

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 24 September 2014

AGENDA ITEM NO	2
APPLICATION NO	2700/12
PROPOSAL	Partial demolition of the Grade II Listed North Warehouse and refurbishment of the remaining Warehouse for mixed commercial and residential uses. Demolition of all other buildings on the Application Site and erection of a total of 176 residential dwellings of two to five storeys comprising (FULL) details of 73 dwellings, the locations of which are shown on drawing number 18449/501 and (OUTLINE) for a further area to provide 103 dwellings, the location of which is shown on drawing number 18449/501. Modifications to Paper Mill Lane including provisions of new access to the Application Site and associated external areas including car parking, onsite access roads and footpaths, formal landscaped areas and natural landscaped areas. (amended to 172 dwellings)
SITE LOCATION	Land at the former Scotts/Fisons site, Paper Mill Lane, Bramford
SITE AREA (Ha)	26.42
APPLICANT	Mr Brackenbury Paper Mill Lane Properties Ltd
RECEIVED	August 24, 2012
EXPIRY DATE	February 22, 2013

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

(3) the Head of Economy considers the application to be of a controversial nature having regard to the location and scale of the application

PRE-APPLICATION ADVICE

1. Pre-application advice was received prior to the submission of this application.

The applicant has also submitted a screening opinion to the Council to ascertain if the proposal required an Environmental Statement under the Environmental Impact Assessment Regulations. The Council formally confirmed in relation to this request that the proposal by its nature was indeed EIA development where an Environmental Statement was required to accompany any subsequent planning application.

SITE AND SURROUNDINGS

2. The application site lies approximately 5km to the north west of Ipswich and

approximately 1km to the north east of the village of Bramford and is a narrow strip of land which lies in a semi rural countryside location. The site measures 26.42ha and is bounded to the north by the River Gipping; to the east by Paper Mill Lane (which leads to junction 52 of the A14); to the south by residential properties and a vehicle breaking yard; and to the west by fields; houses and again by the River Gipping. The Ipswich to Norwich railway line passes through the site on a north/south axis.

The main part of the application site includes a parcel of brownfield land (4.7ha) which includes large Victorian warehousing which was used for commercial purposes. These buildings are grade II Listed and were purpose built to store a wide range of chemical fertilisers. The more modern 20th century buildings to the north of the site include large steel framed industrial buildings, three storey offices, workshops, laboratories and ancillary accommodation. The southern part of the site is unused as it was previously used as a landfill site. The whole site has a derelict and unkempt appearance about it which detracts from the surrounding semi rural character of the surrounding area and the visual amenities of the other business and residential properties in the vicinity on Paper Mill Lane.

HISTORY

3. The planning history relevant to the application site is:

2701/12	Partial demolition of the Grade II Listed North Warehouse and refurbishment of the remaining Warehouse for mixed commercial and residential uses. Demolition of all other buildings on the application site.	Related listed building consent application.
3633/11	Request for a scoping opinion for mixed development comprising of employment, residential, leisure and retail uses, open space and improvements to Paper Mill Lane	12/12/2011
2789/11	Screening opinion / Pre- App for mixed development comprising of employment, residential, leisure and retail uses, open space and improvements to Paper Mill Lane	08/09/2011
0573/07	Retention of existing caravans (26) for accommodation of work force for a period of 12 months.	Dismissed 05/12/2011

PROPOSAL

4. The application as submitted has two separate elements to it.

The first part encompasses the following:

- Full planning permission for the partial demolition of the more modern additions to the Grade II Listed warehouse to the north of the site. Refurbishment of the remaining listed warehouse to provide a business centre which will provide commercial units, a workshop and a restaurant/cafe. An energy centre (which is a combined heat and power plant) and 28 residential units will also be provided within the refurbished building.
- A further 45 dwellings which are split into 5 blocks of 3 storey riverside apartments, a new block of apartments which range in height between two and five storeys and a block of nine three storey dwellings.
- Modifications to Paper Mill Lane to improve the access into the site together with the provision of internal access roads, car parking and landscaping.

The second part of the proposal is as follows: -

- Outline planning permission for the erection of a further 103 dwellings on the southern part of the site together with associated internal access roads, car parking and landscaping.

During the lifetime of the application, the applicant was asked by the Council to consider and amend the scheme in relation to some of the negative comments that have been received and submit an amended plan to address these issues. This has since been done and the main amendments to the scheme are as follows:

- Decreasing the total number of dwellings on site from 176 to 172 (a combined figure for both phases).
- Proposed traffic calming measures on Paper Mill Lane
- Amended car parking arrangements around north warehouse
- Alterations to the internal layout of the north warehouse
- Proposed pedestrian access between the site and Bramford.

POLICY

5. Planning Policy Guidance

See Appendix below.

CONSULTATIONS

6. Bramford Parish Council

Are in favour of the scheme but requests that a condition be imposed to ensure protection of the listed buildings from further deterioration as a priority if planning consent is given. This protection must be implemented before commencement of the enabling development comprising the residential units.

We support the revised modifications to Paper Mill Lane as shown on drawings attached to this application and in the Environmental Statement. This supersedes the scheme shown on pages 86 and 98 of the Design and Access Statement which is also submitted with the application.

We do not object to the tower block shown as 5 storeys high and 19m high as shown on drawing 3000, but we do fundamentally object to the scheme if this building is to be 6 to 8 storeys high and 29 metres high.

In agreement with other consultees, we request the display of historical information on the site and the preservation/restoration and exposure of the old dock.

We also request:-

- A planning condition to ensure that the modifications to Paper Mill Lane are completed
- Restrict access onto the water meadows by motor bikes, quad bikes and horses
- Keep Bramford Parish Council involved in the progress of the design for the south of the site
- Bramford Parish Council would like to receive assurances from the developer who will be responsible for the swales/drainage on the meadows once the developer has finished
- The Parish Council has concerns regarding the use of the land for horses and would like to see restrictions in place so that access to the site is by footpaths only.

We suggest:-

- Consider self coloured (maintenance free) composite substitute for timber cladding on any new weather boarded buildings
- Consider installing electric vehicle charging points in car park.

Subsequent comments 28th July 2014

Bramford Parish Council's main concern that the tower block to be no more than 5 storeys and 19 metres high has been resolved in the 2014 scheme. We are in favour of the Fisons development and would now like it to proceed as soon as possible, commencing with the protection of the listed buildings against further deterioration, followed by the completion of the works to Paper Mill Lane, prior to the remainder of the works. Our remaining, more minor concerns expressed in the 2013 response to MSDC, have not been addressed in the 2014 scheme but can be discussed and hopefully resolved at a later date.

The Environment Agency

Does not raise any objections to the scheme subject to the imposition of a condition requiring the scheme to be carried out in accordance with the recommendation of the Flood Risk Assessment.

Suffolk Wildlife Trust

Does not raise any objections to the proposal subject to the imposition of conditions in relation to the implementation of the ecology mitigation measures as proposed in the environment statement.

MSDC - Conservation Officer

Has considered the scheme in light of the potential harm caused to the listed building by the demolition of some of the existing structures on site and the impact of the enabling development on the setting of the listed building and it has been concluded that no objections are raised as the scheme will ensure that

the listed building is repaired and put into a viable alternative use. He has also commented that in his experience, there would not be any suitable grants from any of the charities or from English Heritage which would contribute towards the cost of the conversion of this building as the conversion would not meet any of their criteria.

MSDC - Environmental Health

Does not raise any objections to the scheme subject to the imposition of a condition in relation to contaminated land remediation.

Natural England

Does not raise any objections to the proposal or to the amendments as proposed.

Claydon and Whitton Parish Clerk

Supports this application but are very concerned about the infrastructure and that the highway, in both directions, actually meets the proper standard required of a road which will carry a lot of traffic.

We are particularly worried about students using the road to gain access to schools, both in Bramford and Claydon (Primary and High School). Our understanding is that the schools in Claydon will not qualify for free school transport and we feel it is essential that adequate provision is made to allow students to walk or cycle along the whole distance of Paper Mill Lane. If free transport is provided we have no guarantee that this will continue in future years. As it stands at the moment, the highway is not even suitable for parents to take their children to school safely in cars.

If Paper Mill Farmhouse is retained we feel there is a need for traffic lights either side of this building as this is an extremely dangerous bend.

Suffolk County Council - Highways

Initially objected to the scheme but have confirmed since the submission of the amended plans that they are now in a position to be able to support the scheme subject to the imposition of conditions to make the proposal safe in terms of highway safety and to ensure that the scheme brings forwards a travel plan to improve its sustainability.

Avenues East/Optua

Initially objected to the scheme on the grounds that the grounds that accessibility for disabled people into some of the buildings would be compromised. However, the amendments made to the scheme in terms of the provision of lifts in some of the apartment blocks appear to have resolved this issue and they no longer object to the scheme.

Anglian Water

Does not raise any objections to the proposal and advises that there is sufficient capacity in their network to accommodate the scheme.

Fire Service Hq - County Fire Officer

Does not raise any objections to this proposal.

English Heritage

Have accepted the principle of demolition of parts of the listed building on site, but initially raised concerns in terms of the height of the proposed new access tower. As this building has been reduced in height as part of negotiations with the applicant and amended plans have been submitted, then they have confirmed that they no longer object to the proposal. They have also confirmed that there are no grants available to the applicant from English Heritage for this type of development and as such the applicant will be responsible for funding the scheme.

Crime Reduction/Architectural Liaison Officer

Does not object to the scheme but raises concerns about the impact of the proposal on Paper Mill Lane and whether the mitigation measures as proposed will work.

Community Development Officer

Has stated that there is an identified need for recreation and open space facilities within the surrounding area and that the scheme would need to contribute to the delivery of these requirements through a section 106 agreement.

MSDC Economic Strategy

The proposal is clearly not suited for modern business requirements and its conversion to a more suitable use would help to benefit the local economy. Supports the application.

SCC - Rights of Way Department

Comment that the surrounding rights of way will be under more pressure due to usage from the residents of the surrounding dwellings and as such request a contribution via a section 106 agreement to improve the network to meet the needs of the new residents of the development.

Suffolk Primary Care Trust

Object to the scheme on the grounds that a contribution would be required to meet the care needs of residents of the new proposal which would put additional pressure on the existing health care facilities in the surrounding locality.

Suffolk County Council- Countryside Manager

Does not object to the application but raises concerns in relation to the impact of the proposed highway improvement works along Paper Mill Lane on the surrounding treed banks which contribute to the character and appearance of the area.

Subsequent Comments: 31st July 2014

Further concerns raised with regards to the hedges and trees along Paper Mill Lane and questions if there will be sufficient space to allow for replacement planting included within the mitigation proposals.

Ipswich Borough Council Planning Services

Does not object to the principle of housing development on the site. Comments relating to cycle access to the site.

Suffolk County Council - Spatial Planning

Does not object in principle to the use of the site for housing.

Suffolk County Council - Strategic Policy Manager

Advise that the residents of the development will put additional pressure on education in the locality and as such, there is a need for the applicant to contribute financially via a section 106 agreement to meet this identified need. There is also a requirement to deliver the improvements to Paper Mill Lane in terms of its cost and specification through a section 106.

Suffolk County Council - Archaeological Service

Does not object to the proposal and advises conditions in relation to the preservation and display of archaeology on site.

Suffolk County Council - Historic Buildings Officer

Does not object to the scheme in principle but states that there must be safeguards in place to ensure that the historical buildings on site are converted first prior to the commencement of the enabling development.

Suffolk Preservation Society

Broadly supports the conversion of the historic building but considers that the enabling development will cause substantial harm to the setting of the listed building. They advise that the Council must assess the balance between the potential harm to the setting of the listed building caused by the enabling development against the benefit that it may bring in terms of the renovation of and the guaranteed future use of the listed building.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received:
- The apartment block and the two storey dwellings as proposed will have a negative impact on the living conditions of the objector.
 - Would like to see a brick wall along the boundary of the site and her property and consideration to the reduction in height of the apartment block or its movement further north in the plot.
 - Raises concerns in relation to the impact of the development on Paper Mill Lane, in particular, the part where it reduces down to a single car width.
 - Considers that the multiple storey buildings on site should have domed roofs as opposed to a conventional pitched roof. However, the applicant has listened to the concerns of both the Council and local residents and have reduced the height of the multiple storey buildings.
 - Supports the keeping of the land to the west of the site as public open space and would like to ensure that the open flood plain land that surrounds the site is protected and enhanced for public enjoyment.
 - The site is not easily accessible and the applicant should contribute via a legal agreement to ensure that a bus service is provided to the site.
 - The development lies in an unsustainable location outside the defined development limits of Bramford or Claydon and due to the cost of the conversion of the listed building on site, it is unlikely that the scheme will ever progress.

ASSESSMENT

8. The following matters are considered to be appropriate in the consideration of this proposal: -

- Principle of Development
- Impact on the Character and Appearance of the Area
- Residential Amenity
- Highway Matters
- Landscaping
- Contamination
- Biodiversity
- S106 Obligation Requirements
- Parish Council comments

PRINCIPLE OF DEVELOPMENT

The former Fisons site on Paper Mill Lane lies in a countryside location outside the defined development limits for both Claydon and Bramford and involves the demolition of some buildings on site and the conversion of an existing commercial building to provide a mixed residential/commercial use and the erection of new dwellinghouses to cross-subsidise the extensive renovation works that are required to the existing listed building on site. Therefore, the requirements of policies CS1 and CS2 of the Mid Suffolk Core Strategy apply in this circumstance.

Policy CS1 channels new residential development to the settlements specified in the settlement hierarchy and as such, new market residential development would not be supported in the location as proposed. Policy CS2 of the Core Strategy states that in locations outside of the defined development limits of the settlements as specified in the hierarchy, support will be given to the re-use and adaptation of buildings for appropriate purposes. Support will also be given to proposals which involve the preservation of listed buildings.

Whilst the market housing part of the scheme initially appears to be unacceptable in terms of the requirements of policy CS1 of the Core Strategy, the application has been submitted as a package with the new residential development intended to fund repairs to and the conversion of the existing listed former Fisons building. The Fisons building is a large Grade II listed building which is at risk due to its current poor and deteriorating condition and the applicant is making the case that the substantial cost of the renovation and the conversion of the building to an alternative use which guarantees its future is too expensive and not viable without some form of enabling development.

The government makes it clear in paragraph 6 of the NPPF that the aim of the planning system is to facilitate sustainable development. The NPPF at paragraph 7 states that sustainable development has three broad roles: economic, social and environmental. The environmental role of sustainable development involves contributing towards and protecting the natural, built and historic environment. It is however made clear that the competing aspects of the requirements for sustainable development have to be balanced by the decision maker in assessing the case.

The adopted suite of development plans for Mid Suffolk are silent on enabling development, however paragraph 140 of the NPPF provides limited guidance on

this topic It states that it is up to the local authority to assess whether the benefits of a proposal for enabling development which would otherwise conflict with policies, but which would secure the conservation of a heritage asset, would outweigh the disbenefits of departing from these policies.

The former Fisons building is a large building which was built specifically for industrial/commercial purposes and is historically important throughout the country for this purpose as well as being architecturally interesting. However, as the use of the building and the surrounding site has gradually wound down over the years, the condition of the building has deteriorated to such a level that it is now on English Heritage's buildings at risk register. Therefore, it is clear that as the building continues to deteriorate and is not well maintained, there is a serious risk in the future of the building falling into such a state of disrepair that it could be lost altogether.

There is clearly a fine balancing line that the Council needs to make between securing the future of the listed building whilst also having regard to the fact that the enabling development itself can be harmful to the setting of the listed building and is not ordinarily acceptable either in national or local planning policy terms due to it being located outside of the areas defined as being suitable for development and it is not specifically allocated for development in the adopted suite of development plans.

English Heritage has provided advice to local authorities on enabling development and they state that Councils should consider four criteria in determining whether to grant permission. The criteria are as follows: -

1. How much enabling development is required to cross fund the survival of the listed building.
2. How practical would it be to use conditions and a section 106 agreement to agree a suitable phasing plan to ensure that the new build aspect of the scheme and the conversion occur at a similar rate to each other and to prevent just the new build part to occur on its own.
3. Enabling development should be a last resort. Could the site be used by different owners who could secure its continued repair?
4. What happens in the future and how will the asset be maintained?

English Heritage and the Council's Conservation Team have been heavily involved in this project and they are keen to see this historical building repaired and put into a use that guarantees its future survival. Both consultees are of the opinion that the harm caused by the enabling development in terms of its impact on the setting of the heritage asset is outweighed by the fact that the conversion allows the building to be repaired and put into a viable future use.

(1) The applicant has shown that even with the residential development acting as an enabler to the works to the listed building, the proposal would result in a significant loss to the developer (£4.55million). This loss is due to the fact that the site was bought for at the height of the market for a significant amount and therefore has a large amount of debt associated with it. Although house prices have recovered during the last 2 years, cost of house building materials have also increased, increasing the level of loss. The fact that the development would lead to loss would not necessarily mean that the scheme would not be deliverable as development would allow some recovery of the overall debt on

the site. Although it is not the purpose of the planning system to allow development in order to enable the recovery of debt, in this case there are listed buildings which are falling into disrepair. Allowing this level of enabling development will mean that delivery is more likely, allow for the repair and reuse of the historic buildings. Given the level of debt, it is considered that the proposal, which will provide development on all the developable area of the site, is the minimum amount of enabling development which is required.

(2) In terms of the second requirement, officers are satisfied that a suitably worded Section 106 agreement can be agreed and concluded between the Council and the applicant to ensure that the renovation of the listed building is carried out in lockstep with the proposed enabling development.

(3) The applicant has stated in their supporting statements that they have not looked at selling the site as they are in a position to proceed with the scheme as proposed. They have considered what other uses could go on site in terms of the existing use of the premises and have concluded that these would not be sufficiently profitable to maintain the building, let alone fully restore it and some of the options put forwards would not be economically viable. Given the level of debt on the buildings and land, it is very unlikely that the buildings would be sold to another party for an alternative development, as with the level of debt on the site makes it unattractive to purchases without the enabling development.

(4) The fourth part of the English Heritage Guidance note could be addressed satisfactorily by agreement with the applicant in the section 106 agreement which would need to be signed to deliver the scheme.

Whilst there is limited information on the level of cross funding required to make the development deliverable, given that the proposed development would still lead to a significant loss, it appears necessary to accept that the proposed level of development (which comprises the majority of the site) is all necessary and would allow for the minimum loss. This makes the proposals more deliverable. It is clear that there are significant benefits that arise from the scheme in terms of renovating and bringing a designated heritage asset that is at risk back into a viable alternative use that would guarantee its history.

In addition there would be a public benefit of delivering additional houses on a predominately brownfield site which would count towards the Council's 5 year land supply.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

Policy CS5 of the Mid Suffolk Core Strategy and policy FC1.1 of the Mid Suffolk Core Strategy Focused Review state that all proposals must preserve and enhance the character and appearance of the district. Policy GP1 of the Mid Suffolk District Local Plan states that to be supported, all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of surrounding development. Policy H13 of the plan also reconfirms the same policy criteria as contained in policy GP1. Policy H15 states that housing development should be compatible with the pattern and form of development in the area and respect the character and setting of the locality. The above policies carry significant weight in the determination of this proposal as they are in line with the requirements of paragraph 56 of the NPPF which requires all schemes to be of good design that positively contribute towards achieving sustainable development.

The site lies in a semi rural location and has an air of dereliction about it. The buildings on site are large and are clearly not being well maintained but are longstanding landmarks in this locality which are visible from a number of surrounding vistas. Whilst some of the buildings on site are of an attractive design, their current dilapidated condition and the very industrial looking enclosures for the site do not positively enhance the character and appearance of the locality. The scheme to convert the listed building and the demolition of some of the other less attractive modern building (including the high chimney which is clearly visible from a number of locations in the surrounding landscape) and their replacement with an attractive array of houses of various styles, designs and heights which will incorporate both hard and soft landscaping will have a positive impact on the visual amenities of the surrounding locality.

The County Landscaping officer broadly supports the scheme but raises concerns about the impact of the highway improvement works that the applicant is proposing on the trees and hedgerow that border Paper Mill Lane and the effect of this on the rural character of the area. The need to introduce a footway along Paper Mill Lane to the south of the site will result in significant hedgerow loss along some parts of Paper Mill Lane. There will be also some areas where only limited replanting of hedges will be possible within the highway boundary. However in other parts of Paper Mill Lane, where there is currently no soft boundary treatment including within the boundary of the site, it is proposed to provide new hedging or individual trees. The introduction of new landscaping in these areas will partly compensate for the loss elsewhere. Overall the highway improvements may lead to an alteration to the rural character of Paper Mill Lane, but this detrimental impact needs to be balanced against the positive effects of the scheme, including the retention and reuse of the historic buildings and the introduction of landscaping within the existing site.

The style and design of the buildings proposed as part of the conversion will alter the character of the site from industrial to residential with more individual buildings being on site than at present. However, the applicant has submitted a number of photographs from surrounding vistas which show that the impact of the proposal will be minimal on the surrounding countryside and the visual impact of the scheme itself will be limited to the surrounding locality where it has already been identified that the proposal will result in the upgrading of the visual quality of the site.

Having regards to the above, it is considered that in terms of the style, height, design and appearance of the proposal that it is in keeping with the character and appearance of the existing buildings on site and in the surrounding locality in line with the requirements of policies GP1, H13 and H15 of the Mid Suffolk District Local Plan, policy CS5 of the Mid Suffolk Core Strategy 2008, policy FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012 and the requirement for good design as referred to in paragraph 56 of the NPPF.

IMPACT ON DESIGNATED HERITAGE ASSETS

As identified above, the former Fisons building is a Grade II Listed building that is listed for both its visual appearance and the fact that it one of the few remaining and largest original purpose built chemical processing factories in the country.

Policies HB1, HB2, HB3, HB4 and HB5 of the Mid Suffolk District Local Plan are applicable in relation to this proposal. Policy HB1 states that the local planning authority places a high priority on the protection of the character and appearance of buildings with architectural and historic character. Policy HB2 states that the demolition of listed buildings or the removal of important features from the building or from its curtilage will not ordinarily be supported unless it is as a last resort and that a redevelopment scheme either for its total or part replacement is in place. Policy HB3 states that the alteration to listed buildings *"will only be permitted in exceptional circumstances and will be required to meet high standards of design, detailing, materials and construction."* Policy HB4 states that any proposed extension should not dominate the original siting, size, scale or materials or detract from its architectural or historic character. Policy HB5 relates to the change of use of historic buildings and states that the Council will support proposals if they preserve the building and its setting without undue alteration. The policy goes on to state that the design of any conversion, including the materials and any proposed openings in the structure must preserve the character and form of the building and where extensions are necessary, they must not dominate the original building by virtue of its setting, scale and materials. Policy CS5 of the Mid Suffolk Core Strategy and Policy FC1.1 of the Mid Suffolk Core Strategy Focused Review also provide similar criteria on preserving heritage assets. These policies carry significant weight in the determination of this proposal as they are compliant with the advice as contained in the NPPF at paragraph 131 to 136.

The application site is a Grade II Listed Building which is visually prominent, on the "at risk" register and is also historically important both locally and nationally for the reason of its construction and its former use. The scheme as submitted is substantial in nature as it involves alterations to the building, demolition of buildings within its grounds, the construction of new buildings, the introduction of landscaping and parking areas, a new separate area of residential development and the change of use of the building from its original industrial use into a mixed commercial and residential use. Paragraph 132 of the NPPF states that when Councils consider the impact of new development on the significance of the designated heritage asset great weight should be given to its conservation. Paragraph 132 goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should only be exceptional.

English Heritage and the Council's Conservation officer have assessed the scheme and have concluded that the alteration and the repair to the listed building itself will cause limited harm to it and its setting. However, the demolition of the other important buildings on site which date from the heyday of the use of the building is considered to constitute substantial harm to it and its setting, but the retention of blocks A and B represents a substantial public benefit. The Conservation Officer goes on to say that there is little guidance on where the line is to be drawn between substantial and significant harm, and in this instance the key points are that the most significant elements of the building are relatively unharmed, and of the elements to be removed Block H has been compromised by substantial alteration, while Blocks D and E are of relatively modest intrinsic value.

Whilst the enabling development clearly causes harm to the setting of the listed

Fisons building, it must also be considered that there would be significant harm from the scheme not going ahead and the building potentially being lost from not being repaired and renovated. As such, both English Heritage and the Council's Conservation Officer have concluded that in their opinion, and having regards to the importance of the building both locally and nationally, that they support the scheme as it would result in the preservation and continued viable future use of the listed building in line with the requirements of paragraph 133 of the NPPF.

The specific alterations to the buildings as proposed can be controlled by conditions and it is proposed that a S106 agreement is secured with the applicant to ensure that the conversion to the listed building is delivered concurrently with the residential development proposed on site. Therefore, it is considered that the proposal complies with the contents of policies HB1, HB2, HB3, HB4 and HB5 of the Mid Suffolk District Local Plan and policy CS5 of the Mid Suffolk Core Strategy and policy FC1.1 of the Mid Suffolk Core Strategy Focused Review.

RESIDENTIAL AMENITY

Policies H13 and H16 of the Mid Suffolk District Local Plan aim to protect the living conditions of neighbouring occupiers. These policies are considered to have significant weight in the determination of this application as they do not conflict with the main thrust of the NPPF as stated in paragraph 215 of the NPPF.

A single objection has been received in relation to the impact of the proposal on the living conditions of a neighbour. The objector states that the proposal will permanently alter their view as there will be new buildings and tower blocks on site. However, this is not a material consideration in the determination of this or any other planning application as nobody has the right to a view in planning terms. The objector also comments that the blocks of houses proposed will have a negative impact on their privacy and they request that the closest tower block is reduced in height. The part of the site that the objector is referring to is the outline part of the proposal and it is considered that as the applicant has not requested that siting, design or appearance are to be considered at this stage (only the principle of the residential development) that their objections to the scheme can be overcome successfully at reserved matters stage.

The site is adjacent to the railway which has the potential to create a noisy environment within the site. The proposed development seeks to alleviate this by providing a noise attenuation buffer in the form of open space adjacent to the railway. In addition, the indicative drawings show new dwellings facing onto the railway thereby protecting the rear gardens from noise. The new development can have suitable noise attenuation measures such as triple glazing agreed as part of a reserved matters application while the historic buildings are set away from the railway.

Therefore, it is considered that the proposal in terms of residential amenity is acceptable and complies with the requirements of policies H13 and H16 of the Mid Suffolk District Local Plan and the good design principles of the NPPF.

HIGHWAY MATTERS

Policies H13 and T10 of the Mid Suffolk District Local Plan states that

development will be supported where it does not have a negative impact on highway safety. Policies GP1 and T9 also provide criteria in relation to the provision of car parking in relation to developments. The policies referred to above are in line with the requirements of paragraph 39 of the NPPF and carry significant weight in the determination of this application.

The site lies on Paper Mill Lane which is a narrow two way country road where in parts it reduces in width to a single vehicle width due to existing properties and structures close to the highway boundary. Visibility on some of the corners along Paper Mill Lane is also poor and minor accidents on the road are common, particularly as the site is used as a short cut from the A14 to get into Bramford.

The Highway Authority raised concerns in relation to this proposal on safety grounds as they are concerned in terms of the proposed changes to Paper Mill Lane and that the location of the site does not provide a safe and suitable access for all people and that opportunities for sustainable transport modes cannot be maximised. They therefore state that the proposal as originally submitted was contrary to paragraphs 32 and 34 of the NPPF. These concerns are also shared by Claydon Parish Council.

The applicant has subsequently been in negotiations with the Highway Authority and they have amended the scheme as follows:

- Widen Paper Mill Lane at certain points to ensure that it is capable of accommodating two cars passing along its width.
- Have a sign posted chicane at the existing pinch point to ensure that vehicles slow down and are able to pass each other.
- Provision of road narrowing at certain points to slow vehicles down.
- A pedestrian footpath of a minimum width of 1.5m along the western side of the road will be put in along the length of Paper Mill Lane to allow pedestrian access to Bramford.
- Provision of a new footpath and cycle way along the railway side that will run between the two existing underpasses to allow informal access between the site and Bramford.

The applicant considers that the above package will address the highway safety concerns as identified by the Highway authority and a number of the consultees and will also help to provide links to Bramford to make the site more accessible to pedestrians and cyclists. The applicant has also been in negotiation with the highways authority over the internal layout of the site, the internal access points and car parking provision on site. A total of 404 car parking spaces have been provided in the amended plans for the whole site (down from the originally proposed 425 due to the need to amend the layout of the site to take in the Highway Authority's comments) and there will be 22 bicycle racks.

The Highway Authority also objected to the scheme on car parking grounds and sustainable travel grounds. They have commented that in the full application part of the scheme, the applicant is only proposing 225 parking spaces as opposed to the 360 spaces which is shown as a requirement in the County's draft parking guide. As this parking guide is only a draft it has little weight, current parking standards would require less parking spaces. In addition, large expanses of hardstanding will be detrimental to the character of the listed building and therefore a balance needs to be struck.

Following the submission of amended plans, the County Highway Authority have confirmed that they no longer object to any aspect of the scheme and that the improvements required to both Paper Mill Lane and the proposed footpath link to Bramford are delivered. The County Highway Authority have therefore accepted that the lower levels of parking is acceptable on this site.

Having regards to the contents of policies GP1, H13 and T10 of the Mid Suffolk District Local Plan and the comments of the Highway Authority, it is considered that the scheme as proposed will help towards mitigating the impact of the scheme as proposed to provide a safe access point to and from the site. Whilst the site is not located within a sustainable location and proposes less car parking than that suggested as being appropriate by the Highway Authority, it is considered that the benefits brought about by the wider scheme in terms of the restoration of the listed building, the delivery of new housing together with the safety improvements to Paper Mill Lane, as well as new footpath links to and from the site will help to make the scheme compliant with paragraph 32 of the NPPF which requires schemes to provide safe and suitable access for all.

LANDSCAPING

Policy GP1 and H13 of the Mid Suffolk District Local Plan requires that landscaping is considered as an intrinsic part of every proposal. This criteria is repeated in the NPPF in terms of the requirement for a good standard of design and layout with every scheme. The same requirement is also contained in policy CS5 of the Mid Suffolk Core Strategy.

The existing site is very industrial and run down in character and is devoid of any significant landscaping which gives a very harsh industrial environment. The applicant has provided a landscaping strategy plan which proposes landscaping within the car parking areas and along the site boundaries to visually improve the character of the area. A landscaping belt is proposed between the new dwellings (the outline part of the site) and the railway line to act as a sound attenuation measure as well as to soften the impact of the railway line on the dwellings.

The scheme has been forwarded to the County Landscape Officer who has raised concerns in terms of the impact of the highway improvement works on the trees and the landscaped banks along Paper Mill Lane. It is accepted that the highway works will result in loss of parts of the hedgerow along Paper Mill Lane, however compensatory planting will be included and the impact will be mainly within short distance views. Overall it is considered that benefits of the scheme outweigh the minor impact on the wider landscape.

Having regards to the above, it is considered that the proposal complies with the requirements of policies GP1 and H13 of the Mid Suffolk District Local Plan and policy CS5 of the Mid Suffolk Core Strategy Focused Review.

CONTAMINATION

The application site by virtue of its historical uses will clearly be contaminated and this will need to be resolved to allow the site to be safely used for an alternative use. Policy CS4 of the Mid Suffolk Core Strategy aims to protect people and the environment from unsafe and unhealthy pollutants. This policy

carries significant weight in the determination of this planning application as it complies with the requirements of paragraphs 121, 122 and 123 of the NPPF which provides criteria on development and pollution control/contaminated land.

The applicant has carried out a detailed site investigation report for potential contamination. This has been forwarded to the Council's Environmental Health team to assess as to whether it is acceptable. They have commented that they do not have any objections to the proposed use of the site subject to a full report being submitted which outlines the measures that will be used to deal with contamination on site. As such, if the site is developed in accordance with the recommendations of the contaminated land report it is considered to comply with the requirements of policy CS4 of the Mid Suffolk District Local Plan and the guidance as contained within paragraphs 121, 122 and 123 of the NPPF.

BIODIVERSITY

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. Woolley v Morge determined that in order to discharge its regulation 9(5) duty a Local Planning Authority must consider in relation to an application (full, outline or listed building) the following:-

(i) whether any criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed; and

(ii) if one or more such offences is likely to be committed, whether the LPA can be satisfied that the three Habitats Directive "derogation tests" are met. Only if the LPA is satisfied that all three tests are met may planning permission be granted.

These three tests are:

1. the development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. As follows

- (a) scientific or educational purposes;
- (b) ringing or marking, or examining any ring or mark on, wild animals;
- (c) conserving wild animals or wild plants or introducing them to particular areas;
- (d) protecting any zoological or botanical collection;
- (e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (f) preventing the spread of disease; or
- (g) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

2. there must be no satisfactory alternative, and

3. favourable conservation status of the European Protected Species in their natural range must be maintained – this is the test that drives the need for the developer to provide replacement habitat.

Saved policy CL8 of the Mid Suffolk Local Plan also provides similar advice to that contained in the 2010 regulations and carries significant weight in the determination of this application as it complies with the criteria as contained in paragraph 118 of the NPPF. Policy CS5 of the Mid Suffolk Core Strategy also applies which states that development will maintain and enhance biodiversity.

There are a number of buildings on site, some of which are to be converted and others to be demolished to facilitate this proposal. As such, these buildings and structures within the site could provide habitat for protected species. The applicant has carried out a thorough assessment of the wildlife in the area, both within the buildings and on the unbuilt part of the sites. The existence of protected bats has been identified on site as well as a number of other species that are not protected under the terms of the wildlife and countryside act. The Suffolk Wildlife Trust and Natural England have been consulted on this proposal and they do not object to the submitted report or the mitigation measures as proposed. Therefore, it is considered that the proposal complies with the requirements of policy CL8 of the Mid Suffolk District Local Plan, policy CS5 of the Mid Suffolk District Core Strategy and the advice as contained in paragraph 118 of the NPPF and subject to developing in accordance with the advice set out in the ecological report no offence under the 2010 Regulations will take place.

FLOOD RISK

The application site lies in a area designated as flood zone 1 with the undeveloped land to the west of the railway line being defined as a flood zone 3. As the built part of the site lies in an area defined as being at low risk of flooding, the NPPF states that a sequential test is not required to accompany this application.

The applicant has submitted a Flood Risk Assessment with the application which is required as a consequence of the size of the land as described in the NPPF Technical Flood Guidance notes. The FRA has been forwarded to the Environment Agency for their comments and they have not objected to the scheme and as such it is considered to comply with the requirements of the Flood Risk Technical Guidance note as attached to the NPPF.

SECTION 106 PLANNING OBLIGATION REQUIREMENTS AND VIABILITY

The proposal as submitted due to its size triggers the Council's requirements for contributions towards the provision of Open Space and Social Infrastructure (OSSI), affordable housing and education as required by policy CS6 of the Mid Suffolk Core Strategy. The contributions requested are as follows: -

OSSI - The Council has identified that there is a need for the applicant to contribute towards open space and social infrastructure requirements in the district to the sum of £1,152,380.

Affordable Housing - Policy H4 of the Mid Suffolk District Local Plan (as amended) requires that for schemes of 5 or more dwellings in areas outside of Stowmarket and Needham Market, developers are required to provide 35% of the scheme as affordable housing. In this scheme a total of 63 units would be

required with 75% or 47 rented and 25% or 16 as shared ownership.

Education Contributions - Suffolk County Council has stated that they require £280,163 for primary school provision. Although this contribution will be subject to an upto date evaluation. The County has also indicated that they require £79,183 towards pre-school places which will be needed as part of this development.

Public Right of Way Improvements - A financial contribution of £75,000 will be required to improve and maintain the public right of way which is required to maximise sustainable modes of travel between the site and Bramford.

Libraries - A capital contribution of £38,016 is required as part of this scheme to improve existing facilities in the locality and a further £90,000 is required to increase library provision to meet the need generated by the new residents of the site.

Waste - A contribution of £17,072 is required to meet the waste and recycling needs of the new residents of the properties if permission is granted.

Medical Facilities - A contribution of £57,200 has been requested to meet the additional health needs of the residents of the new dwellings on site.

The applicant has stated in their supporting documentation that the repair and renovation of the former Fisons building is a significant piece of work which will be costly to do. The same is also the case with the substantial traffic improvement works and works to the public right of way that the applicant will be expected to contribute towards. There are also substantial contributions expected of the applicant in terms of public open space, waste and education provision as well as meeting the Council's affordable housing policy needs.

The applicant is of the opinion that they cannot deliver the scheme if the full range of contributions will have to be paid; they have submitted a viability assessment to the Council outlining the costs of the scheme and specifying what they consider is affordable on site to deliver the scheme. This report has been reviewed by the District Valuer who has agreed with the applicant's assumptions in their report.

Therefore, it has been agreed in line with the flexibility on housing delivery as stated in paragraph 50 of the NPPF that the educational contribution will be discounted by 10% and paid in stages following the sale of dwellings. This will ensure that the requirement for educational infrastructure is provided and children living on the scheme will not create an unreasonable burden on the LEA.

The remaining contributions listed above with the exception of the NHS trust medical contribution and the affordable units will be subject to a Section 106 agreement which will have a 'claw back clause'. This will be on a proportionate basis and mean that if the scheme proves to be more viable than shown in the viability report, then funds will go towards the s.106 contributions as a percentage of profit made. As such, none of the contributions except for education is guaranteed and no contribution will be made towards affordable housing or health care in any case.

This aspect of the viability case is significant and brings into focus the fundamental acceptability of the scheme coming forward without normally essential infrastructure. Only providing an educational contribution and no other infrastructure or affordable obligations would usually result in the development being considered unsustainable. However in this case the main purpose of the development is to ensure the repair and reuse of the historic buildings. In order for the scheme to be deliverable, officers are of the opinion that any further infrastructure contributions should only be subject to the 'claw back clause'. The delivery of the refurbished listed building is itself a material public benefit that weighs in favour of the sustainability of the proposal. It is proposed that areas of open space including a toddlers play area and allotments will be provided within the outline development area, which will partly compensate for the lack of contribution to open space.

CONCLUSION

The proposed development is considered to be an acceptable form of enabling development which accords with the English Heritage guidance on enabling development. The development would support the repair and reuse of the Listed Buildings which are currently at risk. The development will provide improvements to the current appearance of the site and highway improvements, include a new footway. In addition the new dwellings will contribute to the Council's 5 year land supply. The proposal will have an impact on the landscape and rural character of the area by the loss of some areas of trees and hedgerow, although this will be partly mitigated for by the replacement and additional planting.

Subject to an effective Section 106 and conditions regime your officers consider that the proposal is a sustainable development having regards to the heritage benefits to future generations.

RECOMMENDATION

That Planning Permission be GRANTED subject to the completion of a section 106 planning obligation on terms to the satisfaction of the Corporate Manager for Development Management. The section 106 agreement will secure the following heads of terms:

- phasing scheme to secure the delivery of the repair and conversion of the former Fisons building concurrent with the commencement of development and delivery of completed works ready for occupation within timetable aligned to the phased build out of residential development
- traffic calming measures along Paper Mill Lane
- footway and foot path links and improvement works to be made available and retained for public use in phased arrangement with implementation of project
- education contribution linked to phased occupation of dwellings
- viability review and "claw back" mechanism to enable review of unsecured obligations

That such planning permission be subject to condition covering the following matters:

(a) the full application element

- **Standard 3 year time limit**
- **Scheme in agreement with approved plans**
- **Materials including glazing details for the listed buildings**
- **Materials for the new build element of the site**

- Schedule of works for listed buildings
- Details of boundary treatment and means of enclosure
- Hard landscaping - details to safeguard character and setting of listed building
- Soft landscaping - appropriate to heritage environment
- Phase II contaminated land investigation and remediation
- Implementation of the ecology mitigation measures
- Habitat creation and management plan
- Details of bin storage and recycling facilities
- Archaeology investigation report
- Floor Levels relative to off site datum
- Scheme for the provision of fire hydrants
- Car parking strategy
- Scheme for roadside hedge and tree impact, mitigation and monitoring
- Highways conditions
- Development to be carried out in accordance with FRA
- Details of surface water drainage
- Details of foul water drainage
- Construction management plan including vehicle management and waste minimalisation
- Scheme of sustainability and energy efficiency measures
- Lighting strategy
- Removal of permitted development rights for both residential and commercial uses

(b) The outline application element

- Standard outline time limit
- Submission of reserved matters
- No commencement of development until a scheme of repair and conversion of listed buildings as agreed by the Local Planning Authority under the s106 agreement
- Details of materials
- Details of boundary treatment and means of enclosure
- Hard landscaping - details to safeguard character and setting of listed building
- Soft landscaping - appropriate to heritage environment
- Scheme for roadside hedge and tree impact, mitigation and monitoring
- Phase II contaminated land investigation and remediation
- Implementation of the ecology mitigation measures
- Habitat creation and management plan
- Details of bin storage and recycling facilities
- Archaeology investigation report
- Floor Levels relative to off site datum
- Development to be carried out in accordance with FRA
- Scheme for the provision of fire hydrants
- Construction management plan including vehicle management and waste minimalisation
- Highway conditions
- Scheme of sustainability and energy efficiency measures
- Car parking strategy
- Lighting strategy

Philip Isbell
Corporate Manager - Development Management

Elizabeth Truscott
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

Cor1 - CS1 Settlement Hierarchy
Cor2 - CS2 Development in the Countryside & Countryside Villages
Cor3 - CS3 Reduce Contributions to Climate Change
Cor4 - CS4 Adapting to Climate Change
Cor5 - CS5 Mid Suffolks Environment
Cor6 - CS6 Services and Infrastructure
Cor7 - CS7 Brown Field Target
Cor8 - CS8 Provision and Distribution of Housing
Cor9 - CS9 Density and Mix
Cor11 - CS11 Supply of Employment Land
Cor12 - CS12 RETAIL PROVISION
CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
CSFR-FC2 - PROVISION AND DISTRIBUTION OF HOUSING
CSFR-FC3 - SUPPLY OF EMPLOYMENT LAND

2. Mid Suffolk Local Plan

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT
HB1 - PROTECTION OF HISTORIC BUILDINGS
HB2 - DEMOLITION OF LISTED BUILDINGS
HB3 - CONVERSIONS AND ALTERATIONS TO HISTORIC BUILDINGS
HB4 - EXTENSIONS TO LISTED BUILDINGS
HB5 - PRESERVING HISTORIC BUILDINGS THROUGH ALTERNATIVE USES
HB6 - SECURING THE REPAIR OF LISTED BUILDINGS
HB14 - ENSURING ARCHAEOLOGICAL REMAINS ARE NOT DESTROYED
H7 - RESTRICTING HOUSING DEVELOPMENT
H9 - CONVERSION OF RURAL BUILDINGS TO DWELLINGS
H13 - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
H14 - A RANGE OF HOUSE TYPES TO MEET DIFFERENT ACCOMMODATION NEEDS
H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS
CL8 - PROTECTING WILDLIFE HABITATS
CL9 - RECOGNISED WILDLIFE AREAS
CL18 - COU FOR AGRI AND OTHER RURAL BUILDINGS TO NON-RES USES
E4 - PROTECTING EXISTING INDUSTRIAL/BUSINESS AREAS
E5 - COU WITHIN EXISTING INDUSTRIAL/COMMERCIAL AREAS
E6 - RETENTION OF INDIVIDUAL INDUSTRIAL AND COMMERCIAL SITES
E7 - NON-CONFORMING INDUSTRIAL USES
E8 - EXTENSIONS TO INDUSTRIAL AND COMMERCIAL PREMISES
E9 - LOCATION OF NEW BUSINESSES
E10 - NEW INDUSTRIAL AND COMMERCIAL DEVELOPMENT IN THE COUNTRYSIDE
E11 - RE-USE & ADAPTATION OF AGRICULTURAL & OTHER RURAL BUILDINGS
E12 - GENERAL PRINCIPLES FOR LOCATION, DESIGN AND LAYOUT

S5 - LIVING ACCOMMODATION ABOVE SHOPS AND OTHER COMMERCIAL PREMIS
S8 - SHOP FRONT DESIGN
S10 - CONVENIENCE GOODS STORES
S12 - RETAILING ON INDUSTRIAL ESTATES AND COMMERCIAL SITES
T2 - MINOR HIGHWAY IMPROVEMENTS
T4 - PLANNING OBLIGATIONS AND HIGHWAYS INFRASTRUCTURE
T9 - PARKING STANDARDS
T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
T11 - FACILITIES FOR PEDESTRIANS AND CYCLISTS
T12 - DESIGNING FOR PEOPLE WITH DISABILITIES
T13 - BUS SERVICES
RT1 - SPORTS AND RECREATION FACILITIES FOR LOCAL COMMUNITIES
RT4 - AMENITY OPEN SPACE AND PLAY AREAS WITHIN RESIDENTIAL DEV'T
RT5 - RECREATIONAL FACILITIES AS PART OF OTHER DEVELOPMENT
RT6 - SPORT AN D RECREATION FACILITIES IN THE COUNTRYSIDE
RT11 - FACILITIES FOR INFORMAL COUNTRYSIDE RECREATION
RT12 - FOOTPATHS AND BRIDLEWAYS
SC4 - PROTECTION OF GROUNDWATER SUPPLIES

3. **Planning Policy Statements, Circulars & Other policy**

NPPF - National Planning Policy Framework
C0299 - CIRCULAR 02/99: ENVIRONMENTAL IMPACT ASSESSMENT
C0505 - CIRCULAR 05/05: PLANNING OBLIGATIONS
C1195 - CIRCULAR 11/95: USE OF CONDITIONS IN PLANNING PERMISSION

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of **13** interested party(ies).

The following people **objected** to the application

[REDACTED]

The following people **supported** the application:

[REDACTED]

The following people **commented** on the application:

[REDACTED]