St Edmundsbury
BOROUGH COUNCIL

Working Paper 1

Development Control Committee
6 August 2015

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

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

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

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

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

Background:

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

Proposal:

1. Planning permission is sought for the erection of 133 flats and two small commercial units (Class A1, A2 or A3). There would be 105 no. 2-bed flats and 28 no. 1-bed flats in the scheme. The application proposes 13 affordable flats (9.8%). The 133 flats proposed by the planning application translate to a density of circa 153 dwellings per hectare.

2. The two commercial units at ground level to the north of the site, facing towards the station would have gross floor areas of circa 71 and 65 square metres respectively.

3. The application has been amended since submission with the two small commercial units now proposed in lieu of two of the 2-bed flats (the planning application was first submitted for the erection of 135 flats). Some of the building blocks have been moved and tweaked in order to protect an access corridor through to the operational land behind the site and to introduce the 13 affordable housing units now proposed. The amended drawings have been the subject of re-consultation.

4. The development would be served by two vehicular accesses onto Station Hill and all existing buildings and structures within the site would be demolished to make way for new development.

5. The flats would be provided in four building blocks. One of these would be separated by the other three by a track which provides vehicular access from Station Hill to land behind the application site (the land and track are outside the control of the applicants).

6. The proposed buildings are generally four storeys, although a feature building is proposed at the crest of Station Hill with 6 storeys (with a single penthouse flat provided in each of the upper two floors). Similarly, and owing to a drop in levels, there is basement accommodation proposed in the northern most element of the development, leading to a part 4 and part 5-storey building facing towards the station buildings. Two small commercial units (Use Class A1, A2 or A3) are proposed in the basement with four additional storeys of flats above.

7. The buildings proposed in the planning application are of varying scales, partly owing to the changing number of floors within some parts of the scheme and partly owing to changes in levels, particularly closest to the Station Hill frontage. The majority of the proposed buildings would be four storeys 12-13 metres in height above ground level. The more limited provision of three storey development is lower (9.2-10.3 metres

in height). The height of five storey element towards the north of the site (with basement) rises as land levels reduce. This building would be up to 15 metres at its tallest point where it would face towards the Station buildings. Finally, the tallest elements of the buildings; the six storey element centrally positioned at the crest of the hill, would be 18.6 metres at its tallest point.

8. A range of materials (types and colours) would be used in the design of the buildings. The following palette is proposed;

    - Walls – Red/buff facing brickwork; white render; western red cedar board cladding
    - Roofs – Dark grey insulated zinc standing seam
    - Detail – Dark grey aluminium windows and doors; Black uPVC rainwater goods.

9. The application includes full details of vehicle parking and manoeuvring. A total of 123 car parking spaces are proposed to serve the 133 dwellings and x2 commercial units. Information submitted with the application indicates the commercial units would be serviced from some existing parking bays within the Station forecourt area (outside the application site).

Application Supporting Material:

10. The following documents comprise the planning application (including amendments/additional information received after the application was registered):

    - Forms and drawings including layouts, sections, and flat details, demolition plan, access details and landscaping.
    - Design and Access Statement.
    - Geoenvironmental assessment (contamination).
    - Transport Assessment.
    - Tree Report, Plan and Arboricultural Assessment.
    - Statement of Community Engagement.
    - Bat Emergence and Return to Roost Survey.
    - Utilities report.
    - Planning Statement.
    - Phase 1 Habitat Survey.
    - Noise Report.
    - Heritage Report.
    - Flood Risk Assessment.
    - Archaeological Desk Based Assessment.
    - Viability Assessment (Confidential document) and a non-confidential summary (available to the public for comment).

Site Details:

11. The site is positioned adjacent to the town railway station and occupies the frontage of former railway land fronting Station Hill. It contains a number of commercial uses operating from within the buildings currently occupying the site, including takeaways, a nightclub, a retail shop and a nursery. There is also a car park serving the commercial uses and station. A charging system is in place within the car park, although the first two hours are free.

12. The application site is largely surrounded (except for its highway frontage) by existing/former railway land, including the station entrance buildings and platforms to the north, operational land (active sidings for the transfer of minerals) to the west and other under-used land to the south. The Burlingham Mill also sits adjacent (but outside) the application site. This imposing structure is presently not in active use but was formerly used for seed cleaning and storage.

13. Station Hill provides a vehicular and pedestrian link from Tayfen Road to the A1101 Fornham Road and allows traffic using these two roads choice to avoid negotiating the Northgate Roundabout at busy times. Station Hill also provides access to the station forecourt and reception.

14. The application proposes no public open space provision (other than incidental landscaped or private areas) and minimal amenity spaces for residents.

15. The site is outside the town centre and its Conservation Area.

16. The site is part of a larger allocation of land for a residential led mixed use development in the Bury St Edmunds Vision 2031 Development Plan Document (Policy BV8) and was carried forward from the previous local plan.

Planning History:

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

Consultations:

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

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

19. Environment Agency: **no objections** subject to x5 conditions requiring i) submission of a remediation strategy for the decontamination of the site, ii) strategy for addressing any presently unknown contamination subsequently found at the site (e.g. during construction), iii) details of surface water drainage to be submitted for approval, iv) no penetrative construction methods unless agreed with the LPA (to safeguard groundwaters from potential contamination), and v) submission and approval of a Construction Method Statement.

20. The Agency notes the subsequent surface water drainage scheme will need to increase storm water storage capacity to ensure the system can cope with repeated storm events. The agency provides other informative comments and advice.

21. Highways England (previously Highways Agency): **no objections** and comments the proposals will not affect the safety or operation of the A14 Trunk Road.

22. NHS Property Services Ltd (on behalf of NHS England): no objections and no requirement for a Health Contribution based on sufficient capacity within the catchment surgeries that would serve the proposed development.

23. Anglian Water Services: **no objections** and comments the foul drainage from the development would be received by the Fornham All Saints Treatment Works which, along with the transporting sewerage system, has capacity to accommodate the flows arising. They also comment on the surface water strategy and request an agreed strategy is reflected in any planning permission granted.

24. Suffolk Wildlife Trust: **no objections** and requests the recommendations of the ecological survey reports are implemented in full (secured via planning conditions).

25. Suffolk County Council - Highway Authority (Roads): initially did not object to the planning application, subject to conditions, but subsequently withdrew their comments to enable further consideration to be given.

26. Suffolk County Council – Highway Authority (Rights of Way): **do not wish to comment.**

27. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).

28. Suffolk County Council (Planning Obligations): **no objections** to the planning application and provided the following comments (summarised);

- We would encourage a comprehensive approach to the development of the whole Station Road/Tayfen Road area which is particularly important in terms of considering cumulative transport and education requirements.

- The Authority request involvement in any S106 negotiations as a consequence of viability considerations and in any case consider this is not over-riding as careful consideration must be given to the presumption in favour of sustainable development as set out in the NPPF.

- **Education (Primary).** (nb these comments were made prior to the County Councils decision to adopt a 2-tier system as part of their Schools Organisational (SOR) of the town's schools last year. Revised comments and requests, following SOR, are set out later in this report). We currently forecast to have sufficient surplus places at the catchment primary and secondary schools, but have no surplus capacity at the catchment middle school. Therefore we will require contributions towards providing additional school places at a total cost of £45,804 for the three school age pupils arising (£15,268 per pupil place).

- **Education (Pre-school provision)**. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 6 pre-school pupils are anticipated at a cost of £6,091 per place. A capital contribution of £36,546 is requested. The Council confirms the contributions will be invested in the local area to improve & enhance local early years provision.

- **Play space provision**. Consideration will need to be given to adequate play space provision.

- **Libraries.** A capital contribution of £21,780 to be used towards libraries is requested. The contribution would be available to spend at the local catchment library in Bury St Edmunds.

- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions.

- **Supported Housing.** We would also encourage all homes to be built to 'Lifetime Homes' standards.

- **Sustainable Drainage Systems.** Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits.

- **Fire Service**. Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.

- **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).

29. Suffolk County Council – (Planning Obligations): wrote to update their position following their decision to adopt a two-tier schooling system in the town following School Organisational Review (SOR). Comments were received as follows (summarised):

    - Following the SOR there are insufficient places available in all catchment schools to accommodate pupils arising from the development. Therefore funding will be required for 17 primary places totalling £207,077, 3 high school places totalling £55,056 and 1 sixth form place totalling £19,907. The requirement in total is £282,049.

30. Suffolk County Council – Archaeology**:** **no objections** and comments as follows;

    - The proposed development site lies within an area of archaeological interest. It lies on the northern fringe of the medieval town, overlooking Tay Fen, and this location is topographically favourable for early occupation, particularly for Anglo-Saxon and prehistoric activity. Medieval extra-mural activity may also have taken place on this site. The proposed works have the potential to damage any archaeological deposits and below ground heritage that exist.

31. The Authority concludes by confirming there are no grounds to refuse planning permission in order to achieve preservation in situ of any important heritage assets. Conditions are recommended to record and advance understanding of the significance of any heritage asset (below ground archaeology) before it is damaged or destroyed.

32. SEBC – Strategic Housing: **comments** that the scheme should provide 40.5 affordable homes [from the 135 dwellings proposed at the time by the application] and notes there is no intention to provide affordable housing. The team confirms there is substantial housing need in Bury St Edmunds and would be happy to work with the developer in order to secure compliance with policy.

33. SEBC – Environmental Heath (noise): **no objections**. Officers have considered the noise report and consider dominant noise sources are road traffic and railway activities, although noise from freight activities on adjacent land and from the Railway Club building have been considered. The team consider noise levels on the balconies of some of the blocks are likely to exceed recommended maximum noise levels but realistically these cannot be mitigated. Noise mitigation can be provided to achieve target internal noise levels, but in some rooms this will require windows to be kept closed and mechanical ventilation provided.

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

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

ii) Amended drawings/details received November 2015

35. Natural England: **no objections** and refers to its earlier comments (paragraph 18 above).

36. NHS Property Services Ltd (on behalf of NHS England): **no objections** and did not wish to comment further.

37. Environment Agency: **no objections** and refers to its earlier comments (paragraph 19 above).

38. Highways England (previously Highways Agency): does not wish to comment.

39. Anglian Water: **no objections** and refers to its earlier comments (paragraph 23 above).

40. Suffolk County Council (Highways -Rights of Way): **no objections** and refers to its earlier comments (paragraph 26 above).

41. Suffolk County Council (Highways – Travel planning): **comments** their comments will be included as part of a comprehensive highways response.

42. Suffolk County Council (Archaeology): **no objections,** and refers to its earlier comments and requests for conditions (paragraph 30 above).

43. Suffolk County Council (Flood and Water): **no objections** and comments that the drainage systems must be in accordance with CIRA 697 sustainable drainage and including exceedance routes.

44. SEBC – Environmental Health (noise): **no objections** and refers to its earlier comments and suggested condition (paragraph 33 above).

45. SEBC – Environmental Health (land contamination): **no objections** based on the findings of the Geoenvironmental report and recommended imposition of an appropriately worded condition to secure the further investigations recommended in the report.

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

iii) Amended drawings/details received February 2015

47. Suffolk County Council (Highways): **objects to the amendments.** The Authority is content with the residential aspects of the amended planning application but is concerned about parking provision for the two commercial units and the absence of servicing provision within application site.

48. Suffolk County Council (Highways – Travel Planner): **objects** to the application in the absence of an adequate and approved Travel Plan. He notes the Travel Plan has not been amended in response to comment since the application was submitted and sets out the criticisms of the document (predominantly the 5% modal shift target set out in the draft Travel Plan which should, in his view, be a target of 15% given the reduced parking provision and to demonstrate a good 'car-free' development).

49. SEBC – Planning policy (Conservation): **objects** and after setting out Local and National planning policies relevant to Conservation provides the following comments (summarised):

- This application is for the development of Phase 1 of the larger Station Hill site and is located close to the listed station and adjoining station masters house/hotel. There is therefore the potential for this phase of the development to have an impact on the setting of these listed buildings. The listed signal box is located to the west of the site and, whilst the impact of Phase 1 of the development would be minimal, further phases would impact on its setting. The former railway hotel, railway bridge, chapel and St Saviours remains are of sufficient distance away that there setting is unlikely to be adversely affected.

- The site boundary of Phase 1 is drawn tightly against the edge of the garden fronting the station master house. The garden land and ground floor of the building is considerably lower than the application site, with the existing car park levels at approximately the first floor level of the house. The cross-section drawings do not show this relationship, instead showing the section of the western-most end of the development, which is at a lower level, with the station. Even at this lower level, however, the proposed Block A is clearly taller than the station.

- The edge of the development is less than 25 meters away from the listed buildings. At the closest points, Block A, elevation AO2, is five storeys in height, reducing to four storeys with the slope of the land, and Block C, elevation CO2, is four storeys in height. Taking into account the level differences between the site and the garden,

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

- No assessment has been made of the visibility or otherwise of the proposed buildings from the platforms, particularly the northern platform. I note that the heritage assessment considers that stations are usually surrounded by buildings so the new development would not be an issue. The station as existing, however, is not surrounded by buildings and does enjoy a degree of space and the views of the chimneys along the southern side are clearly appreciated against open sky. The impact of any new development on this aspect of the building must be clearly demonstrated.

- Burlingham Mill is not listed but is considered to be a non-designated heritage asset. Its setting is currently poor and there is therefore scope to enhance it. The edge of Block D closest to it would be approximately 35m away from the Mill. The masterplan shows a square and gardens (which would form part of a later phase), around the Mill so the proposed Phase 1 development, which the cross-section details indicate is lower in height, would not have an adverse impact on the setting or appreciation of the Mill.

Conclusion

- Whilst there is undoubtedly an opportunity to improve the station approach and setting, the development as proposed is too large and domineering. The station is a distinctive building and should be the focal point of the site, which is after all, Station Hill.

- The scales of Blocks A and C in close proximity to the station buildings are unacceptably large and overbearing, having an adverse impact on the setting of the listed buildings. These parts of the development should be reduced in scale and if possible pulled back further from the listed buildings. Cross-sections showing the direct relationship with the station and station masters house and garden are required to demonstrate the resulting impact.

- A visual assessment of the impact of the development from the northern platform is required.

- An assessment of the buildings proposed for demolition should be provided to demonstrate the extent of their significance.

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

Representations:

i) Scheme submitted with the planning application.

50. Bury St Edmunds Town Council: **no objections.**

51. Bury St Edmunds Society **objects** to the application and provides the following comments (summarised):

- No S106 contributions for affordable homes, education, or playing facilities or traffic movements.
- No on site play provision and very little soft landscaping.
- Concern the development (particularly its lack of open spaces and infrastructure contributions) would prejudice delivery of the wider Masterplan development.
- Concerned that failure to provide the homes to Code 4 levels would be a burden for future generations if the planning authority does not insist upon those standards.

52. Suffolk Preservation Society: **comment** as follows (summarised):

- Welcomes the redevelopment of the brownfield site to provide a significant number of small residential units in this highly sustainable location.
- The viability claim to remove the S106 package and avoid sustainable construction features should be reviewed independently.
- The layout of the development is car dominated resulting in a deficiency of communal public space, thus the scheme fails to create a distinctive quality environment.
- There appear to be limited cycle routes (despite the presence of cycle racks).
- The layout of the majority of flats is single aspect with some facing north, north-east or north-west. This will result in a lack of natural light to these properties. This exacerbates the lack of accessible communal areas within the site.
- The detailed design of the blocks is pedestrian and lacks a distinct design quality and are thus contrary to National Policy (para 56 of the NPPF).

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

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

- We have no concerns about a residential development of the site. However, we would comment that by no providing any commercial uses envisaged in the policy within Phase 1 would limit the opportunity (if any) to deliver uses other than residential on the Masterplan site, as none would be considered viable without active/roadside frontage.
- We are committed to ensure that development of our land is delivered in the future in line with the Council's aspirations, although it is to be noted that parts of the railway sidings are currently operational and will continue to do so until the land becomes surplus to Network Rails requirements. Our client is concerned that appropriate consideration has not been given to this factor in the formation of the application.
- The proposed access for the southern plot of the Phase 1 development is extremely close to the existing Network Rail access, with virtually no off-set. This gives rise to a highway safety issue with potential traffic conflicts.
- Furthermore, the proposed access arrangements are not satisfactory for the continued use of the Network Rail owned access road for Network Rail vehicles (including HGV's) that access this freight land.
- We request the access arrangements are altered to reflect existing land uses prior to the application being determined.
- There are a number of issues with the design approach which is likely to undermine the delivery of subsequent phases of the Masterplan development. These are:

  - The narrow specification of the access in-between the southern and northern plots. The arrangement does not allow for an appropriate gateway to the remaining Masterplan phases which will inevitably constrain the development potential of the wider site. It is evident that no cycleway provision can be delivered.

  - Sufficient access and access corridor provision would need to be reserved and secured to ensure the delivery of the remaining Masterplan phases, but these details do not form part of the Phase 1 application.

  - It is evident from the applicant's submissions that the highway infrastructure requirements have only been considered in respect of the Phase 1 application, and thus no highway contributions have been identified. This approach is inappropriate for a

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

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

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

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

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

ii) Amended drawings/details received November 2014

55. Bury St Edmunds Town Council: **no objections.**

56. Network Rail: **objects** to the application in the continued absence of a mechanism to secure the provision of the road/footpath/cycleway corridor to serve later phases of the masterplan development. It is pointed out the freshly widened road corridor and bell mouth junction remains below standards for HGV movement set out in the Freight Transport Association Ltd guidance. Network Rail re-affirms its previous position that agreement needs to be in place between all of the landowners to secure delivery of the access road in order that the Phase 1 development would not prejudice delivery of later phases. It goes on to repeat some of its earlier objections (paragraph 53 above) and criticises the additional transport information submitted by the

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

iii) Amended drawings/details received February 2015

57. Network Rail: continues to **object** and repeats most of the objections submitted in previous correspondence (reported at paragraphs 53 and 56 above).

58. One letter has been received from a local resident of the town passing **comment** on the planning application. He points out that Rail users need car parking facilities and this application seems to be removing car parking for the Station. The scheme should provide some parking for users of the Station within the development.

Policy:

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

Joint Development Management Policies Document (2015):

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

- Policy DM46 – Parking Standards.

Bury St Edmunds Vision 2031 (2014)

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

St Edmundsbury Core Strategy December (2010).

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

Other Planning Policy:

60. The following Supplementary Planning Documents are relevant to this planning application:

    - Joint Affordable Housing Supplementary Planning Document (September 2013).

    - Open Space, Sport and Recreation Supplementary Planning Document (December 2012).

61. Full Council considered the Station Hill Masterplan at their meeting on 7th July. Council resolved to adopt the Masterplan, subject to a number of changes being secured to the content and other matters being resolved. At the time of writing those matters had not been fully resolved, but the Masterplan document can now be given weight when considering planning applications on land within the Masterplan area.

62. The Masterplan, which has been prepared in the light of Development Plan policies and an adopted Concept Statement, will not form part of the Development Plan for the District. The Masterplan will have the status of informal planning guidance and will be a material consideration when determining planning applications. It will be down to the decision maker in each case to consider the weight to be attributed to the Masterplan.

63. The National Planning Policy Framework (hereafter referred to as 'the Framework') sets out government's planning policies for England and how these are expected to be applied.

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

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

- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;

  - or specific policies in this framework indicate development should be restricted."

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

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

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

Officer Comment:

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

Legal Context

The Conservation of Habitats and Species Regulations 2010

69. Given the location of the various designated nature sites in the District (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an 'appropriate assessment' of the implications for that site before consenting the plan or project.

70. The application site is not in the close vicinity of designated (European) sites of nature conservation. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites and no concerns have been raised following consultation about these proposals. Officers have therefore concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission.

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

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

Natural Environment and Rural Communities Act 2006

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

Planning and Compulsory Purchase Act 2004 (as amended)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

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

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

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

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

Crime and Disorder Act 1998

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

Principle of the Development

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

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

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

built and historic environment)

81. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

82. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages; moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

83. Core Strategy policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. This is re-affirmed by CS4 which sets out the settlement hierarchy for the District. Policy BV1 of Vision 2031 repeats national policy set out in the Framework insofar as there is a presumption in favour of sustainable development. Saved Local Plan policy H2 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan. This is repeated by policy BV2 of Vision 2031 in relation to Bury St Edmunds.

84. Policy BV8 of Vision 2031 allocates the application site and other land for mixed use development. The range of uses permitted by the Policy include:

- Residential (300 dwellings indicative)
- Offices and other B1 industry
- Leisure uses
- Small scale retail uses to serve local needs (capped at 150 sqm of net floorspace)
- Parking (ancillary to these uses and for the station)
- An improved public transport interchange and
- Strategic landscaping and public realm improvements.

85. In his report into Vision (in response to a claim that residential development of the site is the only viable option) the Planning Inspector, Roger Clews, stated "the Council intend to apply policy BV8 flexibly so there is no need to consider viability of non residential uses at this stage". By this he was content for the precise mix of uses to be

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

86. The site was allocated for an almost identical development in the now superseded Local Plan (2006), but development was not realised during that plan period. A concept statement was prepared jointly for the Station Hill and adjoining Tayfen Road sites and adopted by the Council in October 2007. This was the subject of consultation.

87. The Concept statement identifies opportunities to create a new quarter for Bury St Edmunds with pedestrian and transport access to the railway station, high quality urban and architectural design and attractive and well used public open space. Opportunities are recognised to improve transport connections, provide high density (residential led) development and provide public realm improvements, particularly to the Station Hill road frontage (including landmark buildings provided to frame key vistas and important urban views and features safeguarded). In its concept plan, the Concept Statement recognises that the Station Hill site will be predominantly residential with some limited mixed use potential.

88. The Concept statement acknowledges that development of the sites cannot come forward at the same time because of their different characteristics and the constraints of the area (including the active railway sidings) and confirms the masterplans will be required to address phasing of development, where appropriate.

89. The Station Hill Masterplan document has been prepared within the parameters of the Concept Statement and recognises that redevelopment is likely to be residential led, with opportunities for non-residential uses explored further at planning application stage/s.

90. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the NPPF and in Vision 2031. Policy DM30 aims to protect employment land in employment use and sets out detailed criteria for how non-employment development proposals of employment sites will be considered.

91. Large parts of the site (the remaining buildings) are currently in employment use and are thus deemed to be protected by policy DM30 of the Joint Development Management Policies Document. However, in this case, the allocation of the site for redevelopment is important and, ultimately, determinative with respect to the policy aspiration to protect employment land. In this case the specific allocation of the land for redevelopment takes precedent over the more general and blanket approach to protecting/safeguarding employment land in employment use. Accordingly, the requirements of DM30, to demonstrate the buildings are no longer required or suitable for employment related uses can reasonably be set aside given the formal allocation of the site for a residential led mixed use redevelopment.

92. As stated elsewhere in this report, the application site is allocated by policy BV8 of Vision 2031 for a residential led mixed use development. Whilst a range of non-residential uses are listed in the policy, these need to be applied flexibly when considering planning applications with particular regard given to viability and market conditions. The Concept Statement prepared jointly for the Station Hill and Tayfen Road Masterplan sites indicates there are limited opportunities for non-residential uses at the Station Hill site. The most likely location within the Masterplan site for non-residential uses are ground floors opposite the station forecourt and the Station Hill road frontage. The document also discusses the potential for Burlingham Mill to be used as a hotel, but acknowledges this would be subject to viability considerations, noting that residential is a likely alternative.

93. The Station Hill Masterplan does not attempt to prescribe particular use types to different areas of the site and acknowledges that subsequent planning applications should seek to provide a mix of uses to conform to the concept statement and policy BV8 with flexibility applied when each planning application is considered having regard to viability and other considerations.

94. Upon its submission, the planning application for Phase 1 of Station Hill was for 100% residential development (135 no. flats). The applicants have subsequently amended the application and have introduced 2 no small commercial units at ground floor level fronting towards the Station forecourt in lieu of two of the flats (133 flats are now proposed). This is the general location illustrated on the concept plan within the adopted concept statement.

95. There are viability issues with this development which threatens its deliverability. Accordingly, and in the light of the viability evidence submitted in support of the planning application, it is highly unlikely that the inclusion of a string of commercial uses along the Station Hill frontage would be viable, given such uses would be lower value in comparison to more profitable residential use. It is unlikely that a scheme including the provision of commercial uses at ground floor level along the Station Hill frontage would be deliverable.

96. The inclusion in the planning application of two small commercial units fronting the Station forecourt is a gesture by the applicant and represents an attempt at bringing their proposals closer to the policy aspiration of achieving a mixed use development of the site. The applicants remain concerned about their ability to successfully market (dispose) of these premises to the market, but are prepared to provide them in order to gain closer alignment to the aspirations of policy BV7. This is considered a reasonable approach and, given viability considerations, is considered acceptable by your officers.

97. In the light of the above discussion, the planning policy and Masterplan context and given the economic conditions affecting the site, officers consider the development of the 'Phase 1' site at Station Hill with 133 flats and two small commercial units accords with national and local

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

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

Natural Heritage

99. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.

100. Core Strategy policy CS2 seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity. Saved Local Plan policy NE2 safeguards protected species from the potentially adverse impacts of development, unless there is no alternative to development and suitable mitigation measures have been undertaken.

101. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements relating to potential impacts upon sites of biodiversity and geodiversity interests. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.

102. The development proposals would not affect any internationally, nationally or locally designated sites of nature conservation interests.

103. The applicant's ecological assessment and subsequent bat survey confirms the application site has been surveyed for a range of rare species. The report concludes the site is suboptimal for protected species. The following measures are recommended to enhance the ecological qualities of the site as part of the redevelopment proposals;

- Provision of 6 (no.) bat boxes throughout the development.
- Provision of 6 (no.) bird boxes throughout the development.
- Incorporation of native species/wildlife attracting species and wildflower swards in the landscaping scheme.

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

Transport and Highway Safety

105. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

106. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.

107. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.

108. Policy CS7 of the Core Strategy seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas). Policy CS14 sets out infrastructure delivery requirements from new development proposals and how these are to be secured. The provision of new relief roads in Bury St Edmunds [delivery being part of the strategic residential and employment sites allocated around the town], improved sustainable transport links and A14 junction improvements are regarded by the policy as 'fundamental infrastructure'.

109. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.

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

- *This report has demonstrated that the site is located sustainably in the context of the NPPF 2012 with good connectivity to the centre of Bury St. Edmunds and major employment destinations by non-car modes of transport. The site is adjacent to the rail station with high frequency buses operating to within 50m of the site boundary and the Town Centre accessible within a 5-10 minute walk or a 5 minute cycle from the site.*

- *In terms of trip generation, the proposed phase 1 development replaces existing leisure development and parking which generates some existing traffic. It is therefore expected that the net number of additional vehicle trips generated by the development would be small, with Phase 1 of the residential development generating an additional 12 vehicle trips in the AM Peak and 5 in the PM Peak. Junction capacity assessment results demonstrate that the proposed phase 1 redevelopment at Station Hill would have a negligible impact on driver delay and queuing, with the junctions at Station Hill continuing to operate with RFCs below 1.0. The junction of Out Northgate / Compiegne Way / Tayfen Road would marginally exceed capacity in the 2018 base year without the development however the Phase 1 scheme would not increase queuing at this junction. For this reason, we consider that the impact of the Phase 1 scheme on the local highway network would be negligible.*

- *In order to further reduce the transport impacts of the Phase 1 development, a residential travel plan will be implemented as well as public realm enhancements along the site frontage at Station Hill which would provide additional shared space for pedestrians and cyclists. The removal of existing buildings on the site provides the opportunity to create a new plaza and wider footways and new cycleway along the frontage of the site which would be offered for adoption as part of the public highway (or be undertaken as part of s278 works where the works are within the extents of existing public highway).*

- *This would feature attractive landscaping with new seating set back from the carriageway. The space would encourage the movement of pedestrians surrounding the site and connecting with the railway station to the north of the site. Such proposals would adopt principles of Manual for Streets (MfS) and MfS2, helping to balance the link and place functions of Station Hill. The phase 1 site access arrangements have also been amended to allow a wider space between the phase 1 parcels to facilitate the delivery of the future redevelopment of the rail sidings as part of the surrounding masterplan.*

- *Therefore based on the above it is considered that in highway and transport terms there should be no reason why the Phase 1 development should not proceed.*

111. The Highway Authority at Suffolk County Council has accepted the findings of the Transport Assessment. Some concerns have been raised about the content of the document by consultants working on behalf of an adjacent landowner and these have been forwarded to the Highway Authority which has not changed its stance on the conclusions drawn by the Assessment.

112. Access to the proposed development is considered safe and suitable and officers are satisfied the development would not lead to significant highway safety issues or hazards on approaches to the site, or further afield around Bury St Edmunds. Furthermore, satisfactory evidence has been submitted to demonstrate the proposed development would not lead to congestion of the local highway network, including during the am and pm peak hours.

113. Third party concerns have been raised about the lack of a holistic approach to delivery of any highway improvements required from the Tayfen Road and Station Hill Masterplan sites as a whole. This is discussed further in the S106 section (below) of this report.

114. The Local Highway Authority has expressed concerns about the lack of service provision afforded to the two commercial units proposed to the north of the site, facing towards the station forecourt. No space is provided within the application site for delivery vehicles. Instead, the applicant has indicated that some parking spaces within the Station forecourt area could be used for these purposes. This is considered inadequate for the following reasons:

- The parking facility is on private land and parking charges apply to the spaces. It is not clear that the landowners consent has been sought or attained for this land to be used for delivery vehicles.

- The parking spaces have been designed for car use and would be unsuitable for use by large vans or small lorries which would be expected to deliver goods to the commercial units. If cars are parked in the bays it is unlikely that sufficient space would be available for delivery vehicle use. This would lead to vehicles parking on the highway or causing temporary obstruction within the Station forecourt area.

115. The absence of suitable servicing arrangements for the two commercial units is a significant dis-benefit of the proposals.

116. Some concerns have been expressed about the loss of the surface car park from the application site as a consequence of this development. Others have requested new parking provision is made available for use of visitors to the Station. The car park currently operating from the

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

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

Built Heritage

118. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.

119. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.

120. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict

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

121. The Framework goes on to discuss how to consider 'substantial harm' and 'less than substantial harm' and advises where 'substantial harm' would occur, the local planning authority should refuse consent unless it can be demonstrated the harm is outweighed by substantial public benefits. Where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework advises this harm should be weighed against the public benefits of the proposal.

122. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) conserving or enhancing the historic environment including archaeological resources.

123. Policy DM15 of the Joint Development Management Policies Document requires development proposals affecting (inter alia) the setting of a listed building to demonstrate a clear understanding of the significance of the setting of the building alongside an assessment of the potential impact of the proposal upon that significance. The policy also requires new developments to respect the setting of listed buildings, including inward and outward views and be of an appropriate scale, form, height, massing and design which respects the listed building and its setting. Policy DM16 addresses proposals affecting non designated heritage assets. Policy DM17 sets out criteria for considering development proposals within, adjacent to or visible from within a Conservation Area. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance.

124. As stated previously, the development proposals would have only a negligible impact upon the character and appearance of the Bury St Edmunds Conservation Area given that some components of the development are likely to be apparent in views from some parts of the Conservation Area. These visual impacts and more particularly, their impact upon the character of the Conservation Area would not be significant.

125. The application site is in relatively close proximity to four Grade II listed buildings. The nearest listed structure, and that most affected by the proposed development, are the station buildings and, in particular, the Station Masters House. Other listed buildings, namely the signal box to the west of the station platforms, the railway bridge over Fornham Road to the east of the platforms and the Station public house (formerly the 'Linden Tree') are more distant from the proposed development such that their character and settings would not be affected by the proposed development.

126. The north boundary of the application site sits adjacent to the gardens of the Station Masters House which itself adjoins the Station reception buildings. The application site sits above a slope which drops dramatically into the Station Masters Gardens. Ground levels at this part

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

127. The application proposes two blocks of buildings adjacent to the north site boundary; labelled on the drawings as blocks A and C. Block A is situated to the north eastern corner and Block C to the north western corner. Proposed building Block A is a 4 and 5 storey building with heights ranging between an upper of 16.3m (4-storeys and basement) and lower of 12m (4-storeys). This building is positioned close to the alignment of the north boundary with a varied set back of between 1 and 2 metres (note the balconies provided to the north east corner flats would be within 0.6 metres of the boundary). Proposed building Block C to the north west (and which is positioned next to block A with a gap of approximately 8 metres between the two proposed structures) is entirely four storeys and is more consistent in height, varying between 12.85 metres (maximum) and 11.7 metres (minimum). This structure would also be positioned close to the north boundary with a set back of between 0.75 and circa 5 metres (this range is owing to the erratic nature of the boundary alignment at this point). The buildings are around 25 metres away from the listed buildings themselves, but much closer to the usable areas of the Station Masters Gardens.

128. The Council's Conservation Officer has expressed strong concerns about the relationship of these proposed building blocks to the listed buildings and the Station Masters Garden which is an important part of the curtilage and setting (paragraph 49 above). She concludes the proposed buildings, which are four and five storey's and mostly positioned on raised land, would dominate and overbear the listed building and significantly encroach upon its setting. The depth and content of the Heritage Statement is also criticised. The planning application is recommended for refusal in the light of these concerns.

129. The Heritage Statement submitted with the planning application considers the impact of the development proposals upon the setting of the Station Buildings includes the following commentary (in full):

- *The development has no physical impact on the Railway Station, and stands outside, but in part adjacent to, its curtilage. Its impact is only on the Station's setting. There are two aspects to this impact which is primarily visual, the physical relationship in terms of massing between the development and the south side buildings of the railway station and the visibility or otherwise of the development from the station platforms and to a lesser extent passing trains.*

- *The massing of the proposed development is similar to the existing recent buildings, and in position stands back to respect and support the central buildings of the south side of the Station and to close out the visual gap on the south side of the station approach, creating a positive urban space at the station entrance where currently there is*

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

- *The garden and trees between the station and the development act as a discrete screen and buffer. No attempt is made to mimic the detail design of the Station, which would be difficult to do successfully and would probably detract from the station rather than enhance it.*

- *The impact on the significance of the station in this respect is medium and beneficial as it enhances the immediate setting of the station entrance on the south side and activates the derelict site beside the station which is a positive outcome.*

- *Visibility from the railway platforms is more subjective. It would be unreasonable to propose that new development should not be visible from the platforms as Railway stations by their nature attract dense development in their immediate surroundings – not having such development is what would be unusual and most railway stations have continuing development around them (ref Cambridge) which is very visible and not seen as negative.*

- *These proposals will not be readily visible from the south platform near the station buildings. The skyline may be visible from the north platform but the proposed building is set back sufficiently for this not to be dominant or overbearing. The development will be visible from the platform ends but this is a much lesser impact.*

- *Overall the visual impact will be minor and neutral.*

130. Officers disagree with the conclusions of the Heritage Statement with respect to the impact of the proposed development upon the setting of the station buildings and share those expressed by the Council's Conservation Officer. The relationship of the proposed development to, and impact upon, the listed station buildings and the apparent encroachment into and dominance of their settings is considered a significant dis-benefit of the proposals. Whilst this impact is a significant factor in the determination of this planning application, particularly in the light of the duty imposed upon decision makers in considering these impacts (paragraph 74 above), the impact is considered to result in 'less than substantial' harm to the heritage asset, as defined by the NPPF. Accordingly, the harm identified needs to be weighed against the public benefits of the development proceeding. This balancing exercise, which represents the officer view, is conducted later as part of the conclusions to this report.

131. The Burlingham Mill, a substantial and imposing historic, yet unlisted, structure is positioned to the south west of the application site. The Mill buildings are deemed to be non-designated heritage assets. Whilst tall, four storey buildings are proposed towards the south and south west of the application site (adjacent to the mill buildings), they would not

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

132. An Archaeological Desk Based Assessment has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesignated heritage assets). The report explains there are no known below ground heritage assets within the application site, the greater part of which has already been subject to extensive remodelling to form level surfaces for the coal yards, goods sheds, railway sidings and tracks etc. that previously occupied the site.

133. It has been established, however, that there is some potential for as yet unknown archaeological remains to be present, particularly from the Medieval and Post-medieval periods. The reports suggest intrusive archaeological works may be required to explore this possibility further.

134. The Archaeological Service at Suffolk County Council has been consulted of the planning application and recommends that further archaeological work will need to be undertaken prior to the commencement of any development at the site. The Service are content that the further work does not need to be undertaken prior to the determination of this planning application and there are no grounds to consider refusal of planning permission on archaeological grounds. A condition could be imposed upon any planning permission granted requiring that further archaeological works are carried out and recorded.

Design Considerations

135. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

136. The Framework also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

137. With regard to the process of judging the design aspects of a particular development proposal the Framework advises, when appropriate, that major projects should be referred for a national design review. Officers have attempted to convince the applicants to participate in a design review of their scheme but this has been met with resistance. Accordingly, the scheme has not been the subject of design review, despite the National Planning Policy position and the importance placed on achieving a quality of design set out in Local Policy and the Framework.

138. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) making a positive contribution to local distinctiveness, character, townscape and the setting of settlements. Policy CS3 sets out more detailed criteria for achieving high quality design that respects local distinctiveness.

139. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals, where appropriate. Policy DM22 sets out detailed design criteria for considering new residential proposals.

140. The planning application is a full application with all details included for consideration this this stage.

Relationship to context

141. The application site is located outside of, but is relatively close to the Bury St Edmunds town centre boundary and the Conservation Area. However, owing to the topography of the area and the architecture and nature of uses at and surrounding the site, it bears no relationship to the special and attractive character of these aforementioned areas.

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

Scale and townscape impact

143. The application proposes a range of building scales from three-storey up to six-storey elements. The scheme is predominantly four storeys in scale, typically ranging from 12 to 13 metres in height. The tallest elements of the scheme are located at the Station Hill frontage at the crest of the hill close to the centre of the site frontage. These buildings have been designed and positioned to be seen and, from a prominent starting point at the crest of the hill, extend up to six storeys and 18.6 metres in height.

144. Other tall elements of the scheme would be positioned at the north end of the site where a further storey over the general four storey block is provided by basement accommodation (owing to the fall in levels along this part of Station Hill). This particular part of the building, which acts as a corner post to the scheme in front of the Station buildings would be 16.3 metres in height measured from ground level.

145. The buildings proposed by the application are tall and like the Burlingham Mill adjacent, some elements of the proposals, the six-storey structure in particular, would be seen from various vantage points in this part of the town. The visual prominence of some of the proposed buildings ought not be a matter of concern if the form and architecture of the prominent elements of the proposal are of sufficient quality and longevity to enhance the local townscape. In this case, the architecture of the scheme would be makedly different from the local vernacular, but pastiche architecture would not be appropriate given the heights proposed; there are no historic buildings of great height in the town (even the cathedral tower is of modern construction, and the Council Offices at West Suffolk House even more so).

146. The architecture of the buildings is not innovative or ground breaking and this might be explained by the economic circumstances of the site; it might be perceived by the developer there is limited spare capital to expend on unusual design or construction. Furthermore the proposed designs are not particularly 'risky' and do not attempt to make a strong architectural statement. The design and architecture of the scheme (setting aside the specific layout and listed building setting concerns for a moment) is not unattractive or offensive and the materials and colours employed would be of good quality, but the design approach to scheme does appear to be rather 'safe'. The chosen design solution is perhaps a missed opportunity to provide something more innovative and interesting. Nonetheless officers do not consider, on balance (and other than the conflicting relationship with the listed station buildings to the north and the layout of the site to the south), that the scale, architecture and outward appearance of the development would unacceptable.

Connectivity

147. Owing to the location of the site adjacent to the station buildings and railway line there are limited opportunities for connections to be made to the north, albeit the site is close the railway bridge and pedestrian crossing which enables passage from the site frontage onto Fornham Road and to a supermarket located conveniently to the north of the site. The town centre is a relatively short walk to the south (albeit with a hill to negotiate if the central retail core is the destination).

148. Pedestrian and cyclist infrastructure would be enhanced along the west side of Station Hill, along the application site frontage, as a consequence of this development. Opportunities are available for connections to be made from the application site to other parts of the Masterplan area as it comes forward for development. An under-croft pedestrian access is shown through one of the proposed building blocks to connect to the existing access track through to the rear parts of the Masterplan site. Whilst this link is unlikely to be used significantly at first, its importance would be enhanced as further development of the site occurs, and an access road with footpath and cycleway is provided along the corridor.

149. Further connectivity could be provided from the rear of the application site the rear parts of the wider Masterplan site. Such connectivity is not shown on the plans, but the potential is there given this area is shown for car parking use. If planning permission were to be granted for this development a condition could be imposed requiring further details of a connection at this point and a requirement to build it out to the boundary at an agreed time. It is likely, however, the connection would need to be closed until later development of rear parts of the Masterplan site, behind the application site, are realised and new links can be connected up to it.

Existing trees and hedgerows and new planting

150. A number of mature trees are situated within the Station Masters Gardens and some of these overhang the north boundary of the application site.

151. There are no significant trees or hedgerows within the application site. There are a number of mature trees within the Station Masters Gardens and some of these overhang the north site boundary, where development is proposed close to the boundary. The application material indicates some of these specimens would need to be subjected to significant works in order to enable development to proceed as illustrated. This would have the effect of significantly compromising the specimens to the extent their viability and longevity would be placed at significant risk.

152. Furthermore, given the proximity of a number of the proposed flats to these trees, and given the single aspect nature of these flats (with windows to rooms on one elevation only), it is likely these trees would restrict light to these windows particularly to the lower floors.

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

153. The impact of the proposed development upon these trees is considered a dis-benefit of the proposals and whilst on its own might not be sufficient to refuse planning permission, it needs to be reflected in the final decision on the planning application when the benefits of development are considered against the dis-benefits. The matter will be revisited as part of the conclusions of this report where the planning balance is discussed.

154. The proposed development is high density with the vast majority of the site containing either buildings or hardstanding. The development would be devoid of greenspace and where this is provided, it is pushed towards the margins where undevelopable land is left over. Whilst some may consider the lack of greenspace and landscaping a concern, others will applaud the hard and dense urban character and form of the development in what is already a densely developed urban area.

155. Officers are not particularly concerned about the absence of green areas throughout the development site on aesthetical grounds (the matter of provision of public open spaces and recreational opportunities for the residents of the scheme is discussed later). However, in the light of the hard urban streetscape that would undoubtedly result from the scale and density of the proposed development, the provision of strategically located and large street trees becomes an important requirement in order to soften the hard lines of the modern and dominating architecture and to frame and create an attractive setting for the proposed buildings. The provision of street trees is particularly important in Station Hill, because it currently lacks greenery. The importance of enhancing the quality of the Station Hill carriageway is heightened given that people will use it to gravitate between the station and town centre; Station Hill provides a first impression of the town to rail passengers arriving through the station and the application site is therefore regarded as a 'gateway' site in that respect.

156. Whilst there are opportunities to provide some street trees along the Station Hill frontage, given the set back of the buildings, those illustrated on the drawings are poorly aligned and it is unlikely they could be provided along the entire frontage given that buildings are position closer to the frontage towards the north end of the site. Accordingly, the lack of opportunity for effective strategic landscaping (large tree provision) along the Station Hill frontage of the site is considered to be a dis-benefit of the development proposals which needs to be taken into the balance when considering whether of not planning permission should be granted.

Parking provision

157. The proposals include 123 car parking spaces (with 2 set aside for the commercial units) at an average of 0.9 spaces per dwelling. Car parking is provided communally and there are no covered garage spaces.

158. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking demand on existing roads. The communal parking courts proposed are particularly well overlooked by the development. Rear or remote communal car parking areas are not popular and can lead to demand for on-street parking in preference to a less-conveniently located parking court; there are none of these proposed as part of this development. Although parking courts are often an undesirable design feature because of the quantity of space they consume, their presence alone cannot merit a refusal of planning permission. The visual impact of the courts must be taken in to the overall balance.

159. Of particular concern in this respect is the prominence of the parking court proposed forward of the southern most of the four blocks of flats proposed by the planning application. The presence of a parking court forward of the proposed four-storey building which itself would be separated from the Station Hill frontage and would therefore appear at odds with the high density and enclosed character the architect has attempted to achieve (relatively successfully) further north.

160. The presence of a prominently located car park adjacent to the Station Hill frontage is undesirable and at odds with the car parking arrangements elsewhere in the proposals, which are generally concealed visually. The set back of the 'Block D' flats might be justified if an important vista were to be lost by positioning it closer to the site frontage. That is not the case here.

161. The provision of the frontage car parking would only serve to protect views over the redundant gasholder site and the adjacent Tayfen Road Masterplan site. The gasholder site is likely to be developed in the longer term with large 'bulky goods/convenience retail buildings which in themselves are normally of utilitarian form and appearance given their floorspace requirements. Views of St Andrews Church tower from the Station Hill carriageway are important, but would not be compromised at all if the building were to be positioned closer to the Station Hill carriageway. Similarly the setting of the listed Station buildings and the unlisted Burlingham Mill would not be compromised if this block of flats were to be re-positioned.

162. There are no urban design reasons which could justify the layout solution proposed for the southern most elements of the proposed development. Indeed, it appears the layout of this part of the site has been engineered in order to achieve a separated vehicular access from Station Hill into the frontage thus avoiding a potential 'ransom' situation from arising were this development to be accessed from the existing track (which has its own access onto Station Hill). The track is not

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

Efficiency of layout

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

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

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

Placemaking

165. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; for example the enclosure of the Station Hill carriageway from the centre east to the north east of the application site frontage and the creation of an attractive and enclosed urban courtyard within the larger part of the site. Elsewhere, however, there are some areas which would be much less successful in place-making terms including the areas in front of the Station buildings (the Station Masters House and garden in particular) and the paradoxical layout proposed to the southernmost elements of the site.

166. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed Opportunities' and matters which could be improved upon rather than matters which actually cause harm. In this case, however, the two main design criticisms of the development would cause significant harm to the setting of a listed building and compromise the quality of the streetscape that would be created.

External materials

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

Flood Risk, Drainage and Pollution

168. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.

169. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

170. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.

171. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from existing watercourses.

172. The flood risk assessment submitted with the planning application confirms that surface water will be managed via a Sustainable drainage system, predominantly via soakaways accommodating rain water from roofs (via sealed down pipes) and parking areas (via permeable paving). This is an improvement on existing systems which include an element of run-off to public systems.

173. The Environment Agency has confirmed its view that the attenuation capacity of the system needs to be increased in order to cope with repeat storm events. The Agency has recommended conditions are imposed upon any planning permission granted requiring the submission of a detailed surface water drainage system for approval. This would ensure the Agency's concerns about attenuation capacity are addressed and a suitable surface water system is provided to serve the development.

174. The planning application is accompanied by a Phase I and II Geo-environmental report. The report concludes that contaminants are present on the site (at relatively low levels) but are not particularly

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

175. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate further investigation of contamination and subsequent mitigation.

176. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations, subject to the imposition of suitably worded conditions, as discussed.

Residential amenity

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

178. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

Impacts upon residents of the proposed development

179. The application site is situated near to the Stowmarket to Cambridge railway line and the A14 Trunk Road such that there is potential for the occupants of the proposed development to be adversely affected by intermitted noise from trains passing by their properties and the more constant traffic noise from the A14. The application site is also positioned close operational railway sidings currently used for the transfer of minerals.

180. The Council's Environmental Health Officers have not raised concerns with respect to noise disturbance and have requested conditions are imposed upon any planning permission granted to provide acoustic protection in the construction of the dwellings. These measures are

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

Impact upon existing residents

181. Some existing residents living close to the application site may be affected by the proposed development. In particular there are some existing flats which front the application site on the opposite side of Station Hill and will front towards some of the buildings proposed by this planning application. The degree of separation between the frontages of existing and proposed dwellings is such that there are no concerns arising about potential (harmful) overlooking, dominance or loss of light to the existing dwellings. It is telling that none of the occupiers of these flats have objected to the planning application to develop the application site frontages.

182. There is likely to be an increase locally in the noise environment during periods of construction. Such impacts are common to developments of this type where large sites are developed adjacent to existing dwellings. The impacts, although potentially adverse, would not be significant such that the occupiers' enjoyment of their properties would be compromised. Accordingly the proposals are considered acceptable with respect to their potential impact upon existing residents.

Sustainable construction and operation

183. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".

184. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.

185. The document expands on this role with the following policy:

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

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

186. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.

187. Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.

188. The planning application was submitted over a year in advance of the adoption of the Joint Development Management Policies Document and is therefore not accompanied by a statement confirming how Building Control requirements for energy efficiency will be achieved. The Design and Access Statement does not suggest any methods will be used above standard Building Control Requirements, which is currently deemed acceptable by National Planning policy and related national guidance.

189. The planning application does not address water efficiency measures and does not presently propose a strategy for minimising water use. The proposals are therefore contrary to policy DM7 of the Joint Development Management Policies Document in this respect. Given that the planning application was submitted in advance of the plan (and policy DM7) being adopted it is, on this occasion, considered reasonable to impose a condition requiring these details to be submitted at a later date and the agreed measures subsequently incorporated into the construction/fitting out of the development.

Planning Obligations

190. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:

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

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

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

Affordable Housing

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

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

195. Core Strategy Policy CS5 requires 39.9 of the 133 dwellings to be secured as 'affordable' (80% (32 no.) for affordable rent and 20% (7no) for shared ownership. The applicant has offered 13 dwellings as affordable (just under 10%) citing adverse viability for the below policy levels. The viability of the development and its impact upon affordable housing provision in particular is considered later in this report.

Education

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

197. Core Strategy Policy CS14 considers educational requirements (additional school places) as an essential infrastructure requirement.

198. The Local Education Authority has confirmed, post School Organisational Review, there is no capacity at local primary and secondary schools (including Sixth form) to accommodate the pupils forecast to emerge from this development and has requested developer contributions to mitigate impacts. The contributions would be used towards delivering additional school places in the catchment. The applicants have agreed, in principle, to provide the contributions and these could be secured via S106 Agreement.

199. Suffolk County Council has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) whom are forecast to reside at the development. The applicant is not willing to provide this contribution on the grounds of adverse viability. The absence of this contribution is considered a dis-benefit of the

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

Public Open Space

200. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

201. Core Strategy Policy CS14 considers provision of open space and recreation as required infrastructure.

202. Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.

203. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance.

204. The Masterplan document illustrates that strategic open space provision will be provided off-site in later phases of the masterplan and a separate area which will ultimately serve both the Station Hill and Tayfen Road Masterplan developments. The absence of public open space within the site is acceptable in principle, but only on the assumption the development contributes towards accessible public open space elsewhere. The calculator included in the Open Space SPD can be used to calculate the required contributions. These are as follows:

• Parks and Gardens	£38,178.00
• Natural and Semi Natural Green Spaces	£7,953.75
• Green Corridors	£4,613.18
• Amenity Greenspaces	£4,135.95
• Provision for Children and Young People	£90,142.50
Total contribution require	**£145,023.38**

205. Following the enactment on Regulation 123 of the CIL Regulations in April this year, which deems the pooling of more than five developer contributions towards infrastructure categories unlawful, it is no longer possible to secure developer contributions towards i) outdoor sports facilities, ii) allotments, community gardens and urban farms iii) churchyards and cemeteries or iv) built facilities.

206. In this case, a policy compliant position would see the delivery of 1,644sqm (0.1644ha) of 'open space' on the application site (circa 14% of the total site area). The application effectively proposes no on site 'open space' and does not presently offer contributions to be used towards off-site green infrastructure to compensate the shortfall in

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

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

Libraries

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

Health

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

Highways

210. Network Rail, as owner of other land forming part of the wider Station Hill Masterplan site, has objected to the planning application on the grounds that (inter alia) no mechanism is in place or proposed to secure contributions from the development to off-set potential cumulative impacts upon infrastructure arising from anticipated development at the Station Hill and Tayfen Road sites. Potential impact upon the highway network is cited as a particular area of concern in this respect.

211. The approach suggested by Network Rail is not reasonable and would be contrary to the legal tests set out at Regulation 122 of the CIL Regulations (paragraph 190 above). There is no certainty that development of the later sites will be realised, and even if they are the delivery timetable cannot be predicted with certainty. It is unlikely that the Station Hill Masterplan development, as a whole, will be delivered in a reasonable timescale. Accordingly, and given the relatively short payback periods which are appropriately included in S106 Agreements, it is unlikely that a 'cumulative impact' contributions would be able to be used within a reasonable time period and would likely be returned to the developer unspent before the all of the contributions could be secured. In any case, the Highway Authority has not requested a contribution to off-set cumulative impacts probably because it has not found it possible

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

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

Development Viability

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

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

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

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

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

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

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

218. The applicants have submitted a viability assessment with the planning application (amended in November 2014) which demonstrates the development would not be deliverable with a policy compliant S106 package. The viability report is a confidential document and therefore is not available for public consumption. The report claims that the development proposals would not be deliverable with a 'policy compliant' level of S106 contributions.

219. There are no Development Plan policies that relate specifically to development viability although Core Strategy policy CS5 (Affordable Housing) states that targets for affordable housing provision are subject to viability being demonstrated, using whatever public subsidy may be available in the case. If the target cannot be achieved, the affordable housing provision should be the maximum that is assessed as being viable.

220. The Joint Affordable Housing Supplementary Planning Document provides further guidance about testing development viability, including commissioning independent advice, at the developers' expense. In this case, the Council commissioned Chris Marsh Associates (CMAA) to critique the viability assessment. The Viability Assessment and the critique carried out by CMA are not discussed in detail in this report given their strictly confidential nature. The applicants have, however, agreed to share these documents with Committee Members on the understanding that the sensitive information contained within them will not be shared with third parties nor debated in public session. Copies of these documents are therefore provided to Committee Members as confidential papers to be read alongside this Committee report.

221. Core Strategy Policy CS14 does not make any concessions on viability grounds so when this policy is considered alongside CS5 which does make those concessions; it suggests that where a viability case is demonstrated, it is the level of affordable housing that should be reduced. Indeed this approach is supported by the new provisions of the Planning Act discussed at paragraph 217 above.

222. Nonetheless, the provision of affordable housing is a key corporate and political priority of the West Suffolk Authorities and policy CS5 does require the maximum level of affordable housing should be provided from new developments, within the parameters of scheme viability. Furthermore the Affordable Housing SPD confirms, in cases where viability is demonstrated to justify a reduction in affordable housing

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

223. A review of the other planning obligations sought from the development has been carried out and (with the possible exception of the libraries contribution which is yet to he properly justified) all of the contributions are required in order to make the development sustainable. Accordingly, these provisions should be prioritised over affordable housing provision in order to ensure the development is sustainable with respect to infrastructure provision.

224. Given that costs and values in the housing market are constantly changing and that the viability assessment is likely to be out of date and irrelevant to current market conditions, it should be refreshed prior to the completion of any S106 Agreement to ensure the level of developer contributions is maximised. However, given that the application is recommended for refusal, an additional reason for refusal has been added to the recommendation to ensure development viability is re-assessed or refreshed prior to the determination of a potential appeal.

Summary

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

Conclusions and planning balance

226. Paragraph 14 of the NPPF policy BV1 of Bury St Edmunds Vision 2031 and Policy DM1 of the Joint Development Management Policies document places a presumption in favour of sustainable development and, where the development plan is (inter alia) out of date or there are no relevant policies, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies on the Framework taken as a whole.

227. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. Furthermore, the proposals include two small commercial units which would provide an element of employment post construction. The development would, subject to the completion of a S106 to secure a

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

228. On the other hand, the scheme would, in the absence of appropriate contributions, place additional burdens upon other infrastructure including green infrastructure, early years education provision and libraries. This is considered a significant dis-benefit of the development which significantly undermines the sustainability credentials of the scheme.

229. Furthermore the two commercial units proposed to the north east of the application site would not be serviced from within the application site. This is likely to lead to delivery vehicles using the Station Hill carriageway or the station forecourt to conduct their business. The absence of servicing facilities for the commercial units is a dis-benefit of the development proposals.

230. In terms of the social role of sustainability, the development would provide a level of market and affordable housing to meet the needs of present and future generations which is a benefit to be afforded significant weight. The development would also result in a dense but liveable urban environment at a highly sustainable location. Again, the absence of any developer contributions to offset identified impacts upon public open space provision, libraries and early years education provision would place additional social pressures upon the occupiers of the development.

231. The absence of capacity at the local schools to cater for the pupils emerging from this development on a permanent basis is regarded as a dis-benefit of the development but is capable of full mitigation by provision of classroom extensions which would be funded in part by developer contributions from the scheme.

232. In relation to the environmental role significant environmental benefits would accrue from the redevelopment of the site which is hoped would act as a catalyst for further development of the wider Station Hill masterplan site and the nearby Tayfen Road masterplan site. Considerable improvements would also be made to the visual appearance of the immediate environment of Station Hill. Information submitted with the planning application indicates there would be net biodiversity gains arising at as result of development which itself counts as an environmental benefit of the proposals.

233. There are some aspects of the layout, design and scale of the proposed development where significant environmental dis-benefits would occur. In particular the settings of the adjacent Grade II listed Station buildings would be severely affected by the oppressive nature of the scale and siting of some of the buildings proposed adjacent to the north site boundary. The development would also adversely impact on a number of mature trees within the curtilage of the Station Masters gardens and would place further pressure to fell them in the future given their close

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

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

Recommendation:

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

- The development is not sustainable as defined in the Framework and is not in accordance with relevant Development plan policies. The benefits of development are significantly and demonstrably outweighed by its dis-benefits, in particular:

  i) the significantly adverse impact of the development upon the setting of the Grade II listed station buildings.

  ii) the adverse impact of the development on trees of high amenity value, including increased future pressure to curtail or remove the specimens given the close proximity of the proposed development to them.

  iii) the ill conceived layout of the south part of the application site, in particular the failure to enclose the Station Hill carriageway at this point and poorly placed and prominent communal car parking areas forward of the proposed 'Block D' building.

  iv) the absence of adequate space within the application site for service/delivery vehicles to the commercial units.

  iv) the absence of a mechanism to secure the infrastructure and an affordable housing package that could viably be secured from the development and, moreover, the unwillingness of the applicant to provide necessary contributions to off set adverse impacts and/or increased pressure upon green infrastructure, early years education and libraries.

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

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

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

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

Case Officer: Gareth Durrant Tel. No. 01284 757345.