

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

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

CONTACT CASE OFFICER:

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

Background:

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

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

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

Proposal:

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

Application Supporting Material:

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

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

Site Details:

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

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

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

Planning History:

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

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

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

Consultations:

14. Town Council

No objection.

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

Original comments:

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

Further comments:

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

16. Environment Team

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

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

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

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

17. Environment Agency

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

18. Suffolk County Council Flood & Water Team

Original comments:

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

Further comments:

Are satisfied with the amended drainage strategy. Condition recommended.

19. Health & Safety Executive (HSE)

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

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

20. Public Health & Housing

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

21. Housing Strategy & Enabling Officer

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

22. Suffolk County Council Development Contributions Manager

Original comments:

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

Updated comments:

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

23. Suffolk Constabulary Designing Out Crime Officer

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

24. Suffolk Fire and Rescue Service

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

25. Bury St Edmunds Society

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

26. County Archaeologist

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

27. Anglian Water

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

Representations:

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

Policy:

29. The following policies have been taken into account in the consideration of this application:
30. St Edmundsbury Core Strategy (December 2010):
- Policy CS1 - St Edmundsbury Spatial Strategy
 - Policy CS2 - Sustainable Development
 - Policy CS3 - Design and Local Distinctiveness
 - Policy CS4 - Settlement Hierarchy and Identity
 - Policy CS5 - Affordable Housing
 - Policy CS7 - Sustainable Transport
 - Policy CS9 - Employment and the Local Economy
 - Policy CS10 - Retail, Leisure, Cultural and Office Provision
 - Policy CS14 - Community Infrastructure capacity and tariffs
31. Bury St Edmunds Vision 2031 (September 2014):
- Policy BV1: Presumption in Favour of Sustainable Development
 - Policy BV2: Housing Development within Bury St Edmunds
 - Policy BV27: Bury St Edmunds Town Centre Masterplan
32. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):
- Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places – Development Principles and Local Distinctiveness
 - Policy DM6 Flooding and Sustainable Drainage
 - Policy DM7 Sustainable Design and Construction
 - Policy DM11 Protected Species
 - Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
 - Policy DM20 Archaeology
 - Policy DM22 Residential Design
 - Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
 - Policy DM42 Open Space, Sport and Recreation Facilities
 - Policy DM45 Transport Assessments and Travel Plans

Other Planning Policy/Guidance:

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

Officer Comment:

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

Principle of Development

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for St Edmundsbury comprises the Core Strategy, the three Vision 2031 Area Action Plans and the Joint Development Management Policies Document. National planning policies set out within the National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development contained at its heart are also a material consideration.
41. The NPPF explains (in paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

42. Paragraph 9 of the NPPF further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- making it easier for jobs to be created in cities, towns and villages;
 - moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
43. Core Strategy Policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. This is re-affirmed by Policy CS4 which sets out the settlement hierarchy for the district. Policy BV1 of the Bury St Edmunds Vision 2031 echoes national policy set out within the NPPF insofar as there is a presumption in favour of sustainable development. This is echoed by Policy BV2 of the Vision 2031 in relation to Bury St Edmunds.
44. The site was included within the Tayfen Road Masterplan Concept Statement but is not included within the final masterplan document. It is therefore an unallocated brownfield site within the urban area of Bury St. Edmunds where support in principle is offered for redevelopment. The mixed use nature of the scheme offers further weight in support for development.
45. Whilst the current use of the site generates some degree of employment, the site is not considered to constitute an employment site for the purposes of Policy DM30. The existing use comprises a sui generis retail use with the majority of the site being used for the display of vehicles. Although there could foreseeably be some loss of employment as a result of the removal of the existing use on the site, the proposed commercial unit that forms part of this mixed use scheme is considered to mitigate this loss and will ensure that the site continues to offer employment opportunities. On this basis, the wording of Policy DM30 does not preclude the redevelopment of this site in the terms sought.
46. Consideration has also been given to the emerging Bury St Edmunds Town Centre Masterplan, albeit this has only very limited weight at this stage. The site is located within 'the northern gateway' which has a mixed character contrasting with the residential character closer to the heart of the town centre. One of the identified priorities is to improve the image and character of this part of the town, making it a more attractive and welcoming gateway for Bury St Edmunds. Whilst little weight can presently be attached to this emerging document it is considered that the redevelopment of this site would not otherwise conflict, and may in fact notably support, these priorities, noting the utilitarian appearance of the site at present and the potential for the site's regeneration to significantly improve this gateway into the town.
47. Accordingly, and taking into account the considerations set out above, the principle of the development can be supported.

Design and Impact on Character

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

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

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

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

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

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

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

Residential Amenity

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

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

Air Quality

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

Contamination

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

Highway Safety

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

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

Noise

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

Flood Risk and Drainage

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

Biodiversity

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

Archaeology

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

Major Hazard Considerations

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

Planning Obligations

82. As set out above, Suffolk County Council as the local highway authority has requested a financial contribution of £10,000 towards the cost of the Traffic Regulation Order that will be necessary to enable the delivery of the loading bay to serve the proposed commercial unit. This is considered wholly reasonable to mitigate the costs otherwise arising from this scheme. A contribution is also requested, and is considered reasonable and necessary, in relation to the provision of bus stops within the vicinity of the site. The principle of these contributions has been agreed with the applicant.
83. Suffolk County Council as the education authority has also identified a shortfall in the number of available primary school places and requests a financial contribution of £73,086. A contribution of £736 towards the costs of library provision within the area is also requested. A contribution of £26,136 sought by the Borough Council for additional play equipment and future maintenance of the play area at the nearby Fen Meadows is also considered reasonable and compliant with the CIL Regulations.
84. Policy CS5 of the Council's Core Strategy requires schemes of more than ten units to provide up to 30% as affordable housing. The Policy states however that, where necessary, the Local Planning Authority will consider issues of development viability and mix, including additional costs associated with the development of brownfield sites and the provision of significant community benefits, and may be willing to negotiate a lower percentage or tenure mix of affordable housing. In this case the development does not propose any affordable housing due to viability issues.
85. The case put forward by the applicant regarding viability has been accepted by officers and is discussed in greater detail below. The failure of the proposal to make any provision of affordable housing is a factor that weighs heavily against the proposal in the balance of considerations. Noting however the wording of Policy CS5, the approval of a development proposal with a lower level of affordable housing than that targeted could still be considered as policy compliant given the flexibility embedded within the Policy for consideration of matters such as viability.
86. This leaves the following Planning Obligations to be secured:
- £10,000 for the TRO associated with highways works
 - £5,000 towards the costs of bus stop provision
 - £73,086 towards the costs of primary school places
 - £736 towards the costs of library provision.
 - £26,136 towards the costs of off-site public open space improvements

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

Development Viability

88. The NPPF states under the heading of 'Ensuring viability and deliverability' (paragraph 173):

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

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

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

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

90. The applicants submitted a viability assessment with the planning application in 2016 and have updated it subsequently. The updated assessment seeks to demonstrate that the scheme would not be viable with any S106 contributions. The viability reports are confidential documents and therefore are not published, but have been reviewed carefully by officers with the support of independent specialists in this field.
91. There are no Development Plan policies specifically addressing development viability although Core Strategy Policy CS5 (Affordable Housing) states that targets for affordable housing provision are subject to viability being demonstrated, using whatever public subsidy may be available in the case. If the target cannot be achieved, the affordable housing provision should be the maximum that is assessed as being viable.
92. The Joint Affordable Housing Supplementary Planning Document provides further guidance about testing development viability, including commissioning independent advice at the developer's expense. In this case the Council commissioned Andrew Golland Associates to critique the viability

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

93. The applicant's viability assessment seeks to demonstrate that in the context of 'normal' and widely accepted industry standards regarding expectations of land value and developer profit, this scheme would not be viable with a policy compliant level of affordable housing. In fact the position reached is that the proposal would not be viable with the provision of any affordable housing nor any S106 contributions. In this case however the applicant has taken a pragmatic view and has sought to offer a S106 package as close to a policy compliant position as possible. It is therefore only the affordable housing levels that stand to be compromised from fully policy compliant levels (dropping from 30% to 0%). Core Strategy Policy CS5 and its related SPD do however allow, as outlined above, for a reduction in this contribution where adverse scheme viability is demonstrated.
94. Core Strategy Policy CS14 (Community Infrastructure Capacity and Tariffs) states that all new proposals for development will be required to demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure exists or will exist prior to that development being occupied. Policy CS14 does not make any concessions on viability grounds. When this policy is therefore considered alongside Policy CS5, which does make such concessions, this suggests that where a viability case is demonstrated it is the level of affordable housing rather than the provision of necessary infrastructure that should be reduced. This approach recognises that the S106 requirements set out in the Heads of Terms above are intrinsic and fundamental to ensuring that any development is sustainable, in a way perhaps that the provision of affordable housing is not.
95. Nonetheless, the provision of affordable housing is a key corporate and political priority of the West Suffolk Authorities and Policy CS5 does require the maximum level of affordable housing to be provided from new developments, within the parameters of scheme viability. Furthermore the Affordable Housing SPD confirms, in cases where viability is demonstrated to justify a reduction in affordable housing provision, other obligations should be reviewed on a priority basis to establish whether the affordable housing offer could be increased.
96. A review of the other planning obligations sought from the development has been carried out and are all considered necessary in order to make the development sustainable. Accordingly, these should be prioritised over affordable housing provision to ensure the development is sustainable with respect to infrastructure provision. In any event, and as advised, there is no scope for any form of other priority here, noting the inability of the scheme to make any provision for affordable housing.

Conclusions:

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

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

98. On the other side of the balance of considerations is the fact that the proposal fails to make a policy compliant provision of affordable housing. The level of 30% set out within Policy CS5 is however a target, and the policy also expressly allows for the consideration of viability. These factors therefore reduce the weight to be attached to this harm. The viability argument put forward in this case has furthermore been objectively and independently reviewed and corroborated. Taking all matters into account and noting the significant benefits of the proposals, the failure to provide affordable housing, whilst weighing against the scheme, is not considered to justify a refusal of planning permission in this case.
99. In conclusion it is considered that the lack of affordable housing in this case should not otherwise prevent the development of this site and that, as a matter of balance and subject to appropriate conditions and the completion of a S106 agreement, planning permission should otherwise be granted. This matter has now been appealed on the grounds of non-determination and the LPA is therefore unable to make a decision on the application. It is however recommended that it be communicated to the Planning Inspectorate that, had St. Edmundsbury Borough Council still been in a position to do so, it would have resolved to grant planning permission in this case.

Recommendation:

That it is resolved that the Local Planning Authority would have **granted planning permission** had the non-determination appeal not been lodged, subject to the signing of a S106 Agreement or submission of a Unilateral Undertaking to secure the provisions set out above, and subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than 3 years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall be carried out in complete accordance with the details shown on the following approved plans and documents:
 - Drawing no. 2057.05A Existing Site Plan received on 11 April 2016
 - Drawing no. 2057.06A Existing Site received on 11 April 2016
 - Drawing no. 2057.101C Proposed Ground Floor received on 11 April 2016
 - Drawing no. 2057.102B Proposed First Floor received on 11 April 2016
 - Drawing no. 2057.103B Proposed Second Floor received on 11 April 2016
 - Drawing no. 2057.103B Proposed Third & Fourth Floor received on 11 April 2016
 - Drawing no. 2057.104B Proposed Fifth Floor & Roof received on 11 April 2016
 - Drawing no. 2057.14C Proposed Sections received on 11 April 2016

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

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

- 3) No development shall commence until the following components to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:
- i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
 - iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 4) No occupation of any part of the development shall take place until a verification report demonstrating the completion of works set out in the remediation strategy approved under Condition 3(iii). The long term monitoring and maintenance plan approved under Condition 3(iii) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses

- 5) If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses

- 6) No development shall commence until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To ensure a satisfactory method of surface water drainage. This condition requires matters to be agreed prior to commencement to ensure the prevention of pollution of controlled waters from potential pollutants associated with the current and previous land uses. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems.

- 7) Using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

- 8) No development shall commence until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation

e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the site from impacts arising from the development and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by the development. This condition requires matters to be agreed prior to commencement since any groundworks have the potential to affect archaeological assets within the site.

9) No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the site from impacts arising from the development and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by the development.

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

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

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

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

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

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

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

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

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

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

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

- 15) No work of construction above slab level shall commence until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for fire-fighting/community safety.

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

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

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

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

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

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

- 19) Not less than 3 months prior to the first occupation of any dwelling, details of the contents of a Residents Travel Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised travel planning and a multi-modal travel voucher. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack. The Residents Travel Pack shall be maintained and operated thereafter.
Reason: To encourage residents to use sustainable transport.
- 20) The areas to be provided for the storage of refuse and recycling bins shown on drawing number 2057.101C shall be provided in their entirety prior to the dwellings/commercial unit to which they relate being first occupied and shall be retained thereafter for no other purpose.
Reason: To ensure that refuse and recycling bins are not stored on the highway causing an obstruction and dangers for other users.
- 21) Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
Reason: In the interests of highway safety.
- 22) No work of construction above slab level shall commence until a scheme of measures to prevent the discharge of surface water from the development onto the highway have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is first occupied and shall be retained thereafter in its approved form.
Reason: To prevent hazards caused by flowing water or ice on the highway.
- 23) The commercial unit hereby approved shall not be open for customers outside the hours of 06:00 to 23:00.
Reason: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality.
- 24) Prior to the commercial unit being brought into use for any Class A3 purposes, a ventilation system and system to control odours from any cooking process shall be installed in accordance with details that first shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to abate the noise from the systems and a maintenance programme for the systems. Thereafter the systems shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.
Reason: To protect the amenities of occupiers of properties in the locality.
- 25) No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.
Reason: To improve the sustainability of the dwellings in accordance with policy DM7 of the Joint Development Management Policies (2015).
- 26) All planting shown within the approved details of landscaping shall be

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

Reason: To enhance the appearance of the development.

Documents:

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

Case Officer: Marianna Hall Phone: 01284 757351

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