



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/016

Development Control Committee 5 April 2018

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

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

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

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

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

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

Applicant: Kingsway Homes Ltd - Mr Belal Rouf

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Marianna Hall

Email: marianna.hall@westsuffolk.gov.uk

Telephone: 01284 757351

Background:

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

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

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

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

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

Proposal:

1. See report at Working Paper 2.

Application Supporting Material:

2. See Report at Working Paper 2.

Site Details:

3. See report at Working Paper 2.

Relevant Planning History:

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

Consultations:

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

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

Representations:

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

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

Policy:

21. See report at Working Paper 2.

Other Planning Policy:

22. See report at Working Paper 2.

Officer Comment:

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

Conclusion:

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

Recommendation:

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

Documents:

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

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

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