Development Control Committee
2 January 2014

Planning Application DC/13/0932/HYB
Land and North West of Bury St Edmunds,
Tut Hill, Fornham All Saints

Synopsis:


Recommendation:

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

CONTACT OFFICER

Chris Rand (Case Officer)
Ward: Fornham  Committee Date: 2 January 2014

App. No: DC/13/0932/HYB  Date Registered: 22 July 2013

Expiry Date:

Proposal: (a) Planning Application - formation of link road from Mildenhall Road (A1101) to Tut Hill (B1106); (b) Planning Application - Change of use of 15.7 ha. of land between new link road and Fornham All Saints to informal countryside recreation; (c) Outline Planning Application - (i) residential development within Use Classes C2 and C3; (ii) local centre (iii) reservation of land for primary education (Class D1) (iv) public open space (sports & leisure facilities, allotments, play facilities and informal open space)

Site: Land North West Of Bury, Tut Hill, Fornham All Saints, Suffolk

Applicant: Countryside Properties (UK) Ltd

Background:

This application is referred to Planning Committee as it is considered to have district-wide significance. It is the first of the strategic growth sites for Bury St Edmunds identified in the adopted Core Strategy. The site has been the subject of significant public engagement through the preparation and adoption of a Concept Statement and a Masterplan. The masterplan addressed many issues, including the distribution of land uses, the location of the link road and the nature of the strategic buffer between Bury St Edmunds and Fornham All Saints. The proposals are considered to comply with the relevant policies of the development plan and the National Planning Policy Framework and are considered to be acceptable in all other materials respects. The application is recommended for approval.

Application Details:

1. The application which is in three parts proposes:
   a) Planning application for the formation of a link road between Mildenhall Road (A1101) and Tut Hill (B1106);
   b) Planning application for the change of use of 15.7 ha. of land between the new link road and Fornham All Saints to informal countryside recreation; and
   c) Outline planning application for – (i) residential development within Use Classes C2 and C3; (ii) local centre comprising a range of uses which may include local convenience retail facilities (Use Class A1), local employment uses (Use Classes A2/B1), uses within Use Class D1 and residential uses
(Classes C2 and/or C3); (iii) reservation of land for primary education (Class D1); and (iv) public open space (sports & leisure facilities, allotments, play facilities and informal open space).

2. The application is supported by an Environmental Statement detailing the findings of an environmental impact assessment (EIA) undertaken in accordance with schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Amendments

3. No fundamental amendments have been made to the application.

Site Details:

4. The site comprises a total area of some 68.3 ha located adjacent to the north-western edge of Bury St Edmunds and south of the village of Fornham All Saints. It is bound by the Mildenhall Road (A1101) to the north-east, the village of Fornham All Saints and Tut Hill (B1106) to the north-west, Bury St Edmunds Golf Club to the south-west and the existing urban edge of Bury St Edmunds to the south east. The village of Fornham All Saints is clearly visible from most parts of the site.

Application Supporting Material:

5. Information submitted with the application as follows:

- Design and Access Statement
- Application components plan
- Topographic components plan
- Design drawings for the link road
- Parameter plans
- Environmental Statement
- Environmental Statement – Non-technical summary
- Planning Statement
- Statement of Community Involvement
- Sustainability Statement
- Odour scoping report
- Transport Assessment
- Tree survey/arboricultural implications
- Flood risk assessment/drainage strategy
- Noise site suitability report

Relevant Planning History:

6. The site forms the first of five strategic sites identified by Policy CS11 of the adopted Core Strategy. The policy states that the amount of development will be determined by environmental and infrastructure capacity considerations and the preparation and adoption of detailed masterplans in which the local community and other stakeholders have been fully engaged.

7. A concept statement was prepared and adopted by the council in 2013. This was incorporated as an appendix to the Bury St Edmunds Vision 2031 document (Appendix 6) and was the subject of public consultation between
June and August 2013.

8. The concept statement identifies a vision for the growth of the area to deliver a fully integrated new community with a strong sense of local identity, a vibrant local centre, an environment that encourages a healthy lifestyle and a sensitive urban edge that respects the setting of Fornham All Saints and the existing adjoining neighbourhoods of Bury St Edmunds. It develops the allocation from the Core strategy by identifying the site area and broad distribution of uses within that area, together with the identification of an approximate route for the relief road.

9. A masterplan prepared by Countryside Properties in accordance with the council’s adopted protocol, was the subject of public consultation during the summer of 2013. The masterplan was amended in response to that consultation and submitted to the council for adoption.

10. The masterplan follows the principles of the extant and emerging policy land allocations and the adopted Concept Statement, but provides a level of detail which informs all subsequent applications for planning permission, whether at the broad outline stage, or detailed stage. It sets out the key requirements of the development that individual planning applications will need to deliver. The draft document considers adjacent land uses, topography, landscape, flood risk, archaeology, footpath connections, transport and access. From an evaluation of these constraints and opportunities, the document identifies a series of key design considerations and develops the core principles for the creation of an integrated community and a strong sense of local identity.

Consultations:

11. **Highways Agency:** No objection subject to conditions requiring the implementation of off-site highway works.

12. **Highway Authority:** At the time of writing, have not received final written comments, but have been advised that the development is providing considerable sustainable transport measures. A comprehensive transport assessment includes a spreadsheet model showing the distribution of traffic from all the strategic sites. This has been checked by independent consultants and revised following discussion and shows with reasonable accuracy the amount of traffic that the strategic sites will generate the existing traffic on the network and the traffic expected in 2031. A number of sites around the town will be in need of improvement and work will be required before additional traffic causes a disruption to the network. The following junctions will be improved:
   - Western Way/Newmarket Road
   - Newmarket Road/Oliver Road
   - Tollgate Lane/Mildenhall Road
   - Mildenhall Road with Tut Hill

Changes to Tut Hill itself will also be undertaken to change the character of the road following construction of the new link road.

The traffic generated by all the strategic sites has an impact on the town. Some of this impact will be mitigated by the other strategic sites. Therefore, there will be a Town Wide junction improvement fund created.
The fund will be spent on the junctions identified by Suffolk County Council as in need of mitigation. Each of the developments will contribute to this fund through S106 agreements.

13. **Environmental Health Services:** Recommend that conditions relating to noise protection from industrial and leisure uses, provision of acoustic fencing, protection of the buffer zone be attached to any permission granted.

14. **Contaminated Land Officer:** Recommends that conditions relating to a contamination investigation and remediation and implementation scheme be attached to any planning permission granted.

15. **Landscape and Ecology Officer:** Advises as follows:

**Impact on landscape**
The construction of a road and residential development within agricultural land to the west of Bury St Edmunds will undoubtedly have an impact on the character and visual amenity of the countryside particularly given the proximity to Fornham All Saints. The principal of development has been established in the core strategy however the need to create a development sensitive to the location and the site constraints and to minimise the landscape and visual impact has been embraced by the design team in the design of the scheme which has been led by ‘landscape’.

The planning application is supported by an Environmental Statement (ES). The environmental impact assessment (EIA) has been undertaken using recognised methodologies and by qualified professionals.

Mitigation of the significant landscape impacts of the proposed scheme has been integral in the development of the design. These measures are highlighted in the Environmental Statement (ES section 8.76 – 8.84) and include:

- Retention of an area of agricultural land augmented by open access land
- Retention of existing landscape features particularly trees
- Retention of boundary tree belts with breaks to allow improved movement
- Location of the development within the part of the site least sensitive visually and with greatest capacity for development
- New planting to form a softer transition between urban and rural landscapes
- New planting to strengthen the existing landscape features including the site boundaries
- Augmentation of the existing tree lines to provide green corridors through the development
- Location and design of the link road with integral landscaping to reduce visual impacts of traffic within Fornham village and the new development

The ES details the impact on landscape resource. For the application site this is considered to be a moderate adverse permanent effect and a significant impact. However this level of impact is contained and the assessment for the wider landscape, post construction, concludes the effects are not significant.

The site has limited visibility and although there will be significant effects when viewing the proposed site from the immediate vicinity of the site (from Mildenhall Road, Pigeon Lane and Tuthill) beyond this the impacts are not significant.

**Impact of the Proposed Road on Trees**
The construction of the new link road will require the removal of at least two trees
located on Mildenhall Road protected by TPO115(1986) and a section of hedge on Tuthill. The proposal is that the new link road will be landscaped however the details are not submitted with the application. A full and detailed landscaping scheme for the road will be required by a pre-commencement condition if approval is given. Planting associated with the road will when implemented compensate for the loss of protected trees and short section of hedge. In addition a submission and implementation of an arboricultural method statement and tree protection plan including protection fencing will be required pre-commencement.

**Change of use to informal recreation**
The creation of a large area of informal recreation immediately adjacent to the development and between the proposed urban extension and the village of Fornham All Saints will be an asset of significant benefit to the new and existing communities and to wildlife.

The Green Infrastructure Strategy (Final Report September 2009) identified a deficiency of both neighbourhood (2 – 20ha) and district (20-100ha) sized open space. In 2010 Forest Heath District and St. Edmundsbury Borough Councils commissioned a visitor survey of Breckland SPA. The work was to explore the consequences of development on Annex 1 bird species associated with Breckland SPA. A conclusion of the study was that:

Spatial planning should consider the possibilities for diverting some of the recreational pressure away from the SPA. This could be achieved with the provision of alternative greenspaces that are at least equally, if not more attractive than the European sites. Such an approach could link into any green infrastructure initiatives as part of the local development frameworks. In designing an alternative recreational space for new development, important factors to consider are the distance to travel to the site, the facilities at the site, and experience and feel of the site. This visitor survey has identified that people are travelling up to 10km to use the SPA as their local greenspace. The provision of an attractive alternative in closer proximity to a new development would increase its likelihood of use.

In addition the Habitats Regulations Assessment which was undertaken for the Bury St Edmunds Vision 2031 (April 2013) which allocates this land for development state that within the Vision document the policy BV28 which relates to the protection, maintenance of existing green infrastructure, which includes the creation of new habitats, extends the coverage and connectivity of the strategic green infrastructure network and provides new community parklands on the strategic growth areas in the town may result in reduced visitor pressure on European sites.

The design and implementation of the POS and the future maintenance will need to be conditioned.

**Impact on biodiversity**
The ES includes a section on submitted to support the application. Work is done to standard methodology and by qualified persons.

There are a number of issues that arise as a result of this report as follows:

The assessment does not include an assessment on the potential recreational disturbance impacts on the Breckland Special Protection Area. This issue has been highlighted by SWT. The issue has been addressed (in the an email from Savills of 13 December 2013 which refers to the strategic sites HRA and the provision of the POS and other green infra structure which will form part of the development as described in the Design and Access Statement.
The ES states that there will be a significant residual affect (medium) on breeding skylarks and brown hares as a result of the development and in particular the loss of agricultural land. There will also be a permanent benefit arising from the creation of additional habitat on the site as proposed in the ES and illustrated in the Design and Access Statement.

The ES report includes a mitigation package which includes measures to be implemented during and post construction. Design of each element of the proposed development including the road, POS and development packages will need to take into account the ecological constraints of the site (see condition below) and the need for enhancements. This will need to be secured by condition. In light of the long timescale for the development of the site and potentially fragmented nature that development may proceed in different parts of the site it will be necessary to secure a biodiversity strategy for the site that can be taken forward (condition below)

The POS in particular and to a lesser extent the green corridors will need a landscape and ecological management plan (condition below)

**Conditions**

Arboricultural method statement to be submitted and implemented in full including tree protection and arboricultural supervision for the road works and all future phases of development which effect protected trees. (Condition 23A amended to include site supervision)

Submission and implementation of the landscaping scheme (including ecological enhancements and habitats) for the road, POS and all future phases of the development (Condition 23C amended to allow phasing – Landscaping of the road to be pre-commencement the trigger for the POS should be prior to the commencement of development of the first use of that land – even if it is for SUDS).

Implementation of the recommendations of the ecological assessment and mitigation strategy within the ES in full (Condition D.4.6 of BS42020:2013).

**Construction environmental management plans (Biodiversity) – Condition D.4.1 of BS42020:2013**

**Landscape and ecological management plans (LEMPs) – Condition D.4.5 of BS42020:2013**

16. **Natural England:** No objection. The proposal has no impact upon any site of special scientific interest (SSSI) and on the basis of the survey information supplied will not affect any European Protected Species. In addition, advice is given relating to seeking advice at a local level in respect of local sites, local landscape character and local or national biodiversity priority habitats and species.

17. **Suffolk Wildlife Trust:** Provides information and guidance in respect of specific ecological receptors, with particular reference to skylark nesting. Ecological enhancements, long term habitat management and impact upon the Breckland Special protection Area (SPA)
18. **Suffolk County Council:** Recommends conditions and obligations which are summarised as follows:
   - A travel Plan which maximises healthy and sustainable modes of travel, prioritising walking, cycling and public transport to reduce traffic from the development.
   - Sufficient mitigation of traffic impacts on the highway network, both as part of this development individually and also cumulatively with planned growth across the rest of bury St Edmunds.
   - Contributions toward a town-wide package of smarter choices measures to reduce background traffic growth.
   - Funding and land to ensure that sufficient school and early years places created to provide for the demand arising from this housing growth.
   - A strategy for dealing with surface water in line with sustainable drainage principles, suitable for eventual adoption by the County Council as the lead flood risk authority.
   - A package of developer contributions, including toward library and waste disposal provision, in line with the adopted Section 106 Developers guide to Infrastructure Contributions and to ensure that the development represents a sustainable community.
   - A two-stage planning condition relating to archaeological investigation and assessment.

19. **Suffolk Fire and rescue service:** No objection subject to adequate provision of fire hydrants.

20. **Environment Agency:** Recommends that conditions relating to flood mitigation and sustainable drainage be attached to any permission granted.

21. **Anglian Water:** Recommends that a condition relating to a foul water strategy be attached to any permission granted.

22. **National Grid:** Provides guidance in respect of the presence and location of National Grid apparatus.

23. **Ramblers:** Subject to satisfactory provision being made for Footpath No4 to cross the link road, no objection is raised.

24. **NHS Property Services:** Has assessed the healthcare impact of the development and requests a developer contribution towards the cost of additional capital funding for health care provision.

**Representations:**

25. **Bury St Edmunds Town Council:** No representations received

26. **Fornham All Saints Parish Council:** Comments as follows:

   i. The list of 61 documents does not contain the MasterPlan, on which the Parish Council has previously commented, and therefore the Council has had no opportunity to see whether comments and objections made have been addressed in any revised MasterPlan. The Council must therefore make its comments on the basis that the original MasterPlan is still valid, and requires receipt of any revised MasterPlan once submitted. (Plan Queries). The Council also objects to the fact that the Planning Application was submitted on 22nd July, ten days before Countryside Properties closed
its consultation process, which the Council considers to be in disregard of the normal planning application process. (Planning Statement/5.10)(Plan Queries)

ii. The Council objects to the statement that “if the new primary school is not required, the school site will revert... to its alternative approved use of residential development”. The objection is based on an increase in housing numbers from approx. 900 to approx. 1000., and this does not reflect the Council’s view that the 2.3Ha should be used for green space within the community. This option needs to be added to the list requiring testing. (Development Specification/3.5 and 3.8)(Residential Amenity) The Council’s previously-expressed position on this topic, set out in its response to Countryside’s MasterPlan, is that land alongside the existing Howard Middle School should be used for the new Bury North-west primary school, releasing the 2.3Ha of land referred to above for green space within the new community. The Council wishes to see the number of houses in the Bury North-west planning application capped at 900. The Council notes the following statement in the application: “if all blocks (housing area)... were built to a maximum density, (that equals) 991 new homes. 79 additional homes could be built if the primary school option was abandoned”. This gives a development potential of 1,070 new homes, 18.9% greater than the 900 shown in the original plan, and this increase should therefore be refused. (Planning Statement/3.11) (Plan Queries) Supporting the above, the following statement makes it clear that the developers are seeking an increase in the number of houses on the development: “A total of 991 new homes (will) be delivered”.(Sustainability and Energy Strategy). (Plan Queries).

iii. The statements that “the line of the link road” and “(the shape and size of) the countryside recreation area” are fixed do not reflect the views made by the Council in respect of the Masterplan, as the Council requires changes to be made in both these areas. (Development Specification/3.6) (Residential Amenity/Highways)

iv. The statement that "the link road is to be set at 0.5m below ground level" does not reflect the Council’s wish that this needs to be lower, in order to minimise views of vehicles from the Fornham All Saints direction. Additionally, the statement regarding a 1.5m high landscaped bund on the development side of the link road fails to reflect the Council’s view that a bund is also required, for noise and environmental purposes, on the Fornham All Saints (FAS) side of the road. (Development Specification/3.14) (Design & Access Statement, Part 2 of 3/7.85)(Plan Queries/Highways) The statement that “the entire length of the link road (should be) completed early in the development process” is not specific enough, and the Council reiterates its previous comment that the entire road should be completed by 2018 at the latest. (Design & Access Statement, Part 3 of 3/10.5 (Highways) The Council requests that the full length of the road is built with a “quiet run” surface, to reduce tyre rumble noise to a minimum. The Council notes the statement that “Street lighting for the link road will be in accordance with current standards and Highways Authority requirements”. To avoid light pollution in FAS, this lighting should be on low-level lamp standards, with light emissions downwards and not outwards.(Environmental Statement 1- Access and Movement/2.21)(Highways)
v. The location plan does not reflect the Council’s previous criticisms of the line of the lower section (towards A1101) of the link road. The Council’s view is that the line of the road, below the central roundabout of the link road, should be moved approx. 50m towards Bury, following the contours of the shallow valley, rather than the ridge line. (Location Plan/Land Use) (Highways) The Tree Survey plan shows that the new roundabout with the A1101 can be moved back in the Bury direction, without impacting any trees covered by TPOs. (Tree Survey 2) (Highways).

vi. The Council notes the reference to the March 2012 consultation, supporting closure of (or significant traffic calming on) Tut Hill. The Council reiterates its support for the complete closure of Tut Hill on completion of the link road. (Design & Access Statement, Part 2 of 3/ 5.9) (Highways)

vii. The location plan does not show the strip of remaining agricultural land extending down to the A1101, as shown on page 22 of the current MasterPlan. This strip should be reinstated. (Location Plan) (Plan Queries)

viii. The Planning Application does not reflect the Council’s previously-expressed comments on building heights, i.e. that any development should have a maximum height of 3 storeys/15 metres. as 4 storey buildings will have a significant skyline impact when viewed from FAS. (Building Heights/Environmental Statement 6) (Plan Queries) The Council therefore disagrees with the statement that “the visual impact of the development will not be widespread” and “that the development will have a soft edge, without significant impact on the wider landscape”. This will not be possible with buildings exceeding 15 metres in height. (Planning Statement/5.17) (Plan Queries) Supporting this is a statement that “views of the development are possible from ground floor and first-floor windows on Tut Hill, Pigeon Lane, Rectory Meadow, and Dairy Drive”. (Design and Access Statement, Part 2 of 3/ 4.10) (Plan Queries)

ix. The Planning Application fails to reflect the views of FAS villagers that all (or nearly all of) the land between the new link road and the village should remain in agricultural use. These comments need to be strongly re-iterated, as the application has not taken these previously expressed views into account. The Planning Statement (3.6) states that the residential development covers 30.43Ha, with 13.1Ha formal/informal open space and green corridors within the community (+ an additional 2.3Ha if the primary school land is used for this purpose) and 15.7Ha of informal countryside land on the FAS side of the link road. This is a potential total of 31.1 Ha green space for the development as a whole, far in excess of legal requirements, and could be reduced with ease, the balancing factor being an increase in retained agricultural land. Statements 5.56 and 5.57 of the Planning Statement are significant, in that Countryside Properties confirms that the 900 planned properties for Bury North-west need 5.13 Ha of Open Space to meet minimum standards. The29.32 Ha proposed (excluding the 2.3Ha primary school site) represent an increase of 572% over the basic level. This removes any objection to all (or nearly all) of the land between the new link road and FAS remaining in agricultural use, as the amount of Open Space can be substantially scaled back and still leave the development in compliance on this issue. Some re-design of the size and position of the attenuation ponds would be required, but this is not an insurmountable issue. Statement 6.1 covers Section 106 agreements, which will include “recreational facilities and provision of Open Space”. Assuming
that the “informal countryside land” is covered by this definition, elimination or reduction of such land on the FAS side of the link road will reduce developer costs through reduced land purchase and reduced Section 106 costs. If costs of developing “informal countryside land” are borne by the Borough Council, the overall costs to the Borough, of the Bury North-west project, would also be reduced through Open Space development avoidance, and though the avoidance of significant maintenance costs. The application itself provides support for the retention of the all-agricultural land buffer, classifying any loss of such land as “a significant adverse residual effect”. Logically, retention of all land between the link road and FAS as agricultural land will remove this adverse effect. (Environmental Statement 9/9.126) (Plan Queries) In conclusion, the Council supports the retention of all land between the link road and FAS as farmed agricultural land, and believes that a robust case has not been made for the creation of Open Access land on the FAS side of the link road, but would be willing to be involved in further detailed discussions on this issue.

x. The Council notes the statement that “the transport policy has been developed (to encourage) the use of bus and cycles for transport”. (Sustainability and Energy Strategy: Statement, page 19) (Plan Queries) The Council considers that the arguments for such a shift are unconvincing, noting that there are “potential capacity problems at the A14 junctions”. There is an implication that if lights/crossings are installed for the “green” cycling/pedestrian option, this reduces capacity for motor vehicles, a situation which will be compounded if the shift from car to “green” options does not occur. (Transport Assessment/ Section 7.7) (Traffic) Separately a statement is made that “with all the mitigation measures in place, no residual effects are anticipated in relation to traffic and transport”, but fails to assess the impact of the failure of some or all of the mitigation measures, e.g. only partial user conversion to bus and cycle transport. The document makes no attempt to assess the outcome of these scenarios. (Environmental Statement- Non-Technical Summary/ NTS139) (Traffic) The Council does not consider the proposed re-design of the Tollgate Lane/Fornham Road gyratory is feasible, due to the lack of room for expansion as well as the tightness of the lanes in what will be a badly-aligned layout, and regards this as an indication that there is limited scope for handling the increased traffic resulting from the Bury North-West development. (Environmental Statement 11) (Highways)

xi. The Environmental Statement states that “surface water (will be discharged) from the northernmost attenuation basin via a requisitioned outfall into the River Lark”. As the attenuation basin’s outfall is designed to empty the basin in times of flood, torrential rain, etc., the Council requires a statement regarding the capacity of the River Lark to cope with the volume of floodwater on these occasions, as the river itself will be swollen from water courses discharging south of Bury. (Environmental Statement- Non-Technical Summary/NTS 23 (Plan Queries)

27. Neighbours: Three letters objection/comment have been received from a total of 354 consultation letters sent. Two of the responses are from Fornham All Saints and the third from Clay Road, Bury St Edmunds. The matters raised include the following (in no particular order):

- If primary school site not required, it should be green space;
- The number of dwellings should be capped at 900;
• Link road should be moved 50m towards Bury and lower that 0.5 metres below ground level;
• Tut Hill should be closed on completion of the link road;
• Retain all land between link road and Fornham All Saints in agricultural use;
• Arguments to shift travel patterns to bus/cycle are weak;
• Redesign of Tollgate gyratory will not work;
• No assessment made of capacity of Lark to absorb floodwater;
• No justification for taller buildings near link road;
• Over provision of open space;
• Lower balancing pond could be accommodated within agricultural land;
• Landscaped bund should be provided on both sides of the link road;
• Application was submitted before end of consultation process on masterplan;
• Not enough detail of housing types;
• Details of links to Howard Estate vague and will result in loss of sections of woodland belt;
• Potential bus link at Clay Road is not a viable option;
• Estimates of trip generation to schools is flawed

Policies: Development Plan

28. The following policies of the Replacement St Edmundsbury Borough Local Plan 2016 have been taken into account in the consideration of this application:
• DS4 Masterplans
• L4 Standards of Open Space and Recreation Provision
• L6 Allotments
• L7 Public Rights of Way
• T1 Transport Assessments
• T3 Travel Plans
• T8 Cycling and Pedestrian Strategies
• NE1 Impact of development on Sites of biodiversity and Geological Importance
• NE2 Protected Species
• NE3 Protection of the Landscape
• NE4 Natural Resources
• NE5 Environmental Quality
• FC1 Community Services
• FC2 Utility Services

29. The St Edmundsbury Core Strategy was adopted in December 2010. The following policies in the Core Strategy are relevant to the consideration of the application:
• CS1 St Edmundsbury Spatial Strategy
• CS2 Sustainable Development
• CS3 Design and Local Distinctiveness
• CS4 Settlement Hierarchy and Identity
• CS5 Affordable Housing
• CS7 Sustainable Transport
• CS8 Strategic Transport Improvements
Other Planning Policy

30. The Submission Draft Bury St Edmunds Vision 2031 has been submitted to the Secretary of State and an Inspector appointed to consider the document. A hearing is scheduled for January/February 2014 prior to adoption. The following policies are relevant to the consideration of the application:

- BV1 Presumption in favour of Sustainable Development
- BV2 housing Development within Bury St Edmunds
- BV3 Strategic Site – North West Bury St Edmunds
- BV12 New and Existing Local Centres and Community Facilities

31. The Submission Draft Forest Heath and St Edmundsbury Joint Development Management Policies has been submitted to the Secretary of State. The following policies are relevant to the consideration of the application:

- DM1 Presumption in favour of Sustainable Development
- DM2 Creating Places – Development Principles and Local Distinctiveness
- DM3 Masterplans
- DM6 Flooding and Sustainable Drainage
- DM7 Sustainable Design and Construction
- DM8 Improving Energy Efficiency and Reducing Carbon Dioxide Emissions
- DM11 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- DM12 Protected Species
- DM13 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM14 Landscape Features
- DM21 Archaeology
- DM23 Residential Design
- DM42 Open Space, Sport and recreation Facilities
- DM43 Leisure Facilities
- DM44 Rights of Way
- DM45 Transport Assessments and travel Plans
- DM46 Parking Standards

Officer Comment:

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

- The principle of development
- Character, context and design
- Impact upon surrounding area
- Transport impacts including link road
- Landscape, public open space and play provision
- Education provision
- Sustainable drainage
- S106 contributions
- Conclusion

33. Principle of development: This application is the first of the five strategic
sites identified by the adopted Core Strategy to accommodate growth around Bury St Edmunds to come forward for development. Policy CS11 of the Core Strategy identifies the site for growth which:
- Maintains the identity and segregation of Fornham All Saints;
- Provides new high quality strategic public open space and recreation facilities between the development and Fornham All Saints;
- Provides traffic relief for Fornham All Saints in the form of a relief road between the A1101 south east of the village and the B1106 to the south;
- Delivers around 900 homes of mixed tenure and size, including affordable homes;
- Provides opportunities for B1 use class local employment;
- Delivers additional education, community and leisure facilities to meet the needs of this development and is located in a way that can achieve positive integration with the wider area; and
- Provides improved public transport, foot and cycle links to the town centre and other locally significant leisure, employment and service destinations.

The policy continues by concluding that the actual amount of development will be determined by environmental and infrastructure capacity considerations and the preparation and adoption of detailed masterplans in which the local community and other stakeholders have been fully engaged.

A masterplan, which was developed in consultation with the local community and stakeholders was adopted by the council in December 2013. The masterplan was developed through a framework plan which outlined the townscape principles, set out the green infrastructure and defined key character areas.

The proposed development, which involves the use of a ‘greenfield’ site in a highly sustainable location accords with adopted policy and is considered acceptable, subject to it addressing all other issues in relation to the development.

Character, context and design: The information contained within the application follows closely the distribution of uses outlined in the masterplan referred to above, which considered potential land use and development principles including:

a) the landscape options for the green buffer between the development and the village of Fornham All Saints, incorporating areas of informal parkland and the retention of agricultural land;
b) the creation of green corridors through the site which would accommodate informal streets, informal open space, play and allotments;
c) the provision of an area of formal open space adjacent to the Northern Way industrial estate, providing for sports pitches and creating a buffer between the existing commercial activity and residential development;
d) identifying a local centre capable of accommodating community facilities and B1 employment uses;
e) identifying options for primary school provision either within or adjacent to the site;
f) identifying movement and access within and beyond the site including the relief/link road, internal street hierarchy, foot and cycle routes and potential bus routes;
g) options for the future use of Tut Hill, based upon survey results carried out within the village of Fornham All Saints;
h) density and height parameters; and
38. The Design and Access Statement which accompanies the application explains and illustrates the place-making principles. It is based upon an assessment of local townscape and landscape to deliver a well connected, high quality, sustainable and attractive new neighbourhood as a strategic extension to Bury St Edmunds.

39. The layout is based upon the principles of walkable neighbourhoods, so that residents can easily access local facilities within the community on foot. This would include access to existing facilities within the neighbouring community and provide additional facilities accessible to the existing neighbouring community.

40. Impact upon surrounding area: Minimising the impact of development upon the surrounding area has been a guiding principle behind this development, from its identification in the Core strategy, through the development of a Concept Statement and masterplan through to the planning application.

41. A key element has been to provide for the strategic growth of Bury St Edmunds whilst maintaining and protecting the identity of Fornham All Saints. This has had to incorporate the competing interests of Fornham All Saints Parish Council to maintain the land between the link road and the village in agricultural use and the Core Strategy Policy requirement to provide high quality strategic open space and recreation facilities within this area.

42. The proportion of land allocated for each use has been developed through the masterplan process and the planning application identifies the area of land which requires planning permission for a change of use from agriculture to public open space (informal countryside recreation), and the retention of an area of agricultural land.

43. The site is separated from the existing urban residential and industrial development on the North West side of Bury St Edmunds by a mature tree belt. The challenge has been to integrate the proposed development with this part of the town whilst also protecting the development from the impact of the unrestricted activities at Northern Way Industrial Estate. This is to protect the amenities of future occupiers of homes within the development and not to hinder the legitimate activities currently carried out within the industrial area.

44. The proposal includes the retention of the tree belt, but with pedestrian and cycle access points created to Cumberland Avenue and Clay Road. The area around the industrial estate provides a margin identified for leisure uses, although some acoustic measures may be required in addition. The topography of the site, strategic green space and green corridors will soften the impact of the development when viewed from the surrounding countryside.

45. The application is supported by a detailed Environmental Assessment (ES) which details the results of an Environmental Impact Assessment (EIA). This has been thorough in its consideration of the impact of the proposal on the immediate locality and wider impacts and has been scrutinised by English Nature, Suffolk Wildlife Trust and the Council’s own ecologist.
46. **Transport impacts including link road**: The application is accompanied by a transport assessment which looks at the impact and mitigation measures required around the site and at critical points around the town likely to be impacted by development. It also includes a Travel Plan, Bus Strategy and Cycle Strategy which seek to minimise car travel.

47. The link road will provide a link between Mildenhall Road (A1101) and Tut Hill (B1106), providing the means of vehicular access to the development and an alternative route for traffic accessing the north west part of Bury St Edmunds, including the industrial areas without the need to pass through the centre of Fornham All Saints. This will also improve access to the A14 from the north west parts of Bury St Edmunds. For traffic accessing routes to the north west (Mildenhall) and north (Fornham St Martin) the link road will provide an alternative to the built up frontage of Tut Hill.

48. There are three points of access proposed to the development, two taken directly from the new link road and one from the new roundabout junction of the link road with Mildenhall Road. There is no vehicular access other than a restricted bus access proposed between the site and the Howard and Mildenhall Estates. The link road will provide access for traffic from the development to Junction 42 of the A14 (Western Interchange) and detailed survey work and traffic analysis has been required by the Highways Agency to ensure that the capacity of the interchange is not compromised.

49. There are two principal options for traffic wishing to access the town centre, using either Newmarket Road or Mildenhall Road. Accordingly, the off site highway improvements have concentrated on these two routes, requiring improvements to the junctions of Newmarket Road with Oliver Road and Western Way and the Tollgate gyratory system. The scale of the improvement works proposed is proportionate to the development and the demands and impacts arising. The traffic assessment also identifies impact upon other parts of the road network, which are insufficient to require immediate works, but would in combination with the development of other sites in Bury St Edmunds, require improvement. In such instances a contribution towards those works is required.

50. The transport assessment looks beyond just car travel and includes a Bus Strategy and Cycle Strategy within a Travel Plan. This includes providing for an enhanced bus service including the bus link referred to above together with incentives for residents to use the service provided by providing annual passes for free bus travel. Details of which bus routes will serve the site will be finalised at a later date in consultation with the bus companies. This may or may not require the link between the site and the Howard Estate, but it would be premature to discount this option at this stage. In addition, a network of footpaths and cycleways will provide access to key destinations and the town centre from the site as well as providing access from the Howard and Mildenhall Estates to facilities including the open space and sports pitches within the site.

51. **Landscape, public open space and play provision**: Landscape and public open space have been key elements in shaping the development. Two rows of trees remain from historic hedgerows and a small grouping of trees is located to the western side of the site. Reconnecting these green links and adding additional links has created a series of green corridors through the
site which help shape the development.

52. The development proposes significant open space provision within the development area in the form of green corridors, allotments and formal open space including playing pitches. In addition, the proposal includes the provision of 15.7 hectares of informal open space between the link road and the agricultural land abutting the village of Fornham All Saints. This will form part of the green buffer between Bury St Edmunds and Fornham All Saints required by the Core Strategy and will provide a significant new amenity for this part of the town.

53. Fornham All Saints Parish Council has consistently argued that all of the land between the link road and the village should remain in agricultural use and that the proposed open space is excessive for the scale of development. This matter has been considered through the development of the masterplan for the site and a compromise solution retaining agricultural land around the village developed. Although a significantly larger area of open space than could be ordinarily required for a development of this scale, the open space proposed is proportionate to its strategic function in relation to this part of the town and secures the long term provision of a buffer zone. Retention as agricultural land would not afford it any greater protection and would fail to provide the amenity value of parkland.

54. **Education provision:** At this stage it is too early to pre-determine the outcome of the Schools Organisation Review (SOR), currently being carried out by Suffolk County council. The application makes provision for a primary school facility at the heart of the new community adjacent to the community hub. However, should the SOR determine that the existing Middle School adjacent to the site be developed as a new primary school serving both the existing and proposed community, the school site within the application site will not be required for that purpose and the appropriate contribution will be made to the provision of the new school.

55. **Sustainable drainage:** The entire development proposal has been designed around the principles of sustainable drainage, with swales incorporating attenuation features accommodated within the green corridors and attenuation ponds located within the informal open space. At the northern end of the site which is also the lowest point, it has been necessary to raise the height of the link road to accommodate the drainage. This is another concern which has been raised by Fornham All Saints Parish Council, but is addressed by the need to transfer water from the surrounding land under the road.

56. All sustainable drainage elements will need to be located within areas forming part of the development, whether the built area or open space. This has resulted in a modest extension of the open amenity area at the northern end of the site to accommodate the attenuation pond at the lowest part of the site. The Parish Council concern that this basin is designed to empty at times of flood is incorrect. It is designed to hold water at times of flood and release the water only when the receiving watercourse has capacity.

57. **S106 contributions:** As a strategic development the proposal is liable for a range of S106 contributions. These are listed for clarity as follows:
   - 30% affordable housing across the site
   - Education provision for early years, primary and secondary
• Library provision
• Waste provision
• Provision and maintenance of open space and play facilities
• Provision of on-site built leisure facilities or contribution towards off-site provision
• Off site contribution for cemeteries.
• Contribution towards health provision
• Off site pedestrian and cycle improvements
• Contribution towards public transport provision.
• Bond to ensure completion of link road.
• Obligation to carry out junction improvements or provide funding for improvements.
• Obligation to carry out improvements at Tut Hill
• Contribution to town wide junction improvement fund.
• Details of travel plan and provision of travel plan bond.

Conclusion:

57. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework. Therefore this application is recommended for approval subject to the following conditions.

Recommendation

58. In respect of the Planning Application for the link road, Grant Permission subject to the following CONDITIONS:
   • 1A Time Limit Detailed
   • Link Road and access to highway to be constructed in accordance with Drawings CPBURY. 1/10-17 and made available for use before completion of the 150th dwelling
   • 18(0)O Visibility splays as Approved Drawing CPBURY. 1/11-17
   • 23A (amended to include site supervision)
   • 23C (amended to allow phasing)
   • Implementation of the recommendations of the ecological assessment and mitigation strategy in full
   • Submit and implement construction and environmental management plans
   • Submit and implement landscape and ecological management plans

59. In respect of the Planning Application for the change of use of 15.7 ha of land to informal countryside recreation, Grant Permission subject to the following CONDITIONS:
   • 1A Time Limit Detailed
   • 14G Compliance with Plans and Specifications
   • 23A (amended to include site supervision)
   • 23C (amended to allow phasing)
   • Implementation of the recommendations of the ecological assessment and mitigation strategy in full
   • Submit and implement construction and environmental management plans
   • Submit and implement landscape and ecological management plans
60. In respect of the Outline Planning Application for residential development, local centre, primary education and public open space, Grant Permission subject to the following CONDITIONS:
- 1B Time Limit – Outline
- 2C Reserved Matters – Phasing
- 18BB Details of Parking/Manoeuvring
- Car parking to be provided in accordance with stated minimum standard
- 18(0)O Visibility splays as Approved Drawing CPBURY. 1/11-17
- Details of storage for refuse/recycling bins to be approved before development commences
- 18(0)N Means to Prevent Discharge of Surface Water onto Highway
- 18(0)W Details of Estate Roads
- 18(0)X Construction of Roads and Footways
- Travel Plan to be implemented and monitored
- 11H Retain garage/parking space
- 23A (amended to include site supervision)
- 23C (amended to allow phasing)
- 19A Provision of fire hydrants
- Implementation of the recommendations of the ecological assessment and mitigation strategy in full
- Submit and implement construction and environmental management plans
- Submit and implement landscape and ecological management plans
- 21L Foul water strategy
- 21H Sustainable Urban Drainage Scheme
- 26B Refuse and recycling facilities
- 26E Refuse/recycling/compost bins
- 15A Contamination
- 14E Construction Method statement
- Noise mitigation to protect residential development from noise
- 4m high acoustic fence to erected adjacent to industrial estate
- Details of leisure use to include noise mitigation
- Details of local centre to include noise mitigation

Documents:
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MQQXTZPD02G00

Alternatively, hard copies are also available to view at Planning and Regulatory Services, West Suffolk House, Western Way, Bury St. Edmunds, Suffolk, IP33 3YU

Case Officer: Chris Rand Tel. No. 01284 757352
Summary of Late Papers – Development Control Committee
2 January 2014

AGENDA ITEM 6: REPORT E218

DC/13/0932/HYB

1. Planning Application - formation of link road from Mildenhall Road (A1101) to Tut Hill (B1106). 2. Planning Application - Change of use of 15.7 ha. of land between new link road and Fornham All Saints to informal countryside recreation. 3. Outline Planning Application - (i) residential development within Use Classes C2 and C3; (ii) local centre (iii) reservation of land for primary education (Class D1) (iv) public open space (sports & leisure facilities, allotments, play facilities and informal open space)

Land North West Of Bury, Tut Hill, Fornham All Saints, Suffolk

UPDATE

The following CONDITIONS be added to all elements of the application:

- 14G Compliance with plans and Specifications
- 6B Archaeological Investigation
- Details of excavation and ground levels to be agreed

The following Conditions be added to the Outline Planning Application for residential development:

- Design Statement to be submitted with Reserved Matters
- 14E Construction Method Statement
STATEMENT OF OPPOSITION TO NORTHWEST BURY PLANNING APPLICATION
REF DC/13/0932/HYB

By Councillor Diane Hind – St Edmundsbury Borough Councillor for Northgate Ward

I believe that the Master Plan needs more work on Road and Transport issues. I have viewed Countryside proposals for Buses and traffic measures and both need further review. Also there is frequent reference to the wishes of residents in Fornham All Saints and Tut Hill but no mention of the concerns of residents on the Mildenhall Road Estate and Howard Estate who are more affected by the proposed development than parties in Tut Hill and Fornham All Saints.

Regarding traffic congestions I have viewed Countryside proposals and I agree with the right turn into Oliver Road and the detector loop at Westley Bridge plus the idea that traffic coming along the Fornham Road and turning left in to Tollgate lane should not be constrained by traffic lights. However more needs to be done at the Tollgate Gyratory to ensure that:

1. Traffic does not pile up in Fornham Road back towards the Railway Station.
2. Right turn in middle of the Tollgate Gyratory has priority
3. Traffic from the Relief road and elsewhere does not use the Mildenhall Road and Howard Estate roads as ‘rat runs’. Many vehicles already turn on to the Mildenhall Road Estate by either Wentworth Road or Trent Road and use various routes through to exit on to Tollgate Lane or Beetons Way, this will surely increase which is not desirable

The Mildenhall Road and Howard Estate residents are opposed to a road connection from the new estate fearing that this will just increase the traffic on the estate and is an accident waiting to happen. They believe integration can best be achieved by foot and cycle connections and by all three estates utilising the same primary School. Further integration would be enhanced by a Doctors surgery.

Regarding the option to close Tut Hill this would affect all persons wishing to go into Mildenhall. Anyone seeking to access the road to Mildenhall from the new estate will need to turn left out of the proposed new road and traffic from elsewhere will be forced to use the tollgate Gyratory to access the Mildenhall Road.

Also Countryside Properties appear to be basing their transport strategy on forcing the new residents into using public transport by giving them a bus information pack and free season ticket! The developer will pay for a Travel Plan Coordinator to monitor progress and take additional measures (whatever they are) if targets are not met.

They base their case on successful schemes at Wimbledon and a housing estate in Chelmsford. Wimbledon has frequent underground and bus services so it is not comparable with Bury. Chelmsford is an easy commute in to London, buses run late in to the evening and also on Sundays. Chelmsford also has a population more than 3 times that of Bury St Edmunds.

I believe the current application is unsound; in particular the possible closure of Tut Hill and continuing bridge restriction at Fornham is going to lead to more traffic using the Thetford
Road. This will cause extreme congestion at the Tollgate Gyratory on the junction of Fornham Road, Tollgate Lane and Mildenhall Road.

Even without the bridge closure and restrictions the 900 new homes are going to put an incredible strain on the aforementioned junction.

It is possible at the moment to go left to Tut Hill and through to Bury West interchange but for anyone travelling into town, to schools, the Borough offices or Asda this isn't the popular route.

Also the development to the East of Bury will have an impact. If there are any road closures in that area traffic is likely to push out on to Compiegne Way and most likely from there via Barton Hill and Thetford Road down to the already congested Tollgate Gyratory.

Countryside took information on car use from the 2011 census. Additional information from that census of equal use would be that relating to the ages of the residents. Well over a third are likely to be over 65 in 20 years time and as such less likely to be willing or able to cycle or walk.

I urgently ask this committee to oppose the plans until Countryside come up with a more realistic plan or significant amendments to the Transport strategy. They need to focus on the fact that 85% currently commute by car either on their own or with a passenger and that the bus service doesn’t run beyond the evening rush hour and offers a very restricted service on a Sunday.

Re housing a wide mix of housing must NOT be compromised.

SCC are the authority responsible for Buses and Roads but I have little faith in their ability to make a properly informed decision. Officers, and Councillors on the relevant committees, will be from outside Bury St Edmunds and will be completely unaware of (or disregard) the wishes and needs of Bury St Edmunds. Recent decisions on the Waste Transfer Station and the Cullum Road Right of Way are evidence of this.

Finally can I advise that I have contacted both the Bus companies (Stephensons & Mulleys) who currently serve Howard and Mildenhall Road Estates and they tell me that they have not been contacted by either the Developers or the county Council. This seems to me to be a failure as surely the Bus Companies are best placed to determine whether a new route or extension of existing routes would be the most practical. They have both agreed to let me have their views on the way forward to include the new development and I will pass their comments on to Developers, Borough & County Councils, in due course.