



Appeal Decision

Site visit made on 31 January 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2020

Appeal Ref: APP/E3525/W/19/3219994

Blomfield House Health Centre, Looms Lane, Bury St Edmunds IP33 1HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Harris, M&D Developments against the decision of St Edmundsbury Borough Council.
 - The application Ref: DC/18/0610/FUL, is dated 28 March 2018.
 - The development proposed is change of use of existing health centre & offices to residential apartments comprising 16 no. 2 bedroom flats with associated two storey rear extension & penthouse extension.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing health centre & offices to residential apartments comprising 16 no. 2 bedroom flats with associated two storey rear extension & penthouse extension at Blomfield House Health Centre, Looms Lane, Bury St Edmunds IP33 1HE in accordance with the terms of the application, Ref: DC/18/0610/FUL, dated 28 March 2018, and the plans submitted with it, subject to the conditions on the attached Schedule A.

Procedural Matters

2. The Council did not issue a decision within the prescribed period or within an agreed extension of time period. The appellant exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application.
3. Since the appellant's submission of their planning application, St Edmundsbury Borough Council has been replaced by West Suffolk Council. The development plans for the former remain in place until such time as they are revoked or replaced. I will determine the appeal on this basis.

Main Issues

4. The Council identified whether or not the proposed development would be viable with the inclusion of affordable housing as the primary issue. In the light of viability evidence commissioned by the main parties, the Council has concluded that on the marginal basis of the viability case, it no longer wishes to defend the appeal, subject to the appellant providing an undertaking to make appropriate provision for primary education and library requirements.

5. The main parties agree that the following matters are not in dispute, having been addressed through grant of planning application Ref: DC/19/0033/FUL on the site: the effect on the character and appearance of the Bury St Edmunds Town Centre Conservation Area; change of use to residential; living conditions of future occupiers; and parking provision.
6. I see no reason to take a different view on the above matters and therefore do not consider them as main issues in this decision.
7. As such, the main issue is whether or not the proposed development would make adequate contribution towards primary education and library provision.

Reasons

8. Suffolk County Council sets out in its CIL Compliance Statement (CCS) that the following planning obligations are required in respect of the proposed development: a primary school capital contribution of £33,192; and a library contribution of £256. The appellant has submitted a planning obligation, in the form of a signed and dated Unilateral Undertaking (UU), for payment of the above sums.
9. Having regard to the CCS, I find that the contributions as detailed in the UU are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations.
10. Consequently, the proposal would make adequate contribution towards primary education and library provision. As such, it would accord with Policy CS14 of the St Edmundsbury Core Strategy (2010), which seeks to ensure that development has the necessary infrastructure and services to serve it.

Conditions

11. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision.
12. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. Conditions regarding materials and boundary treatments are required to safeguard the character and appearance of the CA. Conditions covering archaeology are necessary to protect archaeological assets. I attach a condition regarding surface water management in the interests of flood risk management. Conditions covering access and surfacing are necessary to safeguard highway safety. I attach conditions about cycle storage, vehicle charging and water efficiency in the interests of sustainable transport. Conditions regarding refuse, recycling and construction hours are required to safeguard the working and living conditions of nearby occupiers.

Conclusion

13. The proposal would breathe new life into a building which appears somewhat dated in terms of its internal infrastructure and layout. Furthermore, it would contribute to local housing supply.
14. For the reasons above, I conclude that the appeal should be allowed.

William Cooper

INSPECTOR

Schedule A) Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: 436/SL1 Site Location Plan; 436/P1 Block Plan & Roof Plan As Existing; 436/P2 Basement & Ground Floor Plans As Existing; 436/P3 First & Second Floor Plans As Existing; 436/P4 Elevations As Existing; 436/P5 Basement & Ground Floor Plan As Proposed; 436/P6 First, Second & Penthouse Floor Plans As Proposed; 436/P7 A Elevations As Proposed; 436/P8 Block Plan & Roof Plan As Proposed.
- 3) Prior to installation of the following, there shall have been submitted to and approved in writing by the local planning authority: i) detailed elevations and sections of the proposed balconies; ii) samples of external bricks; iii) manufacturer's details of the new windows. The works shall be carried out in accordance with the approved samples and details.
- 4) Prior to first occupation of the residential units hereby permitted, there shall have been submitted to and approved in writing by the local planning authority details of the treatment of the site boundaries. The details shall specify the siting, design, height and materials of the railings to be erected and/or the species, spacing and height of hedging to be retained and/or planted together with a programme of implementation. Any planting removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first occupation in accordance with the approved details.
- 5) No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which shall have been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of significance and research questions, and: a) the programme and methodology of site investigation and recording; b) the programme for post investigation assessment; c) provision to be made for analysis of the site investigation and recording; d) provision to be made for publication and dissemination of the analysis and records of the site investigation; e) provision to be made for archive deposition of the analysis and records of the site investigation; f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation; g) timetable for the site investigation to be completed prior to development, or in such other phased arrangement, to be agreed by the local planning authority.
- 6) No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 7) No drainage works shall commence until there shall have been submitted to and approved in writing by the local planning authority a surface water management strategy. No hard-standing areas shall be constructed until

- works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the local planning authority.
- 8) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority details of the access onto Lower Baxter Street, including the position of any gates to be erected and visibility splays. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. The measures implemented as approved shall be retained thereafter.
 - 9) Prior to first occupation of the development hereby permitted, the proposed access onto Lower Baxter Street shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
 - 10) Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 50 A for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. The area(s) shall be retained and used for no other purpose thereafter.
 - 11) Prior to occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority a detailed scheme for secure storage of least 39 cycles. The measures as approved shall be implemented before the development is brought into use and retained thereafter.
 - 12) Prior to first occupation, at least 10% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.
 - 13) The development hereby permitted shall not be brought into use or first occupied until the refuse storage and recycling facilities indicated on Drawing no. 50 A have been provided in their entirety and made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use, unless the prior written consent of the local planning authority is obtained for any variation to the approved details.
 - 14) The dwellings hereby permitted shall not be occupied until the water consumption requirement of 110 litres use per person per day in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
 - 15) No demolition or construction work shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays, outside the hours of 08:00 to 13:00, Saturdays, and at any time on Sundays, public holidays or bank holidays.