



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/022

Development Control Committee 28 March 2019

Planning Application DC/18/0382/FUL – Cornhill Walk, Brentgovel Street, Bury St Edmunds

Date Registered: 18.04.2018 **Expiry Date:** 18.07.2018

Case Officer: Charlotte Waugh **Recommendation:** Grant

Parish: Bury St Edmunds Town Council **Ward:** Eastgate

Proposal: Planning Application - Demolition and redevelopment of the Cornhill Walk Shopping Centre to provide mixed use development comprising (i) 1,666sq.m (Use Class A1/D2) at the ground floor (ii) 49 no. residential units (Use Class C3) to three upper floors including parking, bin storage, access and other associated works as amended by plans received 13th December 2018

Site: Cornhill Walk, Brentgovel Street, Bury St Edmunds

Applicant: Mr Peter Murphy - Knightspur Homes

Synopsis:

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

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Background: The application is a major development and has been referred to Development Control Committee at the request of the Ward Member (Eastgate). The recommendation is of APPROVAL.

A site visit is proposed for Thursday 21 March 2019.

Proposal:

1. The application seeks the almost entire demolition of the existing vacant shopping centre and its replacement on largely the same footprint with a four storey building. This will contain three ground floor commercial units, comprising two retail units (Class A1) and one gym to be open 24 hours a day (Class D2). 49 residential flats are to be constructed on the first, second and third floors surrounding an open green courtyard. The proposed residential mix is set out below:
12 x one-bed
20 x two-bed
17 x three- bed units.
2. The proposals comprise 49 parking spaces within the site boundary, including four disabled spaces and provision for electric charging points. Car parking is located to the rear of the proposed building comprising 24 spaces internally and an external car park area providing 25 spaces and 16 motorcycle parking spaces. Access to the car park is from Well Street to the east with egress on Short Brackland to the west. Cycle parking for the residential units (189 cycle spaces) is proposed in storage units located at the first second and third floor levels.
3. The scheme has been amended since first submission as follows:
 - Confirmation of inclusion of affordable units
 - Removal of public toilets
 - Window and balcony design amended – introduction of perforated metal screens
 - Elevational treatments amended – revised use of brick and render
 - Amendments to frontage detailing – windows/Cornhill sign/shopfronts
 - Removed shopfront from Well Street elevation
 - Introduction of loading bay
 - Enclosure of bin stores
 - Parking arrangements
 - Ramp to car park removed as well as barrier
 - Third floor units including balconies pulled back from edges
 - Lowered roof parapet and replaced with opaque glass balustrade
 - Removal of western corner turret

Application Supporting Material:

4. Existing and proposed plans including demolition plans
Planning Statement
Design and Access Statement
Ecology report
Daylight/sunlight Assessment
Transport Assessment and travel plan
Heritage Statement
Energy Statement
Land Contamination Assessment
Noise impact assessment
Archaeological Assessment

Site Details:

5. The application site is approximately 3841sq.m. To the south, Cornhill Walk Shopping Centre is accessed from the pedestrianised Brentgovel Street and Cornhill that links it to Butter Market, at a distance of approximately 26 metres from Grade I listed Moyses Hall. To the East the site borders Georgian terraced dwellings, many of which are listed, on Well Street. To the west, the site looks onto largely commercial properties on Short Brackland with the service area and parking to the rear adjacent to the rear garden and flank walls of residential properties on Short Brackland and Well Street.
6. The site is located to the north of the town centre within the Town Centre boundary, Primary Shopping Area and Conservation Area as identified in St Edmundsbury Borough Council Local Plan 2015. The majority of the site area is located in the 'Town Centre' character area of the Bury St Edmunds Conservation Area, however a small section to the north of the site, including the rear servicing area, is located in the 'Victorian Expansion' character area.
7. In 1937 The Odeon Cinema opened on the site, designed in an Art Deco style the building was listed and then de-listed in 1981. The building was demolished in 1983 and replaced by Cornhill Walk Shopping Centre in 1986. This building contained 11 retail units on the ground floor with storage above and has been largely vacant since 2014 and permanently closed since 2017. The shopping centre was serviced by a vehicular servicing area located at the rear of the site, accessed from Well Street to the east and Short Brackland to the west. No visitor or employee car parking spaces were provided for the shopping centre within the site boundary.
8. The site is located in Flood Zone 1 which is defined as land with less than a 1 in 1,000 annual probability of river or sea flooding.

Planning History:

9.

Reference	Proposal	Status	Decision Date
E/88/2618/P	Alterations and conversion of existing retail unit into a shopping mall with 13 units on ground floor and restaurant on first floor as amended by plans received on 15th July, 3rd August and 5th August 1988	Approved	August 1988
E/90/1911/P	Change of use of second floor of building to uses B1, A2 and B8	Approved	June 1990
E/94/1058/P	Alterations to ground floor elevation on St. Andrews Street frontage as amended by (i) letter	Approved	April 1994

	received 8th March 1994 deleting alterations to glazed aperture at first and second floor level'		
E/94/2296/P	Alterations to Cornhill and St. Andrews Street ground floor elevations including insertion of replacement shopfront as qualified by letter received 25th August 1994 relating to external finishes	Approved	September 1994
SE/09/1411	Temporary change of use from retail (Class A1) to art gallery with education/workshop space (Class D1)	Approved	October 2011

Consultations:

10. Conservation Officer (8/2/19) - Supports amended plans subject to the inclusion of conditions to agree details of materials, surface finishes, brickwork, windows, minor additions.
11. Historic England (4/1/19) - Supports the principle of redevelopment and consider that overall it will represent an enhancement over the existing condition of the site. However, they have concerns regarding the Eastern elevation and the combination of perforated metal grills and traditional sash windows.
12. Highways Authority (24/12/18) - Parking required for A1 and D2 use, Reduction in residential parking standards is acceptable in principle subject to travel plan, how will these be allocated?
 Cycle storage is good, although part of 2nd floor is not served where will their provision be?
 No ground floor cycle provision for staff
 How will waste be stored/collected? Waste management plan needed
 Are barriers intended? Ability to manoeuvre out of front spaces questioned
 How will deliveries for residents happen?
 Queries over land ownership/swap (*Officer note: This is outside of the scope of Planning and the applicant and Highway Authority are working to ensure both parties are satisfied in this regard*)
- (12/3/19) - Satisfied with 1 car parking space per unit without inclusion of car club space as this meets other developments in the town centre.
 Not satisfied with lack of parking to serve the gym, although mitigation in the form of car park permits, travel plan, incentives etc may assist in avoiding on street parking.
13. Planning Policy (20/7/18) - The proposed redevelopment of Cornhill Walk is welcomed. Given the site's location within the Primary Shopping Area, a mix of uses with a predominance of retail uses on the ground floor, with an active shop frontage and residential uses on upper floors would be supported. However, the proposals for a gym fails to fully comply with policy DM35.

Overall proposals as they stand will result in a net loss of retail floorspace which is seen as a missed opportunity given the prime location of the site and opportunity it presents in addressing the identified future needs. This should be balanced by the fact in qualitative terms it gives rise to opportunity to provide large ground retail floorspace units which are more appealing to occupiers.

- 14.Environment Team (11/5/18) - No objection subject to the standard land contamination condition and electric vehicle charge point condition are attached should permission be granted
- 15.Natural England (3/1/19) - The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 16.Public Health and Housing (8/1/19) – No objections subject to conditions regarding noise from mechanical plant, noise from gym use and deliveries.
- 17.Strategic Housing (17/5/18)– Object to lack of affordable housing which conflicts with policy CS5.

(13/3/19) – Objection removed. Strategic Housing would be looking to secure 6.3 affordable dwellings on site in the following format:

Affordable Rent (5 dwellings)
4 x 1 bed apartment (minimum 50sq.m)
1 x 2 bed apartment (minimum 70sq.m)

Intermediate (1 dwelling)
1 x 2 bed apartment (minimum 70sq.m) Although it is noted that a registered provider may be reluctant to take on 1 shared ownership dwelling within the building and as such it may be preferable to have 6 units at affordable rent.

With a commuted sum of £49,200.

- 18.County Archaeologist (30/5/18) - No objection subject to conditions to secure archaeological investigation and completion of the post investigation assessment.
- 19.Suffolk County Council Flood and Water Engineer (4/1/19) - No objections
- 20.Development Contributions manager (20/12/18) - Confirmed that original response on 20/12/18 still applies.
No objection subject to s106 to secure the following:
 - a. Education - £73,086
 - b. Pre-school - £41,665
 - c. Libraries - £784
- 21.Anglian Water (14/5/18) - No objections subject to submission and approval of a surface water drainage strategy.
- 22.Environment Agency (9/5/18) - The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. However, subject to the inclusion of planning conditions planning permission could be granted.

Representations:

23. Bury Town Council (26/4/18) - No objection based on information received subject to Conservation Area issues and Article 4 issues.

24. (10/1/19) - The Town Council objects to the proposal on grounds of:

- Overlooking/overshadowing adjacent properties
- It being contrary to Policy BV25 of Vision 2031 "The council will seek to preserve or enhance the townscape and landscape setting of the Bury St Edmunds Town Centre Conservation Area"

25. Suffolk Preservation Society (18/5/18) summarised :

- Welcomes the redevelopment of this key site
- Concerns regarding scale, design and visual impacts upon Conservation Area and listed buildings
- Plans are materially larger than existing, including height and footprint – unwelcome given modest scale of Well Street
- Privacy and overlooking issues – use of louvres and obscure glazing is unacceptable
- East elevation lacks coherent design quality
- Presence of shopfronts on East and West elevations has an unacceptable impact on residential amenity
- Disappointed by faux Georgian façade which creates an unacceptable impact on Moyses Hall
- Much higher quality contemporary design needed for whole building
- Parapet on South elevation is too high and prominent – lettering too large
- Domestic paraphernalia on roof terraces will be visible from Buttermarket
- North elevation increased in bulk, lacks in architectural merit and will create overlooking issues
- Internal layouts are mean, inadequate amenity space

(7/1/19) Apart from minor elevational changes the scheme is not materially different therefore, original comments apply.

26. Bury Society (4/1/19) summarised:

- Concerns regarding scale and impact on local community
- Questions long term viability of large retail units
- Design not reflect local context
- Alternative outline sketch submitted – reduces retail to 4 boutique shops with apartments grouped around central parking court and limited to 3 floors in height.

27. 19 representations were received from local residents in addition to a representation from the Well Street Association, to the original plans making the following summarised comments:

- Changes since public consultations are welcomed
- Overdevelopment - taller than existing, overpowers surrounding houses
- Design is not sympathetic to the Conservation Area or adjacent listed buildings - out of keeping with the character of the area
- Concern over appearance of louvres and obscure glazing to Well

- Street elevation
- Shopfront to Well Street is unnecessary & will create noise, light and disturbance degrading Well Street as a heritage asset
- Inadequate parking provision in an oversubscribed area of town
- Increase in traffic inc. HGV's - weight limit on Short Brackland and Orchard Street is not well signposted
- Potential for development to damage adjacent listed buildings (windows/cellars)
- Roads are narrow and cannot accommodate additional traffic
- Surrounding junctions should be improved to cope with traffic
- Suggest deliveries occur on Brentgovel Street - need to control hours
- Suggests removal of ramp to car park - noise/headlights
- Greater incentives needed to reduce car usage
- Concern as to availability of parking permits to new residents - request to extend permit parking regulations
- How will noise from development affect Well Street residents
- Noise - from gym (hours of use), car park, general activity, air conditioning
- Lack of privacy - balconies, windows and roof gardens will provide overlooking
- Disturbance from construction - hours, noise, dust, vibration, parking for workers,
- Loss of amenity to adjacent no.8 - overshadowing, intrusion, too many windows
- Viability of large retail units is questioned
- Noise, smell, vermin to bins
- Question need for public toilet - potential for antisocial behaviour
- Inadequate drainage - concerns over water pressure - need for protection of drains during construction
- Impact of development on holiday let in Well Street

28. Since receipt of amended plans 14 further representations, including the Well Street Association, were received, the above issued remained with the following additional comments made.

- The northern end of Eastern elevation (Well Street) is not sympathetic, Inconsistent window design
- Proposed metal screens are an improvement but final design needs conditioning
- Concern over introduction of loading bay - ability to negotiate Short Brackland
- Request for contributions towards parking enforcement and barriers, Restrictions needed for delivery and bin collection times
- Questions desire for this type of accommodation given number of similar approvals

Policy:

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

St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy)
- Policy CS5 (Affordable Housing)

- Policy CS9 (Employment and the Local Economy)
- Policy CS10 (Retail, Leisure, Cultural and Office Provision)
- Policy CS11 (Bury St Edmunds Strategic Growth)
- Policy CS14 (Community Infrastructure and Tariffs)

Joint Development Management Policies 2015

- Policy DM1 (Presumption in favour of sustainable development)
- Policy DM2 (Design and local distinctiveness)
- Policy DM6 (Flooding and sustainable drainage)
- Policy DM7 (Sustainable design and construction)
- Policy DM11 (Protected Species)
- Policy DM14 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards)
- Policy DM15 (Listed buildings)
- Policy DM17 (Conservation Areas)
- Policy DM20 (Archaeology)
- Policy DM22 (Residential design)
- Policy DM35 (Proposals for main town centre uses)
- Policy DM38 (Shop fronts and advertisements)
- Policy DM45 (Transport assessments and travel plans)
- Policy DM46 (Parking Standards)

Bury Vision 2031:

- Policy BV1 (Presumption in Favour of Sustainable development)
- Policy BV2 (Housing development within Bury)
- Policy BV25 (Conserving the Setting and Views from The Historic Core)
- Policy BV27 (Bury St Edmunds Town Centre Masterplan)

Other Planning Policy:

30.National Planning Policy Framework (2019)

31.National Planning Practice Guidance

32.Bury St. Edmunds Town Centre Master plan

33.Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (2013)

34.The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development

- Layout and Design
- Heritage Impacts
- Impact on Residential Amenity
- Highway Matters
- Ecology
- Drainage
- Section 106 Contributions and Affordable Housing

Principle of Development

36. 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 comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the three Vision 2031 Area Action Plans. National planning policies set out in the National Planning Policy Framework (NPPF) (2019) and the presumption in favour of sustainable development contained at its heart are also a key material consideration.
37. The application site is located within the housing settlement boundary of Bury St. Edmunds, the largest town within St Edmundsbury Borough where Core Strategy Policies CS1 and CS4 focus large scale growth. Furthermore, Policy BV2 of the Bury Vision 2031 (2014) allows for new residential development within the settlement boundary. The last use of the site was as a shopping centre and as such, A1 retail, however, the site is not allocated for any specific land use and the principle of the redevelopment of the site for a mixed commercial and residential use is considered to be in accordance with these policies.
38. Consideration has also been given to the Bury St Edmunds Town Centre Masterplan which was adopted in December 2017. The site is located within 'the northern gateway', albeit better relates to 'Cornhill, Buttermarket and Arc' which it abuts. The Northern Gateway 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, as well as *'introducing new uses that will better front onto streets and spaces and create a more active, attractive and safer environment'*. Cornhill, Buttermarket and Arc seeks to ensure that the market retains its place as the key activity within this area of the town centre. 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 as well as improving activity and footfall in this area of the town centre.
39. Planning policy officers have expressed concern at the reduction in retail floor space which has reduced from 2,233 sqm to 1,107sqm, a loss of some 50% and given the position of the site within the Primary Shopping Area this conflicts with its aims. The site is identified in the Retail and Leisure Study 2016 as an area of opportunity for redevelopment to replace the dated and enclosed layout which is now vacant. The study suggests that redevelopment could provide larger format units, such as 2-3 units, with street frontage at ground floor suitable for A1 or A3 uses. The proposals go part way to meeting

this aspiration for the site, although concerns are raised to the D2 gym use given that adjacent uses are non A1 and as such, may conflict with the provisions of policy DM35 which seeks to prevent three adjoining non A1 uses. However, given that a D2 use is an acceptable town centre use under this policy and will contribute to a range of uses within this area the impact this will have on the vitality and viability of the area is considered negligible.

40. The introduction of larger retail units, whilst welcomed from a policy perspective have caused objection from local residents concerned that there are already available units within the town centre and whether in the long term these are viable. Balancing these opinions it seems reasonable for the building to accommodate some commercial space and the mix of uses (which already have tenants agreed) is likely to result in a more viable development.
41. The principle of the proposed development therefore, is an acceptable one. The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.

Layout and Design

42. Core Strategy Policy CS3 and Joint Development management policies DM2 and DM22 requires all development to fully consider the context in which it sits, contribute to a sense of local distinctiveness and compliment the natural landscape and built form that surrounds it. Chapter 12 (Achieving well-designed places) of 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 (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place.
43. The Town Centre comprises a mix of commercial, retail, religious and residential uses which gives the area a varied character. The Town Centre is dominated by a large proportion of Listed Buildings which date from the late 12th to early 19th century. The townscape is largely characterised by continuous building frontages, with properties built up to the pavement edge. Plot sizes and roof profiles are variable depending on age, with historic buildings frequently occupying smaller plot sizes with slim frontages, interspersed between larger commercial town centre buildings occupying larger plot sizes. Building heights vary between two and four storeys.
44. The site holds a prominent position within the town centre with views available across the market square and focused down Cornhill as well as from the surrounding predominantly residential streets. The building has been vacant for some time and consequently the site represents an opportunity for re-development. Accordingly, the aspirations of the Town Centre Masterplan to provide mixed use developments within the town, utilising space above shops and including car parking, as well as supporting continued growth of the economy are relevant and the redevelopment of this site offers a significant opportunity.
45. The application proposes a building that broadly follows the footprint of the

existing building, although is taller in some areas, with the highest point of the existing building used as a benchmark. The proposed building height provides four storeys albeit the fourth floor is recessed and as such, will not be readily visible from adjacent dwellings given the traditional tight knit form of the streets.

46. Whilst there are a number of timber framed buildings and Victorian terraces, the town is largely Georgian and as such, the appearance and detailing of the development is based on traditional Georgian dimension and design features. Elevations are articulated by projecting and recessing bays and windows with varied materials including brick and render which provide vertical emphasis and help to break up the massing of the building. All four facades have received different treatment, whilst keeping to the similar design language and horizontal guidelines. The front elevation (south) of the building which looks on to Butter Market has a traditional appearance incorporating the shopfronts and elaborate detailing such as stone window sills, flat gauged arches and the Cornhill Walk pediment. Whereas, the rear of the building (northern elevation) faces the service yard and the rear gardens of Well Street and Short Brackland and is designed in a more contemporary style with red brick and perforated metal screens. The side elevations represent a transition between the two and feature a mixture of render, brick and variations in fenestration.
47. The fenestration proposed has been amended since the original submission to better reflect its Georgian influences. Sash windows have been rationalised in size and layout and simple modern windows have been added to the more modern and less sensitive sections of elevations to provide contrast and clearly define the hierarchy. Sash windows are painted timber with those in the more contemporary sections to be double glazed aluminium with light grey frames. The use of oriel windows which project outwards utilising obscure glazing to the frontage element and clear glazing side and top panels, to the rear is considered appropriate and has assisted with overlooking issues as well as providing an attractive elevation. Perforated metal screens have been designed in to the scheme, replacing the initial louvres, to provide both privacy to residents and adjacent residents whilst allowing a degree of sunlight through. These screens are utilised on balconies, as well as the car park and bin stores to allow ventilation and security whilst screening unwanted views.
48. The materials chosen are considered to be sympathetic to the site's surroundings, replicating the more historic buildings in the centre as well as offering a balance between traditional materials and a more contemporary design approach.
49. The proposal involves the creation of active retail frontages onto Brentgovel and Short Brackland which reconnect the site to the town and provide an improvement to the stark blank facades previously experienced on the West. Debate over the introduction of an active frontage to Well Street with glazing to serve the gym has resulted in the removal of this aspect allowing the Eastern elevation to respect the residential nature of Well Street which is considered more appropriate for this context.
50. The units themselves are designed around a central open air courtyard which allows residents an area of private amenity space. Units generally are allowed views both externally and internally with many of the second or third bedrooms overlooking the internal courtyard and gaining borrowed light from

this aspect. Each unit meets the national space standards with the inclusion of balconies where possible to allow outdoor space in addition to that provided communally.

51. Whilst there is little space to accommodate landscaping within the site, and the occupants of no. 8 Well Street, to the rear have requested that their boundary is not further obscured with trees there is scope for some planting. Additionally, the Design Out Crime Officer has suggested the use of structural planters around external doors of the site and a condition is suggested in this regard.
52. The proposed building replaces a fairly benign building of limited architectural quality, and its replacement with a more sensitively designed building is considered to contribute to the enhancement of the character and appearance of the area, respectful of its context.
53. The Police Design Out Crime Officer has commented on the proposals and raised several concerns. Whilst some of these have been addressed, such as the removal of the initially included public toilets and the enclosure of bin storage, some do remain. It is acknowledged however, that the redevelopment of Cornhill Walk and the introduction of both residential and commercial uses will provide continuous activity on and around the site, providing natural surveillance and minimising opportunities for anti-social behaviour.
54. In summary, whilst the scale of the proposal is modestly larger than that of the current building, it is considered to respect the townscape character and successfully address the key features and constraints of the site. The proposal comprises a high quality scheme and would provide a gateway building in this prominent location. This is considered to weigh significantly in favour of the development in this case.

Heritage Impacts

55. As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
56. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 66) requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
57. DM17 states that proposals within Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design. DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental to the buildings character, architectural or historic features that contribute to its special interest.

58. The building has been designed in response to its surroundings which comprise the Town Centre Conservation Area and several listed buildings, namely Moyses Hall Museum (Grade I), no.s 5, 14 and 42 Brentgovel Street, no.s 36, 38-45 Well Street and no. 90 St. Johns Street (all Grade II). A heritage statement has been produced which provides an assessment of the site and its significance, consequently, the development has been designed in response to this information utilising Georgian form and detailing.
59. Historic England have confirmed that the site contributes to the setting of a number of important listed buildings. They describe the high quality of the townscape and consider Bury St. Edmunds to be one of the finest historic town centres in our region. They support the principle of the application and consider that overall it will represent an enhancement over the existing condition of the site. They welcomed the amended plans given that their previous advice was taken into consideration, and are of the view that the amended south facing elevation is a more coherent composition than that of the previous proposal. They consider also that the proposed northern and western elevations are improvements from the initial concept.
60. Historic England however, remain unconvinced regarding the treatment of the eastern elevation onto Well Street. They state that as amended, the use of perforated metal screens on the internal balconies in place of the louvres previously suggested is an enhancement over the original proposals. Where perforated grills are used in conjunction with high quality brick, the effect can be an attractive and elegant one, but they remain unconvinced by the use of a mixture of perforated screens and traditional sash windows in the rendered section of the East elevation which they believe remains incoherent in its current form. This elevation has been carefully considered and various solutions discussed with the applicant. Planning and Conservation Officers consider that the current form allows for semi-outside space as requested by the applicant, privacy for adjacent neighbours as well as appearing attractive within the street scene.
61. At present the building represents a discordant feature in the street scape particularly given its vacant nature which has encouraged anti-social behaviour. It is considered that the proposed scheme is an improvement over the existing building and whilst altering views it will retain the pattern of development and form of surrounding streets which is key to the significance of the conservation area. By virtue of its design, form and materials it would enhance the character and appearance of the conservation area and the setting of the surrounding listed buildings, with Grade I Moyses Hall in particular benefitting from an improved backdrop which will enhance the visitor experience and positively contribute to its wider setting.
62. Consequently, notwithstanding the concerns raised by Historic England, the scheme in its current form is considered to comply with the relevant locally and nationally adopted policies and the provisions of the Act.
63. The application is accompanied by an archaeological heritage statement and desk based assessment which confirms that the site lies in an area of high archaeological potential within the historic core of Bury St. Edmunds. The County Archaeologist agrees with the findings of this report, that later development will have had an impact on deposits and that archaeological concerns can be effectively managed by a condition. Hence, conditions have been recommended to ensure an archaeological investigation takes place prior

to development commencing.

Impact on Residential Amenity

64. Policies DM2 and DM22 of the Joint Development Management Policies Document also seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. The protection of residential amenity is a key aspect of good design, endorsed within the NPPF with planning policies and decisions promoting health, well-being and a high standard of amenity for existing and future users.
65. A Statement of Community involvement has been submitted which details a public exhibition and local stakeholder session that was held in June 2017. The proposals have been revised in response to feedback from these sessions, most notably was the decrease in units by 15 and an increase in parking spaces.
66. The most sensitive areas of the site, when considering the potential impact on residential amenity of existing dwellings, is the East (Well Street) and North (Rear) elevations given that these are in close proximity to adjacent dwellings. Well Street comprises a terrace of Georgian dwellings with all those opposite the site grade II listed. The dwellings opposite are two storey in height with many benefiting from basements. Nos 31, 32, 33 and 34 are three storey.
67. Georgian terraces like those on Well Street would typically face onto another terrace of dwellings and as such, the relationship between these properties and that proposed is not an unusual pattern of development. This face to face relationship retains the privacy of the rear garden and those rooms located to the rear of the house whilst continuing the built form closely abutting the highway. The proposed shopfront on this elevation has been removed at the request of these residents and as such, the ground floor elevation is largely blank with the exception of access doors. It is considered that the development represents an acceptable relationship to those dwellings to the East of the site.
68. No. 8 Well Street (and to a slightly lesser extent no. 9 behind) to the rear holds a difficult position at a 90 degree angle to the site so the modern two storey dwelling fronts Well Street and the rear garden borders the Cornhill Walk car park. A plan showing overlooking distances has been submitted which demonstrates a distance of 16.3 metres from the proposed North elevation windows and the existing ground floor window of no. 8 which is a secondary window to their living room. The rear garden is modest in scale and separated from the development by a 1.8 metre high brick wall. A distance of 14.4 metres exists between this boundary and proposed windows. At present views of the shopping centre dominate the outlook from this garden and the ground floor side window. Its massing and bulk appear overbearing and whilst it doesn't block access to sunlight it does appear vast. The proposed scheme removes the tower element from the North East corner which is a benefit and has been amended to try and mitigate some concerns raised by these occupants on the grounds of overlooking and loss of privacy. A proportion (18 of 32 openings) of windows and balconies on this northern elevation are now obscure glazed or screened by a metal screen. Roof terraces have also been amended so no access is proposed along the Northern side and the parapet has been reduced in height to assist in reducing the bulk of the elevation.

Nonetheless, the building is still a considerable size and there are still 32 openings on this elevation which will create a perception of overlooking for these residents who will suffer some loss of residential amenity.

69. This relationship is a matter which weighs against the scheme but given the existing building and its current mass, this matter alone is not considered sufficient to warrant refusal of the scheme.
70. Short Brackland Street accommodates various business uses and private parking areas which back onto the site and are as such, less sensitive to the development. Whilst there are dwellings fronting the highway these are further down the road and therefore not adjacent to the site.
71. 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.
72. Consideration must also be given to the amenity effects associated with the proposed commercial units. The application documents state that these would be used for Class A1 (retail) and D2 (gym). 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.
73. The retail units are described in the application form as opening between 7:30 and 21:00 Monday to Saturday with limited Sunday opening. The site is located in the town centre and notwithstanding the residential use above it is not considered that this would be harmful to amenity during these times. The D2 use is proposed to comprise a 24 hour gym and concerns have been raised by local residents in this regard.
74. The application is supported by a noise impact assessment and Public Health and Housing Officers concur with their conclusions which recommend a condition regarding noise from mechanical plant as well as agreeing noise limits within the building. The gym will be served by mechanical ventilation and as there will be no need to have windows and doors open which would allow the escape of sound as raised as a potential issue by residents. Nevertheless, the assessment acknowledges that this use has the ability to create disturbance and indicates the need for control. Subject to the imposition of conditions Public Health and Housing have no objections to this element of the scheme. Conditions limiting the hours of use and delivery activity will also be necessary.
75. Subject to appropriate controls it is considered that the impact of the proposed commercial use upon amenity can be made acceptable.

Highway Matters

76. 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, along with Policy DM46 which promotes more sustainable forms of transport.

77. Access to the site is proposed from the existing entrance on Well Street exiting as existing onto Short Brackland. These points will be upgraded but in terms of their positions are considered appropriate with regard to visibility and highway safety. No barriers are proposed and the applicant intends to use their own parking/access management system. Whilst this will generate a high level of traffic on these roads the application is accompanied by a traffic assessment and the Highway Authority is satisfied with this arrangement.
78. A key concern of residents is the number of parking spaces provided within the site given that parking on adjacent roads is already at a premium, and whilst a parking permit scheme is in place this operates only between 10-4 and is over-subscribed. The Bury Town Centre masterplan acknowledges the difficulties with parking in the town and is seeking to improve provision, improve enforcement and improve highway infrastructure.
79. The development proposes 49 units with 1 vehicle parking space provided for each. In addition 19 motorcycle spaces are included and secure cycle storage is proposed on each level totalling 168 spaces. The Highway Authority is satisfied with this number, despite it being below adopted standards, given the town centre location and proximity of other sustainable modes of travel such as a train and bus stations.
80. The commercial units on the ground floor do not have any parking spaces proposed. The applicant states that visitors to these units will be undertaking linked trips to the town centre and as such, will make use of public car parking. In relation to the proposed D2 gym use, the applicant has submitted information from Anytime Fitness, the potential occupant, who claims that the ability for users to access the gym 24 hours a day lessens the peak usage times and other gyms in their portfolio with no parking provision (Twickenham, Sutton and Aylesbury) have not had any issues involving street parking in local areas. From their experience users will either be workers in the local area who already have transportation to and from work and this will not cause an incremental journey. Or they will be members from the nearby residential population who have a choice of walking, cycling, public transport and driving. They encourage the first two methods but will also provide information on public transport and local public car parks which are either free in the evening or £1.
81. Whilst the Highway Authority is not satisfied with this arrangement, Planning Officers are of the view that previous retail units did not benefit from spaces and neither do many other commercial premises in the town centre. On that basis, it is not unusual for employees, customers or gym users to make use of public car parks which are located in close proximity. The NPPF advises that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. Whilst Highway Officers have suggested that the use of car parking permits, incentives or a travel plan will assist in mitigating this issue, they have objected in this regard which is a matter weighing against the scheme.
82. Whilst deliveries were initially intended to be carried out on the semi-pedestrianised Brentgovel Street at specific times, as happens at present for McDonalds, amended plans have included a loading bay off Short Brackland. Concerns were raised with regard to the ability for vehicles to access this bay but tracking plans demonstrate that this is achievable. A condition has been

recommended however to ensure appropriate times for deliveries occur.

83. Development of this site will undoubtedly have an impact on traffic generation in the vicinity, particularly to the residential streets of Well Street and Short Brackland. Residential parking will be provided to ensure one space per unit and this is generally considered acceptable in locations within the town centre where it must be assumed that some trips will be undertaken on foot, by bicycle or through the use of public transport. That is not to say that private car journeys will not take place but that households will be aware of the parking situation prior to purchase and determine accordingly if this provision is achievable for them.

Ecology

84. Due to the developed nature of the site there are no concerns with regard to ecology, notwithstanding this, an ecology survey has been submitted which confirms that the site is of low ecological potential. Natural England has further confirmed that the development will have no impact on statutorily designated nature conservation sites.

Flooding and Drainage

85. Anglian Water have confirmed that 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. Additionally, the sewerage system at present has available capacity for these flows. However, the surface water drainage strategy submitted is currently unacceptable and a revised scheme needs to be submitted and approved via condition.

86. The Environment Agency consider the site to be highly sensitive given the ground conditions and historic uses surrounding the site, however, they are content to recommend approval subject to the inclusion of conditions which require further information to be submitted and approved prior to work commencing. With the inclusion of conditions as recommended by both Anglian Water and The Environment Agency the application is considered to comply with policy DM6 which seeks to ensure that on-site drainage for new development is managed and does not cause or exacerbate flooding elsewhere.

Contamination, Air Quality and Sustainability

87. The application is supported by a Phase 1 Preliminary Risk Assessment, dated 22nd December 2017 undertaken by Clarkebond. The Clarkebond report recommends ground investigation would be required if there were any ground works or new foundations to be undertaken. As the proposals are for demolition and redevelopment, significant ground works will occur and therefore a ground investigation is required.

88. The EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.

89. 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'. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Furthermore, section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
90. It is welcomed that the applicant confirms within their Planning Statement that they will be providing vehicle electric charging points and a condition will ensure that these are provided and retained.
91. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
92. The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
93. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

Section 106 Contributions and Affordable Housing

94. The NPPF sets out in paragraphs 54-57 how conditions and planning obligations can be secured for a development to make an unacceptable impact to one which is acceptable. 'Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.'
95. Suffolk County Council as the education authority has identified a shortfall in the number of available pre-school and primary school places and requests a financial contribution of £114,751 for the additional places generated by this development. A contribution of £784 towards library provision within the area is also requested giving a total of £115,535.
96. In line with the economic and social dimensional roles of sustainable development, which inter alia seek to provide a supply of housing to meet the

needs of the present and future generations, Core Strategy Policy CS5 requires developers to integrate land for affordable homes within sites where housing is proposed, to ensure that affordable housing is provided and comes forward in parallel with market homes. In this case the target is 30% affordable housing and conditions or legal obligations will be used to ensure that affordable housing is secured and retained for those in housing need.

97. Forest Heath District Council & St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (published Oct 2013) provides supplementary guidance to support the affordable housing policies in the adopted Development Plan. Although the preferred option is for affordable housing to be provided on-site the SPD does allow for off-site provision and payments in lieu of on-site affordable housing in exceptional circumstances, where it can be robustly justified.

98. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. The 'credit' to be applied is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

99. The National Planning Practice Guidance (NPPG) advises that when considering whether or not to apply vacant building credit (VBC), Local Planning Authorities should consider '*whether the building has been made vacant for the sole purposes of re-development.*' In this case, the Local Authority is satisfied that the building became empty largely due to market forces and the opening of the Arc shopping Centre and on this basis, is satisfied that VBC applies. Therefore, taking into account this credit the affordable housing required is reduced to 6.3 units.

100. The applicant is willing to provide the requested Section 106 contributions as well as affordable housing in accordance with policy CS5 and the affordable housing supplementary planning guidance. At present the section 106 agreement has not been completed and as such, the recommendation is subject to the completion and signing of this legal document by all parties. However, given the willingness of the applicant to provide that requested the application complies with the relevant policies in this regard.

Conclusion:

101. 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.

102. As a result of the amendments made to the scheme and the additional information submitted, it is considered that the proposed development creates

a well-designed and visually attractive scheme which incorporates a range of good quality materials and detailing. Officers believe that the adverse amenity effects have been minimised through amended plans and residential parking is sufficient, noting the sustainable location. The scheme is thought to respect the setting of adjacent listed buildings and enhance the character of the Conservation Area. The scheme also ensures provision of affordable housing and education contributions within a section 106 agreement which weighs notably in its favour.

103. Lack of parking for commercial units and the Highway Authority concern in this regard weighs against the application. As does Historic England's comments regarding the use of perforated metal screens in conjunction with sash windows on the East elevation, albeit the Conservation Officer is satisfied with this detailing. These
104. Taking all matters into account and noting the significant benefits of the proposal, the failure to provide commercial parking spaces and Historic England's concerns regarding the East elevation, whilst weighing against the scheme are not considered to justify a refusal of planning permission in this case.
105. In conclusion, subject to the use of conditions and S106 agreement, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

106. It is recommended that planning permission be **APPROVED** subject to;
- the completion and signing of a section 106 agreement which details the affordable housing and County Council contributions as outlined above, and,
 - the following conditions:
 1. Detailed time limit
 2. Development to accord with approved plans
 3. Samples/details of materials/surface finishes/perforated screens to be submitted and approved
 4. Brickwork sample panel to be submitted and approved
 5. Window details to be submitted and approved
 6. Contract for re-development to be in place prior to demolition commencing
 7. Details of minor additions to be submitted and approved
 8. Construction method statement to be submitted and approved
 9. Hours of demolition and construction to be limited
 10. Archaeological investigation
 11. Post-investigation report to be submitted and approved
 12. Noise impact assessment for 24 hours commercial use
 13. Opening hours for commercial units
 14. Noise limit for mechanical plant
 15. Surface water drainage management strategy to be submitted and approved
 16. Environment Agency drainage strategy to be submitted and approved
 17. Land contamination investigation to be submitted and approved
 18. Electric charging points to be installed and retained

19. Delivery plan/times to be submitted and approved
20. Access from specified road only
21. Access details including surfacing to be submitted and approved
22. Car and cycle parking provision to be provided prior to occupation
23. Travel Plan to be submitted and approved
24. Waste management plan to be submitted and approved
25. Landscaping details to be submitted and approved
26. Lighting details to be submitted and approved
27. Limit water use

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4UME7PDMH500>