



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/15/53

Development Control Committee

1 October 2015

Planning Application DC/15/0087/FUL

Haldo House, Western Way, Bury St Edmunds

Date: 23 January **Expiry Date:** 24 April 2015
Registered: 2015

Case Officer: Gemma Pannell **Recommendation:** Grant

Parish: Bury St Edmunds Town **Ward:** Minden

Proposal: Planning Application – (i) Change of use from Class B2 (General Industrial) to Class A1 (Retail) including side and rear extensions (following partial demolition of existing) and associated refurbishment and alterations (ii) provision of accesses and car parks.

Site: Haldo House, Western Way, Bury St Edmunds, IP33 3SP

Applicant: Western Way Retail LLP

Synopsis:

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

Recommendation:

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

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Background:

This application is referred to the Committee because the Officer recommendation is contrary to the views received from the Planning Policy Officer and it is therefore considered that members should determine the application, in the interests of transparency.

Bury St Edmunds Town Council have no objection to the scheme and the Officer recommendation is for APPROVAL.

Proposal:

1. Planning permission is sought for the change of use from Class B2 (General Industrial) to Class A1 (Retail) including side and rear extensions along with the provision of associated accesses and car parks.
2. The application has been amended since submission to modify the submitted landscaping proposals to enhance the boundary treatment along the boundary with properties in Newmarket Road.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Flood Risk Assessment
 - Interim Travel Plan
 - Noise Impact Assessment
 - Phase 1 Desk Top Study
 - Transport Assessment
 - Design and Access Statement
 - Marketing Report
 - Retail Statement
 - Planning Statement

Site Details:

4. The site is situated off Western Way and currently comprises a large main industrial building with a single storey office/showroom at the western end, opposite Asda superstore.
5. The site is currently served by two main points of vehicular access, one from Olding Road and the other from Western Way, each providing access to service yards behind. To the rear of the site is a large car park/external storage area which is accessed from Olding Road.

Planning History:

6. Planning history related to the previous use of the site as a general industrial building, with the last application being made in 2006 when part of the site was used by a car rental company – Enterprise.

7. SE/06/2759 - Planning Application - (i) Siting of portable cabin for temporary period of five years (ii) change of use of land for parking and rental hire of vehicles to the general public.

Consultations:

8. Highway Authority: No objection subject to conditions
9. County Travel Plan Officer: The approved Interim Travel Plan will need to be implemented as part of the S106 agreement.
10. Rights of Way Officer (County): No objection
11. West Suffolk Environment Team: No objection subject to the addition of standard land contamination conditions.
12. Economic Development & Growth: No objection
13. Environment Agency: The site is located above a Principal Aquifer, Source Protection Zone (SPZ2) and WFD groundwater body. The previous land uses are potentially contaminative. The site is considered to be of high sensitivity and could present potential contaminant linkages to controlled waters. No objection – subject to conditions.
14. Public Health & Housing: The site has residential properties along the southern boundary. There is the potential for noise impact to these occupiers from ventilation systems, fixed external plant (such as air conditioning systems), delivery operations and vehicles and customer cars. A noise assessment has been submitted which considers the impact of vehicle noise and deliveries which indicates that deliveries at night are likely to give rise to noise complaints. The hours of deliveries could be restricted to prevent nuisance and prevent the loss of amenity. Similarly any external plant/ventilation systems can be designed to ensure that there is no nuisance to residents.
15. Planning Policy: In conclusion, it is considered that the proposal fails to satisfactorily accord with the adopted policies BV14 and BV15 of the Bury St Edmunds Vision 2031 and policy DM30 of the JDMPD. It will result in the loss of employment site designated for employment uses to a retail (class A1) use, which would compromise the supply of employment land necessary to meet the employment job growth requirement. The proposals will give rise to much lower job numbers than would be achieved with an employment use (class B use). For this reason it is considered the proposal fails to fully comply with these policies.

Representations:

16. Bury St Edmunds Town Council: No objection based on information received.

17. Ward Member (Cllr Clive Springett): I believe that this is a crucial barrier between the residential and the industrial and is a great asset to the area. He believes that there could be a TPO on the trees? Can you confirm if the trees will remain, as if there are intentions to chop them down, I would wish to call this into D&C for their consideration.

18. Letters: A number of representation have been received as summarised below:

- 3 Hutton Close, Bury St Edmunds – Broadly supportive: early arrival or late departure of staff/deliveries could cause undue noise and disturbance to residents and should only occur between 0800 – 2000; vehicles should not be parked immediately behind our fence due to potential of noise; existing beech hedge should be retained; increase traffic generation
- 3 Douglas Close, Bury St Edmunds – Broadly supportive – subject to parking areas being secured outside of opening hours (pedestrian and vehicular accesses). Concern about traffic generation, given the long queues at daily peak times.
- 4 Douglas Close, Bury St Edmunds – Concerned about security outside of opening hours and maintenance of a green buffer zone between the car park and my boundary fence.
- 50 Newmarket Road, Bury St Edmunds – Impact on tree belt needs to be properly considered.
- 52 Newmarket Road, Bury St Edmunds – support the plans but concerned about loss of trees along rear boundary and request that a 2.5m high fence is erected to obscure the view from the car park.
- 54a Newmarket Road, Bury St Edmunds – Makes comments: Fence between own property and Haldo should be raised to 8 feet and the area adjacent landscaped and security lighting should be adjusted so that it is not shining into garden and property.
- 56 Oliver Way, Bury St Edmunds – Object due to concerns about increased traffic congestion along Western Way.
- 53 Robertson Way, Huntingdon- Object to loss of employment site.

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

19. Joint Development Management Policies Document:

- DM1 Presumption in favour of sustainable development
- DM2 Creating Places – Development Principles and Local Distinctiveness
- DM13 Landscape Features
- DM30 Appropriate Employment Uses and Protection of Employment

- Land and Existing Business
- DM35 Proposals for Main Town Centre Uses
- DM45 Transport Assessments and Travel Plans

20. St Edmundsbury Core Strategy December 2010

- CS1 St Edmundsbury Spatial Strategy
- CS2 Sustainable Development
- CS3 Design and Local Distinctiveness
- CS9 Employment and the Local Economy
- CS10 Retail, Leisure, Cultural and Office Provision

21. Bury St Edmunds Vision 2031

- BV14 General Employment Areas
- BV15 Alternative Business Development within General Employment Areas
- BV17 Out of centre retail uses

Other Planning Policy:

22. National Planning Policy Framework (2012) core principles, Chapter Two, and paragraphs 56 – 68

Officer Comment:

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

- Planning Policy Considerations – Sequential Test & Impact Assessment
- Planning Policy Considerations – Loss of employment site
- Design and Impact Upon Character and Appearance
- Highway Implications
- Impact on Residential Amenity
- Impact on trees and landscaping

24. The applicant is seeking permission for two retail units with unit 1 being pre-let to The Range and unit 2 which has been identified for a bulky goods retail or other retailers typically sold from out of town large format units, such as toys and games and pet supplies (such as Furniture Village, Sofaworks, Toys R Us or Jollyes Petfood Superstores). The applicant has stated that unit 2 may be divided into two units, subject to occupier requirements.

25. In terms of The Range, it is understood from other applications and research undertaken by the Council's appointed retail consultant that it mainly trades from standalone retail warehouses, or as a part of existing retail warehouse parks, mainly in edge and out of centre locations. The nearest stores to Bury St Edmunds are Norwich, Ipswich and Colchester (all are outside the main centres).

26. The core product lines for The Range are furniture, textiles, camping and bulk leisure goods, household and garden products, DIY and lighting, office supplies and pet products. Notwithstanding that the retailer sells a wide range of products, including clothing items and stationery. The type of products typically sold by The Range are

therefore not unique to this retailer and similar items can be purchased in town centres and as a result the new store will inevitably function as a one stop shop and will divert a proportion of its turnover from in-centre stores as well as out of centre retail warehouses and parks.

Planning Policy Considerations – Sequential Test & Impact Assessment

27. The NPPF states that in the assessment and determination of planning applications for retail and main town centre uses that are not in an existing centre and not in accordance with an up-to-development plan, local planning authorities should require:

- A sequential test (para 24) – this requires applications for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should also demonstrate flexibility on issues such as format and scale.
- An impact assessment (para 26) – is required if the development is over a proportionate, locally set floorspace threshold (i.e. 250m² in this case). This should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

28. At paragraph 27 the NPPF states that where an application “fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

29. It is therefore incumbent upon the applicant to demonstrate to the local planning authority that their application proposal is fully in accordance with both the sequential and impact ‘tests’. Notwithstanding this, it is necessary to ‘weigh in the balance’ any positive economic, social and environmental benefits arising from the application proposal.

30. Policy BV17 of the Bury St Edmunds Vision 2013 states that applications for out-of-centre retail floorspace will only be permitted where they comply with the sequential approach, are accessible by a choice of means of transport and, for proposals in excess of 1,000m² gross, do not result in a ‘significant adverse impact’ on recently completed development and unimplemented planning permissions. This is in accordance with the NPPF (paras 24-27).

31. The site also forms part of the Western Way General Employment Area

(GEA) as set out in Policy BV14 for Class B1, B2 and B8 uses. The occupation or redevelopment of vacant premises and land will be encouraged in the GEAs in advance of allowing development on new sites. Policy BV15 states that opportunities for alternative commercial business/mixed activities within GEAs that do not necessarily fit into B Use Classes will be considered favourably where they satisfy three key criteria, including no conflict with policies elsewhere within the Development Plan.

32. Policy DM35 seeks to ensure an appropriate mix of uses are maintained within the Primary Shopping Area (PSA), albeit with a higher proportion of Class A shopping uses. The town centre and PSA boundaries for Bury St Edmunds have been updated, and Policy DM35 sets out the need for main town centre uses that are not in a defined centre and not in accordance with an up to date Local Plan to be subject to the sequential and impact tests. The impact assessment applies to all retail floorspace in excess of 1,000m² gross outside of Bury St Edmunds. Policy DM30 also seeks to protect identified employment land and existing businesses.
33. In considering the sequential test submitted by the applicant the main areas of consideration are the availability of alternative sites. In Officers' view the main site that could potentially accommodate the application proposal is the circa 16 acre Tayfen Road site (A1302), which is located approximately 400m to the north of the town centre and 350m south west of the rail station. The site is bounded by Tayfen Road to the south, commercial uses to the west and east, and open land to the north with a modern housing development beyond.
34. The Council's 2012 Retail Study identified the site as having potential for new retail and leisure uses, which was in line with masterplan prepared by Rapleys and other consultants in March 2009 on behalf of Frontier Estates, who own the majority of the identified Tayfen Road regeneration area.
35. The site has subsequently been allocated in the Bury St Edmunds Vision (Policy BV9) for mixed use development, including retail warehousing, a foodstore (c.1,500m² gross), leisure uses and approximately 100 new dwellings. The Bury St Edmunds Vision (para 5.25) refers to the potential for approximately 3,000m² gross of retail warehousing, although any development proposals will need to respect the amenity of the residents in the area, especially adjoining the site to the west. Developers will also need to include enhancements to the public transport corridor along Tayfen Road and will also be expected to contribute to the improvement of pedestrian linkages with the nearby town centre.
36. Policy DM3 of the Joint Development Management Policies Document adopted in 2015 also requires a masterplan to be prepared for the site in accordance with Policy BV9, and these should be based upon a Concept Statement. In this case there is an adopted Masterplan and Concept Statement for the Tayfen Road site.

37. Notwithstanding the weight of policy in support of new retail, and specifically retail warehousing on this site, the applicant's retail consultant CBRE (paras 3.19-3.20) concludes in their Retail Statement that it is not sequentially preferable to the application site for two main reasons:

- It is not available, in their view, as there are "no firm proposals in the public domain", which suggests that it will "take time to put together a deliverable scheme" and "site remediation is required, which will take a substantial amount of time". CBRE also argue that The Range has an "immediate requirement which cannot be fulfilled within a relatively short period at Western Way"; and
- It is "not clear that development is viable". In support of this they refer to media reports in 2013 that suggested the owners of the site have not been able to put together a viable scheme, due to the high cost of decommissioning the gas holder on the site. The applicant also advises that they understand that a consortium of landowners have been trying to develop the Tayfen Road site for over 10 years and the 2013 headlines referred by CBRE indicated to the fact that they had "hit a brick wall" in terms of delivering a viable scheme.

38. Further information provided by the applicant, in June 2015, states that part of the Tayfen Road site controlled by Pigeon is not proposed to include retail use and therefore after long discussions with the landowner and policy colleagues it has been concluded that the part of the Tayfen Road site owned by Pigeon is not considered to be available under the sequential test.

39. However, it is understood that the gas holder element of the site has recently been sold by National Grid and is being brought forward by Consolidated Property Group (CPG). The gasholder site has been decommissioned, a pressure reduction system is in place, and the holder structure is due to be demolished in 2015. The site would therefore be available in the future for development and there is clear policy support for new retail warehousing at this sequentially preferable location. The site however, does not have the benefit of planning permission and therefore is not considered to be available as required by the NPPF, this is supported by case law from other similar schemes. As such the site at Tayfen Road can not be considered sequentially preferable and as such the site at Olding Road is the only site available for the use proposed.

40. Turning to the potential impact on the town centre of the proposal, the applicant's agent forecast an impact on the town centre of -0.5%, whereas it is considered, by our own retail consultant that the impact could be higher, at -1.4%. In Officers' experience even this higher level of forecast impact would not normally give cause for concern, but there is no (%) 'threshold' above which impact is automatically considered to be 'significantly adverse'. Each case needs to be treated on its own merits and requires an assessment of the likely implications for town

centre vitality and viability, local consumer choice and planned investment in centres.

41. Overall evidence is that the town centre is performing well across a number of key performance indicators (as identified by the NPPG, para 005) despite the impact of the recession and the growth of internet shopping on High Street sales. For example,

- It is currently placed 130th in the VenueScore (2013/14) national rankings, which represents a significant improvement since 2009 when it was ranked 216th.
- The vacancy rate recorded by the local planning authority has fallen from 10.3% in November 2012, to 6.5% in February 2015; which is significantly below the national average of circa 12%.
- The town has a good mix and choice of national multiples and independent retailers, and its retail offer and ranking was significantly improved by the opening of The Arc shopping centre.
- There are positive signs of retailers and leisure operators taking space in the town centre over the last few years.

42. Notwithstanding this, there are some concerns that the proposed scheme could attract one or two retailers to Unit 2 that would normally take space in the town centre, or who could choose to move out of the town centre to the scheme. On this basis it would be reasonable and necessary to impose conditions to restrict the sale of certain types of goods from the proposed retail floorspace. Without suitably worded conditions the whole of the scheme would benefit from open A1 retailing and could attract a wide variety of retailers more normally associated with High Street locations.

43. A condition should also be imposed to prevent the further subdivision of the unit and to prevent the insertion of mezzanine space, over and above the permitted development of 200m² gross.

44. For unit 2, a reasonable condition should be imposed to restrict the sale of goods from the unit(s) to Class A1 'bulky comparison goods' consisting of:

- building and DIY products;
- garden tools, products and plants;
- furniture, carpets, floor coverings and household furnishings;
- electrical and gas products;
- vehicle accessories and parts;
- office supplies, computers and accessories; and
- any other goods which are ancillary and related to the main goods permitted.

45. As for Unit 1, conditions are to be imposed to prevent the subdivision of the unit to three or more units, and to prevent the insertion of mezzanine space, over and above the permitted development of 200m² gross.

Planning Policy Considerations – Loss of employment site

46. The proposal is for change of use and alterations including partial demolition of an existing employment unit to Class A1 retail use. The proposal will form two units one with floor area 3,220sqm and the second with area of 1,905sqm. The second may be subdivided to create two smaller bulky goods units.
47. The site lies within the Western Way employment area where policy BV14 of the adopted Bury St Edmunds Vision 2031 allocates the site as a general employment area. This policy states uses B1, B2 and B8 are appropriate in these designations provided parking, access, travel and general environmental considerations can be met.
48. Policy BV15 of the adopted Bury St. Edmunds Vision 2031 states that alternative business development at Western Way that does not neatly fit into B use classes will be considered favourably where they comply with criteria, a, b and c. The types of uses this applies to are sui generis employment uses, trade warehouses, car showrooms and other uses appropriate to an employment site albeit not class B use. Criterion a) requires it should not conflict with policies elsewhere within the Development Plan, b) to seek to maximise the sites potential of economic growth and/or support the continued operation of the existing businesses and industrial activities and c) to not generate potential conflict with existing or proposed general industrial (uses class B2) activities. It is considered that the proposal does not comply with criterion a) for reasons set out below or with criterion b) which seek to maximise a sites' potential for economic growth.
49. Policy CS9 of the adopted Core Strategy states that provision will be made to aim to deliver at least 13,000 additional jobs in the Borough by 2026, with growth focussed on Bury St. Edmunds. There is a need to support existing employment areas, in order to ensure there is a balance between homes and jobs which will contribute to making the town more sustainable.
50. The Joint Development Management Policies Document (JDMPD) was adopted in February 2015. Policy DM30 addressed Appropriate Employment Uses and Protection of Employment Land and Existing Businesses. The policy states that any non-employment use proposed on sites and premises used and/or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where one or more criteria has been met. Criteria a) and b) are relevant in this case. Criterion a) requires there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements and criterion b) requires evidence to be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future.
51. It is considered that the proposals would not maximise the potential for economic growth as required by policy BV15 criteria b). The proposals

would not maximise the potential employment generating potential of the site, as the application forms state that the proposed use would generate 90 full time and 60 part time jobs, equivalent to 120 full time jobs. This number is lower than that which could be achieved from a B class use between 315 jobs (for office use), to 177 jobs (for other business use) although slightly higher than a warehouse use at 103 jobs (for warehousing).

52. These figures have been calculated by applying the employment density figures set out in the Employment Land Review (ELR) 2009, which uses employment densities from the EEDA and ODPM Employment Land Review Guidance. They are therefore considered robust and evidence based. This applies a density of 18 sqm per employee for office, 32sqm per employee for other business space and 55sqm per employee for warehousing. Whilst the data from the ODPM Employment Land Review Guidance was archived in March 2014, it is still relevant as evidence, particularly as this was used in the 2009 ELR. Furthermore the PPG which replaced the ELRG does not give a source for calculating employment to floorspace (employment density) data.
53. The applicant states that the previous use moved to the adjacent premises at Vicon House. Although the application proposal will create jobs, this is a much lower number than would normally be expected on this floor area for an employment use. Retail uses should be directed to town centres first or failing that to sequentially preferable sites in accordance with 'centres first' approach, leaving employment allocated sites to come forward for employment generating uses, thereby maximising employment jobs growth.
54. With regard to criteria b) of policy DM30, the applicant states that the premises have been vacant since 28th June 2012, although the applicant's state marketing occurred since 2010, albeit some of this time was discrete marketing. BSM report states the building is not suitable for modern industrial use. However it should be noted neither is the building suitable as it stands for the proposed retail use, as partial demolition and alteration are required, which would also be required to service an employment use. The BSM report states there is lack of interest for employment use of the site.
55. With regard to criteria a) of policy DM30 which requires a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements. The applicants cite the Western Suffolk Employment Land Review May 2009 which shows an oversupply of employment land when demand and allocated supply are compared. However, the study explains this disparity is attributed to the 70Ha Suffolk Business Park extension which skews the balance figures. The study recommends that existing employment sites are retained in the other parts of the Borough to provide sufficient land for future employment growth within the Borough. The Inspectors' report into the three Vision 2031 plans acknowledged this approach as appropriate in para. 161. The supply of sites provides opportunity and flexibility in accordance with the NPPF, it will maximise the potential for economic

growth and reflects the fact that Suffolk Business Park is allocated for use classes B1 and B8 only. It is therefore important to maintain a supply of employment sites such as the application site in order to ensure sufficient opportunities exist to accommodate employment uses.

56. Although the site has been marketed for a number of years with no interest shown for employment use, this is only one factor which needs to be balanced against the need to ensure sufficient supply of employment land is available to meet job growth requirements. The site lies in one of the few areas within the Borough protected for employment purposes. In recent months there has been increasing pressure for change of use of similar premises away from employment uses. Given the importance of maintaining a supply of employment land to meet needs now and in the future to accommodate the growth planned for the Borough, it is considered by Policy colleagues the employment site should be retained for employment purposes and thereby the proposal does not accord with policy.
57. It should be noted the site lies adjacent to an area proposed as a Public Service Village, which will deliver significant investment and employment opportunities into this area, predominantly B1 uses, in accordance with the employment designation. This investment has the potential to significantly enhance the employment opportunities on the application site in the foreseeable future.
58. The Bury St. Edmunds Vision 2031 specifically allocates a site for retail purposes at Tayfen Road, to accommodate a retail food store and retail warehouse uses. In making the allocation, sites were sequentially tested and Tayfen Road was identified as suitable to accommodate forecast retail need. Should the proposal be permitted it would give rise to the creation of an out-of-centre retail destination, when combining the existing Asda store with The Range and one or two smaller bulky goods units.
59. This position, as articulated by the Authority's Planning Policy team, must be respected, and must be taken as being a matter which weighs considerably against the proposals, in the balance of considerations.
60. The National Planning Policy Framework however places significant weight on the need to support economic growth through the planning system and states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. It is this national Policy context which must be balanced against the stated position of the Authority's Planning Policy team, as articulated above.
61. The Authority's Economic Development & Growth Team have also assessed the application and are of the opinion that whilst they would not normally support the change of use of a unit away from class B2

(General Industrial) to an A1 (Retail) use they have no objection to this application on the basis that Haldo House has been largely vacant since mid 2012 and they are fully aware that the owner has actively marketed the property with little interest. This position must be taken as supporting the scheme, and must be considered with, and balanced against, the objection from Planning Policy. The balance here is the potential longer term harm that might arise if the site is lost for employment purposes, versus the shorter term (and tangible) benefit that will arise from its redevelopment for alternative purposes. Officers' advice is that this is a balanced matter which requires care.

62. The proposed occupant of the largest unit, The Range, is a retailer that would be new to Bury St Edmunds, and whilst the Authority is keen to direct retail enquiries towards the central retail area, The Range, as a business, generally only seeks 'out of town' locations. Local examples are Ipswich, King's Lynn and Norwich where the stores are situated away from the town centre. This is likely to mean that if the Authority is interested in attracting this business to Bury St. Edmunds it will only be in an 'out of town' location.

63. The proposal will also create 120 full time equivalent positions which is considered by the Authority's Economic Development team to be very positive news for West Suffolk.

64. Therefore, taking into account the length of time that the building has been vacant and the number of potential jobs to be created at the upper end of the policy estimation (B1 office) would only be possible for B1 office purposes if the site were re-developed (which the market has not sought to do in the five years that the premises have been on the market) it is considered that the development of the site for The Range would enable the site to provide employment which is within the range expected for B2-B8 uses, which is the sites authorised use.

Conclusion on Planning Policy Matters

65. The NPPF is clear that if a proposal fails a sequential test then it should be refused and Officers are satisfied that there are no sequentially preferable sites that are presently available. The sequential test is therefore satisfied.

66. It is thereafter important to assess whether or not any such proposal will have an adverse impact upon existing centres. However, taking into account the modest extent of any impacts, and the wider strength of Bury St. Edmunds town centre, it is not considered that any impacts would be sufficient to justify a refusal of planning permission.

67. Consideration against local policy is also important. When considered against Policy BV15, criterion B requires development proposals to maximise a sites' potential for economic growth. Based on the robust figures provided the maximum use of the site in employment terms would be secured by a B1 use. Noting that the employment generated by this proposal is less than could otherwise be secured it must be

considered that the proposal fails criterion B of Policy BV15. This must be taken as weighing against the proposal.

68. However, the maximum potential employment use of the premises would only be achieved following the sites' redevelopment. This might happen in due course, not least if the Public Service Village aspiration is delivered. Equally, it might not. The site has been marketed for five years and vacant for three. The proposal before us also offers a redevelopment prospect for the site with significant (albeit less than could be achieved through a B1 redevelopment) employment generation and wider economic benefit. The proposal also offers physical regeneration benefits.

69. Balancing all these factors it is considered that the failure to maximise the employment generating potential of the site is not of such significance that it justifies a refusal of planning permission. This factor is also influenced, by the fact that the nationally required sequential and impacts test are satisfied.

Highway Implications

70. Detailed consideration has taken place with regard to the likely highway implications of the development proposed, having regard to current traffic levels within the vicinity of Western Way. The Highway Authority has undertaken a PM peak time visit to validate the queue lengths and assess the general traffic situation.

71. The site visit and queue length assessment identified that the peak queue length of up to 30 vehicles on Western Way (westbound from Asda roundabout) and up to 10 vehicles on Olding Road (northbound onto Western Way) appears for a very short period during the peak hour. However, these queues dissipated quickly so it is not felt the congestion could be classified as severe. Vehicles entering and exiting Olding Road (the manoeuvre felt to be most affected by the proposed development) were regularly assisted by the courtesy of motorists on Western Way. For this reason, it has been suggested that KEEP CLEAR and transverse road markings are placed on the westbound carriageway of Western Way to encourage motorists to continue this action. Little congestion was observed at the Asda exit onto Western Way which was the arm identified in the Transport Assessment as being most impacted by the proposed development.

72. The layout has been amended since the original submission and now the number of parking spaces has been increased slightly from that which was originally proposed (182 parking spaces and 10 disabled spaces) and now provides 187 spaces and 12 disabled spaces. The Highway Authority are satisfied that the level of car parking provision is acceptable and that it meets with the required levels as set out in the adopted parking standards.

73. Therefore Officers are satisfied that this issue has been adequately considered and sufficient information has been submitted to

demonstrate that the development proposed would not lead to significant detriment to the highway network surrounding the site.

Impact on Residential Amenity

74. Concerns have been raised with regard to the need for security to the car park to ensure the area is not accessed in the evening after the store is closed. Amended plans have been submitted which address these concerns by indicating the position of gates, similar to those which exist at present which enable the car park to be secured after the store is closed to prevent anti-social behaviour problems. These can be controlled via condition.

75. The site already benefits from an authorised B2 general industrial use and whilst the change of use will intensify the number of visitors to and from the site, than that which would be associated with a B2 use. It is considered that the nature and type of this use would not lead to any detriment to those properties fronting Newmarket Road and further down in Hutton Close as it is likely to be less detrimental than a B2 use which could generate greater noise and disturbance.

76. The car park is, in places, located in close proximity to off site residential dwellings. The laying out of the car park in this manner has the potential to intensify impacts in close proximity to off site dwellings. In particular, the relationship to Hutton Close and Douglas Close are considered most significant, noting the proximity of off site dwellings to their boundaries. It is considered that the intensification of the use of the car park in such close proximity has the potential to be prejudicial to reasonable residential amenity by reason of general noise and disturbance arising from vehicles and activity in close proximity to residential dwellings. Some intervening landscaping has been provided and boundary detailing can be controlled via condition. It is also the case that controlling the hours when the premises can be used will be helpful as will physically restricting access to the car park outside of these hours.

77. Nonetheless, it must be concluded that there will be some adverse impacts upon amenity arising as a result of this proposal, over and above the amenity impacts presently arising from the existing use of the land. These impacts are based simply on the proximity of development proposed relative to the position of off site dwellings. This matter must be considered in conjunction with landscaping issues and is therefore considered in further detail below. Regardless, the potential for adverse amenity impact is a matter which weighs against the proposal in the balance of considerations.

Impact on trees and landscaping

78. The site currently has a small tree belt along the southern boundary with those residential properties along Newmarket Road. This tree belt was established in 1987 following a regulation 4 application (on St. Edmundsbury Land) for site clearance and levelling. This tree belt was

to be retained and there is a covenant on the land to this effect.

79. The tree report (A.T. Coombes Associates Ltd, July 2015) identifies the trees on the site and reports on the impact of the proposals on these site trees. Of the 48 individual trees and 2 groups of trees which have been identified, the proposals include for the retention of trees in the south eastern corner of the site, the western side and two trees on the eastern boundary of the site.
80. The landscape strategy (Sheils Flynn) includes revised landscape plans requested by Officers during the consideration of this proposal. More of the trees in the south east corner of the site have been retained in this iteration and additional trees have been shown to break up the area of car parking. The proposals now include what is considered by Officers to be an attractive planting scheme with texture, colour and an evergreen element.
81. The landscape proposals remain weak on the south western boundary where only a hedge separates the car park from the adjacent residential properties. This could be improved by widening the landscaping but this would be at the expense of a modest number of car-parking spaces. As discussed above, this would have the benefit of improving the amenity relationship to off site dwellings, simply by reason of increasing the physical separation between the car park and the off site dwellings. Another approach would also be to add some additional trees in between the car parking spaces as has been done in other places.
82. These matters have been discussed with the applicant and they have confirmed they would not wish to amend the car parking layout further but have indicated that they would be willing to introduce further tree planting in between the car parking spaces. Amended plans detailing revisions to the landscaping scheme have now been provided which show additional planting in the car parking areas closest to Hutton Close. This has been considered by the Tree and Landscape Officer who is satisfied with this arrangement.
83. However, no further revisions to reduce the number of car parking spaces closest to Hutton Close have been made and this therefore is considered to be a matter that detracts from the overall scheme. But when considered in the balance with other factors, it is not considered sufficient to justify a refusal.
84. Whether the proposed landscape scheme is sufficient to protect the amenity of the adjacent residences remains finely balanced, as is discussed above. Consideration has to be given to the intensification of use in this location and the lack of spacing between the rear gardens and parking areas has been challenged and whilst some improvements have been made to the overall layout this remains an area of concern for Officers. However, as concluded above, and when looking at the wider benefits of the proposal, it is accepted that some negative aspects of the scheme are outweighed by the positive benefits of bringing back into use a vacant building, and by the wider economic benefit that will

accrue.

85. The proposals now include a designed frontage for the development fronting Western Way although there is concern whether some of the plants names would be suitable for this shady aspect. Conditions are suggested to ensure management of the landscape planting and a requirement for updated tree protection plans to reflect the greater extent of retained trees. A condition is also suggested to enable details of the soft landscaping to be submitted which would allow some flexibility to revise the species on the frontage.

Conclusion:

86. In conclusion, the application remains finely balanced and the benefit of bringing the redundant building back into economic use must be balanced with the increased impact on residential amenity as a result of the close proximity of parking close to residential properties and the lack of agreement over the landscaping required to mitigate this. However, it is considered that overall the benefits of the scheme far outweigh any adverse impact associated with this development and therefore officers are content that the scheme should be considered favourably, subject to the conditions, as set out in the recommendation below.

Recommendation:

It is **RECOMMENDED** that planning permission be **Approved** subject to the applicant entering into a Section 106 legal agreement to secure a contribution to the implementation of the travel plan and the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

The scheme shall also include:

- Demonstration that the surface water runoff rates will be limited to the brownfield rates or the rate stipulated by the Water Authority (whichever is lower) to ensure that there is no increase in flood risk offsite..
- Detailed drainage plan demonstrating that the required attenuation capacity has been provided onsite.
- Detailed drainage calculations that demonstrate that the run off rates for the 1 in 2, 30 and 100 (including an allowance for climate change) have been restricted to the agreed rate and that sufficient storage has been provided.
- Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

Advice to LPA / Applicant (1):

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS).

- 3 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
 2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
 3. Based on the risk assessment in (2) 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.
 4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

Advice to LPA (2)

We are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details will be required in order to ensure that risks are appropriately addressed prior to the development commencing and being occupied. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected.

- 4 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 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 from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 5 Piling or any other foundation designs and investigation boreholes 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 from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 6 The premises shall be only be open between the hours of 07.30 to 20.00 on Mondays to Saturdays and 10.00 to 17.00 on Sundays and Public Holidays.

Reason: To ensure the amenity of nearby residents is protected.

- 7 Deliveries to and from the premises including loading and unloading operations shall take place between the hours of 07.30 to 20.00 Mondays to Saturdays and 10.00 to 17.00 on Sundays.

Reason: To protect the amenity of nearby residents.

- 8 Details of any external plant, to include any proposed noise attenuation, to be submitted to and approved by the local planning authority and installed prior to the use commencing.

Reason: To ensure that the impact of any external plant is adequately mitigated to protect the amenity of nearby residents.

- 9 Details of any ventilation systems, to include any proposed noise attenuation, to be submitted to and approved by the local planning authority and installed prior to the use commencing.

Reason: To protect the amenities of neighbouring properties.

- 10 The use shall not commence until the area(s) within the site shown on drawing number 1305 10 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles and cycles and pedestrian routes (including crossings, refuge areas and signage) within the car park have been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway. Also, to ensure that safe pedestrian routes are provided within the car park from the adjacent highway.

- 11 The use shall not commence until the 2 no. minor accesses onto the southern side of Western Way adjacent to the 'Asda' roundabout (as shown on drawing number 1305 10) have been permanently stopped up and area(s) of footway and verge (as shown on drawing number 1305 10) have been reinstated (reconstructed as footway and verge) to the satisfaction of the Highway Authority.

Reason: To ensure that the 2 no. minor accesses are permanently taken out of use where their continued use would result in 5 no. accesses to the development which may be detrimental to highway safety.

- 12 The use shall not commence until KEEP CLEAR road markings on Western Way at the junction with Olding Road as shown on drawing number 1305 10 have been provided to the satisfaction of the Highway Authority.

Reason: To assist vehicles entering and exiting Olding Road from and to Western Way at peak travel times reducing potential traffic congestion which may be detrimental to highway safety.

- 13 Unit 1 shall be used for the sale of carpets, furniture and electrical goods and for the sale of DIY maintenance and improvement purposes for the home, garden and car and for a maximum of 30% of the existing floorspace (including the external sales area) for the sale of camping and bulky leisure goods, household goods, hobbies and craft supplies, pet food and pet products and ancillary products ranges and for use as a café and for no other purpose within Class A1 of the Town and Country Planning (Use Classes Order) 1987 as amended or by any order or regulation amending the said Order.

Reason: To define the terms of the permission to protect the vitality and viability of the town centre.

- 14 With regard to unit 1, the development shall be carried out in full accordance with the internal layout shown on the plans hereby permitted and it shall remain in use as a single retail unit. There shall be no subdivision of the unit nor any additional internal floor space created (including any insertion of mezzanine floors not otherwise covered by permitted development rights) not covered by this permission.

Reason: To protect the vitality and viability of the town centre.

- 15 The range and type of goods to be sold from unit 2a/2b as hereby permitted shall be restricted to class A1 bulky goods consisting of the following: building and DIY and/or garden goods; furniture, carpets and floor coverings and household furnishings, camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical and gas goods, office supplies, computers and accessories; and any other goods which are ancillary and related to the main goods permitted.

Reason: To protect the vitality and viability of the town centre.

- 16 Prior to the first occupation of unit 2a/2b an internal floor plan shall be submitted to show how the unit will be occupied by either a single occupier or subdivided into 2 units. The development shall be carried out in full accordance with the internal floor plans approved as a result of this condition. There shall be no further subdivision of unit 2 nor any additional internal floor space created over and above that shown on the floor plans (including any insertion of mezzanine floors not otherwise covered by permitted development rights) not covered by this permission.

Reason: To protect the vitality and viability of the town centre.

- 17 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all soft landscape areas together with a timetable for the implementation of the landscape management plan, shall be submitted to the Local Planning Authority at the same time as the details of the soft landscaping for consideration as part of the soft landscaping scheme. The landscape management plan shall be carried out in accordance with the approved details and timetable.

Reason: To enhance the appearance of the development.

- 18 No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
1. Measures for the protection of those trees and hedges on the application site that are to be retained,
 2. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the

application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,

3. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

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

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

- 19 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following 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.

- 20 No development shall commence until full details of a hard landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features). The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To enhance the appearance of the development.

- 21 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

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

- 22 No development 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.

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=summary&keyVal=NI9GI2PDG4T00>

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