a Member, the Principal Planning Officer confirmed that in light of the very recent adoption of the Hargrave Neighbourhood Plan the Delegation Panel considered it appropriate to refer the application to the Committee for determination.

Councillor Peter Stevens moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

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. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

53. **Planning Application DC/18/1010/FUL - Land Adjacent To Forge Cottage, Blacksmith Lane, Barnham (Report No: DEV/SE/18/038)**

Planning Application - 1no. dwelling with associated external works

This application had been referred to the Development Control Committee following consideration by the Delegation Panel.

A Member site visit was held prior to the meeting. The Parish Council had cited no objection to the scheme.

Officers were recommending that the application be refused for the reason set out in Paragraph 20 of Report No DEV/SE/18/038.

As part of his presentation the Planning Officer made reference to:

- The 'late papers' which were issued as a supplement to the agenda papers and which outlined **the extant planning permission on land immediately adjoining the application site**. The Case Officer explained that in light of this new information the reason for refusal remained, however, the extant permission was considered to strengthen the Officer position adopted in relation to the harm arising; and
- **Shadow drawings** which had been requested by Members at the site visit.

Speakers: Councillor Charles Merrifield (Barnham Parish Council) spoke in support of the application
Councillor Andrew Smith (Ward Member: Bardwell) spoke in support of the application
Mr Andrew Blenkiron (applicant) spoke in support of the application

A considerable debate took place by the Committee with Members voicing both support and opposition to the proposal.

The Principal Conservation Officer was invited to speak by the Chairman in order to further elaborate on her objection to the application in respect of the perceived harm it would cause to the setting of the listed building and the character of the wider conservation area.

Councillor Peter Stevens stated that, contrary to the reason for refusal, he considered that the development was not contrived and would not cause harm to the listed building/conservation area. He, therefore, moved that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor David Roach.

The Committee was advised that the Decision Making Protocol would not need to be invoked in this case as Officers did not consider a risk assessment to be required. The Planning Officer then outlined relevant conditions for the application that could be appended to an approval, if granted.

Upon being put to the vote and with 7 voting for the motion, 6 against and with 1 abstention, it was resolved that

Decision

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in accordance with SCC drawing DM01; and with an entrance width of 3.5. Thereafter the access shall be retained in the specified form.
4. Prior to the dwelling hereby permitted being first occupied, the access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
5. Occupation of the dwelling hereby permitted shall not commence until the area(s) within the site shown on Drawing No. 17- 097 112B for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
6. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 17-097 112B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
7. Before the access is first used details shall be submitted to and approved in Planning and Regulatory Services, St Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St Edmunds Suffolk, IP33 3YU writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
8. 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.
9. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement 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. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

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

(Councillor John Burns left the meeting at 1.37pm on conclusion of this item.)

54. **Planning Application DC/18/1543/HH - 9 Darcy Close, Bury St Edmunds (Report No: DEV/SE/18/039)**

Householder Planning Application - First floor extension to front elevation - Revised Scheme of DC/18/0476/HH

This application was referred to the Development Control Committee as the applicant was employed by St Edmundsbury Borough Council.

Bury St Edmunds Town Council had raised no objection and Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 23 of Report No DEV/SE/18/039.

The Planning Officer informed Members that the application was a resubmission of DC/18/0476/HH which had been refused by the Committee at their meeting on 5 July 2018. The scheme now seeking determination omitted the previous first floor rear extension.

Councillor David Nettleton proposed that the application be approved, as per the Officer recommendation, 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

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

The meeting concluded at 1.40 pm

Signed by:

Chairman



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/040

Development Control Committee 1 November 2018

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

Date Registered:	03.04.2017	Expiry Date:	03.07.2017 EoT until 23.03.2018
Case Officer:	Marianna Hall	Recommendation:	Approve Application
Parish:	Bury St Edmunds	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, 24 May 2018, 2 July 2018, 23 July 2018 and 30 August 2018.		
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.

The application was considered at the Development Control Committee on 5 April 2018 where Members resolved to defer the application for amendments to be made to the design of the building, in particular to address concerns regarding the basement accommodation proposed. The scheme has been subsequently amended as set out within this report.

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 railings along the site frontage and steps leading up to the front entrance. A pathway along the southern boundary of the site is proposed to provide access to cycle and bin storage behind the building. This also provides access to the rear entrance of the building. No on-site car parking is proposed.
2. The application was 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.
3. The scheme has been further amended following consideration of the application by the Development Control Committee in April 2018. In response to the concerns of the Committee the basement flats have been raised and are now half-basement units. This has resulted in an increase in the overall height of the building by approximately 0.3m and the introduction of steps up to the front entrance. The treatment of the elevations of the building has also been changed to incorporate more traditional features, and further details have been provided in respect of cycle parking and bin storage.

Application Supporting Material:

4. 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)
 - Photo Montages

Site Details:

- 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 on the other side of St. Andrews Street are some recently constructed dwellings. The existing buildings on the site are in poor condition and of no special interest. 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:

6. Town Council

Original scheme: Objection on the grounds of parking.

First Amended scheme: Withdraws previous objection and raises no objection.

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

Current scheme: Objection on grounds of parking. Supports Highway Authority's objection.

7. 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.

First 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.

Current scheme: Improvements to basement accommodation have resulted in a negligible increase in the height of the building, no objections. Request railings in lieu of brick walls flanking steps to front door and montage to be amended in respect of brick piers to tally with the elevations. Amendments also requested to ground floor windows. Conditions recommended regarding material samples and detailed window drawings.

8. SCC Archaeological Service

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

9. SCC Highways

Original scheme: Recommends refusal due to insufficient parking. Site currently/previously used for commercial purposes with some parking provision. It is accepted that a reduction in parking can be applicable for sustainable town centre locations however it cannot be assumed that future residents will not own a car. Development is on a busy route near a school where parking restrictions apply. Any on street parking/waiting here would impact on highway safety. Except 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.

First 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 2018: 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.

Current scheme: Recommends refusal. Plans show an improved cycle storage and refuse storage area. Number of cycle stands complies with our standards. No details of 2-tier cycle store design or details of how refuse will be collected from the site. No details of rear access external power point for charging electric vehicles referenced in agent's email. Previous comments still apply.

10. 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.

11. 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.

12. Public Health & Housing

Original and amended schemes: No objections.

Current scheme: No objection, conditions recommended regarding construction hours and burning of waste.

13. 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.

14. Anglian Water

Original scheme:

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. Condition requested.

Surface Water Disposal: Surface water strategy/flood risk assessment submitted relevant to Anglian Water is unacceptable, recommend conditions to secure an acceptable scheme.

Current scheme:

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: Sewerage system at present has available capacity for these flows via a gravity discharge regime.

Surface Water Disposal: Surface water strategy/flood risk assessment submitted relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. Condition recommended if LPA is minded to grant planning approval.

15. 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.

16. SCC Planning and Infrastructure Officer

Financial contributions sought towards primary education and libraries.

17. Housing Strategy & Enabling Officer

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

First Amended scheme: Support proposal to provide two 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.

Current scheme: Pleased that apartments conform to the Technical Housing Standards in terms of unit sizes. Independent review of the viability claim recommended review mechanisms within the S106 Agreement. Feel this application needs to be reviewed again in full taking into account the increased sizes of the apartments which could increase their market value, making the delivery of affordable housing achievable on site.

18. 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.

First 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.

Current scheme: Objects. Street view now appears squat and does not follow classical design in terms of symmetry. Raised entrance relegates ambulant disabled visitors to the rear access. Basement flats are single aspect with no cross ventilation and should be removed. Fail to see how the new building will sit comfortably next to the Dennys premises. Despair that proposals will enhance this important approach to the conservation area.

19. 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.

First 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.

Current scheme: (No comments received).

20. Suffolk Constabulary Design Out Crime Officer

Current scheme: Advisory comments provided regarding Secured by Design principles. Query how cycle storage will be enclosed and secured. Agree with comments made by Highways regarding lack of parking and resulting issues. Lack of parking may cause public disputes and an increase for police demand.

Representations:

21. Councillor Jo Rayner

Object to the application. Understand that the proposal was scaled down but still believe it is too big and does not take account of parking needs. Road is already a hazard with illegal parking. I have been contacted by many residents objecting to the application, as has Councillor Speed, and would urge Members to refuse the application on scale and parking grounds.

22. Councillor Andrew Speed

Fully support Councillor Rayner's comments. Lack of parking is a major concern given the narrowness of the road, lack of pedestrian crossing and volume of current vehicle movements. Residents' driveways are already blocked by illegally parked vehicles. Shortage and haphazard nature of parking enforcement is a problem which looks set to continue given the recent delay in transfer to civil enforcement.

23. Third party representations on original scheme

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.

24.Third party representations on first amended scheme

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.

25.Third party representations on current scheme

Representations regarding the current scheme that was revised following the April 2018 Development Control Committee meeting have been received from Bonnie Doon Albert Street and Caxton House (leased by Neptune) making the following summarised comments:

- Would like to withdraw my previous objection (Bonnie Doon).
- Concerned about damage to wall of Caxton House as a result of use of side access to rear of flats.
- Concerned about bins blocking the pavement on collection day.
- Scheme is too large for the site.
- Excavation involved will be disruptive for residents and businesses.
- Concerned about impact on existing drainage.
- Would like confirmation that the strip of land at the side of Caxton House is not to be used.
- Concerned that cars will park in front of our building or in our car park.
- Am in favour of a new building to tidy up this very scruffy and un-kept area but would prefer a mixed use of shops and flats.

Policy:

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

27.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

28.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

29.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:

30. National Planning Policy Framework (2018)
31. Planning Practice Guidance
32. St Edmundsbury Borough Council Supplementary Planning Document for Open Space, Sport and Recreation Facilities (December 2012)
33. Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (SPD) (October 2013)
34. Bury St Edmunds Town Centre Masterplan (2017)
35. Suffolk Guidance for Parking Technical Guidance Second Edition (November 2015)

Officer Comment:

36. The matters to be considered in the determination of this application are:
 - The Revised National Planning Policy Framework (NPPF)
 - The Principle of Development
 - Design and Impact on Character including Heritage Assets
 - Impact on Amenity
 - Highway Safety
 - Contamination and Air Quality
 - Flood Risk and Drainage
 - Planning Obligations
 - Affordable Housing and Development Viability

The Revised National Planning Policy Framework (NPPF)

37. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 of the revised NPPF is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised Framework. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given.
38. The Policies set out within the Joint Development Management Policies Document have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached

to them in the decision making process.

The Principle of Development

39. 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. Policies set out within the NPPF and the presumption in favour of sustainable development contained at its heart are also material considerations.
40. 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.
41. The NPPF states that planning should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117). Substantial weight should be given to the value of using suitable brownfield land within settlements (such as the application site in this case) for homes and other identified needs (para. 118). Decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive and healthy places.
42. 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.
43. 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.

44. Having regard to the policy context as set out above, the principle of the redevelopment of this site to provide residential properties is strongly supported by both national and local planning policies and is therefore acceptable.

Design and Impact on Character, including Heritage Assets

45. 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.

46. 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.

47. The site currently contains two vacant buildings that are not considered to make a positive contribution to the street scene. 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.

48. The proposals have gone through a number of developments and refinements including a reduction in height and unit numbers. Following the deferral of the application at Development Control Committee in April the developer has further revised the scheme, seeking to address the concerns raised by Members. The basement level has been raised to provide half-basement flats, thereby improving this element of the design. Each basement flat also now has its own external entrance in lieu of the single internal entrance previously proposed. The removal of the internal entrance has enabled the floor space of the individual basement flats to be increased. The raising of the basement level has increased the height of the building as a whole by a modest amount (approximately 0.3m). This has been achieved by reducing the internal ceiling heights within each floor. The sizes of the flats have also been adjusted to ensure that each flat meets the National Space Standards taking into account both the number of bedrooms and the number of occupants in each case.

49. The site is located within an 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 scheme as amended remains subservient in scale to the neighbouring Neptune building to the south and retains an acceptable relationship to the more modest property on its north side currently used as a barber shop. The proposed apartment building would be set back within

the site behind low railings with brick piers, in keeping with the urban location and character of the proposals. The building was previously modern in design but reflective of the traditional proportions and massing of Georgian architecture. The building has now been revised to incorporate some traditional features including sash windows with brick detailing above, cornicing, and a traditional entrance door and surround on the front elevation. The scheme 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 and buildings. For these reasons, the development is furthermore not considered to harm the settings of the nearby listed buildings within Guildhall Street to the east.

50. Concerns have been raised by the Bury Society regarding the revised front entrance to the building which is now accessed via steps, in terms of access for ambulant disabled visitors being limited to the rear entrance. The front entrance has however had to be raised as a result of changes to the basement flats in response to concerns raised at the April Committee meeting. The agent has advised that this arrangement has been agreed with a Building Inspector in terms of disabled access. Level access is provided to the flats via the private footpath to the side of the building and the agent advises that an electric fob-operated pedestrian gate, motion sensor lighting and an electric fob-operated rear door can be provided to further improve disabled access to the rear of the building. These measures can be secured by condition.

51. 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.

Impact on Amenity

52. 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.

53. 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.
54. The proposal includes the provision of four basement flats and concerns were raised regarding the previous design in terms of the amenities of future occupiers of these units. As outlined above, the basement level has now been raised to provide half-basement flats. The flats also now have their own individual entrances and three of the four flats have benefitted from an increase in floor space as a result. This is clearly a positive improvement to the scheme in terms of the living standards of future residents.
55. Concerns have been raised by both the owner and the occupier of the Neptune store (Caxton House) adjacent to the site regarding the potential for damage to the side wall of this property and encroachment onto a strip of land adjacent, and regarding disruption during the construction of the proposed flats. The wall and strip of land referred to are however outside of the application site and it is open to the owner/occupier of Caxton House to delineate their boundary with the site, or to otherwise prevent access, if they so wish. It is acknowledged that there would be a degree of disruption during the construction phase of the development, as with all developments, however this would be for a temporary period and would be controlled as far as possible via the Construction and Deliveries Management Plan included within the conditions recommended by Highways.

Highway Safety

56. 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"*.
57. 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.
58. 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 applying between 8am and 6pm. 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. Officers consider that the existing parking restrictions that are in place reduce 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. Whilst the concerns raised regarding existing illegal parking are acknowledged, this is a parking enforcement matter. It is also open to the Highway Authority to increase the parking restrictions in this location to address existing issues if considered necessary. Concerns have also been raised by Waitrose and Neptune regarding future residents potentially parking within their car parks. This would however be for the businesses concerned to control and enforce on their own property.

59. Given the town centre location of the development it is reasonable to assume that 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 carparks 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.
60. Concerns were previously raised by Suffolk County Council as Highway Authority regarding the layout and design of the proposed cycle store. This has now been amended and is provided in the form of a two tier double stack enclosed cycle store. Highways have confirmed that the level of provision of cycle storage now accords with the County guidance. Concerns were also raised regarding the type of enclosure proposed for the cycle store, in particular regarding its level of security and its visibility (being finished in Perspex). The cycle store 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. The proposed materials will enable natural surveillance of the bike store from the flats and as such this is considered to be acceptable. Further details of the cycle store can be secured by condition.
61. The scheme includes the provision of bin storage to the rear of the flats. Previously 23 no. 360 litre wheelie bins were proposed. Concerns were raised by local residents, Highways and officers regarding this provision in terms of the number of bins needing to be presented on the footpath on collection day and the potential for this to cause an obstruction. Concerns were also raised by our Waste Team regarding the time it would take for operatives to handle a large number of individual bins. The provision has now been changed with 10 no. 660 litre bins proposed (5 for refuse and 5 for recycling). These larger communal bins are appropriate for flat developments such as this and will require a maximum of 5 bins to be handled by the Waste Team on collection day. An additional plan has been provided to show that the bins can be presented in front of the building on collection day whilst leaving sufficient space for the footpath to be used. The arrangements for bin storage and presentation are considered to be acceptable.

62. The Highway Authority has suggested a number of conditions to be attached to any permission granted in the 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 relocate street lighting and traffic signs. As outlined above, the details submitted in respect of bin storage and presentation are considered to be acceptable. Conditions covering the rest of these matters are included within the officer recommendation of approval at the end of this report.
63. The Highway Authority has 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 has 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 necessary in order to make the development acceptable.
64. The Highway Authority has 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 states 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 is directly related to this development or that they are fairly and reasonably related in scale and kind to the development. As such officers do not consider that this request meets 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.
65. 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.

66. Taking into account 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 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 is reduced in this case to a level that would not be sufficient to justify a refusal on highway safety grounds.

Contamination and Air Quality

67. 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.

68. 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

69. 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 regarding the proposed drainage strategy, however, they have advised that an acceptable scheme can be secured by condition.

Planning Obligations

70. The NPPF (paragraph 56) 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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

76. 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.

77. Policy CS5 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 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.

78. 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 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 viability matters.

79. The applicant's viability assessments seek 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. The assessments indicate 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. Furthermore, 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. In addition, the appraisal indicates that 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'*.
80. There are no Development Plan policies specifically addressing development viability, although 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.
81. 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.
82. Paragraph 57 of the revised NPPF states that the weight to be given to a viability assessment is a matter for the decision maker having regard to all the circumstances in the case including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs. The national guidance regarding viability was updated on 24th July 2018. Given the publication of the revised NPPF and associated viability guidance since this application was considered by Committee in April, together with the time that has lapsed since the applicant's previous submission regarding viability (dated January 2018), officers requested an update to the applicant's viability case.
83. Further information has now been provided by the applicant which reflects the updated guidance on viability and takes into account the changes that have been made to the scheme. These include changes to the floor areas of some of the flats, the increase in the overall height of the building, the raising of the basement level and provision of individual entrances for the

basement flats, and changes to the external appearance of the building. Sales values for the flats and overall build costs have also been updated. The updated viability submission concludes that viability has been further compromised since the previous assessment. Whilst changes to the scheme were expected to improve viability in that the scheme changes were almost cost neutral and the larger sized units increased income, changes to the market have impacted the scheme as property prices appear to be declining and overall construction costs have risen.

84. 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 solely affordable housing that stands 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, as is the case here.

85. 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.

86. 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 that 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.

87. 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:

88. 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.

89. 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.
90. 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.
91. 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:

92. 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) Demolition and construction works shall not take place outside of the hours of 8am to 6pm Mondays to Fridays or outside of the hours of 8am to 1pm on Saturdays. There shall be no demolition or construction works at any time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14) 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.

- 15) No works involving the installation of windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

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

- 16) No work of construction above slab level shall commence until details of the proposed electric fob-operated pedestrian gate, motion sensor lighting and electric fob-operated rear door to improve the accessibility of the building for all users have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to any of the flats being first occupied and shall thereafter be retained.

Reason: To ensure that safe and suitable access to the site is achieved for all users in accordance with the NPPF.

- 17) No work of construction above slab level shall commence until details of the cycle store enclosure 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.

- 18) 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.

- 19) The areas shown on drawing no. 6405/1222 Revision D for the storage of bins 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.

- 20) 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.

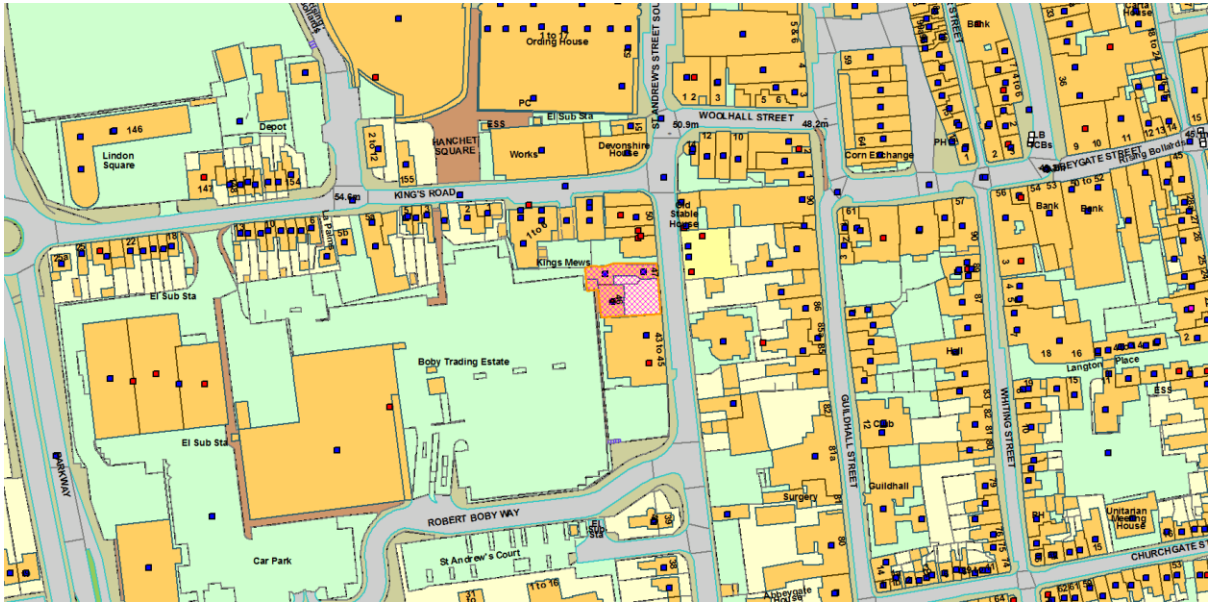
Reason: To ensure that the highway works required as a result of the development are carried out to the correct specification in the interests of highway safety.

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

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

Documents:

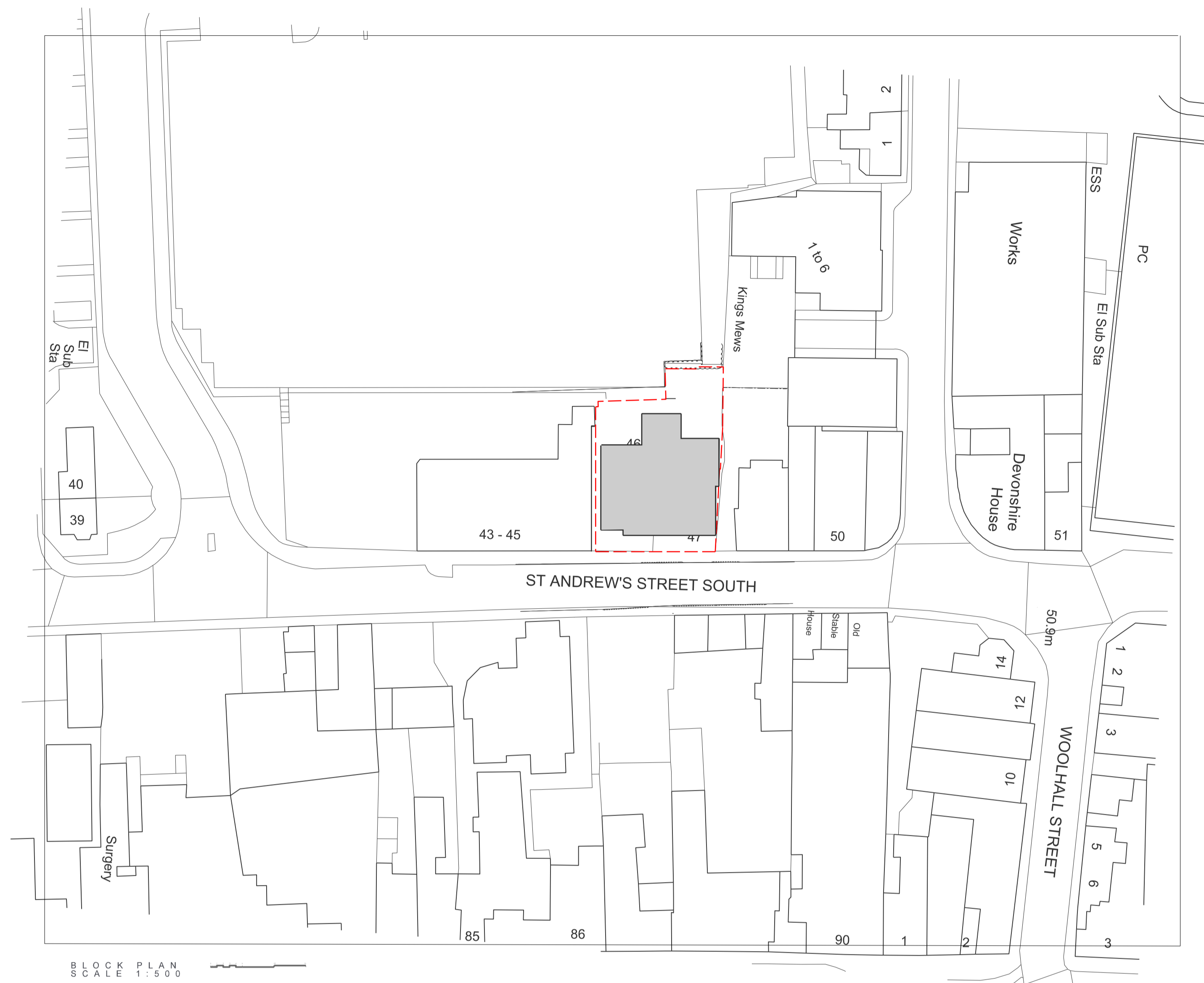
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/0688/FUL](https://www.barnet.gov.uk/DC/17/0688/FUL)



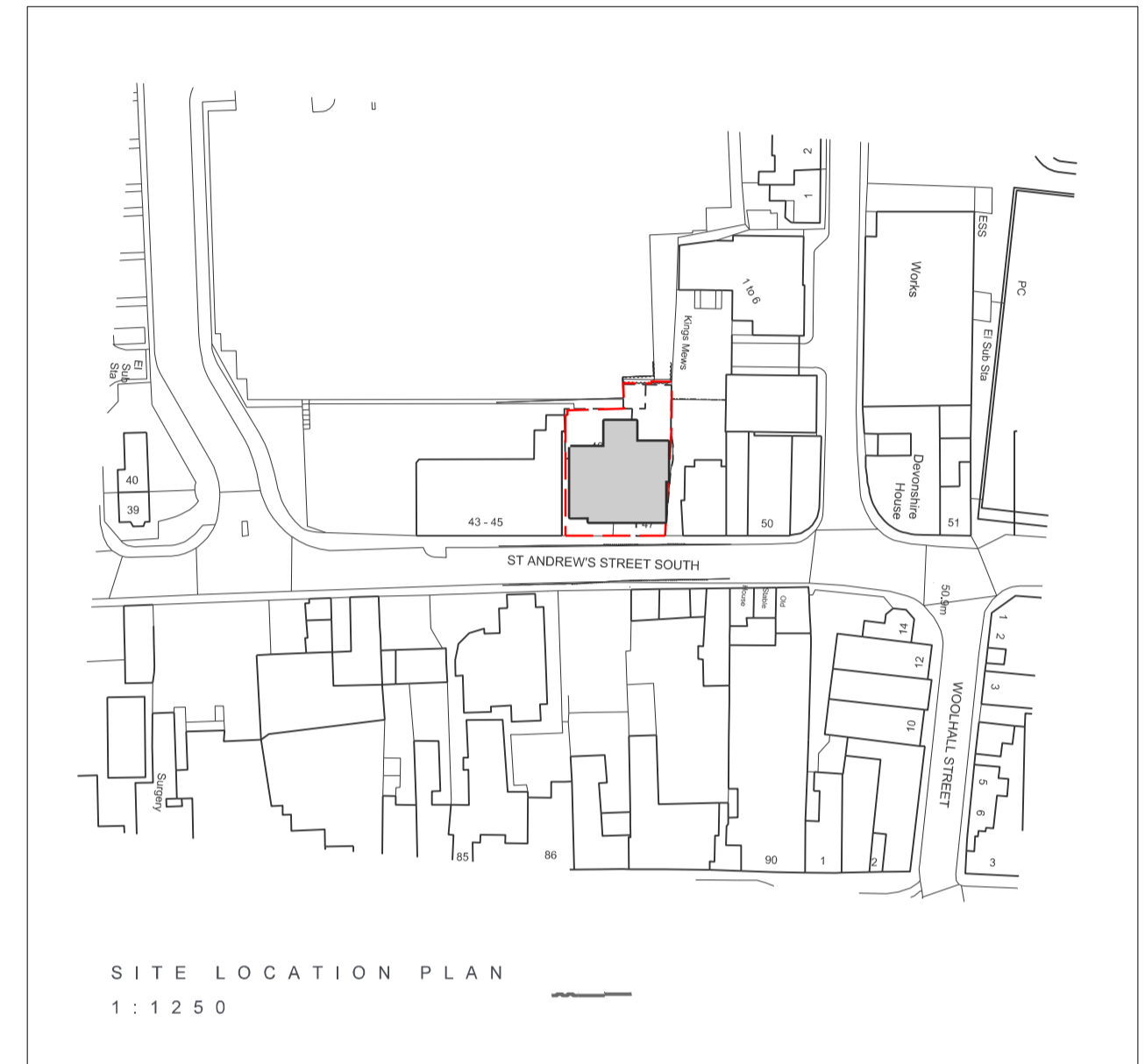
DC/17/0688/FUL - 46 To 47 St Andrews Street South, Bury St Edmunds

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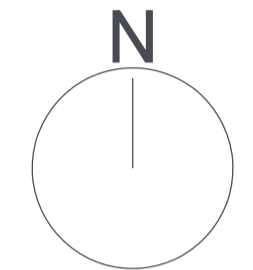
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DEMOLITION PLAN
1:500



SITE LOCATION PLAN
1:1250



DEMOLITION PLAN
1:500

REV	NOTE	DRN	DATE
A	PLANNING SUBMISSION	JR	28.03.17

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/18/041

Development Control Committee 1 November 2018

Planning Application DC/18/1220/FUL – 2 & 4 Mill Road, Haverhill

Date Registered:	23.07.2018	Expiry Date:	17.09.2018 – EOT 02.11.2018
Case Officer:	Kerri Cooper	Recommendation:	Approve Application
Parish:	Haverhill	Ward:	Haverhill South
Proposal:	Planning Application - (i) Change of use from financial and professional services (A2) on first floor (2a and 4a) to 3no. flats (C3) with ground floor access to Mill Road; (ii) internal and external alterations		
Site:	2 & 4 Mill Road, Haverhill		
Applicant:	Mr Fowler		

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:

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Telephone: 01284 757341

1.0 Background:

1.1 The application is referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel at the request of Councillor Paula Fox (Ward Member) and the Town Council's view is contrary to the recommendation of approval by the Local Planning Authority.

2.0 Proposal:

2.1 Planning permission is sought for the change of use of first floor from financial and professional services (Class A2) to 3no. flats (Class C3) with associated internal and external alterations.

3.0 Site Details:

3.1 The application site comprises a two storey building situated in Haverhill Town Centre and Housing Settlement Boundary. The site is on the corner of Mill Road and Camps Road, with retail use located at ground floor and financial and professional use at first floor level. The site is surrounded by varying uses.

4.0 Planning History:

Reference	Proposal	Status	Decision Date
DC/15/1306/ADV	Application for Advertisement Consent - 1no. internally illuminated fascia sign, 2 no. non illuminated fascia signs, 1 no. internally illuminated hanging sign and 4 window vinyl graphics	Application Granted	21.08.2015
SE/08/0071	Advertisement Application - Provision of (i) 2 no. non-illuminated fascia signs to front elevation; (ii) 1 no. non-illuminated fascia sign to side elevation and (iii) 1 no. non-illuminated double sided projecting sign to front elevation (Revised scheme)	Application Granted	21.02.2008
E/99/2650/A	Advertisement Application - Provision of non-illuminated sign on north elevation	Application Granted	27.09.1999
E/99/2101/A	Advertisement Application - Provision of non-illuminated signs on first floor of north and east elevations	Application Refused	29.07.1999

E/89/1309/P	Change of use from first floor storage to office	Application Granted	07.04.1989
E/87/3256/P	Alterations and erection of two storey extension to form additional shop and office accommodation	Application Refused	01.12.1987
E/81/1598/P	Erection of storage extension to no. 2 shop with alterations to no. 4 shop	Application Granted	13.05.1981
E/80/2296/P	Use of first floor for office purposes	Application Granted	03.07.1980
E/78/3673/P	Reconstructed stock room paper store and sorting area - renewal	Application Granted	28.12.1978
E/78/2838/P	Renewal - change of use from residential to offices	Application Granted	12.10.1978
E/76/3265/P	Reconstructed stock room paper store and sorting area - renewal	Application Granted	12.01.1977
E/74/2873/P	Change of use from residential to office use	Application Refused	06.03.1975
E/74/2686/P	Continued use of stockroom, paper store and sorting area	Application Granted	05.12.1974

5.0 Consultations:

- 5.1 Environment and Transport – Highways: No objection, subject to conditions.
- 5.2 Environment Team: No objection.
- 5.3 Public Health and Housing: No objection, however advise amendments and clarification required.

6.0 Representations:

- 6.1 Town Council: Object to application following concerns and points raised by Public Health and Housing.
- 6.2 Ward Member: Councillor Fox has concerns regarding the change of use to flats due to impact on parking, inadequate cycle storage and size of flat 1. Therefore, requested that the application be referred to the Delegation Panel.
- 6.3 Neighbours: No representations received.

- 7.0 Policy:** The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM22 Residential Design
- Policy DM35 Proposals for main town centre uses
- 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
- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV2 - Housing Development within Haverhill

8.0 Other Planning Policy:

8.1 National Planning Policy Framework (2018)

9.0 Officer Comment:

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

- Principle of Development
- Impact on Visual Amenity and Character of the Area
- Impact on Neighbouring Amenity
- Impact on Highway Safety
- Other Matters

9.2 The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

Principle of Development

9.3 Policy DM35 states that within the town centres, as defined on the policies maps, support will be given, subject to compliance with other policies, to proposals for main town centre uses such as the following:

- i. shopping (Use Class A1);*
- ii. financial and professional services (A2);*
- iii. food and drink (A3, A4, A5);*

iv. leisure, culture, arts, tourism and more intensive sport and recreation including D2 uses;

v. business (B1) offices;

vi. visitor accommodation; and

in addition to the main town centre uses above:

vii. health facilities and other community uses;

viii. residential, A2 or B1 uses on upper floors.

9.4 The proposed scheme comprises the change of use of the first floor from financial and professional services (Class A2) to 3no. flats (Class C3). The ground floor retail use is to be retained.

9.5 It is considered that the use of upper floors in town centres can provide additional accommodation for those wanting to live in a town, as well as enabling first floors of units to be occupied whilst improving the vitality of a town and on this basis the principle of the development should be supported subject to assessment against other policies.

Impact on Visual Amenity and Character of the Area

9.6 Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.

9.7 The proposed development involves modest changes to the external appearance of the building. The alterations include the replacement of the windows and provision of a window in the side elevation.

9.8 Due to the nature of the site and the existing built form, the proposed development will be in keeping with the character and appearance of the area.

Impact on Neighbouring Amenity

9.9 No. 18-6 Mill Road form a terrace of residential properties. Adjacent to the site, on the opposite side of Mill Road is a public house, with a retail unit and residential properties located to the rear of 2 and 4 Mill Road.

9.10 The proposed window in the rear elevation has been omitted following the comments from Public Health and Housing regarding potential disturbance from future occupants from the existing air conditioning unit.

9.11 Given the mix of uses surrounding the site and the nature of the proposed development, it is not considered that there would be an adverse impact on neighbouring amenity by virtue of overlooking or disturbance.

Impact on Highway Safety

9.12 The size of the development and the nature of the use means that such a proposal would ordinarily require some vehicle parking to be provided on site. However, in this particular case due to the close proximity of bus and rail services, as well as the provision of shops and medical services, Suffolk

County Highways have recommended approval of this application subject to the provision of cycle storage in the absence of any on-site parking. This is due to the sustainable town centre location, noting in any event that as a change of use of the upper floors only, no opportunity exists to provide dedicated car parking on this site anyway. A plan detailing external cycle storage has been submitted, showing sufficient space. Cycle storage and bin storage is located to the rear of the site, positioned 10metres away and accessed via a footpath.

- 9.13 On this basis, and notwithstanding the ostensible conflict with the parking guidance, noting the lack of an objection from the County Council as Highway Authority on any grounds of highway or pedestrian safety, it is not considered that the lack of dedicated on site car parking is a matter that would withstand the scrutiny of an appeal were this application to otherwise be refused on such grounds.

Other Matters

- 9.14 Comments have been raised regarding space standards of flat 1 of the proposed scheme by the Ward Member and Public Health and Housing. The unit is designed to be occupied by a single person which alleviates the concerns raised by Public Health and Housing. The National Space Standards provide guidance to Local Authorities when considering developments but this is not a policy at present. The standards for a 1bedroom, 1 person, single storey property with a shower would be 37m². Flat 1 measures approximately 32.5m². Flats 2 and 3 comply with the National Space Standards. Therefore it is for each application to be assessed on its own merits. In this context and case, the proposals seeks to utilise an existing building and 1no. flat is marginally below space standards (which are only guidance, and not otherwise adopted policy in any event). As such, in the planning balance it is not considered this is significant as to warrant the application being refused solely on this ground.

10.0 Conclusion:

- 10.1 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.

11.0 Recommendation:

- 11.1 It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

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

Application Form received 22nd June 2018
Planning Statement received 23rd July 2018
Email Correspondence received 20th September 2018
Location Plan received 22nd June 2018
Site Plan – AV/2270/5 received 22nd June 2018
Existing Elevations – AV/2270/2 received 22nd June 2018
Proposed Elevations – AV/2270/3 V2 A received 20th September 2018
Existing and Proposed Floor Plans – AV/2270/1 V2 A received 20th September 2018

Reason: To define the scope and extent of this permission.

- 3 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The use shall not commence until the area(s) within the site shown on Drawing No. AV/2270/5 for the purposes of secure cycle storage have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for secure cycle storage is provided and maintained.

- 5 The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. AV/2270/5 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

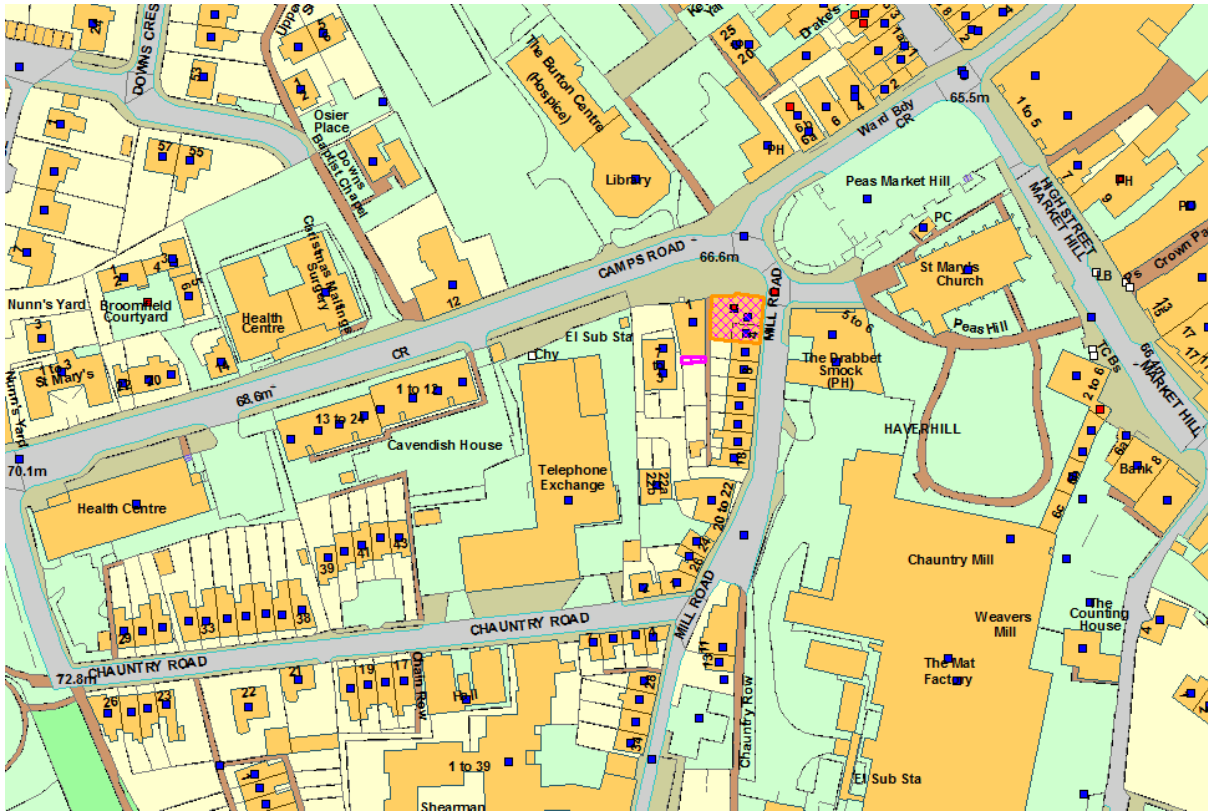
- 6 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

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

12.0 Documents:

- 12.1 All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1220/FUL](https://www.suffolk.gov.uk/DC/18/1220/FUL)

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DC/18/1220/FUL – 2 and 4 Mill Road, Haverhill



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CAMPS ROAD

66.6m

St Mary's

TO FOUL SEWER

MILL ROAD

5 to 6

The Drabbet
Smock
(PH)

Page 51

3
to
7

cycle store

bin storage

ACCESS FOOTPATH

2

4

8

18

PHILBIN CHAMPION ASSOCIATES
 ROSE COTTAGE
 HUNDON ROAD
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SITE PLAN OF 2 AND 4 MILL ROAD
 HAVERHILL SUFFOLK CB9 8BD

DRAWING	AV/2270/5
DATE	JUNE 2018
SCALE	1:200

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