

**REPRESENTATION TO POLICIES BV14 AND BV15 OF THE BURY ST
EDMUNDS VISION 2031 PREFERRED OPTIONS APP**

FOR

ORCHARD STREET INVESTMENT MANAGEMENT LLP



April 2012

Prepared by: Januarys

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1. INTRODUCTION

- 1.1 This representation is an objection to Policies BV14 and BV15 of the Bury St Edmunds Vision 2031 Preferred Options AAP document and the associated supporting text. Our objection relates specifically to land at Western Way, to the west of Beeton Way, which is currently allocated in part as a 'redevelopment opportunity' by virtue of saved Policy BSE17 of the St Edmundsbury Local Plan.

2. PLANNING POLICY CONTEXT

National Planning Policy Framework

- 2.1 The National Planning Policy Framework (NPPF) published on the 27th March 2012 sets out a number of core planning principles that should underpin both plan-making and decision-making. Amongst these are to:

- Encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas...
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable

- 2.2 It goes on to state in paragraph 19 that *'Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'* and in paragraph 20 that *'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century'*. Finally, paragraph 22 states:

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no

reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities'

East of England Plan

- 2.3 The East of England Plan was approved by the Secretary of State in May 2008 and provides the top tier of the statutory development plan and with which LDF prepared by LPA are required to generally conform. Whilst the Coalition Government has stated its intention to abolish RSS and has secured the powers to do so through the Localism Act which obtained Royal Assent in November 2011, the Secretary of State has given no indication as to how and when he will exercise his powers to secure abolition.
- 2.4 The overall spatial strategy for the region is '*... to concentrate development at the region's cities and other significant urban areas including selected market towns. They provide its focal points for retailing and other commercial activities, administration, culture and tourism.*' Bury St Edmunds is consequently identified as a '*Key Centre for Development and Change*' in Policy SS3.
- 2.5 Policy E1 subsequently sets targets for job growth over the plan period to 2021, to be tested through LDF preparation by LPA. St Edmundsbury falls within the area defined as the '*Rest of Suffolk*' in Policy E1 alongside Forest Heath and Mid Suffolk. The job growth target for the sub-area is 18,000.
- 2.6 Policy E2 then requires LPA in the preparation of LDF and informed through appropriate studies to '*... ensure that an adequate range of sites/premises (including sites within mixed use areas and town/district centres) is allocated to accommodate the full range of sectoral requirements to achieve the indicative job growth targets of Policy E1.*' Subsequently the supporting text notes that '*Surplus employment land may be released for housing or other pressing development needs in line with PPS3. However, it will be important to base such decisions on sound evidence. Land that is likely to be needed for employment should be safeguarded against other development pressures*'.

2.7 Policy E3 then goes on to state that LPA in the preparation of LDF should ‘... *identify readily serviceable strategic employment sites of the quality and quantity required to meet the needs of business identified through the employment land reviews identified in Policy E2’.*

2.8 Bury St Edmunds’ identification as a Key Centre for Development and Change is addressed in Policy BSE1. This policy states that:

‘Provision should be made for further employment, service and housing development that reflects the role of Bury St Edmunds as an important service centre between Cambridge and Ipswich. Employment growth should be of a scale to minimise the volume of long distance out-commuting from the town.

Priority will be given to the development of vacant and underused land that respects and enhances the historic town centre. Development and transport strategies should promote a shift to non-car modes of travel’ (Our underlining)

Core Strategy DPD

2.9 The AAP is being prepared to accord with the Core Strategy DPD. The Core Strategy DPD was statutorily adopted by the Council in December 2010. Policy CS9 ‘Employment and the Local Economy’ states in part that ‘*Provision will be made for development that will aim to deliver at least 13,000 new jobs in the Borough by 2026...*’ The policy goes on to note that a Strategic Employment Area (SEA) identified on land to the east of the existing Suffolk Business Park will continue to be allocated and that:

- Employment growth will also be achieved by the allocation of land for employment in mixed use developments; and that,
- Existing general employment areas will continue to be protected and promoted for employment uses.

- 2.10 In preparing the Core Strategy, the LPA collated a substantial evidence base which included the West Suffolk Employment Land Review 2009 undertaken by Grimley. It is worth noting paragraph 7.46:

'Given the projected oversupply of employment land in the Borough outlined in Table 108 there is clearly a need to manage the process of bringing forward new employment land in the Borough to ensure the right balance of employment land and land for other uses. We therefore recommend that St Edmundsbury Borough Council consider a phased approach that would consider losing some of the existing poorer quality employment sites in Bury St Edmunds as high quality parcels of land become available at Suffolk Business Park.' (Our underlining)

- 2.11 The Employment Land Review then goes on to state at paragraph 7.48 that:

'Employment land development on the scale proposed at Suffolk Business Park has to be carefully implemented to ensure the right balance of employment land is maintained within the Borough. It is clear that not all of the employment land in Bury St Edmunds will be needed throughout the planning period given the balance set out in Table 108. We therefore recommend that St Edmundsbury Borough Council carry out a detailed study to identify those employment locations that are of poorer quality in Bury St Edmunds and provide a strategy for phasing these out of employment and into other uses in conjunction with the developments at the Suffolk Business Park Extension.' (Our underlining)

- 2.12 These recommendations are reflected in the adopted Core Strategy DPD insofar as it states at paragraph 4.109 that:

'The development of 68.28 hectares of allocated employment land to the east of the Suffolk Business Park in Bury St Edmunds ... will secure an eastern relief road with direct access from the A14 and a supply of quality, well serviced sites well located within the borough and the region. This strategic site allocation will provide long-term certainty and enable the town to respond to changes in demand. It will also allow the opportunity and flexibility for older inappropriately located and/or poor quality employment sites within the town to be regenerated and/or re-used for other

purposes (i.e. businesses that may not fit neatly into the B Use Classes). This will be addressed in more detail in the Bury St Edmunds Area Action Plan. (Our underlining)

Representation

- 2.13 Our representation is an objection to the proposed 'reallocation' of the Policy BSE17 land to the west of Beeton Way as a 'General Employment Area' suitable only for development falling within Classes B1, B2 and B8 of the Town & Country (Uses Classes) Order 1987 as amended. We acknowledge that Policy BV15 provides for some flexibility in respect of 'alternative uses', but would argue that in combination with Policy 28 of the draft Development Management Policies DPD and its supporting text, this 'flexibility' is extremely limited. This issue is addressed in further detail below.
- 2.14 The written justification for Policy BSE17 notes that *'The site is next to Borough Council land and premises on the Western Way General Employment Area, parts of which are underused and current operations could be re-arranged to make better use of the site...'* The Council subsequently brought forward a Public Service Village (PSV) Masterplan which was adopted as Supplementary Planning Guidance in January 2007. The masterplan brought forward proposals for the redevelopment of the entire BSE17 Policy Area west of Beeton's way, excluding the NHS Logistics warehousing facility off Olding Road. Three phases of development were proposed, commencing with the provision of West Suffolk House and a large area of surface level car parking off Olding Road as Phase 1. Only phase 1 has been completed to date.
- 2.15 The land west of Beeton's Way that is allocated by virtue of Policy BSE17 remains, in our submission, very ineffectively used. In part it comprises a substantial 1960's built warehousing unit occupied by NHS Logistics. This provides approximately 6,930 sq.m of B8 floorspace with approximately 573 sq.m of ancillary B1 office floorspace on 1.35 ha of land. Physically adjoining the building is a Council depot, beyond which lies a skate park; opposite the building are Olding Road and the Council car park. These uses occupy a further 2.75 ha of land.

- 2.16 Passing reference is made to the PSV in paragraph 6.16 of the PO AAP and we would acknowledge that as the PSV was envisaged to primarily constitute B1 office uses, it would accord with the provisions of Policy BV14. However, we are also conscious that in large part, the physical site circumstances that led to designation of the site as a 'redevelopment opportunity' remain, i.e. that parts of the site are underused and current operations could be re-arranged to make better use of the site. In current circumstances and given pressures to drive down public expenditure, there is little prospect of the PSV being realised.
- 2.17 In terms of 'alternative business development' the Council might point to paragraph 6.19 of the draft AAP and Policy BV15. However, this policy has to be read alongside the draft DM DPD Policy 28 and its supporting text, paragraph 6.2. Paragraph 6.2 rightly notes the Government's position in the then emerging NPPF, but then goes on to justify a 'blanket' policy for the protection of land in any form of employment use, allocated or not, from any alternative use or redevelopment that does not meet the criterion set out in Policy 28. Indeed, the policy may be interpreted as stating that a change from one form of employment use to another, which resulted in a reduced level of employment generation, would be unacceptable.
- 2.18 The justification for the approach set out in the policy is little more than an expressed fear that without it, the respective LPA might not meet the employment objectives set out in the Core Strategy DPD. The Policy as worded is, in our submission, insufficiently precise and consequently open to wide interpretation. Furthermore it implies a level of evidence in the submission of a planning application that for many applicants would be unnecessarily burdensome or beyond their control, contrary to advice contained in paragraph 21 of the NPPF.
- 2.19 The planning policy consequence, in our view, of Policies BV14 and BV15, will be to further constrain opportunities for redevelopment. The correct response, in response to the NPPF, the East of England Plan and the commitments made in the adopted Core Strategy in the light of the evidence base, is to properly explore the opportunity presented for redevelopment of the site and bring forward a policy framework to reflect this. This examination is conspicuous by its absence.
- 2.20 In our submission there remains an opportunity to ensure a much more effective use of the land through the promotion of a mixed use redevelopment. Accompanying

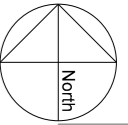
this representation are three concept drawings illustrating how the former Policy BSE17 site west of Beetons Way might be redeveloped in whole or in part for mixed use purposes that will achieve the effective use of previously developed land, thereby contributing towards the delivery of sustainable communities.

- 2.21 We would wish to see the AAP amended to include a policy and suitable written justification worded as follows:

'Land at Beetons Way and Western Way was previously identified in Policy BSE17 of the Local Plan as a redevelopment opportunity. Whilst this has in part been secured through the development of West Suffolk House, the Council recognises that the remainder of the land formally identified west of Beetons way continues to be underutilised and ineffectively used. In reflection of Govt. guidance, the East of England Plan and the Council's adopted Core Strategy and its associated evidence base, the Council will continue to identify the land as a suitable redevelopment opportunity and will apply the following policy in the consideration of any scheme that may come forward.'

LAND WEST OF BEETONS WAY AS DEFINED ON THE PROPOSALS MAP IS IDENTIFIED AS A REDEVELOPMENT OPPORTUNITY AREA. THE COUNCIL WILL ENCOURAGE A MIXED USE REDEVELOPMENT OF THE SITE TO ACCOMMODATE SUITABLE USES, WHICH MAY INCLUDE BUT SHOULD NOT BE LIMITED TO LAND FOR HOUSING (INCLUDING AFFORDABLE HOUSING), LEISURE, COMMERCIAL, TRADE COUNTER OR EMPLOYMENT PURPOSES. ANY SCHEME WILL BE REQUIRED TO DEMONSTRATE THAT THE COUNCIL'S EXISTING DEPOT AND THE SKATE PARK CAN BE SUITABLY RELOCATED. DEVELOPMENT WILL BE LED THROUGH PREPARATION OF A CONCEPT MASTERPLAN.'

- No. Notes
- All dimensions to be verified on site by GENERAL CONTRACTOR and any discrepancies to be brought to the attention of the Architect prior to commencing work or setting out or preparing shop drawings.
 - Drawings not to be scaled. Work to figured dimensions only.
 - © copyright SAUNDERS BOSTON LIMITED. All rights reserved. This drawing remains the property of SAUNDERS BOSTON LIMITED at all times and may not be reproduced or copied in whole or in part without their prior written consent.
 - This drawing and related specifications are for use only in the stated location.
 - This drawing is to be read in conjunction with all other Consultants drawings and specifications.
 - Drainage has not been surveyed and all pipe locations and and below ground drainage runs are indicative



- Option B (Red line ownership + council car park)**
- Hotel & Restaurant: 0.26 Ha
 - Multi Storey Car Park: 0.21 Ha
 - Trade Counter: 0.41 Ha
 - Office Building: 0.27 Ha
 - Residential: 1.07 Ha
 - Open Space 1: 0.08 Ha
 - Open Space 2: 0.11 Ha

PRELIM FOR COMMENT

No.	Revision	Date	Drawn	Checked

FOR DISCUSSION

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Saunders Boston

Client: **Januaries**

Job: **Olding Road, Bury St Edmunds**

Drawing: **OPTION B (RED LINE)**

Scales: 1:500@A1	Date:				
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