

Development Control Committee 6 July 2017

Planning Application DC/17/0438/FUL – Tartan House, Etna Road, Bury St Edmunds

Date Registered:	09.03.2017	Expiry Date:	08.06.2017 – subject to extension of time beyond the Planning Committee
Case Officer:	Penny Mills	Recommendation:	Approve, subject to conditions
Parish:	Bury St Edmunds	Ward:	Risbygate
Proposal:	Planning Application - (i) 80 no. bedroomed hotel (demolition of existing building) (ii) drive-through coffee outlet (mixed A3 and A5 use) (iii) associated refuse storage, parking and landscaping (iv) new pedestrian bridge access across River Lark (v) improvements and upgrading of proposed vehicular access from Compiegne Way, North of River Lark (vi) improvements and upgrading of proposed vehicular access from Etna Way/Enterprise Park (vii) in channel engineering works to River Lark		
Site:	Tartan House, Etna Road, Bury St Edmunds		
Applicant:	NHP Holdings Ltd		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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Background:

The application has been referred to the Development Control Committee as the development is considered to be of considerable local interest, on a prominent site within Bury St. Edmunds.

Proposal:

1. Full planning permission is sought for the redevelopment of the site, with the demolition of an existing office building and construction of a 80 bedroom Travelodge hotel, a drive-through Starbucks coffee outlet along with the associated car and cycle parking and access arrangements. Additional parking is proposed in the northern part of the site, which sits on the northern side of the river. A new pedestrian bridge over the River Lark is also proposed as well as improvements within the river channel itself.

Application Supporting Material:

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

Reports (all received in March 2017 with the planning application unless stated otherwise:

- Design and Access Statement
- Ecology Report and Mitigation Strategy / Arboricultural Impact Assessment
- Flood Risk Assessment Suds / Drainage Strategy
- Acoustic Report
- Ground Investigation and Contamination
- Landscape Design / Trees
- River Enhancement Works
- Structural Engineering / Bridge Design

3. Plans: A full list of final plans is referenced in Condition 2 at the end of this report.

Site Details:

4. The application site is located on the northern edge of Bury St. Edmunds on the western side of Compiegne Way, adjacent to the junction with Etna Road. The majority of the site falls within an allocated employment site, Enterprise Park, and there is an existing, currently vacant office building and associated hardstanding and parking area. To the west are other existing businesses within the wider employment site and to the south there is residential development on Etna Road. To the east of the site, on the opposite side of the highway are the Ram Water Meadows.
5. The River Lark which bisects the site, splitting it into north and south areas, forms part of a green infrastructure designation and local wildlife site. The part of the site which lies on the northern side of the river falls outside the development envelope and has an existing, unmade vehicular access from Compiegne way. Much of the scrub vegetation on this part of the site has already been cleared, although a number of trees remain. The northern boundary of this part of the site extends to the base of the railway embankment. Further to the north is the Tesco site and the A14.

6. The site is identified as being within flood zone 2 of the Environment Agency's flood risk maps, a source protection zone and an area of groundwater vulnerability.

Planning History:

7. **DC/16/2294/P3JPA** - Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015- Change of use from Office (Class B1(a)) to Dwellinghouse(s) (Class C3) to create 23 no. dwellings - **Prior Approval Required** - 08.12.2016
8. **SE/00/3126/P** - Regulation 3 Application - Continued use of units E and F for institutional (education) use for temporary period of 9 months - **Application Granted** - 20.11.2000
9. **E/99/1722/P** - Regulation 3 Application - Change of use from industrial to institutional (education) for temporary period of 18 months - **Application Granted** - 02.06.1999
10. **E/88/4653/P** - Erection of entrance porch - **Application Granted** - 27.02.1989
11. **E/87/3973/P** - Recladding of existing cladding panels with silver colour coated profiled metal - **Application Granted** - 02.03.1988
12. **E/86/2357/A** - Provision of non-illuminated information panel - **Application Granted** - 05.08.1986
13. **E/86/1489/P** - Change of use to offices - **Application Granted** - 16.04.1986

Consultations:

14. Highways England: **No objection.**
15. Suffolk County Council Highways: **No objection.**
Conditions have been recommended regarding: access details; parking; HGV traffic movements; visibility splays; headlight screening; footpath provision on Compiegne Way; footpath provision on Etna Road; and, cycle provision.
16. Environment Agency – **Initial objection withdrawn.** Comments summarised below:

Comments 10th April:

In the absence of an acceptable FRA, we object to the granting of planning permission and recommend refusal on this basis for the following reasons.

The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance to the National Planning Policy Framework (NPPF). The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Demonstrate that the proposed development will not impede the Environment Agency's access to the main river.
2. Demonstrate that the proposed footbridge will not increase flood risk.

It is for the LPA to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

We have reviewed the FRA for tidal and main river flood risk sources only. The Lead Local Flood Authority (Suffolk County Council) should be consulted regarding surface water drainage proposals. Your Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

Comments 25th May:

Based on the information submitted we are able to remove our objection to the application.

The following advice was also given:

- It is for the LPA to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.
- For your information this application falls within Flood Risk Standing Advice.
- We recommend that the mitigation measures outlined in the FRA are implemented. Additionally, the design of the proposed footbridge shown on Drawing No. J2309-01B Rev B dated 12/04/17 should be adhered to.
- Advise the Applicant of Environmental Permitting Regulations relating to any proposed works or structures in, under, over or within 8 metres from the top of the bank of the River Lark, which is designated a 'main river'. The granting of planning approval must not be taken to imply that consent has been given in respect of the above.
- Any proposed flood resilience/resistance measures should follow current Government Guidance.
- The LPA must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.
- The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such a way as to protect the ecological value of the site including the proposed River Lark enhancement works.
- Where infiltration drainage schemes, including soakaways, are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways will not be permitted to be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
- Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

- Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- Foul water drainage (and trade effluent where appropriate) from the proposed development should be discharged to the public foul sewer, with the prior approval of AWS, unless it can be satisfactorily demonstrated that a connection is not reasonably available.
- Anglian Water Services Ltd. should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution or flooding. If there is not capacity in either of the sewers, the Agency must be reconsulted with alternative methods of disposal.
- If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), any oil storage tank shall be sited on an impervious base and surrounded by oil tight bunded walls with a capacity of 110% of the storage tank, to enclose all filling, drawing and overflow pipes. The installation must comply with Control of Pollution Regulations 2001, and Control of Pollution (Oil Storage) Regulations 2001. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

17. Anglian Water: Made the following comments:

- Requested information in respect of are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.
- The foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows.
- The sewerage system at present has available capacity for these flows via a gravity connection regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection
- Advise to consult with the Lead Local Flood Authority and Environment Agency.
- Requested informative note regarding trade effluent.

18. Suffolk County Council Floods – Initial objection withdrawn. Summary of responses below:

Comments made 28th March 2016:

- The GI by RSA Ltd does not make assessment of the potential of using infiltration at the site, however given the proximity of the site to the River Lark SCC would not advise using infiltration SuDS anyway (due to potential of high groundwater table).
- Overall the drainage strategy is to discharge to the R.Lark at a controlled rate (currently 2l/s up to the 100yr+CC event for both plots) - this in principle is acceptable but SCC require further clarification on drainage design:-
 1. MicroDrainage outputs – please title simulation outputs North & South (or similar).
 2. Total Proposed Impermeable Area for South Plot - the contributing area outlined in the report (10.9) does not match those used in the hydraulic calcs – the drainage strategy has to show a 30% betterment over the existing brownfield flows for the entire south site. All impermeable areas of the site must be modelled (i.e. existing site + any new impervious areas). This currently means that the storage needed is being underestimated. The control device for the south plot (~35mm dia orifice) is below SCC’s minimum diameter of 100mm. SCC recommend that the permitted discharge rate is set at 5l/s for all events and the full contributing area used. Alternatively a hydrobrake could be used.
 3. The north plot should discharge at greenfield rates (2l/s/ha or Qbar whichever is higher) – however given the size of the plot the flows are going to be small and the size of the control device is key. Currently the orifice plate = 25mm dia this is below SCC’s minimum allowable size (100mm dia). Please use 5l/s for the north site to increase the size of control device. (For this plot SCC will accept nearer 60mm dia plate or again a hydrobrake could be used).
 4. Invert level of the outfalls are not given – nor the pipe sizes. SCC may require a sensitivity simulation for any surcharged outfalls when the River Lark is in flood flow – use the EA data provided in the report to assess whether outfalls may be surcharged in high flows. Furthermore please check for any exceedance flows in the network if outfalls are surcharged.
 5. Interceptors will be required on the network due to large car parking areas.
 6. Consent will be required for culverting the small section of watercourse on the southern boundary of the site.

Comments 27th April 2017:

- North site is fine @ 5l/s
- I require further information for the south site. Specifically the 1yr and 30yr existing simulations are required and the same simulations post development – this is a requirement of the non-technical standards for SuDS and BS8582. Currently the proposed discharge rate is too high for all storm events and as per national guidance should be close to as reasonable practical the equivalent greenfield rates.

Comments 26th May 2017:

- The drainage design you have here for the south plot is also acceptable and looks to be in order.

- I am happy to remove my holding objection. Suggest condition covering: implication of drainage strategy/FRA; full suds details; and, construction surface water management.

19. West Suffolk Planning Policy: The relevant policy and material considerations in relation to the principle of the development on the site are summarised below:

- The loss of employment land and failure to meet criteria b. of policy DM30 should be balanced against the fact the site already has planning permission for conversion to residential use. If this proposal does not come forward it is likely to be lost to employment use.
- Development in the countryside must be balanced against its assessment of criteria set out in policy DM5, criterion 1 appears to have been satisfied. Criterion 2 and 3 are addressed separately by landscape, ecology and transport.
- Town centre uses should be directed to the town centre first, however a sequential test has been undertaken and no alternative sites were suitable or available. The application site, although classed as out of centre is well related to the urban area and has good access to sustainable transport link and within walking distance of the town centre.

On balance the proposals are considered to be acceptable in principle in terms of satisfactorily addressing the planning policies. However matters related to details of the proposal, including landscape and ecology and transport are considered separately and will need to be addressed.

20. Natural England: No specific comments to make.

- Advised to refer to standing advice for protected species and ancient woodland/specimen trees
- Reminded the Local Planning Authority that the lack of comment does not imply that there are no impacts on the natural environment.

21. West Suffolk Landscape and Ecology Officer:

Comments 27th April 2017:

- Proposals will have an impact on the River Lark Corridor through the intensification of use either side of the river and removal of supporting habitat that contributes to the river corridor as a whole. There is no consideration to the mitigation hierarchy, which requires that proposals consider avoidance of impacts and failing that mitigation and compensation measures.
- Currently this project does not contribute to the aspirations of policy BV26. The proposals would lead to the loss of currently undeveloped land adjacent to the River Lark which is considered to be countryside.
- Mitigation/compensation measures identified: Secure/include the delivery of the river channel improvements, and adjust the design of the car park to ease car parking back from the river edge; Contribute to the River Lark corridor footpath securing the section of footpath along Compiegne Way from the development site on the eastern edge north to Tesco's; and compensate for the loss of habitat and connectivity through a contribution to habitat improvements elsewhere within the River Corridor for example on the Ram Meadow locally designated wildlife site.
- The ecological report suggests that there will be no in-channel works - the bank top habitats will be lost. Although this can in some respects be considered a degraded part of the river corridor, the landscape management

prescription would be enhancement. However the proposals will lead to further degradation and deterioration in the environment.

- It is noted that a significant amount of tree felling has been undertaken prior to the submission of the planning application, and the proposals are to further reduce supporting habitat that currently links the railway embankment to the river corridor.
- Bats are using the existing trees to the east of the site and the trees on the railway embankment for foraging. The impact of the proposals on bats is based on the current levels of lighting being maintained and limited loss of existing trees and strict control of new lighting. However given the proposals to extend the built environment across the river to the north and use this area for car parking of the hotel guests, it is unreasonable to assume that the level of lighting will not be increased to allow for the safe operation of this new facility – note that a lighting scheme has been included in the appendix to this report but does not form part of the scheme proposals – and I would fully expect them to be.
- If permission is granted, further investigation of badger activity prior to work commencing will be required. In addition any fencing must allow for movement of mammals including hedgehogs around and through the site
- The biodiversity report includes preliminary proposals for improvements to the river corridor including treatment of the Himalayan balsam. These do not appear to form part of the planning proposals and additional consent from the EA would be required. Delivery of this enhancement is not guaranteed and without this it cannot be included at a benefit of the project and should not form part of the planning balance.
- The proposals require the removal of a number of trees and shrubs which currently form an attractive green boundary to the site and enhance the river corridor. The submitted proposals do not mitigate this loss and the new hotel and coffee outlet would not be adequately softened through replacement planting. The proposals do not have sufficient regard to the boundaries of the site (red line) and there is not sufficient room for landscape planting that would form a new boundary softening the proposals from the adjacent environment and protecting public amenity including that of nearby residences. The land outside of the red line is understood to be highway land which is reserved for future highway improvements. In addition the proposals further constrain the river corridor.
- The submitted scheme is unlikely to be deliverable because of the limited space reserved for the landscape areas. Planting pits and trenches of sufficient size would unlikely to be provided. Internal hedges shown within narrow spaces between car parking on the layout plan are not included in the landscape drawing and could not be constructed without specialist underground planting pits similar to those shown for the trees (in the landscaping plan).
- The proposals do not have sufficient regard to the sight lines that would be required with trees and hedges too close for these to be maintained into the future
- The tree species should be reviewed – *Pyrus chancleer* is not suitable for car park areas because of the fruit fall, and the species variety is very limited.
- A more innovative approach to landscaping is required

22. West Suffolk Public Health and Housing: Comments summarised below:

No objection in principle, but raised concerns regarding a number of aspects that have the potential to cause nuisance to neighbouring occupiers, namely:

1. Demolition/construction/ activities - noise/dust/management of waste materials
2. Noise from the external plant at the hotel
3. Noise/odour from the hotel's kitchen extraction system
4. Noise from deliveries/collections to service areas of hotel and coffee outlet (hours stated in application are 06:45 -21:00)
5. Noise from the coffee outlet's patrons - vehicles/car doors/voices (opening hours stated in the application are 05:00-23:00) which consist mainly of small industrial units. The majority of these units operate during the day Mondays to Fridays and as such at evenings and weekends there is no noise from activities on this site. The dominant noise in the area is traffic noise from the A14 and more locally on Compiegne Way.

- Demolition and construction activities have the potential to cause nuisance to neighbouring commercial and residential occupiers from noise/vibration, dust and the disposal/recycling of waste materials. These can be mitigated by construction methods and controls and limiting the hours of work to protect the amenity of neighbours.
- The air conditioning units for the hotel are sited on the roof. There is the potential for these units to disturb neighbouring premises. The information submitted in the noise consultant's report has demonstrated that the units can be engineered such that no noise nuisance will be caused.
- Similarly kitchen extraction systems can give rise to problems with noise and odour. These can be designed to ensure no nuisance is caused. We would refer the applicant to the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen exhaust systems' 2005
- The nearest house in Etna Rd is less than 40m from hotel service area. Deliveries to and collections from the hotel could give rise to noise disturbance to residents in the evening and night; this can be mitigated by restricting the hours that these occur.
- The position for the drive through coffee outlet is less than 30m from houses in Ramplin Close. There is the potential of noise disturbance (particularly late evenings and early mornings) from vehicle engine noise, car doors slamming and noise from patrons. The noise consultant has recommended an acoustic fence along the SE site boundary (adjacent to Etna Road) which will provide some noise attenuation. However it is likely that given the proposed opening hours there may still be a loss of amenity and we would recommend that the opening hours stated in the application are reduced.
- The access road to the site (Etna Road) is adjacent to 4 houses in Ramplin Close and, as such, all traffic to the other houses, Enterprise Park and the patrons of the hotel and café would pass these properties. As most of the industrial units are not operating in the evenings and Sundays additional vehicles in the late evenings and early mornings are likely to be heard by residents. Conditions restricting the times for deliveries/collections and opening hours of the café will mitigate this to some extent but will not completely remove the loss of amenity for these residents.

23. West Suffolk Environment Officer: No objections – made the following comments:

- Recommend use of unexpected contamination condition.
- Recommend that electric car charging points be conditioned, including a rapid charge point.

Representations:

24. Town Council: No objections based on the information received

25. Bury Society: The Bury Society does not object to the use of this site as a hotel, but we have two areas of major concern:

- Several local residents have already expressed very real safety concerns about the impact of these plans on both the existing Etna Road junction and also the second proposed access from Compiegne Way. Compiegne Way is already one of the town's main traffic 'pinch points'. We are especially concerned that traffic generated by the coffee outlet will overload Compiegne Way and, at peak times, simply come to a standstill (and possibly back up onto the A14). The Society considers that this road safety hazard can only be minimised by the removal of the coffee outlet from the application.
- The Society's second area of concern is the detailed design of the hotel. We were dismayed to read in the D&A statement that it is the applicant's intention to create a hotel design that could be a model for wider use. Bury St Edmunds is a town with a distinctive character in terms of its built form, especially its dominating roofscapes (as very well interpreted at the new arc shopping precinct). Also, we find it particularly difficult to identify a local context for the stone/porcelain truncated grid superimposed on the facades. Perhaps therefore, the applicants might be asked to look again at these aspects of the design. We believe any new building in such a prominent 'gateway' location should respect the town it is serving. We therefore call for a contemporary design which is site specific rather than a routine generic approach. Many of our members recall that this site was once occupied by a landmark iconic Maltings building. The Society considers that the new hotel should reflect in a similar manner the site's important location on one of the main approaches to our historic town. The Society's membership now stands in excess of 560 and it is matters such as traffic and detailed design which causes most anxiety to our members. If these areas of concern could be satisfactorily addressed, the Society would withdraw its objection.

26. River Lark Catchment Partnership: Expressed support for the proposed changes to the river Lark.

27. Guildhall Properties

As owners of the site Enterprise Park adjacent to Tartan House we comment on the application as follows:

- We are pleased that the site is to be redeveloped. We are impressed by the proposed landscaping scheme which we believe will dramatically improve the visual appearance of the area.
- Irrespective of the development we wish to express our ongoing concern that the junction where Etna Road meets Compiegne Way is inadequate and dangerous.
- With further development there would inevitably be an increase in traffic only adding to the existing problems.
- We would suggest that this is an opportune moment to address the serious concerns raised over the road safety issues and to put in measures to improve the access.

28. Public Representations:

Pump House Thetford Road
14 Etna Road Bury St Edmunds
12 Etna Road Bury St Edmunds
4 Etna Road Bury St Edmunds
18 Out Northgate Bury St Edmunds
13 Out Northgate Bury St Edmunds
14 Etna Road Bury St Edmunds
11 Etna Road Bury St Edmunds
8 Etna Road Bury St Edmunds
69 Out Northgate Bury St Edmunds
21 Out Northgate Bury St Edmunds
19 Out Northgate Bury St Edmunds
2 Avenue Approach Bury
St Edmunds
18 Hardwick Shopping Centre Home Farm Lane
13 Whiting Street Bury St Edmunds

The points raised are summarised below:

Residential amenity

- Overlooking garden of 14 Etna Road removing privacy.
- Overlooking to Etna Road worse due to previous removal of large tree by the Council.
- Increased noise from people coming and going to the town late at night.
- Query over the length of time building work will take.
- The design appears to be four story, we find this imposing and a direct infringement on privacy for residents, it will be double the height of any property in the vicinity
- Deliveries to the hotel and coffee shop with HGVs will negatively affect the quality of life in that area.
- Increased disturbance to residents in this residential area from end users and also from the months of noise and mess involved in the demolition and build

Highways

- Lack of parking for residents and existing businesses in the area. There is not enough space if the existing space is lost.
- Concern over site access and risk of accidents.
- Increases in non-resident parking.
- no objection to the regeneration of the area, and support this, but have severe concerns over the traffic situation
- Increased volume of traffic. The current road layout is already insufficient to ensure steady traffic flow.
- Concern over loss of parking for the church.
- A traffic light system or roundabout would be the only option.
- The existing road from Compiegne Way will have parked vehicles along it making entry dangerous, works vehicles will struggle to fit down the road.
- Traffic on Compiegne Way will become heavier, access at the moment is difficult as it is. There will be issues with exiting and entering this junction.
- Adding a quick stop service such as a coffee shop will compound the existing issues on Compiegne Way.
- Motorists wishing to turn right on Compiegne Way will stop all traffic behind them. In addition, they will have to cross the path of oncoming traffic to arrive at Etna road, thus stopping motorists leaving the town

- We are all in favour of a Travelodge and Starbucks but we object to another entrance onto Compiegne Way for the 32 space car park north of the River Lark. This will cause more disruption onto one of the busiest roads into BSE. Surely a bridge could be built between the two sites for access to the north side car park.
- The narrow access to the residential part of Etna Road and Ramplin Close, together with the sharp turnings, parked cars and poor visibility involved is already hazardous. This danger will increase with the number of cars, vans and lorries using the new hotel and coffee shop.
- Pedestrian access from the town will involve crossing the new busy road at point where sightlines are restricted. A proper crossing needs to be put in place at the top of Etna Road to guide people into town along Compiegne Way, together with a safe pavement, railings, lighting and clear signage for pedestrians walking into and returning from the centre of town.

Visual / character

- Overdevelopment of the site. Conversion to flats is preferable.
- Strongly oppose the new car park area, utilising a vital green space.
- Too close to other existing businesses and an already densely used residential area.
- I see great positives in the new landscaping to improve the aesthetic of the area, I worry about the resulting light and noise pollution.
- The concept art for the Starbucks building with its natural wood cladding would be my preferred option for the hotel rather than the ugly brick box currently proposed.

Other issues

- Concern regarding the demolition of the building - can you provide a copy of the asbestos DHA and confirm how health will be safeguarded if the demolition site contains asbestos
- Concern that work has already started on site.
- The sweeping statement in the Arboricultural Impact Assessment on page 5 the elm on site will get dutch elm disease seems to me to be guess work. Dutch elm disease was at its height in the 70's for a tree to have survived and be in good health is a testament to its good health. I would also take further advice on the other trees on site in the aim to retaining as many of them as possible.
- Although it is not classified as flood plain, it think it is a risk and we need green spaces in that area of town
- Does Bury really need another 80 bedroom hotel and another coffee shop?

Policy:

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

Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- 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 DM13 Landscape Features
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM34 Tourism Development
- Policy DM35 Proposals for main town centre uses
- Policy DM45 Transport Assessments and Travel Plans

St Edmundsbury Core Strategy December 2010

- Policy CS1 - St Edmundsbury Spatial Strategy
- Policy CS2 - Sustainable Development
- Policy CS7 - Sustainable Transport
- Policy CS9 - Employment and the Local Economy
- Policy CS10 - Retail, Leisure, Cultural and Office Provision

Bury St Edmunds Vision 2031

- Policy BV1 - Presumption in Favour of Sustainable Development
- Policy BV14 - General Employment Areas - Bury St Edmunds
- Policy BV13 - Strategic Site - Extension to Suffolk Business Park, Moreton Hall, Bury St Edmunds
- Policy BV17 - Out of Centre Retail Proposals
- Policy BV26 - Green Infrastructure in Bury St Edmunds

Other Planning Policy:

National Planning Policy Framework (2012)

Officer Comment:

30. The subsequent section of the report discusses whether the development proposed by this application can be considered acceptable in principle, in the light of extant national and local planning policies and previous consents. It then address the main areas of consideration, which are:

- Design, landscaping and visual amenity;
- Residential Amenity;
- Accessibility and highways impacts
- Ecology and Biodiversity
- Flooding and drainage

Principle of development

31. 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 adopted Joint Development Management Policies Document. National planning policies set out in the National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development contained at its heart are also a key material consideration.
32. In assessing the principle of development in this case there are three main issues that are relevant: development within the countryside; development of town centre uses in an edge of town location; and, the loss of an employment site.

Development in the countryside

33. Part of the application site falls outside the settlement boundary on land considered to be countryside for planning purposes. Policy DM5 of the Joint Development Management Policies Document seeks to protect such locations from unsustainable development. However, it does state that proposals for economic growth and expansion of all types of business and enterprise that recognise the character and intrinsic character and beauty of the countryside will be permitted where three criteria are met;
 - It will not result in irreversible loss of best and most versatile agricultural land (grades 1,2 and 3a)
 - There is no significant detrimental impact on the historic environment, character and visual amenity of landscape or nature conservation and biodiversity interests;
 - There will be no significant adverse impact on the local highway network
34. Therefore, the countryside status does not mean that the development of the site is unacceptable in principle. However, the detail aspects of the proposal must be assessed against the criteria set out within the policy. These aspects are considered later in this report.

Town Centre Uses in Edge of Town Location

35. The development proposed within the application is considered to fall within the definition of main town centre uses in the NPPF. In respect of such uses, paragraph 24 of the NPPF requires local planning authorities to apply a sequential test. It states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
36. Policy DM35 of the Joint Development Management Policies Document echoes the advice in the NPPF stating that proposals for town centre uses not in a town centre must apply a sequential approach in selecting the site, demonstrating there are no suitable, viable and available sites in defined centre or edge of centre locations.

37. An impact assessment is not required in this case, as the retail element of the proposal is below the 1000sqm threshold and the NPPF default threshold does not apply to hotel provision.
38. The application site lies more than 300m from the town centre boundary and is therefore considered to be edge of centre in planning terms. The applicant has therefore undertaken a sequential assessment of the proposals in a report dated February 2017. Three sites have been considered: The Queens Head pub, within the town centre boundary; Tayfen road, in an edge of centre location; and, Springfield road site, in an edge of centre location.
39. The Planning Policy Officer has reviewed the submitted report and agreed with the findings of the report that the above sites were either not available, suitable or sequentially preferable. No other suitable sites were identified by the economic development team to be considered in the sequential test. It is therefore accepted that the submitted sequential test has been satisfactorily undertaken and passed.

Loss of existing Employment Site

40. The site forms part of the general employment area designated under policy BV14(h), identified as appropriate for B1 and B8 uses. Policy DM30 of the Joint Development Management Policies Document states that non-employment use proposed on sites and premises designated for employment purposes and that is expected to have an adverse impact on employment generation, will need to satisfy one or more criteria, as appropriate to the site. The criteria that are considered to be relevant to this proposal are:
 - a. That there is sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements;
 - b. That evidence is provided to demonstrate genuine attempts have been made to sell/let the site in its current use and that no suitable and viable alternative employment uses can be found or likely to be found in the foreseeable future;
 - c. An alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs; and,
 - d. An alternative use or mix of uses would provide other sustainability benefits that would out weight the loss of an employment site.
41. In terms of criteria (a), the strategic employment allocation proposing an extension to Suffolk Business Park will provide for long term employment needs and is coming on stream with the eastern relief road providing a link to the A14. This provides for additional employment capacity for B1 and B8 uses within the town, such that the loss of this site would not lead to an insufficient supply of suitable employment land.
42. In terms of criteria (d) the applicant states that the proposed ecological enhancement along the River Lark and the replacement of a prefabricated office building will visually enhance the amenity, and that these improvements would outweigh the loss of employment. Similarly, in terms of criteria (c), the applicant states that the creation of additional jobs and investment in the retail and hotel sector and the economic benefits to nearby local businesses outweigh the loss of employment land. Given the availability of employment land

as set out above, it is considered that these benefits are sufficient to address these criteria of the policy.

43. There has been no evidence provided in respect of criteria (b). The absence of this evidence amounts to a degree of conflict with policy DM30, which would attract some weight against the development in the planning balance. However, in this case this must also be considered in the context of a prior approval permission to convert the existing building to residential use (DC/16/2294/P3JPA). It is understood that there is no intention to revert it back to office use in the future. In this context the weight to be attributed to the already modest policy conflict noted above would be considerably reduced.
44. As with all decisions this conflict must be weighed against all other matters in the final planning balance.

Design, Landscaping and Visual Amenity

45. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development, 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.
46. 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.
47. Policy DM2 of the Joint Development management Policies Document requires all development to recognise and address key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of an area to maintain or create a sense of place and local character.
48. The application site is located at one of the principal gateways to the town from the north, when approaching from the A14. The existing building on the site and the associated expanse of hardstanding with limited soft landscaping does not currently make any positive contribution to the character of the immediate or wider area. In this context, and in principle, the redevelopment of the site provides an opportunity to enhance this part of the town, creating a more welcoming and attractive gateway and improving connectivity, as envisaged in the emerging Town Centre Masterplan.
49. Concerns have been raised by the Bury Society and in other public representations regarding the detailed design of the hotel. The Bury Society has called into question the design approach, seeking a contemporary design which is site specific, drawing on the distinctive character of the built form in Bury St Edmunds. In particular they find it difficult to identify a local context for the stone/porcelain truncated grid superimposed on the facades.
50. The supporting documents do not set out a design rationale influenced by local vernacular architecture and urban form. Rather, the Design and Access

Statement sets out the aspiration to create a higher quality design than would often be found on buildings of this nature. Given the lack of emphasis on creating a locally distinctive design rather than simply a high quality one, there is an inevitable degree of conflict with Policy DM2, which would carry some weight against the proposal in the planning balance.

51. Notwithstanding the above, it should also be noted that the proposed buildings would be a significant improvement on the existing structure on the site and would materially improve the quality of the built environment in this location. This is a benefit of the scheme which would weigh in its favour noting the intrinsic acceptability of the design rationale chosen.
52. Concerns have been raised that the scale of the building on the site is inappropriate and out of character with the surrounding development. The four storey hotel would be 13.25 metres in height, which is taller than other buildings on Etna Road. However, given the topography of the site which is lower than the adjacent public highway, the position of the building towards the rear of the site, the separation between the building and the residential properties on Etna Road, the simple form of the building and the proposed landscaping, it is considered that the development would not appear unduly prominent or adversely affect the character of the area. The coffee outlet would be closer to the front of the site, but would be more modest in scale and set down from the highway. As such, it is also considered that this element of the development would not appear unduly prominent in the streetscene.
53. The proposed soft landscaping, which has been amended following input from the Council's Ecology and Landscape Officer, would also bring some benefits in terms of character and appearance. As a result of the changes, a greater number of existing trees and shrubs will be retained and the detailing planting provides for more substantial screening and a more appropriate species mix. Innovative solutions have been incorporated, with living green screens with specialist underground planting pits within the car park.
54. On balance, but clearly and robustly, it is considered that the design incorporates features to create sufficient articulation and interest and whilst it would not necessarily appear as locally distinctive, it would, subject to the use of high quality materials, improve the character of the built environment in this location.

Residential Amenity

55. Policy DM2 of the Joint Development Management Policies Document requires development to take mitigation measures into account to not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated.
56. Concerns have been raised in this regard by neighbouring residents, citing overlooking, noise and disturbance from people and vehicles as key concerns.
57. In terms of impacts from overlooking, the hotel would be positioned such that the windows would face south towards the development on Etna Road. However, the building would be approximately 33 metres from the boundary with the closest property on Etna Road. In the context of an urban location, where there is already an element of mutual overlooking between existing

properties, it is considered that this degree of separation is acceptable and would not result in an adverse effect on the reasonable level of amenity these properties would expect to enjoy. It is also considered that this degree of separation is such that the hotel building would not be physically overbearing, and nor would the coffee outlet which is closer to the neighbouring properties but more modest, and therefore acceptable, in scale.

58. In terms of noise and disturbance, given that this is an allocated employment site, which also has an extant prior approval for the conversion of the existing building to flats, a degree of noise from coming and goings associated with the use on site is inevitable. However, notwithstanding this, the Public Health and Housing officer acknowledges that some of the activities on site associated with the development have the potential to cause noise and disturbance. In this regard they are recommending conditions to control the hours for deliveries to the hotel, the opening hours and timing of delivery to the coffee shop, measures in relation to proposed plant and the use of an acoustic fence. Restriction in terms of lighting and adherence to the submitted scheme and the submission of a construction management plan would also be secured by condition.
59. Notwithstanding the measures secured above, the Public Health and Housing Officer comments highlight that the access road to the site (Etna Road) is adjacent to 4 houses in Ramplin Close and, as such, all traffic to the other houses, Enterprise Park and the patrons of the hotel and café would pass these properties. Conditions restricting the times for deliveries/collections and opening hours of the café will mitigate this to some extent but will not completely remove the loss of amenity for these residents. This adverse impact should carry some weight against the development in the planning balance. However, in the context of the existing permission and allocation and the urban location the weight attached to this would be limited.

Accessibility and Highways Impacts

60. The NPPF emphasises the need for the transport system to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 32 of the Framework requires all developments that generate significant amounts of movements to be supported by a Transport Statement or Transport Assessment. It goes on to advise that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.
61. 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.

62. Vehicular access to the site for customers and servicing is proposed off Compiegne Way from the existing Etna Road junction and an improved existing access directly onto Compiegne Way, north of River Lark, will serve a smaller hotel customer car park. A Transport Assessment has been submitted alongside the application to consider the impact of the proposed development on the highway network.
63. Automated Traffic Counts (ATCs), were undertaken at Etna Road, between the 30th November and 6th December 2016. A queue length survey was also undertaken on Tues and Wednesday 8th and 9th November 2016, 07.00-10.00 and 16:00- 19:00.
64. In terms of trip generation, calculations for the development show 29 trips peak AM trips and 22 peak PM trips for the hotel and 18 peak AM trips and 31 peak PM trips for the coffee outlet. By way of comparison the peak AM and PM trip rates for an office development which are shown to be 25 and 29 respectively. Comparing this two figure the net development trips are shown to be 22 peak AM trip and 34 peak PM trips.
65. It is noted that when scaled by an appropriate growth factor over the next five years, Compiegne Way will be operating at 92% of its maximum capacity and over its desirable capacity, with the largest increase in flow being observed northbound in the PM peak hour. The net increase in trips for this proposed re-development during this period would be just 3% of the total flow. The Transport Assessment does not consider this small increase to be material and the reduced capacity of Compiegne Way is attributed to wider strategic transport impacts arising from the planned development across Bury St. Edmunds.
66. A visibility splay of 2.4 m x 60 m is achievable at the existing Etna Road junction if vegetation is trimmed back and at the car park access north of the river, 2.4 x 77.5m can be achieved looking south and 2.4 x 90m is indicated to the north.
67. The onsite parking provision for the hotel and coffee shop will be in accordance with the Suffolk Guidance for Parking as shown in the table below/overleaf, reproduced from the Transport Assessment:

Hotel		Requirement	Achieved
Vehicle	1 space per bedroom plus 1 space per full time equivalent (13 full time equivalent staff working in the Travelodge hotel)	= 80 spaces +13=93	80
Cycle	1 stand per 5 staff plus 1 space per 20 bedrooms	= 3 stands+ 4 spaces= 5 stands	5 stands
PTW	1 space + 1 per 20 car spaces (for first 100 car spaces); then 1 space per 30 car spaces (over 100 car spaces)	= 5 spaces	5
Disabled	3 bays or 6% of total capacity, whichever greater	=5 spaces	6
Coffee Shop		Requirement	Achieved
Vehicle	1 space per 5 m ² public area	= 20 assuming 100 m ²	20
Cycle	1 stand per 100 m ²	= 1 stand	1 stand
PTW	1 space + 1 per 20 car spaces (for first 100 car spaces); then 1 space per 30 car spaces (over 100 car spaces)	= 2 spaces	2
Disabled	3 bays or 6% of total capacity, whichever greater	= 3 spaces	3

Table 9.2: Parking provision guidance interpreted for the site

68. The Highways Officer has reviewed the Transport Assessment and has advised that the traffic flows would not make the site 'severe' with regard to highway safety, which the relevant test / threshold is set out in the NPPF. They have also confirmed that if the site can deliver the required visibility splays and pedestrian links then some safety mitigation is delivered.
69. Given that the site has had previous uses that have high vehicle movements, and the accident data gives no rise for concern, the Highways Officer has no objection to the development, subject to the use of conditions. The development is therefore considered to be acceptable in terms of the impacts on the highways network and highway safety and in accordance with development plan policies and the guidance contained within the NPPF.

Ecology and Biodiversity

70. Paragraph 109 of the NPPF recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.
71. Policy DM10 of the Joint Development Management Policies Document 2015 recognises that proposals which would result in significant harm to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not be permitted.

72. The application site straddles the River Lark which is recognised locally as an important wildlife habitat particularly given its linear nature providing connectivity through the town and its varied structural diversity. The River Lark Corridor is an important Green Infrastructure (GI) corridor through Bury St Edmunds. Policy BV26 of Bury St Edmunds Vision 2031, requires that:

In and around the town of Bury St Edmunds the integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced, which includes the creation of new habitats, through the implementation of the St Edmundsbury Green Infrastructure Strategy.

Opportunities to extend the coverage and connectivity of the strategic green infrastructure network should be undertaken in association with new development, where appropriate.

73. In particular the policy requires that Green Infrastructure projects will; enhance and extend, where practical, the wetland landscape character of the urban River Lark and River Linnet, and connect multifunctional green infrastructure routes/corridors in the town to existing and future green spaces.

74. Initial concerns were raised by Officers that the proposals would be likely to have an impact on this GI feature, through the intensification of use either side of the river and removal of supporting habitat that contributes to the river corridor as a whole. Indeed, the loss of a currently undeveloped area of land adjacent to the River Lark was seen as at odds with the aspirations of policy BV26.

75. In such circumstances, consideration must be given to the mitigation hierarchy, which requires that proposals consider avoidance of impacts and failing that mitigation and compensation measures.

76. The Landscape and Ecology Officer identified a number of possible measures that might mitigate and compensate the impacts of the proposals. These were:

- Secure/include the delivery of the river channel improvements, and adjust the design of the car park to ease car parking back from the rivers' edge;
- Contribute to the River Lark corridor footpath securing the section of footpath along Compiegne Way from the development site on the eastern edge north to Tesco's; and,
- Compensate for the loss of habitat and connectivity through a contribution to habitat improvements elsewhere within the River Corridor for example on the Ram Meadow locally designated wildlife site.

77. Without the measures set out above, it is considered that the development would be in direct conflict with policies BV26 and DM10, indicating that the development is not acceptable in planning terms. However, during the course of the application additional information has been provided and applicant has undertaken to undertake the measures set out above, which will be secured by condition.

78. In light of the above and subject to the use of conditions to secure the complete package of compensatory measures, the development is considered to be

acceptable in terms of ecology and biodiversity and in accordance with development plan policies and the guidance contained within the NPPF.

Flood risk and Drainage

79. The site is indicated as being within Flood Zones 2 of Environment Agency's flood map for planning. In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

80. The NPPF goes on in paragraph 102 to state:

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared*
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall*

Both elements of the test will have to be passed for development to be allocated or permitted.

81. Notwithstanding this, the submitted flood risk assessment (FRA) asserts that in due to improvement works after the 1968 flooding event, based on hydraulic modelling, the site is predicted to flood at less than 0.1% annual exceedance probability (i.e. Equivalent to Flood Zone 1). The Environment Agency has confirmed that this modelling is correct, however, the site is still deemed by the Environment Agency to be within Flood Zone 2 due to the historic flooding.

82. The sequential test seeks to direct development to flood zone 1. Given that this site has been shown through modelling to have a flood risk equivalent to flood zone 1 the application of the sequential test would not realistically serve any useful or sensible flood risk purpose in this case. Notwithstanding this, the sequential work carried out in relation to the location of a main town centre use demonstrate that there are no alternative sites available within the town, and by default no sites at a lower risk of flooding.

83. In applying the exception test to the development, set out at paragraph 102 it is considered that the development would bring wider sustainability benefits through the creation of jobs and through the provision of additional hotel accommodation to serve the town in a sustainable location. The Flood Risk Assessment, which the Environment Agency has reviewed has been found to be acceptable.

84. The County Floods Officer has reviewed the surface water drainage information and is satisfied that the development is acceptable subject to the use of conditions.
85. The development is therefore considered to be acceptable in terms of flood risk and surface water drainage and in accordance with development plan policy and the guidance contained within the NPPF in this regard.

Other matters

Benefits of the development

86. The proposed development would bring both short term and long term economic benefits from the employment during construction and once operational. The hotel would bring economic benefits from providing additional overnight accommodation within walking distance of the town centre, along with associated increased local expenditure from guests.
87. The ecological benefits in terms of improvements to the river channel, improved soft landscaping and offsite works to Ram Meadow are required to mitigate the impact of the development on the green corridor but would nevertheless also bring benefits in terms of biodiversity.

Contaminated Land

88. The application is supported by a Ground Investigation Report, reference 14430GI, dated April 2016, undertaken by RSA Geotechnics Ltd. The report does not identify any levels of contaminants that would pose a risk to end users of the site and does not recommend any specific additional actions. This report has been reviewed by the Council's Environment Officer, who has recommended a condition be attached, should planning be granted, to allow sufficient protection in the event of unexpected contamination being encountered.
89. Concerns have been raised from a neighbouring occupier over the potential for asbestos to be present in the existing building to be demolished. If this is the case this would fall under the Control of Asbestos Regulations 2012, under the Health and Safety Executive and would fall outside the scope of the planning process.

Air Quality:

90. The Council's Environment Officer draws attention to the EPUK document Land-Use Planning & Development Control: Planning For Air Quality (May 2015(v1.1)), which recommends that major developments are subject to measures to help reduce the impact on Local Air Quality.
91. Paragraph 35 of the NPPF states that 'plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission Vehicles'. In addition, the St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality.

92. The Design and Access Statement, confirms that the hotel will be provided with Electric Vehicle (EV) charging points, with the Site Location Plan showing 8 locations, which equates to 10% of the 80 parking spaces. The Environment Officer has advised that given these charge points are likely to be used for overnight charging, a minimum charging speed for these points would not be required. However, the coffee outlet does not appear to have been provided with any similar provision and given its location, within easy access of the strategic road network, it is ideally placed to incorporate a rapid charger, which would also match the anticipated generally short duration of visits. The provision of this charge point is formalised by attaching an appropriately worded condition, should planning permission be granted.

Conclusion and Planning Balance:

93. The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework and the government's agenda for growth.
94. The development is considered to meet the necessary requirements of key policies relating to the principle of development, those being policy DM5 (development in the countryside) and DM35 (town centre uses).
95. In terms of the fact that this site has an employment land allocation, development Plan Policy DM30 allows for non-employment uses to be considered on employment sites subject to specified criteria being met. In this case, no evidence has been provided of marketing for alternative users. However, the context of an existing prior approval consent for a residential use here the weight that this policy conflict would attract against the proposal is diminished.
96. Policies BV26 and DM10 seek to protect biodiversity and green infrastructure and require proposals which would result in significant harm to biodiversity, having appropriate regard to the 'mitigation hierarchy'. Subject to securing all of the mitigation measures identified by the Landscape and Ecology Officer by condition, the development is considered to be acceptable in terms of ecology and biodiversity and in accordance with development plan policies and the guidance contained within the NPPF.
97. Subject to the use of conditions the development is also considered to be acceptable in terms of flood risk, drainage, highway safety and visual amenity.
98. The increase in the levels of noise and disturbance that would arise as a result of the development on the amenity of nearby residents can be mitigated to a large extent through the use of conditions. However, residual impacts would remain from movement to and from the site and this adverse effect attracts some weight against the development in the planning balance, albeit of a limited nature due to context of the site and urban location, as well as due to the fact that it is an allocated site with some anticipation that it will be redeveloped, with consequential impacts in any event.
99. There are some economic and environmental benefits which would carry weight in favour of the development. It is also considered that there would

be an enhancement in the quality of the built environment in this location as a result of the redevelopment of this site. Taken together these factors would carry substantial weight in favour of the development.

100. On balance, the proposal is considered to be broadly in accordance with development plan policy and those areas of modest conflict would be outweighed by the very significant benefits associated with the development, as outlined above. The application is therefore recommended for approval.

Recommendation:

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans
A full list of approved plans will be circulated as late papers prior to the Development Control Committee meeting on 6 July 2017.
3. The drive though coffee outlet shall be open only between the hours of 07:00- 21:00.
Reason: To safeguard neighbouring amenity in accordance with policy DM2 of the Joint Development Management Policies Documents 2015.
4. Deliveries to and collections from the site shall take place only between the hours of 07:00-18:00.
Reason: To safeguard neighbouring amenity in accordance with policy DM2 of the Joint Development Management Policies Documents 2015.
5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

6. Demolition and construction works shall take place only between the hours of 07:30-19:00 Mondays to Fridays and 07:30-13:00 on Saturdays. No work shall take place on Sundays or Bank Holidays.

Reason: To safeguard neighbouring amenity in accordance with policy DM2 of the Joint Development Management Policies Documents 2015.

7. Prior to works commencing a construction method statement be produced to and be agreed by the local planning authority. The method statement is to include the measures to control dust emissions, noise & vibration and methodology for waste recycling on site and waste disposal. The agreed method statement to be adhered to throughout the demolition and construction works.

Reason: This condition is pre-commencement to safeguard neighbouring amenity in accordance with policy DM2 of the Joint Development Management Policies Documents 2015.

8. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas in accordance with policy DM2 of the Joint Development Management Policies Document.

9. No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

1. Measures for the protection of those trees and hedges on the application site that are to be retained,
2. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

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

Reason: This condition is pre-commencement to ensure that the most important and vulnerable trees are adequately protected during the period of construction.

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

10.No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan throughout the entire construction period.

Reason: This condition is pre-commencement, to ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.

11.No above ground construction shall take place until full details of the external materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

12.No above ground construction shall take place until full details of the location, design and method of installation of stock proof fencing and gates on Ram Meadow, have been submitted to the local planning authority and approved in writing. The location of the fencing shall be in general conformity with the details shown on the 'Indicative Fencing Location - Ram Meadow, BSE', which attaches to this consent. The fencing and gates shall be fully installed in accordance with the approved details prior to the first use of the development hereby approved or in accordance with a timetable agreed in writing with the local planning authority.

Reason: In part mitigation for the loss of River Lark Corridor in this development in accordance with policy DM10 of the Joint Development Management Policy Document 2015.

13.No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved for the lifetime of the development and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- enhancement of the river channel
- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities.

Reason. To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

14. The enhancements within the River Chanel detailed in condition 13 above shall develop the proposals set out in Appendix F of the submitted Design and Access Statement that accompanies the application. The details shall be agreed in writing prior to any above ground construction taking place and shall be fully implemented prior to the first use of the development hereby approved or in accordance with a timetable agreed in writing with the local planning authority.

Reason. To secure opportunities for the enhancement of the nature conservation value of the River Lark in part site in part mitigation for the loss of River Lark Corridor in this development in accordance with policy DM10 of the Joint Development Management Policy Document 2015.

15. Notwithstanding the submitted landscaping plan, full details of the soft landscaping, taking account of the need to retain planting within the highway verge, shall be submitted to the local planning authority and agreed in writing. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

16. No above ground construction shall take place until details of a proposed footway from Etna Road to the Northern Car Park and from the northern car park onto the Tesco car park taking into consideration existing road signs, have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety and available for use prior to the first use of the hotel hereby approved. Thereafter the footpath shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety and to provide a sustainable link for employees and visitors from the adoptable highway to the access paths shown as per the application plans and to facilitate future public access along the River Lark Corridor as part of the Green Infrastructure Strategy for Bury St Edmunds as set out in policy BV26 in part mitigation for the loss of River Lark Corridor in this development.

17. No above ground construction shall take place until details of a proposed footway and how it ties into the existing footway network from Etna Road to the Main site entrance have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and

constructed in its entirety prior to First occupation of the property. Thereafter the footpath shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety and to provide a sustainable link for employees and visitors from the town centre amenities to the site main entrance without conflict with vehicles.

- 18.No above ground construction shall take place until details of proposed vehicle headlight screening have been submitted to and approved in writing by the Local Planning Authority. The approved screening shall be laid out and constructed in its entirety prior to First use of the property and thereafter retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification to prevent vehicle headlight from distracting/dazzling vehicle users on Compiègne and made available for use at an appropriate time in the interests of highway safety.

- 19.The use hereby approved shall not commence until the area(s) within the site shown on 4761/3-02 Rev B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

- 20.Before the first use of the access onto Etna Road from site, visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays, which shall be set back 2.4m and then 43m in the direction of Compiègne Way and to the nearside of the kerb.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

- 21.Before the access is first used onto Compeigne Way from Etna Road, visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays, which shall be 43m set back 2.4m in both directions.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

22. Before the access is first used onto Compeigne Way from the application site car park visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays, which shall be set back 2.4m for a distance of 70m in both directions.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

23. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to First occupation of the property. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

24. The use shall not commence until the area(s) within the site for the storing of bicycles has been submitted to and approved in writing by the Local Planning Authority for the purposes parking and storing of bicycles to meet SCC parking standards, plus one space per hotel staff has been provided and thereafter that area(s) shall be retained and used for no other purposes, these spaces are required to be secure and covered.

Reason: To ensure that sufficient space for the on site parking of bicycles is provided and maintained in order to ensure the provision of adequate sustainable transport methods due to the site not providing on site staff parking.

25. The strategy for the disposal of surface water (dated Feb 2017, ref: 130/2016/03) and the submitted Flood Risk Assessment (FRA) shall be fully implemented in accordance with these details prior to the first use of the development hereby permitted. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

26. Prior to the first use of the development hereby permitted, full details of all Sustainable Urban Drainage System components and piped networks shall be submitted, in an approved form, to and approved in writing by the

Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register

27. Prior to the first use of the development hereby approved, an imperforate noise barrier shall be erected along the south east site boundary of the site between the drive through café and Etna Road. The barrier shall be installed in accordance with details submitted to and approved by the local planning authority. The approved barrier shall be maintained in perpetuity. Reason: This condition is pre-commencement to safeguard neighbouring amenity in accordance with policy DM2 of the Joint Development Management Policies Documents 2015.

28. Prior to the first use of the development hereby approved, details of any kitchen ventilation systems, to include noise attenuation and odour control systems and details of any external plant, shall be submitted to and approved by the local planning authority. The approved systems and plant shall be installed in full accordance with the agreed details and in respect of kitchen ventilation systems, before the commercial kitchen is brought into use. Reason: This condition is pre-commencement to safeguard neighbouring amenity in accordance with policy DM2 of the Joint Development Management Policies Documents 2015.

29. Prior to first use of the hotel as approved under this planning permission, at least 8 electric vehicle charge points shall be provided for customer use at reasonably and practicably accessible locations within the car park. The Electric Vehicle Charge Points shall be retained thereafter. Reason: To promote and facilitate the uptake of ultra-low emission vehicles in order to enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraph 35; Policy DM2 (k) of the Joint Development Management Policies Document and Policy CS2 (E) of the Core Strategy.

30. Prior to first operational use of the Coffee Outlet as approved under this planning permission, at least 1 publically available 'rapid' electric vehicle charge point shall be provided in a location within the car park to be agreed in writing with the local planning authority. The Electric Vehicle Charge Point shall be retained thereafter.

Reason: To promote and facilitate the uptake of ultra-low emission vehicles in order to enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraph 35; Policy DM2 (k) of the Joint Development Management Policies Document and Policy CS2 (E) of the Core Strategy.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/0438/FUL](https://www.dorset.gov.uk/DC/17/0438/FUL)

