

Committee Report

Item 7B

Reference: DC/19/01482

Case Officer: Bradly Heffer

Ward: St Peter's.

Ward Member/s: Cllr Paul Ekpenyong.

RECOMMENDATION – PLANNING PERMISSION WITH CONDITIONS

Details of Development

Description of Development

Full Planning Application - Erection of a care home and 93 no. residential apartments with associated car parking and amenity spaces

Location

Land To The East And West Of Prentice Road, Stowmarket, Suffolk,

Expiry Date: 01/10/2019

Application Type: FUL - Full Planning Application

Development Type: Major Large Scale - Dwellings

Applicant: Mr Sav Atkar

Agent: Bidwells LLP

Parish: Stowmarket

Site Area: 0.65 hectares

Density of Development:

Gross Density (Total Site): 133 units per hectare.

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

Details of Previous Committee / Resolutions and any member site visit

None

Has a Committee Call In request been received from a Council Member?

None

Details of Pre-Application Advice

The views of officers were sought with regard to the provision of a mixed residential and care home development on the identified site (ref. DC/18/01519). The following extracts are from the officer's written response at that time:

'...Policy 5.6 of the Stowmarket Area Action Plan states that development in this area will be for mixed use purposes, which must include employment, residential and retail. The site to the east of Prentice Road is proposed to be residential...The site to the west of is proposed to be a care home, while this use is not strictly in accordance with the policy it is likely to be acceptable on the basis of need and that the use is a quasi-employment and residential use...There are concerns that the care home would involve a fairly low density use in what is a very sustainable location. The Council would wish to see a higher density scheme which would include development of up to 6 storeys in height...Policy 9.4 of the Stowmarket Area Action Plan states that pedestrian links should be provided to the river Gipping to provide unrestricted public access to the waterside. As such providing a footpath through the site should be explored...The principle of the proposal is acceptable subject to compliance with Policies 5.6 and 5.7 of the Stowmarket Area Action Plan...'

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

Mid Suffolk Core Strategy Focused Review (December 2012)

FC01 - Presumption In Favour Of Sustainable Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

FC02 - Provision And Distribution Of Housing

FC03 - Supply Of Employment Land

Mid Suffolk Core Strategy (September 2008)

CS01 - Settlement Hierarchy

CS03 - Reduce Contributions to Climate Change

CS04 - Adapting to Climate Change

CS05 - Mid Suffolk's Environment

CS07 - Brown Field Target

CS09 - Density and Mix

Mid Suffolk Local Plan (1998)

SB02 - Development appropriate to its setting
GP01 - Design and layout of development
H02 - Housing development in towns
H04- Proportion of Affordable Housing
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
HB1 – Protection of historic buildings
HB8 – Safeguarding the character of conservation areas
CL05 - Protecting existing woodland
T09 - Parking Standards
T10 - Highway Considerations in Development
RT12 - Footpaths and Bridleways

SAAP - Stowmarket Area Action Plan (February 2013)

Policy 4.1 – Presumption in Favour of Sustainable Development
Policy 5.6 – Allocation
Policy 5.7 – Guidelines and Principles
Policy 5.8 – Wider Setting
Policy 9.4 – River Gipping
Policy 9.5 – Historic Environment

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Stowmarket Town Council states:

‘There is no objection from the Town Council to the grant of planning consent.’

National Consultee (Appendix 4)

Anglian Water has advised that it has assets close to or crossing the site, and this should be reflected in the layout. In addition, there is available wastewater treatment capacity in the Stowmarket Water Recycling Centre; the site falling within its catchment area. The preferred

method for the disposal of surface water would be via a sustainable drainage system. Lastly, in the event that planning permission is granted for the proposal, it is requested that informatives are added to the decision notice.

The **Environment Agency** has advised that it has no objections to the proposal and has recommended the inclusion of conditions on a grant of planning permission. The Agency notes that the site is within Floodzone 3a and therefore a high probability of flooding exists. The Agency also notes the proposed mitigation within the development proposal, and the Emergency Flood Plan that forms part of the application submission.

Highways England offers no objection to the proposals.

Historic England does not wish to offer any comment.

Natural England has advised it has no comments to make on the application. The Council's attention is drawn to its standing advice in relation to protected species and ancient woodland, as well as SSSI Impact Risk Zones.

NHS England has commented as follows:

'The proposal comprises a development of up to 93 residential dwellings and a 75 bedroom carehome, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL)... There are 2 GP practices within a 2km radius of the proposed development, these practices do not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact... This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Stowhealth and Combs Ford Surgery, servicing the residents of this development, would be sought from the CIL contributions collected by the District Council. Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any funds received as a result of this development will be utilised to extend the above mentioned surgery. Should the level of growth in this area prove this to be unviable, the relocation of services would be considered and funds would contribute towards the cost of new premises, thereby increasing the capacity and service provisions for the local community.'

Having sought further clarification with regard to the NHS requirements, it is advised that it '...would be looking for £70 600 contribution for the Primary Care in the area based on the current lack of capacity and floor space required...'

Suffolk Wildlife Trust has no comment on the application.

County Council Responses (Appendix 5)

SCC Highway Authority has made the following comment on the scheme presented to Members for determination:

- **Parking**
The parking provision for the dwellings and the care home are not to Suffolk Guidance for Parking standards; each dwelling only has one space and there are no visitor spaces for the dwellings or the care home. However, the site is within a sustainable location as it's adjacent to Stowmarket rail station and within walking distance to the town centre and bus stops so it is envisaged that residents who choose to live here will use sustainable transport. However, to ensure Prentice Road is not obstructed by parked cars, we request waiting restrictions are provided by the development.
Cycle parking is also to be provided to ensure there is sufficient secure and undercover parking for the residents/staff and visitors. This to be secured by condition.
- **Highway Mitigation**
The proposals in the highway gives some improvements to pedestrian access by providing speed reduction measures, footway widening and a priority system to allow the construction of an uncontrolled pedestrian crossing point.

With the proposals, this development would not have an unacceptable impact on highway safety (NPPF para 109) therefore we do not object to the proposal.'

A number of conditions are recommended for inclusion on a grant of planning permission.

SCC Lead Local Flood Authority has advised that it wishes to maintain its holding objection as a detailed surface water strategy, and flood exceedance plan, have not been provided as previously requested. However, in the event that the Council is minded to approve the application, the LLFA has recommended that conditions are imposed on a grant of planning permission.

Officer comment: It is noted that the conditions requested by the LLFA would require the submission of the further information that has been requested at this stage. It is therefore your officers' view that the imposition of conditions can deal with this issue satisfactorily.

SCC Archaeology has requested the imposition of two conditions on a grant of planning permission.

SCC Strategic Development has identified the following necessary to mitigate the impact of the development:

- **Education** - based on existing forecasts, SCC will have no surplus places available at the local schools. On this basis, at the primary school level a future CIL funding bid of at least £146,172 (2019/20 costs) will be made and at the secondary school level a future CIL funding bid of at least £56,617 (2019/20 costs) will be made. In terms of pre-school provision a future minimum CIL funding bid for 6 places at a total cost of £49,998 (2019/20 costs) will be made.
- **Libraries** - a CIL contribution of £216 per dwelling is sought i.e. £20,088, which will be spent on enhancing provision at the nearest library.
- **Waste** - SCC has a project underway to identify a new Household Waste and Recycling Centre (HWRC) site for the Stowmarket catchment area. Likely cost of a new HWRC is

between £3m and £5m. This is a priority site in the Waste Infrastructure Strategy and it is hoped that budget will be identified for this purpose. However, the Waste Service would expect CIL contributions of £110 per household from any significant development in this area. In this case a sum in the region of £10,230 would be applicable.

- **Health impact Assessment** - an assessment of the likely impact of the development proposals on local health infrastructure, facilities and funding will need to be undertaken, in conjunction with a methodology to be agreed with NHS England.

Suffolk Constabulary Design Out Crime Officer has identified the riverside walk and bridge as being areas where incidents have occurred in the past. It is urged that Secure By Design principles are adopted within the development.

A series of site specific recommendations are made that include access controls and entry systems, detailed design of balconies, discouragement of the use of flying freeholds, CCTV etc.

ECC Place Services Ecology has recommended the imposition of conditions on a grant of planning permission.

Internal Consultee Responses (Appendix 6)

The **Arboricultural Officer** advises that there is no objection to the proposal as long as works are undertaken in accordance with the submitted arboricultural report. It is also noted that ‘...Although a small number of trees are proposed for removal they are of limited amenity value and/or poor condition and are of insufficient arboricultural or landscape importance to warrant being a constraint...’

Communities (Major Development) have no comments on the application.

Economic Development supports the regeneration of this site but has expressed concerns with the submitted scheme. It is identified that office/commercial floorspace uses should be included in the development. It is also identified that the public realm of the development is key, and too much space appears to be utilised for car parking space. It is suggested that the site proposal is reconfigured and built taller to enable floorspace of differing uses to be provided.

Officer comment: the comments are noted. In this case the scheme does propose a level of employment through the provision of the care home facility which is proposed to require 24 no. staff ; this number based on other facilities operated by the applicant company. As regards public realm it is considered that the submitted scheme achieves an appropriate standard in this regard. The level of car parking meets with the requirements of the Highway Authority and is a lesser number given the accessible location of the site. The proposed locations would mean that parking areas were not overly prominent in the streetscene. As regards the suggested increase in height, it is considered that a limit of 6 storeys would be appropriate in the context of the surroundings.

Environmental Health – Noise, Odour, Smoke originally requested the submission of a detailed acoustic assessment. Following the submission of this document, it has been confirmed that there is no objection to the proposal, subject to the imposition of conditions on a grant of planning permission.

Environmental Health – Air Quality advises no objection to the proposal ‘...as the scale of development is unlikely to result in an exceedance of Local Quality Management level.’

Environmental Health – Land Contamination has no objection to the proposal subject to the imposition of a pre-commencement condition, together with informatives.

Environmental Health – Sustainability states:

‘We have reviewed this application and are pleased to see that sustainability has been considered from the outset...’

The imposition of conditions on a grant of planning permission is also recommended.

The **Heritage Team** advises that the proposal would cause a negligible level of harm to the Stowmarket Conservation Area, due to the limited impact on its setting, and also a negligible level of harm to the significance of the Church of St Peter and Mary, by reducing the appreciation of its spire in certain views from the east.

The **Public Realm Team** have no comments to make.

Strategic Housing noted that the application had been submitted without affordable housing provision being made.

Members are advised that the application submission was accompanied by a viability appraisal document, that has been independently assessed on behalf of the Council. This assessment has found that the appraisal of viability of the scheme made on behalf of the applicant is sound, and therefore the viability of the scheme would not enable the provision of affordable housing on the site – or indeed a contribution in lieu. An update on the Strategic Housing Team’s position will be provided at the Committee meeting.

The **Waste Management Officer** has requested the imposition of conditions on a grant of planning permission.

B: Representations

At the time of writing this report 3 no. online comments have been received.

When consulted on the original application submission a local amenity society, the **Pickerel Project**, raised concerns with regard to the proposal. Members are advised that the applicant’s agent has since liaised with the Pickerel Project regarding the proposed scheme. It is now advised that the relocation of the flats and proposed footpath link is welcomed. However, concerns are expressed regarding the impact of the development on the character of the river and the loss of trees that would result from the scheme.

The Stowmarket Society has expressed concerns regarding the scale and visual impact of the proposals – more thought needs to be given to the design and massing of the proposals. The relationship with the riverside frontage is not clear and an improved footpath between Prentice Road and the riverside path is required. A development should also provide affordable housing. A subsequent comment also welcomes the proposal to relocate the building in order to open up a footpath link through the site, but expresses concerns regarding proposed tree loss and the impact this would have on the character of the area.

Officer comment: In relation to tree impacts arising from the development it is noted that the Council's Arboricultural Officer does not object to the proposals, notwithstanding the proposed tree removal. In making this comment the Officer specifically assesses the value of the trees to be removed.

An objection to the proposal has been received from the owners of a local public house in which the following (summarised) comments are made:

- The proposal will result in works traffic and heavy plant having a detrimental impact on the structural integrity of the public house building – further strengthening may be necessary.
- A loss of trade will result from fumes and noise generated
- Prentice Road is too narrow to carry additional traffic

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: 2631/10	Continued use of vacant industrial land as car park (sui-generis) for a temporary 18 months period	DECISION: GTD 03.11.2010
REF: 2856/08	Proposed change of use of vacant industrial land to car park (sui-generis) use for a temporary 18 month period.	DECISION: GTD 24.09.2008
REF: 0410/07	Non Food retail warehousing, parking and access works and off site highway works (submission of Reserved Matters (design and external appearance of the buildings and landscaping) pursuant to Outline Planning Permission OL/209/03)	DECISION: GTD 08.12.2010
REF: 0879/07	Non food retail warehousing (submission of Reserved Matters pursuant to conditions Nos 1 & 2 of Outline Planning Permission OL/124/03	DECISION: GTD 25.02.2008
REF: 1190/06	Section 73 application for the variation of Condition no.4 of planning permission OL/209/03 to allow the sub-division of the building into up to four units.	DECISION: FTD 07.08.2006
REF: 1189/06	Section 73 application for the variation of condition no.4 of planning permission OL/209/03 to allow a pet shop use.	DECISION: FTD 07.08.2006

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site for this proposal comprises two areas of land, subdivided by Prentice Road, located within the central area of Stowmarket. The larger site, which has an approximate rectangular shape, is a level, unmade area of land that is currently utilised as a pay and display car park facility. It is bounded to the east by Prentice Road, and to the south by a footway that runs parallel with Navigation Approach. To the west of the site is the Gipping river (with a river path between the site and the river itself) while to the north is an existing four storey building, Wharfside House, that contains a mix of office, restaurant and residential uses. A notable feature of the site is the established trees and hedging that are along the eastern, southern and western boundaries.
- 1.2. The smaller site, which is roughly triangular in shape, consists of uneven waste ground that contains some vegetation. It is bounded to the west by Prentice Road, and to the north east by a car park serving Stowmarket train station. To the south east of the site is a significant planted bund that forms part of the overall Navigation Approach route.
- 1.3. The identified sites, which in combination have an approximate given area of 0.7 hectares, are located in the Station Quarter, defined within Stowmarket Area Action Plan (SAAP).

2. The Proposal

- 2.1. This scheme proposes the provision of a mixed use development – consisting of a residential development and a separate care home development. The residential development would comprise a pair of apartment buildings, one located to the south of the larger site (containing 55 no. units), and the second on the smaller triangular area of land (containing 38 no. units). The proposed care home building would be located at the northern end of the larger site (containing 75 no. bedrooms).
- 2.2. The apartment blocks would consist of individual elements ranging in height from three to six storeys. These would have a contemporary architectural design, and would be constructed using a combination of masonry, rendered blockwork, metal cladding and glazing. The buildings would also incorporate balcony features and roof top terraces.
- 2.3. The proposed care home would, architecturally, follow a similar contemporary approach to that taken by the proposed apartments. It would also utilise a similar palette of materials. This building would comprise a series of individual elements having overall heights of between three and four storeys.
- 2.4. In addition to the proposed built form, the submitted plans show the provision of parking facilities to serve the proposed development. In the case of the apartments, these spaces would be located mainly within an undercroft arrangement whereas in the case of the

care home surface parking space would be provided to the north of the building. The proposed parking would be accessed via new entrances off Prentice Road. The submitted plans show 96 no. car parking spaces (including 6 no. spaces for disabled drivers) proposed for the apartments and 21 no. spaces (including 1 no. space for a disabled driver) for the proposed care home.

- 2.5 Members will also note that the scheme would provide a pedestrian link through the larger application site, connecting Prentice Road with the river walk adjacent to the Gipping.
- 2.6 The sites for this development have an overall area of 0.7 hectares. On this basis the proposed density of development for the apartment development equates to approximately 133 units per hectare.

3. The Principle Of Development

- 3.1. The starting point for any planning decision is the Development Plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019 and National Planning Practice Guidance (NPPG 2014)
- 3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
 - Mid Suffolk Core Strategy Focussed Review (2012)
 - Mid Suffolk Core Strategy (2012)
 - Mid Suffolk Local Plan (1998)
 - Stowmarket Area Action Plan (SAAP) 2013.
- 3.3 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.4 The adopted Mid Suffolk Core Strategy policy CS1 identifies Stowmarket as a Town, where sustainable growth can take place. In addition, policy CS7 encourages the re-use of brownfield land for development, setting a target of 50% of dwellings being built on this type of land . It is considered that the aims of both policies are met by this development proposal due to its central location in the town and also the fact that the site is clearly previously developed land and the majority of development would be for residential purposes. Policy CS9 of the Strategy identifies that higher density development may be

achieved in more sustainable locations. Again, it is considered that the terms of this policy are met whereby this development is considered to be of a density appropriate to its sustainable location. Leading on from this, the Core Strategy Focused Review policies FC1 and FC1_1 which relate to the importance of achieving sustainable development in Mid Suffolk are also addressed, bearing in mind the clearly sustainable and accessible site location in relation to service provision and access to alternative travel modes etc.

- 3.5 As regards the adopted Local Plan, the relative age of this document means that some policies may have some tension in relation to the requirements of the subsequently issued NPPF. That said, it is considered that the aims of relevant policies do still attract considerable weight, notwithstanding the age of the Plan itself. In this regard, the aims of identified relevant policies are considered to be satisfactorily addressed. Where some tension exists, for example in relation to the provision of affordable housing on the site (altered policy H4) , the application process has included detailed consideration of the issue of development viability and the advice received is that the developer's evaluation is sound.
- 3.6 In the case of this application proposal, as well as the policies in the adopted Core Strategy and Local Plan, the site falls within an area that is covered by site specific policies contained within the SAAP. It is considered that, notwithstanding the age of the SAAP, the identified policies do not appear to fundamentally conflict with the current version of the NPPF and therefore they should be accorded due weight in the consideration of this proposal. Specifically, the site is located within the defined 'Station Quarter' and therefore the requirements of policies 5.6, 5.7 and 5.8 are particularly relevant.
- 3.7 Policy 5.6 identifies the suitability of the area for mixed use development: residential, retail and employment. The policy also identifies that open space, car parking provision and hotel use be considered. Lastly it is identified that development proposed to take place within flood risk areas must comply with NPPF Technical Guidance requirements. Policy 5.7 identifies guidelines and principles that must be considered in relation to development proposals in the Station Quarter. The policy identifies criteria that development proposals must consider. Lastly policy 5.8 requires that '...development within or directly adjoining the Station Quarter must have regard for the wider aspirations of the whole of the Station Quarter site.'
- 3.8 In relation to policy 5.6 it is considered by your officers that the range of uses proposed for the site would reasonably accord with policy requirements – the proposal seeks to create a residential use in what is clearly a sustainable location and, in addition, a care home facility that would also provide employment opportunities. It is noted from the supporting information that the care home would generate in excess of 20 no. jobs. Therefore, although not strictly an employment use per se the employment opportunities that would arise from the development are considered to weigh in the proposal's favour. It is noted that this point was identified in the pre-application advice received by the applicant. In relation to the issue of flood risk, it is the case that the LLFA does not raise a fundamental objection to the proposals, but does require the submission of further details which, as advised elsewhere in this report, may be secured by condition.

- 3.9 Policy 5.7 of the SAAP does refer to the Stowmarket Masterplan (June 2008) and in addition the Stowmarket Masterplan Phase 2 – Station Quarter Concept Statement (2009) as a consideration in the assessment of development proposals. The Masterplan does illustrate development proposals across a larger site area than that included under this application proposal (including the car park adjacent to the train station). Clearly the availability of a larger site area does enable a more holistic approach to redevelopment to be considered. In addition, it is the case that the form of development shown on the Masterplan does show the provision of individual blocks in different positions, and the ‘penetration’ of the river within the site by creation of a water feature. This approach is fully acknowledged as a possible way in which the overall Station Quarter site could be developed. Nevertheless, the Council as local planning authority is charged with determining applications on their individual merits. It is also noted that a decade has elapsed since the Masterplan was created and, in that time, no redevelopment proposals for the Station Quarter have emerged.
- 3.10 Other elements of Policy 5.7 identify issues such as the provision of improved pedestrian and cycle linkages from the station to the town centre, reducing the amount of private car parking provision, integration of the site with the river etc. and in this regard it is considered that the submitted scheme responds to these requirements. As a result of the scheme, a new footpath link would be provided through the site that would allow access between the river side and Prentice Road – thereby augmenting the current footway and cycleway network that is available in the area. In addition the scheme would, it is felt, relate well spatially to the river side and would also, potentially, make the use of this route safer through surveillance created by built form (and associated illumination). Lastly the level of parking that is proposed reflects the accessible location of the site.
- 3.11 In relation to SAAP policy 5.8, which is concerned with the wider aspirations of the Station Quarter site, it is considered that the development approach that is taken is an appropriate response, as it would not preclude the successful regeneration of other sites that may come forward in the future.
- 3.12 In conclusion, it is considered that the proposed development is a reasonable scheme when considered with the requirements of the relevant development plan policies and, importantly, reflects pre-application guidance previously obtained by the applicant.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. The location of the site within the town means that it would have access to a range of alternative transport modes including rail and bus routes. Stowmarket rail station is located an approximate 130 metre walking distance from the site, to the north east. In addition, local bus services are also within comfortable walking distance; stops being located at the rail station forecourt and also along Station Road. It is also the case that the Town Centre services available in the centre of Stowmarket are located approximately ½ km from the site – located to the west.
- 4.2 On this basis it is considered that the site is well-placed to access a significant level of services and that these can, realistically, be accessed sustainably by modes of transport other than the private car.

5. Site Access, Parking And Highway Safety Considerations

- 5.1. Policy T10 in the adopted Local Plan identifies criteria that comprise the Council's highway considerations in relation to development proposals. These inter alia include safe access, suitability of the road network, provision of adequate parking space etc. In the case of this application, the supporting material included a Transport Assessment and this has been considered by the Highway Authority.
- 5.2. The initial consultation response received from the Highway Authority identified a series of issues with the submitted proposals. These included insufficient parking provision (for cars and cycles) and also potential issues with the proposed treatment of Prentice Road. Members are advised that the scheme presented to Committee has responded to these issues, and the Highway Authority has now made a positive recommendation; proposing conditions to be attached to a grant of planning permission. It is noted that the Highway Authority does not raise concerns with the ability of the local road network to accommodate the traffic levels that would arise from this proposal.
- 5.3. It is noted that the Highway Authority has accepted a lesser parking standard be applied to the residential element of the scheme – to reflect the sustainable nature of the location. This equates to 1 space per unit.
- 5.4. It is also noted that as part of the mitigation of the impacts arising from the development, the Highway Authority would require the imposition of a Traffic Order along Prentice Road that introduced a no waiting zone. The delivery of this would be secured through a s106 agreement.

6. Design And Layout

- 6.1. The NPPF identifies that '...The creation of high quality buildings and places is fundamental to what the planning and development process should achieve...' and this requirement is reflected in adopted policies in the Development Plan, e.g Core Strategy policy CS5 and Local Plan policy GP1. As advised elsewhere in this report, the design approach taken with this development proposal uses contemporary architecture. As part of the application submission, the Design and Access Statement advises on the design approach taken as follows:

'The buildings have been designed to be welcoming and not be institutional and to achieve this we have used the surrounding context from the local residential properties, 4 storey office block and commercial buildings located within 200m of the site as our precedent to naturally blend into the streetscape...The proposed form and scale are a very modern aesthetic, but the material selection is very traditional. We have developed the design to be unique in its appearance by the height and mass, but the use of render and brickwork provide the main elements of the façade. These two materials are prevalent in the area and it is important to provide this contextual link, but we have softened these materials with a modern finish of standing seam cladding and modern detailing around the windows and fully glazed balconies. The subdivision of the buildings into a series of forms treated in a variety of material combinations, will direct building users around the buildings...'

- 6.2 As a planning judgement, it is considered that the design approach taken with the built form would be an appropriate response to the site context and surroundings. The development in the vicinity of the site displays a range of architectural styles, including traditional and more modern designs. There is at least one instance of a contemporary architectural approach being taken; as evidenced by the four storey mixed-use building located immediately to the north of the site. In addition, the use of traditional materials such as brick and render would ensure that there was an underlying consistency in this regard – these materials being found in abundance in the vicinity and within Stowmarket generally.
- 6.3 The overall scale and height of the proposed development would not, it is felt, appear incongruous or excessive in this location. The surrounding development does achieve four storeys in places and one such element is located immediately to the north of the application site. Indeed, the masterplan that is included in the SAAP does show the provision of 4 storey development on a large area of the overall Station Quarter site. Members will note that advice given by officers at pre-application stage did identify the acceptability of up to 6 storey height buildings – this on the basis that the site is considered to be in a particularly sustainable location, and therefore a higher density of development would be appropriate. The application submission follows this pre-application advice.
- 6.4 The proposed buildings display a range of storey heights, and the design of each building would read as an agglomeration of elements. This approach would ensure that the overall built form did not appear excessively bulky and therefore visually over-dominant in the street scene in this part of the town. This is a key consideration, bearing in mind the prominence that buildings in this location would have. In this regard it noted that a key view of the site, from an elevated position, would be available from Navigation Approach to the south. Although the highest element of the residential development would face across this space, it is evident that the overall built form would not appear visually excessive here – bearing in mind the difference in levels.
- 6.5 In relation to layout considerations, it is noted that the proposed apartment buildings would be orientated to address Navigation Approach, with the southernmost building angled to also address the river frontage. This approach would ensure that the northern side of this part of Navigation Approach was visually ‘contained’ by buildings that were of an appropriate scale.
- 6.6 Members are also advised that the orientation of built form on the site has taken into consideration the issue of solar gain, as part of the overall sustainability elements that have been incorporated into the scheme. Other sustainable elements that have been incorporated include energy efficiency, use of water and lighting. The Planning Statement accompanying the application advises that ‘...the thermal efficiency of the walls, windows and roof will be insulated to exceed the current Building Regulations u-value requirements, to achieve at least 25% improvement over built to Target Emission Rate. The air permeability of the buildings will be reduced to the minimum consistent with health requirements...’ In relation to water consumption, the Planning Statement advises that the buildings would be designed to use no more than 105 litres per person. Although of limited material weight at this stage, the relevant Joint Local Plan policy LP23 –

Sustainable Construction and Design would require a water efficiency standard of 110 litres per person. The submitted scheme would therefore exceed this emerging policy requirement. Lastly, the Planning Statement identifies that ‘...the proposed lighting both inside and outside the buildings will be designed for low energy consumption. External lighting will be designed in accordance with CIBSE lighting guides to provide safe and secure lighting. Low level bollards will be used to footways and column mounted fittings will be provided with an anti-glare reflector to a green standard...’

7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

7.1. The site’s boundaries with the river and Prentice Road contain hedging and trees and it is acknowledged by the applicant that these features make a contribution to the overall streetscape in this location. The application is accompanied by an Arboricultural Implications Assessment To this end, it is the case that trees and hedging have been retained, as far as is practicable, in this development scheme. As a result of the works taking place it is proposed to remove 4no. trees including apple, hawthorn, ash/sycamore and cypress. It is also proposed to undertake a phased removal of some trees within a group (G1) adjacent to the river which consists mainly of sycamore and ash with some buddleia etc. The Arboricultural Assessment concludes that:

‘As long as the tree protection fencing is installed as recommended the proposal will have no material effect upon the health of those trees to be retained or to their overall value.

It is recommended that a robust soft landscape plan be submitted to replace the phased removal of G1 with suitable tree planting, as recommended above or others, that will provide good amenity and interest value and will not grow tall so as to impact adversely via shade or proximity to the proposed layout in the future.’

- 7.2 In the case of the taller trees on the boundary of the site with the river, these are an established feature in the wider street scene and any tree removal is regretted. However, the redevelopment of the identified site as proposed would require the removal of some trees in order to be realised. In addition, the proposed loss could be mitigated by the introduction of new tree planting along the boundary, as part of an overall landscaping scheme for the site – the details of which could be properly secured by condition.
- 7.3 Importantly, Members will note that the Council’s Arboriculture officer, having considered the submitted information in relation to tree impacts, has no objection to the proposals in principle.
- 7.4 In relation to the issues of ecology, biodiversity and protected species, the application submission was accompanied by an Ecological Appraisal and this has been considered by the Council’s retained consultants at Essex County Council. It is confirmed that there is sufficient ecological information available to determine the application, and the biodiversity enhancements proposed within the Appraisal are supported. The imposition of a condition requiring a Biodiversity Enhancement Strategy is recommended, and your officers support the inclusion of this type of conditional control. In addition, Members are advised that a specific condition would require the submission of a lighting scheme for the development that was wildlife sensitive.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1. It is understood that, historically, the application site formed part of an overall area that was industrial in nature, including a use associated with Stowmarket gas works. Therefore the possibility exists for contamination to be found on the site. The application submission included a Phase 1 assessment report and the findings of this report have been considered by Environmental Health Officer. No objection is raised on grounds of unacceptable impacts arising from land contamination and the Officer's recommended condition would be included on a grant of planning permission. This approach is reiterated by the Environment Agency in its consultation response.
- 8.2. In relation to flood risk, the application submission included a Flood Risk Assessment. The majority of the application site is located within Flood Zone 2 with parts in Flood Zone 3a and therefore is vulnerable to flood events. In this regard the application site is identified as being suitable for residential redevelopment within the SAAP and therefore the sequential test for suitability of the site to accept the proposed development is not pertinent to this proposal. Notwithstanding the fact that the proposal would introduce a 'more vulnerable' i.e. residential use on to the site, the measures proposed to mitigate the flood risk are considered to be suitably robust. These include setting the finished floor levels of buildings above the recognised flood levels. In addition the Flood Risk Assessment submitted with the application advises that '...Safe, dry access will be available via Prentice Road during a 1 in 100 year plus climate change event. The proposed development will increase the flood storage available at the site during a 1 in 100 year plus 35% climate change event...' In this regard, it is noted that the Environment Agency does not object to the proposals.
- 8.3. Linked to the consideration of flood issues are those relating to the drainage of the site. In this regard it is noted that Anglia Water or Suffolk County Council as Lead Local Flood Authority have no principle objections to the proposals. As explained elsewhere in this report, the information requested by the LLFA could be secured by condition.
- 8.4. Lastly in relation to waste issues, the submitted proposals include details regarding bin storage areas etc. and Members will note that a conditional control is recommended in the relevant consultation response.

9. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 9.1. Members will note the comments received from the Council's Heritage Team in this regard. The nearest listed buildings to the site are the Maltings located to the north of Wharfside House, and the original railway station building located to the northwest. Both these buildings are Grade II listed. In addition, part of Stowmarket Conservation Area abuts the site to the north (and includes Wharfside House and its curtilage). Lastly, distance views of the Church of St Peter and St Mary (a Grade I building located away to the west of the application site) are available from the site and also across the site, particularly when viewed from the railway.

- 9.2 The NPPF requires that local planning authorities consider the impact of development proposals on the setting of heritage assets, and this is reflected in the relevant Local Plan policy HB1 in relation to listed buildings and also policy HB8 which seeks to safeguard the character of conservation areas. To this end, it is noted that the Heritage Team does not perceive a significant degree of harm resulting to the setting of these buildings, or indeed the character of the Conservation Area arising from this development proposal.

10. Impact On Residential Amenity

- 10.1. Policy H13 of the adopted Local Plan identifies the importance of ensuring that the residential amenity of existing residents is not unduly affected by new development by reason of overlooking or loss of daylight. There are residential uses within the immediate vicinity of the application site, located on the fourth floor of the building located immediately to the north. The nearest new build element to these units is the proposed care home. In this regard, the orientation of this building is such that it would not offer direct views into the south-facing windows of the neighbouring building. The submitted floorplans identify that the fourth floor of the care home building would contain a large roof terrace area facing north-west, as well as three individual bedroom windows (these being set back a significant distance from the proposed terrace area). It is considered that the use of the terrace which, due to the nature of the care home use, is most likely to be seasonal is unlikely to give rise to unacceptable disturbances or loss of amenity to the occupiers of the residential units on the fourth floor of Wharfside House. In addition, the identified bedroom windows would, it is felt, be sufficiently remote from this building to ensure that an unacceptable degree of overlooking was avoided.
- 10.2 Apart from the location of openings as considered above, the impact of the scale of development on surrounding residential amenity is also a material consideration. In this regard, the height of the care home building is equivalent to Wharfside House (being set at 4 storeys). As the residential use in Wharfside House is limited to the fourth floor only, it is considered that the physical impact of the proposed development would not be excessive. Notwithstanding the fact that the care home building would be located south of Wharfside House, it would not create an unacceptable amount of overshadowing etc.
- 10.3 In relation to the majority of the proposed apartment development, it is considered that its location, and position in relation to residential uses in the area, would mean that harmful impacts were avoided. This judgement is made on the basis of the relative remoteness of the site from established residential uses.
- 10.4 An obvious consequence of the proposed development taking place would be the change in the amount of vehicular traffic that would be using Prentice Road. The infrastructure and highway safety implications of this change have not resulted in an objection from the Highway Authority. In terms of potential effects on residential amenity the development would not, it is felt, give rise to unacceptable impacts. It is the case that, at present, the greater proportion of the subject site is utilised as a surface car park and therefore a certain level of traffic movements exist. While the proposed use would give rise to more movements the cumulative impact in terms of noise generation, fumes etc. is not considered to be materially adverse. In this regard, it is noted that the relevant Environmental Health response does not identify traffic generation, or indeed noise arising from the uses themselves, as being a reason to reject the application proposal. In

this regard there is no perceived conflict with the requirements of policy H16 of the adopted Local Plan, which also relates to the protection of residential amenity.

11. Planning Obligations / CIL (delete if not applicable)

11.1. Mitigation of the impacts arising from this development has identified the following requirements:

CIL funding bid identified by Suffolk County Council:

- Primary education - £146 172
- Secondary education - £56 617
- Pre-school education - £49 998
- Library provision - £20 088
- Waste management - £10 230

CIL funding bid identified by NHS calculated as £70 600.

11.2 In addition to the identified CIL funded requirements, it would be necessary to establish a s106 agreement with the applicant, whereby a financial contribution of £10 000 was secured that was used towards the administration and implementation of Traffic Orders imposing waiting restrictions along Prentice Road, as identified as being necessary by the Highway Authority in its consultation response.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

12.1. Specific policies in the Development Plan identify that the site for this planning application falls within an area that is suitable for regeneration within the current Development Plan – in particular for residential and commercial purposes. The Stowmarket Area Action Plan contains policies that are aimed at guiding development proposals within the Station Quarter, of which the application site forms part.

12.2 In the case of the application proposal, it does not include a commercial element per se – being a scheme for residential and care home uses. However, the care home element of the scheme does offer an employment opportunity, and is considered to be an acceptable use in this location. In this regard it is considered that the nature of the proposed uses would weigh in favour of the development proposal, notwithstanding the identified tension with the relevant SAAP policy. Although a wholly commercial (retail) development proposal has previously been approved on the site in 2007, this approved scheme has not come to fruition and, given current trends in the retail sector generally, it is considered that a retail development proposal is not likely to come forward in the near future.

- 12.3 In addition, bearing in mind the prominence that the development would have on this site, within the overall context of Stowmarket, the proposal is considered to attain an appropriate standard in terms of design and layout, responds well to site constraints and reflects advice given by officers at pre-application stage. It is acknowledged that some tree loss would occur and this element of the scheme is considered acceptable, and may be appropriately mitigated, when balanced against the benefits that would arise from securing the re-use of this brownfield site which has remained undeveloped for a significant period of time. Whilst also fully acknowledging the location of the site within a flood zone it is the case that the design of the scheme would address the issues arising from this constraint.
- 12.4 The scheme does not include provision of affordable housing on site, or a financial contribution in lieu. Therefore the aims of relevant Development Plan policy in this regard would not be met. However, the viability of the development proposal has been assessed by independent consultants instructed by Officers, and the applicant's position in relation to development viability has been accepted. In terms of the planning balance, the lack of affordable housing is weighed against an economically viable scheme coming forward on this key site within Stowmarket, which is it felt, weighs in the application's favour
- 12.5 In summary, your officers have resolved to make a positive recommendation to Members in respect of this development proposal.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

- A contribution of £10 000 towards the administration and implementation of Traffic Orders imposing waiting restrictions along Prentice Road, as identified as being necessary by the Highway Authority.

(2) That the Chief Planning Officer be authorised to GRANT Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Time limit (1yrs for implementation of scheme given viability agreement at this time)
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- SuDs conditions•
- Construction Plan to be agreed.
- Level access to enable wheelchair access for all dwellings/buildings.
- Contamination conditions
- Noise conditions
- Ecology Mitigation carried out in accordance with the submitted Ecological Appraisal
- Submission of a Biodiversity Enhancement Strategy

- Wildlife Sensitive Lighting
- Development carried out in accordance with the arboricultural report
- Programme of archaeological work and completion prior to occupation
- Sustainable construction in accordance with the submitted Design and Access statement
- Waste Authority conditions
- Highway Authority conditions including access details, provision of footway, vehicle charging points, Residents' Travel packs.

(3) And the following informative notes as summarised and those as may be deemed necessary:

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles
- Anglian Water informative

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground