

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda																
Date:	Thursday 5 January 2017																
Time:	10.00 am																
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU																
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice-Chairmen Carol Bull and Angela Rushen</p> <p><u>Conservative Members (13)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Terry Clements</td> <td style="width: 33%;">Ivor Mclatchy</td> </tr> <tr> <td>Robert Everitt</td> <td>Alaric Pugh</td> </tr> <tr> <td>Paula Fox</td> <td>David Roach</td> </tr> <tr> <td>Susan Glossop</td> <td>Peter Stevens</td> </tr> <tr> <td>Ian Houlder</td> <td>Patricia Warby</td> </tr> </table> <p><u>UKIP Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Burns</td> <td style="width: 33%;">Jason Crooks</td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Julia Wakelam</td> <td style="width: 33%;"></td> </tr> </table>			Terry Clements	Ivor Mclatchy	Robert Everitt	Alaric Pugh	Paula Fox	David Roach	Susan Glossop	Peter Stevens	Ian Houlder	Patricia Warby	John Burns	Jason Crooks	Julia Wakelam	
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Substitutes:	<p><u>Conservative Members (6)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Betty Mclatchy</td> <td style="width: 33%;">Andrew Smith</td> </tr> <tr> <td>Sara Mildmay-White</td> <td>Peter Thompson</td> </tr> <tr> <td>Richard Rout</td> <td>Frank Warby</td> </tr> </table> <p><u>UKIP Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Barry Robbins</td> <td style="width: 33%;"></td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Nettleton</td> <td style="width: 33%;"></td> </tr> </table>			Betty Mclatchy	Andrew Smith	Sara Mildmay-White	Peter Thompson	Richard Rout	Frank Warby	Barry Robbins		David Nettleton					
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SITE VISITS WILL BE HELD ON TUESDAY 3 JANUARY 2017 – PLEASE NOTE THE AMENDED DATE. Transport will leave West Suffolk House at 9.30am. Sites to be visited as follows:

1. DC/15/2483/OUT - Land South of Rougham Hill, Bury St. Edmunds
2. DC/16/1810/VAR - The Barn, Low Green Barn, Nowton ; and
DC/16/1451/FUL - Low Green Barn, Nowton
3. DC/16/1963/FUL - Ardrella, Freewood Street, Bradfield St. George
4. DC/16/2319/FUL - Acorn Lodge, Sandy Lane, Bury St Edmunds

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Six Members
Committee administrator:	David Long Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk

Agenda

Procedural Matters

Page No

1. Apologies for Absence

2. Substitutes

Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.

3. Minutes

1 - 6

To confirm the minutes of the meeting held on 3 November 2016(copy attached).

Part 1 – Public

4. Outline Planning Application DC/15/2483/OUT (Means of access onto Rougham Hill and Sicklesmere Road to be considered)

7 - 98

To include up to 1,250 dwellings (Use Class C3), local centre comprising retail floor space (A1, A2, A3, A4 and A5), a community hall (D2), land for primary school (D1) and car parking, a relief road, vehicular access and associated works including bridge over the River Lark, sustainable transport links, open space (including children's play areas), sustainable drainage (SuDS), sports playing fields, allotments and associated ancillary works at Land South of Rougham Hill, Rougham Hill, Bury St. Edmunds for Hopkins Homes Ltd. and Pigeon (Bury East) Ltd.

Report **DEV/SE/17/01**

5. Planning Application DC/16/1810/VAR

99 - 118

Variation of Condition 10 of E/89/1085/P to allow working hours of 08.00 to 18.30 on Mondays, 06.00 to 18.30 on Tuesdays to Fridays inclusive and 06.00 to 16.00 on Saturdays; no work to take place at anytime on Bank Holidays or Sundays at The Barn, Low Green Barn, Low Green, Nowton for The Friendly Loaf – Mr Mark D Proctor.

Report **DEV/SE/17/02**

6. Planning Application DC/16/1451/FUL 119 - 138

Change of use of office (Class B1a) to nursery (Class D1), as amended by details received 14 October 2016 including parking layout plan, noise mitigation plan and travel plan, at Ground floor office, Low Green Barn, Low Green, Nowton for Little Larks Day Nursery Ltd. – Mrs Donna Cooper.

Report **DEV/SE/17/03**

7. Planning Applications DC/16/2492/VAR, DC/16/2493/VAR and DC/16/2494/VAR 139 - 172

(i) DC/16/2492/VAR - Variation of Condition 2 of DC/15/1753/FUL, retention of modification and change of use of former agricultural building to storage (Class B8) to enable amendment to opening hours, as amended by revised wording in planning statement of 9 November 2016 at Building C ;

(ii) DC/16/2493/VAR - Variation of Condition 2 of DC/15/1754/FUL, retention of modification and change of use of former agricultural building to storage (Class B8) to enable amendment to opening hours, as amended by revised wording in planning statement of 9 November 2016 at Building D ; and

(iii) DC/16/2494/VAR - Variation of Condition 2 of DC/15/1759/FUL, retention of change of use from former agricultural storage to use for open storage (Class B8) for caravans and motor homes (10 maximum), horse boxes (5 maximum) and containers (20 maximum) to enable amendment to opening hours at Area H

at Lark's Pool Farm, Mill Road, Fornham St. Genevieve for C J Volkert Ltd.

Report **DEV/SE/17/04**

8. Planning Application DC/16/1963/FUL 173 - 184

(i) Conversion of outbuilding/garage (approved under SE/12/0053/HH) to form separate dwelling including two storey and single storey extensions; (ii) new vehicular access to serve new dwelling; and (iii) 2 no. detached garages/outbuildings for use for new and existing dwellings at Ardrella, Freewood Street, Bradfield St. George for Mrs P A Prior

Report **DEV/SE/17/05**

- 9. Planning Application DC/16/2319/FUL 185 - 196**
2 no. dwellings (following demolition of existing office building) at Acorn Lodge, Sandy Lane, Bury St. Edmunds for Livens Property Care – Mr Mark Livens
Report **DEV/SE/17/06**
- 10. Planning Application DC/16/0876/FUL 197 - 214**
50 sheltered retirement apartments with communal facilities, parking, landscaping and access (following demolition of existing building) at Place Court, Camps Road, Haverhill for Churchill Retirement Living.
Report **DEV/SE/17/07**
- 11. Tree Preservation Order 11 (2016) Land at Stockacre House, Thetford Road, Ixworth 215 - 226**
Report **DEV/SE/17/08**

Part 2 – Exempt

NONE

Agenda Notes - Version for Publication

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**

2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs

- Site specific issues such as availability of infrastructure, density, car parking
 - Environmental; effects such as effect on light, noise overlooking, effect on street scene
 - The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
 - Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
- Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.



Decision Making Protocol - Version for Publication

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.

- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.

 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.

- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.

- In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
- Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services;
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterd, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 3 November 2016** at **10.00 am** in the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds**

Present: **Councillors**

Chairman Jim Thorndyke

Vice-Chairmen Carol Bull and Angela Rushen

Terry Clements
Jason Crooks
Robert Everitt
Paula Fox

Susan Glossop
Ivor Mclatchy
Alaric Pugh

Substitutes attending:

Betty Mclatchy
David Nettleton

Barry Robbins

268. **Apologies for Absence**

Apologies for absence were received from Councillors John Burns, Ian Houlder, David Roach, Peter Stevens, Julia Wakelam and Patsy Warby.

269. **Substitutes**

The following substitutions were declared :

Councillor Betty Mclatchy for Councillor Peter Stevens
Councillor David Nettleton for Councillor Julia Wakelam
Councillor Barry Robbins for Councillor John Burns

270. **Minutes**

The minutes of the meeting held 6 October 2016 were confirmed as a correct record and signed by the Chairman.

271. **Planning Applications**

RESOLVED – That :

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and approval to carry out works to trees covered by a preservation order be made as listed below;
- (2) approved applications be subject to the conditions outlined in the written reports (DEV/SE/16/75 to DEV/SE/16/77) and any additional conditions imposed by the Committee and specified in the relevant decisions; and
- (3) refusal reasons be based on the grounds in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

272. **Planning Applications DC/16/1589/VAR, DC/16/1590/VAR and DC/1591/VAR :**

(i) DC/16/1589/VAR – Variation of Condition 2 of DC/15/1573/FUL, retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by wording in planning statement of 21 July 2016, at Building C ;

(ii) DC/16/1590/VAR – Variation of Condition 2 of DC/15/1754/FUL, retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by wording in planning statement of 21 July 2016, at Building D ; and

(iii) DC/16/1591/VAR – Variation of Condition 2 of DC/15/1759/FUL, retention of change of use from former agricultural storage to use for open storage (Class B8) for caravans and motor homes (10 maximum), horse boxes (5 maximum) and containers (20 maximum) to enable amendment to opening hours at Area H

at Lark’s Pool Farm, Mill Road, Fornham St. Genevieve for C J Volkert Ltd.

(Councillor Robert Everitt declared a non-pecuniary interest because he was an acquaintance of the applicant and remained present within the meeting but did not vote)

The following persons spoke on the applications :

- (a) Objectors - Colin Hilder and Mrs Jenny Bradin, Ramblers' Association representative
- (b) Parish Council - Councillor Michael Collier
- (c) Applicant - Leslie Short, agent

A Member referred to paragraphs 11 and 12 of the report and sought clarification as to what the views of Suffolk County Council, Rights of Way Section, were as two separate sets of comments had been submitted which were in conflict with one another. Officers advised that the views reported in Paragraph 11 had been submitted in error and had subsequently been withdrawn and that the Rights of Way Section was objecting to the applications for the reasons put forward in Paragraph 12.

In discussing the proposals Members acknowledged that there were conflicting considerations relating to the use of Mill Lane to be taken into account in determining the applications. On the one hand this roadway was the only means of access/egress for vehicular traffic using the business/commercial areas within Lark's Pool Farm and whilst the use of the lane by such traffic was already restricted by conditions attached to the permissions granted in May 2016 there was a factor to be taken into account in relation to the promotion of economic prosperity locally by the relaxation of the conditions to permit more extensive use of the three sites involved. Conversely, there were considerations to be borne in mind that the lane was widely used for leisure purposes in connection with the well established local footpath network of the Lark Valley Path and St. Edmunds Way and that the roadway was narrow and without footways to provide safe passage along it by walkers or horse riders. The Committee noted that the proposals sought to vary the current conditions to allow greater use of the three business/commercial units at weekends and Public Holidays which were days when there was greater use of Mill Lane as a leisure facility and was of the view that the latter-mentioned consideration outweighed any others.

Decision

Applications DC/16/1589/VAR, DC/16/1590/VAR and DC/1591/VAR be refused for the following reason :

Policy DM2 of the Joint Development Management Policies Local Plan requires that proposals for all development should, as appropriate, not affect adversely the amenities of adjacent areas, not least by reason of volume or type of vehicular activity generated. The applications to vary Condition 2 of DC/15/1589, 90 and 91/VAR by extending the hours of access to Building C, Building D and Area H by three hours in the evening (to 21.00) on Monday to Friday, five hours (to 18.00) on a Saturday and an additional 10 hours (08.00 to 18.00) on a Sunday and Public Holidays would give rise to an adverse impact on the amenity currently enjoyed by users of the adjacent Lark Valley Path. The presence of vehicles serving these uses, and associated on-site activities, at time when pedestrians and other path users might otherwise reasonably expect to be enjoying the tranquillity of the nearby footpath route is considered to adversely affect the enjoyment of users of the recreational route. This impact is exacerbated significantly by the fact that the extended hours sought are at precisely the times when recreational demand for the footpath will be at its highest.

As such, this proposal is considered to conflict with the provisions of Policy DM2 of the Forest Heath and St. Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the National Planning Policy Framework which seek to create a high quality environment and which at Paragraph 17 of the last-mentioned document seeks to protect amenity.

273. Planning Application DC/16/1618/FUL

1 no. two storey dwelling following demolition of existing garage and boundary fence (revised scheme of DC/15/1975) at Rowan House, Albert Street, Bury St. Edmunds for Mr Barney Walker.

This application had been deferred at the meeting on 6 October 2016 as the Committee was minded to grant permission contrary to the Officers' recommendation of refusal which was based on Suffolk County Council, Highway's objection of lack of on-site parking provision. Subsequently Officers had negotiated with the applicant's agent a solution to the difficulty about parking provision whereby the existing vehicular access to the property would be stopped up and two on-street parking places provided in Albert Street. This parking provision would be secured by conditions which the applicant had agreed to accept and would be safeguarded by the making of a Traffic Regulation Order by Suffolk County Council which would impose a yellow line restriction. Under the circumstances no Risk Assessment Report required in accordance with the Decision Making Protocol had been produced.

The following person spoke on the application :

(a) Applicant - Tom Stebbing, agent.

The Committee commended the Officers in finding a solution to the issue about parking provision in relation to the application site. It was noted that by virtue of the proposed condition the dwelling could not be occupied until the scheme for the provision of the on-street parking bays had been fully implemented and a concern was expressed that there might be some delay between completion of the dwelling and the carrying out of works by the County Council to delineate the parking bays within the highway. Officers responded by advising that such matters were dealt with by way of application to the County Council and the likely length time involved in this process was not known. It would be up to the applicant's agent to endeavour to achieve a timely implementation of the parking provision element of the scheme but it was noted that all parties, including the applicant, had agreed the draft wording of the condition.

Decision

Permission be granted.

274. **Householder Planning Application DC/16/1578/HH**

(i) Single storey front and rear extensions; and (ii) garage conversion at 14 Hepworth Avenue, Bury St. Edmunds for Mr and Mrs Henthorn

This application was before the Committee because one of the applicants was a member of the Borough Council's staff.

Decision

Permission be granted.

The meeting concluded at 11.30am

Signed by:

Chairman

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

5 January 2017

Planning Application DC/15/2483/OUT

Land South of Rougham Hill, Bury St Edmunds

Date: 7 December
Registered: 2015.
Expiry Date: 31 January 2017 (with agreed extension)

Case Officer: Gareth Durrant
Recommendation: Grant outline planning permission, subject to S106 Agreement

Parishes: i) Bury St Edmunds, and ii) Nowton (also abuts the Parish boundary of Rushbrooke with Rougham)
Wards: i) Southgate and, ii) Horringer & Whelnetham (also abuts the Rougham ward).

Proposal: Outline Planning Application (Means of Access) to be considered on to Rougham Hill and Sicklesmere Road) to include up to 1250 dwellings (Use Class C3); local centre comprising retail floor space (A1, A2, A3, A4 and A5), a community hall (D2), land for a primary school (D1), and car parking: a relief road, vehicular access and associated works including bridge over the river Lark: sustainable transport links: open space (including children's play areas): sustainable drainage (SuDS): sports playing fields: allotments and associated ancillary works

Site: Land South Rougham Hill, Rougham Hill, Bury St Edmunds

Applicant: Hopkins Homes Ltd And Pigeon (Bury East) Ltd

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

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

CONTACT CASE OFFICER: Gareth Durrant
Email: Gareth.durrant@westsuffolk.gov.uk
Telephone: 01284 757345

Background:

This application is referred to Members because it is a major strategic development site and raises issues which Officers consider should be considered by the Development Control Committee.

A site visit will be undertaken on Tuesday 3 January 2017.

Proposal:

1. Planning permission is sought for the erection of up to 1250 dwellings and associated infrastructure. The 'associated infrastructure' includes a new primary school, local centre and relief road to link Rougham Road to Sicklesmere Road through the application site (the relief road would include a bridge over the River Lark) and public open space. The application is in outline form with all matters reserved with the exception of the construction of the two principal vehicular accesses onto Rougham Road and Sicklesmere Road. The application proposes 30% affordable housing (up to 375 dwellings). The site area extends to approximately 68.6 hectares. The 1250 dwellings proposed by the planning application translate to a gross density of up to 18.22 dwellings per hectare.
2. The proposed vehicular accesses would take the form of roundabouts (adjustments to the existing roundabout on Rougham Road and a new roundabout junction along Sicklesmere Road to the south). Details included with the planning application indicate closure of part of the length of Rushbrooke Lane through the application site although new road infrastructure would be provided to allow continued passage of vehicles albeit via an alternative route.
3. Details of the layout of the site and the appearance and scale of the buildings are reserved to a later date, such that no formal details of these matters are included with the planning application for consideration and approval at this outline stage. The applicants have, however, provided illustrative and other parameter plans to demonstrate how the site could be developed out at a later date. Parameters for the outline planning application and later potential reserved matters submissions are informed by a Masterplan for the south east allocated site. The Masterplan was adopted by the Council for use in Development Management decisions in September 2015.

Application Supporting Material:

4. The following documents accompany the planning application forms and comprise the planning application (including amendments/additional information received after the application was

registered):

Reports (all received in December 2015 with the planning application, unless stated)

- Environmental Statement Volumes 1, 2, and 3 and Appendices.
- Design and Access Statement.
- Transport Assessment (as amended by August 2016 addendum).
- Framework Residential Travel Plan
- Statement of Community Engagement.
- Utilities Statement.
- Planning Statement.
- Flood Risk Assessment (amended September 2016).
- Surface Water Drainage Strategy (as amended by August 2016 addendum).
- Preliminary Tree Constraints Survey and Report
- Water Framework Directive Assessment (received July 2016)
- Updated Air Quality Assessment (received August 2016)

Drawings (all received with the planning application in December 2015)

- Site Location Plan
- Illustrative Masterplan
- Land Use Parameters
- Access and Movement Hierarchy
- Landscape and Open Space Parameters
- Illustrative Densities
- Building Heights Parameters Plan

Site Details:

5. This strategic development site is located at the south east edge of Bury St Edmunds and would be accessed via Rougham Road to the north and Sicklesmere Road to the south west. Minor access would also be retained from Rusbrooke Lane to the south of the site. The site sits to the south of the A14 Trunk Road and is relatively close to Junction 44, the eastern junction into/from Bury St Edmunds. The north parts of the site are bounded partly by Rougham Hill and partly by the A14 (T). The site is bounded to its south-west by the A134 Sicklesmere Road, which connects Bury St Edmunds to Sudbury and numerous villages in-between. To the west, the site straddles the river Lark and sits behind the linear housing development on the east side of Sicklesmere Road. To the south and east the site opens out onto agricultural land.
6. Whilst the site is situated on the edge of the town, it is relatively close to the town centre. At its closest (measured directly) the edge of the application site is approximately 1.3 kilometers (0.8 miles) from the edge of the Town Centre designation (referenced close to the

frontage of St James' Cathedral onto Angel Hill).

7. The application site, which extends to around 68.6 hectares, is comprised of the vast majority of the land allocated for new development by Policy BV7 of the Bury St Edmunds Vision 2031 Development Plan document. Of the totality of the land allocated for development in 'Vision 2031', only the existing lorry park and adjacent woodland in Rougham Hill to the north and the existing small industrial estate off Rushbrooke Lane central west (and a small parcel of land to the north of this) are not included in the application site.
8. The proposals would develop around a cluster of dwellings (and the aforementioned industrial estate) in Rushbrooke Lane and these are excluded from the application site and would remain in situ.
9. Part of the site, to the south of the River Lark, is locally designated as 'Special Landscape Area'. The application site is on the edge of what is a much larger designation of locally protected landscape. The river Lark dissects the application site rather neatly into north and south sections and provides a natural 'barrier' between these two sections. The River Lark will need to be bridged to enable the planned 'relief road' to connect the Sicklesmere Road to the Rougham Road roundabout, via the application site.

Planning History:

10. September 2015 – The Council adopted a Masterplan for the wider south east Bury St Edmunds strategic development site, as required by Policy BV7 of 'Vision 2031. This has enabled the following developments within the Policy BV7 allocated site to be approved:
 - March 2016 – Planning permission was granted for change of use of land adjacent to the Firs Residential Park for the stationing of 10 mobile homes (planning application DC/15/2535/FUL refers).
 - June 2016 – Planning permission granted at appeal for change of use of woodland to Gypsy/Traveller site consisting of five pitches. The application site is the woodland area situated (outside of this application site) to the eastern side of the lorry park in Rougham Hill. The Council had initially refused planning permission in February 2015 in advance of the Masterplan being adopted but, following adoption of the Masterplan in September that year, later resolved not to contest the appeal. Planning application DC/14/1667/FUL refers.

Consultations:

11. Natural England: submits **no objections** and provided the following comments (summarised)
 - The application site is over 9km away from Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC). We therefore have no concerns regarding cumulative or in-combination recreational effects to the above sites associated with this proposal, and therefore no concerns regarding effects to any European designated sites in the vicinity of the proposal.
 - This application is in close proximity to Horringer Court Caves and Glen Chalk Caves Sites of Special Scientific Interest (SSSI), which are designated due to the nationally important bat hibernation roosts they contain and the several species they support throughout the year. However, given the nature of this proposal and the evident usage of the site by bats, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted, providing a specific mitigation strategy is required by means of planning condition (bat mitigation measures would include retaining greenspace along the river corridor, use of hooded street lights, the retention of dark corridors where feasible and the maintenance and/or restoration of hedgerows on site).
 - The proposed development is clearly substantial and would therefore benefit from enhanced green infrastructure (GI) provision, of a high quality and in sufficient quantity to provide all the benefits that GI can bring to an area. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.
 - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.
12. Environment Agency: initially (February 2016) **objected** to the planning application as submitted due to the failure to identify any measures to restore the ecological value of the River Lark & Rushbrooke Stream and recommended that planning permission should be refused on this basis. The Agency advised their objections could be overcome if a Water Framework Directive assessment which includes measures for improvement of the river Lark to their satisfaction were to be submitted. The Agency also advised with respect to the content of that assessment.

13. In July 2016, the Environment Agency considered the content of a Water Framework Directive (WFD) document submitted by the applicant in response to the Agencies earlier concerns. The Agency welcomed the opportunities identified for improving the River Lark corridor in order to achieve WFD objectives and **withdrew is objections** to the planning application. The Agency went on to advise with respect to the Flood Risk Assessment (FRA), drainage strategy, contamination and water resourced. The Agency recommended the FRA is updated to reflect the most up to date data, which had changed since the FRA had been prepared. It also recommended a number of conditions should be attached to any planning permission subsequently granted.
14. In November 2016 the Environment Agency provided comment in response to re-consultation regarding an amended Flood Risk Assessment and supplementary surface water drainage information. The Agency submitted **no objections** to the planning application and provided some advisory comments, the most relevant of which are summarised below:
 - The submitted FRA states that amount of flood storage compensation will be determined and assessed in future design stages. We would strongly advise compensation requirements being looked in to at an early stage to ensure the total requirement can be met within the site boundary. If this is not assessed at an early stage it could have time and cost implications if the necessary steps are not taken.
 - The FRA states that any necessary construction within the floodplain will be compensated for on a volume for volume, level for level basis. This is necessary to prevent the new development reducing floodplain storage and displacing flood waters, thereby increasing flood risk elsewhere.
 - All losses of floodplain must be compensated for as we have to consider the cumulative effects of development. Please be aware that if there are no available areas for compensation above the design flood level, then compensation will not be possible and no increases in built footprint will be allowed.
15. Highways England (previously Highways Agency): **no objections**, subject to a single condition being imposed upon any planning permission granted requiring the proposed improvements to junction 44 of the A14 to be completed in advance of any occupations of the development.
16. NHS England: Identifies the proposed development will be likely to have an impact on the services of 2 main GP practices operating within the vicinity of the application site, which do not have capacity for the additional growth resulting. NHS England notes no Health Impact Assessment has been undertaken by the applicants. A HIA

carried out by NHS England confirms a contribution towards increasing capacity at the GP surgeries of £411,420 is required from the development proposals. On the assumption this sum is secured appropriately by means of a S106 Agreement, NHS England has **no objections** to the proposed development.

17. Anglian Water Services: **no objections** and comments as follows:

- There are AWS assets at the site or its vicinity which may affect the final layout of the site.
- The foul drainage from the development would be received by the Fornham All Saints Treatment Works which has capacity to accommodate the flows arising.
- The transporting network, left unaltered, could not accommodate the flows arising from the development and would lead to unacceptable risk of flooding. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. A condition requiring compliance with the drainage strategy is requested.
- The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We request a condition requiring a drainage strategy covering the issue to be agreed.

18. Suffolk Wildlife Trust: **objects** to the planning application and comments as follows:

- We note the survey and assessment work provided in relation to this, and agree with the conclusion that the development site is in close enough proximity to the SSSIs that it could be utilised, at various times of the year, by bats which hibernate within the caves. We therefore agree with the recommendation that the design of the proposed development retains unlit corridors through the site (particularly along the River Lark and the hedgerow linking to Nowton Park), maintaining the existing connectivity to the wider countryside. Whilst we note that this is an outline planning application, we recommend that the routes of such corridors are adequately secured as part of the strategic layout of the development at this stage. In particular, it will be necessary to ensure that the river crossing is carefully designed so as to ensure that there is no increase in light levels along this section of the river.
- We also support the recommendation that the whole development be subject to a sensitive lighting strategy. We recommend that this is developed in accordance with Suffolk County Council's guidance on street lighting.
- It is important that the dark corridors are also maintained during

the construction phase of the development.

- It is also noted that a riverside footpath is proposed as part of the development. Given the importance of the river corridor for bats, it should be ensured any such footpath is not lit.
- We note that two species of reptile (slow worm and grass snake) have been recorded on the site and that it is proposed to retain the populations of these species within the green space of the development. It is therefore essential that the necessary receptor site(s) are suitable for reptiles ahead of the loss of the donor area(s). The measures necessary to be implemented to provide suitable reptile habitat should be identified through a Reptile Mitigation Strategy secured as a condition of planning consent, should permission be granted. It should be ensured that the requirements for reptile mitigation are suitably incorporated in to the long term management of the green spaces created by the development.
- It is also noted that otter have been recorded along the River Lark. It is therefore important that the proposed dark corridor along the river is provided both during construction and occupation of the development. It should also be ensured that the proposed river crossings are designed so as to maintain connectivity for this species.
- We note that the breeding bird survey at the site recorded nine different UK and Suffolk Priority species breeding on site, including 16 breeding skylark territories and 29 breeding dunnock territories. However, we disagree with the conclusion that impacts on these species can be screened out of the Environmental Impact Assessment (EIA) and therefore appear to be unmitigated. The Trust references policy DM11 of the Joint Development Management Policies Document (Protected Species) and is of the view the proposals do not meet the requirements of that policy.
- The River Lark runs through the site and the development therefore offers the opportunity to secure enhancements of the watercourse which could significantly enhance its ecological value. We recommend that a package of such enhancements are secured as part of the overall mitigation and enhancement measures delivered as part of the development, should consent be granted.
- The Trust concludes by confirming their view the application fails to demonstrate that the proposed development will not result in an adverse impact on UK and Suffolk Priority Species and therefore fails to meet the requirements of Policy DM11 (Protected Species) of the Joint Development Management Policies Document. The application should therefore not be consented in its current form.
- The application also currently fails to maximise the ecological

enhancement opportunities available at the site, in particular in relation to restoring the River Lark. This should be addressed as part of this outline application in order to ensure that opportunities can be taken as any development in this location progresses.

- In any event the recommendations made within the biodiversity section of the ES (and the supporting reports) should be implemented in full, via a condition of planning consent, in the event that permission is granted.
19. Sport England – **objects** to the proposal as they consider the scheme is makes insufficient provision for indoor/outdoor sport to meet the needs of the new residential areas. Sport England therefore takes the view the proposal is contrary to Sport England, NPPF and local plan policy.
20. National Planning Casework Unit – (on behalf of the Secretary of State) **does not wish to comment** on the planning application.
21. Suffolk Constabulary – Architectural Liaison Officer: **no objections** and comments as follows:
- I would like to register my approval of many facets of the plan – it is apparent that all concerned are mindful of the requirements to provide a safe and secure development.
 - I would hope the developer applies for Secured by Design accreditation at this site, as a means to provide an indication of quality.
22. Suffolk County Council - Highway Authority (Roads): **no** objections and provides the following comments and recommendations:
- This is a large scheme to the South East of Bury St Edmunds and will generate significant amounts of traffic if permitted. However, the applicants have provided details of an extensive mitigation package, including improvements to the A14 roundabout to Southgate Green Roundabout corridor, various offsite improvements, and contributions to sustainable transport measures.
 - The applicants have provided a comprehensive Transport Assessment and Draft Travel Plan. The information provided has been reviewed internally, and by independent consultants, and several revisions to the key documents have been submitted to further understand the transport impacts of the proposed scheme.
 - **Trip Generation-** The initial trip generation assumptions were reviewed by Aecom and agreed in a series of Technical Notes, and the flows associated with each land use have been agreed between the applicant’s consultants and SCC. Some additional data was requested regarding the specific phasing of the

development, this was supplied and is now also agreed. The applicant's consultants were asked to provide more details on the non-car modes of travel which was done, and this aspect is also agreed.

- **Trip Distribution** - The distribution of trips from the development has been assessed by Aecom and the applicant's consultants have been asked to provide additional information which has been done. Issues were raised about the degree that existing traffic will divert along the new link road that forms part of the proposed development, avoiding the Southgate Green roundabout, to access the A134 southbound. However, this aspect has been assessed to our satisfaction.
- **Committed and Strategic Sites**
The Transport Assessment considers this site within the context of other committed development sites in the area. This includes the following projects:
 - Land to the north-west of Bury St Edmunds (900 dwellings)
 - Land to the east of Moreton Hall (500 dwellings)
 - Introduction of Eastern Relief Road to Junction 45 of the A14 (Rookery Crossroads)
 - Waste Transfer Station (north of Rougham Hill)
- It is considered that the list of committed sites included in the assessment is adequate. The assessment also considers strategic sites which are forecast to come forward within the design period assessed:
 - Strategic Site 3 - Land to the west of Bury St Edmunds (450 dwellings);
 - Strategic Site 4 - Land to the north-east of Bury St Edmunds (1,250 dwellings);
 - Suffolk Business Park.
- As part of the overall transport assessment the design year for the development has been set as 2031, which is consistent with other sites in the area. The assessment considers baseline conditions in 2031, with committed sites, this proposed development site and the cumulative impact of the other strategic sites. This is considered to be an adequate assessment scenario.
- **Junction assessment** - The junction assessment was reviewed by Aecom and several detailed comments were made on the methodology chosen, however these comments have been addressed by further assessment or commentary on the assessment. Overall the junction assessment is considered to be appropriate.
- **Cumulative Impacts on the Town Centre** - The traffic generated by all the strategic sites has an impact on Bury St Edmunds Town Centre. Some of the areas where this potential impact would occur are close to the other strategic sites, and the impact will be

mitigated by the measures implemented by these strategic sites. There will be some junctions however where the impact of any one of the strategic sites is not enough to justify specific improvements. To address this issue, a Bury St Edmunds Town Wide Transportation fund has been created. The fund will be used to fund mitigation measures on the junctions identified by Suffolk County Council as in need of improvement to deal with the cumulative impacts of the proposed development in Bury St Edmunds. Each of the developments will be required to contribute to this fund through S106 agreements.

- To inform this process, in 2013 AECOM undertook a study on behalf of Suffolk County Council and St Edmundsbury Borough Council into the transport infrastructure required to support the development proposed in the Bury St Edmunds Vision 2031 development plan.
- This work identified and provided cost estimates for potential improvements to key junctions to accommodate the proposed level of development. This work identified the need for the cumulative impact to be addressed through proportionate contributions of each site. This technical note was submitted as evidence for the Examination in Public; this approach is therefore considered necessary to make the significant development sites acceptable in planning terms.
- The methodology for assessing the cumulative impact of each scheme is assessed using the traffic flows identified through the development Transport Assessment as a percentage of the total future development related traffic for the town. The assessment is therefore considered directly related to the development and fair and reasonable in scale and kind to the development. The Section 106 Heads of Terms requirements detailed below will be subject to further negotiation with the developers and St Edmundsbury Borough Council and are considered to be CIL compliant. The number of contributions to the sites identified will not exceed five and are therefore compliant on the grounds of pooling.
- Several town centre junctions and corridors have been identified for improvements associated with the Abbots Vale development, they are as follows:
 - Compiegne Way roundabout with Out Northgate
 - Tollgate Lane with Mildenhall Road gyratory
 - A1302 Parkway and Cullum Road junctions with; Risbygate Street, Westgate Street, Kings Road, Hardwick Lane and Station Hill
 - Northgate Street junction with Eastgate Street
 - A1101 Fornham Road junction with Station Hill
- The specific proportions of the full scheme costs that this development would fund, and the total size of the contribution would be ascertained as part of the Section 106 negotiations.

- The key mitigation measures will be required to be delivered through a combination of draft highway planning conditions, which are listed below, and a suitable Section 106 agreement including highways related planning obligations, again a list of potential Heads of Terms are listed below.
- The following conditions are recommended (summarised):
 - Details of the estate roads and junctions to be submitted for approval.
 - No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better.
 - Timing of delivery of the vehicular accesses to the north (onto Rougham Hill) and south (onto Sicklesmere Road)
 - Provision of a pedestrian crossing over Sicklesmere Road prior to the occupation of more than 99 dwellings.
 - Provision of no more than 499 dwellings until the relief road has been provided in full.
 - Occupation of no more than 498 dwellings until the improvements to Southgate Green roundabout have been completed (in accordance with details that shall have previously been submitted and approved).
 - Details and provision of car parking spaces for the development
 - Control of HGV movements via a Construction Management Plan
 - Details of areas for bin storage submitted for approval and implemented.
 - Travel Plan for the school to be submitted for approval prior to commencement of the school development.
- **Travel Plan comments** - The travel plan has identified some good measures such as a Smarter Choices campaign to use some travel plan measures off-site to further mitigate the highway impact this development is likely to generate. The suggested target of ensuring there are no additional trips during the AM and PM peak periods based on the trip data supplied in the Travel Plan sounds very reasonable. There will need to be further clarification on if the proposed trip rates are acceptable and do not have a significant impact on the existing local highway infrastructure. This also needs to be supported by including 2011 Census data for the relevant Ward or Middle layer as part of the baseline data to provide further justification for the targets, as there is no reference to the source of the secondary travel plan targets in Table 8.
- In regards to the travel plan measures, there will need to be some further evidence in the Travel Plan that the local bus operators have agreed to provide a bus service to go through the site. If there is no agreement from the operators, or it is not viable this measure will need to be removed from the travel plan. This will need to be supported by the public transport taster tickets that were referenced in the travel plan. However the travel plan does not identify a value for the taster tickets. The value of the tickets should be consistent

with the North-West Bury St Edmunds development travel plan, which will be providing up to four annual bus season tickets for each dwelling. Other measures such as personalised travel planning for residents and a car club (if deemed viable from the car club operator) should also be included in a revised travel plan.

- The information on the Smarter Choices measure will need to go into greater detail, as the area that the smarter choices scheme will be implemented and monitored in will need to be identified in the travel plan. Ideally the boundary of the smarter choices area should be as far east of the A14, then moving west with the residential areas south of the A134, A1302 and A143. The full implementation of this measure will need to be secured by a Section 106 obligation.
- The commitment to employ the Travel Plan Coordinator for a set period of five years, following the six months prior to occupation of the first dwelling trigger point will not be sufficient. As this is a large development it could take approximately 31 years to fully build out, based on 42 dwellings being occupied per annum. The Travel Plan Coordinator must be in post for the full build-out of the development and finish no less than one year after occupation of the final (1250th) dwelling, to ensure all targets have been met. The travel plan duration will only be extended for the remedial measures to be implemented and additional monitoring if the agreed targets have not been met. The applicant will only be able to hand over the responsibility to the relevant body after Suffolk County Council Highways deem the travel plan successful on the final monitoring report.
- A separate Workplace Travel Plan will be needed if the proposed classes of the commercial units in the Local Centre collectively go above the thresholds in Table 4.1 of the DFT "Good Practice Guidelines: Delivering Travel Plans through the Planning Process" guidance document. If the collective thresholds are lower there will still need to be a commitment to provide sufficient sustainable links and cycle parking to encourage residents and employees to travel sustainably to the Local Centre. These sustainable transport links apply to the proposed primary school as well.
- Amendments are required to be incorporated in a revised travel plan(s) that will need to be submitted and approved prior to the determination of the first reserved matters or full application, applicable to this site.
- The requirement for a Travel Plan is supported by National Planning Policy Framework paragraph 32, which sets out that plans and decisions should take account of whether:
 - the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people.

- improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

- In addition, a decent quality travel plan will also support policies CS7 and CS8 of the St Edmundsbury Core Strategy and policies DM4, DM33, DM45 and DM46 of the Forest Heath and St Edmundsbury Local Plan - Joint development management policies document.
- The following 'Travel Plan' specific Section 106 contributions are also required:
 - Travel Plan Evaluation and Support Contribution - £1,000 per annum after occupation of the 100th dwelling until at least one year has passed after occupation of the final (1250th) dwelling. This is to cover Suffolk County Council officer time working with the Travel Plan Coordinator and agreeing new targets and objectives throughout the full duration of the travel plan. If the contribution is not paid Suffolk County Council may not be able to provide sufficient resource to assist in the on-going implementation and monitoring of the Travel Plan, which may result in the failure of the Travel plan to mitigate the highway impacts of this development.
- Estimated Travel Plan Implementation Bond to cover the full residential element of the development (1250 dwellings) – £1,395,388 (£1,116 cost per dwelling) – Estimate based on a build out and occupation of 42 dwellings per annum over a 31 year period. A smaller rolling bond may be appropriate due to the scale of the development and likely buildout time.

- **Other Section 106 Planning Obligations**

Bus Infrastructure

- For a development of this size we would not be seeking to divert the interurban services that currently use Sicklesmere Road as it is unlikely that they could do so without incurring considerable additional road time and a reduction in journey time reliability. The vehicles used are also large capacity (in most cases double deck) and may be unsuitable for smaller roads on the development.
- On larger sites we should aspire to a bespoke bus service linking the site to the town centre most likely via Southgate Street. Alternatively, there may be opportunities to combine the provision with the suburban bus routes currently serving the Hardwick Estate. The disadvantage with adding to existing routes is that longer circuitous routes are less attractive and may discourage existing customers from continuing to use these routes.
- Within the site layout, when details are submitted as part of subsequent reserved matters applications, the internal roads should be designed in such a way to be easily accessible by buses, with

appropriate stop locations provided.

- General requirements would be for a 30-minute frequency between 7am and 7pm which could most likely be achieved with two buses, around £115k per annum for 5 years. After the initial 5 years it is likely, based on the phasing and likely build out times of the scheme. This would require a £1.15 million contribution required plus infrastructure costs to include built out DDA stops and a pair of Real Time Passenger Information (RTPI) sites, probably at the retail outlet or community hall.
- Prior to the final phase which provides the continuous bus permeable link through the development the bus services for the residents will be provided by the existing services on Sicklesmere Road. The existing bus stops on Sicklesmere Road have been upgraded to make them accessible by all users, and where possible shelters are already provided. Therefore, it will be necessary to provide a pair of RTPI screens at the existing stops which serve the majority of the residents of phases 1 and 2.
- The requirement to 'pump-prime' new bus services initially to get them to a point where they can be commercially viable without support is acknowledged by the applicants. However, there is a degree of negotiation required around the final figure for the total bus infrastructure contribution. It has been agreed that a 'bus infrastructure contribution' and a 'bus service contribution' will be included in a Section 106 Heads of Terms, with the final details to be determined prior to a decision notice being issued, should the site be permitted.

Rights of Way requirements

- The Transport Assessment considers the options for providing a safe, off road cycle and walking route from the development to the town centre. One of the key routes is from the north end of the development site to the Town Centre and the Railway Station. Bridleway 14 (BR14) currently provides a traffic free route for cyclists and pedestrians and it is anticipated that this route will be popular with residents of the development. We would require a S106 contribution to improve the surface of this route, and the details can be firmed up as part of the S106 package for the site.
- A key local employment site for residents of the development is Bury St Edmunds NHS Hospital, it is also likely that residents will require a safe and sustainable route to this facility as parking on site is limited. We have options on the current Rights of Way network to provide a mainly off road link and therefore this link could be enhanced to make it more attractive to walkers and cyclists. We would require a S106 contribution to improve the surface of this route and upgrade a section of Footpath 32 to Bridleway status to allow cyclists to legally use it. As with the above location, the details can be firmed up as part of the S106 package for the site.

- There is an existing quiet road leading south from the development site to North Hill Cottage, it is likely that a Traffic Regulation Order will be required to prevent an increase in vehicle activity on this road. This road links to the Public Rights of Way network leading to Rushbrooke, and it is likely to be popular with residents of the proposed development. Therefore, we would require the affected Footpath to be upgraded to Bridleway status to allow cyclists to legally use the route. Only very limited physical work would be required to make this route suitable for cycle use, the main costs would be related to the order making process and possible compensation to the land owner. Again, the full details of both measures can be firmed up as part of the S106 package for the site.
- In the previous discussions on this site it was proposed that a Right of Way link is to be investigated to the east of the development, adjacent to the A14, linking to the underpass that links to Morton Hall. This facility is likely to be a useful link from the development site to various employment and education sites in Morton Hall. However, this project is currently being evaluated as a standalone project, and there will be no need for this scheme to contribute financially, it would be our preference for priority to be given to the Rights of Way improvements listed above.
- **Obligations Summary** - Negotiations on the Section 106 agreement are ongoing, however the following obligations should be included as 'Heads of Terms'
 - Proportionate contributions to off-site improvements to the following routes and junctions:
 - Compiegne Way roundabout with Out Northgate
 - Tollgate Lane with Mildenhall Road gyratory
 - A1302 Parkway and Cullum Road junctions with; Risbygate Street, Westgate Street, Kings Road, Hardwick Lane and Station Hill
 - Northgate Street junction with Eastgate Street
 - A1101 Fornham Road junction with Station Hill
 - Total Contribution (£1,404,464)
- - Travel Plan Obligations. Implementation of the Residential Travel Plan, including the following:
 - Provision of an approved welcome pack to each residential dwelling on occupation
 - Provision of at least one car club vehicle (if such measure is deemed viable)
 - Smarter Choices scheme for residents located close to the development to further mitigate traffic impact
 - Remedial measures if the Travel Plan targets are not achieved
 - Travel Plan Implementation Bond (£1,395,388 TBC)
 - Travel Plan Evaluation and Support Contribution (£1000 PA)

- Rights of Way Improvements:
 - Improvements to the surface of Bridleway 14 from Rougham Road north to the Town Centre
 - Upgrade of Footpath 32 to Bridleway status to link the site with Bury St Edmunds NHS Hospital
 - Traffic Regulation Order to restrict use of route to North Hill Cottage
 - Passenger Transport Improvements
 - Bus Infrastructure contribution to enhance bus stops with raised kerbs for improved passenger access and Real Time Passenger Information (RTPI) screens
 - Bus Service contribution to enable bus services to be pumped primed prior to them becoming commercially viable (£1,150,000)
 - **Summary** - Overall it is our assessment that this project is large and the highway impacts will be significant, but provided that the full list of highways mitigation projects are delivered through a series of Planning Conditions and Planning Obligations these impacts would not be severe. Therefore, we are happy to confirm our support for this scheme.
23. Suffolk County Council – Highway Authority (Rights of Way): submits **no objections** to the proposals and provides advisory comments for the benefit of the developer. More strategic comments with respect to Rights of Way are included as part of the overall highways response from Suffolk County Council (paragraph 22).
24. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).
25. Suffolk County Council (Planning Obligations): **no objections** to the planning application and provided the following comments (summarised);
- **Education (Primary and Secondary)** The agreed education mitigation strategy is for the transfer of a free site to SCC for the delivery of a new on-site primary school with integrated early years provision funded by developer contributions. At the secondary school level the strategy is for off-site developer contributions.
 - The Master Plan Section 4 'Land use' identifies that community infrastructure will include a new primary school on a minimum site

size of 2 hectares. The primary school site must be rectangular in shape of a minimum size of 2 hectares, on level ground and located on a gyratory road (i.e. not in a cul-de-sac) near to the centre of the development and close to other community facilities. The site must be free of contamination and cleared of any previous land use.

- At present SCC has a significant concern about the proposed location of the identified primary school site in terms of flood risk. This is a critical issue to consider and resolve before the final site location is agreed.
- At present I am unclear about the intended phasing and build out of the development. SCC would most likely want to be able to trigger the land option for the primary school at any time after 150 dwellings have been occupied.
- The estimated build cost of a new 315 place primary school is £5.6m. In addition SCC will require the costs of temporary classrooms and/or the costs of school transport pending the construction of the new primary school.
- The agreed strategy for secondary school provision is to spend the developer contribution of £4,260,075 (2016/17 costs) at the new Moreton Hall Secondary School (Sybil Andrews Academy) to mitigate the impact of secondary age pupils arising from the development.
- **Education (Pre-school provision).** It is the legal duty of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age.
- The strategy for early years is to provide a new setting integrated with the new primary school. Therefore, a contribution is sought to provide capacity for the 125 additional children. Based on the costs set out in the Developers Guide, of £6,091 per child, this equates to a total contribution of £761,375 (2016/17 costs).
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** The capital contribution towards libraries arising from this scheme is £270,000, which will be spent at the Moreton Hall Community Centre on a project to expand the existing facility to incorporate library outreach facilities and to enhance & improve facilities at Bury St Edmunds Library.
- **Waste.** SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also

encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens. In addition consideration should be given to providing a bring site area within the Local Centre.

- **Supported Housing** - In line with Policy DM22 (I) of the West Suffolk Development Management Policies and Sections 6 and 8 of the NPPF, homes should be designed to meet the changing needs of their residents. Following the replacement of the Lifetime Homes standard, designing homes to Building Regulations 'Category M4(2)' standard offers a useful way of meeting this requirement, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition SCC would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the St Edmundsbury Borough Council housing team to identify local housing needs.
 - **Sustainable Drainage Systems.** Summarises the hierarchy of responsibility and national policy relating to SuDS drainage and recommends the relevant lead flood authority is consulted.
 - **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
 - **Superfast broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).
26. Suffolk County Council (Flood and Water): initially submitted advisory comments, expressed a small number of concerns with respect to the overall drainage strategy, but confirmed these matters could be resolved at Reserved Matters stage where detailed drainage schemes would be designed and submitted. Later, in July 2016, these comments were revised upon further consideration. A **holding objection** was submitted as the use of deep bore soakaways were considered unacceptable given the site is within a source protection zone and overlies a chalk aquifer. The risk of direct contamination to the principal aquifer and potential creation of dissolution features, such as swallow holes, was considered too high. It was recommended that the infiltration drainage strategy should continue to be pursued, but with suitably sized, shallow soakaways.
27. In October 2016 and following re-consultation with respect to a revised Flood Risk Assessment and (separately) further clarification with respect to the proposed drainage strategy, the Suffolk County Council (Flood and Water) team was able to remove its holding objections, subject to the imposition of controlling conditions regarding the finer detail and implementation of the drainage scheme and requiring details of scheme for managing surface water during the construction of the development. It was noted the updated

surface water drainage strategy was not evident in the latest version of the Flood Risk Assessment.

28. Suffolk County Council – Archaeology: raises **no objections** and comments as follows;

- The application proposals include an assessment of the landscape impact of the development, and include welcome proposals for the conservation and enhancement of upstanding heritage assets on the site, including a WW2 pill box (County Historic Environment Record BSE 402), parts of the embankment of the former Bury to Long Melford railway line, and the railway bridge. Views to the cathedral are considered in the design.
- In terms of below ground remains, river valleys were foci of historic occupation, and this large development proposal, which spans the valley of the River Lark, will have an impact on sites of archaeological significance, particularly an Anglo-Saxon settlement, and the remains of prehistoric barrows.
- In recognition of the potential of the site, assessment of heritage assets has been undertaken from an early stage in the planning process. Assessments show that the density and significance of archaeological remains varies across the development area.
- The Authority concludes by confirming there are no grounds to refuse planning permission in order to achieve preservation in situ of any important heritage assets. Conditions are recommended to record and advance understanding of the significance of any heritage asset (below ground archaeology) before it is damaged or destroyed.

29. Suffolk County Council (Planning) – **objects** to the planning application and provides the following comments (summarised):

- The County Council granted planning permission for a combined waste transfer facility (WTS) and household recycling facility (HWRC) off Rougham Hill (on the site of the existing WHRC) in 2013.
- Although alternative proposals for providing these facilities elsewhere are being considered, the outcome is not certain.
- The application proposes to construct housing very close to Rougham Hill, opposite the existing HWRC. This is contrary to the Concept Statement at Appendix 10 to Bury St Edmunds Vision 2013 which shows a much wider green corridor in this area.
- I can find no reference to the permitted HWRC and WTS in the submitted Environmental Statement.

- Information submitted with the HWRC and WTS application was commented on by the County Noise and Air Quality Manager who concluded that: *"The noise mitigation recommended for inclusion as a part of this Application would not be sufficient to ensure that a noise nuisance and disturbance is not caused to residential development if this were to be located close to Rougham Hill. Whilst daytime background noise levels are relatively high due to A14 (T) traffic, activity at the CWTS would be noticeable. Should the CWTS operate during the night-time period it is unlikely to be acceptable to residents and a noise nuisance would occur"*.
 - The siting of residential development so close to the existing HWRC and potentially to the combined HWRC/WTS would be likely to give rise to amenity type complaints from residents and the expectation that the operation of these facilities should cease or be restricted (unfairly) in some way over and above the existing planning conditions.
 - This would be contrary to the Suffolk Waste Core Strategy WDW1 which states that "Development proposals in close proximity to existing sites, Specific Sites or Areas of Search should demonstrate that they would not prejudice or be prejudiced by a waste management facility. The safeguarding policy will also apply to any site where planning permission has already been granted".
 - Our noise consultants are of the opinion that the assessment of noise impacting the proposed housing development based upon the pre-existing noise levels measured around the site and that the noise from the permitted HWRC/WTS has not been considered. To rectify this, the developer must assess the suitability of the site using BS4142:2014 "Method for rating industrial and commercial sound", taking into account the predicted daytime and night-time noise levels from the proposed Waste Treatment Centre.
30. SEBC (Ecology, Tree and Landscape Officer) submits **no objections** and provides the following comments (summarised):
- An illustrative layout has been submitted with the scheme. The layout is consistent with the adopted masterplan and is generally acceptable. A minor adjustment is to the structural landscaping to the SE of the roundabout on the A134 to increase the width would remove the current pinch point. Provision of safe access for young people to play space, including natural play space would be better addressed by the following adjustments in layout.
 - The Environmental Statement (ES) suggests landscape effects will not be significant. The ES also assesses the visual effects of the proposals on the existing environment. There will be visual effects as a result of this development. In general the people whose views would be significantly affected are located within or very close to the boundaries of the site. The Environmental Assessment suggests the visual effects would not be significant and are likely

to reduce in time as new planting and trees mature softening the hard lines of the new built development.

- A number of landscape mitigation measures are proposed.
- The submission includes a tree constraints survey and report which gives brief notes on the condition of the existing trees and indicates whether any remedial tree work is required. There are currently no tree preservation orders on the site although this does not mean that the trees on the sites are not significant. The retention of existing landscape features including trees forms part of the application and can be considered in detail as the reserved matters applications come forward. This would be covered by condition.
- The ES summarises the effects of the scheme on biodiversity and their significance. This assessment takes into account the proposed mitigation measures some of which are inherent in the design of the masterplan. The impacts on biodiversity are assessed in the ES to be not significant, taking into account the mitigation measures which require: retention of existing features on site; dark corridors for bats; retention of the riverine environment for otters; a mitigation strategy for reptiles and management of the new connected green infrastructure for biodiversity.
- The ES identifies that surface water quality and quantity within the River Lark and its tributaries could be affected by changes in surface runoff, contaminant levels and land use or drainage patterns around consented discharges and that there is potential for designated sites downstream, such as Lackford Lakes SSSI, to be affected by the scheme. Proposed measures include SUDs, environmental management during construction, water efficiency measures and any necessary upgrade to the foul sewer network. Anglian water has commented on the unacceptability of surface water drainage strategy which if implemented could lead to effects on biodiversity. In addition there are no proposals for the restoration and enhancement of the River Lark, and no proposals for monitoring. This point has been highlighted by Environment Agency.
- The ES proposes a number of biodiversity mitigation measures, including:
 - 24ha of public open space
 - Bat sensitive lighting strategy and unlit corridors along the river Lark and between Nowton Park and the River Lark.
 - Sensitive design and landscaping of road/pedestrian crossings of the river Lark not altering flow rates and sensitive to otters and bats.
 - Protection of the Lark (physical barriers) during construction phases and restriction of night time working close to the Lark.

- Pre-construction otter surveys.
 - Management of the Lark, including discouragement of access for recreation at some parts (including safeguarding of otter habitat).
 - Retention of all woodland and scrub adjacent to the Lark
 - Retention of hedgerows along the eastern and southern site boundaries to create a dark corridor for commuting bats.
 - Management of woodland, individual trees and hedgerows to maximise their biodiversity value (including gradual replacement of coniferous planting).
 - Provision of foraging habitat (within approx. 15.6ha the green space of the application site) of greater quality than the arable habitat lost.
 - Compensatory measures to be provided prior to construction to ensure bat habitat is maintained through construction phases.
 - Pollution control measures
 - SUDS infrastructure would include new water bodies that would also function as wildlife provision. These would also function to avoid effects on aquatic plant and animal communities that could otherwise occur from surface water discharge into the watercourse.
 - Grassland verges of the Rougham Hill LWS would be brought back into management as part of the management of the open spaces.
 - Provision of green corridors.
 - Strategies to protect wildlife during construction.
 - Translocation of reptiles as required.
 - Provision of approximately 3.1ha of new woodland planting, 5.8ha of species rich meadow grassland and bat & bird boxes through the development.
- More information on the condition of the River Lark and the opportunities for restoration and enhancement are required to be confident that the scheme is compliant with policies DM10, DM12, DM2 and CS2.
 - A number of issues raised by the Suffolk Wildlife Trust are adequately covered in the submitted ES however two items, failure to mitigate for skylarks and no consideration of enhancement to the River Lark corridor have not been addressed and further information is required in relation to these two items to demonstrate compliance with DM11, DM12 and DM2 and CS2.
 - A number of planning conditions are recommended in the event that planning permission is subsequently granted for this development.

31. SEBC – Strategic Housing: **supports** the proposals and provides the following comments:

- The Strategic Housing team fully support this development in principle to provide a wide ranging mix of home types and tenure, in line with policy requirement. Policy CS5 has a requirement to

provide 30% affordable housing of which the Affordable Housing SPD indicates an 80/20 tenure split. There is strong evidence from the Housing Register and the SHMA to conclude that we need a variety of tenure and mix in Bury St Edmunds.

- We have had no contact to date to discuss the overall housing mix for the scheme but support the precise mix being determined as part of the detailed or reserved matters applications. This will allow the Strategic Housing team the ability to look at current SHMA and register data and trends which meet the requirements of affordable housing.
32. SEBC – Parks Infrastructure Manager: **no objections** and provides advisory comments with respect to the illustrative information provided on the potential layout of the site to guide later submissions of reserved matters.
33. The Parks and Infrastructure Manager was asked to comment on the objections to the planning application raised by Sport England (paragraph 19 above). The following comments were received:
- We have carried out a playing pitch audit within SEBC and this has confirmed that we currently have an overprovision of sports pitches. To ensure that we are 'CIL compliant' we have the evidence in this case to support the level of onsite provision; therefore we see no reason to request additional formal sports provision from this development.
34. SEBC – Environmental Health (land contamination and air quality): **no objections** and provide the following comments:
- We have reviewed Chapter 11 of the Environmental Statement which relates to Land Quality and we have been previously provided with the Land Quality Desk Study dated 14th May 2014 which is referred to within the Environmental Statement.
 - Both of the documents identify a number of potential contamination sources which could potentially affect various areas of the site. The reports recommend that further investigations are undertaken at a later stage, to include intrusive sampling of the soil, chemical analysis and gas monitoring.
 - The reports and recommendations therein are considered acceptable and we recommend the inclusion of the standard land contamination condition be attached to any planning permission granted given the need for further investigations.
35. In October 2016 (in response to reconsultation with respect to additional air quality information, the Environmental Health Team provided the following comments:
- Earlier recommendations with respect to soil contamination

remain.

- With respect to air quality we welcome the modelling of a worst case scenario and the conservative approach taken and note that a temporary moderate adverse impact, prior to the completion of the relief road, has been modelled at an existing receptor on Sicklesmere Road.
- We agree with the conclusions of the Technical Note that indicates that, on completion of the relief road, the moderate adverse impact will become a moderately beneficial impact. We agree that a temporary moderate adverse impact is acceptable, as long as it is appropriately limited and controlled. We therefore recommend that a condition is attached to any planning permission granted to ensure that the number of occupied dwellings is limited prior to the completion of the relief road.
- We also welcome the additional environmental measures outlined in Table 2.1 of the Technical Note, which include the provision of electric vehicle charge points at both a domestic and public basis. These measures are supported by paragraph 35 of the NPPF, which states that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission vehicles'.
- We recommend that the provision of electric vehicle charge points is controlled by attaching a suitably worded condition to any planning permission.

Representations:

36. Bury St Edmunds Town Council: in January 2016, the Town Council confirmed they held "**no objections** based on information received". In February 2016, following an extension to the consultation period owing to delays in the publication of the Environmental Statement on the Council's website, the Town Council altered its position to **object** to the planning application on the "grounds of traffic generation". Finally, in September 2016, in response to a further round of consultation following the submission of further technical information by the applicants, the Town Council returned to its initial position by confirming it has "**no objections** based on information received, subject to Conservation Area issues and Article 4 issues".
37. Nowton Parish Council: **object** to the planning application and comment that the proposed site is not suitable for such a large development, particularly given its proximity to the river Lark and flood plains, together with the already inadequate and overstretched transport links within the area. The following specific objections were raised:

- Southgate and Cullum Road roundabouts are already congested at peak times; the addition of over 1000 vehicles from the proposed development can only add to this problem.
- The road through Nowton is already used as a shortcut from the Sicklesmere Road; this will undoubtedly increase. The Nowton/Bury Road will be particularly dangerous for pedestrians as there is no footpath. Sadly there has already been one recent fatality.
- There are no parking facilities on the Nowton side of Bury St Edmunds therefore all traffic converges at the Southgate and Cullum Road roundabouts in order to reach parking in Bury St Edmunds.
- The housing and infrastructure would undoubtedly cause a loss of designated 'special interest' landscape.
- The hospital and healthcare in Bury St Edmunds is already overstretched; no mention is made of surgery or healthcare facilities within the development to cope with the increased population of the area.
- Parish Councillors are concerned that flooding is a major issue with this site.
- Councillors queried whether the size of the proposed primary school would be adequate for the estimated number of children living within the development.
- Parish Councillors were concerned as to the management of construction traffic and the effect on the local area and residents.
- Parish Councillors considered the need for affordable housing in the area and queried whether this was adequately catered for within the development. They were also concerned as to the lack of single-storey homes, or sheltered accommodation, or facilities for care needs, these elements seem to be missing from the proposals.

38. Rushbrooke with Rougham Parish Council: do not state whether they support or object to the proposals and provide the following comments:

- There needs to be a footpath/cycle track from the estate to Sybil Andrews Academy – not just a proposed one.
- Will there be traffic calming along the A134 from the new roundabout to the estate to the Sudbury Road roundabout and along the 'relief road'?

- The traffic assessment needs to include Rushbrooke Lane off the A134 to junction 45 of the A14, as it is felt there will be an increase in the traffic along this route to avoid the bottlenecks at the Sudbury Road and Rougham Hill roundabouts.
 - Currently there appears to be no plans to improve the road between the Rougham Hill roundabout and the Sudbury Road roundabout. This needs to be addressed.
39. Bury St Edmunds Society are generally **supportive** of the proposals but have some areas of concern:
- Increase in traffic movement on the Southgate corridor. The traffic analysis should be extended to include the narrow historic streets on the south side of town.
 - We suggest the plans include a modest park and ride area.
 - We seek assurance the increase in hard surfacing within the site will not lead to the risk of flooding down stream.
 - Additional footpath/cycle links should be opened up into town.
 - At detailed design stage we request particular attention be paid to enhance the relationship of the new development with the river side.
40. Southgate Area Association: is **generally supportive** of the proposals, but have two areas of concern:
- The Southgate corridor is already heavily trafficked and roundabouts congested at peak times. We ask the LPA to take into account the needs of the wider Southgate community when evaluating the effects of this development.
 - Some of our homes are within an area zoned as susceptible to flooding .We need to be reassured that the increase in hard surfacing within the site will not lead to the risk of flooding downstream in our area.
41. Bury Ramblers: do not wish to object or support the proposals and express concerns about continued access to the footpath running north west from Rougham Hill to Rushbrook Road during construction of the development.
42. River Lark Catchment Partnership: did not confirm whether they object or support the proposals, but provided the following comments (summarised):
- Concerned about the lack of a baseline survey and analysis of the aquatic characteristics and qualities of the River Lark in the planning application and Environmental Statement. Without a

baseline survey and targets for maintenance and improvement, it would be difficult to benchmark the effectiveness of any on-going management activities.

- Key management objectives for this stretch of the river would be to improve the flow and sediment deposition characteristics in line with the European Water Framework Directive targets which have been set for the river.
 - The Partnership would like to see a footpath link from the boundary of the site to the Bury Water Meadows to the north west become part of the S106 Agreement.
 - Measures should be taken to avoid potential conflicts between cyclists and pedestrians along the riverside path through the Leg of Mutton land to the north west when movement volumes increase between the town centre and the new development. A relief cycle route through the Rugby Club could deal with this issue.
 - There should be a proposal for establishing a Management Company to maintain the public realm and open spaces of the development, including conservation, management and enhancement of the river valley. The Partnership would be interested in being involved in this.
43. In May 2016, the River Lark Catchment Partnership wrote to underline its previous requests for additional information, in the light of objections to the application received from the Environment Agency with respect to the absence of an Assessment of the Proposals against the provisions of the Water Framework Directive.
44. British Sugar (via Rapleys, their planning consultant): do not confirm whether they object, support or are neutral to the development and provide the following comments (summarised):
- Development proposals in Bury St Edmunds which could have implications on the sugar beet factory operations are of particular interests to British Sugar.
 - British Sugar's potential concern relates to the capacity of the A14 Junction 43 and the A143 Compiègne Way, as it experiences congestion/queuing issues particularly at peak hours.
 - The Vision 2031 Plan identifies a number of strategic development sites which will create additional vehicle movements to the highway network, including Junction 43 of the A14 and as such the cumulative impacts of the strategic developments on this junction is of particular concern.
 - Having reviewed the Transport Assessment, it is noted that the predicted level of traffic through the junctions near the sugar beet

factory us not significant.

- Notwithstanding the direct impact, the Transport Assessment states the impacts associated with the cumulative development traffic are shown "*to result in a much higher increase in trips and the junction modelling undertaken would show there to be a significant impact as a consequence.*" The TA goes on to refer to an improvement scheme that has been identified by AECOM at this junction; although they [the applicants] do not consider that the proposed development should fund these improvements as it would not result in a material increase in traffic at this junction.
- Core Strategy Policy CS8 requires the Council working together with SCC, Highways England and developers, to secure the necessary transport infrastructure. In particular, it identifies improvements to Junctions 43 and 44 of the A14 as fundamental infrastructure in Policy CS14, as the problem of these junctions nearing capacity is a problem which needs resolving in order to accommodate the planned growth.
- We request the Council and highway authority reconsider the necessary junction improvement works in detail, the deliverability of these works and any other mitigation measures required to the highway network, having regard to the cumulative impacts. The impact of sugar beet campaign traffic has not been taken into account previously and the improvement scheme may not be the most appropriate solution for the junction for which there is no clarity as to the funding and deliverability.

45. Thirteen letters have been received from local residents **objecting** to the planning application. The issues and objections raised are summarised as follows:

- A significant increase in traffic on already congested highways.
- Pavements along Sicklesmere Road are inadequate.
- Loss of greenfields/countryside
- Concerns about parking
- It will ruin the area
- It will change the character of Rushbrooke Lane for ever.
- Concern about the proposed closure of the south end of Rushbrooke Lane to the five premises affected.
- Concerns expressed about the safety and convenience of some aspects of the proposed internal road network.
- Concerned that a 'potential footpath' (as illustrated) crosses private land which will not be made available for that purpose.
- The site is prone to fluvial and surface water flooding on a regular basis.
- Queries raised with respect to the accuracy of flood plain information supplied with the planning application.
- Need to be sure the development does not exacerbate flood risk, particularly for existing houses that lie closest to the lowest parts of the site.

- The infrastructure of the area is not adequate to support over 1000 new dwellings.
- Previous urban extensions to the town have been character destroying.
- The area should be protected to prevent coalescence with existing built environment.

Policy:

46. The following policies of the Joint Development Management Policies Document (2015), the Bury St Edmunds Vision 2031 (2014) and the St Edmundsbury Core Strategy (2010) are relevant to the consideration of this application:

Joint Development Management Policies Document (2015):

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM3 – Masterplans
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM7 – Sustainable Design and Construction.
- Policy DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- Policy DM11 – Protected Species.
- Policy DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- Policy DM13 – Landscape Features
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM15 – Listed Buildings.
- Policy DM17 – Conservation Areas.
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM36 – Local Centres
- Policy DM37 – Public Realm Improvements.
- Policy DM41 – Community Facilities and Services.
- Policy DM42 – Open Space, Sport and Recreation Facilities.
- Policy DM44 – Rights of Way.
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

Bury St Edmunds Vision 2031 (2014)

- Policy BV1 – Presumption in Favour of Sustainable Development.
- Policy BV2 – Housing Development within Bury St Edmunds.
- Policy BV3 – Strategic Site – North-West Bury St Edmunds.
- Policy BV4 – Strategic Site – Moreton Hall, Bury St Edmunds.
- Policy BV5 – Strategic Site – West Bury St Edmunds.
- Policy BV6 – Strategic Site – North-East Bury St Edmunds.
- Policy BV7 – Strategic Site – South East Bury St Edmunds.

- Policy BV12 – New and Existing Local Centres and Community Facilities.
- Policy BV13 – Strategic Site – Extension to Suffolk Business Park, Moreton Hall, Bury St Edmunds.
- Policy BV17 – Out of Centre Retail Proposals.
- Policy BV19 – Land West of Rougham Road
- Policy BV21 – Allotments
- Policy BV24 – Safeguarding Educational Establishments
- Policy BV25 – Conserving the Setting and Views from the Historic Core
- Policy BV26 – Green Infrastructure in Bury St Edmunds

St Edmundsbury Core Strategy December (2010).

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS5 (Affordable Housing)
- Policy CS6 (Gypsies, Travellers and Travelling Showpeople)
- Policy CS7 (Sustainable Transport)
- Policy CS8 (Strategic Transport Improvements)
- Policy CS11 (Bury St Edmunds Strategic Growth)
- CS14 (Community Infrastructure Capacity and Tariffs)

Other Planning Policy:

47. The following adopted Supplementary Planning Documents are relevant to this planning application:
 - Joint Affordable Housing Supplementary Planning Document (September 2013).
 - Open Space, Sport and Recreation Supplementary Planning Document (December 2012).
48. Full Council adopted a Masterplan for the South East Bury St Edmunds strategic site at their meeting on 7th July.
49. The Masterplan, which has been prepared in the light of Development Plan policies and an adopted Concept Statement, does not form part of the Development Plan for the District. And has informal planning guidance status. The content of the Masterplan is a material consideration when determining planning applications relevant to the sites identified in it. It is a matter for the decision maker in each case to consider the weight to be attributed to the Masterplan.
50. The National Planning Policy Framework (hereafter referred to as 'the Framework') sets out government's planning policies for England and how these are expected to be applied.

51. Paragraph 14 of the Framework identifies the principle objective:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
 - or specific policies in this framework indicate development should be restricted."

52. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

53. The relevant policies of the Framework are discussed below in the Officer Comment section of this report.

54. The Government has (March 2014) published National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

Officer Comment:

55. This section of the report begins with a summary of the main legal and legislative requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of, national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

Legal Context

The Conservation of Habitats and Species Regulations 2010

56. Given the location of the various designated nature sites in the District (including the Breckland Special Protection Area in the north) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an 'appropriate assessment' of the implications for that site before consenting the plan or project.
57. The application site is not in the close vicinity of designated (European) sites of nature conservation. The Environmental Impact Assessment submitted with the planning application has concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites and no concerns have been raised following consultation in this regard. Officers have concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations)

58. The planning application is accompanied by an Environmental Statement. Officers have reviewed the document and consider the Statement complies with the requirements of Schedule 4 of the 2011 Regulations (Information for inclusion in Environmental Statements). A copy of the Non-Technical Summary of the Environmental Statement is attached to this report as Working Paper 1.

Natural Environment and Rural Communities Act 2006

59. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The St. Edmundsbury Development Plan is comprised of the adopted Core Strategy, the three Vision 2031 Area Action Plans and the recently adopted Joint Development Management Policies Document. National planning policies set out in the Framework are also a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

61. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

62. Section 72(1) of the same Act states;

...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

63. There is a scattering of listed buildings in the vicinity of the application site along the northern end of Sicklesmere Road to the west of the application site, and a greater concentration in Southgate Street to the north east. The development proposals would not affect the character of setting of any of the listed buildings.

64. The development is not situated in a Conservation Area. The nearest conservation area is situated a short distance away to the north west of the site, beginning at the historic Southgate Street route into the town centre. There is suitable separation from the Conservation Area and intervening buildings and vegetation such that the proposed development would not affect views into or out of the Conservation Area. There is likely to be an increase in traffic using the main road through the Conservation Area following occupation of the proposed development, but this is not considered to lead to significant impacts arising on the character or appearance of the Conservation Area as a whole.

Crime and Disorder Act 1998

65. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application. The proposals do not raise any significant issues in this regard. Should outline planning permission be granted for the proposals, the implications for crime and disorder would need to be considered as part of any subsequent submission of reserved matters.

Equality Act 2010

66. Consideration has been given to the provisions of Section 149 of the Act (public sector equality duty) in the assessment of this application for outline planning permission. The proposals do not raise any significant issues in this regard. Should outline planning permission

be granted for the proposals, any subsequent submission of reserved matters would also need to be considered against the equality duty.

Principle of the Development

67. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
68. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy),
 - ii) social (supporting strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment)
69. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
70. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- making it easier for jobs to be created in cities, towns and villages; moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
71. The Framework is clear that it does not change the statutory status of the development plan as the starting point for decision making. The policies contained in the Framework are, however, a material planning consideration in the consideration and determination of planning applications.
72. Core Strategy policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. This is re-affirmed by CS4 which sets out the settlement hierarchy for the District. Policy BV1 of Vision 2031 repeats national policy set out

in the Framework insofar as there is a presumption in favour of sustainable development. Policy BV2 of Bury St Edmunds Vision 2031 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan. Policy CS11 confirms south east Bury St Edmunds as a location for growth and, whilst the policy does not seek to identify the boundaries of the site, it sets out criteria against which a subsequent Area Action Plan (in this case the Bury St Edmunds Vision document) and subsequent Masterplans and planning applications must adhere to. These include landscape, flood risk, highway, public open space & recreation and social facilities. The policy anticipates around 1,250 new homes would be delivered at this location, including affordable homes.

73. Policy BV7 of Vision 2031 allocates 74.9 hectares of land and identifies a site for delivery of a strategic housing site. The allocation includes the application site and other minor parcels of land outside of the applicants' control. The policy identifies a buffer on the southern bank of the River Lark (which bisects the site) indicating this area could be used for open space, agricultural land, landscaping or SUDS. The policy confirms planning applications will only be determined once the masterplan for the whole site has been adopted by the LPA.
74. The Concept statement adopted by the Council in order to provide a framework for the preparation of a masterplan for the South East Strategic Site identifies a vision for the growth area. This is to create an attractive, cohesive and well balanced community that is influenced by the surrounding high quality natural environment, which sits comfortably around the existing properties on Rushbrooke Lane. The site is envisaged to provide a modern, high quality, sustainable energy efficient community where development will be informed by the shape of the landscape and the urban form of Bury St Edmunds and provide an attractive urban extension to the town.
75. The adopted Masterplan document has been prepared within the parameters of the Concept Statement. Its over-arching vision is to enhance the sites key assets, including the River Lark corridor while achieving an attractive and socially inclusive neighbourhood with a variety of homes and community facilities. It goes on to explain the development will be an enjoyable and distinctive place to live and visit, befitting the character of Bury St Edmunds and the high standards set by the Borough Council and the developer partners.
76. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the NPPF and in Vision 2031.
77. In the light of the above planning policy and Masterplan context officers consider the development of the bulk of the Bury South East Masterplan site for up to 1250 dwellings, a local centre, primary school and associated infrastructure (including a relief road) accords with national and local policies, including the development allocation

in Policy BV7 of Vision 2031. The proposals are therefore acceptable in principle.

78. The remainder of the officer assessment below considers other material considerations (including site/development specific considerations) and impacts in detail (and in no particular order) and discusses S106 requirements before reaching conclusions and a recommendation.

Natural Heritage

79. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
80. Core Strategy policy CS2 seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity.
81. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements relating to potential impacts upon sites of biodiversity and geodiversity interests. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.

International sites

82. The application site is relatively remote from the Breckland Special Protection Area which is situated around 8.5km away from the application site at its closest point. The 'buffers' to the SPA (designated by means of planning policy) are approximately 7km from the application site at their closest point. The degree of separation between the application site and the SPA (including its buffers) means direct impacts upon the SPA can be ruled out both during the constructional and operational phases of the development.
83. The Biodiversity chapter of the Environmental Statement (ES) submitted to accompany this planning application has properly assessed the potential direct and indirect impacts of the proposed development upon nearby Internationally and Nationally designated sites. The ES identifies the potential change and consequential effect to the Breckland Special Protection Area is disturbance from increased

recreational pressure from new occupants of the development (an indirect impact). The ES includes measures to avoid recreational impacts, including the provision of circa 24 hectares of new open space for occupants [and existing residents] to use, including the opportunity for circular walks around the site and access to other open spaces, including the nearby Nowton Park.

84. The findings of the ES and measures to address potential impacts upon the SPA have been considered and accepted by Natural England and the Council's Tree, Ecology and Landscape Officer. On the basis that the levels of public open space and other green infrastructure included in the ES is secured from the development proposals, the scheme would not give rise to significant effects upon the Breckland SPA.

Other statutory sites

85. There are no nationally designated sites of biodiversity interest within or close to the application site. The Environmental Statement (ES) assesses the potential impact of the proposals upon The Glen Chalk Caves SSSI (approx. 1.3km north of the site) and The Horringer Court Caves SSSI (approx. 2.8 km west of the site).
86. The ES concludes the impact of development to both sites is unlikely to be significant but, with respect to the Glen Chalk Caves SSSI, the proposed development may impact if bat commuting routes from Nowton Park are fragmented as a consequence. Measures are proposed in the ES to address this potential impact, including retention of existing bat habitat within the site, additional provision of 15.6ha of woodland, meadow grassland and green corridors providing additional habitat and commuting routes and creation of dark (unlit) corridors for bats by means of effective lighting strategy.
87. The impact of development upon nationally designated sites is appropriately considered. Measures to mitigate potential impacts and enhance the interest of the site are included and could be secured by means of planning condition.

Non statutory sites

88. No County Wildlife Sites were identified within 1km of the application site. A number of Local Wildlife Sites were identified however and included in the Environmental Statement (Page 203 of the main ES document). None of these were identified as being at risk of significant effects from the development and measures have been incorporated into the scheme, such as good design and careful layout, management and enhancement regimes and other specific measures. These could be secured or controlled by appropriate conditions where relevant, or in some instances fall to be considered at Reserved Matters stage when a detailed scheme is drawn up.

89. The impact of the proposals upon non-statutory nature conservation sites of local importance has been appropriately assessed and mitigated.

Species and other biodiversity interests

90. The ES is informed by a number of biological surveys which have properly assessed i) baseline conditions at the site, ii) potential impacts of development and iii) measures to avoid or mitigate those identified impacts. Latterly, the planning application was amended by submission of a Water Framework Directive Assessment, which has also been the subject of public consultation. The ES also considers features of the site which may be of biodiversity interest, including buildings, fields, grassland, scrub, woodland and watercourses. Again, a range of measures have been incorporated into the scheme to mitigate or avoid impacts or enhance provision. These measures, and those set out in the Water Framework Assessment can be secured by means of appropriate environmental management conditions.

Skylarks and Dunnocks

91. The Suffolk Wildlife Trust has expressed concerns the application proposals contain no measures to mitigate the impact development will have upon the 16 breeding skylark territories and 29 breeding dunnock territories that have been identified at the site. These species are listed as UK and Suffolk Priority Species. The Trust is of the view the proposals are contrary to Policy DM11 which states:

Development which would have an adverse impact on species listed in the Suffolk Biodiversity Action Plan, or subsequent legislation, will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to:

a) reduce disturbance to a minimum; and

b) i. maintain the population identified on site; or

ii. provide adequate alternative habitats to sustain at least the current levels of population.

Where appropriate, the local planning authority will use planning conditions and/or planning obligations to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum”.

92. The applicants were provided with opportunity to address the objections raised by the Trust. The applicants subsequently responded (summarised):

- There were 16 pairs of Skylarks recorded at the site. This compares to circa 25,000-30,000 pairs recorded in Norfolk and 10,000-20,000 pairs recorded in Cambridgeshire. Any loss of

habitat for these species as a result of the proposed development would not, therefore, be expected to have a significant adverse effect on their populations at the county level and was this scoped out of the Environmental Assessment.

- It is not possible to mitigate for the loss of habitat for Skylark on-site. Nevertheless, it is considered that the scheme is in compliance with paragraph 118 of NPPF. This only requires mitigation or compensation "if significant harm resulting from a development cannot be avoided." As set out above, the loss of habitat for 16 pairs of Skylark would not constitute significant harm on the conservation status of these species at the county or even borough level in the context of paragraph 118 given the relatively abundant local population and modest numbers found on site.
 - In the context of paragraph 118 of NPPF, arable land would not constitute an irreplaceable habitat. Furthermore, the habitats proposed within the proposed development, including meadow grassland, tree and woodland planting, shrubs and new and improved hedgerows, in addition to gardens, will all provide improved habitat (compared to the existing arable land) for a wider number of species including house sparrow, dunnock, bullfinch, song thrush and spotted flycatcher. Features will be provided within the new houses to provide nesting opportunities for house sparrows. As a result, populations of these priority bird species on site are likely to increase. Therefore overall, we consider the scheme accords with Policy DM11 of the Joint Development Management Policies Document as it would not have an adverse impact on protected species as the overall impact on protected species will be positive. Overall the scheme will enhance biodiversity in line with the objectives of CS2 of the adopted Core Strategy.
93. It is understood the applicant's have been scoping out the possibility of providing compensatory nesting habitat for skylarks with third party landowners given they are not able to provide suitable habitat within the site, but have not been able to secure appropriate agreement.
94. The absence of effective mitigation for the loss of breeding habitat for skylarks is technically contrary to the provision of policy DM11 of the Joint Development Policies document, if the policy is applied narrowly, species by species. However, the applicant's point that there will be an overall benefit to Priority Species as a consequence of this development, when considered in the round, rings true. Whilst the loss of nesting habitat for 16 skylark pairs is regrettable, it cannot be said to lead to significant environmental impacts arising, nor does it constitute a major breach of planning policy (and is certainly not contrary to the Development Plan as a whole).

95. In light of the above, and when biodiversity benefits and disbenefits are considered in the round, it is considered the proposed development would lead to a positive outcome for biodiversity, given the protections, safeguards, enhancements and new provision being proposed. The impact of the proposals upon designated sites, protected species and other biodiversity features has been appropriately assessed and is considered acceptable.

Impact upon the countryside.

96. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promote development of previously used land but other than continuing protection of formal Greenbelt designations (of which there are none in St Edmundsbury) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.
97. Core Strategy Policy CS2 seeks to achieve (inter alia) conservation or, where possible, enhancement of the character and quality of local landscapes and the wider countryside and public access to them. Policy CS3 requires development proposals to consider protection of the landscape and historic views. Policy CS11, which identifies south east Bury St Edmunds as one of the locations to accommodate new growth, requires new development to positively use the framework created by the natural environment and character of the area.
98. Policy DM13 of the Joint Development Management Policies Document seeks to protect the landscape character (including Special Landscape Areas (SLA)) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.
99. A large part of the application site sits within the locally designated SLA. The local landscape is thus considered to be a 'valued landscape' for the purposes of the Framework. The SLA designation incorporates the Lark, where it crosses the application site and the agricultural fields to the south of this. The majority of land to the north of the river sits outside the SLA designation.
100. In Suffolk SLA's emerged as part of the now cancelled Suffolk wide Structure Plan and these locally designated landscapes have the characteristics of one of the following categories;
- (a) river valleys which still possess traditional grazing meadows with their hedgerows, dykes and associated flora and fauna,
- (b) the Brecks, including remaining heathland, former heath recently ploughed, other arable areas, river valleys and the characteristic lines and belts of Scots pine;

(c) historic parklands and gardens which still possess significant features of their former status;

(d) other areas of countryside where topography and natural vegetation, particularly broad leaved woodland, combine to produce an area of special landscape quality and character.

101. The Bury South-east allocation can be divided into two distinct areas; north and south separated by the river and its floodplains. The development proposals would link these areas via a new relief road and green corridor. The road and pedestrian crossing of the green corridor and river Lark, would need particular attention to its form and design given the sensitivity of the location and the need to have proper regard to ecological interests and needs. This would be resolved appropriately at reserved matters stage when details of the road and its crossings are considered.
102. All of the southern element and a small part of the north element of the allocation are situated within the defined SLA. The SLA which is affected by these proposals is a large designation which envelops the south of Bury St Edmunds at its north to the District boundary with Babergh District Council to the south east. The designation matches categories (a) and (c) above and includes historic parkland at Ickworth Park (Registered Park and Gardens), the former Hardwick Estate, Nowton Estate, Great Saxham Hall and Plumpton Hall.
103. To the east (incorporating the application site), the SLA incorporates the upper reaches of the River Lark Valley and it is this feature of the SLA (together with the setting of Nowton Park to the west of the A134) which stands to be affected by the site allocation at south-east Bury. This area is designated as buffer land in the Vision 2031 allocation and is reflected as such in both the adopted masterplan and illustrative material accompanying the planning application. This area, which creates blue and green corridors, would remain largely undeveloped.
104. While fields further away from the river to the east and west would be built on, there is nothing about their character or appearance to distinguish them from similar agricultural land to the north which would also be developed and which lies outside the SLA. Furthermore, these areas would not be prominent in views from the wider SLA further to the east or south due to the local topography and boundary screening.
105. Care will need to be taken to ensure the application proposals provide an appropriate transition between the edges of the new built development and the surrounding countryside and to define its relationship to the heavily landscaped Nowton Park. Accordingly landscaping proposals will need to be addressed strategically and comprehensively in order to properly inform the optimum locations and layouts of the housing land parcels as they come forward for

development. This is best achieved at the detailed reserved matters stage. A strategic and comprehensive approach to landscaping for the whole site could be required to be demonstrated as part of (or prior to) the first reserved matters submission for built development. Officers do not regard the SLA designation (and equally the impact of development upon the character of the countryside generally) as a constraint preventing development of these parts of the site.

Transport and Highway Safety

106. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
107. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
108. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
109. Policy CS7 of the Core Strategy seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas). Policy CS11, which identifies south-east Bury as a location for new growth (and with respect to highway matters) requires that growth to contribute to reducing congestion at appropriate junctions on the A14, delivers a relief road that reduces traffic on A134 Rougham Road and Sicklesmere Road, provides improved public transport, foot and cycle links into the town centre and north towards the A14 and strategic employment sites.
110. Policy CS14 sets out infrastructure delivery requirements from new development proposals and how these are to be secured. The provision of new relief roads in Bury St Edmunds [delivery being part of the strategic residential and employment sites allocated around the town], improved sustainable transport links and A14 junction improvements are regarded by the policy as 'fundamental infrastructure'.

111. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.
112. The Environmental Statement contains a chapter which addresses Traffic and Transport. This is underpinned by a comprehensive Transport Assessment (TA) which has also been submitted as a stand alone document with the planning application. The TA has been supplemented during the course of the consideration of the planning application in response to comments and feedback received from Suffolk County Council Highways Department. Suffolk County Council Highways has, with AECOM their advisory consultants, been working to assess the transport and highways information submitted with the planning application and have commented only once on the planning application (once they were satisfied with the highways evidence base submitted and the highways impact arising). Negotiations are ongoing with respect to some aspects of a S106 package of mitigation measures, but your planning officers' are content there is now sufficient information with which to fully and properly assess the highway implications of the proposals.
113. The original Transport Assessment includes a useful summary which is set out below for the benefit of the Committee;
- *A comprehensive assessment of the highway capacity position has been undertaken for the following scenarios:*
 - *2011 Existing;*
 - *2031 Base;*
 - *2031 Base + Development; and*
 - *2031 Base + Development + Cumulative Development (incorporation Bury St. Edmunds 'Vision 2031' allocated sites).*
 - *These scenarios are informed by a package of off -site highway improvements and in addition, the implementation of a relief road passing through the site linking the A134 Rougham Road to Sicklesmere Road.*
 - *The following junctions were assessed using modelling packages ARCADY8 (for Roundabout junctions) and LINSIG (for standalone and linked signal junctions):*
 - *A14 Junction 44*
 - *A134 / Rougham Hill*
 - *A134 / A134 Sicklesmere Road / Southgate Street*
 - *Sicklesmere Road / Southern Access*
 - *Cullum Road / Nowton Road*
 - *Parkway / Westgate Street*
 - *Mount Road / Lady Miriam Way*
 - *Parkway / Risbygate*

- Newmarket Road / Westley Road
 - A14 Junction 43
 - Compiegne Way / Northgate Street
 - Bedingfeld Way / Symonds Way / Sainsburys
 - Orttewell Road / Drovers Avenue / Kempson Way/Bedingfeld Way / Skyliner Way
 - Skyliner Way / Kempson Way / Lady Miriam Way
- *In addition a A134 Corridor Highway Mitigation Scheme was tested utilising a LINSIG linked junction model.*
 - *The highway capacity assessment concludes that all junctions could satisfactorily accommodate the proposed development's traffic, however a few of the junctions would come under stress when cumulative traffic is applied. It is considered the relative impact of the proposed development is very low for these junctions and therefore highway improvements are outside the scope of this application.*
 - *In addition, a partial (phased) build out of the development site has been assessed. This forecast minor capacity loss will occur for 100 home build out and 499 home build out. It is noted that for both scenarios this will be a temporary imposition prior to the introduction of off-site highway improvements followed by the relief road.*
 - *An assessment has been undertaken of the highway safety implications arising from the development and one site (Junction A1302 Cullum Road and A143 Out Westgate) was found to have a collision record higher than national average.*
 - *It is concluded the higher than average proportion of motorcycles and cycle collisions is typical of mini roundabouts and is likely exacerbated in this location due to the presence of two adjacent mini roundabouts and a lack of deflection on the north and south bound arms of the junction.*
 - *It is considered that any potential mitigation options in this location are likely to represent a compromise between highway capacity, road safety and non-motorised user provision. Therefore if required by SCC, contributions could be secured from all strategic sites to allow mitigation measures to be introduced in order to allow improvements to be made.*
 - *The TA considers the future accessibility of the development, based on the analysis undertaken it is concluded development of the site could create a community where:*
 - *Access does not depend on car ownership;*
 - *Lack of car ownership is not a significant impediment to daily life; and*
 - *Residents could choose to live car-free.*

- *Therefore in accessibility terms the Proposed Development provides a suitable location for a sustainable development which could contribute towards reducing car journeys at a strategic and local level.*

114. The TA concluded;

In accordance with the NPPF it has been demonstrated that the proposed development would not have a 'severe' impact and should not be refused permission on transport grounds.

115. The Transport Assessment Addendum (received August 2016) reached the following conclusions:

- The key changes introduced for the TAA are the provision of an additional pedestrian crossing on Sicklesmere Road (Victory Close) and some non-material changes to traffic flow data and model outputs. It is therefore considered that the conclusion of the ATA remains valid.

116. The planning application incorporates all of the transportation and highway related measures required of it by Core Strategy policy CS11. The following measures to mitigate traffic impacts upon the highway network have been included:

- the implementation of a Construction Environmental Management Plan and a Construction Traffic Management Plan which will detail a number of measures to help minimise the effects of construction traffic on receptors - these plans will need to be agreed with the Borough Council before the development can start;
- the creation of a relief road through the centre of the Site which links the A134 Sicklesmere Road and Rougham Hill;
- highway improvements along the A134 corridor, including improvements to pedestrian crossing facilities;
- a pedestrian and cycle network, with appropriate road-crossing points throughout the proposed development, which will link with new pedestrian and cycle routes in the local area;
- retention and enhancement of existing public rights of way on Site; and
- the implementation of a Travel Plan to promote measures to reduce car journeys as part of the long-term management of the proposed development.

117. Other measures not included in the above list, particularly with respect to proportionate contributions to road and junctions in the town as a consequence of cumulative impacts of the strategic sites, will also be secured. Indeed, Suffolk County Council is requesting an

additional cash contribution from this development to provide its share of funding towards these necessary off-site highway measures.

118. The Highway Authority at Suffolk County Council, having considered the highway impacts of the proposed development in great detail and having sought advice from their external highway consultant, AECOM, has accepted the findings of the Transport Assessment (as amended). Their very detailed comments are summarised across 8 pages of the report beginning at paragraph 22 above. The potential traffic impacts of the proposed development have been fully and properly considered and, subject to incorporation of the required measures into a S106 Agreement (or, if appropriate, in combination with planning conditions), the highway related impacts of the development proposals would not be 'severe' in the context of the benchmark set out in the Framework.
119. British Sugar has commented upon the planning application and whilst they do not object to the proposals per se, they are concerned about the potential cumulative impacts of all development proposed as urban extensions to Bury St Edmunds upon the junctions affecting the operation of the Sugar Beet factory. This matter was first raised by British Sugar during the examination into the Bury St Edmunds Vision 2031. The Inspector considered the matter in detail but dismissed those concerns in his report. The application material does not include any new evidence in this respect and there have been no material changes in circumstances since the Local Plan Inspector provided his ruling. Suffolk County Council has requested a contribution to be used to off-set cumulative impacts of development, although it is yet to be determined how much (if any) of a cumulative impact contribution secured from this development would be attributed to the highway network in the vicinity of the Sugar Beet factory. The proposed development would not, in isolation, generate significant additional traffic movement in that area of the town.
120. Access to the proposed development is considered safe and suitable and officers are satisfied the development would not lead to significant highway safety issues or hazards on approaches to the site, or further afield around Bury St Edmunds. Furthermore, satisfactory evidence has been submitted to demonstrate the completed development would, following mitigation, not lead to significant congestion of the local highway network, including during the am and pm peak hours.

Built Heritage

121. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and

Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.

122. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
123. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
124. The Framework goes on to discuss how to consider 'substantial harm' and 'less than substantial harm' and advises where 'substantial harm' would occur, the local planning authority should refuse consent unless it can be demonstrated the harm is outweighed by substantial public benefits. Where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework advises this harm should be weighed against the public benefits of the proposal.
125. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) conserving or enhancing the historic environment including archaeological resources.
126. Policy DM16 of the Joint Development Management Policies Document addresses proposals affecting non designated heritage assets. Policy DM17 sets out criteria for considering development proposals within, adjacent to or visible from within a Conservation Area. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance.
127. As stated previously, the development proposals would have only a negligible impact upon the character and appearance of the Bury St Edmunds Conservation Area given there may well be increased traffic flows within the designation. The development is not likely to be apparent in views from any part of the Conservation Area.
128. Similarly, the application proposals would be sufficiently distant and separated from the nearest listed buildings that the character and settings of these buildings would not be affected by the proposed development.
129. The recently constructed cathedral tower can be viewed at distance from vantage points to the north of the site, on the approach to its connection onto Rougham Road. The adopted Masterplan and

illustrative material submitted with the outline planning application identify views of the tower as a design opportunity. The material envisages the creation of a road corridor vista, framed by new development to either side in order to take advantage of the presence of the tower as a key feature in the vista when travelling north along this route. The detail and layout of this part of the site would be resolved at reserved matters stage.

130. The Archaeological interests of the site have been scoped in detail as part of the Environmental Statement. A number of important archaeological features have been identified. The Archaeological Service at Suffolk County Council has been consulted of the planning application and recommends that further archaeological work will need to be undertaken as development proceeds at the site. This is to ensure any historic assets are recorded and their significance better understood before they are potentially destroyed. The service confirms the assessment is not indicating there are items of archaeological interest requiring preservation in situation, which might otherwise have indicated that planning permission should be refused. The Service are content that the further work does not need to be undertaken prior to the determination of this outline planning application and there are no grounds to consider refusal of planning permission on archaeological grounds at this stage. Conditions could be imposed upon any planning permission granted requiring that further and appropriate archaeological works are carried out and recorded.

Design Considerations

131. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
132. The Framework also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
133. Core Strategy policy CS2 seeks to secure high quality, sustainable development and sets out a wide range of criteria in order to achieve this.
134. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia)

the submission of landscaping schemes with development proposals, where appropriate. Policy DM22 sets out detailed design criteria for considering new residential proposals.

135. The dwellings, school, community buildings and other buildings and infrastructure (including the river crossing) proposed by the planning application are submitted in outline form with all matters reserved to a later date. Accordingly matters of detailed design are not particularly central to the outcome of this planning application.
136. A design and access statement has been submitted which discusses strategic approaches to key design matters. Furthermore, a range of illustrative concept plans have been submitted with the planning applications to demonstrate how site is likely to be progressed at reserved matters stage (with particular regard to strategic landscaping, open spaces, location of the key buildings, the route of the relief road etc). Furthermore, the adopted Masterplan provides a framework and aspirations for high quality against which later detailed proposals will be benchmarked.
137. Given the outline status of the planning application for all development with the exception of the vehicular access, 'design' is not a determinative factor at this stage of the application process. Notwithstanding the reserved status of the 'design' of the scheme, the illustrative material demonstrates a well considered approach to the concept of developing the site and respects all major constraints. The material also demonstrates how development opportunities could be maximised at detailed design stage. There is nothing to suggest the application proposals would deliver development to anything other than a high quality of design and specification. It is also been satisfactorily demonstrated that up to 1250 dwellings, as is proposed by the application and allocated by the Development Plan, could be accommodated at the site whilst incorporating the high quality and landscape led approach envisaged.

Flood Risk, Drainage and Pollution

138. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
139. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
140. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning

applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.

141. The river Lark straddles and passes through application site. Whilst the majority of the site is in Zone 1 (low risk of flooding) there are some areas in risk Zones 2 and 3 which are more prone to flooding.

142. The issue of flood risk is considered briefly in the Environmental Statement, but chiefly as part of a stand-alone Flood Risk Assessment (FRA) which has been amended since the planning application was submitted. The amended FRA, received in September 2016 reaches the following conclusions:

- *The site is mainly located within Flood Zone 1 on the updated Environment Agency indicative flood map, received in July 2015;*
- *Narrow corridors of Flood Zone 2 and 3 are present along the Rushbrooke Stream, localised areas along the River Lark and in the vicinity of Southgate Farm. These highest risk areas within the development boundary impacts areas designated as open green space, ecological buffer zones or allotment gardens, classified as Water Compatible under the NPPF Planning Practice Guidance;*
- *Proposals for the development include residential and educational facilities classed as More Vulnerable, buildings used for shops and other services which are classed as Less Vulnerable as well as main street classed as Essential Infrastructure;*
- *The potential sources of flooding to the development site are from the River Lark and Rushbrooke Stream, sewers and surface water. However, this risk can be managed through development design and use of SuDS and the appropriate design and construction of the foul sewers;*
- *The re-run of the Rushbrooke Stream hydraulic model has produced only a minor reduction in the floodplain of the ordinary watercourse. Therefore the revised hydraulic model results do not alter the current proposed site layout or the associated flood risk management measures.*
- *The site is considered to be at medium to low risk of groundwater, due to the proximity of reported groundwater flood incidents. Further site specific investigations at the detailed planning application stage are recommended to understand the extent of groundwater flood risk at the site;*
- *Reservoir flooding at the site is considered to be medium to low risk, although the likelihood of flooding from this source is extremely low;*

- *The Surface Water Drainage Strategy recommends the use of borehole soakaways to manage and infiltrate roof runoff at an individual property basis;*
 - *The attenuation requirements on site will be met through the use of retention/detention basins that will provide an overall 5,200 m³ of storage. Flow control devices will also restrict outflow from the attenuation basin to at or below existing greenfield runoff rates;*
 - *Appropriate pollution control measures will be adopted, such as lining or filtering, in order to prevent potential contamination incidents of the receiving aquifer or watercourse; and*
 - *The development does not influence the capacity of the floodplain storage;*
 - *The proposed development provides for safe and dry access and egress routes through appropriate design levels of the structures.*
 - *Based on the information gathered and the mitigation measures proposed, the development is considered to be appropriate in terms of flood risk.*
143. The Environment Agency (EA) has not objected to the planning application on flood risk grounds. It has, however (in correspondence with the Local Education Authority), pointed out that the extent of Flood Zone 2 illustrated in the amended FRA is not accurate. It considers flood zone 2 encompasses slightly more of the site than is shown by the applicants' FRA. The applicants reasonably point out the information which underpins the flood zones included in their FRA was supplied to them by the EA whom, to date, have not been able to confirm why relevant data sets are different. In any case, no buildings or incompatible uses are proposed within any part of the more vulnerable flood zones 2 and 3 (as shown on the EA supplied Maps) such that the anomaly does not affect the EA's position not to object to the proposals. The areas affected by the anomaly are predominantly shown for public open space/recreation space on the illustrative plans.
144. Parts of the playing fields of the school are deemed to be within flood zone 2 when applying the flood zone maps used by the Environment Agency. Recreational open spaces are regarded 'water compatible' and educational uses 'less vulnerable' in floodplains by relevant national planning guidance. Water compatible and less vulnerable uses/developments are generally considered acceptable in flood zone 2, although this general rule of thumb must be considered in the context of the overall aim of national planning policy to steer development to Flood Zone 1 and the requirement to consider the significance of the flood risk to the proposed development.
145. Notwithstanding the illustrative status of the drawings which illustrate the location of the school site, officers do not consider the

Environment Agency's apparent position that parts it may well be situated within flood zone 2 is necessarily fatal to the outcome of this planning application. In the context that the school buildings, parking areas and evacuation routes would be situated in Flood Zone 1, the presence of part of the school playing fields within Flood Zone 2 does not raise planning policy based concern and a refusal of planning permission on flood risk grounds cannot be justified.

146. The Local Education Authority (LEA) however has expressed concern about the likely positioning of part of the proposed school playing fields within Flood Zone 2 given it may increase construction costs (because of the need for a higher grade of drainage infrastructure) and maintenance costs (potential damage from flood water). Furthermore, the Education Authority is concerned that part of the school site is likely to be unavailable operationally during a flood event.
147. The concerns raised by the LEA only raise material planning concerns if it were to subsequently object to the planning application on the basis the school site is not deliverable (because the LEA would not adopt it). At present the LEA has not confirmed objections to that extent and are continuing to discuss their concerns with and is presently considering further evidence submitted by, the applicants. Members will be verbally updated of any progress in this matter at the meeting.
148. If the Local Education Authority cannot be convinced to accept part of the school site within flood zone 2, conditions could potentially be imposed at this outline stage requiring the entirety of the school site to be provided within the Environment Agency's flood zone 1. Such measures may ultimately lead to unintended consequences for the remainder of the site by reducing the developable areas for other uses, but officers do not consider this fundamentally alters the nature of the development proposals or the ability to fit the quantum of development proposed to the application site. The issue is whether such conditions would be unreasonably over prescriptive and this will ultimately depend upon the outcome of the on-going discussions between the applicant and LEA.
149. If agreement is not subsequently reached between the parties with respect to an approach to the location of a site for a new primary school the Committee would need to consider the planning application further. Officers consider this particular outcome is unlikely and are confident that a planning policy compatible approach, agreed by both the applicants and LEA, will be achieved in due course.
150. The application is also accompanied by a surface water drainage strategy. The strategy proposes a SUDS system to manage surface water which would release water into the River Lark at greenfield rates. The applicants have amended the drainage strategy following submission of the planning application in response to comments received from Suffolk County Council Flood Management Team. The

amended strategy is acceptable to enable outline planning permission to be granted. The finer detail of the SUDS scheme proposed for the development would be required at reserved matters stage.

151. Anglian Water Services (paragraph 17 above) has confirmed the surface water details are unacceptable. This is because the applicants have (on the planning application forms) indicated that a range of strategies may be relied upon as part of the overall drainage strategy, including potential discharge to the surface water sewer. The applicants have retained the option within their overall strategy to use the public system for surface water drainage in case they need it for some elements of the overall strategy. There is nothing in the applicants strategy that is suggesting there would be an over reliance on the public system for surface water drainage, and if there was such reliance, it is unlikely the Council would agree to discharge any surface water drainage conditions attached to an outline planning permission. Accordingly, whilst the precautionary comments submitted by Anglian Water are acknowledged, these do not give rise to planning concern at this stage. Surface water drainage conditions would ensure control is retained over the method of disposal. Anglian Water Services will be consulted of the final drainage details when submitted.
152. The Environmental Statement (ES) includes a chapter on 'Land Quality' which includes assessment of the risks posed by potential land contamination. Evidence includes a desk study, site walkover and discussions with the Council's contaminated land officer. The ES seeks to safeguard human health and ground waters in its recommendations that further intrusive studies, including soil testing, are carried out at Reserved Matters stage. The results of the 'stage 2' work would inform an appropriate mitigation strategy thereafter.
153. The 'stage 2' contamination report could reasonably be required by conditions of a planning permission. Indeed the Council's Environmental Health Officer has requested conditions to that effect.
154. The planning application is also accompanied by an assessment of the potential impact of the proposed development upon air quality. This is particularly important along road corridors where queuing traffic often compromises air quality. The approach of Sicklesmere Road towards its junction onto the Southgate Street roundabout can experience poor air quality, as acknowledged in the applicant's evidence. This confirms there is likely to be some worsening of air quality in the short term whilst the development is built out, but in the medium to long term, when the relief road is completed in its entirety and opened up for general use, there is expected to be moderate a benefit to air quality along Sicklesmere Road given traffic volumes and queuing is expected to be reduced from current baseline conditions following improvements to the efficiency of the routes and junctions.
155. Environmental Health Officers have confirmed that some development can be built and occupied at the site before the relief road needs to

be provided in full. Conditions are recommended to ensure caps are placed on development in advance of the relief road being completed in full. Officers consider this to be a reasonable restriction which can be placed on the development. It would allow a restricted amount of development to be realised which will assist with viability (cash flow) of the scheme and enable developer funding to be raised to pay for the relief road and its river crossing. With restrictions in place, the development is acceptable with respect to air quality.

156. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution considerations (contaminated land, potential contamination of water supply and air quality), subject to the imposition of suitably worded conditions, as discussed.

Residential amenity

157. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
158. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

Impacts upon residents of the proposed development

159. The application site is situated near to the A14 Trunk Road which runs east-west along the north site boundary. Furthermore there are commercial premises along the north boundary of the site, including a lorry park and the existing household recycling centre which benefits from an implemented planning permission for a waste transfer station. There is also a small group of industrial buildings situated within the heart of the application site (Newlands industrial estate) which contains a number of Class B2 car repair type uses. Accordingly some parts of the site proposed for development are potentially vulnerable to adverse impacts from noise arising out of these nearby land uses. The Environmental Statement (ES) considers these and the impact they may have upon the occupiers of new residential developments.
160. The ES does not propose precise mitigation at this outline stage given detailed designs and layouts are reserved. It does, however, discuss the necessity to set dwellings back, away from the primary noise sources, in combination with good design that would avoid placing noise sensitive rooms close to noise sources and defending external areas from noise impacts by using good design to shield these spaces with new dwellings.

161. The Head of Planning at Suffolk County Council has submitted objections to this planning application on the grounds the application does not properly assess the noise impact to the development from the Waste Transfer Station approved on the opposite side of Rougham Hill to the north of the site. The applicants have responded to these objections to confirm the noise information has had regard to the consented waste transfer station as a committed scheme.
162. Given the outline status of the planning application the precise layout of the site and design of buildings is not known and is yet to be planned in detail. The application is accompanied by concept drawings, but these would not constitute commitments at later reserved matters stage.
163. If outline planning permission were to be granted, the next stage would be for developers to secure approval of reserved matters. The granting of an outline planning permission would not permit ad hoc siting of dwellings about the site which would need to reflect noise (and other) constraints. The site would still need to be carefully planned and designed and those designs and layouts justified with credible reasoning and evidence. Accordingly, any reserved matters submissions for new housing development close to sources of potential noise disturbance would need to be accompanied by adequate demonstration that the amenities of occupiers of the future occupiers of those dwellings would not be adversely affected. This would include the site of the consented waste transfer station. Indeed, this is the approach recommended in the Environmental Statement.
164. It is likely that a combination of noise mitigation measures will emerge at reserved matters stage in order to protect the proposed dwellings from the noise sources identified. This is likely to include good use of design by setting back the frontage of the first line of dwellings from the noise source; the use of bunds, acoustic fencing and landscaping, the protection of garden spaces by means of well thought out positioning of buildings and by providing noise sensitive rooms within the new dwellings away from identified noise sources in locations where noise could impact upon the internal space. Such measures cannot be secured or considered at this outline stage in the absence of detail, but there is no evidence suggesting that existing noise sources are so significant that development of the application site should be severely restricted (i.e. over and above the noise mitigation measures discussed above).
165. Officers consider it is appropriate for the Council to consider granting outline planning permission for the scheme and for the noise impacts to be reconsidered and influence the design and layouts of those parts of the site which might be vulnerable to adverse impacts from the noise sources identified.

Impact upon existing residents

166. The development itself is a potential generator of noise disturbance and there are a number of dwellings within and peripheral to the application site which potentially could be affected by noise from the operation of the site once it is fully occupied (the relief road in particular), but also construction noise in advance of this.
167. The Environmental Statement (ES) identifies that existing properties in Rushbrooke Lane could be vulnerable to traffic noise from the new relief road. The ES confirms a further assessment of noise from road traffic using the relief road would be undertaken at reserved matters stage when the design of the relief road has been finalised. This would allow the identification of appropriate mitigation or compensation measures.
168. There is likely to be an increase in the local noise environment during periods of construction. Such impacts are common to developments of this type where large sites are developed in the vicinity of existing dwellings. The impacts, although potentially adverse, are capable of management and control such they would not be significant overall. Such controls regularly take the form of a Construction Management Plan which would set out how the developers and their contractors would be required to manage and carry out construction activities. The Plan normally restricts hours permitted for construction, dust management, locations of compounds, lighting schemes and so on. Construction Management Plans are normally controlled by planning conditions (submission for approval and on-going adherence). A planning condition is recommended for this planning application.
169. The amenities of occupiers of existing dwellings situated within the application site along Rushbrooke Lane, those to the south of the site, further along Rushbrooke Lane, properties along Sicklesmere Road which back onto the site and the mobile homes positioned on 'The Firs' park to the west would not be adversely affected by development. The illustrative material submitted with the planning application indicates development proposed by the planning application would be sufficiently separated from existing dwellings via the provision of undeveloped green corridors which would act as buffers. Appropriate checks and balances at detailed design stage (reserved matters submission) would provide opportunity to avoid any issues of overlooking, dominance or overshadowing of existing dwellings and their garden areas.
170. The outline proposals are considered acceptable with respect to their potential impact upon the amenities of occupiers of existing and proposed dwellings.

Sustainable construction and operation

171. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans

“policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”.

172. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.

173. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

174. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes. These design aspirations will be of more relevance to any reserved matters applications submitted when detailed layouts and designs are formed.

175. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction. The policy requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular (for residential schemes) requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).

176. The Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, has recently been the subject of examination. Accordingly, it is appropriate to impose a planning condition requiring the more

stringent Building Control (and Policy DM7) water efficiency measures to be incorporated into the fitting out of this development.

Planning Obligations

177. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
 - be directly related to the development, and
 - be fairly and reasonably related in scale and kind to the development.
178. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.
179. The following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts)

Affordable Housing

180. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
181. Core Strategy policy CS5 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
182. Core Strategy Policy CS5 requires up to 375 of the 1,250 dwellings to be secured as 'affordable' (80% (300 no.) for affordable rent and 20% (75no) for shared ownership). The applicant has agreed in principle to provide a policy compliant affordable housing as part of the development. A strategy for delivery of affordable housing would need to be agreed as part of any S106 Agreement, in light of the scale of development, the time it will take to deliver the scheme in its totality (over which time affordable housing need and/or policy is likely to change) and the multi-phased approach to delivering the scheme.

Education

183. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
184. Core Strategy Policy CS14 considers educational requirements (additional school places) as an essential infrastructure requirement.
185. The proposed development generates the need for a new primary school. The application includes a site for a primary school, although as discussed in the flood risk section of this report, the precise location of the school is yet to be agreed. Once it is agreed, the transfer of the site to the Local Education Authority could be included as part of a S106 Agreement, alongside the full construction costs of building a new school facility.
186. Suffolk County Council has also confirmed a need for the development to provide contributions towards increasing capacity for secondary (including VIth form) and pre-school aged children. Again, the applicants have agreed in principal to provide such contributions and the detail of how this is to be achieved would be resolved as part of the S106 Agreement.

Public Open Space

187. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
188. Core Strategy Policy CS14 considers provision of open space and recreation as required infrastructure.
189. Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.
190. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance.
191. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based approach to calculating developer contributions from development proposals. Accordingly, planning application for outline

consent, where numbers of dwellings and the mix is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. Given the restrictions on pooling of contributions imposed by CIL Regulation 123 it is important that policy compliant levels of public open space are secured from the development. The material accompanying the planning application confirms that circa 24 hectares of formal and informal public open space, woodland, structural landscaping and other green/public realm measures would be provided as part of the proposals and the illustrative material submitted confirms the design and strategic layout of the site will be based on a framework of connected open spaces and green corridors.

192. It is important to the successful integration of this site into the landscape that public open spaces, not only in terms of the overall quantity of provision, but its quality, are secured strategically for the whole site, early on in the reserved matters process. Accordingly the first submission of reserved matters should include details of the strategic provision of formal and informal open space, recreation and green spaces. A condition to this effect is recommended. One of the roles of the S106 Agreement will be to set out basic requirements for public realm provision and to secure long term management and maintenance regimes for these areas.
193. Sport England has objected to the planning application on the grounds there is inadequate provision for formal sports included (paragraph 19 above). The Committee is directed to supplementary comments made by the Council's Park's Infrastructure Manager whom has confirmed there is sufficient evidence supporting the quantum of formal sports provision included in the outline planning application. Officers are of the view that public open space needs must be tailored to the needs of the development and can be adjusted below prescribed requirements where it is demonstrated there is presently capacity (or surplus) in the local area. That is the situation in this case. The objections received from Sport England cannot be supported in this case.

Libraries

194. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution towards expansion of existing facilities in the town. An agreed contribution to be used towards a defined project could be secured from the development proposals.

Health

195. The NHS Property Services has confirmed there is insufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, it is appropriate to secure a health contribution

from the proposed development to be used towards delivery of a defined project.

Highways

196. The application proposes a package of off-site highways improvements to mitigate the impact of traffic generated by the development proposals. These have been agreed between the applicants and highway authority and could be secured as part of the S106 Agreement. Furthermore, the Highway Authority has requested a developer contribution to be pooled with contributions provided by the other strategic housing sites around the town to off-set cumulative impacts of planned development. Whilst the concept of a cumulative impact contribution has been accepted by the applicants, agreement is yet to be reached with respect to a list of projects and how the funding of these would be divided between the various developments. These discussions will continue as part of the wider S106 negotiations and agreement will subsequently be reached with the agreed position secured as part of the S106 Agreement.
197. Other highway related matters for inclusion into the S106 agreement include matters pertaining to the delivery of the relief road. Provision and upgrade of off-site public rights of way (where agreement on relevant projects is yet to be reached) will also feature in the Agreement alongside any agreed Travel Planning measures which could not be appropriately secured by conventional planning conditions.

Conclusions and planning balance

198. The application site is allocated by Development Plan policies for a strategic housing development. Following consideration of responses to public and stakeholder consultation, objective assessment of the application proposals and the evidence that accompanies it leads to the conclusion the proposed development is 'sustainable development' as defined by national planning policy and accords with the Development Plan. In such cases, where there is no conflict with the Development Plan overall, the Framework advises that planning permission should be approved without delay. As discussed in the officer comments section of this report, there are no constraints or failures in the applicants' submission that would stand in the way of the proposed development. The officer recommendation is therefore one of conditional approval (following completion of a S106 Agreement).

Recommendation:

A: Outline planning permission be **granted** subject to:

- 1) prior agreement being reached with the applicant and Local Education Authority with respect to a strategy for delivering a site for

a new primary school as part of the development proposals,

2) The completion of a Section 106 agreement to secure (unless the Head of Planning and Growth subsequently concludes a particular clause to be unlawful or considers any individual measure would be better secured by planning condition):

(a) Policy compliant affordable housing provision (30%).

(b) Provision of sufficient land (minimum 2ha) and full build costs for the construction of a new primary school.

(c) Secondary school contribution

(d) Pre-school contribution

(e) Libraries Contribution.

(f) Public Open Space (provision and future maintenance)

(g) Highways related contributions as subsequently agreed with the Highway Authority, including developer contributions and/or 'in-kind' provision as may be appropriate.

(h) Delivery of the relief road.

(i) Travel Plan – matters not appropriate for inclusion as planning conditions, including payment of any financial contributions towards travel planning initiatives reasonably required.

(j) Phasing of the site

(k) Health Contribution

(l) Provision of the local centre

(m) Any further clauses considered necessary by the Head of Planning and Growth.

And,

3) conditions, including (unless the Head of Planning and Growth considers any of these matters need to be secured as part of the Section 106 Agreement):

- Time limit (3 years for commencement)
- Submission of reserved matters (trigger)
- First submission of reserved matters to include a strategic approach to the planning of the public realm of the scheme, including (but not necessarily limited to) open spaces, strategic landscaping, strategic ecological measures, treatment of the River Lark corridor, lighting strategy, drainage, relief road design and

- route, phasing, noise etc.)
- Materials (details to be submitted with each Reserved Matters submission that includes the erection of new buildings)
- Water efficiency measures (compliance with the option for more stringent requirements set out by the Building Regulations)
- Bin and cycle storage strategy (to be submitted for approval with each Reserved Matters submission that includes the erection of new buildings)
- Public open space (strategy for future management and maintenance of all open spaces, unless provided for by the S106 Agreement)
- Landscaping details for each phase - (including precise details of new hard and soft landscaping and management/maintenance regimes)
- Retention and protection during construction of existing trees and hedgerows to be retained.
- Ecology (enhancements at the site)
- Noise mitigation measures
- Construction and Environmental management plan (to address specific measures set out in the Environmental Statement and Water Framework Directive, as discussed in the report)
- As recommended by the Local Highway Authority
- Means of enclosure (details to be submitted with relevant Reserved Matters submissions)
- Noise mitigation measures in relevant phases
- Fire Hydrants
- Waste minimisation strategy
- Details of the surface water drainage scheme.
- Archaeology.
- Submission of local (non strategic) open space plans with subsequent Reserved Matters submissions.
- Details of pedestrian and cyclist links to be provided with Reserved Matters submissions.
- Travel Plan measures (matters not addressed in the S106 Agreement)
- Any additional conditions considered necessary by the Head of Planning and Growth.
- Flood risk assessment to accompany any reserved matters submission which includes construction (including land re-modelling) within the EA defined zones 2/3 floodplains.
- Foul water condition as requested by Anglian Water Services
- Tree survey and arb report for each Reserved Matters submission containing trees, and bat reports where trees are to be felled.
- Reserved Matters submission to generally accord with the Design and Access Statement and the illustrative parameter plans submitted with the outline planning application.
- Provision of facilities for charging, plug in and other ultra-low emission vehicles.
- Remediation of contamination (phase 2 survey work)
- Baseline badger survey pre-commencement and to accompany any submission of reserved matters (note this may form part of the Construction and Environmental Management Plan)

- Mitigation strategy for otters using the Lark in the vicinity/within the application site.
- Reptile mitigation strategy (including identification of reptile receptor sites).

B: Should agreement not be reached with respect to the provision of a site for a new primary school or, for what ever reason, the Council cannot agree a S106 Agreement with the applicant within a reasonable time period, the planning application be returned to the Planning Committee for further consideration.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Attachments:

Working Paper 1 – Non Technical Summary of the Environmental Statement.

Case Officer: Gareth Durrant

Tel. No. 01284 757345.

Hopkins Homes and Pigeon (Bury East) Ltd

Abbots Vale, South East Bury St Edmunds

Environmental Statement Volume 1: Non-technical Summary



December 2015

Amec Foster Wheeler Environment
& Infrastructure UK Limited



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Document revisions

No.	Details	Date
1	Draft Report	November 2015
2	Final Report	December 2015



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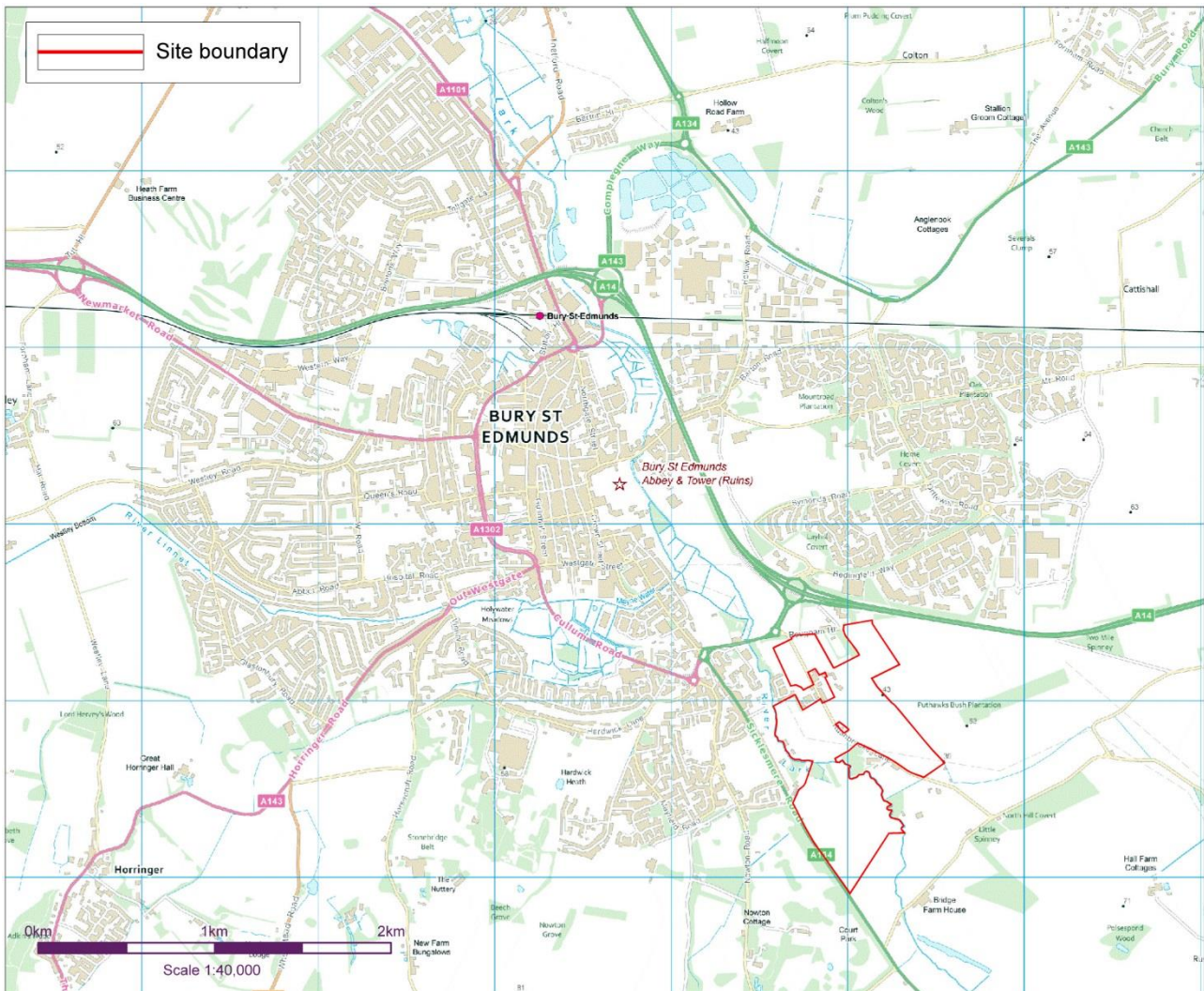


Non-Technical Summary

What is proposed and what is the purpose of the Environmental Statement?

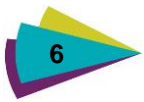
Hopkins Homes and Pigeon (Bury East) Ltd are applying for outline planning consent to develop an area of land known as Abbots Vale, to the south-east of Bury St Edmunds in Suffolk. This land is described in this report as 'the Site' and covers an area of 69 hectares (ha), located approximately 1.2km from Bury St Edmunds town centre. The location of the Site is shown in Figure NTS 1 with the boundary of the Site shown by the red line.

Figure NTS 1 The Site location



The planning application for this proposed development is accompanied by an Environmental Statement, as required under *The Town and Country Planning (Environmental Impact Assessment) Regulations 2011* (SI 1824) (the 'EIA Regulations'). The preparation of this Environmental Statement, which has been undertaken by Amec Foster Wheeler Environment & Infrastructure UK Limited (Amec Foster Wheeler), forms part of the Environmental Impact Assessment (EIA) for the proposed development.

The Environmental Statement is one of a suite of documents, which together support and explain in detail the nature of the planning application. These documents include a Planning Statement, Design and Access Statement, Flood Risk Assessment, Transport Assessment and Drainage Strategy.



This Non-Technical Summary summarises the content and conclusions of the Environmental Statement, to which readers should refer for further information. The following sections of the Non-Technical Summary describe:

- ▶ Why the proposed development is required;
- ▶ What land uses are present on the Site at the moment;
- ▶ What the proposed development would comprise;
- ▶ What alternatives have been considered;
- ▶ What does the EIA process involve; and
- ▶ What are the likely significant effects of the proposed development.

Why is the proposed development required?

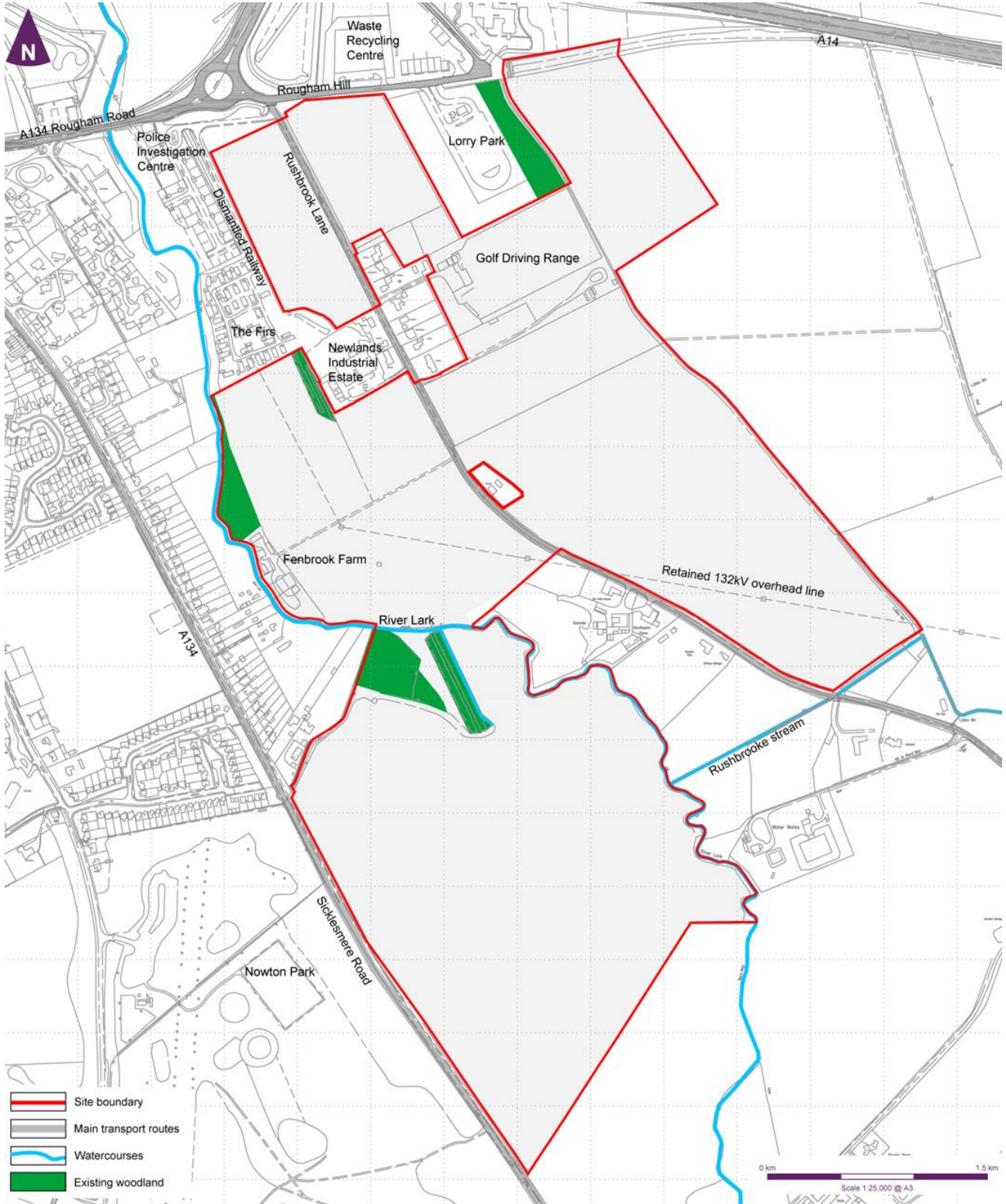
The proposed development is needed to meet future demand for new housing. St Edmundsbury Borough Council has estimated that at least 6,350 new homes will be required in St Edmundsbury (which includes the town of Bury St Edmunds and surrounding areas) between 2010 and 2031. The proposed development is allocated in St Edmundsbury Borough Council's Local Plan as one of five strategic sites for residential development around Bury St Edmunds that will collectively meet this need.

What is at the Site and in the surrounding area at the moment?

The Site is set in a mainly agricultural area on the south-east fringe of Bury St Edmunds. Rougham Hill road lies along its northern boundary, beyond which is a waste recycling centre and industrial/office units. A police investigation centre and a mobile home park (The Firs), are located to the north-west of the Site, south of which are residential properties adjacent to the A134 trunk road (Sicklesmere Road), which links Bury St Edmunds with Sudbury. The Site lies adjacent to the A134 to the south-west, west of which are the gardens and woodland of Nowton Park Country Park. There are areas of built development adjacent to the Site, including Bury St Edmunds Lorry Park to the north of the Site, Newlands Industrial Estate to the west, and 12 residential properties on Rushbrooke Lane, which are enclosed by, but excluded from the Site boundary. To the south and east of the Site are extensive areas of primarily arable farmland. The current land uses within the Site and its surrounds are shown in Figure NTS 2.

The majority of the Site is currently arable agricultural land. The River Lark flows north along the south-eastern boundary of the Site, then crosses the Site and flows along its north-western boundary. The Rushbrooke Stream flows west along part of the Site boundary before running under Rushbrooke Lane and joining the River Lark at the eastern boundary of the Site. Adjacent to the River Lark are areas of woodland and scrub. A golf driving range (Bury Golf Range) is located off Rushbrooke Lane to the north of the River Lark (within the Site boundary). A footpath (which is a Public Right of Way) runs along the eastern boundary of the Site.

Figure NTS 2 Site features





What development is proposed?

Hopkins Homes and Pigeon (Bury East) Ltd are applying for outline planning consent for:

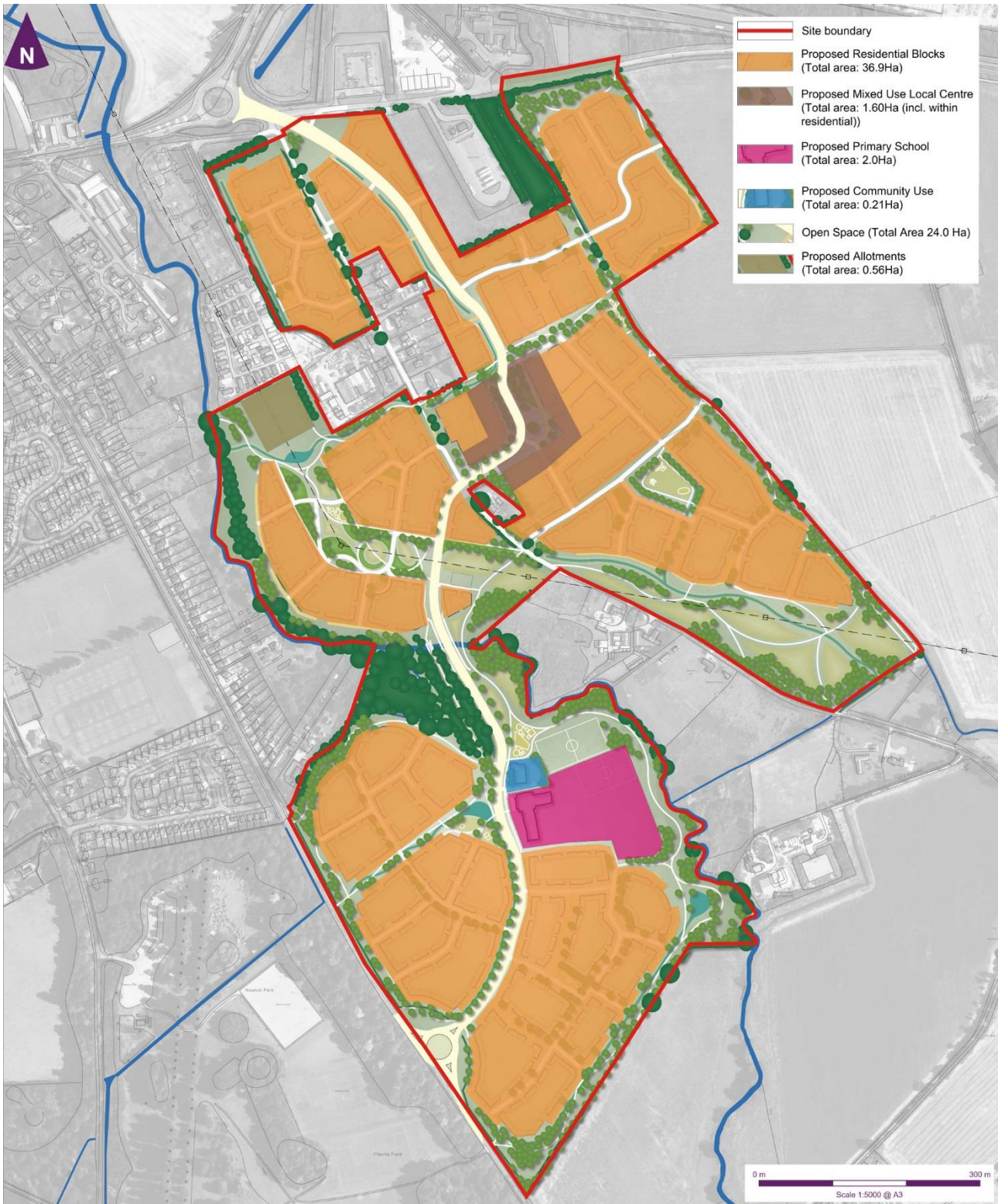
- ▶ up 1,250 new homes (up to four storeys in height) including a proportion of affordable homes;
- ▶ a local shopping centre with a market square;
- ▶ land for a primary school and associated play areas;
- ▶ land for a community centre/sports pavilion;
- ▶ two new road access points:
 - ▶ a new roundabout junction on the A134 Sicklesmere Road; and
 - ▶ a new road access via Rougham Hill.
- ▶ a relief road linking Sicklesmere Road and Rougham Hill;
- ▶ a bridge over the River Lark;
- ▶ new footpaths, cycleways and public transport links;
- ▶ a significant network of open space (approximately 24ha), incorporating:
 - ▶ landscaping and amenity greenspace;
 - ▶ new wildlife habitats, including meadow grassland and woodland (some of which will be managed to provide an income generating crop);
 - ▶ seven children's play areas;
 - ▶ allotments;
 - ▶ playing fields;
- ▶ a 'sustainable drainage system', which is a natural approach to managing drainage in and around developments – this is achieved by holding back water that runs-off from a development using features such as balancing ponds;
- ▶ associated works and services such as drainage infrastructure, footpaths and roads; and
- ▶ demolition of buildings at Bury Golf Range.

Hopkins Homes and Pigeon (Bury East) Ltd are applying for outline planning permission and will apply for a second, more detailed level of planning permission, referred to as Reserved Matters, at a later date. The exact number, type, design and layout of the proposed new homes will be established at that stage.

The proposed development is likely to be built over a 13 year period starting in 2017 and finishing in 2030, with an average of 100 homes being built each year.

The proposed land uses for the proposed development are shown in Figure NTS3.

Figure NTS3 Land uses within the proposed development



What alternatives have been considered

No alternatives to the Site have been considered as the Site was allocated by St Edmundsbury Borough Council in a planning policy document known as the St Edmundsbury Core Strategy. However, alternative layouts were considered as part of the design process. A design workshop was held in 2011, with members of the local community and key stakeholders, to develop a consensus-based master plan for the Site.

Through this process, a range of options was considered including various locations for key facilities such as the local centre and primary school.

Following the design workshop, more detailed design work and technical work was undertaken to inform the development of the master plan for the Site. This included identifying any ways in which the proposed development could be refined to avoid or reduce negative environmental effects and deliver wider environmental enhancement. Key issues which informed the master plan development are summarised below.

- ▶ **Flood risk:** Work was undertaken to determine which parts of the Site are at risk of flooding from the River Lark and the Rushbrooke Stream which run through and adjacent to the Site. This information was used to ensure that development would be located outside the areas at risk of flooding, both now and in the future, taking into consideration climate change. Those areas of the Site where there is risk of flooding would be retained as open spaces.
- ▶ **Transport and access:** Consideration was given to ways in which traffic generated by the proposed development could be minimised, including: providing access to day-to-day facilities and open space within a short walk of all homes to cut down the use of private cars; providing new footpaths and cycleways within the Site that connect to existing footpaths and cycle networks, and the surrounding residential areas, local schools, and the town centre; and exploring options to provide additional bus stops and bus connections through the Site.
- ▶ **Overhead lines:** A number of overhead powerlines run through the Site. Although all of the lower voltage overhead powerlines are proposed to be removed, the larger 132kV powerlines and pylons would be retained. Most of these overhead powerlines lie within the lower-lying areas of the Site at risk of flooding, which will not be developed. Where the overhead powerlines pass closest to areas of the Site that would be developed, careful consideration has been given to minimising any visual effects, including providing a 30m standoff from the centre of the lines to the nearest residential properties, and careful design of planting and orientation of streets.
- ▶ **Ecology:** Surveys have identified that there are legally protected and other notable species present on-site. The survey information has influenced the design of the open space that would be created within the Site, with a view to ensuring that these species are not likely to be significantly affected or that protected species legislation is not contravened.

What does the Environmental Impact Assessment process involve?

EIA is a process that involves identifying and assessing a proposed development's likely environmental effects, both positive and negative, where these effects have the potential to be likely to be significant. This involves identifying how people and the environment could be affected by the proposed development and incorporating measures within the development to avoid, minimise or offset adverse effects and, where appropriate, to deliver environmental enhancements. Environmental information that is relevant to the assessment of the scheme, the assessment of potential likely significant effects, the evaluation of their significance and other relevant information is set out in an Environmental Statement. Nearly all development has some kind of effect, but the EIA process is about identifying whether these effects are likely to be significant or not.

Potentially significant environmental effects which needed to be assessed in detail were identified through a process known as 'scoping'. A Scoping Report was prepared by Amec Foster Wheeler and submitted to St Edmundsbury Borough Council and other key consultees, including Natural England, the Environment Agency and Suffolk County Council in March 2014. The overall scope of the assessment was refined in response to comments received on the Scoping Report and in response to environmental information obtained from survey and assessment work, subsequent consultation and the scheme design process.

The Environmental Statement sets out an impartial assessment of the potentially significant effects of the proposed development identified through the scoping process. This requires a comparison to be made between the likely baseline environmental conditions in the presence of the proposed development and in its absence.

As the various elements of the proposed development will be built over a period of approximately 13 years and operated indefinitely, it cannot be assumed that the baseline conditions in the absence of development will be the same as at present. This reflects changes resulting from human influences, such as the cumulative changes that would result from other new development in the local area, or natural processes which have the potential to modify current environmental conditions. Therefore where baseline conditions are likely to change over this time (for example traffic flows), the assessment had predicted the future baseline conditions and the effects of the proposed development have been assessed against these.

The cumulative effects of development of the strategic sites and other key planned or consented developments (the Eastern Relief Road, Extension to Suffolk Business Park and the Waste Transfer Station at Rougham Hill) (referred to as planned developments) have been assessed using information about environmental changes associated with these developments in the future baseline conditions, notably in the traffic and transport and traffic related noise and air quality assessments.

The findings of the assessment reported in the Environmental Statement are intended to assist St Edmundsbury Borough Council, those that it consults and other stakeholders, in coming to a view about whether or not the proposed development should proceed. This decision making is also part of the EIA process.

What are the predicted likely significant effects of the proposed development?

Traffic and transport

The proposed development will result in an increase in the volume of traffic on the local road network, both on its own and cumulatively with other planned developments. Changes in traffic conditions, as a result of development, can affect the users of local roads (including drivers, pedestrians and cyclists), the users of land uses fronting local roads (e.g. shopping areas and schools) and accident hotspots. Such effects may occur during construction and operation of the development. The following measures have been incorporated into the proposed development to minimise any such environmental effects:

- ▶ the implementation of a Construction Environmental Management Plan and a Construction Traffic Management Plan which will detail a number of measures to help minimise the effects of construction traffic on receptors - these plans will need to be agreed with the Borough Council before the development can start;
- ▶ the creation of a relief road through the centre of the Site which links the A134 Sicklesmere Road and Rougham Hill;
- ▶ highway improvements along the A134 corridor, including improvements to pedestrian crossing facilities;
- ▶ a pedestrian and cycle network, with appropriate road-crossing points throughout the proposed development, which will link with new pedestrian and cycle routes in the local area;
- ▶ retention and enhancement of existing public rights of way on Site; and
- ▶ the implementation of a Travel Plan to promote measures to reduce car journeys as part of the long-term management of the proposed development.

The assessment of the proposed development incorporating these measures identified that one road (Southgate Street north from its junction with the A134) would experience a greater than 10% increase in peak hour traffic flow on completion of the development in 2031, whilst two roads (Skyliner Way and Lady Miriam Way) would experience a greater than 30% increase in HGV movements (as a result of school bus movements to the proposed Moreton Hall Secondary School from the Site and other planned developments). These increases in traffic flows exceed the threshold set out in guidance developed by the Institute of Environmental Management and Assessment, and therefore a more detailed assessment was undertaken due to the potential for significant effects on users of these roads. In addition, five areas with a concentration of road traffic collisions were identified, as well as 14 sensitive junctions, which were also subject to assessment.

The assessment concluded that none of the environmental effects associated with traffic would be significant, with the exception of the potential effects of a predicted 14.5% increase in peak daily traffic at the junction of the A1302 and A143 due to the proposed development in combination with other planned developments. This is likely to have a significant adverse effect on road safety at this junction, which already has a concentration of collisions.

Suffolk County Council is aware of potential problems at the A1302 and A143 junction and is investigating possible solutions. If required by Suffolk County Council, the developers could provide a proportional financial contribution to the Council to help to fund any required mitigation measures, such as improvements to the junction.

Air quality

The air quality assessment considered the potential effects of the proposed development during both the construction and operational phases. The effects assessed during the construction phase include the potential generation of dust emissions, whilst during the operational phase, the emissions of pollutants harmful to human health (nitrogen dioxide and particulate matter) from traffic associated with the proposed development have been assessed.

Standard best practice measures would be put in place by the construction contractor to control dust emissions during construction of the development. Such measures would include covering stockpiles of material and vehicles entering and leaving the Site, regular sweeping of the access roads around the Site and dampening down of dry materials. As a result, any effects during the construction phase would be temporary, and would be reduced to a level that is not significant.

Once the proposed development is complete, it will generate additional traffic that could affect levels of air pollutants at the Site and in the surrounding area, which in turn could have effects on human health. Measures have been included in the design of the proposed development to encourage the new occupants to walk, cycle or use public transport which will reduce the amount of traffic (and associated pollutant emissions) associated with the proposed development.

The air quality assessment identified a range of both beneficial and adverse effects on the quality of air experienced by residents of Bury St Edmunds as a result of increased traffic generated by the proposed development. In the initial stages of development, when around 500 houses are occupied but before the relief road is completed, pollutant levels at properties near the junction of the A134 Sicklesmere Road and Rougham Road are predicted to increase to a level which would result in a significant adverse effect. However, this effect would be temporary; on completion of the development (including the relief road) in 2031, it is predicted that pollutant concentrations are likely to be reduced in the same area, due to the diversion of traffic from this junction, resulting in a significant beneficial effect. No other likely significant effects on air quality were identified in relation to emissions from road traffic. The proposed development is not predicted to result in Government air quality objectives being exceeded at any stage of the proposed development.

Noise

The assessment considered potential noise effects on sensitive receptors as a result of the proposed development, both during the construction and operational phases of development. Receptors considered included existing residential properties in the vicinity of the Site as well as proposed dwellings and community facilities (including the primary school). In addition, an assessment was carried out of site suitability for residential and educational uses in relation to noise.

During the construction phase, contractors will be required to work to set limits which will help to control noise levels. Other measures will also be put in place which will minimise the effects of noise created by construction activities. For example, construction work will be limited to daytime working hours, and vehicles will travel to and from the site on main roads (i.e. the A134 Sicklesmere Road and Rougham Road), thus avoiding existing, quiet residential areas wherever possible. With these measures in place it is likely that noise from construction activities will not have a significant effect on local people.

During the operational phase, residents of existing dwellings along Rushbrooke Lane are likely to be significantly affected by increased traffic noise as a result of the proposed relief road. A further assessment of noise from road traffic using the relief road will be undertaken at the reserved matters stage when more

information regarding the design of the relief road is available. This will allow the identification of appropriate mitigation or compensation measures which might avoid a significant effect. No other existing dwellings are likely to be significantly affected by the proposed development.

Noise from the proposed development associated with the proposed local centre and primary school could potentially affect residents of existing and new dwellings in their vicinity. The final end-users and layout of these areas has not yet been finalised, but they are likely to include sources of noise (such as air conditioning units and other plant) which could be audible at nearby residential properties. To control these potential noise effects, noise limits have been determined to avoid the possibility of adverse effects upon nearby residential zones. Any noise generating equipment installed as part of the proposed development will need to comply with these noise limits. It is also proposed that residential units are designed to best practice noise standards (British Standards) to achieve reasonable internal noise level criteria. Therefore, no significant effects from noise at the closest properties are likely with these measures in place.

Noise modelling has indicated that the Site will be suitable for development for housing, community and educational uses, and that new residents living in the proposed development or using the primary school would be unlikely to be adversely affected by noise, providing adequate provision of building façade sound insulation. The final design of the proposed development would include detailed work on the design of the buildings to ensure they achieve minimum standards of noise reduction and provide suitable internal conditions for all of the proposed uses.

Landscape and visual

Landscape summary

The proposed development would result in the loss of arable land and some existing buildings. However, the majority of existing landscape elements such as trees and hedges would be retained within the proposed development, the only exceptions being a small number of hedgerows and a limited number of trees which would be removed during the construction of the relief road.

During the operational phase, the landscape character within the Site would undergo a high level of change resulting from the removal of arable land and its replacement by residential and mixed use development. The southern part of the Site currently falls within a Special Landscape Area, a non-statutory local landscape designation. In response to this designation, lower density housing is proposed within the southern half of the Site. Nevertheless, the development of the Site would be likely to result in the area of the Special Landscape Area within the Site being redefined as 'urban'. However, the area affected represents less than 1% of the Special Landscape Area and as such, this loss is not considered to be significant. The Site falls within three landscape character types, the areas of which within the Site would also be redefined as urban as a result of the proposed development. However, the areas affected represent less than 1% of each landscape character type and their loss is not considered to be significant. The indirect landscape effects upon the remainder of the landscape character types and Special Landscape Area due to the presence of the proposed development would be limited, as built development of Bury St Edmunds to the north and west together with plantations and coverts present within the surrounding landscape to the south, east and west limits visibility between the Site and the wider landscape. In the medium to long term, the landscape scheme would also establish and provide new landscape features including woodland, hedgerow and tree planting, meadow grassland, and green corridors that would soften the interface between the proposed development and rural landscape beyond.

In conclusion, the effects on landscape elements, landscape character types and the Special Landscape Area are assessed to be not significant for both the construction and operation phases.

Visual summary

The inward sloping topography of the Site, combined with its proximity to the urban fringe of Bury St Edmunds is influential in reducing the potential for significant visual effects to arise beyond the immediate boundaries of the Site. In addition, the wooded River Lark corridor, nearby woodland and shelterbelt planting along the A14 reduces the visual relationship between the Site and a large number of highly sensitive receptors associated with the town. As such, the Site has a limited visual relationship with the residential parts of Bury St Edmunds.

The proposed development would be viewed by a number of residents, employees, and users of the local road and footpath network (visual receptors). Whilst the introduction of the proposed development would result in an increase and encroachment of built form and a foreshortening of existing views across agricultural fields for a small proportion of visual receptors, for the remaining receptor groups views of the proposed development in operation would largely be filtered through or above existing hedgerows, tree cover and new planting associated with the landscape scheme implemented across the Site.

As a consequence, the number of people whose views would be significantly affected is restricted to receptors located within or in close proximity to the boundary of the Site, namely:

- ▶ residents of The Firs mobile home park (construction phase only);
- ▶ users of Rushbrooke Lane, the A134 Sicklesmere Road (600 m stretch adjacent to the Site), the allotments, and the footpath linking the top of Rougham Hill Road to Rushbrooke Lane;
- ▶ residents of properties located along Rushbrooke Lane; bordering the Site to the south (The Gate House, Southgate Farm); along the unnamed road to the south and east of the Site (Bridge Farm House, Brooke Close properties, Meadow Cottage and North Hill Cottage); and bordering A134 Sicklesmere Road.

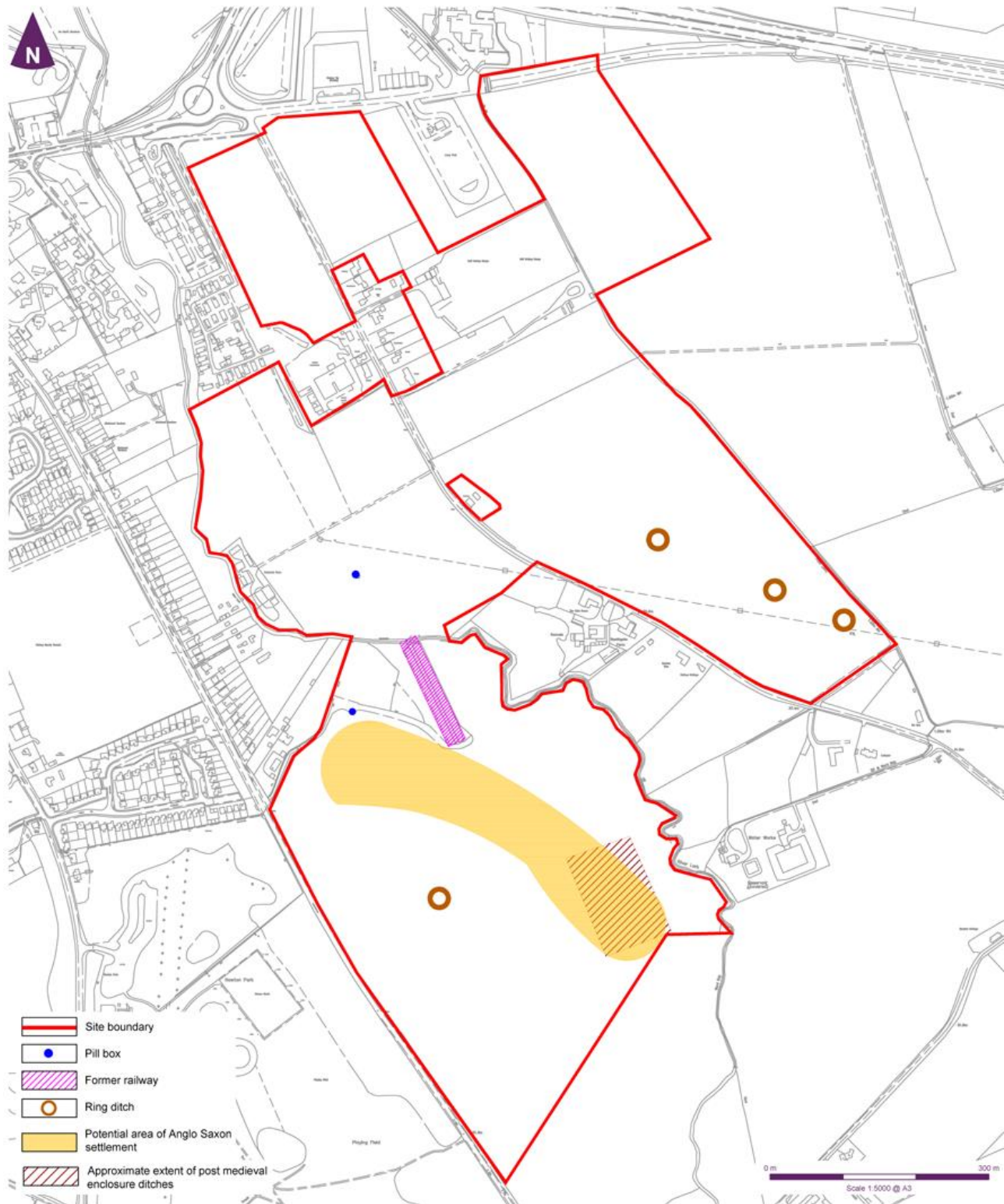
Historic environment

A desk study including a search of historic environment records, inspection of historic maps, aerial photographs and documentary evidence identified the potential for archaeological remains to be present within the Site. A geophysical survey was undertaken to determine where any such remains are located, and targeted excavations were undertaken to investigate areas of potential archaeological interest identified by this survey.

The desk study and surveys identified the presence within the Site of a number of heritage assets with the potential to be significantly affected by the proposed development, as listed below and shown in Figure NTS 4.

- ▶ **Ring ditches.** Four ring ditches, which are likely to represent late Neolithic or Bronze Age burial mounds, were recorded within the Site. Three of these would be lost as a result of the proposed development, but due to the relatively low importance of these features, the effect of this would not be significant. Development would be preceded by full excavation and recording of the features to be lost.
- ▶ **Anglo-Saxon settlement.** There is evidence for an Anglo-Saxon settlement within the southern half of the Site, in the form of up to eight Sunken Floored Buildings. These are a relatively uncommon feature type with the potential to generate information with a high level of archaeological interest. The proposed development would result in the loss of the whole of the known extent of the Anglo-Saxon settlement. Due to the relative importance of this asset this would result in a significant adverse effect. Development would be preceded by full excavation and recording of the archaeological remains, which would contribute to an understanding of settlement remains of this period (but will not avoid a significant effect).
- ▶ **Post-Medieval enclosure ditches.** These were located within the south-eastern part of the field to the south of the River Lark. These would be entirely lost as a result of the proposed development. However, due to their low importance this would not result in a significant effect.
- ▶ **Two World War II pillboxes.** Both pillboxes would be retained within the Site boundary, and as such they would not be significantly affected.
- ▶ **Remnants of the former Great Eastern Railway.** These include a bridge across the River Lark and associated embankment, and a section of embankment adjacent to Newlands Industrial Estate. These features would be retained within the proposed development, and as such there would be no significant effect on this asset.

Figure NTS 4 Location of the heritage assets within the Site



There are no designated heritage assets within the Site, but there are 67 within 1km of the Site. Of these, the proposed development has the potential to affect the setting of Bury St Edmunds Abbey Scheduled Monument, Registered Park and Gardens and listed buildings (located approximately 1km to the north-west of the Site), and the Cathedral Church of St James listed building, located within the Abbey complex. Views of the Site from the Abbey and Cathedral Church are screened by surrounding buildings, and there are existing areas of modern development which surround the town centre, including the Abbey precinct. The assessment therefore concluded that the proposed development would not affect the setting of the Cathedral

Church or Bury St Edmunds Abbey, and as such there would be no significant adverse effects on these heritage assets.

Land quality

An initial desk study has identified some limited areas of potential contamination as a result of landfilling and previous land uses within and adjacent to the Site. Once planning permission has been granted a more detailed study involving testing of soils and groundwater would be undertaken to determine whether any contamination is present. Measures would be put in place to remove or remediate the contamination if any was found, thereby avoiding any significant effects.

The proposed development will result in the loss of approximately 61ha of 'best and most versatile' agricultural land. This would represent less than 1% of all of this type of land within Suffolk and the borough of St Edmundsbury, and as such, this loss is not considered to be significant.

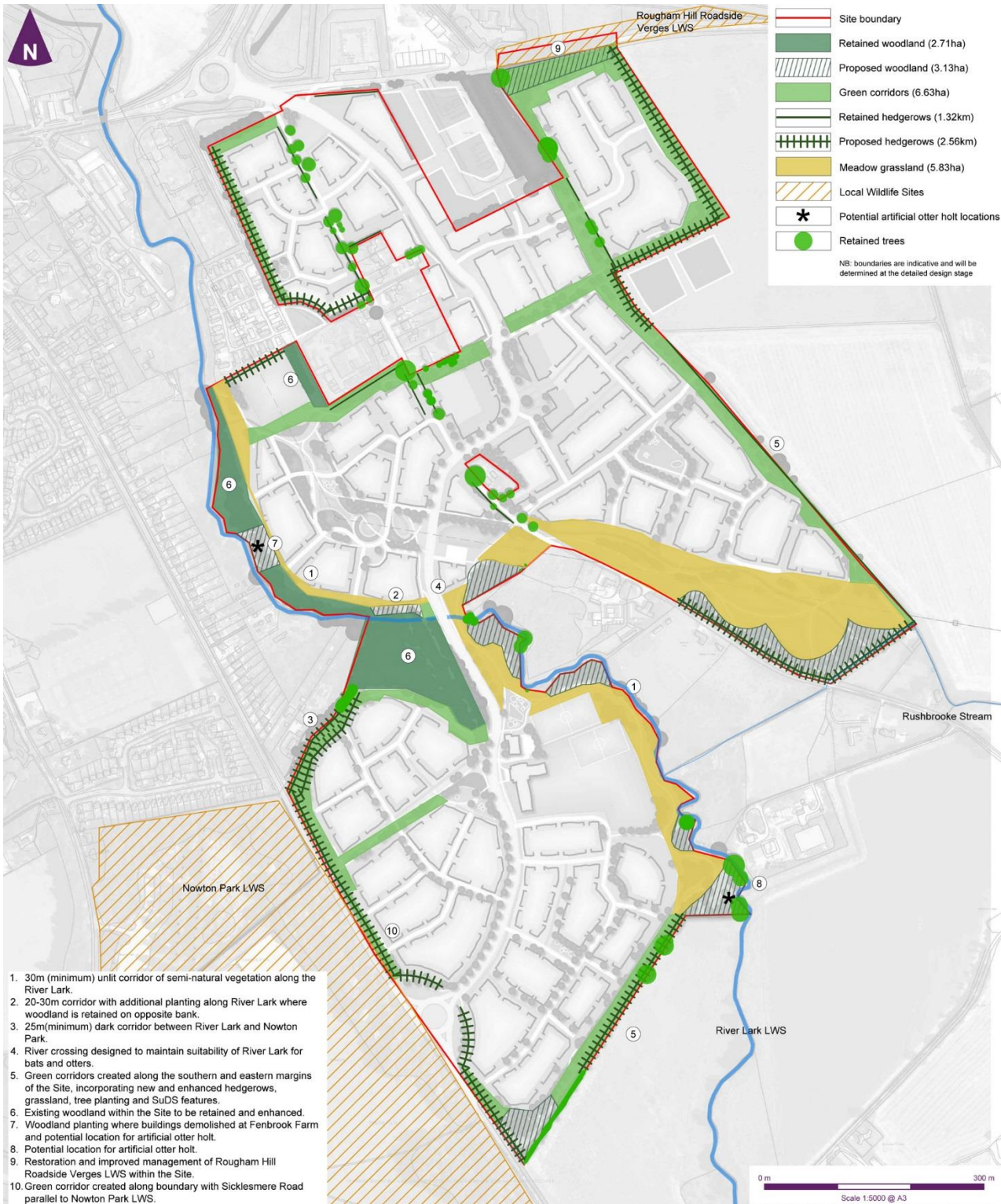
Biodiversity

A series of biodiversity surveys were undertaken of the Site and surrounds in 2014-15, including Phase 1 habitat, hedgerow, bat, badger, dormouse, otter, water vole, breeding bird, reptile, great crested newt and white-clawed crayfish surveys. The results of these surveys were used to inform the design of the proposed development and ensure that measures to avoid or minimise effects on biodiversity were incorporated within the scheme. These measures are shown on Figure NTS 5.

The assessment of the scheme incorporating these measures identified the following designated sites and legally protected species which have potential to be significantly affected by the proposed development.

- ▶ **Breckland Special Protection Area (SPA)** (a designated site of international importance for breeding birds: stone-curlew, nightjar and woodlark). Breeding birds within the SPA could be affected by increased numbers of visitors as a result of the proposed residential development. The assessment found that given the relatively small number of additional visitors likely to result from the development, the distance of the Site from the nearest point of the SPA (8.6km) and, the provision of 24ha of open space within the development, plus access to off-site recreational opportunities including the adjacent Nowton Park Country Park, the proposed development was not likely to have a significant adverse effect on the SPA.
- ▶ **The Glen Chalk Caves Site of Special Scientific Interest (SSSI)** (a nature conservation site of national importance for its populations of hibernating bats). There is the potential for bats (particularly Daubenton's bat and Natterer's bat) to travel through the Site along the River Lark when moving from their summer roost sites to the hibernation site in The Glen Chalk Caves SSSI. The proposed development incorporates measures to maintain potential commuting routes through the Site, to ensure that bats can travel through the Site to access the Glen Chalk Caves SSSI. These measures include: retention of a 30m buffer of semi-natural vegetation along the majority of the River Lark; the provision of unlit corridors through the Site, including along the River Lark; retention and enhancement of existing woodland and hedgerows; sensitive design of the River Lark crossing; design and implementation of an appropriate lighting strategy; and additional planting of trees, hedgerows and woodland. As a result of these measures, the proposed development would be likely not to have a significant adverse effect on the SSSI.
- ▶ **Horringer Court Caves SSSI** (a nature conservation site of national importance for its populations of hibernating bats). Given the location of the Site relative to the Horringer Court Caves SSSI, and the distribution of suitable habitat and potential commuting routes, it is likely that bats would not travel through the Site when commuting from their summer roosts to this hibernation site. The proposed development would not, therefore, be likely to have a significant adverse effect on this SSSI.

Figure NTS 5 Biodiversity measures within the proposed development



- ▶ **Bats** (all of which are legally protected species). The proposed development would result in the loss of potential roost sites within six buildings and a small number of trees. These were not in use by bats when surveyed in 2014, but would be resurveyed prior to demolition/removal (and appropriate mitigation implemented if bats are present). The loss of these roost sites would be compensated for by the provision of new roosting opportunities. The measures put in place to avoid effects on bats potentially commuting through the Site to The Glen Chalk Caves SSSI would also avoid effects on the bat species which have been recorded foraging within the Site. With these measures in place there would be no significant effect on bats, and contravention of the legislation protecting bats would be prevented.
- ▶ **Otter** (a legally protected species). The proposed development includes measures to: maintain the suitability of the River Lark for otters; avoid the disturbance of otters whilst using resting places; and avoid damage to these resting places. These measures include: retention of a 30m buffer of semi-natural vegetation along the majority of the River Lark; retention and enhancement of existing woodland and scrub along the River Lark; sensitive design of the River Lark crossing; monitoring otter activity during and post-construction; design and implementation of an appropriate lighting strategy; additional planting of woodland and scrub; and provision of an artificial otter holt. With these measures in place there would be no significant effect on otter, and contravention of the legislation protecting otter would be avoided.
- ▶ **Reptiles** (slow-worm and grass snake – both of which are legally protected). To ensure that reptiles are not killed during construction works, the reptiles within the Site would be moved away from areas of construction to the areas of new meadow habitat created within the proposed development, which would also include habitat features to support reptiles. The legislation protecting reptiles would therefore not be contravened, and there would be no significant effect on reptile populations.

Socio-economics and recreation

The increase in population associated with the proposed development could have the following significant effects on the local community as a result of demands on local services, and due to the loss or creation of jobs.

- ▶ **Education.** The proposed development would retain land that would be passed on to Suffolk County Council for use as a primary school, to be built and opened once an agreed number of homes have been developed. Additional capacity for secondary and sixth form places would be provided at Moreton Hall Secondary School, which is due to open in September 2016. Further demand for secondary school places would be met through a financial contribution from the developer to Suffolk County Council, if required. With these measures, the overall effect of the proposed development on access to education facilities is not likely to be significant.
- ▶ **Health.** The developer will provide an appropriate financial contribution to expand General Practice doctor's surgeries. With this measure in place, there would be no significant effect on local residents.
- ▶ **Employment.** The proposed development would lead to a temporary increase in jobs during the construction period. These would partially be filled by contractors, but would also support new local employment and training opportunities. This is likely to be a positive temporary effect. The proposed development would result in the loss or relocation of a small number of jobs (less than 20) associated with the Bury Golf Range which will close or be relocated as a result of the proposed development. A greater number of jobs (around 50) would be created associated with the proposed local centre. Further jobs would also be created at the proposed primary school. The net gain in the number of jobs is not likely to be significant.
- ▶ **Recreation.** The proposed development would provide approximately 24ha of open space incorporating sports pitches, equipped play areas, allotments and footpaths. This open space would provide substantial recreational opportunities for both residents of the proposed development and existing residents in adjacent areas, ensuring that existing recreational facilities are not overused. This would provide a beneficial, although not significant, effect.

Water environment

The assessment has considered the effects of the proposed development on the local water environment, which includes watercourses (such as the River Lark flowing through the site), surface features (such as ponds and wetlands) and groundwater. The assessment investigated how construction activities and development proposals might affect: stream/river levels, flows and channel form; flood risk to people, property and infrastructure at the Site and downstream; water quality (of watercourses, groundwater and other features); and groundwater levels.

A number of measures have been incorporated into the proposed development which are designed to avoid or minimise effects on the water environment from the proposed development. These measures include: reducing flood risk by building outside the floodplain and managing surface water runoff using Sustainable Drainage Systems; preventing pollution of surface and groundwaters due to construction activity or operation of the development; and sensitive design of the River Lark crossing to avoid effects on the river's flow and channel form.

With the various measures in place, the proposed development would not have any significant adverse effects on the water environment.

Conclusions

The assessment describes how a range of environmental measures have been built into the scheme's design to minimise potential adverse effects and, where possible, to deliver environmental benefits. As a consequence, the only likely significant environmental effects as a result of the scheme are as follows.

- ▶ Adverse effects on road safety at the junction of the A143 and A1302 as a result of increased traffic flows due to the proposed development together with other planned developments.
- ▶ Increased air pollution levels at properties near the junction of A134 Sicklesmere Road and Rougham Road prior to construction of the relief road.
- ▶ Decreased air pollution levels at properties near the junction of A134 Sicklesmere Road and Rougham Road after construction of the relief road.
- ▶ Increased noise affecting residents of existing properties along Rushbrooke Land during operation as a result of the proposed relief road.
- ▶ Adverse effects on residents within and adjacent to the Site as a result of changes in their views.
- ▶ Loss of the remains of the Anglo-Saxon settlement within the Site. This will be fully excavated and recorded prior to development, but the effect will still be significant.

There are no other significant effects identified in the assessment.



What happens next?

Prior to determining the planning application, St Edmundsbury Borough Council will consult with the Environment Agency, Natural England and other organisations. Members of the public will also be able to comment on the planning application. The normal period for determining a planning application such as this is 16 weeks.

Where can more information be found?

The ES is available to view at St Edmundsbury Borough Council's offices at the following address.

West Suffolk House,
Western Way,
Bury Saint Edmunds,
Suffolk IP33 3YU

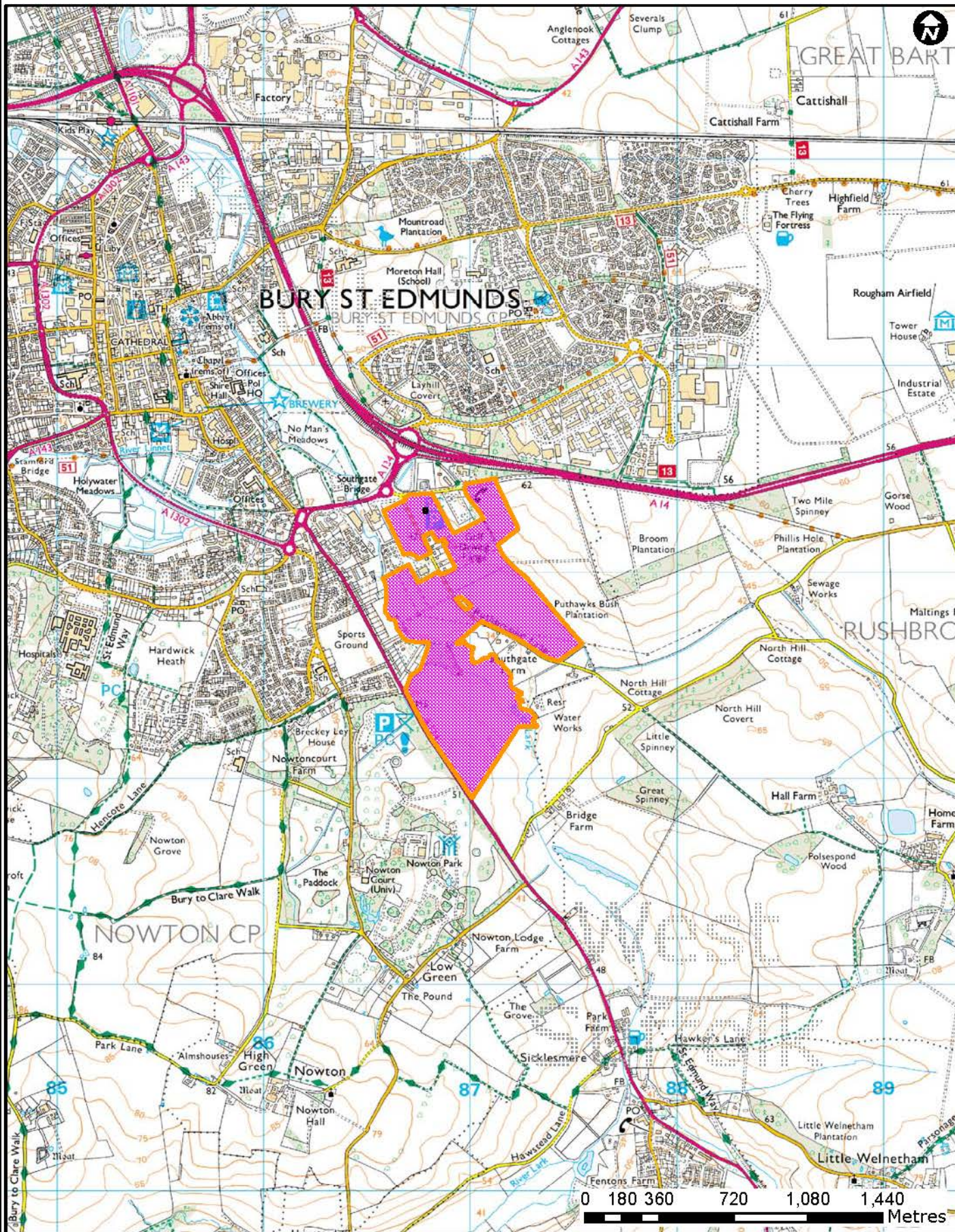
And online at <https://planning.westsuffolk.gov.uk/online-applications/>



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DC/15/2483/OUT

Land South of Rougham Hill, BSE



Forest Heath • St Edmundsbury

West Suffolk
working together

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Key

	Low to Medium Density Residential		Proposed Primary School		River
	Medium Density Residential		Proposed play provision (for detail refer to open space plan)		Planning application boundary
	Higher Density Residential		Open Space		
	Proposed Mixed Uses / Local Centre		Sustainable Drainage System (SUDS)		

Land South East of Bury St Edmunds



LEA67 P
Illustrative Master Plan



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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

5 January 2017

Planning Application DC/16/1810/VAR The Barn, Low Green Barn, Low Green, Nowton

Date	17 August 2016	Expiry Date:	1 December 2016
Registered:			(following extension of time)
Case Officer:	Adam Ford	Recommendation:	Approve
Parish:	Nowton	Ward:	Horringer & Whelnetham

Proposal: Variation of Condition 10 of E/89/1085/P to allow working hours of 08.00 to 18.30 on Mondays, 06:00 to 18:30 Tuesdays to Fridays inclusive and 06.00 to 16:00 on Saturdays; no work to take place anytime on Bank holidays or Sundays.

Site: The Barn, Low Green Barn, Low Green, Nowton IP29 5ND

Applicant: Mr Mark D Proctor

Synopsis:

Application under Section 73 of Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

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

CONTACT CASE OFFICER:

Email: adam.ford@westsuffolk.gov.uk

Telephone: 01284 757353

Background:

Having been presented to the SEBC Delegation Panel on 30 November 2016, the Panel has taken the decision that this application should be considered by the Development Control Committee with an accompanying site visit.

This site visit is scheduled for Tuesday 3 January 2017.

Proposal:

1. Planning permission is sought to vary Condition 10 as imposed by permission E/89/1085/P. This extant and implemented planning permission provides consent for the property in question to operate as a B1 industrial unit.

Condition 10 (Working Hours):

- Condition 10 of E/89/1085/P **currently** limits the unit's opening hours to:
 - Monday: 7am – 6:30pm
 - Tuesday: 7am – 6:30pm
 - Wednesday: 7am – 6:30pm
 - Thursday: 7am – 6:30pm
 - Friday: 7am – 6:30pm
 - Saturday: 7am – 12:30pm
 - Sundays: no working permitted
- The applicant wishes alter the hours in accordance with the below schedule:
 - Monday: 8am – 6:30pm
 - Tuesday: 6am – 6:30pm
 - Wednesday: 6am – 6:30pm
 - Thursday: 6am – 6:30pm
 - Friday: 6am – 6:30pm
 - Saturday: 6am – 16:00pm
 - Sundays and Bank Holidays: no working permitted
- No further alterations or variations are proposed or sought.

Alterations and subsequent amendments

2. It is important to note that current application has been amended since the initial submission. The original application sought to vary the opening hours of the unit to enable the bakery to operate from 5am, Monday to Saturday. Following a number of visits to the site and extensive consultation with the Council's Public Health and Housing Officers, this proposal was deemed to be unacceptable due to the detrimental impact,

upon residential amenity that a 5am start would impose. Whilst the site is generally remote there is an existing off site dwelling to the north that was sufficiently close to warrant very careful consideration of the amenity impacts arising.

3. Accordingly, the applicant has amended the scope of the submission so that a 5am start time is no longer proposed; instead, the revised submission seeks consent to open from 8am on a Monday and from 6am Tuesday through to Saturday. Sunday remains a 'non-working' day.
4. The documents referred to hereafter therefore relate to the revised details as submitted by the applicant. It should also be noted, following the revised submission, that new letters of objection – and indeed some now of support, including from the Parish Council – have been received by the Council. These are discussed in due course within the relevant section below.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Application form
 - Planning statement (revised)
 - Site Plan (area outlined in red is subject to the application: not the site in its entirety across which the 1989 permission prevails)

Site Details:

6. The application property is an existing industrial premises located within the Nowton Business Centre. Planning permission was granted for the building to be used for B1 purposes in 1989.
7. The site is considered to be within the open countryside due its location between, but outside, of the defined settlements of Bury St. Edmunds to the North and Great Whelnetham to the South.
8. With the exception of the Nowton Business Park, the site is bounded by open countryside and agricultural fields. On its immediate eastern fringe, the site shares a boundary with a private residential dwelling, whilst further north lies Nowton Park; a local wildlife area. The prevailing character and land use of the surrounding area is therefore open countryside.
9. The site is neither listed nor located within a conservation area.

Planning History:

10. SE/00/1474/P - Continued use of building for storage and distribution (Class B8) with ancillary offices. Refused.
11. E/89/1085/P - Erection of extension (following demolition of existing open fronted cattle shed) and alterations to existing farm building associated with conversion and use for industrial purposes. Approved.
12. E/88/3870/P - Change of use of redundant farm building to industrial unit for design and development of opto-electronic, electronic and electro-mechanical systems. Approved

Consultations:

13. Public Health and Housing:

14. Original application (5am start)

15. In response to the original application, Public Health and Housing provided extensive comments; in the interest of completeness, these are replicated below:
16. *The current Planning Approval for the site, granted in 1989, restricts the site and buildings for Class B1 (Business) uses only although Class B1 also includes- Offices (other than those that fall within A2), research and development of products and processes and light industry which would be considered to be appropriate in a residential area. In order to protect the amenities of nearby premises, Condition 10 limits the hours of work to between 07:00 and 18:30 hours on Monday to Fridays and 07:00 to 12:30 hours on Saturdays only; in addition, noise conditions have been imposed to limit noise from operations conducted on the premises during the stated working hours and at any other time.*
17. *Whilst a planning application to vary the hours of working at this particular premise would generally be considered to be inappropriate, due to the close proximity of the residential property, Public Health and Housing are obliged to consider the impact of this specific application, based on the activities undertaken at the application site.*
18. *Following a site visit and discussions with the Baker, Mr Proctor, it is understood that he generally arrives at The Barn at approximately 5am and enters the building through the personnel door, located in the middle of the main building. He then switches on the bakers oven, which is electric, and checks equipment and provers. A member of staff will normally arrive on site at around 5.30am to take orders off the answerphone in the office and prepare orders by writing them on a white board within the main preparation area. From around 6am, doughs are mixed, using a large mixer located at the eastern end of the bakery, then the dough is prepared, by hand, on a range of stainless steel tables, prior to proving. The breads and pastries are then shaped, cut and baked from 7am.*

19. *On arrival on site, whilst the roller shutter door was open to head height, no noise was audible outside of the building and no radio was heard playing from within the building. The equipment used within the bakery is generally quiet in operation with the baker's oven, convection oven, prover, fridge and retarder making no noise. In addition, there is a pastry laminator, two roll presses and two dough mixers which do make some mechanical noise although this is very unlikely to be audible at the boundary of the application site with the personnel and roller shutter doors down. I understand that the roller shutter door is kept closed until 7am, then opened up to allow the delivery van to be loaded.*
20. *With regard to deliveries to the bakery, I understand that there is a flour delivery on a Thursday at around 8am and a further delivery of sundry items on a Friday during the late morning/early afternoon. No deliveries arrive prior to 7am or after 5pm.*
21. *Having reviewed the activities undertaken at The Barn, particularly between 5am and 7am, as advised by the applicant, Public Health and Housing would not wish to object to the variation of Condition 10 to allow the working hours to be extended to between 05:00 and 18.30 hours, Monday to Saturday inclusive.*
22. *However, whilst Low Green Barn is accessed directly off the highway, to the rear of the residential property fronting the site, the traffic flow along the highway is generally low, particularly late into the evening and very early morning, and the background noise levels will be very low. The arrival and parking up of at least two vehicles prior to 7am at the application site, and noise from the shutting of the car doors, is therefore likely to be audible at the residential premises. Whilst this type of noise would not be considered to be a statutory noise nuisance in accordance with the provisions of section 79 of the Environmental Protection Act 1990, it may still give rise to some lack of amenity to the adjacent residential occupiers.*
23. *In addition, it is noted from the Statement of Intent that the applicant may need to finish at 7pm on busy days, although no baking will be produced after 7pm. Public Health and Housing would not wish to see an extension of the finishing hours and would expect the bakery to vacated by 18:30, with no working on site at any time on Sundays, Bank or Public Holidays.*
24. *With regard to the proposal to provide teaching sessions on Saturdays between 9am and 4pm, I understand that these sessions are normally undertaken only twice each month and whilst there is likely to be additional vehicle movements at the front of The Barn during these sessions, there is unlikely to be any additional noise which will impact on the adjacent residential occupier.*
25. *If planning consent is granted in respect of the proposed variation of Condition 10 of Planning Approval E/89/1085/P, it is recommended that*

any permission is personal to the applicant, in respect of The Friendly Loaf Company and in relation to The Barn premises only.

26. *In addition, whilst it is noted that there are no specific conditions with regard to deliveries to or dispatches from the application site within the current planning consent, it is recommended that the following condition is included in any consent granted:*

27. *No deliveries to or dispatches from the application site shall be carried out prior to 07:00 or after 18:30 hours on Mondays to Fridays, or prior to 07:00 or after 12:30 hours on a Saturday.*

28. Revised application (6am start)

29. *Further to my previous memorandum of the 20 September 2016, Public Health and Housing have reviewed the revised Planning Statement, dated 11 October 2016, submitted by the applicant and would not wish to raise any objections to the proposed, amended working hours.*

30. *As previously stated, if planning consent is granted, it is recommended that any permission is personal to the applicant, in respect of The Friendly Loaf Company and in relation to The Barn premises only.*

31. *In addition, whilst it is noted that there are no specific conditions with regard to deliveries to or dispatches from the application site within the current planning consent, it is recommended that the following condition is included in any consent granted:*

32. *No deliveries to or dispatches from the application site shall be carried out prior to 07:00 or after 18:30 hours on Mondays to Fridays, or prior to 07:00 or after 12:30 hours on a Saturday.*

33. **Highways Authority:** No objection lodged due to there being no impact on the highway.

Representations:

34. Parish Council:

- **Original application (5am start):**
- Objection lodged owing to perceived impact on existing residential amenity

- **Revised application (6am start)**
- Unanimous support provided for the application following the revised hours with a request that the same conditions, as suggested by Public Health, be imposed.

35. Public comments

36. As with the above, multiple comments have received from members of

the public with respect to this application. Full and unremitted details of these can be seen the Council's website but a summary is provided below:

3 Low Green

37. Four separately submitted objections were received from the same property, 3 Low Green. Given that they arise from the same neighbouring property, these four objections have been amalgamated with the following concerns being raised:

- Perceived loss of amenity due to proximity of premises
- Concerns raised with respect to an increase in noise levels arising from increased traffic and fumes arising from the baking process. The noise levels are believed to be exacerbated by the steel nature of the building.
- Reference is made to an alleged breach of planning control with respect to sales of produce and the provision of baking courses.
- Attention drawn to the justification for the imposition of the 1989 planning permission being conditioned; i.e. to protect neighbouring amenity.
- Further attention drawn to the alleged stricter restrictions imposed upon neighbouring commercial properties with the suggestion that a potential variation in the current condition under consideration sets a precedent for further relaxations of other extant planning conditions.
- Use of a B1 unit is inappropriate for proposed activities with frequent 7pm finishes being recorded.
- Reference is made to the fact that 3 Low Green is a listed property and this should therefore be relevant to the determination process.
- The visits made by Public Health have been unrepresentative of the wider, on-going issues.
- Reference is made to a case which is perceived to be similar, albeit in Lambeth.
- The revised hours do not make the application any more acceptable; the loss of amenity remains. Examples of unacceptable activities are then provided.
- The smells from the unit remain and continue to impact the property.
- The applicant's statement is inaccurate and misleading.
- Granting permission sets a precedent for other tenants to alter and extend their hours.

- Noise, smell and working hours are inappropriate given the site context

Bennet Homes and Pakenham Water Mill

38. Support provided for the application.

Policy:

39. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

40. Joint Development Management Policies Document:

- Policy DM1 : Presumption in Favour of Sustainable Development
- Policy DM2: Creating Places – Development Principles and Local Distinctiveness
- Policy DM5: Development in the countryside

41. St Edmundsbury Core Strategy December 2010

- Policy CS3 – Design and Local Distinctiveness

Other Planning Policy:

42. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

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

- Principle of development with respect to varying conditions
- Impact on neighbouring amenity
- Other matters.

44. In line with the National Planning Policy Framework, Policy DM1 provides that there will be a presumption in favour of sustainable development unless other material and adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Policy DM2 goes on to provide that, when taking mitigation measures into effect, residential amenity should not be unjustifiably or demonstrably threatened.

45. In this instance, the application seeks to vary a number of conditions which, when considered against policy DM1 and DM2 (and where relevant DM5) are not considered to give rise to unjustifiable harm.

- **Increased opening hours**

46. Presently, the unit has planning permission, as granted in 1989, to open during the following hours:

- Monday: 7am – 6:30pm
- Tuesday: 7am – 6:30pm
- Wednesday: 7am – 6:30pm
- Thursday: 7am – 6:30pm
- Friday: 7am – 6:30pm
- Saturday: 7am – 12:30pm
- Sundays: no working permitted

47. However, the applicant wishes to amend these hours and is seeking permission, through this application for the following hours:

- Monday: 8am – 6:30pm
- Tuesday: 6am – 6:30pm
- Wednesday: 6am – 6:30pm
- Thursday: 6am – 6:30pm
- Friday: 6am – 6:30pm
- Saturday: 6am – 4:00pm
- Sundays: no working permitted

48. This represents an additional hour at the beginning of each day (Tuesday to Saturday) with a later start time now proposed for Mondays. The Saturday hours are to be extended to include a closing time of 16:00. It should be noted that this represents a concession on the applicant's part who initially applied for a 5am start. Positive negotiations however have enabled the applicant and Council to reach what is considered a compromise in this regard.

49. It is, of course, noted that the adjacent property, being 3 Low Green, has objected to the extended opening hours on the basis that it would have an unjustifiable impact on residential amenity and the enjoyment of a private dwelling. This impact can be deconstructed to noise, smell and general nuisance arising from activity in close proximity. This must be respected and given very careful consideration given the potential for activity and associated noise, and given the proximity of the off site dwelling to the business, given the lack of intervening boundary treatment, and given the fact that activity will occur at times that might readily be considered unsocial.

50. Much of the material submitted within the objections relate to an alleged breach of planning control concerning the use class of the building. This concern is not relevant to the consideration of this application and as such, shall not be discussed further. To clarify, however, following a multitude of visits to the site, the Council remain satisfied that the present use of the building is commensurate with that of a B1 use class and that, therefore, it is only the hours and consequential impact that are at issue, not the use.

51. Accordingly, the main element to be considered in the determination of this application is the acceptability of the increased hours. As such, and whilst the public comments are noted, in lieu of an objection from the Council's Public Health department, this aspect of the proposal (the extended hours) is not considered to materially contravene policies DM1 or DM2. The impacts will be limited to the noise arising from vehicles arriving at and departing from the site at the earlier times in question. It is also evident from the comments submitted by the Public Health and Housing Officer that a thorough and meticulous approach has been undertaken in concluding that they *"would not wish to raise any objections to the proposed, amended working hours."*
52. Furthermore, it is possible, as the proposed conditions make clear, that the number of employees on the site can be limited, as can the hours when deliveries arrive at or are dispatched from, the site. On this basis, and with such conditions imposed, it is the case that the only additional effects are those arising from the earlier arrival of a modest number of employees. In this context, and respecting the weight that can be attached in support of this proposal, it is not considered that this would withstand the scrutiny of an appeal in the way that a commencement from 05:00 might very well have done, noting the much more highly unsocial nature of a 05:00 start.
53. Both the public health and housing officer and the Parish Council have requested the permission be made personal to the applicant. However, whilst the rationale behind this is noted, from an objective standpoint, if the principle of the development is deemed to be something that the LPA can support, either with or without the imposition of relevant planning conditions, this assessment is to be made irrespective of *who* ultimately benefits from the amended condition. It is thus proposed that the permission remains one which runs with the land.
54. It is understood that the rationale behind the requested personal permission was to prevent a different operator using the premises in a different fashion, perhaps with a more overt effect upon nearby property. However, Officers are satisfied that if such is the case, and if the use evolves into one which is starting to have significant amenity impacts, then it is likely that this will take it outside of the B1 use class, into a B2 use class. In such a case, permission will be needed as this would be a 'material' change of use. Also, in such a scenario, enforcement action could be brought if expedient. There remains therefore, no justification for a personal permission.
55. Concerns have also been raised that extended hours will give rise to an increased volume of traffic and result in turn in a deterioration of existing residential amenity. However, with respect to the extended hours of opening, there has been no objection from the Highway Authority in this regard to any increased traffic movements and the impact upon highway safety. It should be also noted that the applicant has agreed to the imposition of a condition which limits the number of employees who can be on site prior to 06:30am and, as discussed above, this can therefore be considered satisfactory.

56. It is further noted that a number of the public comments refer to the bakery as being inappropriately located but this is not an issue for consideration since the proposal is a B1 use within a building that has a lawful planning permission for B1 use. The only issue relates to any additional effects arising from the extended hours. Some third party representations also refer to fumes and allegedly unpleasant odours. Whilst such concerns have been noted, these comments are not commensurate with the views from Public Health and Housing.

57. Additionally, whilst this proposal does not seek permission for any form of operational development, the application must be considered with respect to policy DM5 also. Policy DM5 provides that proposals for economic growth and expansion of all types of business and enterprise that recognises the intrinsic character and beauty of the countryside will be permitted where:

- it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);
- there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and
- there will be no significant adverse impact on the local highway network.

58. As evidenced through the submitted consultation responses and the observations of the case officer, the proposed increase in hours would not materially contravene the above considerations and, in fact, would offer some support through the benefits arising from the growth of this business. The proposal is therefore deemed to be sufficiently compliant with Policy DM5.

59. To ensure sufficient control is retained, as well as amending condition 10 of the 1989 permission, three new conditions are to be imposed.

60. These conditions will seek to limit the number of staff members who are able to be on site before 06:30 and the timings of deliveries / dispatches. In doing this, a number of redundant and unenforceable conditions are to be removed from the 1989 permission. Attention is drawn to the omission of the condition which limits the maximum decibel level of the site; confirmation has been received from Public Health and Housing that this condition is unenforceable; it will therefore be removed from the new decision notice.

61. The third and final new condition to be imposed is designed to mitigate the potential impact caused by potential odour and fumes which may arise from the processes which take place inside the building. Such a condition, if appropriately and unremittingly complied with, will enable the building to retain its B1 use class. The condition requires the

applicant to submit details to the Council which details, in writing, the methods of mechanical extraction to mitigate both odours and fumes. The condition will require the applicant to stipulate a timeframe within which the necessary measures are to be installed and implemented.

62. It should be noted that the adjacent unit is subject to a planning application for a change of use from offices to a nursery (DC/16/1451/FUL refers). The combination of extending the bakery's operating hours and the proposed use of the site for a nursery has the potential to compound adverse impacts upon amenity. Individually, these two applications have been considered acceptable; there is no direct convergence, as the extension to the opening hours of the bakery does not overlap with the time the nursery would be open. It is considered that the proposals, taken cumulatively, would not be materially worse than taken separately.

63. For clarity, the full list of proposed conditions that are to appear on the newly issued permission are as follows:

Condition 1

Within 3 months from the date of this permission, a ventilation and extraction system to control odours and fumes from any baking process shall be installed in accordance with details that first shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to abate the noise from the systems and a maintenance programme for the systems. Thereafter the systems shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.

Condition 2

The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Condition 3

No work shall take place outside of the hours prescribed below:

- Monday: 8am – 6:30pm
- Tuesday: 6am – 6:30pm
- Wednesday: 6am – 6:30pm
- Thursday: 6am – 6:30pm
- Friday: 6am – 6:30pm
- Saturday: 6am – 16:00pm
- Sundays and bank holidays: no working permitted

Condition 4

No deliveries to or dispatches from the application site shall be carried out prior to 07:00 or after 18:30 hours on Mondays to Fridays, or prior to

07:00 or after 12:30 hours on a Saturday. There shall be no deliveries to or dispatches from the site on a Sunday or bank Holiday.

Condition 5

The roller shutter door, as installed to the North Eastern elevation of the building shall not be opened other than to facilitate the hours of delivery and dispatch as expressly authorised by way of condition 4 of this planning permission.

Condition 6

Prior to 06:30am, there shall be no more than two members of staff present on site at any one time.

Condition 7

The site and building, as outlined in red on the submitted site plan, shall be used for Class B1 uses only, as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended).

Condition 8

No goods, plant or material (including waste material) shall be deposited or displayed in the open without the prior written consent of the Local Planning Authority

Condition 9

Any oil and other chemical storage tanks, buildings, ancillary handling facilities, filling, drawing and overflow pipes shall be enclosed within an impervious bunded area of at least 110% of the tank capacity designed and constructed to the approval and satisfaction of the Local Planning Authority

Condition 10

All surface water from roofs shall be piped direct to a watercourse, surface water sewer or shallow soakaways. Open gullies shall not be installed.

Condition 11

There shall be no discharge of effluent to any watercourse or surface water sewer

Condition 12

There shall be no discharge of trade effluent or chemicals to any septic tank

Conclusion:

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.

Recommendation:

It is **RECOMMENDED** that planning permission be **granted** subject to the following conditions:

- *U28286 - Fumes and Odour Mitigation*
- *01A - Time Limit Detailed*
- *U28170 - Open Hours*
- *U28175 - Deliveries*
- *U29077 - Roller shutter door opening*
- *U28176 - Staff numbers*
- *U28178 - Use Class: B1*
- *U28180 - External Storage*
- *U28181 - Storage tanks*
- *U28182 - Surface water*
- *U28183 - Effluent 1*
- *U28185 - Trade effluent*

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OC3Q3IPD05M00>

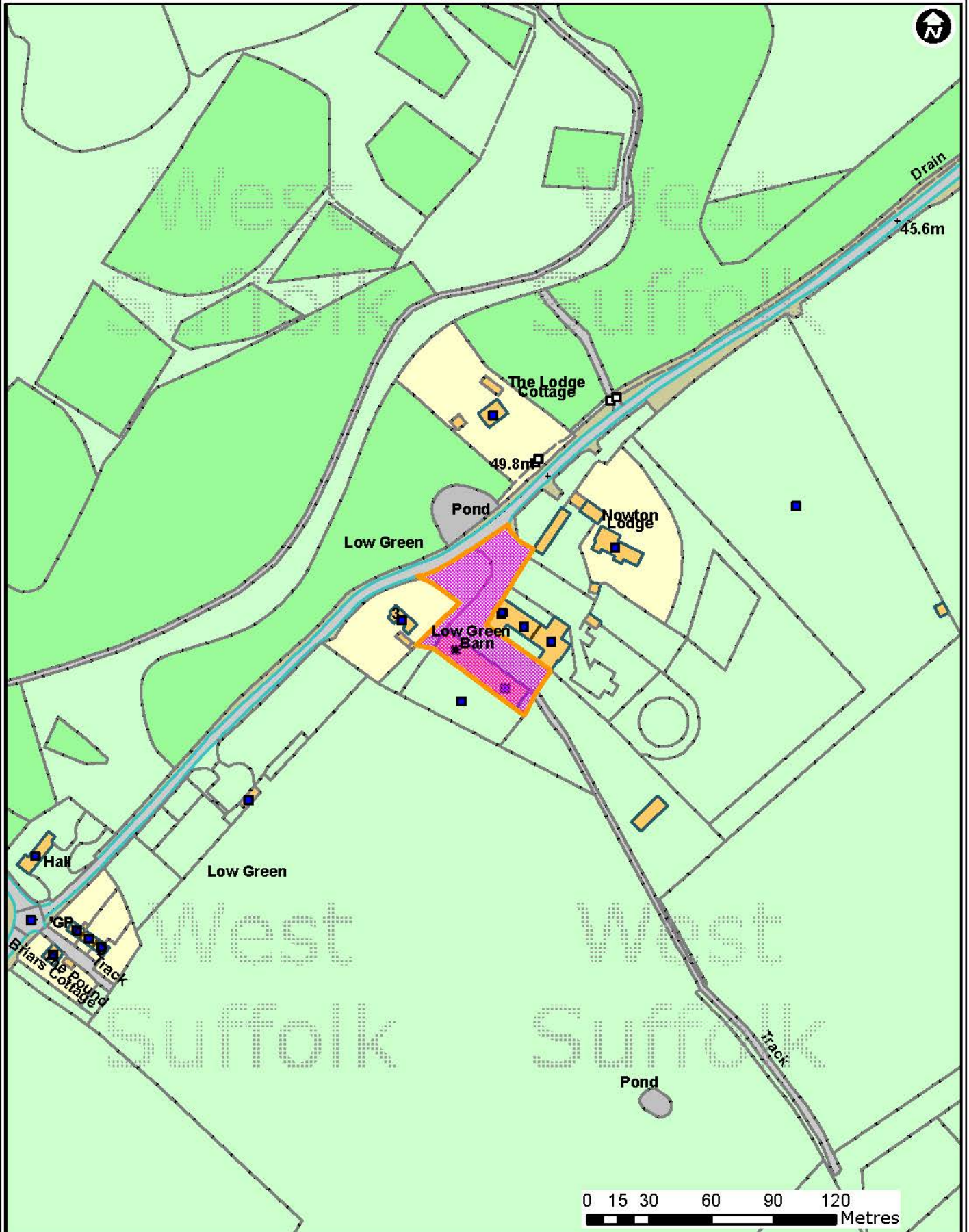
Case Officer:
Adam Ford

Date: 19 December

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DC/16/1810/VAR

The Barn, Low Green Barn, Nowton



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Registry Plan
1:200 - Floor Plans
1:500 - Site Plan
1:1250 - Location Plan



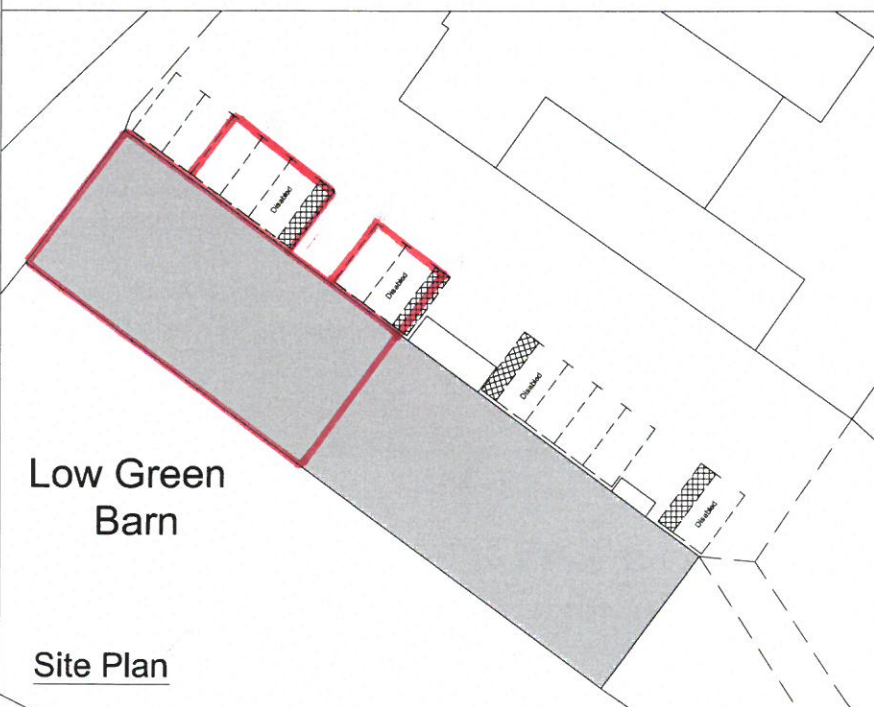
PLAN 2

Nowton Business Centre,
Low Green, Nowton,
Bury St Edmunds,
Suffolk. IP29 5ND.

Location Plan



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Low Green Barn

Site Plan

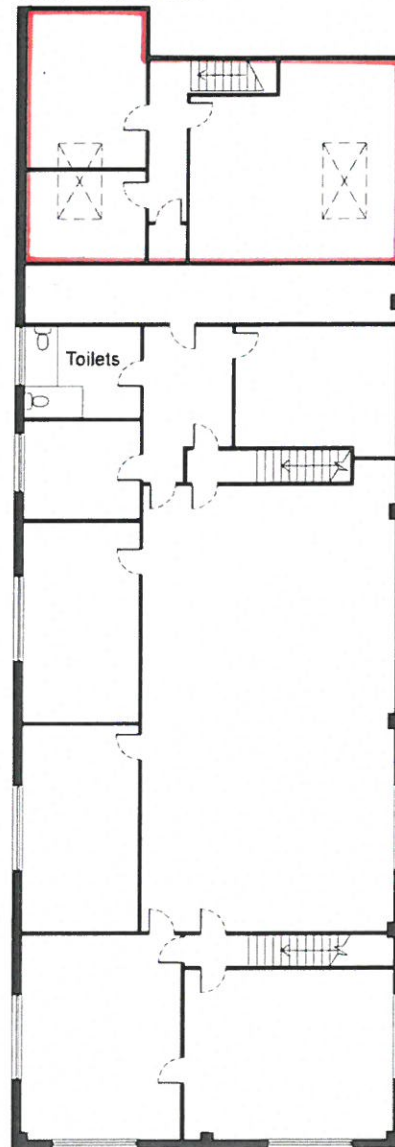
PLAN 1

GROUND FLOOR PLAN



Scale of 1:200, only when printed on A4 at 100%

FIRST FLOOR PLAN





St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/03

Development Control Committee 5 January 2017

Planning Application DC/16/1451/FUL Ground floor office, Low Green Barn, Low Green, Nowton

Date: 30 August 2016 **Expiry Date:** 25 October 2016
Registered:

Case Officer: Aaron Sands **Recommendation:** Grant

Parish: Nowton **Ward:** Horringer & Whelnetham

Proposal: Planning Application - Change of use of office (Class B1a) to nursery (Class D1)

Site: Ground floor office, Low Green Barn, Low Green, Nowton

Applicant: Little Larks Day Nursery Limited - Mrs Donna Cooper

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Background:

This application is referred to the Committee because the applicant is the partner of Councillor Peter Thompson, who has a pecuniary interest in the site.

CONTACT CASE OFFICER:

Email: aaron.sands@westsuffolk.gov.uk

Telephone: 01284 757355

Proposal:

1. Planning permission is sought for the material change of use of the ground floor of an office building, formerly used as an office for an electronic solutions company, to a registered nursery. The total floor area to be changed is approximately 250 square metres measure internally.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Planning Statement
 - Property Sale Details
 - Land Contamination Questionnaire and soil sample details
 - Biodiversity Checklist
 - Existing and Proposed Floor Plans

Site Details:

3. The site comprises a two storey building, currently divided into a number of units that forms part of a collection of business at Low Green in Nowton. The site is served by existing parking areas that also serve other units within this small business park. The rear of the application site faces onto largely open fields and a public right of way runs along the front of the application site and up an access track to the east.

Planning History:

4. E/88/3870/P - Change of use of redundant farm building to industrial unit for design and development of opto-electronic, electronic and electro-mechanical systems. Granted. 20/12/1988.
5. E/89/1085/P - Erection of extension (following demolition of existing open fronted cattle shed) and alterations to existing farm building associated with conversion and use for industrial purposes. Granted. 14/03/1989.
6. E/89/1551/P - Provision of septic tank. Granted. 26/05/1989.
7. DC/16/1117/P3KPA - Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - Change of use from offices (B1) to private day nursery (D1). Refused. 13/07/2016 (*Officer note: this notification was refused as conditions imposed on historic planning applications prevented a change of use of this building utilising permitted development rights and planning permission was therefore necessary*).
8. Neighbouring Site – The Barn, Low Green Barn, Low Green, Nowton – DC/16/1810/VAR - Variation of condition 10 of E/89/1085/P to allow

working hours of 08.00am to 18.30pm on Mondays, 06:00am to 18:30pm Tuesdays to Fridays inclusive and 06.00am to 16:00pm on Saturdays; no work to take place anytime on Bank holidays or Sundays. Pending Decision.

9. Nearby Site – Land South of Rougham Hill, Rougham Hill, Bury St Edmunds – DC/15/2483/OUT - Outline Planning Application (Means of Access) to be considered) on to Rougham Hill and Sicklesmere Road) to include up to 1250 dwellings (Use Class C3); local centre comprising retail floor space (A1, A2, A3, A4 and A5), a community hall (D2), land for a primary school (D1), and car parking: a relief road, vehicular access and associated works including bridge over the river Lark: sustainable transport links: open space (including children’s play areas): sustainable drainage (SuDS): sports playing fields: allotments and associated ancillary works. Pending Decision.

Consultations:

- 10.Environment Team: Risks of contamination are acceptably low. No additional information or assessment is required with regards to land contamination
- 11.Public Health and Housing: No objection in principle, but the proposal may lead to a lack of amenity for neighbouring residences and office space
- 12.Highway Authority: Additional information is required. Verbal discussion with the highway authority has outlined that this additional information relates to the drop-off area and cycles storage. The number of parking spaces provided is satisfactory
- 13.Ecology, Tree and Landscape Officer: Verbal discussion – no objection, though consideration should be given to landscaping of the boundaries
- 14.Public Rights of Way: No objection

Representations:

- 15.Parish Council: Objection on the grounds of parking, highway safety, impacts to amenity and in relation to the septic tank

16. 4 no. objections received from 3 Low Green incorporating the following, summarised, points:

- Conditions on historic applications would be breached by the proposal and were imposed to protect residential amenity
- Noise generation would adversely impact amenity
- Inaccuracies in the application
- Poor existing boundary treatment, particularly between the boundary and 3 Low Green
- Footpath running through the site would be blocked up
- Parking and vehicle movements are inappropriate and would be

- harmful to amenity and highway safety
- Site is served by a septic tank that is not appropriate
- Existing day nurseries operate in the area, there is no additional demand
- Protected species in the site would be harmed by the development
- Requests that a brick wall is erected along the boundary

1 no. representation received from Parkside Enterprises (who appear to own land within the site) incorporating the following points:

- Additional parking could be accommodated to the north on the existing green space or through the use of grass sheeting
- Details of historic uses in the site
- Hedging was planted to encourage wildlife and due to the existing situation it is not possible to grow immediately adjacent to the building
-

Officer comments regarding points raised in the representations

16. Matters of the method of mains drainage are not material planning considerations and would fall within building control or would be the responsibility of the applicant in their ownership of the building. Similarly, the fact that there are existing nurseries in the wider area is not a material planning consideration, nor is competition between those nurseries.

17. Conditions imposed on historic applications are not limiting factors in considering this application. As part of any planning application, these matters would be revisited and reassessed. As such, while there are conditions limiting the use of the site currently, any planning permission granted later could effectively supersede the previous conditions if they were no longer considered necessary. Further discussion regarding these conditions is included in the officer comments section below.

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

18. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM5 (Development in the Countryside)
- Policy DM11 (Protected Species)
- Policy DM12 (Mitigation, Enhancement, Management and Monitoring of Biodiversity)
- Policy DM13 (Landscape Features)
- Policy DM15 (Listed Buildings)
- Policy DM30 (Appropriate Employment Uses and Protection of Employment Land and Existing Businesses)
- Policy DM46 (Parking Standards)

19. St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS7 (Sustainable Transport)

Other Planning Policy:

20. National Planning Policy Framework (2012)

Other Relevant Considerations:

21. The Town and Country Planning (General Permitted Development) Order 2015

22. Planning (Listed Buildings and Conservation Areas) Act 1990

Officer Comment:

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

- Sustainability
- Principle of Development
- Permitted Development Rights and Historic Conditions
- Economic Considerations
- Parking Standards and Highways Impacts
- Ecology & Landscape
- Impact on the Listed Building
- Impacts on Amenity (including noise)

Sustainability

24. Policy DM1 provides a support for development that is considered sustainable where it does not conflict with a development plan and material considerations do not otherwise indicate that an application should be refused. This policy is echoed in the NPPF, as part of the 'golden thread' of sustainability that runs throughout that document. Policy CS2 of the Core Strategy further reinforces the ideals of sustainable design, with particular note to environmentally sustainable economic growth. In addition, as per *East Staffordshire Borough Council v Secretary of State for Communities and Local Government* and *Barwood Strategy Lane II LLP* the definition of sustainable development should be taken as development in line with a fully adopted, up-to-date local plan.

25. The site forms part of an existing cluster of business units, all of which appear to be limited to use class B1. These businesses are in existence, and the site could readily be utilised by another business that falls within the permitted use, as indeed is being sought through the ongoing application to extend the hours at the bakery unit. In addition, the site is not located substantially distant from the major settlement of Bury St Edmunds, with a footpath running until the Junction of the A134 and the Bury Road, approximately 1.5 kilometres from the edge of the more developed area of Bury St Edmunds, and further footpaths through Nowton Park itself. This is an approximate walking distance of at most around 20 minutes. That said, it is considered that the majority of users

would not choose to walk with young children alongside a roadway that is not wholly covered by a footpath. It is also noted that Bury Road itself does not have easily accessible pedestrian or cycle access, and that the road does not readily lend itself to the provision of these. However, the site is also proximate to the future housing proposed on Land South of Rougham Hill and this increases the locational sustainability of the site, given the likelihood of that site coming forward as a strategic, green field site.

26. While the site itself is not necessarily considered to be well located in terms of its locational sustainability, its position close to the town, in conjunction with the existing ability for an appropriate business to occupy the site without, in some circumstances, needing planning permission, are considered to markedly erode arguments against the sites' long term sustainability. It is considered that, given this, the site is sufficiently sustainable in locational terms, despite being located outside a housing settlement boundary. The ability to further increase this locational sustainability through the use of a travel plan is set out in detail below but is also a factor that weighs in favour of the proposal.

Principle of Development

27. Policy DM2 sets out the development principles that all proposals should have regard to, including applications for material changes of use. The proposal will be required to maintain the sense of place and local character, and not adversely affect green and landscaped areas that make a significant contribution to that character. Development should not site development where its users or neighbours would be adversely affected by ways of noise, or other forms of pollution. Development should also be designed in accordance with the adopted Highway Standards to maintain the safety of the highway network, and should, where necessary, incorporate appropriate refuse and recycling facilities.
28. Matters of highway safety and amenity are discussed later in this report, though in any event such matters have a host of technical solutions such that the principle of development would not be outright opposed on these bases. The proposed development is a change of use within the small cluster of businesses. It does not include new built development and as such it is not considered to be a departure from the character of the area. The site would be maintained as an employment use, and while the site is located within a Special Landscape Area, the proposal does not include substantial changes that would detract from that character.
29. Policy DM30 is of particular importance in determining the principle of this development. The provisions of this policy are engaged in instances where there is an adverse effect on employment generation. The proposed application involves the loss of office space, with 8 full time and 2 part time jobs (approximately 9 full time equivalent (FTE)) jobs created in relation to the nursery. The office floor space, approximately 250 square metres, could accommodate approximately 20 members of staff (based on employment density guidance provided by the Homes and Communities Agency). However, this is a rurally located business park and the effect on

overall employment provision is therefore modest. As such, it is not considered that this proposal would lead to an adverse impact on employment generation within the locality and, accordingly, the provisions of this policy are not considered to be engaged.

30. The principle of development is considered therefore to be acceptable. In this instance, as discussed in the following section, it is considered that the weight afforded to policy should be reduced, and in considering the principle of development, this has also been a factor in this decision.

Permitted Development Rights and Historic Conditions

31. The site is located within an informal small business park, comprised of five units falling within Use Class B1 (offices and light industrial). Planning permissions granting the use of the site as offices imposed conditions restricting the use of the site to Class B1. These conditions were imposed by way of ensuring "an appropriate use of the site", though it is noted that such conditions were common at the time (1988/1989) for applications of this nature. This condition does not preclude alternative uses, but makes them subject to a planning application, at which time the appropriateness of an alternative use would be considered.

32. It is considered that, noting particularly the age of the historic permissions that imposed conditions limiting the uses, and the more recent provisions of the GPDO that would mean a change of use of this kind would not ordinarily require planning permission, such conditions might not be required in the current planning climate. It is, however, noted that, even without such a condition, the site could only be utilised for the purposes of designing and development opto-electronic, electronic and mechanical systems. Nonetheless, this does not prevent a prior notification coming forward for the site, which could change the use of that building.

33. As such, in the balance of this application, it is considered that any weight afforded to these conditions should therefore be substantially reduced. The application site is currently subject to a number of historic conditions, including, particularly, conditions regarding noise limits on the site (50db(A) Monday to Friday and 40db(A) on Saturday). This was imposed to protect the amenity of nearby properties. An outstanding application on the adjoining Bakery (reference DC/16/1810/VAR) involves varying the approved permission (reference E/89/1085/P) to allow longer working hours. As part of that application officers have also considered the conditions relating to noise. Such a condition is considered to be unenforceable and would likely be surpassed by any single car arriving at the site, notwithstanding that some 20 employees could currently utilise the site without requiring planning permission. It is therefore considered that, while the noise limit remains in effect, and would continue to do so under planning permission reference E/88/3870/P, these conditions should be allocated very little, if any, weight.

34. The GPDO makes provision under Class 3 Part T for the change of use of certain existing uses, including those falling within Use Class B1. In itself, this is the grant of planning permission, subject to a less stringent

notification period, and would provide a fall back position that would only consider specific, albeit important, technical issues. It is considered that the weight attached to this should be similar to that attached to a lapsed planning permission.

35. In this instance, it is considered that reduced weight should be afforded to the position of policy, and greater weight given to other material planning considerations, with particular regard to contamination risks, noise impacts, and transport and highway impacts, as being the factors that Part T requires consideration of.

Economic Considerations

36. As noted above, the site would lead to a loss of potential employment accommodation, though not of a substantial nature and it is not considered that this would have a materially adverse impact to the availability of employment uses noting the wider context. There are, however, other economic considerations that are factors to be weighted in determining this application.

37. The application site currently comprises a vacant unit within the business park. The proposal would bring this vacant unit back into use. It is not known how long the unit was available for prior to the applicant taking control of the site, and there is no knowing how long it might take another business to seek to utilise the unit. That said, very little weight is attached to this specific benefit, as it is largely speculative and there could be a substantial level of interest in a site so close to a large town with good access to the A14.

38. Planning application DC/16/2483/OUT proposes up to 1,250 dwellings, amongst other uses, located approximately one kilometre from the application site at its closest point. This application has not yet been determined, and any weight allocated to it is therefore limited, but it would create an influx of occupants. These occupants would need access to services, including child care, and the proposed nursery is considered well positioned to serve this future area of growth.

39. Policy DM5 supports the rural economy and growth and expansion of all types of business that recognise the intrinsic character and beauty of the countryside. Proposals should not result in the loss of the best and most versatile agricultural land, harm the historic or natural environment and character and should not lead to significant adverse impacts to the local highway network. The proposal is for a change of use only, and does not affect land in agricultural use or include built development. As such, it is considered that there is support in this policy for the proposed development subject to its impact to the highway network.

Parking Standards and Highways Impacts

40. The site is currently served by a large area of hardstanding to the front of the building that provides parking for all the units. To the front of the

application property, parking here serves both the neighbouring bakery, and the offices at first floor. Additional parking for the Bennett Homes offices to the north of the application building is available in a car park that serves just this particular building.

41. Policy DM45 requires that proposals for major development, or where there is likely to be significant transport implications, submit a transport assessment and travel plan. Such documents are intended to provide a contextual answer to issues of traffic generation and movement. In this instance, the highway authority has not requested a transport assessment, though have required a travel plan to be submitted in order to fully consider the implications of the proposal.
42. Policy DM46 sets out the guiding force behind parking standards, currently following the adopted Suffolk County Council Guidance for Parking (2015). Provision is made within this policy that, where sites are well served by public transport or located within town centres, reduced parking facilities may be considered acceptable. This is extended to rural areas where satisfactory evidence and justification is provided, including an appropriate transport assessment or travel plan, demonstrating why an exception out to be made for a specific development proposal. However, noting the use of not one commensurate with public transport or walking, it remains the opinion of the Highway Authority and officers that full parking provisions should be sought.
43. The application proposes an alteration of the existing parking arrangements, utilising additional hardstanding already in situ to fulfil parking requirements of 12 spaces while maintaining a number of parking spaces for the other units located on the site (approximately seven each). The existing parking area is to be substantially altered, making use of the hardstanding in place to increase parking requirements. In considering parking requirements, the existing office use could enable up to 20 employees, which could very well create a greater demand for parking than the proposed use here, notwithstanding visitors to any hypothetical continuing office use. A representation submitted in respect of this site (from Parkside Properties) indicates that at some point the site was utilised by an office of approximately 20 employees, with a further 10 customers visiting at a time.
44. The proposal incorporates cycle storage and a drop-off area to the front of the building that would alleviate some requirement for parking and provide an opportunity for sustainable transport, particularly for staff. Such measures also help ensure a more free-flowing movement of vehicles, rather than a haphazard and unsafe 'free-for-all' approach to parking. In addition, it is unlikely that parents dropping children off would be there for an excessive length of time, as they would be on their way to work or other destinations. It is considered that there would be a high turnover of vehicle movement that would lessen the impact of cars building up in an otherwise finite space. However, full details of this have yet to be received, though officers consider that it is highly likely a satisfactory arrangement could come forward.

45. A travel plan has been included in the application that seeks to promote more sustainable forms of travel, such as walking, and to manage parking and vehicle movements within the site. The travel plan makes allowances for discounts for those who travel more sustainably and who bring second children to the nursery or for staff who use the nursery. It may also be the case that employees of other businesses in the site make use of the nursery, though this cannot be counted on and so little weight is given to this.

Ecology & Landscape

46. The Conservation of Habitats and Species Regulations (2010) requires that Competent Authorities (of which the Local Planning Authority is explicitly considered one) have regard to biodiversity in carrying out its statutory duties. Regardless of the legislative provisions of the GPDO, this is still a relevant consideration for all applications and prior notifications, and sits as separate, but still relevant legislation.

47. Policies DM11 and DM12 seek the protection of important species and their habitats, or the satisfactory mitigation where development would have an impact. Such mitigation should reduce disturbance of protected species to a minimum and either maintain the population on site or provide suitable alternative locations for their relocation.

48. The site is also located within a Special Landscape Area (SLA), and the provisions of Policy DM13 are engaged by this. This policy seeks the protection of identified areas where development is more harmful to the landscape character and condition of an area. All proposals, however, will be assessed on an individual basis for their effects on the SLA.

49. As stated, the site is within an SLA, and there are noted protected species within the area, as well as nearby sites that might support such species. However, this application is not for built development, only a material change of use. In addition, it has been demonstrated that no remediation works would be required in terms of land contamination, and therefore there would be very little groundworks occurring. Officer's concerns in this regard are satisfactorily allayed, as ground works are considered to have been the only likely interference with protected species that would have long term impact on their occupation of the site.

50. It is noted that, as part of the planning statement, mention is made to the erection of a covered play area. The applicant has confirmed that this is not being applied for at this time, and would either be applied for at a later date, or it may fall within permitted development rights for schools and registered nurseries. In any event, this is not a consideration of this application and cannot be weighted in this determination.

Impact on the Listed Building

51. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving a listed building, its setting or any features of special architectural or

historic interest which it possesses. The proposal is located in a reasonable proximity to the Grade II listed building of 3 Low Green. While there are other listed buildings in the vicinity, these are either exceptionally well screened, in the case of The Lodge Cottage, or are separated by intervening development in the case of Nowton Lodge Farmhouse, and are not considered to be impacted by the development.

52. While the proposal is in a reasonable proximity to 3 Low Green, the proposal is for a change of use, with any built development taking the form of ancillary boundary treatments and de minimus alterations to the position of windows and doors. It would not result in the loss or harm to the listed building, nor would it alter the setting of the building, which would still appear as set in an open, green area surrounded by smaller scaled planting and boundary treatments. The conservation officer has raised no objection to the proposal, and it is not considered that the proposed change of use would have an adverse impact on the setting of the heritage asset.

Impacts on Amenity (including noise)

53. The site is located in close proximity to the residential dwelling of 3 Low Green. Other residential properties in this area are located at a sufficient distance, or have substantial screening from the proposed application site, such that impacts of amenity are considered to be sufficiently, if not completely, mitigated. The area is otherwise generally quiet.

54. The application proposes no additional built development. As such, it is not considered that the proposal would give rise to any material impacts by way of overbearing, loss of light or overshadowing. There is a reasonable separation between the nearby dwelling and the existing building that would reduce harm that might arise from these particular points. The proposal does include the provision of a fence, though one could be erected up to 2 metres in height given that the site is not adjacent to a highway used by vehicular traffic. Full details of this fence, and any other boundary treatment, would be required by condition.

55. Of particular concern here are the impacts of noise, noting the scale of operation and the utilisation of outdoor space in a relatively quiet location. The proposed nursery caters for up to 42 children between 3 months and 5 years of age, which has the potential to generate significant levels of noise and disturbance through day to day use of the site. Additional noise and disturbance would also be likely to be generated by the movement of vehicles and cars during the more intense morning and evening drop off and pick up times, though it is considered that this particular element would not be prolonged but may be intense and therefore potentially harmful. Some incidental noise would likely be in effect prior to opening times as staff set up for the day, though it is considered that this would be wholly minor and not materially detrimental to the amenity of nearby occupants.

56. The NPPF, in considering policies and decisions where noise matters are a factor, states that policies should aim to avoid noise from giving rise to

significant adverse impacts on health and quality of life and mitigation measures should be imposed, including through the use of conditions. It is also recognised that development will often create some noise, and that existing businesses wanting to develop should not have unreasonable restrictions imposed because of changes in nearby land uses. This is reflected in policy DM2 which reinforces the protection of amenity space from impacts of noise. Matters of noise are a consideration that would need to be considered as part of a notification under Class T of the GPDO (as discussed above), and extra weight is therefore given to such matters, and the associated paragraphs of the NPPF, by officers in considering this application.

57. The NPPF considers that harm from noise should not be 'significant' (Paragraph 123) or 'unacceptable' (Paragraph 109). As such, it is clear that development that creates noise is not unacceptable just because the development creates noise. While the local plan does not include this wording specifically, its NPPF compliancy is predicated on a consideration that, where the NPPF is more specific in its wording, this would take primacy. This proposal involves a noise generating activity, and consideration must therefore be whether the activity would lead to 'significant' or 'unacceptable' harm.
58. The use of the outside space during operating times is particularly likely to give rise to noise impacts, due to the number of children and the behavioural traits of such an age group. As discussed, noise arising from vehicle movements and associated activity relating to the dropping off and collecting of children is also an important consideration. As part of the application, a noise mitigation plan has been submitted in order to seek to reduce the impacts of the proposal on the surrounding residents. This mitigation plan proposes that use of the outside space would be restricted outside of the hours of 9am to 5.30pm. Noting that the majority of nearby residents might reasonably be at work during this time officers consider that this goes a substantial way to reducing the adverse impacts that might arise from unhindered access to and use of the external space.
59. In addition, the application also includes a behaviour management policy that would be adopted for the business. This takes steps to ensure that positive behaviour is promoted and anti-social behaviour would be handled consistently by staff. It is accepted that, despite this, incidents are still likely to occur, though it is not possible to predict frequency of occurrence. In considering the proposal, officers consider that there would be a noise impact on the occupants of the nearby properties and the mitigation measures proposed are considered by officers to do much to reduce these impacts.
60. In addition, noise is likely to be generated by the movement of vehicles from people using the site, and from the increased vehicle movements along the road. The travel plan includes details of predicted numbers of drop offs, which indicate that the majority of activity would be between 8am and 9am. That said, some modest amount of car sharing is likely to occur, and staff whose children also attend the site would also reduce the overall level of vehicle movements that would occur in this area.

61. The movement of vehicles, however, is highly unlikely to occur in one cohesive swoop, that is, 42 cars would not appear immediately at 7am. The travel plan provides an indication as to likely times of drop-off, with the greatest concentration between 8am and 9am. Even during this time, there would be some stagger of drop-off times, as parents or guardians would not all need to be at the site immediately at 8am, given the reasonable assumption of different travel distances to work or elsewhere. It is also unlikely that cars would be remaining in situ for any length of time as parents or guardians would have elsewhere to be. This would further reduce any build-up of vehicles that could occur from a large proportion of users appearing at the same time. It is considered that the impacts of noise arising from vehicle movement would not give rise to significant adverse impacts to amenity at a level that would withstand the scrutiny of an appeal.

62. Officers consider that there would be some adverse impact to amenity of neighbouring property. The proposal incorporates mitigation measures as discussed above which would seek to reduce the impacts on, particularly, the neighbouring property. It is considered, therefore, that the harm that arises from the development would not be significant or unacceptable.

Cumulative Impacts

63. As noted above, the neighbouring bakery is currently subject to an application to extend the working hours. The combination of extending the operating hours and the proposed use of the site for a nursery has potential to compound adverse impacts to amenity. Individually, these two applications have been considered acceptable, and there is no direct convergence, as the extension to the opening hours of the bakery does not overlap with the time the nursery would be open. It is considered that the proposals, taken cumulatively, would not be materially worse than taken separately.

The Planning Balance

64. In determining this application, there is a fine balance to each of the considerations involved. Due to the provisions of the GPDO it is considered that more weight should be given to matters of noise, land contamination and highway safety, as well as those points of the NPPF relevant to those matters. With this in mind, the weight afforded to the policies of the local plan is considered to be consequentially reduced.

65. Matters of land contamination are considered to have been satisfactorily allayed, but issues of noise are finely balanced. Matters of noise are subjective in their consideration and have been extensively discussed above. While there are outstanding matters to be considered with respect to highways, officers considered that drop-off area and cycle storage could reasonably be accommodated within the site. The NPPF indicates that the stance for development should be positive and, unless material considerations indicate otherwise, proposals should be approved.

Conclusion

66. In conclusion, it is considered that, given the supportive stance of the NPPF, the presumption in favour of sustainable development and the mitigation measures proposed, the benefits of the scheme marginally outweigh the harm that would arise from the proposal, particularly in considering the long-term benefits in the context of the increased development that is likely to come forward in the wider area.

Recommendation:

It is **RECOMMENDED** that the subject to the satisfaction of the Highway Authority on the points outlined above, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

Reference No:	Plan Type	Date Received
(-)	Application form	06.07.2016
(-)	Biodiversity report	06.07.2016
(-)	Land Contamination Questionnaire	13.07.2016
(-)	Existing Floor Plans	27.06.2016
(-)	Land Contamination Assessment	30.08.2016
(-)	Proposed Floor Plans	10.08.2016
(-)	Environmental Report	06.07.2016
(-)	Planning Statement	06.07.2016
(-)	Planning Statement	06.07.2016
(-)	Acoustic Report	14.10.2016
(-)	Parking Layout	14.10.2016

3. Notwithstanding the details submitted within this application, prior to the commencement of the use hereby permitted a scheme shall be submitted and approved by the local authority that details the boundary treatments to be erected. Such a scheme shall include details of the materials, siting and design of the boundary treatments and any details of species and size of any planting that might be included. The scheme shall be implemented in its entirety prior to the use commencing and shall thereafter be

retained in its approved form.

Reason: To minimise the impacts of noise on the neighbouring dwellings

4. The outside space shall only be used by children between the hours of 9:00am and 5:30pm.

Reason: To minimise the impact of noise on the surrounding

5. The premises shall not be open for customers outside the following hours:

7:30 – 18:00 Monday - Friday

The premises shall not be open at any time on Saturdays, Sundays or Bank or Public Holidays.

Reason: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality.

6. Notwithstanding the information previously submitted, prior to the use commencing, an external layout plan shall be submitted at a scale of not more than 1:200. Such a plan shall include details of the activity levels and use of the space across the garden area and any planting not forming part of Condition 3. This plan shall be implemented and thereafter retained in its approved form.

Reason: To minimise the impacts of noise on the neighbouring dwellings.

7. Other reasonable conditions recommended by the Highway Authority.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O9TZ2EPDI3R00>

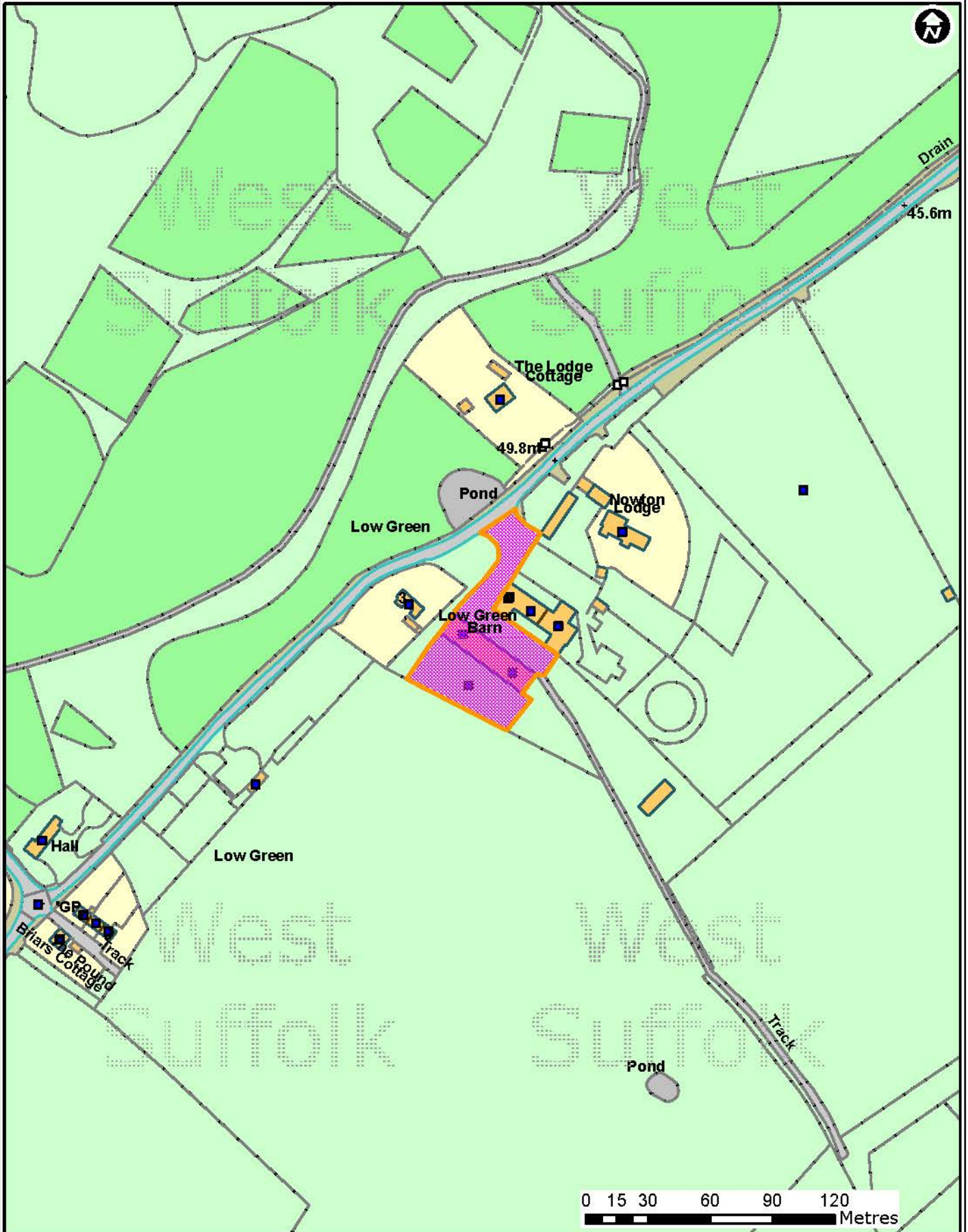
Case Officer: Aaron Sands

Date: 15 December 2016

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DC/16/1451/FUL

Low Green Barn



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Registry Plan
1:200 - Floor Plans
1:500 - Site Plan
1:1250 - Location Plan



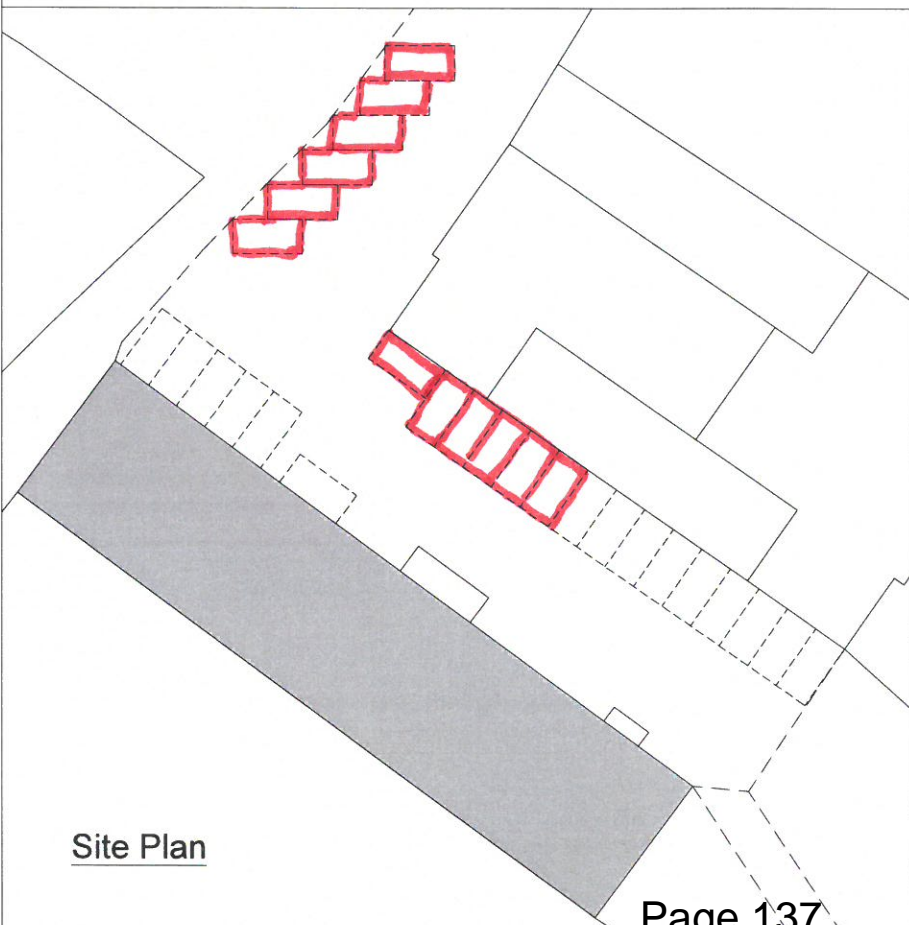
Nowton Business Centre,
Low Green, Nowton,
Bury St Edmunds,
Suffolk. IP29 5ND.

Location Plan



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Site Plan



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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee Report 5 January 2017

Planning Applications:

DC/16/2492/VAR

DC/16/2493/VAR and DC/16/2494/VAR

Lark's Pool Farm, Mill Road, Fornham St. Genevieve

Date: 10 November **Expiry Date:** 5 January 2017
Registered: 2016

Case Officer: Ed Fosker **Recommendations:** Approve

Parish: Fornham St. **Ward:** Fornham
Martin cum St.
Genevieve

Proposal:

DC/16/2492/VAR - Planning Application - Variation of condition 2 of DC/15/1753/FUL Retention of modification and change of use of former agricultural building to storage (Class B8) to enable amendment to opening hours, as amended by revised wording in planning statement 9.11.2016 (Building C);

DC/16/2493/VAR – Planning Application - Variation of condition 2 of DC/15/1754/FUL Retention of modification and change of use of former agricultural building to storage (Class B8) to enable amendment to opening hours, as amended by revised wording in planning statement 9.11.2016 (Building D) ; and

DC/16/2494/VAR - Planning Application - Variation of condition 2 of DC/15/1759/FUL Retention of change of use of former agricultural land to use for open storage (Class B8) for caravans

and motorhomes, (10 max), horseboxes (5 max) and containers (20 max) to enable amendment to opening hours (Area H).

Site: Lark's Pool Farm, Mill Road, Fornham St Genevieve IP28 6LP

Applicant: C J Volkert Ltd

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

CONTACT CASE OFFICER: Ed Fosker
Email: Edward.fosker@westsuffolk.gov.uk
Telephone: 01638 719431

Background:

These applications are presented to the Committee as they relate to locally contentious applications that were originally considered by Members in March, May and October 2016. In this scenario therefore, and noting the Parish Council objection to all three applications, the proposals have not been submitted to the Delegation Panel and they are presented directly to the Development Control Committee for consideration.

The applications are all recommended for APPROVAL.

Proposal:

1. Planning permission is sought to vary the hours of opening / operation associated with each of the three proposals. DC/16/2492/VAR relates to building C, DC/16/2493/VAR to building D, and DC/16/2494/VAR relates to the open storage at area H. Buildings C and D are the small scale 'lock up' type storage within the former piggery buildings in the centre of the site.
2. In relation to DC/16/2492/VAR, DC/16/2493/VAR and DC/16/2494/VAR this seeks to vary conditions two of DC/15/1753/FUL, DC/15/1754/FUL and DC/15/1759/FUL respectively. Condition two on these applications is identical and presently reads as follows –

There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times –

*07.00 - 18.00; Monday - Friday
08.00 - 13.00; Saturdays*

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times nor at any time on Sundays, Bank or Public Holidays.

3. The proposals seek to vary these conditions to the following wording –

There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times –

*07.00 - 19.00; Monday – Friday
08.00 - 16.00; Saturdays*

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times.

Site Details:

4. The site known as Larkspool Farm is located in Fornham St Genevieve (Countryside) on the northern side of Mill Road and comprises a series of commercial buildings and open storage uses located on a former pig farm. The applicant operates a haulage firm from the site, with a number of lock up garages, offices and workshops within converted former livestock sheds. An area of woodland protected by Tree Preservation Order exists to the east along Mill Road, with a large pond within the woodland.
5. Larks Pool Farm house is located to the western side of the site and is occupied by the applicant family. Beyond this, and the second closest dwelling to the application site is Oak Lodge, which is approximately 100 metres as the crow flies to the nearest on site building. The dwelling known as 'Kingsbury Hill Wood' is located on the southern side of Mill Road approximately 100m away to the east. 'The Lighthouse' is located approximately 140m to the north of the site and located on West Stow Road.

Planning History:

6. Three applications to vary the hours of opening / operation associated with building C, building D, and the open storage at area H were refused at the October Development Control Committee. The reason for refusal of all applications being:

Policy DM2 of the Joint Development Management Policies Local Plan requires that proposals for all development should, as appropriate, not affect adversely the amenities of adjacent areas, not least by reason of volume or type of vehicular activity generated. The application to vary condition 2 of DC/15/1753/54/59/FUL by extending the hours of access to Building C by three hours in the evening (to 21.00) Monday to Friday, five hours (to 18.00) on a Saturday and an additional ten hours (08.00 - 18.00) on Sundays and Public Holidays would give rise to a adverse impact on the amenity currently enjoyed by users of the adjacent Lark Valley Path. The presence of vehicles serving these uses, and associated on site activities, at times when pedestrians and other path users might otherwise reasonably expect to be enjoying the tranquillity of the nearby footpath route is considered to adversely affect the enjoyment of users of the recreational route. This impact is exacerbated significantly by the fact that the extended hours sought are at precisely the times when recreational demand for the footpath will be at its highest.

As such, this proposal is considered to conflict with the provisions of Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February (2015) and the National Planning Policy Framework which seek to create a high quality environment and at Para. 17 which seeks to protect amenity.

7. The site has some formal planning application history including the seven planning applications approved at the May Development Control Committee. There are also presently two certificate of lawfulness applications under consideration in relations to Buildings A and G as well as formal discharge of condition applications with the Authority in relation to the previous approvals.
8. The site also has an extensive enforcement history including investigations into the haulage business which concluded in 2001 when considering that said business was lawful at that time due to the length of time that it had existed. There are also ongoing enforcement investigations into a number of present unauthorised uses.

Consultations:

9. Highway Authority: All three applications - Do not wish to restrict the granting of planning permission.
10. Public Health and Housing: All three applications – there are no noise sensitive receptors close by which may be affected by this application. Therefore Public Health and Housing have no objection.
11. Ramblers' Association: No comments received at the time of the publication of this report. Any comments received will be updated verbally.
12. Rights of Way: The applications affect the no through U6235 which connects to Fornham St Genevieve Public Footpath No 1. The two routes combined accommodate the Lark Valley Path, a promoted long distance trail from Bury St. Edmunds to Mildenhall. This is a very popular route and well used at weekends and evenings during the summer months. The proposed increase in operating hours will cause increased traffic along this quiet stretch of road conflicting with pedestrians accessing the route. Also cyclists and horse riders gaining access through to Hengrave.

Representations:

13. Fornham St Martin cum St Genevieve Parish Council: Objects to all three applications – This proposal is considered to conflict with the provisions of Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February (2015) and the National Planning Policy Framework which seeks to create a high quality environment and at Para. 17 which seeks to protect amenity.
 - The Parish Council has made its feelings and opinions very clear over a long period regarding the Larkspool development by stealth, and we were encouraged by the Development Committee's original decision on 4th May 2016 to apply reasonable conditions regarding operational hours.

- The Parish Council endorse and commend the Development Committee's refusal on 3rd November 2016 of three earlier applications to vary and extend operating hours into weekday evenings and weekends, due to adverse impact on the amenity currently enjoyed by users of the adjacent recreational footpath route.
- The Parish Council would therefore be very disappointed if the Development Committee reversed their decisions of 4th May and 3rd November regarding operational hours, to the detriment of local residential amenity and recreational use of the Lark Valley Path and St Edmund Way long distance footpath.
- The Parish Council would further note that any extension of operating hours into weekday evenings, Saturday afternoons or Saturday evenings will have an increased adverse impact on both the amenity of footpath users and residential properties in the locality at precisely the times when recreational demand for the footpath and for peaceable enjoyment of residential property and garden land will be at its highest.
- The Parish Council notes that the applicant has proposed a condition "To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality". We would therefore ask that the Development Committee not only retain the condition attached to the three variations determined on 3rd November but also now:
 - a) reiterate the "reason" for refusal in the decision notices dated 10th November
 - b) amend the "reason" by addition of wording to include reference to "St Edmund Way long distance route" and to "protect the amenities of occupiers of properties in the locality" (as proposed by the applicant)
 - c) confirm that the amended reason for refusal is now attached as a reason to operating hours Condition 2 of the consents issued on 7th June 2016 (as proposed by the applicant).

14. Culford, West Stow and Wordwell Parish Council: No comments received at the time of the publication of this report.

15. Representations: One letter of objection have been received to all three applications from the occupier of Kingsbury Hill, this raises the following summarised comments –

- Root consent Decision Notices were issued 7th June 2016 and previous operating hours extension refusal Decision Notices were issued 10th November 2016
- The applicant is anticipating that by removing Sunday/Public Holiday/Bank Holiday this will be sufficient to sway officers and committee members.

- However the strong points previously made by SCC Rights of Way, Ramblers and Parish Council still prevail, with harm to public amenity outweighing any minor convenience to the applicant.
- Statutory and other objectors previously highlighted increased traffic movements, nuisance, conflict and safety issues caused by vehicular activity at peak recreational use times (evenings, Saturday) which remains very relevant.
- The applicant agent highlights adverse impact to residential amenity and asks for this aspect to be included as a "reason" for condition 2 of the 7 consented uses. However, the applicant makes no reference to impact of vehicular activity on recreational users of the footpath, which Development Committee members previously decided was a main "reason" for their refusal to extend operating hours.
- Development at this site has been by unauthorised change from occasional agriculture activity to intensive commercial use, necessitating issue of a PCN 11th July 2014.
- DCC members have already been generous by offering retrospective consent, but also have required reasonable conditions which are intended to mitigate nuisance to enjoyment of amenity by footpath users and residents caused by uses, activities and traffic generated at or from this site.
- Any extension to operating hours into antisocial hours would lead to an unreasonable increase in adverse impacts already being caused by this development in the open countryside and special landscape area.
- The 3 re-submitted operating hours variation applications should again be refused, with the reason for refusal mirroring the reason attached to 10th November refusal notices, but now with the added references to residential amenity and to St Edmund Way long distance footpath.
- The transport statement October 2015 issued by Transport Planning Consultants of Harold Wood Essex which evidences significant adverse impact on public and private amenity following TPC analysis of 3 weeks 24/7 video data in Mill Road April 20th to May 12th with up to 212 daily movements.

Policy: The following policies of the Forest Heath and St Edmundsbury Joint Development Management Document February 2015, the St Edmundsbury Core Strategy December 2010 and the National Planning Policy Framework 2012 have been taken into account in the consideration of this application:

16. St Edmundsbury Core Strategy December 2010

- Policy CS3 – Sustainable development

17. Forest Heath and St Edmundsbury Joint Development Management Document February 2015

- DM1 Presumption in favour of sustainable development
- DM2 Creating Places – Development Principles and Local Distinctiveness

Other Planning Policy:

18. National Planning Policy Framework (2012)

Officer Comment:

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

- The conditions for which these amendments are sought were imposed in the interests of amenity so this is the principal matter for consideration.

Amenity Impacts

20. The agent has sought to address the previous reason for refusal by reducing the additional hours requested to one additional hour a day on Monday to Friday until 19.00, and three hours extra until 16.00 on Saturday. No use is now sought on Sundays or Bank Holidays.

21. The relevant conditions on all three applications were imposed in the interests of amenity so this is the principal matter for consideration. It is noted that Public Health and Housing have no objection to the additional one hour a day that is sought on Monday to Friday, or in relation to the additional three hours until 16.00 on Saturday. Public Health and Housing also conclude that there are no noise sensitive receptors close by which may be affected by this application.

22. The applicant suggests that the storage units now consented are low-key and their use infrequent. What is significant, in the opinion of the applicant, is that those who use the storage are able to do so at a time which gives them greater flexibility but which is not unreasonable in terms of any impacts, either upon amenity, highway safety or upon the amenity enjoyment of nearby rights of way. The applicant argues that storage users typically work conventional hours elsewhere and will often have a need to access their stored items outside the hours specified in the condition. Consequently, the applicant considers that condition 2 as approved is unduly prohibitive and unnecessarily restrictive.

23. The proposals seek to allow access to the storage units until 19:00 during the week, instead of the 18:00 cut off hour in the consented scheme. No change is sought to the AM hours. There is currently only provision for access between 08.00 and 13.00 on Saturdays. These proposals seek extended access on Saturdays until 16.00.

24. Buildings C and D are small scale single storey 'lock up' style units. They are of a size typical for domestic use that might typically be served by a

domestic vehicle and trailer or a van, although the prospect of some commercial use could not be controlled and should not therefore be discounted. They are located within the centre of the site approximately 120 metres from Oak Lodge, which is the nearest off site dwelling, albeit closer to the applicant owned property at Larkspool farm house. Area H is located to the north of the site, screened by fencing to the north, and accessed through the site from the south. The nearest dwelling to the north is Little Farm which is approximately 150 metres away. Area H is used to the storage / parking of larger vehicles which might generate more noise than perhaps a domestic vehicle would, but the hours sought are considered to be within the bounds of reasonableness.

25. Within the context of this site therefore, noting the wider extent of uses, noting the separation distances to off site dwellings, and noting the generally low key nature of these storages uses, it is not considered that the extension of the hours would give rise to amenity impacts that would otherwise be prejudicial to residential amenity. Whilst there may be impacts arising throughout a greater period of the day, for example vehicular movements to and off the site during these extended hours, these impacts are considered modest, and in accord with the provisions of DM2 that seek to protect residential amenity.
26. Third party comments made in relation to this proposal are summarised above. These comments are noted and respected. In assessing this point the modest scale of the units and open storage, and the fact that the hours sought remain wholly within the bounds of reasonableness, leads to a conclusion that any amenity impacts are not sufficient to justify the withholding of planning consent. The Parish Council express disappointment if the hours of use were relaxed to the detriment of the amenities of nearby dwellings. Given the distances of separation with third party owned property Officers do not consider that there would be any material adverse impact on residential amenity currently enjoyed, and certainly not to an extent that would withstand the scrutiny of an appeal. None of the proposed hours sought would have impacts judged likely to materially and adversely affect amenity at hours that were so antisocial so as to justify a refusal, not least given the low key nature of the storage sought and the fact that it is not considered that the proposal will lead to any material increase in vehicular numbers, rather that it will spread these movements out over a greater period of time.
27. Rights of Way Officer raised concern with regard to an increase in traffic conflicting with users of the Lark Valley path on evenings and weekends. The Ramblers Association also raised the same concern when the previous applications were brought before the Development Control Committee previously the
28. The view of the Rights of Way Officer and the Ramblers is respected, and must be given due consideration. The presence of vehicles serving these uses at times when pedestrians might otherwise expect to be enjoying the tranquillity of the nearby footpath route has the potential to adversely affect the enjoyment of users of the recreational route, and this was the reason offered in refusing the previously considered variation of hours

condition applications. This fact must therefore be taken as weighing against the scheme, particularly noting the extended hour into weekday evenings and increase on Saturday afternoons when leisure use of the footpaths is likely to be at its highest, and also noting that the existing consent does not allow such access at these times.

29. However, the view of Officers, on balance, is that any such impact is not considered sufficient to justify a refusal of the scheme. The extended hours are not considered to lead to any material increase in vehicular movements, and the storage uses in question are located within the site, rather than around the periphery. The footpath is a modest section of a much longer long distance route and in this context any adverse effects upon amenity of users of the footpath will consequentially be limited as a result.

30. It is considered that there is no indication that these extended hours would lead to an increase in vehicular movements, rather that they would be more sporadic as a result of the flexibility allowed by longer hours. The effect upon the safety of the highway network can therefore reasonably be judged acceptable.

Other Issues

31. There are no other changes to the applications proposed. Accordingly, whether the lettings and storage are private or commercial, or a mixture of both, is not a consideration, as it was not previously. It is not considered that the revised hours give rise to the need to reconsider drainage or biodiversity or any other matters.

32. These applications seek to vary conditions and, in planning law, are therefore separate approvals in themselves. As well as amending condition two as so requested it will be necessary to include the original conditions as before, amended as necessary to reflect updated timescales. Officers are satisfied that the enforcement of any revised hours conditions will be no more or less difficult that it would be under the existing consent.

33. Conditions 5, 6, 8, 11 & 12 of DC/15/1753/FUL, DC/15/1754/FUL & DC/15/1759/FUL are currently under consideration by the Local Planning Authority (*in italics for ease of reference*). Accordingly, as these details are agreed, or not, as the case may be, these conditions will be amended accordingly to reflect any agreed details.

Conditions

34. For ease of reference the conditions for DC/16/2492/VAR DC/16/2493/VAR and DC/16/2494/VAR are laid out below in full:

DC/16/2492/VAR

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

- 2 There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times -

07.00 - 21.00; Monday - Friday

08.00 - 16.00; Saturdays

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) the site and buildings thereon shall be used for storage only; and for no other purpose (including any other use in Class B8; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To safeguard the amenities of the locality.

- 4 Details of any existing and proposed external lights at or to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their provision on site. (See Note 1). No fixed external lighting other than any approved through his condition shall be used on site.

Reason: To prevent light pollution in the interests of residential and visual amenity, and in the interests of biodiversity.

- 5 *Details of otter fencing and wildlife reflectors to be provided on site as per the submitted ecological report shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of three months from the date that written approval is given, or in accordance with any other timescales as may be agreed in writing by the Local Planning*

Authority. The otter fencing and wildlife reflectors shall thereafter be retained as installed.

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 6 *Details of bat and bird boxes to be provided on site shall be submitted in writing to the Local Planning Authority within three months of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be retained as installed. (please see Note Two below).*

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 7 Notwithstanding the details shown on the submitted landscaping plan (Drawing Number LSDP 11214.01 which is not hereby approved) a soft landscaping scheme for the areas within the red and blue lines shall be submitted to the Local Planning Authority in writing within three months of the date of this decision. This scheme, drawn to a scale of not less than 1:200, shall include accurate indications of the position, species, girth, canopy spread and height of all existing and proposed trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection. Any scheme as may be submitted shall have regard to the provisions set out within Note Three below.

The approved scheme shall be implemented in its entirety within the first full planting season (October - March inclusive) following the date on which written approval to any scheme is given by the Local Planning Authority.

Any retained or new trees removed, dying or becoming seriously damaged or diseased within five years of either approval of the landscaping scheme or the date of planting (as may be relevant, and whichever is the later) shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

- 8 *Details of boundary treatments to the protected woodland area to the east of the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local*

Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The boundary treatments to the protected woodland area shall thereafter be retained as installed. (please see Note Four below).

Reason: To enhance the appearance of the development.

- 9 The development hereby permitted shall be accessed from Mill Road through the access on the red line plan submitted with the application. There shall be no access from Mill Road through any other access.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner in the interests of road safety.

- 10 A scheme for the storage of refuse and the provision of recycling facilities shall be submitted in writing to the Local Planning Authority within three months of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be retained as installed.

Reason: To ensure the incorporation of waste storage and recycling arrangements.

- 11 *A scheme for the provision and implementation of surface water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of surface water drainage shall thereafter be retained as installed.*

Reason: To ensure a satisfactory method of surface water drainage.

- 12 *A scheme for the provision and implementation of foul water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The*

scheme for the provision and implementation of foul water drainage shall thereafter be retained as installed.

Reason: To ensure a satisfactory method of foul water drainage.

- 13 No vehicle over 3.5 tonnes (gross vehicle weight) shall be stationed, parked or stored on this site.

Reason: In the interests of residential and visual amenity.

- 14 No goods, plant, material (including waste material) or other items shall be deposited, displayed or stored outside the building without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the locality.

DC/16/2493/VAR

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission

- 2 There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times -

07.00 - 21.00; Monday - Friday
08.00 - 16.00; Saturdays

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) the site and buildings thereon shall be used for storage only; and for no other purpose (including any other use in Class B8; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To safeguard the amenities of the locality.

- 4 Details of any existing and proposed external lights at or to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their provision on site. (See Note 1). No fixed external lighting other than any approved through his condition shall be used on site.

Reason: To prevent light pollution in the interests of residential and visual amenity, and in the interests of biodiversity.

- 5 *Details of otter fencing and wildlife reflectors to be provided on site as per the submitted ecological report shall be submitted in writing to the Local Planning Authority within three months of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales as may be agreed in writing by the Local Planning Authority. The otter fencing and wildlife reflectors shall thereafter be retained as installed.*

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 6 *Details of bat and bird boxes to be provided on site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be retained as installed. (please see Note Two below).*

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 7 Notwithstanding the details shown on the submitted landscaping plan (Drawing Number LSDP 11214.01 which is not hereby approved) a soft landscaping scheme for the areas within the red and blue lines shall be submitted to the Local Planning Authority in writing within one month of the date of this decision. This scheme, drawn to a scale of not less than 1:200, shall include accurate indications of the position, species, girth, canopy spread and height of all existing and proposed trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection. Any scheme as may be submitted shall have regard to the provisions set out within Note Three below.

The approved scheme shall be implemented in its entirety within the first full planting season (October - March inclusive) following the date on which written approval to any scheme is given by the Local Planning Authority.

Any retained or new trees removed, dying or becoming seriously damaged or diseased within five years of either approval of the landscaping scheme or the date of planting (as may be relevant,

and whichever is the later) shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

- 8 *Details of boundary treatments to the protected woodland area to the east of the site shall be submitted in writing to the Local Planning Authority within three months of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The boundary treatments to the protected woodland area shall thereafter be retained as installed. (please see Note Four below).*

Reason: To enhance the appearance of the development.

- 9 The development hereby permitted shall be accessed from Mill Road through the access on the red line plan submitted with the application. There shall be no access from Mill Road through any other access.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner in the interests of road safety.

- 10 A scheme for the storage of refuse and the provision of recycling facilities shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be retained as installed.

Reason: To ensure the incorporation of waste storage and recycling arrangements.

- 11 *A scheme for the provision and implementation of surface water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of surface water drainage shall thereafter be retained as installed.*

Reason: To ensure a satisfactory method of surface water drainage.

- 12 *A scheme for the provision and implementation of foul water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of foul water drainage shall thereafter be retained as installed.*

Reason: To ensure a satisfactory method of foul water drainage.

- 13 No vehicle over 3.5 tonnes (gross vehicle weight) shall be stationed, parked or stored on this site.

Reason: In the interests of residential and visual amenity.

- 14 No goods, plant, material (including waste material) or other items shall be deposited, displayed or stored outside the building without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the locality.

DC/16/2494/VAR

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

- 2 There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times -

07.00 - 21.00; Monday - Friday

08.00 - 16.00; Saturdays

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) the site shall be used for open storage only in accordance with Condition 10; and for no other purpose (including any other use in Class B8; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To safeguard the amenities of the locality.

- 4 Details of any existing and proposed external lights at or to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their provision on site. (See Note 1). No fixed external lighting other than any approved through his condition shall be used on site.

Reason: To prevent light pollution in the interests of residential and visual amenity, and in the interests of biodiversity.

- 5 *Details of otter fencing and wildlife reflectors to be provided on site as per the submitted ecological report shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales as may be agreed in writing by the Local Planning Authority. The otter fencing and wildlife reflectors shall thereafter be retained as installed.*

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 6 *Details of bat and bird boxes to be provided on site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be retained as installed. (please see Note Two below).*

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 7 Notwithstanding the details shown on the submitted landscaping plan (Drawing Number LSDP 11214.01 which is not hereby approved) a soft landscaping scheme for the areas within the red and blue lines shall be submitted to the Local Planning Authority in writing within one month of the date of this decision. This scheme, drawn to a scale of not less than 1:200, shall include accurate indications of the position, species, girth, canopy spread and height of all existing and proposed trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection. Any scheme as may be submitted shall have regard to the provisions set out within Note Three below.

The approved scheme shall be implemented in its entirety within the first full planting season (October - March inclusive) following the date on which written approval to any scheme is given by the Local Planning Authority.

Any retained or new trees removed, dying or becoming seriously damaged or diseased within five years of either approval of the landscaping scheme or the date of planting (as may be relevant, and whichever is the later) shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

- 8 *Details of boundary treatments to the protected woodland area to the east of the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The boundary treatments to the protected woodland area shall thereafter be retained as installed. (please see Note Four below).*

Reason: In the interests of protecting the off site protected woodland area.

- 9 The development hereby permitted shall be accessed from Mill Road through the access on the red line plan submitted with the application. There shall be no access from Mill Road through any other access.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner in the interests of road safety.

- 10 The permission hereby granted shall be for a maximum of 20 containers (each container to be a maximum size as follows - length 6100mm, width 2400mm height 2600mm), 10 caravans and / or motorhomes and 5 horseboxes. The containers stored within the site shall only be stored to a single height with no stacking permitted. No other goods, plant or material (including waste material) shall be deposited or displayed within the site without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the locality.

- 11 *A scheme for the storage of refuse and the provision of recycling facilities shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such*

details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be retained as installed.

Reason: To ensure the incorporation of waste storage and recycling arrangements.

- 12 *A scheme for the provision and implementation of surface water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of surface water drainage shall thereafter be retained as installed.*

Reason: To ensure a satisfactory method of surface water drainage.

- 13 No vehicle over 3.5 tonnes (gross vehicle weight) shall be stationed, parked or stored on this site, with the exception of the stored motorhomes and horse boxes.

Reason: In the interests of residential and visual amenity.

Conclusion

35. The applications are therefore considered to comply with policies contained within the Forest Heath and St Edmundsbury Joint Development Management Document February 2015, the St Edmundsbury Core Strategy December 2010 and the National Planning Policy Framework 2012.

Recommendations:

In respect of applications DC/16/2492/VAR, DC/16/2493/VAR and DC/16/2494/VAR it is **RECOMMENDED** that planning permissions be **granted** to vary condition two as per the conditions set out above.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OGF35VPDKS600>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OGF363PDKS800>

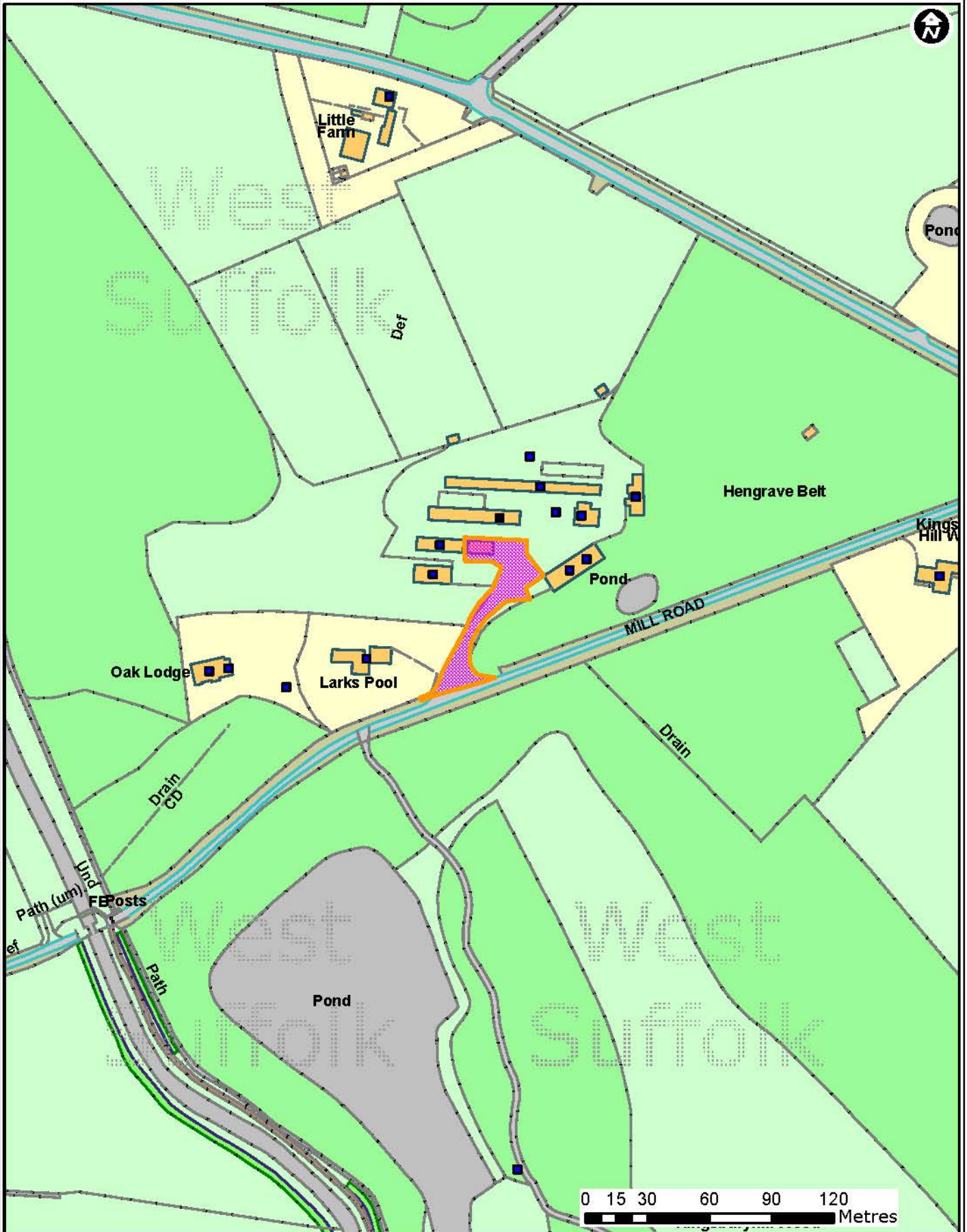
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OGF367PDKSA00>

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

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DC/16/2492/VAR



Larkspool Farm, Mill Road, Fornham St Genevieve



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Red line area: 1,365.33m²

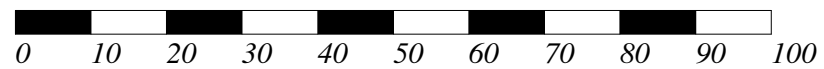
	Site boundary
	Other land owned

Artisan Ref A 3581 (c)
 Building 'C'
 Retention of building and associated
 access for B8 general storage
 Larkspool Farm, Hengrave
 January 2015

SITE PLAN



Scale Bar - Metres



LARKSPOOL FARM, MILL ROAD, HENGRAVE, IP28 6LP
C J Volkert Haulage Ltd.
 Scale 1:1000, A3
3495-12

Revisions:

Patrick Allen Ltd.
 2 Grange Business Centre
 Tommy Flowers Drive
 Grange Farm, Kesgrave
 Ipswich, Suffolk, IP5 2BY

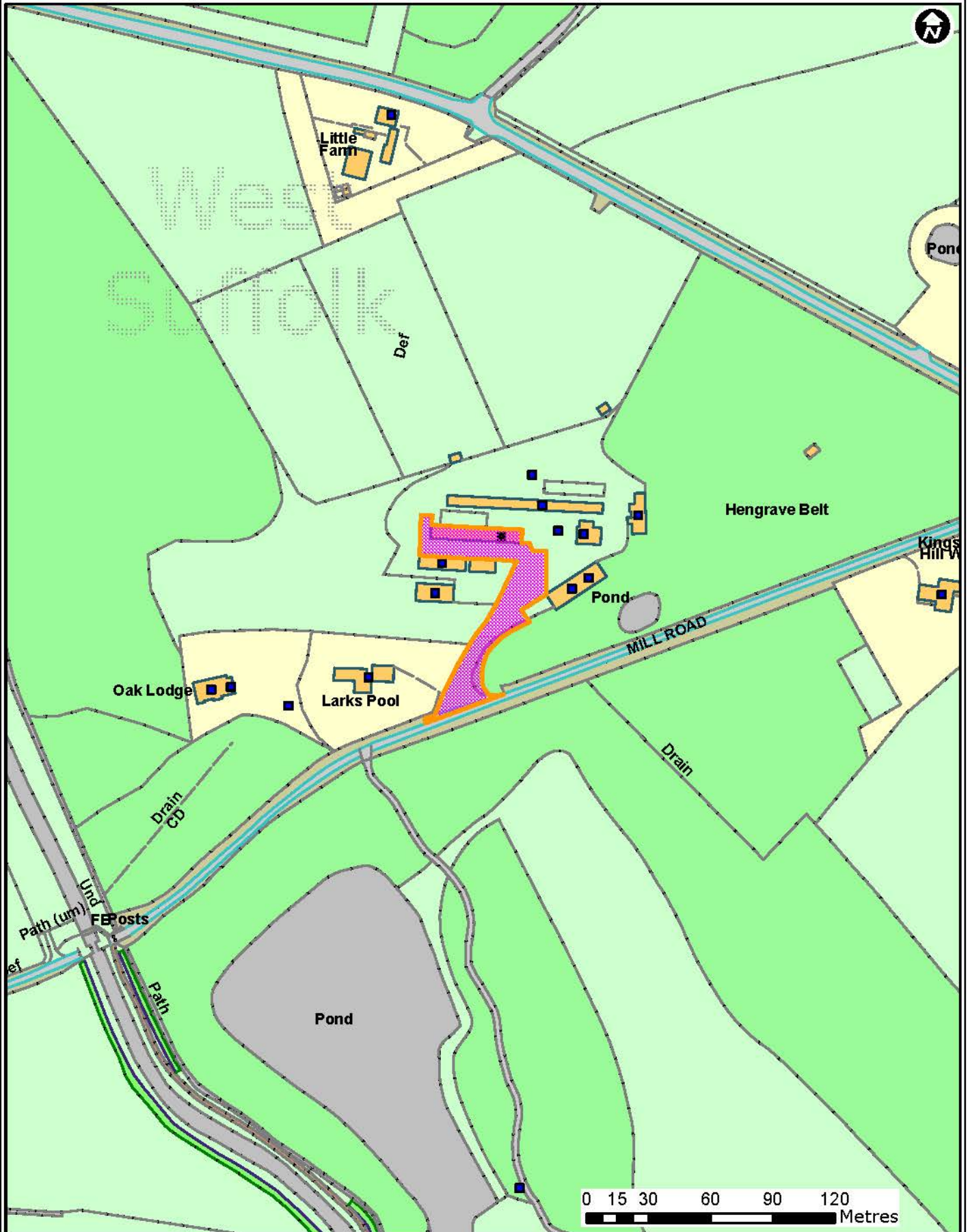
Tel: 01473 620660
 Fax: 01473 620627
 Email: architects@patrickallen.org.uk
 www.patrickallen.org.uk



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DC/16/2493/VAR

Larkspool Farm, Mill Road, Fornham St Genevieve





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Red line area: 2,002.38m²

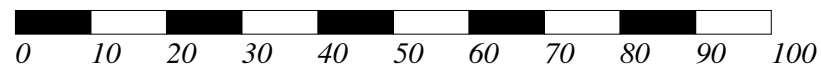
	Site boundary
	Other land owned

Artisan Ref A 3581 (d)
 Building 'D'
 Retention of building and associated
 access for B8 general storage
 Larkspool Farm, Hengrave
 January 2015

SITE PLAN



Scale Bar - Metres



LARKSPOOL FARM, MILL ROAD, HENGRACE, IP28 6LP
C J Volkert Haulage Ltd.
 Scale 1:1000, A3
3495-13

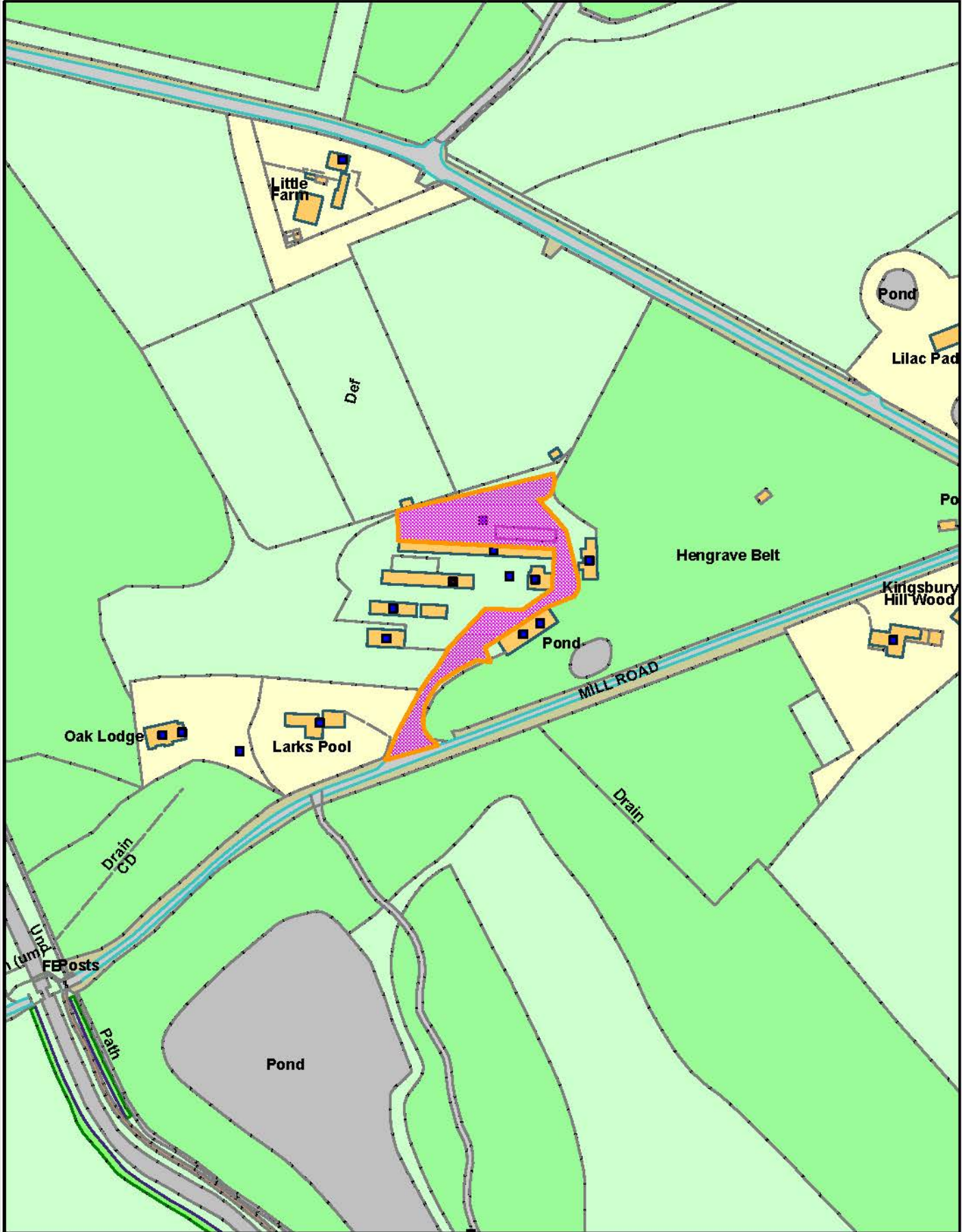
Revisions:

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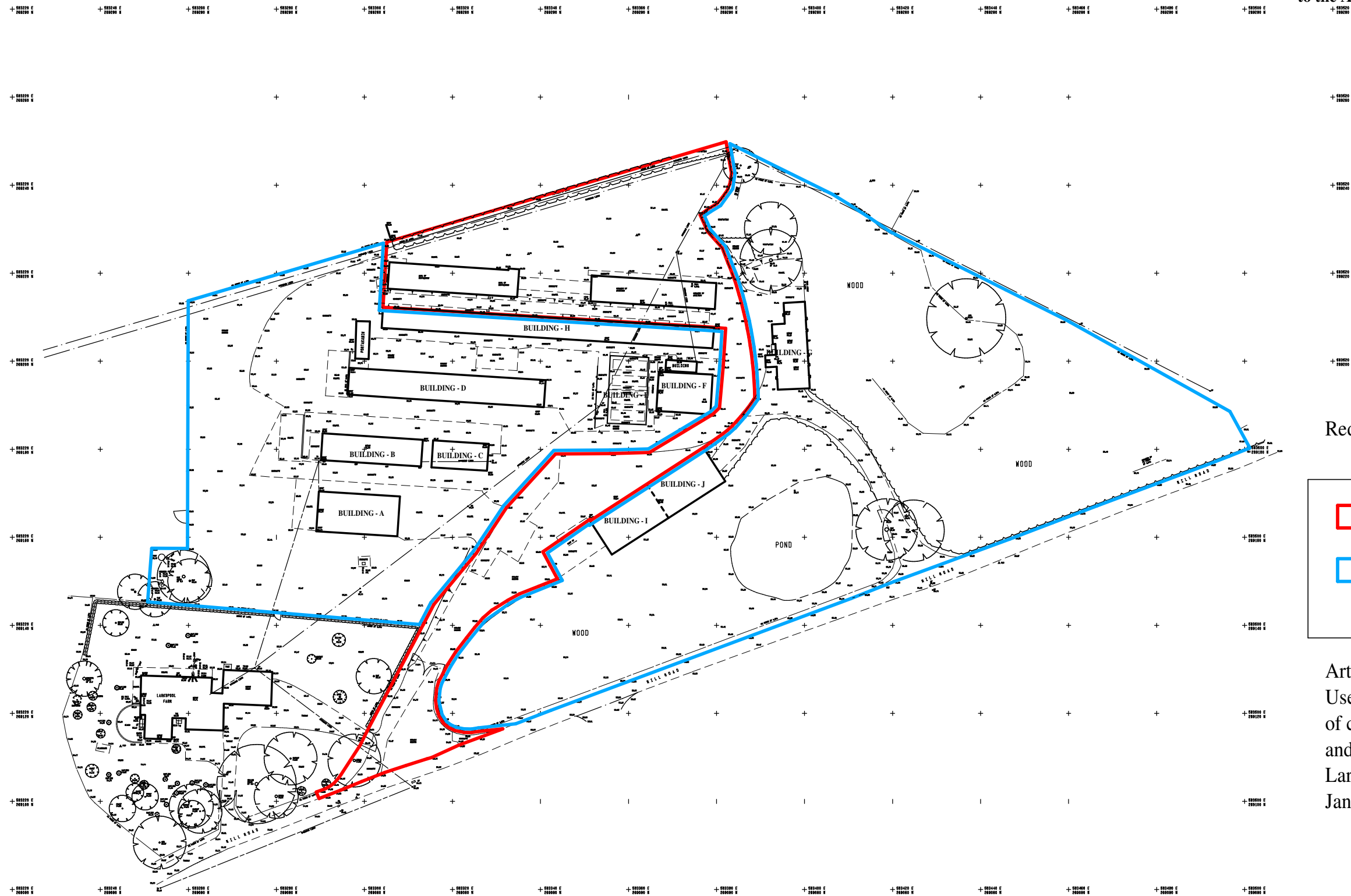


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Do not scale from this drawing . Use only figured dimensions. Any discrepancies should be referred to the Architect immediately.



Red line area: 3,753.55m²

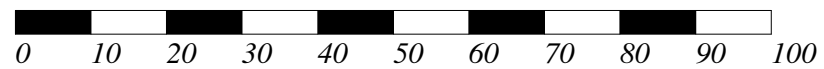
	Site boundary
	Other land owned

Artisan Ref A 3581 (h)
 Use of land for B8 storage
 of containers (20), caravans (10)
 and horse boxes (5)
 Larkspool Farm, Hengrave
 January 2015

SITE PLAN



Scale Bar - Metres



LARKSPOOL FARM, MILL ROAD, HENGRAVE, IP28 6LP
C J Volkert Haulage Ltd.
 Scale 1:1000, A3
3495-17

Revisions:

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/06

Development Control Committee

5 January 2017

Planning Application DC/16/1963/FUL
Ardrella, Freewood Street, Bradfield St George

Date **Expiry Date:** 1 November 2016

Registered: 6 September
2016

Case **Recommendation:** Approve

Officer: Ed Fosker

Parish: Bradfield St. **Ward:** Rougham
George

Proposal: Planning Application - (i) Conversion of outbuilding/garage (approved under SE/12/0053/HH) to form separate dwelling including two storey and single storey extensions; (ii) new vehicular access to serve new dwelling; and (iii) 2 no. detached garages/outbuildings for use for new and existing dwellings

Site: Ardrella, Freewood Street, Bradfield St George

Applicant: Mrs P A Prior

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

CONTACT CASE OFFICER:

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 01638 719431

Background:

This application is presented to the Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel at the request of Councillor Sara Mildmay-White.

It is proposed to undertake a site visit on Tuesday 3 January 2016

Proposal:

1. Planning permission is sought for the conversion of outbuilding/garage (approved under SE/12/0053/HH) to form separate dwelling including two storey and single storey extensions, new vehicular access to serve new dwelling and 2 no. detached garages/out-buildings for use for new and existing dwellings.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Existing and proposed floor plans and elevations
 - Design and access statement
 - Planning Statement
 - Topographic site survey

Site Details:

3. The site is situated in Bradfield St George (Countryside) on the eastern side of Freewood Road. The property know as 'Ardrella' is a large two storey detached property set within a very large plot, with a large garage/outbuilding (which was granted permission under SE/12/0053/HH) located to the southern side. The dwelling is well screened along the front boundary by the mature shrubs and hedging, as are the boundaries, to the northern side is a listed building 'Seaton Cottage' and Broom Hall is located to the southern side.

Planning History:

Reference	Proposal	Status	Decision Date
SE/12/0053/HH	Planning Application - (i) Erection of front porch (ii) double garage and carport (iii) provision of dormer over existing attached garage (iv) erection of chimney to existing house as amended by plans received 5.3.12 omitting the dormer windows from	Approved	14.03.2012

the proposed garage and carport and replacing them with gable end and roof light windows.

Consultations:

4. Highway Authority: (verbal comments from SB & SO) no objection subject to conditions.
5. Conservation Officer: No objection.
6. Environment Team: Based on this submitted information, the service are satisfied that the risk from contaminated land is low, suggest informative.
7. Public Health And Housing: no objection, subject to conditions.
8. Natural England: No comment.

Representations:

9. Parish Council: Parish Council supports this application with the following comments: Councillors query why the garages are so separate from the house - the re-siting of them would ensure the hedge is not removed. If re-sited closer to the north side of the house it would mean only the conifers are removed. This would also reduce the visual aspect from Seaton Cottage. The outbuilding proposed for conversion to the new property does not appear to have been built in accordance with the original planning application (re external staircase).

Neighbours:

10. Two letters of representation have been received.

Occupier of Seaton Cottage: *The garage associated with Ardrella would be best re-sited next to the house rather than as in the plans. If this is done then I will have not further comment to make.*

Occupier of Broom Hall: *As a neighbour to Ardrella, we have no objection to the plans to convert the existing garage. However we are concerned that the new garage associated with the proposed dwelling is quite separate to the proposed new dwelling, and set further away from the highway. It would appear to be designed so that the new garage could be developed into another dwelling using the proposed new access associated with the current planning application. If the proposed new garage remains as sited, then it is inevitable a further planning application will be received which is overdevelopment of the site and contrary to the siting, design and layout of the existing properties on Freewood Street. DM 27 which relates to Housing in the Countryside of the St Edmundsbury Local plan 2015 states either one dwelling or a pair of semi detached dwellings will*

be permitted as infill. Hence it follows that any permission for conversion of the existing garage at Ardella should include as a condition, a reference to DM 27 and therefore include as a condition that no further dwellings will be permitted as further infill.

Policy: The following policies of the Joint Development Management Policies Document 2015 and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

11. Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

12. St Edmundsbury Core Strategy:

- Policy CS1: Spatial Strategy
- Policy CS3: Design Quality and Local Distinctiveness

Other Planning Policy:

13. National Planning Policy Framework (2012)

Core principles

Section 6: Delivering a wide choice of quality homes

Section 7: Requiring good design

14. National Planning Policy Guidance

Officer Comment:

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

- Principle of Development
- Design and Layout
- Residential Amenity
- Highway Safety

Principle of Development

16. The Government's NPPF advises in paragraph 109 that 'the planning system should contribute to and enhance the natural and local environment'. It is therefore important to manage development in the countryside but it is also recognised that some new development will help to support the rural economy, meet local housing needs.

17. Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development. The policy goes on to state that 'a new or extended building will be permitted, in accordance with other policies within this plan, where it is for a small scale residential development of a small undeveloped plot,

in accordance with policy DM27'. This implies that a single dwelling within a DM27 compliant plot will comply with the provisions of DM5 and will, therefore, constitute sustainable development.

18. The site is located within the countryside. Policy DM27 Housing in the Countryside states that "Proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria:
 - a. the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway;
 - b. the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.Permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety".
19. It is proposed to sub-divide the plot and extend the existing outbuilding to create a new dwelling. New triple garages are proposed to the new dwelling and the existing dwelling to provide off street parking, with a new access for the proposed property.
20. The existing gaps between the current dwellings are relatively uniform and currently comprise mature shrubs and hedging, with a modest area of established wooded area in the gap between 'Ardrella' and Broom Hall to the south. This wooded area contributes to the character and distinctiveness of the rural scene and is to be retained with no encroachment by the proposal. Whilst DM27 relates to 'closely knit clusters' the presence and scale of the wooded area is not considered sufficient to reach a conclusion that the development does not clearly meet the spirit of the provisions of Policy DM27 and little or no adverse visual harm is otherwise identified. Furthermore, the importance of the wooded area in the street scene is considered such that the retention of this is considered to outweigh any modest failure otherwise to comply with DM27 arising from the greater degree of separation to the neighbouring dwelling.
21. It can be concluded therefore that the proposal would fit within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway, therefore the principle of residential development is considered acceptable and, in accordance with Policy DM5, it can be considered sustainable.
22. The proposed development also needs to be considered against policies DM2 and DM22 of the Development Management Policies Document which seeks to ensure that new development does not result in the loss of residential or visual amenity and their layout and design respects the established pattern and character of development in the locality.

Design and Layout

23. Development Management Policy DM2 and the NPPF requires development to be produced to a high standard of design. Local policies state that development should recognise and address characteristics and local distinctiveness of an area as well as producing designs that respect the character, scale, density and massing of a locality. However, the NPPF is clear at para. 60 that planning decisions should not attempt to impose architectural styles or particular tastes with, (at para.59) design policies concentrating on guiding overall scale, density, massing, height, landscape, layout, materials and access of new development.
24. The concerns raised by Parish Council relate to the distance separation of the garage associated with Ardrella. These concerns are noted. However it is not considered that a triple garage located 6m to the north western side of the existing property would have any adverse impact on 'Seaton Cottage' which is located some considerable distance away to the north west and screen by the boundary hedging. With regard to any concerns regarding future separation of either of the new garages, these would need to be the subject of planning applications, which would be judged purely on their own merits, however given the relationships with Ardrella and the proposed new dwelling it is unlikely that any applications for separation would be supported.
25. In terms of design, the two storey pitched roofed brick and timber clad building is very similar in appearance to the existing outbuilding which currently occupies the site, whilst this may not mirror the surrounding properties, given the limited views afforded in the existing street scene it is not considered out of character with the surrounding buildings which utilise a mixture of styles and materials.

Residential Amenity:

26. The site is located between residential dwellings; to the north is 'Ardrella' and to the south is Broom Hall, both of these are relatively large two storey properties. There are two small windows which serves an en-suite and bathroom proposed to be located on the north facing roof slope and one small obscure glazed bedroom window to the south facing elevation at first floor level, Given the en-suite and bathroom window are obscure glazed and given that the small bedroom window to the south facing elevation is obscure glazed there is no potential for overlooking from these windows.

Highway safety

27. Whilst concerns were initially raised over the ability to provide a sufficient visibility splay by the Highways Authority, the agent has supplied additional information which indicates that the required distance can be provided and the Highways Authority are now satisfied with this and has raised no objections in this regard subject to the imposition of conditions. Off street parking is provided to the new dwelling and 'Ardrella' itself in the form of detached triple garages.

Conclusion:

28. In considering the application the merits of the proposal must be balanced against any harm arising. In this case, whilst the design is different to the neighbouring properties the surrounding pattern of development is somewhat of a mix, due to its relatively modest nature and generous plot size it is not considered to raise undue concern with regard to scale, parking, amenity space or proximity to boundaries.
29. The proposal would result in one additional dwelling which would contribute to the local housing stock and which is located within reasonable proximity to local services and facilities. On this basis, it is likely that local businesses would benefit from the dwelling, both during the construction process and from future spending, albeit this will be modest. On this basis, the proposal represents social and economic benefits. In terms of environmental benefits, the building itself is considered appropriate in terms of scale and layout in that it will not be dominant or overbearing in the street scene. The dwelling is not considered harmful and on this basis, the benefits from the proposal are considered to outweigh any harm.

Recommendation:

It is **RECOMMENDED** that planning permission be **granted** subject to the following conditions:

1. Development to commence within 3 years
2. Materials as specified
3. In accordance with plans
4. Removal of permitted development rights for extensions, roof alterations, outbuildings.
5. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
6. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 16/75/02; and with an entrance width of 3 metres and made available for use prior to the access first being used. Thereafter the access shall be retained in the specified form.
7. Prior to the new dwelling hereby permitted being first occupied, the new access onto the highway 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.

8. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
9. The use shall not commence until the area(s) within the site shown on Drawing no 16/75/02 Dated 06/09/2016 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
10. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 80 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).
Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

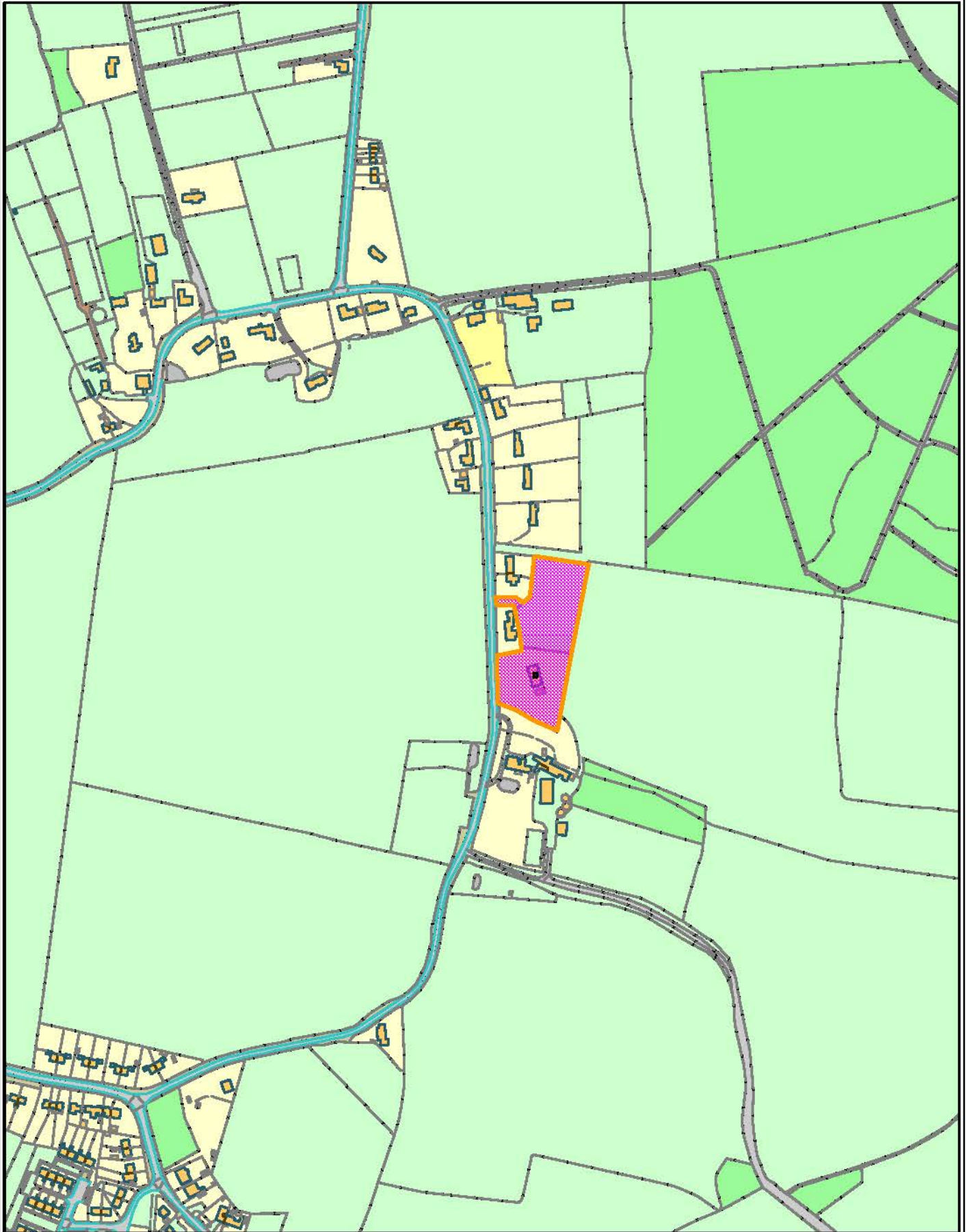
Informative:

1. If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OD6YQGPD05L00>



Forest Heath • St Edmundsbury

West Suffolk
working together

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dean jay pearce
architectural design & planning ltd
2 / 3 Milestone, Hall Street, Long Melford
Sudbury, Suffolk, CO10 9HZ
T: 01787-378797 E: dean.pearce@live.co.uk

Project:
Proposed extension, alteration and change of use of existing ancillary two-storey out-building to form new dwelling; proposed 2 no. single-storey ancillary out-buildings to serve new and existing dwellings, proposed vehicular access to serve new dwelling.

Site Address:
Ardrella, Freewood Street, Bradfield St George,
Bury St Edmunds, Suffolk, IP30 0AY

Applicant:
Mrs P A Prior

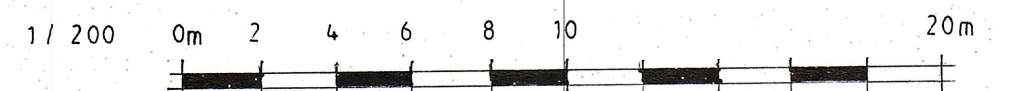
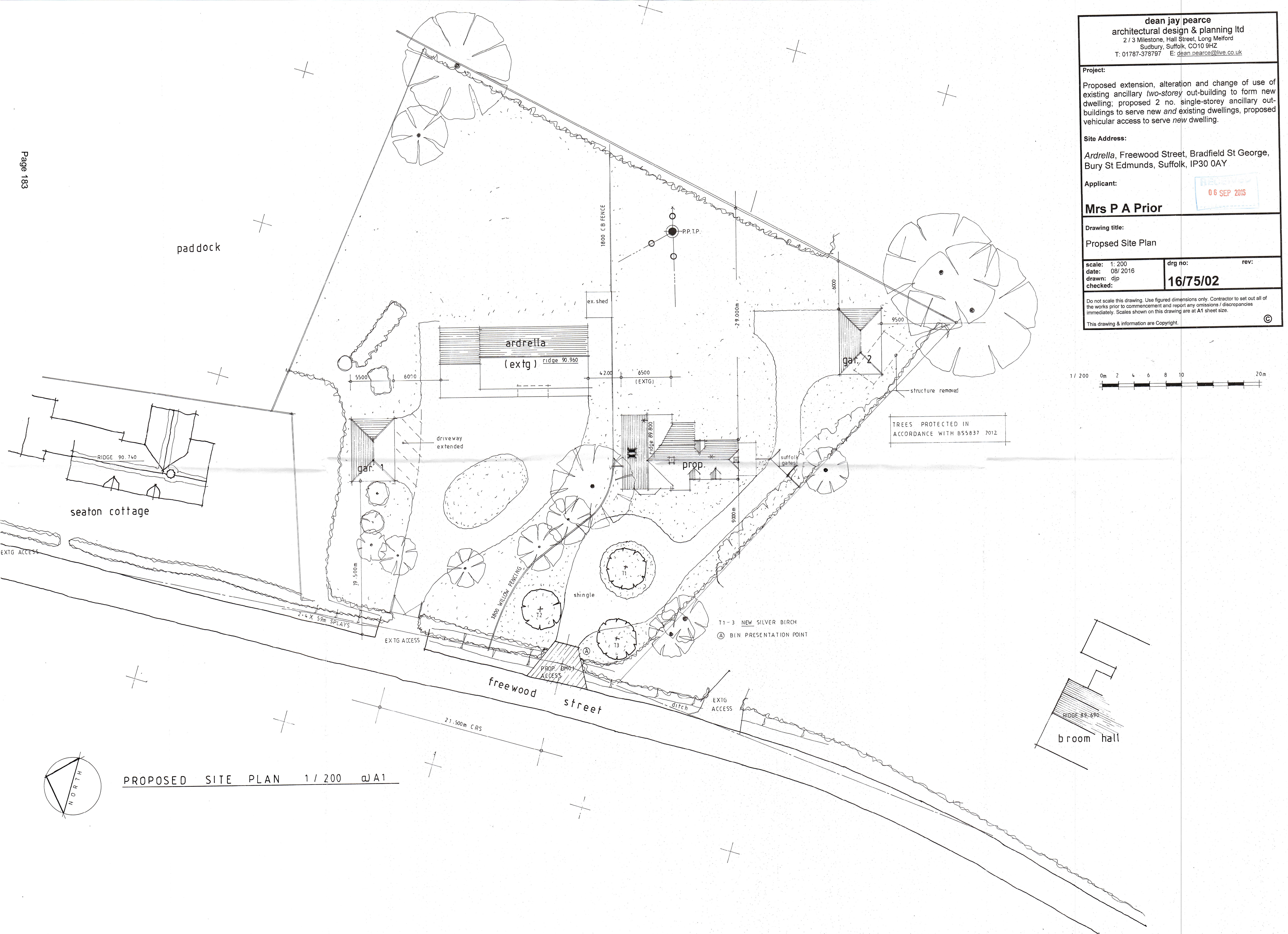


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date: 08/2016
drawn: djp
checked:

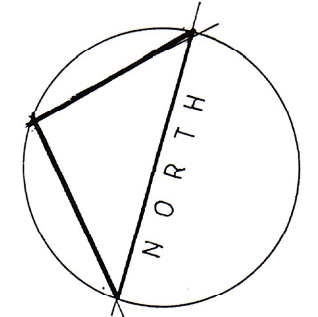
drg no:
16/75/02
rev:

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TREES PROTECTED IN ACCORDANCE WITH BS5837 2012

T1-3 NEW SILVER BIRCH
A BIN PRESENTATION POINT



PROPOSED SITE PLAN 1/200 @A1

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/06

Development Control Committee Report 5 January 2017

**Planning Application: DC/16/2319/FUL
Acorn Lodge, Sandy Lane, Bury St Edmunds**

Date: 14 October 2016 **Expiry Date:** 9 December 2017

Registered:

Case Officer: Ed Fosker **Recommendations:** Approve

Parish: Bury St Edmunds Town **Ward:** Northgate

Proposal: Planning Application - 2 no. dwellings.

Site: Acorn Lodge, Sandy Lane, Bury St Edmunds
Suffolk

Applicant: Livens Property Care Limited - Mr Mark Livens

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

CONTACT CASE OFFICER: Ed Fosker
Email: Edward.fosker@westsuffolk.gov.uk
Telephone: 01638 71943

Background:

This application is presented to the Committee as it relates to a locally contentious application. In this scenario therefore, and noting the Parish Council objection to the application, the proposal has not been submitted to the Delegation Panel and it is presented directly to the Development Control Committee for consideration.

It is proposed to undertake a site visit on Tuesday 3 January 2017.

Proposal:

1. Planning permission is sought for the erection of 2 no. three bed semi-detached dwellings fronting Sandy Lane with two off-street parking spaces per property located on the frontage.

Site Details:

2. The application property comprises a detached office building (which benefits from a prior approval for a change of use to one residential dwelling) located on Sandy Lane in Bury St Edmunds. There is a block paved parking area to the front of the building and a single storey brick outbuilding to the rear. The site is enclosed by walls and fencing with the exception of the parking area. The building is domestic in appearance and lies within the Housing Settlement Boundary of Bury St. Edmunds.

Planning History:

3. DC/16/1391/FUL: Planning Application - 2 no. dwellings. Refused for the following reason: 'The introduction of windows at first floor level to the rear elevation which serve habitable rooms would lead to a serious loss of residential amenity, by reason of the close proximity to the boundary of the rear garden to No. 1 Norfolk Road. As such, this conflicts with the provisions of Policy CS3 of the Core Strategy, DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February (2015) and the National Planning Policy Framework which seek to create a high quality environment'.
4. DC/16/0301/FUL: Planning Application - 2 no. dwellings. Withdrawn: 05.04.2016.
5. DC/15/2386/P3JPA: Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Change of use from Office (Class B1(a)) to Dwellinghouse(s) (Class C3) to create 1 no. dwelling. Approved: 18.01.2016.
6. E/99/1942/P: Planning Application - (i) Conversion of existing store to office use; and (ii) erection of front entrance canopy and free-standing workshop building supported by letter received 11th June 1999. Approved: 28.06.1999.

7. E/98/3226/P: Planning Application - Change of use from builder's yard and office to residential (single dwelling) and associated alterations (amended scheme). Refused: 18.01.1999.
8. E/98/2581/P: Planning Application - Change of use from builder's yard and office to residential (single dwelling) and associated alterations. Refused: 07.10.1998.
9. E/84/3336/P: Modernisation of storage facilities for builders yard and provision of builders offices and mess room on first floor together with erection of screen fence, wall and access gates to yard. Approved: 11.01.1985.
10. E/84/3335/P: Modernisation of storage facilities for builders yard and the formation of one person flat on first floor together with erection of screen fence, wall and access gates to yard. Refused: 27.12.1984.
11. E/79/3293/P: Conversion of existing 2 storey building to residential dwelling. Refused: 08.11.1979.

Consultations:

13. Bury St. Edmunds Town Council – Object on the grounds of overdevelopment, highway safety, traffic generation and overlooking.
14. Suffolk County Council as Highway Authority – *This is an access lane for vehicles to the rear of properties and is not designed for pedestrian access onto the highway. There is an office currently using this lane and as such we would not restrict permission for this to change use as the status quo remains. Although a change of use will need to make the first five metres at each access onto the adoptable highway of bound material to stop detritus from entering the adoptable highway.*

Any further intensification on this lane for residential use will require improved visibility to meet Manual for Streets standards at both ends of Sandy Lane, pedestrian facilities will need to be installed from any new development to the adopted highway to allow safe entry and egress. This is to allow a vehicle and pedestrian to pass without conflict, as it is noted that refuse trucks currently access via this lane and thus a safe route is required for all user types. Without this provision all future development up this lane will be refused on safety grounds under the NPPF.

15. Public Health and Housing – No objection.
16. Environmental Services – Based on the information submitted the Environmental team are satisfied that the risk from contaminated land is low.

Representations:

17. Twelve letters of representation have been received from the occupiers of 1, 5, 7 & 17 Norfolk Road, 96, 101 & 105 Fornham Road and 1, 3, 54, 55 & 63 Avenue Approach. The points raised are summarised below:

- Overlooking/loss of privacy,
- Would set a precedent for backland development along Sandy Lane,
- Additional traffic,
- Poor vehicular access,
- Insufficient parking,
- Sandy Lane unsuitable for vehicles,
- 'Planning by Stealth',
- Impact on wildlife,
- Who will maintain Sandy Lane,
- Further pressure on current drainage/sewerage system,
- Proposed development is not in keeping with the area,
- Poorly designed properties.

Policy:

18. The following policies have been taken into account in the consideration of this application.

19. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February (2015)

- Policy DM1 – Presumption in Favour of Sustainable Development
- Policy DM7 – Sustainable Design and Construction
- Policy DM22 - Residential Design
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness

20. Bury St Edmunds Core Strategy (2010):

- Policy CS1: Spatial Strategy
- Policy CS3: Design Quality and Local Distinctiveness

21. National Planning Policy Framework: Core Planning Principles

- Section 6: Delivering a Wide Choice of High Quality Homes
- Section 7: Requiring Good Design
- Section 8: Promoting Healthy Communities

Officer Comment:

22. The site is located within the Housing Settlement Boundary for Bury St. Edmunds and is in a position where shops and facilities are in close proximity. As such, the principle of new small scale windfall residential development in this location is considered sustainable and generally acceptable. However, consideration would also need to be given to other adopted policies and the provisions of the National Planning Policy Framework.

23. The NPPF makes it clear in paragraph 56 that 'good design' is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'. In this case, it has been demonstrated that the proposal would comply with this criteria. Policy DM22 states that development should create and support continuity of the built form and enclosure of spaces, also respecting the existing pattern of development.
24. Consideration must be given to the fact that the principle of residential development on this site has been established in 2016 when the change of use from office to residential was granted via the Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Change of use from Office (Class B1(a)) to Dwellinghouse(s) (Class C3).
25. The distance between the rear elevation of the existing office and the rear elevation of the house to the north is approximately 27m; the proposed scheme would marginally increase the degree of separation relative to this existing situation.
26. With the current office building positioned to the southern side of the site there would, as part of the already approved prior notification change of use, be a first floor rear bedroom window (facing the rear garden of no. 1 Norfolk Road) which could be unobscured and allowed as part of the permitted development. The agent has sought to overcome the previous reason for refusal by obscure glazing the two rears facing bathroom windows and moving the bedroom window to the side elevation on the property on its western side. The single rear bedroom window to the semi, located to the eastern side, remains unobscured. Whilst concern has been raised with regard to the relationship between this window and the rear boundary with no. 1 Norfolk Road it should be noted that the window is positioned further away from the rear site boundary than the current rear elevation of the existing building, creating a greater degree of separation from the neighbouring property to the north. It can also reasonably be concluded that overlooking from this single non obscure glazed window will not be materially worse than from the single window that would be inserted within the permitted development change of use of the building that already has consent. This will be subject to conditions preventing the insertion of further windows in this elevation and to ensure that the proposed two bathroom windows are fitted with obscure glazing.
27. Paragraph 32 of the National Planning Policy Framework requires decisions to take account of "safe and suitable access to the site can be achieved by all". The Highways Authority have raised no objection to the proposed access and parking arrangement subject

to conditions being attached to any permission to ensure adequate parking and manoeuvring space, bin storage, dimensions of vehicular access and the first five metres at each access onto the adoptable highway of bound material.

28. Concern has been raised with regard to the proposal setting a precedent for further residential development in this area, however, should future applications be submitted they would be considered on their individual merits having regard to the particular impacts in each case.
29. The Highways Authority has stated that "further intensification on this lane for residential will require improved visibility to meet the Manual, for Streets standards at both ends of Sandy Lane, pedestrian facilities will need to be installed from any further new development to the adopted highway to allow safe entry and egress. This is to allow a vehicle and pedestrian to pass without conflict, as it is noted that refuse trucks currently access via this lane and thus a safe route is required for all user types. Without this provision all future development up this lane will be refused on safety grounds".
30. It is considered that the mock 'Victorian' design of the semi detached dwellings, set back from the frontage of the relatively modest plots which they occupy, with off street parking at the front would not be so out of character with the surrounding area so as to justify refusal on amenity or design grounds. Also given the location on the northern side of Sandy Lane behind the properties which front Fornham Road and Norfolk Road very limited views would be afforded in the wider street scene.
31. The National Planning Policy Framework states that development should be of high quality design and reflect the identity of local surroundings as well as providing a good standard of amenity for all existing and future occupants of land and buildings, contributing positively to making places better for people. It is considered that this proposal accords with these provisions and as such represents an acceptable form of development. It is also considered that the benefit brought by the addition of two dwellings to the housing market should also be respected. The properties benefit from a sufficiency of external amenity space. Consequently, the proposal complies with the provisions of adopted policy and is recommended for approval.

RECOMMENDATION:

That planning permission be **granted** subject to the following conditions:

1. Development to commence within 3 years
2. Materials as specified

3. In accordance with plans
4. Removal of permitted development rights for extensions, roof alterations, outbuildings.
5. Removal of permitted development rights for the insertion windows or openings at first floor level.
6. The two rear facing windows hereby approved shall remain fixed obscure glazed.
7. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
8. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
9. Prior to the new dwelling hereby permitted being first occupied, the new access onto the highway 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. Before the development is occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
11. Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Informative:

1. If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

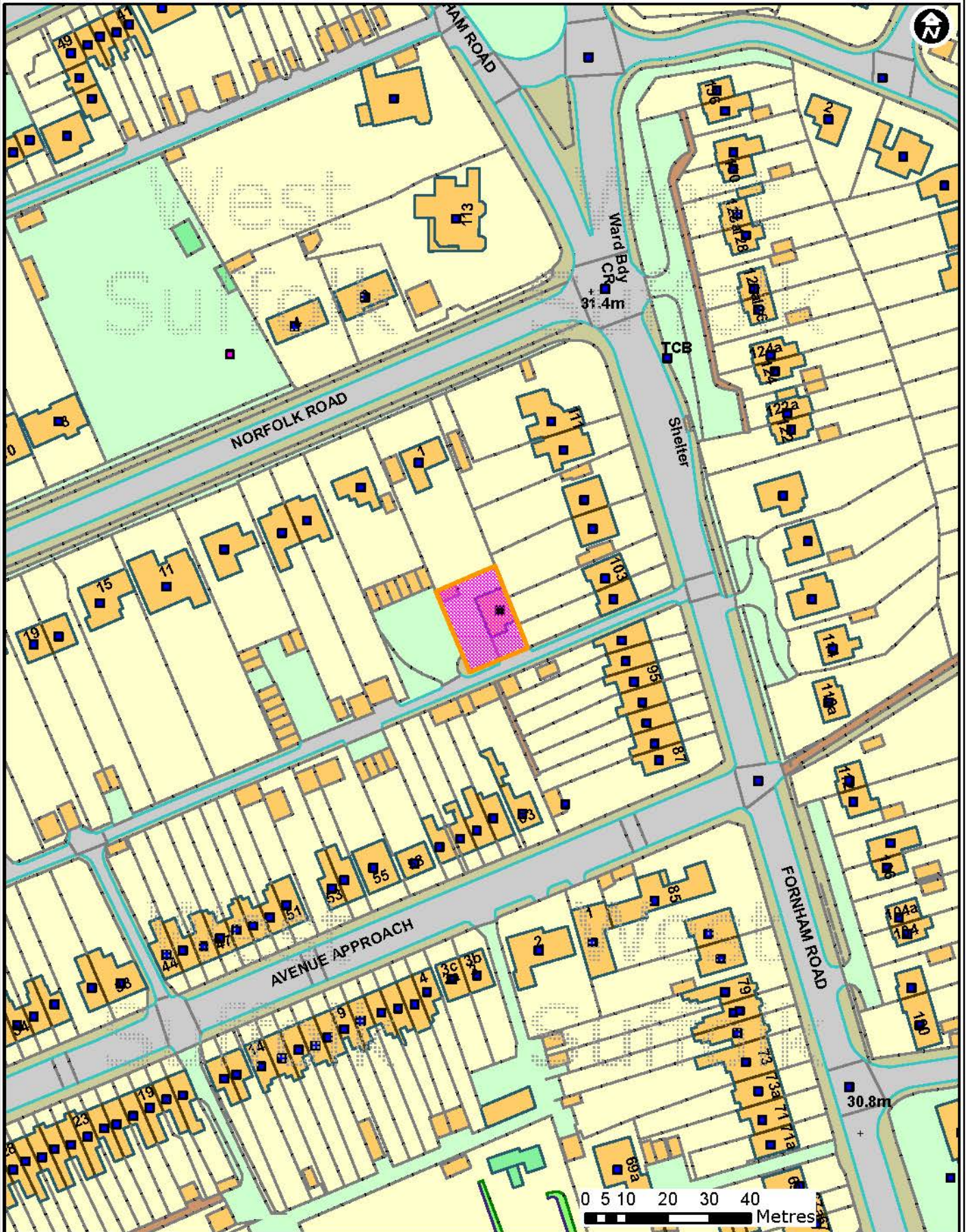
Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OF6Z1TPD05M00>

DC/16/2319/ful

Acorn Lodge, Sandy Lane, Bury St Edmunds



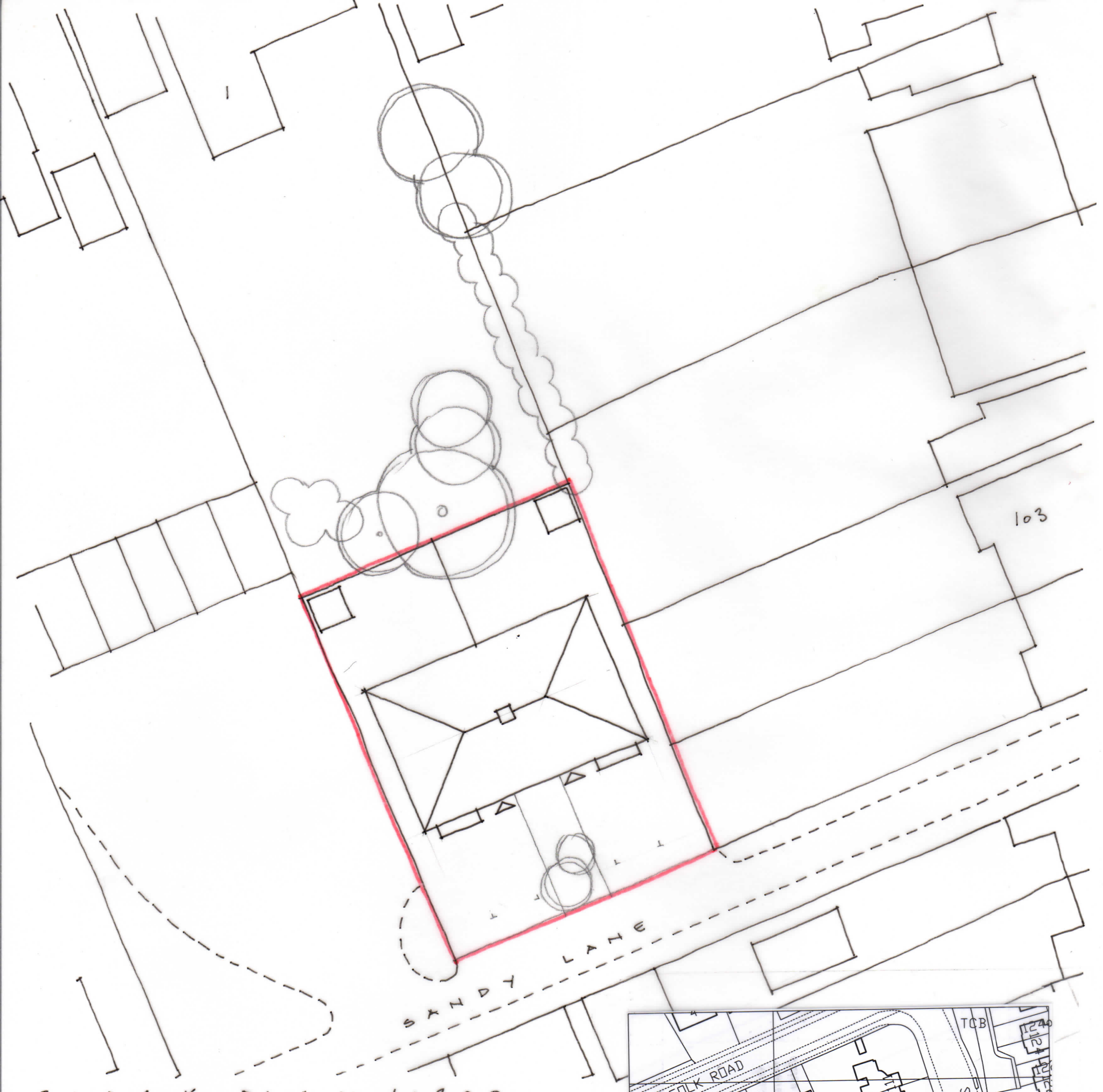
Forest Heath • St Edmundsbury

West Suffolk
working together

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L O C A T I O N P L A N 1 : 1 2 5 0

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2 New Dwellings following demolition of Acorn Lodge Sandy Lane. Page 195

Suffolk Property Limited

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

5 January 2017

Planning Application DC/16/0876/FUL

Place Court, Camps Road, Haverhill

Date	24.05.2016	Expiry Date:	23.08.2016
Registered:			
Case Officer:	Gary Hancox	Recommendation:	Refuse
Parish:	Haverhill	Ward:	Haverhill North

Proposal: 50 bedroom sheltered retirement apartments with communal facilities, parking, landscaping and access (following demolition of existing building)

Site: Place Court, Camps Road, Haverhill

Applicant: Churchill Retirement Living

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters and appeal against non-determination under Section 78 of the Town and Country Planning Act 1990.

CONTACT CASE OFFICER:

Email: gary.hancox@westsuffolk.gov.uk

Telephone: 01638 719258

Background:

The applicants have lodged an appeal against the 'non-determination' of the planning application within the prescribed decision-making periods. The time period for the determination of this planning application expired on 23 August 2016.

The Council is no longer able to determine the application which will now be considered by an appointed Inspector. This application is referred to the Committee to seek the views of Members as to what their decision would have been if they were in a position to determine the above planning application.

Proposal:

1. Planning permission is sought for demolition of a two-storey former residential care home and the redevelopment of the site to provide 49 sheltered retirement apartments and a lodge manager's apartment utilising the existing access off Camps Road. The apartment block would contain a mixture of two and three storey buildings and would be of a traditional design and appearance with relatively simple detailing with a mixture of red brick and render elevation treatments.
2. A typical sheltered development consists of a block of 1 and 2 bedroom apartments, each benefiting from its own private front door, entrance hall, lounge / dining room, fitted kitchen and bathroom.
3. The proposed apartments would be for people aged 60 and over, or those over this age with a partner of at least 55. They would be managed by a management company and would have a lodge manager living on site.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Application forms
 - Plans and elevations
 - Planning statement
 - Transport statement
 - Design and access statement
 - Drainage strategy
 - Arboricultural assessment
 - Landscape strategy
 - Tree protection plan
 - Affordable housing viability statement

Site Details:

5. The site is situated close to the centre of Haverhill and fronts onto Camps Road opposite the recreation ground. The site has an area of 0.46 hectares and forms part of a larger site containing a former care home,

social services buildings and Magistrates Court. The existing building on site is a two-storey residential former care home development that is situated within the central portion of the site. The existing building is formed of brick construction with a pitched roof and lightly rendered elevations. Haverhill Methodist Church is to the east of the site and to the north is Place Farm Primary Academy. There is also a medical practice on Camps Road.

6. A portion of the external site area is hard ground, accommodating parking areas to the north of the existing building. Areas of soft landscaping are generally located within the southern and western sections of the site.
7. The site access also serves Place Farm Primary Academy and an Ambulance Station.
8. The site is located within the Housing Settlement Boundary and outside the Conservation Area.

Planning History:

9. E/94/1602/P – Alterations and extension to care home for the elderly – Approved May 1994.

Consultations:

10. Highway Authority: No objection to the amended site plan, based on 18 parking spaces, space for local mini-bus service and scooter/cycle parking.
11. Natural England: No comments.
12. Environment team: No objection, subject to appropriate conditions.
13. Environment Agency: No objection.
14. SCC Obligations: No requirement for education contributions.
15. SCC Archaeology: No objection, subject to appropriate conditions.
16. Police Architectural Liaison Officer: Offers various comments/suggestions to design out crime for the site.
17. Public Health and Housing: No objection, subject to appropriate conditions.
18. Strategic Housing: Supports the principle of development. However we believe there would be a market for affordable older people's accommodation, including low cost home ownership options which could be included on-site.
19. Anglian Water: No objection.

20.SCC Flood and Water Management: No objection.

21.Ecology Tree and Landscape Officer: No objection, subject to appropriate conditions.

Representations:

22.Town Council: Object – lack of parking provision for residents and staff.

23.Ward Member (Councillor Williams): Objection. Lack of parking provision and the location of building work. The parking survey was carried out in 2014 and is not a true reflection of current day traffic in that area in my opinion. 16 parking spaces for 50 residents just doesn't seem realistic if that's to include carers and visitors too.

24.East of England Ambulance Service (EEAS): Object - As an emergency service EEAS are very concerned that the construction activity will impact our response capability due to the constrained access road. We would also be concerned that parking issue arising from the proposed development would adversely affect our day to day operations.

Policy:

25.The following policies of the Replacement St Edmundsbury Borough Local Plan 2016 and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

26.St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy)
- Policy CS5 (Affordable Housing)
- Policy CS14 (Community Infrastructure and Tariffs)

27.Joint Development Management Policies 2015

- Policy DM1 (Presumption in favour of sustainable development)
- Policy DM2 (Design and local distinctiveness)
- Policy DM6 (Flooding and sustainable drainage)
- Policy DM7 (Sustainable design and construction)
- Policy DM11 (Protected Species)
- Policy DM22 (Residential design)
- Policy DM23 (Special Housing Needs)
- Policy DM45 (Transport assessments and travel plans)
- Policy DM46 (Parking standards)

28.Haverhill Vision 2031:

- Policy HV1 (Presumption in Favour of Sustainable development)
- Policy HV2 (Housing development within Haverhill)

Other Planning Policy:

29. National Planning Policy Framework (2012) - specifically paragraphs 14, 17, 49, 50, 55, 61, 64.
30. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted St Edmundsbury Core Strategy, The Joint Development Management Policies Document, the Development Control Policies Development Plan Document (2015), and Haverhill Vision 2031.
31. Section 38(1) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Practice Guidance.
32. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied. Paragraph 14 of the Framework explains that there is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'. For decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
 - or specific policies in this framework indicate development should be restricted."
33. The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:
- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places;
 - social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services, and;
 - environmental, through the protection and enhancement of the natural, built and historic environment.
34. Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three dimensions is required.

Officer Comment:

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

- Principle of Development
- Design and layout
- Highway impact
- Landscape and ecology
- Planning Obligations (Affordable Housing)
- Planning balance

Principle of development

36.The application site is located within the settlement boundary of Haverhill, one of two towns within the St Edmundsbury Borough where Core Strategy Policies CS1 and CS4 focus large scale growth. Policy HV2 of the Haverhill Vision 2031 (2014) allows for new residential development within the settlement boundary. The site is not allocated for any specific land use, and the last use of the site was as a care home. The principle of the redevelopment of the site for retirement housing is considered to be in accordance with these policies.

37.Policy DM23, states that proposals for new or extensions to existing accommodation for the elderly and or vulnerable people will be permitted on sites deemed appropriate for residential development by other policies contained with the Local Plan, provided that such schemes meet the following criteria:

- The proposed development is designed to meet the specific needs of residents including requirements fro disabled persons where appropriate; and
- Includes appropriate amenity space for residents of an acceptable quantity and quality; and
- The location of the development is well served by public transport, community and retail facilities; and
- The proposed development does not create an over concentration of similar accommodation in any one street or area.

38.Taking into account the location of the site within the settlement boundary, and its proximity to local services and facilities, the site is deemed appropriate for residential development. The Council’s Strategic Housing Team recognises that there is a specific need for a variety of accommodation for older people. The proposed development meets the criteria of the above policy and is in accordance with it.

Design and layout

39.Core Strategy Policy CS3, Joint Development management policy DM2 and

paragraphs 61 and 63 of the NPPF requires all development to be a high quality design that fully considers the context in which it sits, contributes to a sense of local distinctiveness and compliment the natural landscape and built form that surrounds it. All proposals should preserve or enhance the existing character of the area.

40. The application proposes a building that broadly follows the footprint of the existing building, although is larger in terms of width. The proposed building height varies generally between two and a half, and three storeys throughout and the mix of two and a half and three storey elements provides a gradual increase in height from the neighbouring residential scale developments. The overall height of the building is generally higher than the existing care home building, which is two-storey throughout. However, the use of varied roof heights helps to break up the massing of the building, which is considered appropriate for its context.
41. The appearance and detailing of the development is based on traditional form, materials and design features, and the elevations are articulated by projecting and recessing elements in varying heights, and variations in eaves and ridge line. Varied materials including brick and render help to break up facades, indicating individual dwellings rather than a continuous development block. The roof scape of the majority of the building is varied through the incorporation of dormers and gables.
42. The proposed building replaces a fairly benign building of limited architectural quality, and its replacement with a more modern building is considered to contribute to the enhancement of the character and appearance of the area, respectful of its context. It is noted that the neighbouring site is also likely to be re-developed in the future, and a separate planning application seeks its redevelopment for housing (as indicated on the street scene drawings). The appearance of the development is such that it would not conflict with or prejudice future housing proposals on this adjacent site.
43. The proposed plans indicate that of the 34 notable trees on the site, mainly to the front and rear boundaries of the site, only three are proposed to be felled to accommodate the development (a Holly and two Cherry trees). The retention of the majority of the landscaping on the boundaries of the site will help to assimilate the building into its setting, ensuring that there contribution to the street scene remains.
44. Overall, the design and layout of the building is considered to accord with Policies CS3, DM2, and the NPPF in this regard.

Highway Impact

45. Access to the site will be as existing via a road off Camps Road, shared with the adjoining former social services site (vacated) and an ambulance station and school. Initially SCC Highways were concerned with the apparent under-provision of parking when assessed against their standard

parking requirements for retirement units. Amended plans were submitted showing 18 parking spaces, a minibus space and scooter/cycle parking, and having regard to the site's sustainable location close to existing services and facilities, and based on experience of previous similar sites, SCC Highways raises no objection to the application, which is considered to accord with Policies DM2 and DM46 in this regard.

Landscape and Ecology

46. The site is largely already developed, however there are improved grassland areas and established trees to the edges of the site which are good habitats for reptiles and bats. Bats could also be present in the buildings on the site. A Phase 1 and 2 ecology survey was undertaken for the site, which also included bat and reptile surveys. These have been considered by the Council's Ecology, Tree and Landscape Officer who recommends no objection to the application subject to the implementation of the proposed mitigation set out in the ecology survey (including for example the installation of bat boxes within the site). A scheme of hard and soft landscaping, as well as tree protection during construction, can be required by condition.
47. Subject to the above conditions, the application is considered to accord with Policies DM2 and DM11.

Planning Obligations (Affordable Housing)

48. In line with the economic and social dimensional roles of sustainable development, which inter alia seek to provide a supply of housing to meet the needs of the present and future generations, Core Strategy Policy CS5 requires developers to integrate land for affordable homes within sites where housing is proposed, to ensure that affordable housing is provided and comes forward in parallel with market homes. In this case the target is 30% affordable housing and conditions or legal obligations will be used to ensure that affordable housing is secured and retained for those in housing need. No other obligations are applicable to the type of housing proposed.
49. The applicants have indicated that due to the nature of sheltered housing it is not considered appropriate to include on-site affordable housing. Policy CS5 does not make a distinction between different types of housing in respect of the application of the affordable housing target, however it does allow for consideration of development viability and mix, including additional costs associated with the development of brownfield sites and the provision of significant community benefits. It also gives the option for the Council to negotiate a lower percentage or tenure mix of affordable housing.
50. The above approach accords with the NPPF, which states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.

51. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
52. Forest Heath District Council & St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (published Oct 2013) provides supplementary guidance to support the affordable housing policies in the adopted Development Plan. Although the preferred option is for affordable housing to be provided on-site the SPD does allow for off-site provision and payments in lieu of on-site affordable housing in exceptional circumstances, where it can be robustly justified.
53. The applicants' Design and Access Statement states that 'due to the size of the site, private access road, the location of existing trees and surrounding ground levels, the site does not offer sufficient opportunity for the building to be suitably configured for the on-site provision of affordable housing within or alongside an open market retirement housing scheme'. The applicants have therefore submitted a Viability Report to explain why no on-site affordable housing is being proposed. In reaching their conclusions, the applicants have also applied Vacant Building Credit (VBC), which has the effect of reducing the required level of on-site affordable housing provision to 16%. VBC is explained below.

Vacant Building Credit (VBC)

54. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. The 'credit' to be applied is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.
55. There are however limitations as to when VBC applies. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. The National Planning Practice Guidance (NPPG) advises that when considering whether or not to apply VBC, Local Planning Authorities should consider '*whether the building has been made vacant for the sole purposes of re-development.*'
56. In this case the building was last used as a care home for the elderly, and

is currently unoccupied. The applicants have therefore applied the VBC, which has reduced the affordable housing percentage target from 30% down to 16%. Even at 16% affordable housing, the applicant's Viability Report argues that the provision of any affordable housing results in an unviable scheme.

57. However, in the opinion of Officers, it is felt that VBC should **not** apply in this case. The site is currently owned by Suffolk County Council, and up until 2015 was used as a care home for the elderly. As part of a wider programme of cost saving and efficiency measures, at some point in the recent past it was decided that the building should be closed, with any existing residents being relocated, and the site sold for redevelopment. The site was advertised for sale as part of a wider 0.8 hectare site that included a Care Home, Magistrates Court, Day Centre and Offices.
58. Even taking into account that the care home site was likely to have been made vacant by the County Council as part of ongoing cost-saving measures, the care home building has been made vacant for the sole purposes of its redevelopment. The County Council had a choice of what to do with the buildings, which of course could have included their continued use. As a result, it is considered that VBC should not be applied, and that the policy requirement of 30% affordable housing is applicable in this case. By way of comparison, if a developer wanted to develop a site where a company or organisation had vacated a premises due to the closure of the business, or for unforeseen circumstances has moved out leaving an unoccupied building, then this would result in a vacant building being brought back into use. VBC could then be applied. However, this is not the case in respect of the application site.

Viability

59. The applicants have submitted a Viability Report that, taking into account the affordable housing percentage target, tests the economic viability of the proposal in order to establish a residual land value. This value is then tested against the market value of the site in order to identify any development surplus, which can then contribute to a financial obligation in lieu of on site affordable housing provision. This is based on an industry standard 20% level of return for the developer.
60. The applicant has established a market value for the site based on sales marketing and advice for the larger site. (This of course does not necessarily equate to the price offered for the site in a bidding process, which may have been higher than the suggested market value.) The applicants have concluded that having regard to an assessment of the residual land values of a policy compliant sheltered housing scheme, compared with the benchmark land value of the site results in a scheme that is unviable, and that there should be no requirement towards affordable housing.
61. The applicant is in effect asking the Council to respect a market value for the site (that reflects what a conventional house builder would pay for the site), but that the only logical and viable use for the site is the 49 unit

retirement home proposed. The applicant appears to have offered a price for the site that has regard to meeting policy requirements (i.e. on site affordable housing), knowing full well that, due to the nature of their product, those requirements cannot be met. It is very likely that the developer has over-bid for the site having had to compete with bids from conventional house builders.

62. Planning Practice Guidance states that: "In all cases, land or site value should: reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge." This is a key requirement because if it is assumed that land value will increase due to the grant of permission but this does not adequately reflect policy requirements, the adopted site value is likely to be inflated. If this inflated site value is included as a benchmark or a fixed cost in an assessment, this will artificially reduce viability and undermine the delivery of sustainable development and those policies it failed to reflect.
63. Since lodging the appeal, further information has been submitted by the applicants clarifying that using the market value approach (as discussed above) would result in a maximum viable housing contribution of approximately £90,000. This equates to an equivalent affordable housing contribution of approximately 9%.
64. The lack of on-site affordable housing provision and an offered affordable housing contribution that is significantly less than the policy requirement weighs heavily against the scheme in the planning balance. Furthermore, regard must also be had to the potential for on site affordable housing being able to be offered by a conventional house builder, which would better accord with Policy CS5 and address an identified district wide and local need.
65. The reasons for the lack of on site affordable housing put forward by the applicant are acknowledged and understood. However, ultimately the deal offered by the developer is not considered to be the optimal deal for the Council, as it would result in no affordable housing provision on site, but would provide retirement flats that would be for sale at a price that would still not be considered affordable to most. The need within Haverhill for this type of accommodation has not been demonstrated, and it is felt that the scheme performs poorly when taking into account the social element of sustainable development, (...supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need...). The proposed development is less sustainable because of this.

Other matters:

66. The comments of the Ambulance Service in respect of potential disturbance during the construction period are noted, however it is felt that to some extent this could be considered and mitigated for through

the submission of an appropriate construction management plan. This could be required by condition.

Planning balance

67. The application site is located within the settlement boundary of Haverhill and is compliant with policies CS1, CS4, HV2 and DM23. However, the application is not fully compliant with policy CS5 and offers no on-site affordable housing provision, and an equivalent financial contribution of only 9% of the policy target. Whilst the need for housing for older people is acknowledged and supported by policy, there is also a significant district and local need for affordable homes, across all house types.

68. The benefits of the scheme can be summarised as follows:

- The scheme would contribute 49 dwellings to the supply of housing in the District
- The proposal would generate indirect economic benefits during the construction period

69. The dis-benefits of the scheme can be summarised as follows;

- The scheme does not provide any on-site affordable housing and only a small financial contribution is offered in lieu.

70. The benefits of the scheme outlined above are acknowledged and weight is attached to them accordingly. However, as the application does not fully accord with the development plan and so in terms of the 'planning balance scales', the starting position is that they are tilted against the proposal. Significant weight can be given to the contribution the development would make to the supply of housing, however considerable weight must also be given to the lack of affordable housing provision without adequate justification. Officers disagree with the land benchmark value put forward by the applicant and the development scheme does not represent the best option for the site.

Conclusion:

71. The benefit of the proposal in terms of providing 49 retirement flats is excepted. The application of the VBC is not correct in this instance, and therefore the applicable affordable housing target is 30%. The applicants have demonstrated that the provision of any affordable housing would render the scheme unviable. However, in the opinion of Officers, this is because the applicant appears to have offered a price for the site that has regard to meeting policy requirements, knowing full well that those requirements cannot be met. It is very likely that the developer has over-bid for the site.

72. The proposed development does not represent sustainable development with its dis-benefits outweighing its benefits.

Recommendation:

73. That the Committee resolves that it would have **refused planning permission** had the non-determination appeal not been lodged for the reasons briefly set out in paragraphs 69 to 71 above.

74. The Committee is also requested to authorise the Head of Planning and Growth:

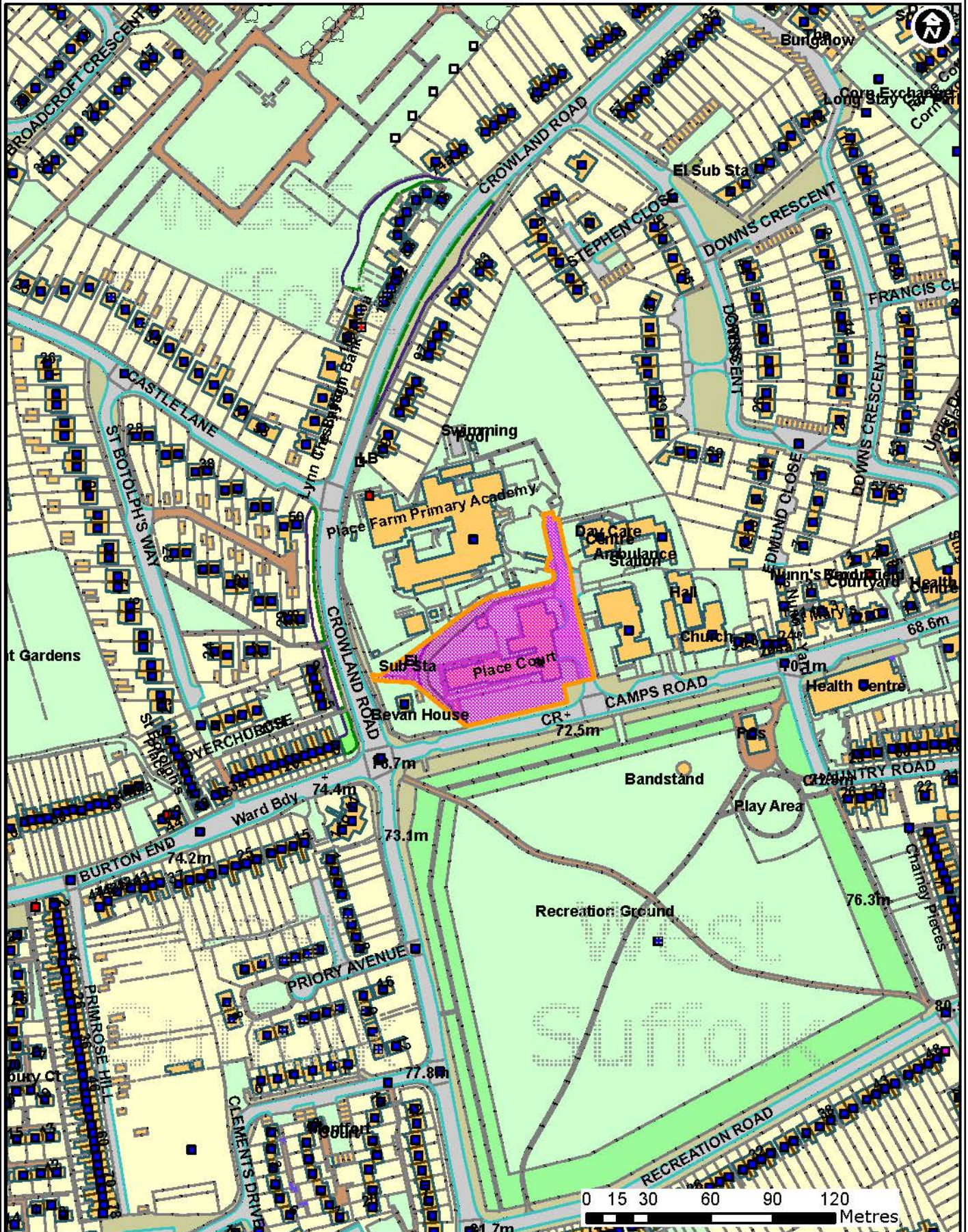
- i) to defend the decision of the Committee at the forthcoming appeal hearing/ public inquiry, and
- ii) to remove, amend or add to the reasons for refusal in response to new evidence, information or amendment in the lead up to the forthcoming hearing/public inquiry, and
- iii) to appoint an advocate and expert witness (as necessary) to present the Council's case and defend its reasons for refusal, and
- iv) to agree a 'Statement of Common Ground' with the appellant and any other 'Rule 6' party, and;
- v) to suggest conditions to be imposed upon any grant of planning permission should the Inspector be minded to allow the appeal.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O6740LPDGSR00>

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Site Plan

REVISIONS

Rev.	Date	By
A	22.05.16	jm
B	07.07.16	jm
C	26.07.16	jm

CRL APARTMENTS

1 Bed	34
2 Bed	16
TOTAL (32% 2 Bed)	50

SITE AREA
4583 sqm

Legend for site plan symbols:

- SITE BOUNDARY
- PROPOSED PLANTING / SCREENING
- EXISTING TREES TO BE REMOVED - YELLOW DASHED CIRCLE, INDICATIVE ONLY
- EXISTING TREES TO BE RETAINED
- INDICATIVE BANKING
- EXISTING BUILDINGS ON-SITE
- PROPOSED LEVELS
- PROPOSED RETAINING WALL
- PATHWAY / PAVING

BOUNDARY SCHEDULE

A-B	DWARF BRICK WALL WITH METAL RAILINGS, PRIVOT BUSH BEHIND
A-C	ACCESS ROAD
B-D	DWARF BRICK WALL WITH METAL RAILINGS, PRIVOT BUSH BEHIND
D-E	DWARF BRICK WALL WITH METAL RAILINGS, PRIVOT BUSH BEHIND
E-F	NEW 1800MM CLOSE BOARDED FENCE

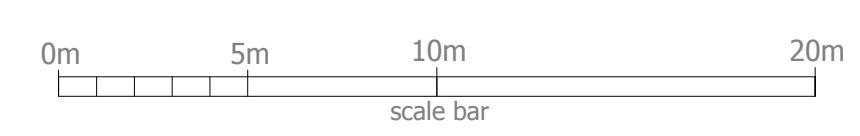
planningissues
TOWN PLANNING AND ARCHITECTURAL DESIGN
Gideon Lemberg RIBA
Design Director
Millstream House * Parkside
Ringwood * Hampshire BH24 3SG
Telephone: (01425) 462109
Fax: (01425) 462101
E-mail: design@planningissues.co.uk

Client
Churchill Retirement Living

Project Title
PROPOSED CAT II SHELTERED HOUSING
Place Court Care Home
Camps Road
Haverhill CB9 8HF

Drawing Title
Site Plan

Scale: 1:200 @ A1 Date: APR 2016
Drawn: JM Checked: BRS
Drawing No. Rev.
40022HH-PL11 C



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DEV/SE/17/08

Development Control Committee

5 January 2017

TREE PRESERVATION ORDER 2016 (No.11) LAND AT STOCKACRE HOUSE, THETFORD ROAD, IXWORTH

Synopsis:

A Tree Preservation Order (TPO) was made in respect of a Beech tree, located in the rear garden of Stockacre House, Ixworth, on 9 September 2016. The TPO was served to protect the Beech tree in response to notification that the tree was to be felled. The tree is an important landscape feature which contributes to the character of the locality. Three letters of objection have been considered and a subsequent application for crown reduction to control the size of the tree has been approved. Nevertheless the TPO is considered to be necessary to ensure the tree is retained.

Commentary:

1. The Borough Council's Constitution allows for the making of provisional Tree Preservation Orders by Officers, subject to the report of any representations relating to such action to the Development Control Committee.
2. Application DC/16/2361/TCA was submitted to St Edmundsbury Borough Council to fell a Beech tree located in the rear garden of Stockacre house. The Tree Officer visited the site and recommended that the tree be reduced rather than felled. At that time the applicant seemed amenable to this proposal.
3. The applicant then submitted information indicating that the Beech tree was infected by Ganoderma Fungus and no objection was raised to the felling of the tree and the applicant informed of this.

4. At a subsequent visit to the property to look at proposals to reduce other trees the Officer observed that the Ganoderma fungus is not growing on the Beech tree but is growing from a Cherry tree stump located immediately adjacent to the Beech.
5. A tree preservation order was subsequently made to prevent the felling of the beech tree which looks to be in good health and has a good form
6. The reason for the Tree Preservation Order is that:

The Beech tree in the rear garden appears healthy. It contributes to the character of the conservation area and is of visual amenity within the locality.

7. The Beech tree is located in the rear garden of the property, in the back right hand corner. It can be seen from the road at Commister Lane and it provides public visual amenity and makes a contribution to the character of the locality.
8. Representations have been made in relation to the Tree Preservation Order by three people. One being the owner/occupier of the land the Beech tree is situated in and the other two people are neighbours. All three representations object to the tree preservation order. The main concerns raised in the objections are as follows:
 - The beech tree is infected by Ganoderma which was confirmed by two different tree surgeons
 - The reasons for the landowner wanting to remove the beech tree remain the same; it overhangs a neighbour's garage roof, another neighbour's house and its shade dominates and blights much of the garden
 - There is concern that the Ganoderma will cause the tree to become dangerous with the risk that it will fail causing injury or damage to property
 - The presence of the tree makes the neighbour's garage, located below the canopy of the tree, damp through lack of direct sunlight
 - Roosting birds in the tree defecate on cars parked on the neighbour's drive
 - The tree also shades the neighbour's garden
 - The tree is not of amenity value as it is hidden from view and surrounded by properties

9. Officers have considered the objections to the order carefully along with the information which is available including that which was submitted with the first application. A site visit was undertaken to discuss the tree preservation order with the landowner and a neighbour.

10. The tree can be seen from Commister Lane, from Abbey Close and can be glimpsed above the houses in Thetford Road. A TEMPO amenity assessment has been undertaken that confirms that the tree is of visual amenity value and suitable for protection.

11. Inspection of the tree confirmed that the Ganoderma is hosting on the adjacent cherry tree stump. The Beech tree does not currently show any sign of infection or poor health nor are there any fungal fruits on the Beech tree.

12. The Beech tree appears to be in good health. Whilst the risk of failure associated with any tree can never be completely ruled out, Officers are of the opinion that in this case the risks do not justify removal of the tree.

13. Officers remain of the opinion that the issues, cited by the applicant and the neighbours, associated with the size of the tree could be minimised to an acceptable level through a sympathetic reduction and crown raising rather than removal. This would control the size of the tree and its overhang and would also reduce the weight from any extended branches. This pruning would additionally reduce any risks associated with the tree.

14. Discussions on site with the property owner have established the scope of any reduction and this has also been discussed with the adjacent neighbour who objected because of concern about the effect of the tree on his garage and drive. Raising the crown of the tree would reduce the effects of the tree, and reduction of the size of the tree and overhang would also address the issues relating to roosting birds.

15. A TPO application DC/16/2441/TPO to reduce the overall crown by up to 3 metres and to lift the crown no more than 3.5metres from ground level was submitted on 21 October 2016. Officers have not objected to this application.

Finance/Budget/Resource Implications:

16. Works to or removal of a tree or trees covered by a TPO will require the formal consent of the local planning authority before any work can be carried out. Currently all such applications are submitted to the local planning authority and do not attract a fee. The Council's Planning Services and Arboricultural Officers will deal with subsequent applications arising as a result of the TPO without any additional fee income. There may also be appeals should TPO consent be refused.

17. Should an application for works to a preserved tree (or for its removal) be refused, the local planning authority may in certain circumstances, be liable to pay compensation to the affected property owner, should the trees cause damage to a property. Such claims are, however, rare and, in this instance, considered unlikely given that the condition and location of the trees can be considered fully when deciding where to locate new dwellings and other facilities associated with any development.

Environmental Impact and Sustainability

18. Removal of any trees, which are considered to be worthy of protection in the public interest, would detract from the visual amenity of the local environment and in this case would effect the amenity of the future development.

Policy Compliance/Power

19. The local planning authority has powers under the Town & Country Planning Act 1990 and the Town & Country Planning (Trees) Regulations to make a TPO if it appears expedient in the interests of amenity to do so.

20. The making of a TPO in this instance is in line with the powers and policies of the Council.

Performance Management Implications

21. The applications determined under the TPO provisions and any subsequent appeals are not currently the subject of any national or local performance indicators.

Legal Implications

22. This provisional TPO is served on the owner and occupier of the land affected by the TPO, and also on owners and occupiers of adjoining land, who had a period within which to make objections or representations to the Order. The statutory consultation period expired on 4 July 2016.

Human Rights Act and Diversity Implications

23. These matters have been assessed in relation to and are considered to comply with the requirements of the Human Rights Act 1998. In relation to Article 6, interested parties have been advised of the making of this provisional Tree Preservation Order and their views have been considered within this report. Any interference with Rights under Article 8 and Article 1 of the First Protocol are necessary in the public interest.

Crosscutting Implications

24 None

Risk Assessment

25. As set out above, the Council may, in certain circumstances, be required to pay compensation to owners of properties damaged by preserved trees, if the Council has refused consent to carry out works to the affected tree and such works may have prevented the damage. These claims, however, are rare.

Council Priorities

26. The Council is keen to safeguard the built and natural environment.

Recommendation:

27. It is **recommended** that the Tree Preservation Order **be confirmed without modification.**

Documents Attached:

TPO including plan and schedule

CONTACT OFFICER

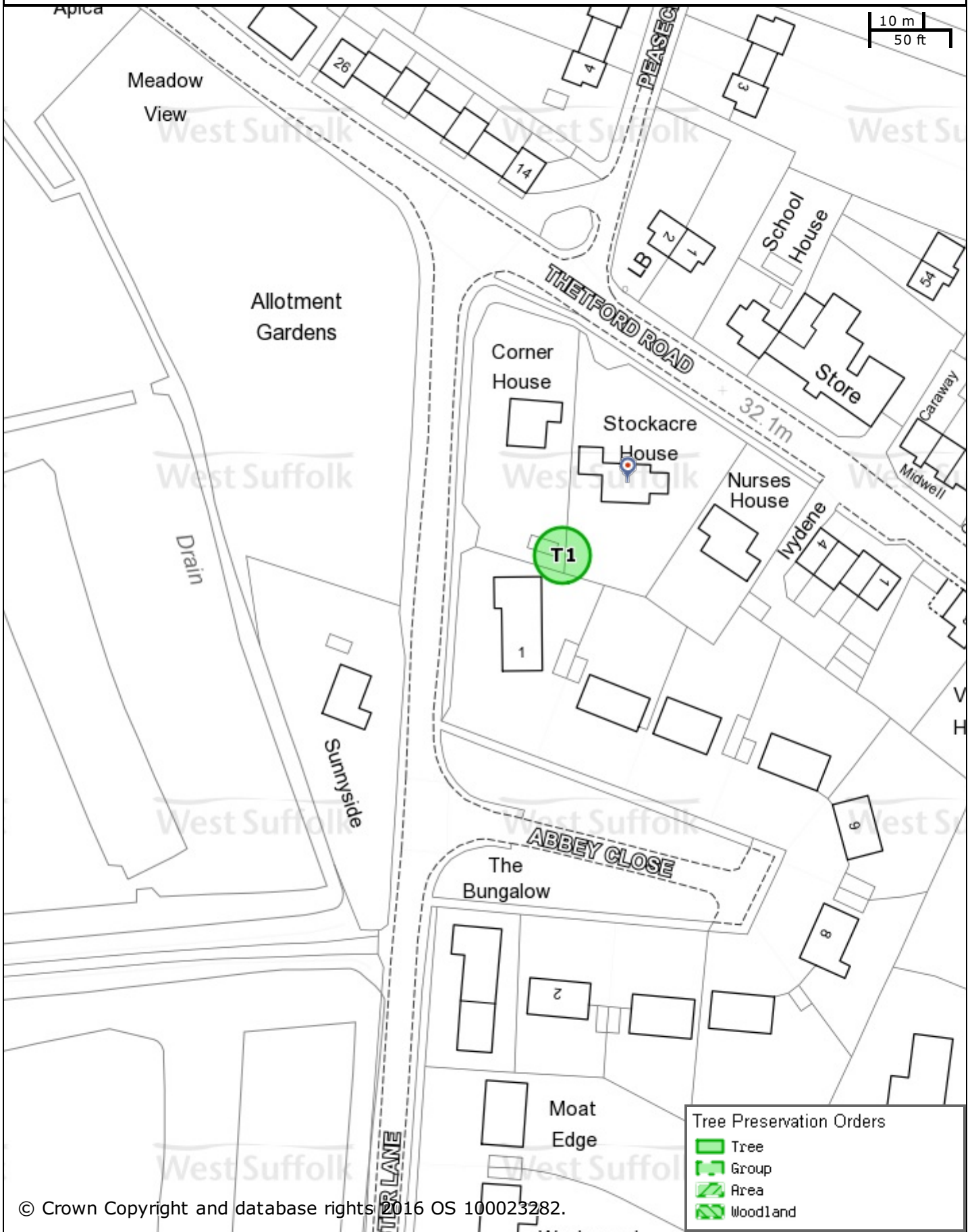
Jaki Fisher

Jaki.fisher@westsuffolk.gov.uk

01284 757346

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TPO/011(2016) - Stockacre House, Thetford Road, Ixworth



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Bury St Edmunds
IP33 3YU
01284 763233

Forest Heath & St Edmundsbury councils
West Suffolk
working together
www.westsuffolk.gov.uk

Forest Heath DC
College Heath Road
Mildenhall
IP28 7EY
01638 719000

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**TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
(ENGLAND) REGULATIONS 2012**

Town and Country Planning Act 1990

ST EDMUNDSBURY BOROUGH COUNCIL

**TREE PRESERVATION ORDER, 2016 (No. 11)
LAND AT STOCKACRE HOUSE, THETFORD ROAD, IXWORTH**

The St Edmundsbury Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, make the following Order:-

Citation

1. This Order may be cited as Tree Preservation Order 2016 (TPO No. 11) (Land at Stockacre House, Thetford Road, Ixworth)

Interpretation

2. (1) In this Order "the authority" means the St Edmundsbury Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on 9 September 2016.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and, subject to the exceptions in regulation 14, no person shall -
 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

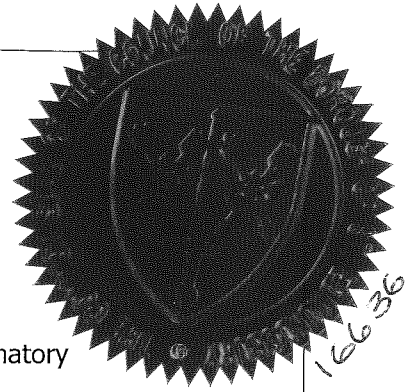
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

4. Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 9th day of September 2016

The Common Seal of the St. Edmundsbury Borough Council was affixed to this Order in the presence of:-



[Handwritten signature]

.....
Authorised by the Council to sign in that behalf

Authorised Signatory

CONFIRMATION OF ORDER

[This Order was confirmed by the St. Edmundsbury Borough Council without modification on the

..... day of20.....]

OR

[This Order was confirmed by the St Edmundsbury Borough Council], subject to the modifications indicated by *[state how indicated]*, on the

..... day of20.....]

.....
Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by the St Edmundsbury Borough Council on the

..... day of20.....]

.....
Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the St Edmundsbury Borough Council on the

..... day of20.....] by a variation Order under the reference number

[insert reference number to the variation Order], which is attached]

[a copy of

.....
Authorised by the Council to sign in that behalf]

REVOCAATION OF ORDER

[This Order was revoked by the St. Edmundsbury Borough Council on the

..... day of20...] under the reference number

.....
Authorisation by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES
Trees specified individually
 (encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Beech	Land at Stockacre House, Thetford Road, Ixworth

Trees specified by reference to an area
 (within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>

Group of Trees

(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

Woodlands

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>

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