

Development Control Committee



Title:	Agenda
Date:	Wednesday 2 October 2019
Time:	10.00 am
Venue:	Council Chamber College Heath Road Mildenhall IP28 7EY
Full Members:	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <p><u>Conservative Group (9)</u> Andy Drummond David Roach Susan Glossop Peter Stevens Ian Houlder Ann Williamson</p> <p><u>Spectrum Group (3)</u> John Burns David Palmer Jason Crooks</p> <p><u>The Independent Group (3)</u> Roger Dicker Don Waldron David Gathercole</p> <p><u>Labour Group (1)</u> David Smith</p>
Substitutes:	<p><u>Conservative Group(4)</u> Carol Bull Rachel Hood Terry Clements Sara Mildmay-White</p> <p><u>Spectrum Group (2)</u> Trevor Beckwith David Nettleton</p> <p><u>The Independent Group (1)</u> Andy Neal</p> <p><u>Labour Group (1)</u> Diane Hind</p>
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
Site visit details overleaf...	

SITE VISITS WILL BE HELD ON MONDAY 30 SEPTEMBER 2019 AT THE FOLLOWING TIMES (*please note all timings are approximate*):

The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:

- 1. Planning Application DC/19/1329/FUL - Land off Pippin Post Close, Stansfield, CB10 8NE**
Planning Application - (i) 5no. dwellings (ii) public open space (iii) community orchard and associated landscaping (iv) associated access and parking
Site visit to be held at 10.00am

- 2. Planning Application DC/19/1010/RM - Land Adj Haverhill Business Park, Bumpstead Road, Haverhill, CB9 7AA**
Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use
Site visit to be held at 10.40am

- 3. Planning Application DC/18/2477/FUL - Land at Brickfield Stud, Exning Road, Newmarket, CB8 7JH**
Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping
Site visit to be held at 11.40am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 12.30pm

Committee administrator:

Helen Hardinge

Democratic Services Officer

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**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

Local Plans covering West Suffolk Council	
Joint Development Management Policies 2015	
Forest Heath Local Plan	St Edmundsbury Local Plan
Forest Heath Local Plan 1995 Saved Policies	St Edmundsbury Core Strategy 2010
Forest Heath Core Strategy 2010 as amended by the High Court Order (2011)	Vision 2031 adopted 2014 - Bury St Edmunds - Haverhill - Rural
<i>Emerging Local Plan</i>	
Core Strategy Single Issue Review of Policy CS7	
Site Specific Allocations	
Note: The adopted Local Plans for St Edmundsbury and Forest Heath (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.	

- 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 Council's website.

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/altered, 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/altered, 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 Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) 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 Assistant Director (Planning and Regulatory) and the Assistant Director (Human

Resources, Legal and Democratic) (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/alterred, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) 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 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.

Agenda

Procedural Matters

Part 1 – Public

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 - 26

To confirm the minutes of the meeting held on 4 September 2019 (copy attached).

4. Planning Application DC/18/2477/FUL - Land at Brickfield Stud, Exning Road, Newmarket

27 - 82

Report No: **DEV/WS/19/026**

Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping

5. Planning Application DC/19/1010/RM - Land Adj Haverhill Business Park, Bumpstead Road, Haverhill

83 - 110

Report No: **DEV/WS/19/027**

Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use

6. Planning Application DC/18/1712/FUL - Bridgelands Farm, Newmarket Road, Cowlinge

111 - 138

Report No: **DEV/WS/19/028**

Planning Application - (i) Conversion of two existing barns into holiday accommodation, (ii) a new-build timber framed treehouse venue space (iii) associated low impact 'no-dig' vehicle access and car parking and (iv) associated landscaping

Continued overleaf...

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|-----------|--|------------------------------|
| 7. | Planning Application DC/19/1116/FUL - Land West of Unit D, Homefield Road, Haverhill | Page No
139 - 152 |
| | Report No: DEV/WS/19/029 | |
| | Planning Application - Gas fired power plant within fenced compound containing 2 no. 2MW generators and associated equipment | |
| 8. | Planning Application DC/19/1329/FUL - Land off Pippin Post Close, Stansfield | 153 - 170 |
| | Report No: DEV/WS/19/030 | |
| | Planning Application - (i) 5no. dwellings (ii) public open space (iii) community orchard and associated landscaping (iv) associated access and parking | |
| 9. | Planning Application DC/19/0386/VAR - Mildenhall Hub, Sheldrick Way, Mildenhall | 171 - 202 |
| | Report No: DEV/WS/19/031 | |
| | Planning Application - (i) Variation of Condition 2 (approved plans) of DC/18/1489/VAR incorporating amendments to the SuDS, changes to external materials, minor internal layout changes, minor changes to vehicular and pedestrian routes within the site and associated landscaping revisions (ii) Variations of Conditions 5, 11, 32 and 34 to vary the time scale for submission of required details and (iii) Discharge Condition 12 (Deliveries Management Plan), Condition 19 (Surface Water Disposal), Condition 21 (Surface Water Drainage Scheme), Condition 22 (Surface Water Drainage Components), Condition 29 (Materials), Condition 30 (glazing details) and Condition 38 (Sustainability & Energy Strategy) | |

(On conclusion of the agenda Members of the Development Control Committee will receive a short training seminar where Officers will deliver an update on West Suffolk planning appeals.)

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 4 September 2019** at **10.00 am** in the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chair Andrew Smith

Vice Chair Jim Thorndyke

Carol Bull

Susan Glossop

John Burns

Diane Hind

Terry Clements

Ian Houlder

Jason Crooks

David Palmer

Roger Dicker

David Roach

Andy Drummond

Don Waldron

David Gathercole

Ann Williamson

In attendance:

Trevor Beckwith - Substitute Ward Member for Eastgate

Beccy Hopfensperger – Ward Member for The Fornhams & Great Barton

26. **Apologies for Absence**

Apologies for absence were received from Councillors Mike Chester, David Smith and Peter Stevens.

27. **Substitutes**

The following substitutions were declared:

Councillor Terry Clements substituting for Councillor Mike Chester

Councillor Diane Hind substituting for Councillor David Smith

Councillor Carol Bull substituting for Councillor Peter Stevens

28. **Minutes**

The minutes of the meeting held on 7 August 2019 were confirmed as a correct record and signed by the Chair.

29. **Planning Application DC/18/2477/FUL - Land at Brickfield Stud, Exning Road, Newmarket (Report No: DEV/WS/19/015)**

Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping

This application had been referred to the Development Control Committee because the recommendation was both contrary to the Development Plan and the views of Newmarket Town Council.

A Member site visit was held prior to the meeting.

Supplementary 'Late Papers' had been circulated following publication of the agenda, which set out the fully worded conditions and gave further details with regard to the Newmarket Neighbourhood Plan which had reached examination stage.

Officers were recommending that the application be approved, subject to the conditions as set out in the Late Papers.

The Principal Planning Officer made reference to the following corrections to the report:

- The primary school contribution set out in Paragraphs 91 and 112 should have read £351,648 (18 x £19,536 per place), as confirmed by Suffolk County Council and as made reference to in the Late Papers.
- The tenure split of dwellings as listed in Paragraph 22 was incorrect; with the correct information being listed in Paragraph 88.

Speakers: James Lay (public objector) spoke against the application
Councillor Rachel Hood (Mayor, Newmarket Town Council) spoke against the application
Neil Farnsworth (applicant) spoke in support of the application

(Prior to opening the debate, the Chair reminded Members to speak clearly into the microphones in order to allow the densely populated Public Gallery to hear all that was said.)

Councillor Andy Drummond advised the meeting that he had taken part in Newmarket Town Council's consideration of the application in February 2019 when they resolved to oppose the scheme. Furthermore, he had been quoted in the local press following the Town Council's meeting. However, Councillor Drummond stressed that he would keep an open mind and listen to the debate prior to voting on the item.

A number of questions/comments were made with regard to the emerging Site Allocations Local Plan (SALP) and the application site being related to the horseracing industry.

In response, the Service Manager (Planning – Development) explained that the SALP was at a very advanced stage in the plan preparation process and the Inspectorate had, subject to agreed modifications, declared it sound. The SALP was due to be presented to West Suffolk's Full Council meeting on 19 September 2019, seeking adoption. Therefore, the emerging plan was considered to have almost full weight in the planning balance of the proposal.

The Service Manager also drew Members' attention to the very clear statement in the National Planning Policy Framework (NPPF) with regard to the weight to be attached to emerging plans that were at an advanced stage

of preparation, without unresolved objections and the degree of consistency of the plan with the NPPF.

Further debate continued with the Committee posing other questions which were responded to by the Principal Planning Officer as follows:

Refuse – The location of refuse bins was illustrated to Members on a plan of the site;

Highways – the Officer reiterated that Suffolk County Council Highways Authority did not consider the scheme to have a severe impact on the highway network;

Current use of site – the Committee was advised that there were currently a very small number of horses on the application site which Officers understood were not in connection with the horseracing industry; and

Flooding – Members were informed that it may be necessary to re-word the condition in relation to Floods and Water, in liaison with Anglian Water, in order to reflect the required phasing of the development.

Councillor David Roach proposed that consideration of the application be deferred until such time as the Site Allocations Local Plan (SALP) for West Suffolk was formally adopted by the Authority. This was duly seconded by Councillor Don Waldron.

Councillor John Burns raised concern at the lack of response from Suffolk County Council Highways Authority with regard to the garage sizes proposed for the development and asked if this could be picked up as part of the deferral of the application. Both proposer and seconder of the motion were happy for this to be incorporated.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Consideration of the application be **DEFERRED** until such time as the Site Allocations Local Plan (SALP) for West Suffolk was formally adopted by the Authority and to allow additional time for Officers to seek a response from Suffolk County Council Highways Authority in respect of the garage sizes proposed within the scheme.

(Councillor Roger Dicker joined the meeting at 10.09am during the Principal Planning Officer's presentation of this item. Following his arrival the Lawyer advising the meeting informed Councillor Dicker that the Officer had informed the Committee during his absence of the inaccuracy in Paragraph 22 of the report; and drew attention to the correct figures in Paragraph 88. Following which, the Solicitor advised Councillor Dicker that he was able to take part in the discussion and voting thereon.)

(On conclusion of this item the Chair invited any members of the public at the back of the Public Gallery, who were struggling to hear, to move forward to the available seats on the front row.)

30. **Planning Application DC/19/0224/FUL - Land NE Haverhill, Wilsey Road, Little Wratting (Report No: DEV/WS/19/016)**

Planning Application - Planning Application - Provision of temporary holding area for storage of materials and machinery associated with the construction of Great Wilsey Park, including the siting of a portacabin to accommodate welfare facilities

This application was referred to the Development Control Committee as a result of call-in by a Ward Member (Haverhill East).

The Committee was advised that the North-East Haverhill Great Wilsey Park site was granted outline planning permission for a development of 2,500 homes and associated development under Planning Application DC/15/2151/OUT.

Redrow Homes Limited were to deliver the first phases of the development and the compound and access sought in the scheme before Members were proposed to facilitate the construction work associated with those phases.

The application had been submitted at this juncture to ensure that construction infrastructure was in place ready to support the delivery of the development.

Members were informed that a separate application relating to a proposed construction access from Chalkstone Way (Planning Application DC/19/0225/FUL) was also being considered by the Local Planning Authority.

However, the determination of the development before the Committee would not in any way prejudice the ongoing consideration of the separate Chalkstone Way application.

A Member site visit was held prior to the meeting.

Supplementary 'Late Papers' had been circulated following publication of the agenda, which set out the fully worded conditions and outlined an update from Suffolk County Council Flood and Water Management.

Officers were recommending that the application be approved, subject to the conditions as set out in the Late Papers.

As part of her presentation the Principal Planning Officer made reference to the Permitted Development 'fall-back' position which applied to the development proposed with the exception of the new access from Haverhill Road.

She also drew attention to the amendments that had been made during the course of the application to address issues raised by Suffolk County Council Highways Authority.

In light of the mitigation that could be secured by way of conditions, in respect of matters such as landscaping and amenity, this had been considered favourably in the planning balance of the recommendation.

Speakers: Councillor John Burns (Mayor, Haverhill Town Council) read out a statement on behalf of the Town Council
Councillor John Burns (Ward Member: Haverhill East) spoke on the application
Chris Gatland (applicant) spoke in support of the application

During the debate a number of questions/comments were raised by the Committee which the Officer responded to as follows:

Construction Workers – it was confirmed that no-one would be living on site;
Buffer Zone – the agreed area of proposed green infrastructure ‘buffer zone’ as part of the previously approved application remained valid and was unconnected to the scheme before Members;

Housing – Members were advised that the first phases of the development to be delivered by Redrow, and to which this application related, concerned the first 900 homes only; and

Speed Limit and Visibility Splays – this had been stipulated by Suffolk County Council Highways Authority who were satisfied with the amended proposals.

Further discussion also took place with regard to water supply, particularly in relation to what would be required to facilitate the vehicles’ wheel washing process. Some concern was raised that water provision could result in increased vehicle movements to/from the compound.

The Chair invited the applicant to respond directly in relation to this matter and he advised Members that a permanent water supply was to be provided during construction, thereby meaning there would be no vehicle movements taking place in connection with water provision.

Councillor David Roach asked if it would be possible to condition the application to enable a review to be taken in two years’ time in light of the highways concerns raised by some Members.

The Principal Planning Officer explained that in view of Suffolk County Council Highways Authority not having raised any concerns in respect of the application, as it now stood, it was not considered reasonable to enforce a review of this nature.

Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor David Gathercole.

Upon being put to the vote and with 11 voting for the motion, 3 against and with 2 abstentions it was resolved that

Decision

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

3. The development hereby approved is required in association with the carrying out of the adjacent North East Haverhill Development as approved under DC/15/2151/OUT. The development hereby approved shall therefore only be used in connection with and for the duration of the operations being carried out on that adjacent site within development parcels A1, A2, A3, A5, A6, A7, A16 and their associated infrastructure, as shown on the land use parameter plans approved under DC/15/2151/OUT.
4. On the completion of the associated works within development parcels A1, A2, A3, A5, A6, A7, A16 and their associated infrastructure as approved under DC/15/2151/OUT, or when the site is no longer required for its purpose as set out in condition 3 above, or on the expiry of ten years from the date of this consent, whichever is the sooner, all buildings, structures, works, plant or machinery on the site shall be removed and the land reinstated in accordance with a scheme, that shall previously have been submitted to and agreed in writing with the local planning authority. The scheme shall include a breakdown of all reinstatement works and associated planting and a timescale for the implementation of those works.
5. Before the construction compound is first used, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to remove the access and reinstate the highway including (but not limited to); drainage, verge, footway, kerbing & channel, carriageway and all services & utilities.
The approved scheme shall be carried out in its entirety with the approval and agreement of the Highway Authority within 3 months of the occupation of the 1000th dwelling approved under DC/15/2151/OUT or when the compound is no longer required in connection with the development of the adjacent land, whichever is the sooner.
6. Prior to the first use of the development hereby approved, a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities; and a timescale for implementation. The approved scheme of soft landscaping works shall be implemented in accordance with the timescale agreed with the Local Planning Authority. Any planting removed, dying or becoming seriously damaged or diseased for the duration the life of the development 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.
7. Prior to the commencement of the development of development approved by this planning permission a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A site investigation scheme, based on the Geo-Environmental Phase 1 Desk Study carried out previously for the site, to provide information

for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

8. No infiltration of surface water drainage into the ground, at the Great Wisley Park site, is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the Drainage Strategy by Royal Haskoning DHV (Drawing ref:- PB8301-RHD-CE-SW-DR-D-0500 Rev P05 and dated 10/05/2019) and will demonstrate that surface water run-off generated by the development will be limited to 2.5l/s up to and including the critical 100 year+CC storm.
11. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
12. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities

- vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
13. Before the development is commenced details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles and holding/waiting for construction delivery vehicles, 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.
14. Before the development is commenced details of the areas to be provided for the secure, covered cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include design of the cycle store and safe routes to/from the store to the welfare facilities and highway, and 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.
15. Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins and associated waste collection strategy 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.
16. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No PB8301-RHD-CE-SW-DR-D-0102 Rev P03 and has been made available for use.
Thereafter the access shall be retained in the specified form. (See Note 1)
- Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.
- NOTE 1 (to be included as an informative on the decision notice):
The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding

- arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
17. Before the access is first used visibility splays shall be provided as shown on Drawing No. PB8301-RHD-CE-SW-DR-D-0102 Rev P03 and thereafter retained in the specified form. 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.
 18. Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to prevent the discharge of surface water, mud and other debris 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.
 19. Prior to the access being constructed any ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form. (See Note 2).
NOTE 2 (To be included as an informative on the decision notice):
The proposal may require works being carried out to / in an ordinary watercourse / the piping of a ditch.
As the proposal requires work affecting an ordinary watercourse, including a ditch, whether temporary or permanent, then consent will be required from Suffolk County Council's Flood and Water Management team before those works can commence. Application forms are available from the SCC website:
<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/working-on-a-watercourse/>
Applications for consent may take up to 8 weeks to determine and will incur an additional fee.
 20. Prior to the construction access and compound hereby permitted being first occupied, the access onto the A143 shall be properly surfaced with a bound material for a minimum distance of 20 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority. (See Note 1 above)
 21. Before the construction compound is first used, details of the internal accesses roads and footpaths, (including access gates, layout, levels, gradients, lighting, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
 22. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording

- b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
23. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 22 and the provision made for analysis, publication and dissemination of results and archive deposition.

(On conclusion of this item the Chair permitted a short comfort break.)

31. **Planning Application DC/19/1146/FUL - Land off Crown Lane, Crown Lane, Ixworth (Report No: DEV/WS/19/017)**

Planning Application - Access road to serve residential development comprising 77 no dwellings - (resubmission of DC/17/0339/FUL)

This application was referred to the Development Control Committee in August 2019 as it related to a major planning application and the Parish Council objected to the scheme.

The Committee resolved at that meeting to defer consideration of the application in order seek clarification/further information in respect of a number of matters, namely; the related Masterplan, the road layout, emergency access, the impact on the tree belt and the purpose of Condition 21.

A Member site visit was held prior to the August meeting. Officers were continuing to recommend approval, subject to conditions, as set out in Paragraph 68 of Working Paper 1 with the addition to Condition 21 as per Paragraph 18 of Report No DEV/WS/19/017.

The Principal Planning Officer drew attention to each of the matters Members raised at the last meeting and for which she had sought additional information, as set out in the report before the Committee.

Speakers: Sara Hopkins (landowner) spoke in support of the application
 Councillor Ben Lord (Chairman, Ixworth & Ixworth Thorpe Parish Council) spoke against the application
 Daniel White (applicant, Persimmon Homes) spoke in support of the application

Councillor Jason Crooks moved that the application be approved, as per the Officer recommendation and this was duly seconded by Councillor Jim Thorndyke.

Upon being put to the vote and with 11 voting for the motion, 3 against and with 2 abstentions it was resolved that

Decision

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.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 4 The access road shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery

- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- 6 Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
- i) Measures for the protection of those trees and hedges on the application site that are to be retained,
 - ii) Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
 - iii) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
- The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.
- 7 Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 8 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the

development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the Drainage Strategy & Appendices by GH Bullard (ref:- 280/2016/FRA Rev P12 & dated March 2019) and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details of which will include:

1. Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.

2. Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table.

3. Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.

4. Full modelling results (or similar method) to demonstrate that runoff from the Northern Spine Rd will be limited to 2l/s and the Southern Spine Rd to 5l/s for all events up to the 100yr+cc event. Infiltration devices will be adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.

5. Infiltration devices will have a half drain time of less than 24hours.

6. Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.

7. Infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water will be disposed of by infiltration devices due to the site being inside an Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.

8. Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.

9. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Details of the management arrangements for the SuDS basins shall be included together with details of the access and egress points.

10. Arrangements to enable any Surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
- 9 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction
- 10 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 11 No development above ground level shall take place until details of any boundary fences / structures in respect of the access road and SuDS have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
- 12 All ecological measures and/or works shall be carried out in accordance with the Best Practice Measures contained in The Ecological Report prepared by Wild Frontier Ecology dated February 2017 and Ecological Report Addendum letter prepared by Wild Frontier Ecology dated 12 October 2018 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
- 13 Site clearance, removal of hedgerows, trees, shrubs, other vegetation and habitats, or works to or demolition of buildings or structures that may be used by breeding birds or bats, shall be overseen on site by an ecological clerk of works, on-site ecologist or other appropriately competent person at the written approval from the Council. A site attendance record shall be maintained by the applicant which shall contain name and purpose of the visit and shall be available for inspection at 24 hours' notice.
- 14 Prior to first use of the road, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- i) Identify those areas/features on site that are particularly sensitive for and that are likely to be disturbed by lighting;
- ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.

- 15 Prior to commencement of the development hereby approved, details of the implementation, maintenance and management of the drainage system adjacent to the access road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with Section 11 of the approved FRA prepared by GH Bullard, dated March 2019 and shall include the following details:-

- (i) the body responsible for the management and maintenance of the system;
- (ii) cyclical maintenance;
- (iii) inspections; and
- (iv) remedial actions

The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 16 The gradient of the access road shall not be steeper than 1 in 20 throughout its length.

- 17 No other part of the development shall be commenced until the new vehicular access road has been laid out and completed in all respects in accordance with Drawing Nos 215-E-201 Rev D & 215-E-200 Rev D and has been made available for use. Thereafter the access shall be retained in the specified form.

- 18 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of discharge of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

- 19 All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the Local Planning Authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

- 20 All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Construction Management Plan which shall be submitted to the Local Planning Authority for approval a minimum of 28 days before any deliveries of materials commence.

The site is adjacent to a school via a narrow adopted road and the A1088. The site crosses an adopted highway that must remain open to all traffic and care should be taken not to introduce mud and detritus onto the highway.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

The plan should contain amongst other usual remediation, the parking location of construction vehicles and method of control and removal of mud control onto the highway.

- 21 Before the access is first used visibility splays shall be provided as shown on Drawing Nos 215-E-201 Rev D & 215-E-200 Rev D and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (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.
- 22 Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

(On conclusion of this item the Chair again invited any members of the public at the back of the Public Gallery, who were struggling to hear, to move forward to the available seats on the front row.)

32. Planning Application DC/18/0382/FUL - Cornhill Walk, Brentgovel Street, Bury St Edmunds (Report No: DEV/WS/19/018)

Planning Application - Demolition and redevelopment of the Cornhill Walk Shopping Centre to provide mixed use development comprising (i) 1,541sq.m (Use Class A1/D2) at the ground floor (ii) 48 no. residential units (Use Class C3) to three upper floors including parking, bin storage, access and other associated works as amended by plans received 13th December 2018, 27th March 2019 and 5th July 2019

Prior to the Officer undertaking her presentation, Councillor Diane Hind advised the meeting that she had taken part in Bury St Edmunds Town Council's consideration of the application when they resolved to oppose the scheme. However, Councillor Hind stressed that she would keep an open mind and listen to the debate prior to voting on the item.

This application was originally referred to the (now dissolved) St Edmundsbury Borough Council's Development Control Committee in March 2019 at the request of one of the Ward Members (Eastgate).

In addition, Bury St Edmunds Town Council had raised objections together with a number of other third parties.

The Committee resolved at the March meeting to defer consideration of the application in order to enable further consideration of the issues raised by

Members in respect of the scale/design/mass of the building, its impact on amenity and the inclusion of the retail units and a 24 hour gym.

A Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved, subject to the completion of a Section 106 Agreement and conditions.

The Senior Planning Officer outlined the amendments that had been made to the scheme since the deferral of the application.

Members were also advised that since publication of the agenda a further 13 objections had been received in respect of the application together with a petition opposing the development signed by 613 people.

Speakers: Paul Scarlett (agent representing Wells Street Association, Orchard Street residents and neighbouring objector Mr Ashley) spoke against the application
Roderick Rees (on behalf of the Bury St Edmunds Society) spoke against the application
Councillor Nicola Iannelli-Popham (Bury St Edmunds Town Council) spoke against the application
Councillor Trevor Beckwith (on behalf of Ward Member (Eastgate) Councillor Cliff Waterman) spoke against the application
Keiran Rushe (agent) spoke in support of the application

(During his address to the meeting Paul Scarlett attempted to display supporting visual aids; the Chair interjected and advised that the use of visual aids was not permitted by the Council within their public speaking policy and asked that they be put down. Furthermore, following the objectors' speeches the applicant came forward from the public gallery and interrupted the meeting objecting to some of the earlier statements made. He was advised by the Chair to take his seat and that any further outbursts of that nature would result in him being asked to leave the Conference Chamber.)

Considerable debate then ensued by the Committee with Members continuing to raise a number of the same concerns as were raised at the meeting in March.

The Senior Planning Officer responded to questions relating to; the commercial units, the electric charging provision, access for disabled users (as covered under Building Regulations) and the noise assessment provided in respect of the gym.

The Service Manager (Planning – Development) addressed the meeting in respect of questions posed with regard to the ownership of the site. She confirmed that small areas on the fringe of the development were owned by Suffolk County Council and West Suffolk Council; hence, the application would have always been referred to the Committee for determination. However, Members were reminded that ownership was not a material planning consideration.

The Principal Conservation Officer was also invited to speak by the Chair in relation to her consultation response and to expand on her reasoning for supporting the application.

Councillor Diane Hind proposed that the application be refused, contrary to the Officer recommendation, due to:

1. The size/massing of the building;
2. The overbearing/domineering impact the development would have on both the character of the area and on residential amenity;
3. The lack of enhancement that the development would provide to the Conservation Area; and
4. The impact the increased vehicle movements would have on the traffic network.

This was duly seconded by Councillor Andy Drummond.

The Service Manager (Planning – Development) explained that in light of Suffolk County Council Highways Authority not having raised an objection to the scheme she would not recommend the inclusion of reason 4 for refusal in respect of the traffic network.

The Committee was further advised of the policies that could be appended to reasons 1 – 3 and informed that, if reason 4 was removed, Officers would not consider it necessary to invoke the Decision Making Protocol and a Risk Assessment would not be required.

Accordingly, Councillors Hind and Drummond (as proposer and seconder of the motion) agreed to remove reason 4.

Therefore, upon being put to the vote and with 14 voting for the motion and 2 against, it was resolved that

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, for the following reasons:

1. The size/massing of the building;
2. The overbearing/domineering impact the development would have on both the character of the area and on residential amenity; and
3. The lack of enhancement that the development would provide to the Conservation Area.

(Following the Committee meeting and in consultation with the Chair it was agreed necessary to insert a further reason for refusal in the Decision Notice, given the lack of a completed S106 agreement, as follows:

"In the absence of a signed Section 106 Agreement, the proposed development fails to secure the appropriate infrastructure requirements including education, early years provision, libraries and affordable housing on the site. These developer contributions are necessary to make the development acceptable in planning terms and without which the scheme is considered unsustainable. The proposal is therefore contrary to policies CS5 and CS14 of the St. Edmundsbury Core Strategy (2010), Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (2013) and the objectives of the National

Planning Policy Framework (2019) that seek to deliver sustainable development".)

(On conclusion of this item, and Part A of the agenda, the Chair permitted an interval before proceeding with Part B of the agenda at 2.00pm.)

33. **Planning Application DC/19/1426/FUL - Unit 3, Haverhill Retail Park, Haverhil (Report No: DEV/WS/19/019)**

(Councillor John Burns declared a local non-pecuniary interest in this item given that he was the owner of an existing gym in Haverhill. He would remain in the meeting and take part in the debate and voting thereon.)

Planning Application - (i) Change of use from Class A1 (retail) to Class D2 (gymnasium) (ii) minor external alterations to provide new entrance to front elevation

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in light of the objection by Haverhill Town Council.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 31 of Report No DEV/WS/19/019.

Speaker: Jonathan Wadcock (agent) spoke in support of the application

Councillor John Burns asked if it would be possible to retain the Class A1 (retail) alongside adding the Class D2 (gymnasium) in respect of the unit, in order to not restrict any potential future use of the premises.

The Service Manager (Planning – Development) explained that it was not lawful to do so, however, a future planning application could be submitted at any point to revert the change of use.

A number of comments were made with regard to Condition 3 which stipulated the requirement for a Travel Plan. Whilst this condition had been recommended by Suffolk County Council Highways Authority and was considered reasonable by Officers, the Senior Planning Officer advised the Committee that the wording of the condition would be amended in order for the Travel Plan to just relate to the unit in question and not the whole retail park, due to the modest scale of the scheme seeking determination.

Councillor Andy Drummond proposed that the application be approved, as per the Officer recommendation and inclusive of the amendment to Condition 3, and this was duly seconded by Councillor Susan Glossop.

Upon being put to the vote and with 15 voting for the motion and with 1 abstention, it was resolved that

Decision

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.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. Prior to first occupation of the development, details of the travel arrangements to and from the site for employees in the form of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall include appointment of a suitably qualified travel plan coordinator, a commitment to monitor the Plan annually for a period of 5 years, with the monitoring report submitted to the Local Authority, and a suitable marketing strategy to ensure all employees are engaged in the process. The site shall not be occupied until the Travel Plan has been agreed. The approved Travel Plan shall be implemented and adhered to thereafter.

34. **Planning Application DC/18/1712/FUL - Bridgelands Farm, Newmarket Road, Cowlinge (Report No: DEV/WS/19/020) **AGENDA ITEM WITHDRAWN****

The Chair advised that this item had been **WITHDRAWN** from the agenda and would be considered at a future meeting of the Development Control Committee.

35. **Planning Application DC/18/1822/FUL - Norish, Northern Way, Bury St Edmunds (Report No: DEV/WS/19/021) **AGENDA ITEM WITHDRAWN****

The Chair advised that this item had been **WITHDRAWN** from the agenda and would be considered at a future meeting of the Development Control Committee.

36. **Planning Application DC/18/2152/FUL - Thripskin Farm, High Street, Thelnetham (Report No: DEV/WS/19/022)**

Planning Application - Provision of 1 no. agricultural worker's dwelling including conversion of existing single storey outbuilding (following demolition of existing pole barn and shed); change of use of agricultural land to garden. As amended by plans received on 6th and 20th December 2018

This application was originally referred to the Development Control Committee in August 2019, alongside its related Listed Building Consent application, following consideration by the Delegation Panel.

At the meeting in August Members resolved to grant Listed Building Consent and were also minded to approve planning permission, which was contrary to the Officer recommendation of refusal.

Accordingly, Officers had produced a Risk Assessment report for consideration by the Committee together with a detailed application appraisal from the Council's appointed countryside consultants Kernon.

A Member site visit was held prior to the August meeting.

Officers were continuing to recommend refusal for the reason set out in Paragraph 29 of Report No DEV/WS/19/022.

However, if Members continued to be minded to grant planning permission Officers had included a list of conditions at Paragraph 28. Specific attention was drawn to Condition 2; Officers had concerns that the applicant would be unable to comply with this condition, hence, their recommendation to refuse the application.

Speakers: Councillor Carol Bull (Ward Member: Barningham) spoke on the application on behalf of the applicants
Paul Nunn (applicant) spoke in support of the application

During the debate Councillor Bull spoke in support of the application and highlighted that granting approval would protect and enhance the countryside and rural economy; and a number of other Members equally shared this view.

Councillor Andy Drummond proposed that the application be approved, contrary to the Officer recommendation of refusal, and this was duly seconded by Councillor John Burns.

Upon being put to the vote and with 11 voting for the motion and with 5 against, it was resolved that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL**, subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry or a dependent of such person residing with him or her, or a widow or widower of such a person.
3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
4. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement 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. The works shall be

completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

5. No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
6. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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.
7. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
8. The dwelling shall not be occupied until the areas within the site shown on drawing no. 5642 101A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.
9. Prior to the dwelling hereby permitted being first occupied, the vehicular 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. The mitigation measures outlined in the Flood Risk Assessment shall be implemented in full prior to the first occupation of the dwelling unless otherwise agreed by the local planning authority.
11. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
12. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

37. Planning Application DC/19/1243/FUL - Wangford Woods, Access Road from A1065 to Wangford Warren, Wangford (Report No: DEV/WS/19/023)

Planning Application - To provide A11 mitigation land comprising of (i) Topsoil stripping to a depth of approx. 300mm to be taken from

bare earth (126 hectares) (ii) Topsoil to be spread evenly across scrub area (99 hectares) resulting in approx. 400mm land raise (iii) Installation of predator-proof fencing

This application was referred to the Development Control Committee as it related to a major planning application and Brandon Town Council objected to the scheme.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 50 of Report No DEV/WS/19/023.

Councillor David Palmer proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Terry Clements.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

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.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 No groundworks shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. Confirmation of the means by which ecological mitigation methodologies will minimise impacts on archaeological remains
 - b. The programme and methodology of site investigation and recording
 - c. The programme for post investigation assessment
 - d. Provision to be made for analysis of the site investigation and recording
 - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - f. Provision to be made for archive deposition of the analysis and records of the site investigation
 - g. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - h. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 4 Within six months of the site investigation, post investigation assessment should be completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3

and the provision made for analysis, publication and dissemination of results and archive deposition.

5. Prior to commencement of development details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) shall be submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
 - a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction.

(Councillor Ian Houlder left the meeting on conclusion of this item.)

38. Planning Application DC/19/1117/FUL - Land Adjacent to High Trees, The Park, Great Barton (Report No: DEV/WS/19/024)

Planning Application - (i) 1no. dwelling (ii) detached double garage and (iii) creation of a shared access

This application was referred to the Development Control Committee following consideration by the Delegation Panel; having been called in by Ward Member (The Fornhams and Great Barton) Councillor Beccy Hopfensperger.

A Member site visit was held prior to the meeting. The Parish Council supported the application, however, a number of objections had been received from third parties.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 55 of Report No DEV/WS/19/024.

As part of her presentation the Senior Planning Officer drew attention to the following amendments:

- The scheme had been amended to allow the proposed dwelling to use the existing access, therefore, '(iii) creation of a shared access' was to be removed from the application's description; and
- Two additional conditions were to be added in respect of:
 - i. Removal of Permitted Development rights in respect of renewable energy and solar panels
 - ii. Removal of Permitted Development rights with regard to extensions and outbuildings

Speakers: Terry Wright (neighbouring objector) – with the agreement of the Chair a pre-prepared statement against the application was read out by Councillor Beccy Hopfensperger on behalf of Mr Wright, who was unable to attend the meeting

Councillor Beccy Hopfensperger (Ward Member: The Fornhams and Great Barton) spoke against the application
Lara Turner (agent) spoke in support of the application

Considerable debate took place by the Committee with a number of Members voicing concern at the loss of trees and the potential harm the development could cause to the trees being retained.

In response to which, the Chair invited the Council's Arboriculture Officer to respond and further elaborate on his comments as set out in Paragraph 9 of the report.

Members raised other points with regard to the ownership of the access, the adjacent flint wall and the overhead power lines on the site. All of which the Service Manager (Planning – Development) advised were separate matters to be dealt with outside of the planning process and were not material planning considerations.

Councillor Susan Glossop proposed that the application be refused, contrary to the Officer recommendation, due to the detrimental impact it would have on the character of the area. This was duly seconded by Councillor Jason Crooks.

Upon being put to the vote and with 8 voting for the motion, 6 against and with 1 abstention it was resolved that

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, due to the detrimental impact it would have on the character of the area.

(Councillor Terry Clements left the meeting on conclusion of this item.)

39. **Planning Application DC/19/1046/FUL - Kentford Lodge, Herringswell Road, Kentford (Report No: DEV/WS/19/025)**

Planning Application - Installation of 6 x 2 Tonne Underground LPG Tanks including pipework network serving 60 properties (Retrospective)

This application was referred to the Development Control Committee following consideration by the Delegation Panel; having been called-in by Ward Member (Kentford and Moulton) Councillor Roger Dicker.

A Member site visit was held prior to the meeting.

The Parish Council, Ward Member and the one third party representation received all supported the application, which was contrary to the Officer recommendation of refusal for the reason set out at Paragraph 26 of Report No DEV/WS/19/025.

Councillor Dicker spoke in support of the retrospective application and made reference to the disruption and damage that would be caused if the applicant was forced to remove the underground tanks which were in situ.

The Service Manager (Planning – Development) advised Members that the potential for enforcement action and subsequent disruption to residents was not a material consideration in the determination of the application.

In addition, in response to further comments made by the Committee, the Service Manager assured Members that no error had been made on the part of the Planning Authority in respect of the application. However, she could investigate further and report back to Members directly should they wish; whilst being mindful that this was also not a material planning consideration.

Councillor Andy Drummond proposed that the application be approved, contrary to the Officer recommendation, as it was not considered to be so detrimental to the character and amenity of the area, and this was duly seconded by Councillor David Gathercole.

Councillor Jim Thorndyke asked if the approval could be conditioned to ensure some form of landscaping/screening was put in place and the proposer and seconder endorsed the inclusion of this in their motion.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL**, as it was not considered to be so detrimental to the character and amenity of the area, subject to the following conditions:

1. Compliance with plans
2. Landscaping/screening scheme to be agreed

The meeting concluded at 3.53pm

Signed by:

Chair

Development Control Committee 2 October 2019

Planning Application DC/18/2477/FUL – Land at Brickfield Stud, Exning Road, Newmarket

Date Registered: 17.12.2018 **Expiry Date:** 18.03.2019 EOT till
30.09.2019

Case Officer: Gary Hancox **Recommendation:** Approve Application

Parish: Newmarket Town Council **Ward:** Newmarket North

Proposal: Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping

Site: Land At Brickfield Stud, Exning Road, Newmarket

Applicant: CALA Homes (North Home Counties) 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 application and associated matters.

CONTACT CASE OFFICER:

Gary Hancox

Email: gary.hancox@westsuffolk.gov.uk

Telephone: 01638 719258

Background:

Following consideration by Members at the Development Control Committee on 4 September 2019, the application was deferred to allow for the completion of the SIR/SALP adoption process on 19 September 2019, and specifically, the full adoption of the site as a residential allocation under policy SA6(a), as well as to allow additional time for Officers to seek a response from Suffolk County Council Highways Authority in respect of the garage sizes proposed within the scheme.

A Committee Site Visit was undertaken on 30 September 2019.

The following report updates the previous Officer report (see Working Paper 1) taking into account the recent adoption of SALP Policy SA6(a) that now formerly allocates the site for residential development.

Proposal

1. The application proposes a residential development of 79 dwellings containing a mixture of 1, 2, 3, 4 and 5 bed properties, estate roads, parking, open space, landscaping and associated infrastructure. Twenty-four affordable dwellings are being proposed on-site. Vehicle and pedestrian access to the site would be from Exning Road, and a further pedestrian link is proposed to Brickfields Avenue.

Application Supporting Material:

2. Please refer to Working Paper 1 for a description of the supporting material.

Site Details:

3. Please refer to Working Paper 1 for site details. Please note that following the adoption of the SALP, the site is allocated for residential development under Policy SA6(a) 'Land at Brickfield Stud'. The site is now located within the newly defined settlement boundary.

Planning History:

4. None relevant

Consultations:

5. Please refer to Working Paper 1 for a summary of consultation responses.

Representations:

6. Please refer to Working Paper 1 for a summary of representations received. One additional letter of support has been received from a local resident.

Policy:

7. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in

place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

8. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:
- Core Strategy Policy CS1 - Spatial Strategy
 - Core Strategy Policy CS2 - Natural Environment
 - Core Strategy Policy CS3 - Landscape character and the historic environment
 - Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
 - Core Strategy Policy CS5 - Design quality and local distinctiveness
 - Core Strategy Policy CS9 - Affordable Housing Provision
 - Core Strategy Policy CS13 - Infrastructure and developer contributions
 - Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM5 Development in the Countryside
 - 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 DM22 Residential Design
 - Policy DM45 Transport Assessments and Travel Plans

- Policy DM46 Parking Standards
- Policy DM48 Development Affecting the Horse Racing Industry
- Policy DM49 Re-development of Existing Sites Relating to the Horse Racing Industry
- Policy DM50 Horse Walks

Site Allocations Local Plan (SALP)

9. This plan was adopted on September 19th 2019, and the site is allocated for residential development under Policy SA6(a). This newly adopted plan now carries full weight.

National Planning Policy Framework (2019)

10. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the NPPF 2019 that full weight can be attached to them in the decision making process.

Newmarket Neighbourhood Plan

11. Newmarket Neighbourhood Plan has now reached examination stage. Currently the examiner's report is awaited, which may require changes to the plan. Once the plan has passed Examination stage, it will proceed to a public Referendum stage, whereupon it will gain further weight in decision-making. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
12. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

13. In this case it is considered that the Neighbourhood Plan can be given moderate weight as a material consideration. Although the plan makes no housing land allocations, relevant emerging policies are NKT14 (Trees), NKT18 (Sustainable Design...), NKT19 (Meeting the Housing Needs of Newmarket), NKT20 (Affordable Housing) and NKT22 (Impact of Traffic from Development Proposals). Officers are satisfied that the application plans and supporting documents have demonstrated that the development accords with these emerging policies where relevant.

Officer Comment:

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

- Principle of Development
- Design & Layout
- Landscape & Ecology
- Amenity impact
- HRI impact
- Highway impact
- Planning obligations

Principle of development

15. 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 Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the Core Strategy Development Plan Document (adopted May 2010). National planning policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration.

16. The application site is allocated in the Site Allocations Local Plan (SALP) as allocation SA6(a). This allocation provides for an indicative capacity of 87 dwellings, with the following requirements:

- (a) Strategic landscaping and open space must be provided... to address the individual site requirements and location.
- (b) Permission will only be granted for development proposals where applicants can demonstrate that the transport impact of each proposal (including cumulative impacts where appropriate) on horse movements in the town, together with impacts on other users of the highway, has been assessed to: (i) determine whether the proposal results in material adverse impacts; and (ii) where necessary, to identify any measures necessary to mitigate the individual (and, where appropriate, cumulative) transport impacts of development (which may include contributions to upgrading horse crossings and measures to raise awareness of the special circumstances and highway safety issues in Newmarket where appropriate).
- (c) the site must include sustainable travel provision including facilities for pedestrians and cyclists and links to existing networks.

17. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.
18. Where there are no relevant development plan policies, or relevant policies are out-of-date (footnote 7 indicates that relevant policies are out of date where the LPA can not demonstrate a 5-year land supply of housing land), granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
19. Referring back to paragraph 17 above, the Council considers that the relevant planning policies are up-to-date, and furthermore, that a 6.3 year land supply of housing can be demonstrated. Footnote 7 of NPPF paragraph 11 is therefore not engaged and the development falls to be considered having regard to development plan policies and material considerations.
20. Joint Development Management Policy DM49 only allows the re-development of existing sites related to the Horse Racing Industry in exceptional circumstances:
- "The change of use of racehorse training yards, stud farms, racecourses, and horse training grounds, including associated residential accommodation or other uses directly related to the Horse Racing Industry (and buildings/land last lawfully used for such purposes) to uses not directly related to the Horse Racing Industry will only be permitted if allocated as a proposal in an adopted local plan."*
21. Recently adopted SALP allocation Policy SA6(a) allocates the site for residential development, and therefore development as proposed, subject to acceptable HRI impact, would now accord with Policy DM49. The proposed development is therefore capable of being approved, subject to compliance with the criteria of emerging Policy SA6(a) and the all other relevant development plan policies and material considerations.

Design and Layout

22. Please refer to Working Paper 1 for consideration of design and layout.

Landscape and ecology

23. Please refer to Working Paper 1 for consideration of landscape and ecology.

Amenity impact

24. Please refer to Working Paper 1 for consideration of Amenity impact.

Horse Racing Industry (HRI) Impact

25. It is a requirement of SALP Policy SA6 that an assessment of transport impact on horse movements in the town be assessed and mitigated where necessary. The comments of Newmarket Horsemen's Group are noted, particularly in respect of their concerns regarding horse crossings in St Mary's Square and Hamilton Road. In response to this, the applicants submitted a separate Horse Crossing Impact Statement, noting of course this impact had already been assessed by Suffolk County Council and Forest Heath District Council (West Suffolk Council) in consideration of allocating the site for residential development under the SALP process.

26. The impact statement comments that;

"The policy listed in the Main Modifications calls for the transport impact for each proposal (including cumulative impacts where appropriate) on horse movements to be assessed together with the impact on other users of the highway. For "other road users", particularly with reference to traffic capacity, the analysis in the Transport Assessment takes specific account of the Hatchfield Farm proposed development and also the traffic growth in the area by the use of TEMPRO growth factors. However for the impact on Horse Crossings only the specific impact of this development is considered. This is because, as will be demonstrated, the impact is so slight as to be immaterial and so the cumulative impact from other sites is not relevant to this application."

27. A total of 17 crossings were assessed, and 14 of them were found to be unaffected. The remaining 3 crossings were shown to be impacted as follows: Barbara Stradbroke Avenue (West) (0.9% traffic increase), Rowley Drive/Mill Hill (1.5% traffic increase), and Barbara Stradbroke Avenue (East) (0.9% traffic increase). It should be noted that in order to address the specific concerns raised in the Newmarket Horseman's Group response, traffic to Cambridge was modelled avoiding the A14 junction and travelling via the A1303. In practice this is unlikely to be the case as the A14 is a more direct route and avoids travelling through the town centre and so the impacts assessed are very much a worst case.

28. It can therefore be concluded that the impact of the development on horse crossings and the HRI in general is neutral with no significant impact. Notwithstanding the full weight to be attached to Policy SA6(a) and the site's allocation for residential development, officers consider that the neutral impact on the HRI, and in particular horse crossings, has been adequately demonstrated.

29. The proposed development therefore accords with Policy SA6(a) and Joint Development Management Policy DM48 in this regard.

Highway Impact

30. Please see Working Paper 1 for consideration of the highway impact. Since Development Control Committee on the 4th September, SCC Highways have confirmed that their previous comments and conditions still stand, albeit more of the estate road may now meet adoptable standards.

31. At Development Control Committee on the 4th September 2019 a query was raised about the size of the garages on site. All garages have internal widths of 3 x 6 metres, which allows for a small/medium sized car to park with a small amount of storage space for bins/cycles. An additional plan setting out additional storage areas for dwellings with garages has been requested, and this will be before members at Development Control Committee. Subject to this, the proposed garage size and layout accords with the most recent SCC Adopted Parking Standards (2019).

Planning Obligations

32. Please see Working Paper 1 (as updated by Working Paper 2) for consideration of planning obligations.

Other Matters

33. Please see Working Paper 1 for consideration of other matters.

Conclusion:

34. This report has identified that the proposed development is located within the newly defined settlement boundary, and is a site allocated for residential development under SALP Policy SA6(a). The development would contribute 79 dwellings towards the 5-year housing supply, as well as providing for 24 much needed affordable homes.

35. The information submitted with the application, along with the amendments to the proposed development, have demonstrated that a sustainable development of 79 dwellings can be achieved that meets the relevant requirements of Local Plan policy, the allocation Policy SA6(a), and the NPPF 2019 (as set out in this report). It has been demonstrated that the impact on the HRI is neutral and the impact on the local highway network would not be severe. Where not directly provided for on-site, the application mitigates for ecological and infrastructure impacts through appropriate financial contributions towards education, healthcare provision, off-site highway works, and provision of footpath links.

36. The proposal is also considered to be in accordance with the relevant policies of the emerging Newmarket Neighbourhood Plan, which has been given moderate weight.

37. 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:

38. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to provide for the following planning obligations,

- Primary Education (requested and confirmed as necessary by SCC) - £351,648 (subject to confirmation from SCC as this as a June 2019 revised figure)
- Secondary Education (requested and confirmed as necessary by SCC)

- £289,978
- Pre-school Education (requested and confirmed as necessary by SCC)
 - £154,576
- Affordable Housing in perpetuity - 30% (in accordance with Forest Heath Core Strategy Policy CS9)
- Library Provision (requested and confirmed as necessary by SCC) - £17,064
- Healthcare Provision (requested and confirmed as necessary by SCC) - £45,900

and 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:

Reference No:	Plan Type	Date Received
183890-002 A	Pavement Construction Details	11.12.2018
869.001.00	Location Plan	11.12.2018
869.200.14	Layout	21.08.2019
869.201.12	Parking Layout	21.08.2019
869.202.11	PLAN	21.08.2019
869.203.11	Materials	21.08.2019
869.204.10	Amenity Garden	21.08.2019
869.205.11	Tenure plan	21.08.2019
869.206.11	Refuse Plan	21.08.2019
869.207.07	Street Scene	19.06.2019
869.208.06	Street Scene	19.06.2019
869.209.00	Proposed Elevations & Sections	11.12.2018
869.210.02	Proposed Elevations & Floor Plans	19.06.2019
869.212.00	Proposed Elevations & Floor Plans	11.12.2018
869.213.03	Proposed Elevations & Floor Plans	19.06.2019
869.215.02	Proposed Elevations & Floor Plans	19.06.2019
869.216.01	Proposed Elevations & Floor Plans	19.06.2019
869.217.00	Proposed Elevations & Floor Plans	11.12.2018
869.218.00	Proposed Elevations & Floor Plans	11.12.2018
869.219.01	Proposed Elevations & Floor Plans	17.12.2018
869.220.02	Proposed Elevations & Floor Plans	19.06.2019
869.221.03	Proposed Elevations & Floor Plans	19.06.2019

	Plans	
869.222.00	Proposed Elevations & Floor Plans	11.12.2018
869.223.01	Proposed Elevations & Floor Plans	17.12.2018
869.224.01	Proposed Elevations & Floor Plans	19.06.2019
869.225.01	Proposed Elevations & Floor Plans	19.06.2019
869.227.03	Proposed Elevations & Floor Plans	19.06.2019
869.228.01	Proposed Elevations & Floor Plans	19.06.2019
869.229.01	Proposed Elevations & Floor Plans	19.06.2019
869.230.01	Proposed Elevations & Floor Plans	19.06.2019
869.231.04	Proposed Elevations & Floor Plans	21.08.2019
869.232.04	Proposed Elevations & Floor Plans	21.08.2019
869.234.00	Proposed Elevations & Floor Plans	17.12.2018
CALA21498-02	Tree Survey	11.12.2018
CALA21498-01	Tree Survey	11.12.2018
869.233.03	Refuse Plan	21.08.2019
PA00145-001-L-GA-P3	Landscape Plan	21.08.2019
PA00145-002-L-GA-P3	Boundaries	21.08.2019
PA00145-003-L-GA-P3	Planting Scheme	21.08.2019
PA00145-004-L-GA-P2	Open Space	21.08.2019
869.239.01	Proposed Elevations & Floor Plans	19.06.2019
869.214.00	Proposed Elevations & Floor Plans	11.12.2018
869.237.06	Proposed Elevations & Floor Plans	21.08.2019
869.238.01	Proposed Elevations & Floor Plans	19.06.2019
869.240.01	Sections	19.06.2019
869.241.01	Proposed Elevations & Floor Plans	19.06.2019
869.242.00	Proposed Elevations & Floor Plans	19.06.2019
869.243.02	Boundary Treatment	21.08.2019
869.244.02	Cycle plans	21.08.2019
869.245.00	Proposed Elevations & Floor Plans	19.06.2019
869.246.00	Refuse Plan	21.08.2019

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

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the FRA by Amazi Ltd (ref:- AMA713 Rev B and 25 June 2019) and Drainage Strategy by Infrastructure Design Ltd (Drawing ref 00145-371-C-SW Rev T4 and dated 22.07.19) and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event.

Reason: Required pre-commencement to ensure that the principles of sustainable drainage are incorporated into this proposal, and to ensure that the proposed development can be adequately drained both during the construction and occupation of the development.

4. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: Required pre-commencement to ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage before the drainage network is implemented.

5. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

a. Method statements, scaled and dimensioned plans and drawings detailing surface

water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction.

Reason: Required pre-commencement to ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater during construction.

6. No construction of any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows

closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014)., and;

- ii) Details of the development that demonstrate that noise levels within the private amenity space for each unoccupied dwelling, do not exceed 55 dB LAeq,T.

The development shall adopt the proposed sound insulation measures as stated prior to occupation of each dwelling.

Reason: To protect the amenity of occupiers of the property.

- 7. The hours of site clearance, preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, preparation or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

- 8. Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-
 - a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c. dust, dirt and vibration method statements and arrangements;
 - d. site lighting.

Reason: Required pre-commencement to ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance during construction.

- 9. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 10.No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy is submitted and approved, in writing, by the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 11.Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework and the Suffolk Parking Standards.

- 12.Prior to the connection of any dwelling to the existing foul sewerage network, and on-site foul water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the approved strategy prior to the occupation of any dwelling.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, in accordance with policy DM6 of the West

Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

13. No part of the development shall be commenced until details of the proposed access on Exning Road (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: Required pre-commencement to ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety for construction traffic as well as future occupiers.

14. Before the development is commenced above ground level, details of the estate roads, footpaths, and off-site footpath link to Brickfields Avenue (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

15. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: In the interest of the amenity of the occupiers of the dwelling.

16. Prior to the occupation of the 36th dwelling on site, all footpath/cycle links shall be completed and made available for use.

Reason: To ensure adequate provision of sustainable non-vehicular links to the town for the majority of the new occupiers of the development.

17. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic movements on local residents.

18. The approved parking, manoeuvring and cycle storage as set out on drawing (TBA) shall be completed and available for use prior to any occupation of any dwelling to which it serves.

Reason: In the interests of highway safety and the amenities of the occupiers of the dwellings.

19. 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 90 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.

Reason: To ensure vehicles exiting the road/drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

20. A signing strategy for the entry treatment to the private housing estate (as the estate does not meet SCC adoptable standards) shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented before the occupation of the 36th dwelling on the site.

Reason: To advise road users that the road layout and maintenance is not the responsibility of SCC.

21. Prior to occupation of any dwelling, a new bus shelter on the southbound carriageway of the Exning Road (in accordance with details that have been submitted to and approved in writing by the LPA) shall have been installed and made ready for use.

Reason: As requested by SCC Highways to mitigate for the increased impact of resident travel in the area.

22. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP) in accordance with the Travel Plan dated November 2018. Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

Reason: In the interest of sustainable development as set out in the NPPF, policy CS12 of the Forest Heath Core Strategy, and policies DM4, DM45 and DM46 of the Forest Heath and St Edmundsbury Local Plan - Joint

development management policies).

23. The ecological mitigation and biodiversity enhancements set out in the Ecological Assessment by Ethos Env. Planning (dated June 2019) shall be implemented in full prior to the occupation of any dwelling, unless the Local Planning Authority give consent in writing to any variation.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

24. Prior to the closure of the identified badger setts, a detailed badger mitigation strategy shall be submitted to and approved in writing by the LPA. The strategy shall include details of the artificial replacement sett, its location, planting and timing. The existing sett(s) to be closed between the months of July and November (as permitted under license).

Reason: To secure appropriate mitigation for badgers, in accordance with policies DM11 of the West Suffolk Joint Development Management Policies Document 2015, and all relevant Core Strategy Policies.

25. Prior to the occupation of any dwelling details of the management and maintenance of all open space, landscaping, planting, estate roads and footpaths (including the off-site footpath link to Brickfields Avenue) shall have been submitted to and approved in writing by the LPA. The agreed management and maintenance shall be implemented in full for the lifetime of the development.

Reason: To ensure that appropriate levels of amenity and bio diversity space is provided for all future occupiers of the development.

26. Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to

ensure that existing trees are adequately protected prior to any ground disturbance.

27. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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 and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2477/FUL](https://www.westsuffolk.gov.uk/DC/18/2477/FUL)

Working Paper 1 – Committee report 04.09.2019

Working Paper 2 – Late paper 04.09.2019

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Development Control Committee 4 September 2019

Planning Application DC/18/2477/FUL – Land at Brickfield Stud, Exning Road, Newmarket

Date Registered:	17.12.2018	Expiry Date:	18.03.2019 EOT till 30.09.2019
Case Officer:	Gary Hancox	Recommendation:	Approve Application
Parish:	Newmarket Town Council	Ward:	Newmarket North
Proposal:	Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping		
Site:	Land at Brickfield Stud, Exning Road, Newmarket		
Applicant:	CALA Homes (North Home Counties) 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 application and associated matters.

CONTACT CASE OFFICER:

Gary Hancox

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Telephone: 01638 719258

Background:

This application is referred to the Development Control Committee as the views of the Town Council are contrary to the Officer recommendation and because the application is recommended for APPROVAL contrary to the development plan.

Proposal

1. The application proposes a residential development of 79 dwellings containing a mixture of 1, 2, 3, 4 and 5 bed properties, estate roads, parking, open space, landscaping and associated infrastructure. Twenty-four affordable dwellings are being proposed on-site. Vehicle and pedestrian access to the site would be from Exning Road, and a further pedestrian link is proposed to Brickfields Avenue.

Application Supporting Material:

2. The application contains the following plans and supporting documents:
 - Layout plans, elevations and street scenes
 - Refuse plan
 - Parking allocation plan
 - Open space plan
 - Landscape masterplan
 - Design & Access Statement (DAS)
 - Affordable Housing Statement
 - Transport Assessment
 - Travel Plan
 - Energy Statement
 - Flood Risk Assessment
 - Landscape VIA
 - Biodiversity Survey
 - Ecological appraisal
 - Tree Survey
 - Statement of Community Involvement

Site Details:

3. The application site extends to some 2.88 hectares and is located to the North of the town alongside the B1103 Exning Road. Directly to the north of the site are the buildings associated with Brickfield Stud, including a stable yard and Etheldera House, a large house dating back to 1878 and refurbished in 1980. The house has 14 bedrooms split over 3 floors. Directly to the south of the site there is a single residential dwelling and field, and beyond that a business and industrial estate. To the west of the site beyond Exning Road lies fields and horse paddocks. To the east of the site is residential development fronting onto Brickfields Avenue, and development at Petingo Close that both fronts and backs onto the site.
4. The boundary of the site has an almost continuous line of trees and hedges which screens the central area of the site from views from the roads and the immediate surrounding area. The majority of the site was paddocks associated with Brickfields Stud and is divided into four roughly equal quadrants by clearly defined hedgerows and trees.

5. The site is approximately 2.3 km from the centre of Newmarket, is outside the settlement boundary, and is not within a Conservation Area.
6. The site is proposed allocation SA6(a)' Land at Brickfield Stud' within the emerging Site Allocations Local Plan (SALP).

Planning History:

7. None relevant

Consultations:

8. Newmarket Town Council – OBJECT on the grounds that the application contravened the FHDC horse racing policy, highway safety and planning creep, which would merge Newmarket with Exning.
9. Newmarket Horsemen's Group - the proposed development site is horseracing land and should be treated as such until the Local Plan is adopted, and hence the application could be considered to be premature. In addition, a development of this scale is likely to have an impact on the horseracing industry, and any impacts should be properly considered and mitigated. At both the initial and Main Modification EiPs for the Local Plan, both FHDC (as was) and SCC Highways stated that the cumulative impacts of developments, especially with regard to highways matters, would be dealt with fully at Development Management level when applications are considered, and yet that does not appear to be happening. Both the Traffic Assessment and the follow up Technical Note on Impact on Horse Crossings appear to be written with the single aim of avoiding any commitment by the applicant to any infrastructure improvements, and this approach does not seem to be being robustly challenged by either Highways England or the Highways Authority. Given the significant capacity and safety issues in Newmarket, this is disappointing.
10. The Technical Note, at para 2.0 challenges NHG's suggestion that vehicles from the development travelling to or from Cambridge, or anywhere west, will use the A1303. It states "In practice this is unlikely to be the case as the A14 is a more direct route and avoids travelling through the town centre". Either the writer has no understanding of what happens in practice or has chosen to ignore reality. This route does not necessitate travelling through the town centre for travelling west, and, as has been well evidenced, junction 37 suffers from capacity and safety issues at both am and pm peaks, and hence people wishing to travel west will use the A1303, via the busy horse crossing at Rowley Drive/Hamilton Road junction. A scheme design to improve safety at that junction exists, and I suggest that a contribution should be made towards that scheme.
11. Any traffic accessing the town centre will cross the horse crossing at St Mary's Square, and an appropriate contribution to mitigation measures should be made in that regard also. More generally;
 - the Applicant has not analysed the impact of the development on junction 37 of the A14 (para. 7.10 of TA) to which around 50% of its traffic is assigned in each peak hour (i.e. around 20 vehicles).

- Given the capacity and safety issues associated with junction 37 it is surprising that Highways England have not raised a holding direction requiring analysis. No mitigation is proposed by the applicant at junction 37; therefore the incremental addition of traffic to the overcapacity junction with a poor safety record should have been a concern;
- the cumulative impact point put to the recent Hatchfield Farm Inquiry applies here because there is no certainty the HF development will come forward nor is there any certainty the SCC/ HE longer term proposals for junction 37 will materialise;
- the Exning Road / Studlands Park Avenue junction is shown to be over capacity in the PM peak, but the applicant refers to HF having a significantly higher impact (para. 7.26 TA). That does not solve the problem;
- the applicant claims the site is sustainable but it is not well located for buses or the train station. The propensity will be for residents to use the car, notwithstanding the Travel Plan, which might suggest the trip rates and therefore traffic figures should be reviewed.

12. It could be argued that the Travel Assessment is unrealistic since it underplays the impact of the development on a congested network that experiences highway safety issues (without any mitigation) and therefore is contrary to the NPPF.

13. Natural England – NO OBJECTION

14. Suffolk Wildlife Trust – Satisfied with the findings and recommendations of the ecological survey report. Note that the consultant has requested that a Natural England Licence is required in order to close a main badger sett. In addition to this, a badger mitigation strategy, based on up-to-date surveys should be submitted and approved prior to sett closure.

15. Highways England – NO OBJECTION

16. SCC Flood & Water Management – NO OBJECTION, subject to appropriate conditions.

17. NHS (CCG) – NO OBJECTION subject to a developer contribution to mitigate the impacts of this proposal. NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development and calculates the level of that contribution to be £45,900. Payment should be made before the development commences.

18. Public Health and Housing – NO OBJECTION subject to appropriate conditions to deal with internal noise levels of dwellings, construction hours and management.

19. Environment Team – NO OBJECTION subject to appropriate conditions to provide for electric vehicle charging points (to reduce emissions), and the submission and approval of a contamination remediation strategy.

20. Anglian Water – Newmarket Water Recycling Centre has available capacity to receive the foul drainage from this development. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The developer has

indicated that a gravity discharge will be promoted as per drawing IDL/897/07/100, however, in order to conduct an accurate impact assessment, confirmation of the connecting manhole will be required accordingly at this time. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

21. Environment Agency – No comments.

22. Strategic Housing – Support the amended scheme and request the following tenure split:

Affordable/Social Rent

8 x 1 bed flats

8 x 2 bed houses

1 x 3 bed house

1 x 4 bed house

Shared Ownership

2 x 2 bed FOG

1 x 3 bed house

1 x 4 bed house

23. SCC Planning Obligations – Request contributions towards education improvements in pre-school, primary and secondary education at the local catchment schools totalling £641, 626.

24. SCC Highways – Final comments on amended plans to be reported. However, will require the following;

- Relocated unmarked bus stops (can form part of a future section 278 highways agreement)
- South bound bus stop and shelter and real time info screen to accommodate additional commuters into Newmarket town (£17,000)
- Sustainable transport measures identified in the Travel Plan to be secured by condition

Representations:

25. One letter of support received from a nearby resident commenting that

- the land the application is for is very poor grazing land, and if built on will not have any negative effect on the training establishments that are there now.

26. Five letters of objection received from one individual property

- Traffic impact will be severe
- Increased danger to cyclists and pedestrians
- Increased noise from people/traffic
- Loss of trees and wildlife

Policy:

27. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The

development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

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

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision
- Core Strategy Policy CS13 - Infrastructure and developer contributions
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- 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 DM22 Residential Design
- Policy DM45 Transport Assessments and Travel Plans

- Policy DM46 Parking Standards
- Policy DM48 Development Affecting the Horse Racing Industry
- Policy DM49 Re-development of Existing Sites Relating to the Horse Racing Industry
- Policy DM50 Horse Walks

Other Planning Policy:

Emerging Site Allocations Local Plan (SALP)

29. This plan is at a very advanced stage in the plan preparation process and the Inspectorate has now, subject to agreed modifications, declared it sound. The site is allocated for residential development under Policy SA6(a) and is not subject to any modification. The SALP is now due to be adopted by the Council on 19th September 2019. This emerging plan is therefore considered to have almost full weight.

National Planning Policy Framework (2019)

30. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the NPPF 2019 that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Design & Layout
- Landscape & Ecology
- Amenity impact
- HRI impact
- Highway impact
- Planning obligations

Principle of development

32. 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 Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the Core Strategy Development Plan Document (adopted May 2010). National planning

policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration.

33. The application site is allocated in the emerging Site Allocations Local Plan (SALP) as allocation SA6(a). This allocation provides for an indicative capacity of 87 dwellings, with the following requirements:

- (a) Strategic landscaping and open space must be provided... to address the individual site requirements and location.
- (b) Permission will only be granted for development proposals where applicants can demonstrate that the transport impact of each proposal (including cumulative impacts where appropriate) on horse movements in the town, together with impacts on other users of the highway, has been assessed to: (i) determine whether the proposal results in material adverse impacts; and (ii) where necessary, to identify any measures necessary to mitigate the individual (and, where appropriate, cumulative) transport impacts of development (which may include contributions to upgrading horse crossings and measures to raise awareness of the special circumstances and highway safety issues in Newmarket where appropriate).
- (c) the site must include sustainable travel provision including facilities for pedestrians and cyclists and links to existing networks.

34. Paragraph 48 of the NPPF gives advice on the weight to be given to emerging plans and states: 'LPAs may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

35. Paragraph 49 of the NPPF gives advice as to when prematurity might be justifiable as a reason to refuse planning permission:

'...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

36. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.
37. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.
38. Where there are no relevant development plan policies, or relevant policies are out-of-date (footnote 7 indicates that relevant policies are out of date where the LPA can not demonstrate a 5-year land supply of housing land), granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
39. Referring back to paragraph 30 above, the Council considers that the relevant planning policies are up-to-date, and furthermore, that a 6.3 year land supply of housing can be demonstrated. Footnote 7 of NPPF paragraph 11 is therefore not engaged and the development falls to be considered having regard to development plan policies and material considerations.
40. A significant relevant material consideration is the emerging SALP. This plan is at a very advanced stage in the plan preparation process and the Inspectorate has now, subject to agreed modifications, declared it sound. The SALP is now due to be adopted by the Council on 19th September 2019. This emerging plan is therefore considered to have almost full weight.
41. Linked to the above emerging policy allocation is Joint Development Management Policy DM49, which only allows the re-development of existing sites related to the Horse Racing Industry in exceptional circumstances:
- "The change of use of racehorse training yards, stud farms, racecourses, and horse training grounds, including associated residential accommodation or other uses directly related to the Horse Racing Industry (and buildings/land last lawfully used for such purposes) to uses not directly related to the Horse Racing Industry will only be permitted if allocated as a proposal in an adopted local plan."*
42. Given the advanced stage of the SALP allocation SA6(a), and the almost full weight to be attached to it, the site is almost capable of being treated as adopted. Ahead of formal adoption however, development approval of the site would be contrary to the current development plan. Notwithstanding this, Officers are of the view that the re-development of the site is acceptable in principle. The proposed development is therefore capable of being approved,

subject to compliance with the criteria of emerging Policy SA6(a) and the all other relevant development plan policies and material considerations.

Design and Layout

43. The application is accompanied by a design and access statement that includes an assessment of the existing character and appearance of the area. This identifies that there is a varied character, both in terms of built form and land uses. There are a large amount of industrial units to the south east of the site, which itself is located adjacent to residential development. The Studlands estate to the north east of the site contains dwellings that all have a similar appearance of buff or brown/red brick ground floors with the first floor clad in narrow boarded timber cladding in black or red. Large areas of green space in front of the dwellings improves the amenity whilst also reducing the overall development density.
44. The existing buildings of Brickfields Studs also have an influence on the site, and are visible in views into and out of the site. The scale and layout of the proposal has been designed to respect and where possible reflect the historic nature of the paddocks and their associated buildings. Throughout the course of the application Officers have sought to improve the design and layout of the scheme, and the applicants have made amendments accordingly. Generally, the scheme has been designed with good townscape principles, and more specifically, the 2/3 storey houses and apartments have been laid out to reflect the general arrangement of the adjacent paddock buildings surrounding a central courtyard. The proposed material palette including a combination of weathered and multi buff and red brick, along with traditional plain and pan-tiles to the roofs will further compliment the historic nature of the site.
45. The layout also includes an approach to landscaping that seeks to retain as much as possible of the existing hedging through the central band of the site, and to open this up for amenity value and for use by the residents. Almost all existing trees to the boundaries of the site will be retained and enhanced where appropriate. Open space is created to the centre of the site as well as to the north east of the site. This helps to provide maximum amenity space between the new development and the existing dwelling at Brickfield Avenue and Petingo Close.
46. Pedestrian links have been provided to Exning Road, and provision has been made for a pedestrian/cycle link through to Brickfields Avenue.
47. Policies DM2 and DM22 of the Joint Development Management Policies Document and paragraph 124 of the NPPF 2019 require good design to be considered as a key aspect of sustainable development with a sense of place and character being created. NPPF paragraph 127 adds that decisions should ensure that developments:
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

48. As amended, the overall scale and form of the proposed dwellings are appropriate for the locality and is in-keeping with existing development surrounding the site. The response to the historic context of Brickfields Stud has helped to create a sense of place and character. The layout also allows for the retention of significant vegetation and trees, as well as new landscaping and pedestrian links to the east and west. The design and appearance of the individual dwellings is simple in terms of detailing and follows a traditional form and scale appropriate for its locality. The density of the development is low and reflective of its rural location allowing for sufficient separation distances between dwellings, garden areas, open space and parking to serve the needs of the development.

49. This type of development generates a requirement for on site open space in accordance with Policy CS13 and the Forest Heath SPD for Open Space, Sport and Recreation Facilities. The amended scheme now includes an appropriate amount of usable on site open space in accordance with this policy.

50. Overall it is considered that the design and layout of the scheme accords with the requirements of Joint Development Management Policies DM2 and DM22 and paragraphs 124 and 127 of the NPPF 2019 in this regard.

51. Energy efficiency – JDM Policy DM7 states that;

"All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."

52. In response to the above, the applicant's Design and Access Statement states that;

"The development has been designed with the hierarchy model of Be Lean, Be Clean, Be Green. Passive design measures will be incorporated into the design of the proposed development to reduce energy consumption whilst enhancing occupant comfort and well-being. This will aim to result in a Dwelling Fabric Efficiency (DFEE) that is less than the Target Fabric Efficiency (TFEE). Key sustainable design features include maximising exposure to solar energy and daylight through considered façade design, minimising overheating and glare via passive shading and providing facilities for effective, controlled natural ventilation, and specialist designed SuDs systems."

53. In respect of water efficiency, the applicant's have indicated that the following strategies will be adopted;

- Specification of water efficient appliances, including washing machines and dishwashers.
- Dual and low flush toilets
- Reduced flow (low pressure) showers and aerated taps
- Flow restriction on piped water supplies to sinks and basins.
- Minimisation of leakage by installing isolation valves and leakage detection.

54. The above strategies have been calculated to reduce water consumption to 105 litres per person per day, which accords with the requirements of Joint Development Management Policy DM7 in this regard.

Landscape and ecology

55. Joint Development Management Policy DM13 states that *'development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.'* The policy requires that *'development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape.'*

56. The policy further states that *'it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.'*

57. The amended proposals now retain the majority of hedgerows running east west across the site and this is incorporated in a central area of open space that connects with a larger area of open space in the north east corner of the site. Additional planting is also proposed in these areas to further mitigate for the overall landscape impact of the development.

58. The applicant has submitted a Preliminary Ecological Appraisal (Geosphere environmental Ltd, 02 March 2018). The report concludes that there are suitable features within the area to be affected by the proposed development

which may provide habitat for foraging and commuting bats, badgers, breeding birds, and reptiles.

59. The survey goes on to require that further Phase 2 protected species surveys are undertaken in respect to breeding birds (including skylarks) and reptiles. Breeding birds and reptiles are protected by law. The local planning authority has a duty under section 40 of The Natural Environment and Rural Communities (NERC) Act to have regard to biodiversity conservation when carrying out its functions. A full ecological survey report was duly submitted in November 2018. A further updated report (including the results of a tree survey for bats) was submitted in June 2019.

60. This survey recommended specific habitat enhancement in order to adequately mitigate for the loss of improved grassland and hedgerow:

- Amenity grassland planted with slow growing grasses with wild flowers that respond well to mowing
- Native tree planting
- Enhancement of retained hedgerows with native planting and a fringe grassland habitat.

61. Mitigation for birds, bats and mammals includes;

- Access gaps in fencing for hedgehogs
- Bat boxes to be installed and a lighting plan to be agreed
- Compensation for the loss of potential breeding habitat for birds to include the installation of six sparrow terraces general purpose bird boxes either integrally into new designs or onto the side of new dwellings.

These mitigation and enhancement measures can be secured by condition.

62. The proposed development will result in the destruction of a main and outlying badger sett, therefore the setts will need to be closed under license from Natural England. A detailed badger mitigation survey, based on up-to-date survey information, can be required to be submitted and approved by condition.

Habitat Regulations Assessment

63. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017. In this case the site is located 9.4 km away from the Breckland Special Protection Area (SPA) and is outside of the 7.5 km recreational SPA buffer zone. The qualifying features of the SPA are three birds; Stone Curlew, European Nightjar and Woodlark. The project is not directly connected with or necessary to the management of the site for nature conservation.

64. No direct effects on the Breckland SPA have been identified, and given the distant location from the edge of the recreational buffer zone, there is minimal potential for increased indirect recreational disturbance to occur as a result of the increased housing in the area.

65. The application site is located sufficiently distant from the woodland and heathland elements of the SPA and the scale of development proposed is unlikely to lead to significant recreational effects on Breckland SPA noted for woodland and nightjar.
66. In-combination recreational effects: The site is located 9 km from the SPA and 5.2 km from the edge of the 7.5km recreational impact buffer zone. Officers consider that in-combination effects arising in relation to recreational pressure from this development are unlikely to be significant.
67. Overall, the proposed development (as amended) is considered to accord with the requirements of the Forest Heath Core Strategy Policy CS2, Joint Development Management Policies DM12 and DM13, and par. 170 of the NPPF 2019 in this regard.

Amenity impact

68. The impact on existing neighbouring dwellings to the east and south of the site has been considered, both in respect of separation distances, overlooking and existing and proposed landscaping. To the east, minimum separation distances of 45 metres to the existing dwellings at Petingo Close and Brickfields Avenue have been achieved. Within this area is a significant amount of open space and retained trees, which further helps to minimise impact in this respect. Plots 66 and 67 further to the south of the site maintain an approx. 18 metre gap to the gable end of the nearest neighbouring dwelling.
69. To the south of the site a separation distance of 25 metres to Stud Lodge has been achieved, minimising any overlooking impact. Existing tree screening is also retained and enhanced in this area.
70. To the north of the site are the range of buildings at Brickfields Stud. One of these buildings is a long 2 storey building, which appears historically to have contained accommodation at first floor level. However, presently this building is unoccupied. Notwithstanding this, proposed plots 31 to 34 achieve a minimum separation distance of approx. 20 metres to the gable end of this building, thereby avoiding any potential direct overlooking impact.
71. Overall, the direct impact on neighbouring amenity is not considered to be significant, and the proposal accords with Joint Development Management Policies DM2 and DM22 in this regard.

Horse Racing Industry (HRI) Impact

72. It is a requirement of the emerging SALP Policy SA6 (as set out in the SALP Main Modifications proposed by the Council and recently found sound by the Local Plan Inspectors) that an assessment of transport impact on horse movements in the town be assessed and mitigated where necessary. The comments of Newmarket Horsemen's Group are noted, particularly in respect of their concerns regarding horse crossings in St Mary's Square and Hamilton Road. In response to this, the applicants submitted a separate Horse Crossing Impact Statement, noting of course this impact had already been assessed by Suffolk County Council and Forest Heath District Council (West Suffolk Council) in consideration of allocating the site for residential development under the SALP process.

73.The impact statement comments that;

"The policy listed in the Main Modifications calls for the transport impact for each proposal (including cumulative impacts where appropriate) on horse movements to be assessed together with the impact on other users of the highway. For "other road users", particularly with reference to traffic capacity, the analysis in the Transport Assessment takes specific account of the Hatchfield Farm proposed development and also the traffic growth in the area by the use of TEMPRO growth factors. However for the impact on Horse Crossings only the specific impact of this development is considered. This is because, as will be demonstrated, the impact is so slight as to be immaterial and so the cumulative impact from other sites is not relevant to this application."

74.A total of 17 crossings were assessed, and 14 of them were found to be unaffected. The remaining 3 crossings were shown to be impacted as follows: Barbara Stradbroke Avenue (West) (0.9% traffic increase), Rowley Drive/Mill Hill (1.5% traffic increase), and Barbara Stradbroke Avenue (East) (0.9% traffic increase). It should be noted that in order to address the specific concerns raised in the Newmarket Horseman's Group response, traffic to Cambridge was modelled avoiding the A14 junction and travelling via the A1303. In practice this is unlikely to be the case as the A14 is a more direct route and avoids travelling through the town centre and so the impacts assessed are very much a worst case.

75.It can therefore be concluded that the impact of the development on horse crossings and the HRI in general is neutral with no significant impact. Notwithstanding the almost full weight to be attached to emerging Policy SA6(a) and the site's allocation for residential development, officers consider that the neutral impact on the HRI, and in particular horse crossings, has been adequately demonstrated.

76.The proposed development therefore accords with emerging Policy SA6(a) and Joint Development Management Policy DM48 in this regard.

Highway Impact

77.Paragraph 108 of the NPPF 2019 requires development to ensure that;

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

78.Paragraph 109 goes on to require that developments;

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise

the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

79. The application proposes a single access off Exning Road to serve the development. In order to afford the best visibility with the least amount of existing vegetation affected, the access is located towards the south corner of the site. Standard estate type roads with a shared surface are then proposed to serve individual dwellings. Although the applicants do not propose to offer the estate roads for adoption by the Local Highway Authority, appropriate visibility splays at the junction with Exning Road have been incorporated and the access at this point will be to adoptable standards.

80. A full transport assessment and travel plan considering the wider impact on the local highway network has been submitted with the application, and this has been reviewed and found to be acceptable by the Local Highway Authority. The Travel Plan can be secured by condition.

81. Final details of the construction of the estate roads and shared surfaces are still to be agreed, and these can be required by condition. Following comments from the Local Highway Authority, the latest amended plans now include sufficient resident parking and visitor parking, the majority of which is 'in curtilage'. Parking serving the apartments and 'flat over garages' will be allocated.

82. Final details of the proposed pedestrian/cycle links to Exning Road and Brickfields Avenue are still to be agreed and can be required by condition. However, their location and general arrangement is acceptable in principle. The pedestrian link to Brickfields Avenue requires crossing land currently outside the applicant's control, in this case it is under the control of a management association. The applicants have got an agreement in principle to cross this land, however it is proposed that a Grampian style condition will be applied to any permission to ensure that agreement for this link is in place before development can go ahead.

83. It is noted that SCC Highways has requested improvements to the design of the estate roads. Although not being offered for adoption, final amended plans are awaited that address the majority of these concerns. An update on amended plans received will be given to members.

84. Subject to appropriate conditions requiring the submission of detailed designs for the access junction, off-site highway works and estate roads, the

application has demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety. Safe and suitable access can be achieved for all users. Overall, the proposal is considered to accord with Policy DM2 and paragraphs 108 and 109 of the NPPF in this regard.

85. Furthermore, paragraph 110 of the NPPF 2019 states that;

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

86. Taking both the direct impacts and the residual cumulative impacts on the highway network into account, it has been adequately demonstrated that the impacts on the road network would not be severe.

Planning Obligations

87. Affordable Housing - The application proposes 24 of the dwellings as 'affordable', which is 30.4% of the total number of units to be provided on the site. This achieves the 30% target set out in Policy CS9 of the Core Strategy and can be secured through a S106 legal agreement.

88. The Council's Housing Officer has confirmed support for the scheme and the provision of 30% of affordable housing on the site. In terms of housing tenure, the following requested mix has been agreed with the applicant:

Affordable/Social Rent

8 x 1 bed flats
6 x 2 bed houses
1 x 3 bed house
2 x 4 bed house

Shared Ownership

2 x 2 bed FOG
4 x 2 bed house
1 x 3 bed house

89. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider will be secured through the S106 planning obligation.

90. Education - The local catchment schools are Laureate Primary School, Newmarket Academy and for sixth form either Mildenhall College, King Edward in Bury St Edmunds or One in Ipswich. There are currently forecast to be surplus places available at the sixth form providers serving the proposed development, so SCC is not seeking sixth form school contributions.

91. Suffolk County Council have confirmed that in this case the site acquisition of the new primary school site will cost £90,000 in total for a 2.2 ha site. The proportionate contributions from this scheme will therefore be based on a cost per pupil place of £19,322 per pupil contribution, plus a land contribution of $\frac{£90,000}{420} = £214$ per place. Based on 18 primary age pupils anticipated to arise gives a total contribution sought of $18 \times £19,322 + 18 \times £214$ ($£19,536$ per pupil) = **£371,184** (2019/2020 costs).

92. At the secondary school level the latest forecasts show that there will be no places available. Therefore full contributions are requested to provide the additional places at the school and a project is in place to expand the school from 960 places to 1,200 places. This equates to a contribution of **£289,978**.
93. Education for early years should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities'. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. The Childcare Act in Section 7 sets out a duty to secure free early years provision and all children in England receive 15 free hours free childcare. Through the Childcare Act 2016, from September 2017 families of 3 and 4 year olds may now be able to claim up to 30 hours a week of free childcare. This new challenge has increased the assumptions on the overall need for full-time equivalent (FTE) places.
94. Given the scale of development proposed in the area, the legislative changes and the intention to establish a new primary school, the most practical approach is to establish a new early education setting on the site of the new primary school which would be a 60 place setting. A contribution of **£154,576.00** towards pre-school provision is therefore required.
95. Healthcare Provision – the CCG (NHS England) have confirmed that existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 190 residents and subsequently increase demand upon existing constrained services. The development would have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. Appropriate mitigation is therefore required.
96. To provide for additional floorspace growth at The Rookery Medical Centre and Orchard House Surgery a capital contribution of £45,900.00 is requested. Again this can be secured via a S106 legal agreement.
97. In order to meet the infrastructure requirements of the development in accordance with Core Strategy Policy CS13, the following planning obligations will be secured through the completion of a S106 legal agreement:
- Primary Education (requested and confirmed as necessary by SCC) - £371,184
 - Secondary Education (requested and confirmed as necessary by SCC) - £289,978
 - Pre-school Education (requested and confirmed as necessary by SCC) - £154,576
 - Affordable Housing in perpetuity - 30% (in accordance with Forest Heath Core Strategy Policy CS9)
 - Library Provision (requested and confirmed as necessary by SCC) - £17,064
 - Healthcare Provision (requested and confirmed as necessary by SCC) - £45,900

Other Matters

98. Air Quality - Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into

account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'

99. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. Furthermore, Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
100. In order for the development to accord with the above, an appropriately worded condition will need to be attached to any permission requiring all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
101. Archaeology - The proposed development site lies in an area of high archaeological potential as recorded by information held by the County Historic Environment Record (HER). Recent archaeological investigation on the opposite side of Exning Road discovered a previously unknown Roman road with traces of significant adjacent Prehistoric and Roman occupation (HER no NKT 050 and EXN 012). Historic maps show that much of this site was once covered by a gravel pit and therefore any surviving archaeology across much of this site is likely to have been destroyed. However, there is still high potential for archaeological remains to survive outside of the area covered by the gravel pit and the proposed works would damage or destroy any below ground remains which exist.
102. SCC Archaeology has confirmed that there are no grounds to consider refusal of permission to achieve preservation of heritage assets. However, in accordance with paragraph 199 of the NPPF 2019 and the requirements of Joint Development Management Policy DM20, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
103. Noise - A noise survey has been carried out to assess the existing noise levels in the area which are dominated by road traffic noise from the A14 and B1103. Full construction details for the development have not been finalised however, based on the assumption that the external walls of the development will be constructed using a standard masonry construction and internal noise levels, to meet the criteria within BS 8233:2014 will be dictated by external noise ingress through glazing and ventilators. Based on typical dimensions as detailed in the report, the glazing and ventilator requirements to meet the internal noise criteria are detailed in Tables 2 and 3. The report clearly states that the requirements are however approximate and will need to be confirmed at the detailed design stage.
104. With regard to noise levels within the external amenity spaces, levels of up to 63 dB LAeq,T have been recorded, which significantly exceeds the upper guideline value of 55 dB LAeq,T. Whilst the installation of 1.8-2m close boarded timber fencing would typically be expected to reduce garden noise levels by around 5-10 dB, no details have been provided as to which

properties would be affected; furthermore, external noise levels within the worst affected amenity areas are still likely to be above the upper level.

105. Whilst it is accepted that with suitable and sufficient noise mitigation measures the site is suitable for development, further information will be required so as to ensure that sufficient noise mitigation measures are implemented within each dwelling as may be necessary so as to meet the day and night-time guideline internal ambient noise levels as stated within BS 8233:2014. Noise mitigation measures will also be required in order to meet the recommended external noise levels within the private amenity spaces.

106. Suitable noise mitigation can be achieved using the following condition:

No construction for any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;

ii) Details of the development that demonstrate that noise levels within the private amenity space for each unoccupied dwelling, do not exceed 55 dB LAeq,T.

107. Drainage – the site is located wholly in Flood Zone 1 and is at low risk of flooding from all sources. A Flood Risk Assessment has been submitted with the application that proposes a surface water drainage design that incorporates fully infiltrating sustainable drainage systems, including soakaways for private roofs, drives and access roads draining to permeable paving. Foul drainage will be to the existing network, and Anglian Water has confirmed that the local Waste Water Recycling Facility has adequate capacity to accommodate the flows from the development. A suitably worded condition requiring the final drainage scheme to be submitted and agreed will ensure that appropriate checks, and if required, improvement works to the existing network, are undertaken before any occupation of any dwelling.

108. Local residents and Town Council – the comments of local residents and the Town Council have been taken into account throughout the consideration of this application. It is noted that the Town Council do not agree that the site should be developed for housing. However, as referred to above, great weight has been attached to emerging policy SA6(a) that allocates the site for residential development.

Conclusion and planning balance:

109. This report has identified that the proposed development due to its location outside the current settlement boundary is contrary to the development plan. Paragraph 12 of the NPPF does recognise that local planning authorities may take decisions that depart from an up-to-date

development plan, but only if material considerations in a particular case indicate that the plan should not be followed. That proviso reflects the statutory test. In this case, a number of matters arise from the proposed development which constitute other material considerations, including;

- The application proposes the development of an emerging allocation for residential development as part of a SALP, which has been found sound by local plan Inspectors and is due for adoption by the Council on 19th September 2019. This is a material consideration that carries almost full weight in favour of the proposed development.
- The development would contribute 79 dwellings towards the 5-year housing supply, as well as providing for 24 much needed affordable homes.
- The development of the site would lead to economic gains realised through the financial investment and employment created. Further benefits would accrue from the increased population that would spend money in the local economy. This can be afforded modest weight.

110. The information submitted with the application, along with the amendments to the proposed development, have demonstrated that a sustainable development of 79 dwellings can be achieved that meets the relevant requirements of Local Plan policy, the emerging allocation Policy SA6(a), and the NPPF 2019 (as set out in this report). It has been demonstrated that the impact on the HRI is neutral and the impact on the local highway network would not be severe. Where not directly provided for on-site, the application mitigates for ecological and infrastructure impacts through appropriate financial contributions towards education, healthcare provision, off-site highway works, and provision of footpath links.

111. In conclusion, having considered the material considerations raised by the application proposal, Officers consider that the collective benefits arising from the development are substantial and are of sufficient weight to allow the development to be approved contrary to the Development Plan.

Recommendation:

112. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to provide for the following planning obligations,

- - Primary Education (requested and confirmed as necessary by SCC) - £371,184 (subject to confirmation from SCC as this as a June 2019 revised figure)
- Secondary Education (requested and confirmed as necessary by SCC) - £289,978
- Pre-school Education (requested and confirmed as necessary by SCC) - £154,576
- Affordable Housing in perpetuity - 30% (in accordance with Forest Heath Core Strategy Policy CS9)
- Library Provision (requested and confirmed as necessary by SCC) - £17,064
- Healthcare Provision (requested and confirmed as necessary by SCC) - £45,900

and the following conditions (full wording to be agreed):

1. 3 year standard time limit for planning permission
2. Development to be carried out in accordance with approved plans
3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.
4. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
5. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.
6. No construction for any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:
 - i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;
 - ii) Details of the development that demonstrate that noise levels within the private amenity space for each unoccupied dwelling, do not exceed 55 dB LAeq,T.
7. The hours of site clearance, preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, preparation or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.
8. A comprehensive Construction and Site Management Programme shall be submitted to and agreed by the LPA.

9. No development to commence until a contamination remediation strategy has been submitted to and agreed by the LPA.
10. No occupation of any dwelling until a verification report demonstrating that the approved remediation strategy has been completed has been submitted to and approved by LPA.
11. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
12. Prior to connection of any dwelling to the existing foul sewerage network an on-site foul water drainage strategy shall be submitted to and approved in writing by the LPA.
13. Development shall not commence until details of the proposed access onto Exning Road have been submitted to and agreed in writing by the LPA. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.
14. Before the development is commenced, details of the estate roads, footpaths, and off-site footpath link to Brickfields Avenue (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
15. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.
16. Prior to the occupation of the 36th dwelling on site, all footpath/cycle links shall be completed and made available for use.
17. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
18. The approved parking, manoeuvring and cycle storage as set out on drawing (TBA) shall be completed and available for use prior to any occupation of any dwelling to which it serves.
19. Before the access to Exning Road is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained.
20. A signing strategy for the entry treatment to the private housing estate (as the estate does not meet SCC adoptable standards) shall be submitted to and approved in writing by the Local Planning Authority.

21. Prior to occupation of any dwelling, a new bus shelter on the southbound carriageway of the Exning Road (in accordance with details that have been submitted to and approved in writing by the LPA) shall have been installed and made ready for use.
22. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP) in accordance with the Travel Plan dated November 2018. Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.
23. The ecological mitigation and biodiversity enhancements set out in the Ecological Assessment by Ethos Env. Planning (dated June 2019) shall be implemented in full.
24. Prior to the closure of the identified badger setts, a detailed badger mitigation strategy shall be submitted to and approved in writing by the LPA. The strategy shall include details of the artificial replacement sett, its location, planting and timing. The existing sett(s) to be closed between the months of July and November (as permitted under license).
25. Prior to the occupation of any dwelling details of the management and maintenance of all open space, landscaping, planting, estate roads and footpaths (including the off-site footpath link to Brickfields Avenue) shall have been submitted to and approved in writing by the LPA. The agreed management and maintenance shall be implemented in full for the lifetime of the development.
26. Details of tree protection measures to be submitted to and agreed in writing by the Local Planning Authority.
27. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2477/FUL](https://www.barnet.gov.uk/DC/18/2477/FUL)

Development Control Committee

4th September 2019

Working Paper 2

Late Paper

Item 4 – DC/18/2477/FUL – Land at Brickfield Stud, Exning Road, Newmarket.

1. Fully worded conditions have now been prepared and are set out below.
2. Comments from SCC Highways are still awaited. Comments received before planning committee will be updated verbally at the meeting.
3. The primary school contribution set out in paragraphs 91 and 112 of the officer's report should actually be **£351,648** (18 x £19,536 per place). This has been confirmed by SCC.

Newmarket Neighbourhood Plan

4. Newmarket Neighbourhood Plan has now reached examination stage. Currently the examiner's report is awaited, which may require changes to the plan. Once the plan has passed Examination stage, it will proceed to a public Referendum stage, whereupon it will gain further weight in decision-making. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
5. In this case having taking the above requirements into account, it is considered that the Neighbourhood Plan can be given moderate weight as a material consideration. Although the plan makes no housing land allocations, relevant emerging policies are NKT14 (Trees), NKT18 (Sustainable Design...), NKT19 (Meeting the Housing Needs of Newmarket),

NKT20 (Affordable Housing) and NKT22 (Impact of Traffic from Development Proposals). Officers are satisfied that the application plans and supporting documents have demonstrated that the development accords with these emerging policies where relevant.

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:

Reference No:	Plan Type	Date Received
183890-002 A	Pavement Construction Details	11.12.2018
869.001.00	Location Plan	11.12.2018
869.200.14	Layout	21.08.2019
869.201.12	Parking Layout	21.08.2019
869.202.11	PLAN	21.08.2019
869.203.11	Materials	21.08.2019
869.204.10	Amenity Garden	21.08.2019
869.205.11	Tenure plan	21.08.2019
869.206.11	Refuse Plan	21.08.2019
869.207.07	Street Scene	19.06.2019
869.208.06	Street Scene	19.06.2019
869.209.00	Proposed Elevations & Sections	11.12.2018
869.210.02	Proposed Elevations & Floor Plans	19.06.2019
869.212.00	Proposed Elevations & Floor Plans	11.12.2018
869.213.03	Proposed Elevations & Floor Plans	19.06.2019
869.215.02	Proposed Elevations & Floor Plans	19.06.2019
869.216.01	Proposed Elevations & Floor Plans	19.06.2019
869.217.00	Proposed Elevations & Floor Plans	11.12.2018
869.218.00	Proposed Elevations & Floor Plans	11.12.2018
869.219.01	Proposed Elevations & Floor Plans	17.12.2018
869.220.02	Proposed Elevations & Floor Plans	19.06.2019
869.221.03	Proposed Elevations & Floor Plans	19.06.2019
869.222.00	Proposed Elevations & Floor Plans	11.12.2018

	Plans	
869.223.01	Proposed Elevations & Floor Plans	17.12.2018
869.224.01	Proposed Elevations & Floor Plans	19.06.2019
869.225.01	Proposed Elevations & Floor Plans	19.06.2019
869.227.03	Proposed Elevations & Floor Plans	19.06.2019
869.228.01	Proposed Elevations & Floor Plans	19.06.2019
869.229.01	Proposed Elevations & Floor Plans	19.06.2019
869.230.01	Proposed Elevations & Floor Plans	19.06.2019
869.231.04	Proposed Elevations & Floor Plans	21.08.2019
869.232.04	Proposed Elevations & Floor Plans	21.08.2019
869.234.00	Proposed Elevations & Floor Plans	17.12.2018
CALA21498-02	Tree Survey	11.12.2018
CALA21498-01	Tree Survey	11.12.2018
869.233.03	Refuse Plan	21.08.2019
PA00145-001-L-GA-P3	Landscape Plan	21.08.2019
PA00145-002-L-GA-P3	Boundaries	21.08.2019
PA00145-003-L-GA-P3	Planting Scheme	21.08.2019
PA00145-004-L-GA-P2	Open Space	21.08.2019
869.239.01	Proposed Elevations & Floor Plans	19.06.2019
869.214.00	Proposed Elevations & Floor Plans	11.12.2018
869.237.06	Proposed Elevations & Floor Plans	21.08.2019
869.238.01	Proposed Elevations & Floor Plans	19.06.2019
869.240.01	Sections	19.06.2019
869.241.01	Proposed Elevations & Floor Plans	19.06.2019
869.242.00	Proposed Elevations & Floor Plans	19.06.2019
869.243.02	Boundary Treatment	21.08.2019
869.244.02	Cycle plans	21.08.2019
869.245.00	Proposed Elevations & Floor Plans	19.06.2019
869.246.00	Refuse Plan	21.08.2019

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

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the FRA by Amazi Ltd (ref:- AMA713 Rev B and 25 June 2019) and Drainage Strategy by Infrastructure Design Ltd (Drawing ref 00145-371-C-SW Rev T4 and dated 22.07.19) and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event.

Reason: Required pre-commencement to ensure that the principles of sustainable drainage are incorporated into this proposal, and to ensure that the proposed development can be adequately drained both during the construction and occupation of the development.

4. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: Required pre-commencement to ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage before the drainage network is implemented.

5. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

a. Method statements, scaled and dimensioned plans and drawings detailing surface

water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction.

Reason: Required pre-commencement to ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater during construction.

6. No construction of any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014)., and;

ii) Details of the development that demonstrate that noise levels within the private amenity space for each unoccupied dwelling, do not exceed 55 dB LAeq,T.

The development shall adopt the proposed sound insulation measures as stated prior to occupation of each dwelling.

Reason: To protect the amenity of occupiers of the property.

7. The hours of site clearance, preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, preparation or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

8. Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-
 - a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c. dust, dirt and vibration method statements and arrangements;
 - d. site lighting.

Reason: Required pre-commencement to ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance during construction.

9. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

10. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy is submitted and approved, in writing, by the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

11. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework and the Suffolk Parking Standards.

12. Prior to the connection of any dwelling to the existing foul sewerage network, and on-site foul water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the approved strategy prior to the occupation of any dwelling.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

13. No part of the development shall be commenced until details of the proposed access on Exning Road (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: Required pre-commencement to ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety for construction traffic as well as future occupiers.

14. Before the development is commenced above ground level, details of the estate roads, footpaths, and off-site footpath link to Brickfields Avenue (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

15. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: In the interest of the amenity of the occupiers of the dwelling.

16. Prior to the occupation of the 36th dwelling on site, all footpath/cycle links shall be completed and made available for use.

Reason: To ensure adequate provision of sustainable non-vehicular links to the town for the majority of the new occupiers of the development.

17. All HGV traffic movements to and from the site over the duration of the

construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic movements on local residents.

18. The approved parking, manoeuvring and cycle storage as set out on drawing (TBA) shall be completed and available for use prior to any occupation of any dwelling to which it serves.

Reason: In the interests of highway safety and the amenities of the occupiers of the dwellings.

19. 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 90 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.

Reason: To ensure vehicles exiting the road/drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

20. A signing strategy for the entry treatment to the private housing estate (as the estate does not meet SCC adoptable standards) shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented before the occupation of the 36th dwelling on the site.

Reason: To advise road users that the road layout and maintenance is not the responsibility of SCC.

21. Prior to occupation of any dwelling, a new bus shelter on the southbound carriageway of the Exning Road (in accordance with details that have been submitted to and approved in writing by the LPA) shall have been installed and made ready for use.

Reason: As requested by SCC Highways to mitigate for the increased

impact of resident travel in the area.

22. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP) in accordance with the Travel Plan dated November 2018. Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

Reason: In the interest of sustainable development as set out in the NPPF, policy CS12 of the Forest Heath Core Strategy, and policies DM4, DM45 and DM46 of the Forest Heath and St Edmundsbury Local Plan - Joint development management policies).

23. The ecological mitigation and biodiversity enhancements set out in the Ecological Assessment by Ethos Env. Planning (dated June 2019) shall be implemented in full prior to the occupation of any dwelling, unless the Local Planning Authority give consent in writing to any variation.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

24. Prior to the closure of the identified badger setts, a detailed badger mitigation strategy shall be submitted to and approved in writing by the LPA. The strategy shall include details of the artificial replacement sett, its location, planting and timing. The existing sett(s) to be closed between the months of July and November (as permitted under license).

Reason: To secure appropriate mitigation for badgers, in accordance with policies DM11 of the West Suffolk Joint Development Management Policies Document 2015, and all relevant Core Strategy Policies.

25. Prior to the occupation of any dwelling details of the management and maintenance of all open space, landscaping, planting, estate roads and footpaths (including the off-site footpath link to Brickfields Avenue) shall have been submitted to and approved in writing by the LPA. The agreed management and maintenance shall be implemented in full for the lifetime of the development.

Reason: To ensure that appropriate levels of amenity and bio diversity space is provided for all future occupiers of the development.

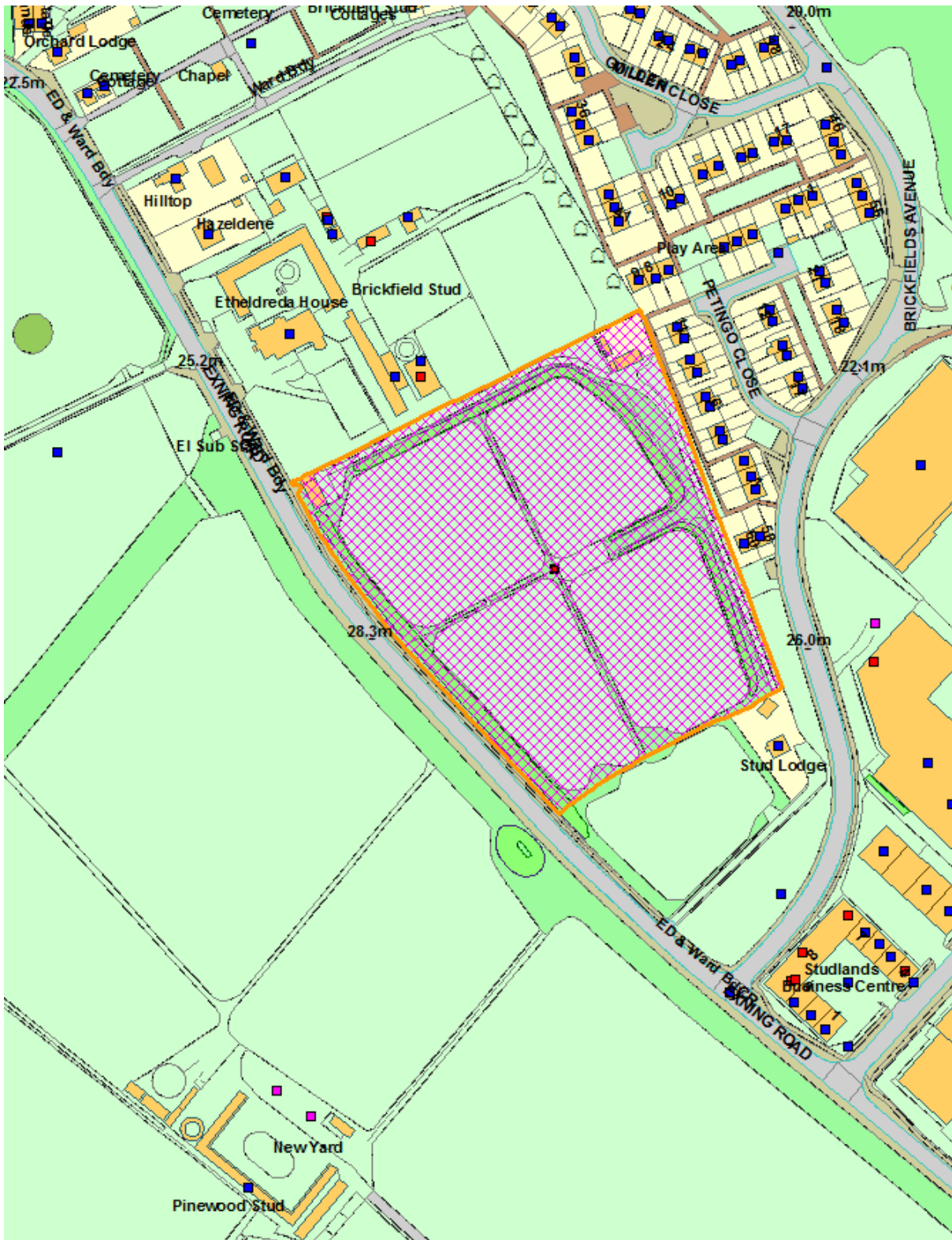
26. Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

27. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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 and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.



DC/18/2477/FUL



Land At Brickfield Stud
Exning Road
Newmarket
Suffolk

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BRICKFIELDS PADDOCKS, NEWMARKET

RESIDENTIAL SCHEME: 79NO. DWELLINGS.

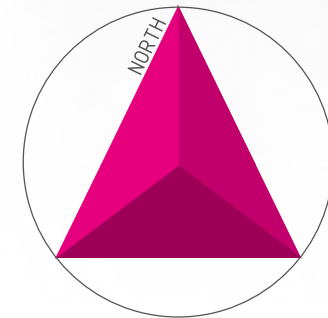


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 Do not scale from this drawing, use figured dimensions only.
 Prefer larger scale drawings.
 All dimensions are in millimeters (mm) unless otherwise noted.
 Check all relevant dimensions, lines and levels on site before proceeding with the work.
 This drawing is to be read in conjunction with all Architects drawings, schedules and specifications, and all relevant consultants' and/or specialists' information relating to the project. Refer all discrepancies to DAP Architecture Ltd.

Hazeldene



Existing mature vegetation to be retained to provide natural buffer from highway





ARCHITECTURE LTD

PROJECT
RESIDENTIAL DEVELOPMENT

DRAWING
AS PROPOSED
SITE LAYOUT + ROOF PLAN

CLIENT
CALA HOMES (NHC) LTD

ADDRESS
BRICKFIELDS PADDOCKS
EXNING ROAD
NEWMARKET
SUFFOLK

DATE: 05.08.19 SCALE: 1:500 @ A1 DRAWN BY: LD CHECKED BY: JB

PROJECT No. DWG No. REVISION

869. 200.14

ISSUE STATUS
RIBA STAGE 3: PLANNING

a. 3 + 5 Hospital Approach
The Millers
Chelmsford
ESSEX, CM1 7FA
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w. www.daparchitecture.co.uk

CHELMSFORD LONDON BIRMINGHAM

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Development Control Committee 2 October 2019

Planning Application DC/19/1010/RM – Land Adj Haverhill Business Park, Bumpstead Road, Haverhill

Date Registered:	23.05.2019	Expiry Date:	22.08.2019 – EOT 09.10.2019
Case Officer:	Kerri Cooper	Recommendation:	Approve Application
Parish:	Haverhill Town Council	Ward:	Haverhill South East
Proposal:	Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use		
Site:	Land Adj Haverhill Business Park, Bumpstead Road, Haverhill		
Applicant:	Trebor Developments		

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 application and associated matters.

CONTACT CASE OFFICER:

Kerri Cooper

Email: kerri.cooper@westsuffolk.gov.uk

Telephone: 01284 757341

Background:

The application site was allocated in Policy HV9 of the Haverhill Vision 2031 as part of one of the designated General Employment Areas in Haverhill.

This reserved matters applications follows outline planning permission (with means of access) DC/15/2424/OUT for 'Development of up to 46,000 sq m of floor space for uses within Classes B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant(s), Class (A3/A5), car dealerships (sui generis), builders merchants (sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.'

During the course of the application amendments were made to the overall layout of the scheme and additional information was submitted regarding noise, parking and landscaping.

The application is before the Development Control Committee, as the Officers' recommendation is one of approval, contrary to the view of Haverhill Town Council and the concerns raised by the local Ward Member, Councillor Tony Brown.

A site visit is proposed for Monday 30th September 2019.

Proposal:

1. The reserved matters application seeks consent for the appearance, layout, scale and landscaping for the development of plots NE1, NE2 and SE2 in association with the continuation of Haverhill Business Park, which was approved under outline planning permission DC/15/2424/OUT as part of a wider application.
2. The proposal comprises the construction of 5no. units for commercial and industrial purposes, falling within Class B1 (office), Class B2 (general industrial) or Class B8 (storage/distribution). The site is accessed via Icení Way with 4no. units are to be located on the northern side of Icení Way, with 1no. unit located on the southern side.

Unit 1 - 6,014sqm

Unit 2 - 4,036sqm

Unit 3 - 4,768sqm

Unit 4 - 1,133sqm

Unit 5 - 4,410sqm

3. The overall floor space of the units combined is 20,361sqm.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Application Form
 - Design and Access Statement
 - Planning Statement
 - Tree Survey and Topographic Survey

Arboricultural Report
 Acoustic Survey
 BREEAM Pre-Assessment
 Ecological Report
 Landscape Details
 Site Location and Layout
 Elevations, Floor Plans and Sections

- The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 1 in the recommendations section of the report.

Site Details:

- The application site is located within Bumpstead Road General Employment Area, as defined within Policy HV9 of the Haverhill Vision. The site measures 7.4hectares in area and is situated in the south eastern part of Haverhill. The site is located approximately 1.5km from Haverhill Town Centre.
- Bumpstead Road runs along the west of the site, with the former railway line located along the eastern boundary. A designated County Wildlife Site runs directly along the northern boundary. Residential properties are situated to the north of the site along Bumpstead Road, with a range of commercial and industrial units located to the east and south. Beyond the most southern part of the site lies the A1017.

Planning History:

Reference	Proposal	Status	Decision Date
DC/15/1947/EIASC	EIA Screening Opinion under Regulation 5 (1) of the Environmental Impact Assessment Regulations 2011 on the matter of whether or not the proposed development is an EIA development - erection of up to 46,000sqm of floor space for uses within B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant), car dealerships (sui generis), together with landscaping, car and HGV parking and associated works and facilities including access	EIA Screening/Scoping Opinion Issued	02.10.2015
DC/15/2056/FUL	Planning Application - Cross Boundary Application - construction works involving earth moving and ground profiling together with the creation of retaining structures. Temporary access from Phoenix Road and Icen Way for	Application Granted	08.01.2016

construction vehicles and the formation of development platforms.

DC/15/2424/OUT	Outline Planning Application (Means of Access included). - Cross Boundary Application - Development of up to 46,000sqm of floor space for uses within B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (sui generis), builders merchants (sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.	Application Granted	29.09.2016
DCON(A)/15/2056	Application to Discharge Conditions 3 (Retain walls) 4 (Watercourse), 5 (Wheel washing) and 6 (Construction Method Statement) of DC/15/2056/FUL	Application Granted	20.05.2016
DC/16/2426/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - erection of site security fencing	Application Granted	12.05.2017
DC/16/2453/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout, parking and scale) and the Discharge of Condition 6 (surface water), Condition 8 (manoeuvring and parking) and Condition 10 (soft landscaping) for the development of plot SE1 builder's merchants.	Application Granted	15.02.2017
DCON(A)/15/2424	Discharge of conditions 7- HGV traffic movements,,13 - Landscape Management Plan and 21-Sustainable Urban Drainage Scheme of DC/15/2424/OUT	Condition(s) Part Discharged	31.03.2017
DC/19/1010/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters	Pending Decision	

Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use

DCON(B)/15/2424	Application to Discharge of Conditions - 6 (surface water), 8 (manoeuvring and parking) and 10 (soft landscaping) of application DC/15/2424/OUT	Pending Consideration	
SE/06/1998	Submission of Details - Road infrastructure, earthworks and landscaping, Phase 2 (outline permission E/97/2834/P) as supplemented by the Archaeological Evaluation received on 11 September 2006, the Landscape Management Plan received 19 September 2006, the Reptile Survey received on 27 September 2006, the Flood Risk Assessment received on 30 October 2006 and letter specifying soakaway proposals and accompanying drawing 7185/H/108 Rev D received on 21 December 2006.	Application Granted	25.01.2007
E/97/2834/P	Outline Planning Application - Industrial and warehouse development (Classes B1, B2 and B8), petrol filling station, road users restaurant and hotel and vehicular access as amended by revised Planning Statement received 3rd September 1999	Application Granted	09.04.2002

8.

Consultations:

9. The following consultation responses have been received, which are summarised below and full consultation responses are available to view online:

10. Natural England

Comments received 4th June
No comments to make.

11. Anglian Water

No comments received.

12. Environment Agency

Comments received 13th June

No objection to the drainage details submitted in respect of Condition 6 on outline planning permission DC/15/2424/OUT.

13. Suffolk County Archaeological Service

Comments received 10th June

No comments to make.

14. Suffolk County Council Highway Authority

Comments received 12th June

Holding refusal;

The layout as shown would not be acceptable for adoption as public highway;

Vehicular access to Unit 5 too close to access on opposite side of the road serving opposite units;

No separate pedestrian access to Unit 5.

Comments received 26th June

Additional comments to those made on 12th June regarding parking;

Edge of town location, would expect the applicant to achieve the levels of parking given as a maximum in the Suffolk Guidance;

The parking allocation, as shown on the Block Plan, is acceptable for Class B8 use but falls considerable short of the level required for Class B1 or Class B2.

Comments received 20th August

Based upon the revised layout drawings 6502-700 G and 6502-701 D our previous objections to the proposed parking and access arrangements are withdrawn;

As the applicant now proposes the road to remain private, our original comments relating to whether the layout is adoptable as public highway are no longer relevant.

15. Suffolk County Council Rights of Way

No comments received.

16. Suffolk County Council Floods and Water

Comments received 5th June

No objections with the proposed appearance and drainage layout for the site;

Additional information required regarding outflows and exceedance volume

Comments received 10th July

No objection

17. Suffolk Wildlife Trust

No comments received.

18. Ramblers Association

No comments received.

19. Public Health and Housing

Comments received 4th July

The Outline Application was supported by an Environmental Noise Assessment undertaken by Sharps Redmore in October/November 2015,

Ref: 1515442. The report clearly states that the predicted noise levels are based on the indicative layout only;

The previously submitted noise assessment and predicted noise levels cannot therefore be relied upon to ensure that the proposed development will not impact on the residential properties within the vicinity of the site;

A further noise assessment should be undertaken to assess the noise impacts during both the day and night-time from internal activities within each unit, external activities at each unit, including servicing and car parking, mechanical service plant and road traffic. Following the assessment, any noise mitigation/attenuation measures which may be required to minimise reflection and noise transmission can be determined.

Comments received 6th August

A further noise report from Sharps Redmore, Reference: 1919017 dated 18th July 2019 following a noise survey undertaken between 8th and 15th July 2019 to determine the existing noise levels at the site;

The report details the noise levels as well as the mitigation measures to be required;

No objection, following the findings of the noise report, subject to conditions regarding control of noise and mitigation.

20.Environment Team

Comments received 14th June

No comments in relation to air quality or contaminated land.

21.Suffolk County Council Sustainable Urban Drainage Officer

No comments received.

Representations:

22.45no. nearby addresses were notified of the application via post and 2no. site notices were displayed.

23.During the course of the application, representations have been received by the owners/occupiers of 5no. properties, which are summarised as follows:

35 Bumpstead Road

Objection received 10th June

- Vehicle parking and traffic movements were proposed to the front of the site on the previously approved outline planning application;
- No noise assessment has been submitted;
- Level of disturbance from Culina site at present;
- No acoustic fencing is being proposed;
- Light pollution from parking and turning area;
- Traffic increased along Bumpstead Road;
- Lack of pedestrian footpaths along Bumpstead Road;
- Noise generated will result in loss of enjoyment to our garden.

37 Bumpstead Road

Objection received 10th June

- Vehicle parking and traffic movements were proposed to the front of the site on the previously approved outline planning application;
- High level of noise nuisance from vehicles entering or exiting the units, in particular the reverse warning system installed;

- Adverse impact on our residential amenity and the to the surrounding properties;
- Existing noise nuisance generated from Culina site;
- Light pollution from rear of buildings, parking and turning area;
- Existing trees provide little screening;
- No revised noise assessment has been submitted which addresses the proposed layout;
- 4no. units are proposed where 3no. units were proposed at outline stage;
- Lack of continuing footpath along Bumpstead Road;
- No S106 requirement/provision.

Objection received 13th August

- Objection still remain – amendments and additional information has not addressed the objections;
- No continual footpath proposed along Bumpstead Road;
- Acoustic report has been prepared based on hypothetical usage of the units and states that all findings are likely to change dependent upon the use of the various units;
- Light pollution from rear of buildings, parking and turning area;
- Only partial acoustic fencing is proposed.

27 Bumpstead Road

Objection received 13th June

- Light pollution from rear of buildings, parking and turning area;
- Adverse impact on our residential amenity and the to the surrounding properties;
- The proposed boundary treatment will provide no screening and barrier in respect of noise and light;
- Overpowering visual effect of the buildings proposed due to their scale;
- Provide new job opportunities to the area, however no footpath is provided or proposed;
- Impact on highway safety.

Objection received 13th August

- Amendments and additional information has not addressed the objections;
- Light pollution from rear of buildings, parking and turning area;
- Adverse impact on our residential amenity and the to the surrounding properties;
- No continual footpath proposed along Bumpstead Road.

23 Bumpstead Road

Objection received 17th June

- Primary objection is in relation to the siting of the unit and roadways;
- Light pollution from rear of buildings, parking and turning area;
- Buildings could be used as a shield to properties along Bumpstead Road;
- Adverse impact on our residential amenity and the to the surrounding properties;
- No continual footpath proposed along Bumpstead Road.

41 Chalkstone Way

Comments received 22nd August

- Impact on highway safety;

- Lack of continuous footpath along Bumpstead Road is unacceptable.

24. All representations can be viewed online in full.

25. Town Council:

Objection received 17th June

- The Town Council continues to be supportive of development of this site but only in accordance with the outline application approved under reference DC/15/2424/OUT;
- All buildings were previously positioned in a way as to shield vehicle movements from nearby residential properties;
- Revised layout is not in accordance with paragraph 180 of the National Planning Policy Framework;
- No acoustic fencing is proposed;
- No protection against noise of light pollution;
- Entrance to unit 5 is too close to access road;
- Highway improvements, through the provision of a footpath are required until at least Hollands Road;
- S106 funding provide improvements to the Railway Walk.

Objection received 22nd August

- Objection still remains;
- Town Council continues to be supportive of development of this site but only in accordance with the outline application approved under reference DC/15/2424/OUT;
- The Town Council endorses Public Health and Housing comments on predicted noise levels at night and disturbance to nearest residential properties. Conditions should be put in place to control noise levels;
- Impact on highway safety if not footpath is condition as part of the proposed development

26. Ward Member:

Comments received 14th June

- Whilst welcoming the development in principle and the extra jobs that this will bring to Haverhill, I have to strongly object to the plans in their present form;
- Vehicular traffic to the rear of the building will be noise, dust and exhaust emission to nearby residents;
- No acoustic fencing or mitigating landscaping;
- No noise assessment provided;
- No clear and extended footpath is proposed – impact on highway safety;
- Old Railway Walk route could be improved to provide a safe and sustainable access.

Comments received 13th August

- Previous comments still previously stand;
- Orientation and layout should be as previously outlined;
- Welcome the addition of a small footpath, however concerned over the lack of safe pedestrian access to this site from Haverhill.

Policy

27. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

28. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 and Haverhill Vision 2031 have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- 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 DM20 Archaeology
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM44 Rights of Way
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards
- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV9 - General Employment Areas - Haverhill
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development

Other Planning Policy:

29. National Planning Policy Framework (2019) (NPPF).

30. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

Principle of Development

31. 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 Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), the Core Strategy Development Plan Document (adopted May 2010) and the Haverhill Vision Document (2014). National planning policies set out in the National Planning Policy Framework (The Framework) are also a key material consideration.

32. Given the outline permission and allocation, the principle of the proposed development is an acceptable one. The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.

33. The key issues to be considered in the determination of this application are therefore:

Flexible and Alternative Use - Class B1, Class B2 or Class B8
Design and Layout
Landscaping, trees and ecology
Highway safety; accessibility, sustainable transport links
Other Matters

Flexible and Alternative Use - Class B1, Class B2 or Class B8

34. As part of the outline planning application, the permission allowed the application site to be developed for Class B1, B2 or B8 purposes. Due to the users of the units being speculative and therefore it not being known what specific Class B use is to be implemented within any unit, the applicant has presented a scheme in the alternative whereby the units could be implemented for any of the uses defined above.

35. Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 permits '*Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.*' Guidance states that the alternative uses to which the planning unit/application site may be, must be specified in the planning permission. Any one of those specified uses can then be implemented, subject to any necessary conditions and the overall terms of the permission itself. In addition, Class V provides further comfort in relation to the suitability that the change to the alternative specified uses would not be lawful if under paragraph (d) of the conditions it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.
36. Given that the outline permission has established the acceptability of the uses, in this reserved matters application it is important to assess and understand any layout and design implications of the units being Class B1, B2 or B8 use. The only implication and difference relates to the layout of the parking and turning areas. Use Class B1 and B2 require the same level of on-site parking as one another, which is a much greater level than that required for Class B8 use. The scheme has been positively designed as to produce a development whereby no other aspect or part is affected other than the formation and specific layout of the areas that are defined for parking and turning area. As such, two proposed site plans have been submitted; one showing the development with parking and turning area provision for each unit suitable for Class B1 or Class B2 and the other showing the development with parking and turning area provision for each unit suitable for Class B8.
37. In this case, two conditions are to be imposed to control the potential for alternative use. If any of the units (1, 2, 3, 4 or 5) are to be used Class B1/B2 purposes the car parking and loading / circulation space associated with that unit shall be laid out in accordance with drawing 6502-700 Rev G prior to the first use for Class B1/B2 purposes. In the eventuality that any of the units hereby approved (1, 2, 3, 4 or 5) are used for Class B8 purposes the car parking and loading / circulation space associated with that unit shall be laid out in accordance with drawing 6502-701 Rev D prior to the first use for Class B8 purposes. The car parking and loading / circulation space shall thereafter be retained as so installed for each of the uses implemented. This then ensures sufficient space for the on-site parking of vehicles is provided on site for each individual unit and safeguards the character and appearance of the area.

Design, Layout and Amenity

38. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that '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.'

39. Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.
40. An indicative site layout plan was submitted at outline stage to show how a development could be achieved on site. No weight can be attributed to the previously submitted site layout plan, as it was purely indicative and layout is a reserved matter.
41. The scheme proposes 5 no. units in total, 4 no. units located on the northern side of Icen Way and 1 no. unit located on the southern side of Icen Way. The buildings have been positioned within the site as to relate to Icen Way and the development that sits immediately adjacent, Culina and MKM Builders Merchants. Parking and turning areas are situated to the side and rear of the buildings. In terms of the design of the buildings, though they vary in heights from approximately 11-15 metres and footprint, they are similar in architectural form and incorporate pitched roofs as to reduce the overall bulk of the buildings. The buildings are utilitarian and simple in form, and are of a typical scale for commercial and industrial buildings. Glazing elements have been designed into the buildings at entrance points. To ensure the buildings are finished to a high standard and the design features shown are retained, the external materials of the buildings are to be conditioned.
42. The development has been designed for a footpath to run parallel with Icen Way along the entire frontage of the site which serves units 1-4. The on-site footpath to be provided will connect with the existing footpath to the east of the site, which is the former railway line. There is good connectivity within the site, with opportunities being made to create wider connectivity and integrate the site and development into the area and existing development and infrastructure it surrounds.
43. The occupiers of the buildings are not yet known. However, the proposed layout has been well designed and thought out, and which allows the buildings to be occupied for either B1, B2 or B8 purposes, in accordance with the above section. It is considered that the design approach is appropriate for the nature of development.
44. Policy DM2 of the Joint Development Management Policies Document also seeks to safeguard residential amenity from potentially adverse effects of new development. The protection of residential amenity is key aspect of good design, endorsed within the NPPF that planning policies and decisions promote health and well-being with a high standard of amenity for existing and future users.
45. One of the main objections received by neighbours, the Town Council and Ward Member was in respect of the location of the parking and turning areas, including the noise and disturbance generated and the relationship between that aspect of the site and the residential properties along Bumpstead Road.

46. The buildings are set away from the northern boundary of the site, with parking and turning areas located to the area of the site with a landscaping buffer. Residential properties are situated beyond the north of the site along Bumpstead Road, with no. 37 Bumpstead Road being closest. In between the rear of the residential properties and the rear of the application site lies Bumpstead Road County Wildlife Site. The distance between the rear boundary of the application site, taken from where unit 3 is proposed, and the rear boundary of no. 37 Bumpstead Road measures approximately 76metres. This is the minimum stand-off distance between the residential properties and where a unit and associated parking and turning area is proposed. The maximum distance between the residential properties and where a unit and associated parking and turning area is proposed is approximately 110metres. Acoustic fencing is to be installed along the entire side and rear parking and turning areas associated within units 1 and 3 of the development.
47. The outline application was supported by an Environmental Noise Assessment undertaken by Sharps Redmore in October/November 2015, Ref: 1515442. The noise assessment was based on the Framework Plan which indicated 8no. units across the outline application site including three units on land to the west, backing onto Helions Bumpstead Road. The report concluded that noise could be sufficiently attenuated in the service yards with the installation of acoustic fencing to exposed rear boundaries, whilst noise from fixed plant and equipment could be conditioned so as to prevent disturbance to local residents. The report clearly states in Section 4.1, that the predicted noise levels are based on the indicative layout only.
48. In addition, levelling works have been carried out on site since outline planning permission has been approved and therefore the impact on noise transmission across the site and any noise mitigation/attenuation which may have been afforded due to the topography of the site was required to be understood and reassessed. As a result of the above, the previously submitted noise assessment and predicted noise levels could therefore not be relied upon to ensure that the proposed development would not adversely impact on the residential properties within the vicinity of the site.
49. During the course of the application, the applicant submitted a further noise report from Sharps Redmore, Reference: 1919017 dated 18th July 2019 following a noise survey undertaken between 8th and 15th July 2019 to determine the existing noise levels at the site. This report has been assessed in detail by Public Health and Housing (the full formal comments are available on the public file).
50. Whilst taking into account the proposed screening from the acoustic fence to the rear of Units 3 and 4, the noise levels from servicing activities will be below the daytime and night time World Health Organisation (WHO) guideline values. However, with windows open at the nearest residential properties, noise from the service activities may still be audible and may give rise to disturbance. The area is surrounded by industrial units and there is also some noise from loading and unloading activities and vehicle movements to and from Culina to the south of the proposed development, nevertheless noise levels from this development will still need to be controlled. Public Health and Housing consider however that the noise generated from the scheme can be mitigated via the imposition of suitable conditions (detailed in full in the recommendations section).

51. There are two conditions (14 and 15) imposed on outline planning permission DC/15/2424/OUT regarding noise. These relate to plant and equipment and audible alarms. Details are required to be submitted and approved in writing prior to installation of the equipment and occupation of the buildings.
52. For the reasons cited above, it is not considered that the proposed development will result in an unacceptable level of impact on residential amenity to the properties along Bumpstead Road by reason of being physically overbearing or through creating any other form of disturbance as to cause harm.

Landscaping, trees and ecology

53. The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to protect safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts and enhancements commensurate with the scale of the development.
54. The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) imposes a duty on every public authority in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.
55. Policy DM13 states that proposals will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
56. Whilst landscaping is a reserved matter, as part of the outline planning permission conditions were imposed regarding submission of a landscaping scheme, its implementation and the associated management. As such, the proposed landscaping scheme for the development is being currently considered under a discharge of conditions application (DCON(B)/15/2424), which is running parallel to this application. Within this application it is important to ensure the scheme that has been designed allows for enough space to provide landscaping, with the discharge of conditions application ensuring that the landscaping scheme that has been put forward is achievable and appropriate. The two applications have therefore been considered together in respect of this matter.
57. Where possible, a sufficient amount of on-site landscaping should be provided. However, given the nature and use of the development, achieving the best use of the land takes greater priority over landscaping. The buildings have been positioned within the site as to provide meaningful landscaping along the western and northern boundaries of the site, which are considered to be key areas. The wide landscape buffer to the north provides continuation to the existing off site landscaping, between the

application site and the residential properties along Bumpstead Road. The large area of landscaping along the corner of Icen Way and Bumpstead Road helps to assimilate the development, unit 3 in particular, into the street scene. Soft landscaping is proposed throughout the whole of the site as to enhance the development itself, whilst being in keeping with the wider area. It is considered that landscaping has been effectively incorporated into the scheme as to make a positive contribution.

58. With regard to ecology, this was considered at outline stage when establishing the principle of the proposed development and any ecological impacts arising. As part of this application, an up to date preliminary ecological appraisal has been submitted which concludes that there will be no adverse ecological impact arising and recommends ecological enhancements that could be provided, through the provision of bat and bird boxes in the design of the buildings.

Highway safety - accessibility, sustainable transport links

59. The NPPF advises that development should provide for high quality walking and cycling networks (paragraph 104), and also emphasises in paragraph 108 that in assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the types of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

60. It further goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

61. Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.

62. The access serving the site is located off Icen Way. At present, Icen Way serves 2 no. industrial units (Culina and MKM Builders Merchants). As part of the outline planning permission, access was the only matter which was considered. This established Icen Way to serve the Haverhill Business Park units to the east of Bumpstead Road. Units 1-4 are to be served via a new access off Icen Way, with unit 5 sharing the existing access which serves MKM Builders Merchants.

63. Initially, the Highway Authority requested that the layout of the access and development was revised and additional information was submitted as it was not acceptable for adoption as public highway in the current form. The applicant confirmed that as they own the application site and all of the access that is included within the red line, they were not looking for the

access to be adopted and for it to remain as a private road which serves the proposed development and the existing units. As a result, the Highway Authority's original comments relating to whether the layout is adoptable as public highway are no longer relevant.

64. As detailed within the report, the users of the site and individual units are speculative and therefore the applicant is seeking for the units to either be implemented for Class B1, B2 or B8 use in accordance with the outline application. The initial proposed site plan submitted demonstrated sufficient vehicle and cycle parking and turning areas if the units were to be occupied as Class B8, however the level of parking was insufficient for Class B1 or B2 use. Office and general industrial use require a higher level of on-site parking due to their nature. In order to overcome this, two proposed site plans have been submitted which show how the layout of the parking and turning areas can be adapted/amended as to provide enough on-site parking if the units were to be implemented and occupied for Class B1 and B2 purposes. As such, it has been demonstrated that sufficient on-site parking can be provided in accordance with Suffolk Parking Standards. To ensure this is adequately controlled, conditions are to be imposed, which are set out in full in the recommendations section of the report.
65. The representations received from neighbours, Town Council and Ward Member raise concerns and objections in respect of lack of footpath and safe pedestrian route which is continuous along Bumpstead Road. Connectivity, accessibility and safety to and from the site are elements that are to be considered as part of the principle of the development at outline stage and required to be conditioned or dealt with via agreement in that part of the process.
66. As part of the outline planning permission (DC/15/2424/OUT), conditions were imposed and a Unilateral Undertaking was required. The Unilateral Undertaking secured a 'work travel plan'. This is required to be carried out and submitted prior to occupation of each unit. However, as part of this Unilateral Undertaking a new footpath was secured. A 1.8metre footpath will be constructed on the eastern side of Bumpstead Road between the existing footpath south of Helions Bumpstead Road and a suitable crossing point north of Hollands Road. This is to be implemented prior to the occupation of 50% or 23,000sqm of the development approved (outline planning permission). This is further secured by condition 4 of DC/15/2424/OUT. In addition, this has been annotated on the drawings submitted under this reserved matters application being considered.

Other Matters

67. During the course of the application, concerns have been raised in respect of light pollution from the rear of the buildings and parking and turning areas. The position of lighting was secured by condition 16 on outline planning permission DC/15/2424/OUT.
68. Before the reserved matters application can be implemented or occupied, all of the conditions imposed on outline planning permission DC/15/2424/OUT will need to be submitted to and approved in writing by the Local Planning Authority where required or adhered to in so far it relates to the implementation of the reserved matters application.

Conclusion:

69. In conclusion, subject to the imposition of conditions which are considered both reasonable and necessary, 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:

70. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 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:

Reference No:	Plan Type	Date Received
6502 58 Rev C Unit 5	Proposed Floor Plans	23.05.2019
6502 59 Rev B Unit 5	Proposed Elevations	23.05.2019
6502 61	Fence Plan	23.05.2019
6502-50 Rev B Unit 1	Proposed Floor Plans	23.05.2019
6502-51 Rev B Unit 1	Proposed Elevations	23.05.2019
6502-52 Rev B Unit 2	Proposed Floor Plans	23.05.2019
6502-53 Rev B Unit 2	Proposed Elevations	23.05.2019
6502-54 Rev B Unit 3	Proposed Floor Plans	23.05.2019
6502-55 Rev B Unit 3	Proposed Elevations	23.05.2019
6502-56 Rev B Unit 4	Proposed Floor Plans	23.05.2019
6502-57 Rev B Unit 4	Proposed Elevations	23.05.2019
6502-60 Rev B	Street Scene Elevations	23.05.2019
6502-48	Location Plan	23.05.2019
19-50-01	Tree Survey	10.05.2019
Site Plan Overlays	Other	16.08.2019
19 050 02 Rev C - 1 of 3	Landscape Plan	16.08.2019
19 050 03 Rev C - 2 of 3	Landscape Plan	16.08.2019
19 050 04 Rev C - 3 of 3	Landscape Plan	16.08.2019
(-)	Biodiversity report	09.05.2019
BREEAM Pre- Assessment	Other	11.06.2019
Environmental Noise Report - RM 1919017	Noise Report	31.07.2019
(-)	Planning Statement	09.05.2019

(-)	Landscape Strategy	09.05.2019
(-)	Application form	09.05.2019

The development shall be carried out in accordance with Site Plan 6502-700 Rev G or Site Plan 6502 701 Rev D, in relation to conditions 5 and 6 of this permission.

6502-700 Rev G	Site Plan – Class B1/B2	31.07.2019
6502 701 Rev D	Site Plan – Class B8	31.07.2019

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

- No development above slab level shall take place until samples of the facing and roofing material have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- Further to the proposed noise levels contained in the Environmental Noise Report - Reserved Matters submitted by Sharps Redmore on the 18th July 2019, Project No. 1919017, the combined noise level emitted from any external mechanical plant and internal operations, at each Unit, installed or operated in connection with the carrying out of this permission, shall be enclosed and/or attenuated and maintained so as to ensure that the noise generated by this permission shall not exceed:-
 - 35dB(A) LA90 (1 hour daytime 07:00 -23:00) at the boundary of the nearest residential property (that being -10dB(A) below the daytime noise level measured as 45dB(A) LA90 (1 hour daytime 07:00 - 23:00 hours) and;
 - 25dB(A) LA90 (15 minute night time 23:00 - 07:00) at the façade of the nearest residential property (that being -10dB (A) below the night time background noise level measured as 35dB(A) LA90 (15minute night time 23:00-07:00).

No plant, machinery and equipment, including any proposed sound proofing, shall be installed until details have been submitted to the Local Planning Authority for approval in writing.

Noise measurements for the purposes of this condition shall be pursuant to BS 4142:2014.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- No phase or unit of the development shall be occupied until a Management Plan for that phase or unit, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures have been submitted to and approved in writing by the Local

Planning authority. The Management Plan shall be implemented in full on occupation of each phase or unit and complied with thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 Prior to the occupation of any of the units hereby approved for Class B1/B2 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502-700 Rev G. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.

Reason: To ensure sufficient space for the on-site parking of vehicles is provided on site for each individual unit and to safeguard the character and appearance of the area, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Prior to the occupation of any of the units hereby approved for Class B8 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502-701 Rev D. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.

Reason: To ensure sufficient space for the on-site parking of vehicles is provided on site for each individual unit and to safeguard the character and appearance of the area, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

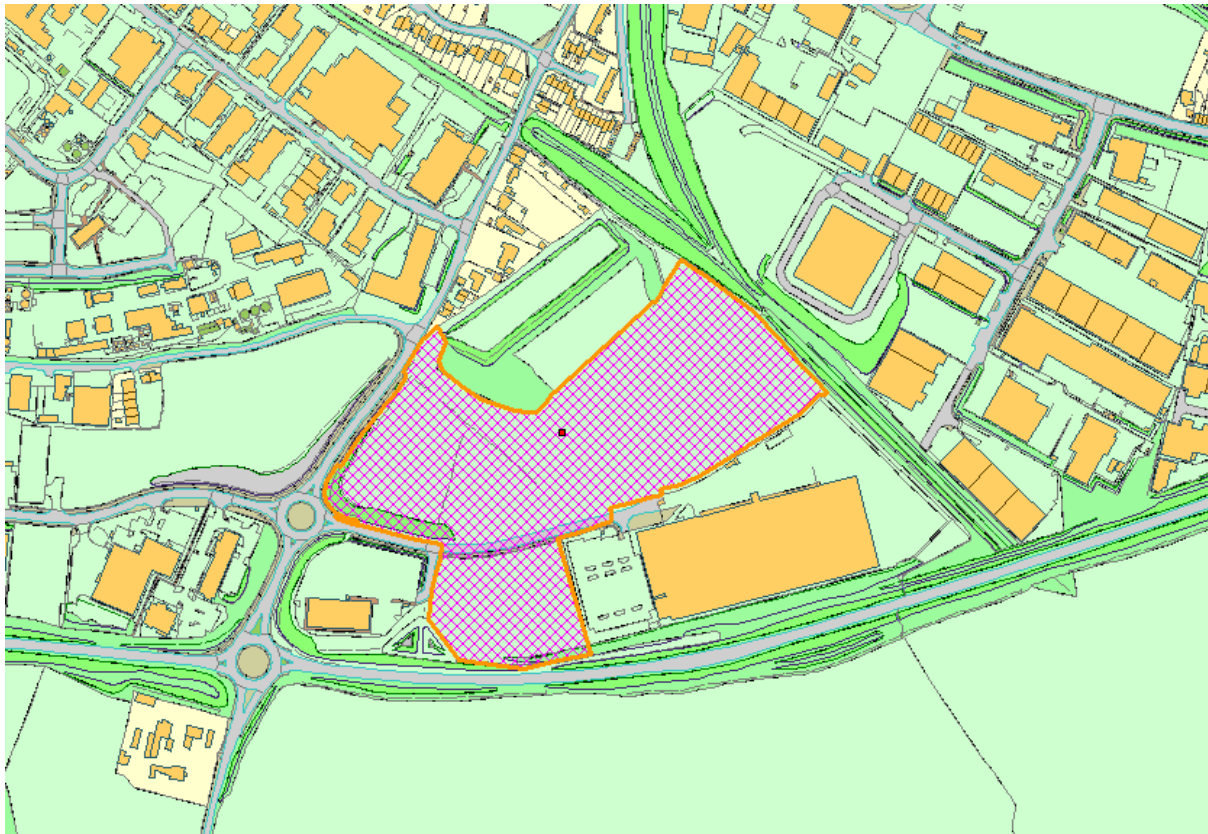
Documents:

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

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DC/19/1010/RM






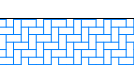




Land Adj Haverhill Business Park
Bumpstead Road
Haverhill
Suffolk



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Key to External Finishes.
 To be read in conjunction with drawings of BEA Landscape & Nolan Associates Engineers

-  Planting as BEA Landscape design
-  Concrete Service Yard.
-  Tarmac - Roadway
-  Tarmac - Footpath
-  Block Paviers Impermeable
-  Block Paviers Permeable
-  Designated car parking marked in white lining in service yard area
-  Fencing to service yards - 2.4m high paladin pvc black with matching gates.
-  Acoustic Fencing 4m high close boarded treated timber with an overall density > 15kg/m²
-  Parking Signage

Schedule of Areas - GIA

Unit	Office GF	Office FF	Warehouse	Total
Unit 1	64 sq.m.	288 sq.m.	5,664 sq.m.	6,014 sq.m.
Unit 2	64 sq.m.	152 sq.m.	3,820 sq.m.	4,036 sq.m.
Unit 3	64 sq.m.	228 sq.m.	4,476 sq.m.	4,768 sq.m.
Unit 4	80 sq.m.	1,054 sq.m.	1,134 sq.m.	2,268 sq.m.
Unit 5	64 sq.m.	210 sq.m.	4,156 sq.m.	4,410 sq.m.
Total Build	20,362 sq.m.	219,160 sq.ft.		
Site Area	5.60 hectare	13.85 acres		
Density	Gross 36.3%	Net 37.3%		

Parking Spaces for B2 Use

Unit	Spaces	1space / sqm	Included
Unit 1	208 spaces	= 1space / 29 sqm	including 4 disabled parking bays 20 bicycles & 9 motorcycles
Unit 2	130 spaces	= 1space / 31 sqm	including 3 disabled parking bays 10 bicycles & 6 motorcycles
Unit 3	162 spaces	= 1space / 29 sqm	including 4 disabled parking bays 10 bicycles & 8 motorcycles
Unit 4	46 spaces	= 1space / 24 sqm	including 2 disabled parking bays 10 bicycles & 4 motorcycles
Unit 5	134 spaces	= 1space / 32 sqm	including 3 disabled parking bays 10 bicycles & 5 motorcycles

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 client

TD TREBOR DEVELOPMENTS

project
**Haverhill Business Park
 Icen Way
 Haverhill, Suffolk
 CB9 7FD**

Site Plan
 with B2 Parking Provision

scale 1:500@A0 down TW
 checked AS date 25/06/2019
 no

**6502-700 G
 PLANNING**

Proposed Section 278 works to extend and link existing footpath (approx 50.0m)

Page 107



Parking Spaces for B2 Use


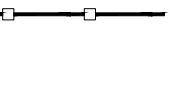
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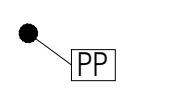

Lay-by

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-  Fencing to service yards - 2.4m high paladin ppc black with matching gates.
-  Acoustic Fencing 4m high close boarded treated timber with overall density > 15kg/m³

 Parking Signage
 PRIVATE ROAD
 PARKING ON THE ROAD OR VERGE IS STRICTLY PROHIBITED

Schedule of Areas - GIA

Unit	Office GF	Office FF	Warehouse	Total
Unit 1	64 sq.m.	286 sq.m.	5,864 sq.m.	6,014 sq.m.
Unit 2	64 sq.m.	152 sq.m.	3,820 sq.m.	4,036 sq.m.
Unit 3	64 sq.m.	228 sq.m.	4,476 sq.m.	4,768 sq.m.
Unit 4	80 sq.m.	1,054 sq.m.	1,134 sq.m.	1,134 sq.m.
Unit 5	64 sq.m.	210 sq.m.	4,136 sq.m.	4,410 sq.m.
Total Build	20,362 sq.m.	219,160 sq.ft.		
Site Area	5.60 hectare	13.85 acres		
Density	Gross 36.3%	Nett 37.3%		

Proposed Section 278 works to extend and link existing footpath (approx 50.0m)

Page 109



- Parking Spaces for B8 Use
- Unit 1
146 spaces = 1space / 41 sqm including 4 disabled parking bays 20 bicycles & 9 motorcycles
 - Unit 2
78 spaces = 1space / 51sqm including 3 disabled parking bays 10 bicycles & 6 motorcycles
 - Unit 3
103 spaces = 1space / 42 sqm including 4 disabled parking bays 10 bicycles & 8 motorcycles
 - Unit 4
36 spaces = 1space / 31 sqm including 2 disabled parking bays 10 bicycles & 4 motorcycles
 - Unit 5
92 spaces = 1space / 48 sqm including 3 disabled parking bays 10 bicycles & 4 motorcycles

Development completed DC/16/2453/RM

MKM BUILDERS MERCHANTS

oja architects

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 W: www.oja-architects.com

TD TREBOR DEVELOPMENTS

project
Haverhill Business Park
 Iceni Way
 Haverhill, Suffolk
 CB9 7FD

Site Plan
 with B8 Parking Provision

scale: 1:500@A0 down TW
 checked: AS date: 25/06/2019

6502-701 D
 PLANNING

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Development Control Committee 2 October 2019

Planning Application DC/18/1712/FUL – Bridgelands Farm, Newmarket Road, Cowlinge

Date Registered:	29.08.2018	Expiry Date:	28.11.2018 (E.o.T:17.08.2019)
Case Officer:	Ed Fosker	Recommendation:	Approve Application
Parish:	Cowlinge	Ward:	Withersfield
Proposal:	Planning Application - (i) Conversion of two existing barns into holiday accommodation, (ii) a new-build timber framed treehouse venue space (iii) associated low impact 'no-dig' vehicle access and car parking and (iv) associated landscaping.		
Site:	Bridgelands Farm, Newmarket Road, Cowlinge		
Applicant:	Mrs Gemma Bailey		

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 application and associated matters.

CONTACT CASE OFFICER:

Ed Fosker

Email: ed.fosker@westsuffolk.gov.uk

Telephone: 01638 719431

Background:

This application was referred to the Development Control Committee by the previous (St Edmundsbury Borough Council) Ward Member, Councillor Jane Midwood, and is also presented in light of the objection received from Cowlinge Parish Council.

The matter has not been considered by the Delegation Panel as this is a 'major' application which falls outside of the Delegation Panel regime and instead is presented directly to the Development Control Committee.

A site visit took place on Monday 2 September 2019 in advance of anticipated presentation before the September Development Control Committee meeting, albeit the application was then subsequently withdrawn from the agenda in order to further clarify certain matters.

Proposal:

1. The proposals relate to the construction of a tree lodge building which will be a multi-use venue and ceremony buildings to create a wedding and event business at the farm along with wider enhancements to the parkland, woodland and wider biodiversity on the site.
2. The new multi-use venue and ceremony building will be located on the edge of the woodland, with visitor accommodation to be provided through the conversion of the barns to the north, within the farm complex. The existing ponds will be restored and the pump house will be converted to a guest reception building.
3. The buildings will be used primarily for weddings and other events and will be integral with the uses that are undertaken at the venue building. It is intended that the venue will also be used for other events, including educational events, workshops and demonstrations, art and craft exhibitions, cookery and local produce events, corporate employee events, fundraising events, dinners and 'pop-up' food events. With a maximum of two per week (Sunday to Saturday inclusive).

Application Supporting Material:

4. Application Form
Site Plan
Existing and Proposed Plans
Elevations
Sections
Site masterplan plan
Planning/Design and Access Statement
Landscaping Details
Land Contamination Assessment
Ecological Assessment
Biodiversity Survey and Report
Tree Survey/Arboricultural Impact Assessment
Transport Statement
Noise Impact Assessment
Flood Risk Assessment/Report
Draft Noise Management Plan

Site Details:

5. The site is an active farm that currently undertakes arable and game farming. The site is accessed from Newmarket Road to the north via a long driveway that leads to a farmyard with a number of buildings and large areas of hardstanding. The buildings to the north are in active agricultural use but the buildings to the south now stand empty following relocation of a scaffolding firm that occupied three of the buildings and an open storage yard to the south where the yard adjoins the wider farmland. The farmhouse lies to the east of the yard. To the south of this main yard is open agricultural land with areas of woodland further to the south with areas of more formal parkland lying to the south west, which extend southwards to the former Branches Park estate, a landscape which is understood to be designed by 'Capability' Brown. Within the woodland, lies a pond, a pumping station building and a well, features that survive from the former Branches Park estate. These areas are undermanaged and currently are in poor condition.

Planning History:

6.

Reference	Proposal	Status	Decision Date
DC/14/0282/AG1	Determination in Respect of Permitted Agricultural Development - Erection of agricultural building for storage of grain	Not Required	11.03.2014
DC/14/0727/HPA	Householder Prior Approval - Single storey rear extension which extends beyond the rear wall of the original house by 8 metres with a maximum height of 4 metres and a height of 2.24 metres at the eaves.	Not Required	09.06.2014
DC/17/0646/PA	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 storage building (Class B8) to create 2no. dwellings (Class C3)	Application Granted	02.06.2017
DC/17/0647/PA	Prior Approval Application under Part 3 of the Town	Application Granted	02.06.2017

	and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - Change of use from storage building (Class B8) to create 2no. dwellings (Class C3)		
DC/18/1712/FUL	Planning Application -(i) Conversion of two existing barns into holiday accommodation, (ii) a new-build timber framed treehouse venue space (iii) associated low impact 'no- dig' vehicle access and car parking and (iv) associated landscaping	Pending Decision	
E/98/2978/P	Planning Application - Construction of concrete pad and provision of car parking for use in association with existing B1 (Business) Use and cattle handling facilities	Application Granted	11.12.1998
E/91/3063/P	Change of use of redundant farm building to Class B1 (Business) use and provision of car parking	Application Granted	31.01.1992
E/90/2878/P	Change of Use of two redundant farm buildings to Class B1 (Business Use)	Application Granted	31.10.1990
E/76/3116/P	GENERAL PURPOSE BUILDING FOR AGRICULTURAL USE	Application Granted	11.01.1977
E/75/2233/P	AGRICULTURAL STORAGE BARN	Application Granted	29.08.1975

Consultations:

7. Highway Authority: satisfied that the proposed development would not have a severe cumulative impact on highway safety and that the level of use of the access from the C666 would be commensurate with existing and previous levels of use. The recorded accident data history for the five years between 2013 and 2017 does not indicate that there are existing highway safety issues which should be addressed or mitigated by this application.

8. Planning Policy: The principle of the proposals are broadly in accordance with both national and local planning policy in respect of farm diversification and economic growth and expansion in the countryside.
9. Public Health & Housing: It is understood that the applicant intends to use the treehouse venue space to hold up to 30 weddings a year but it will be available periodically for other events. Its use will be largely restricted to weekends and the proposed accommodation, which will be used integrally with the uses that are undertaken in the venue building, will be restricted by the applicant to minimum 2 night stays.

Public Health and Housing would not wish to object, to this application, and are satisfied that the music noise levels can be effectively controlled and managed so as to ensure that the nearest noise sensitive premises are not impacted upon during events and raised no objection subject to a condition which will require the submission and approval of full details of a scheme of sound attenuation prior to the commencement of the use.

10. Economic Development: Strongly support the proposal.
11. Environment Team: the report submitted under DC/17/0646/PA is acceptable in planning terms, then from a technical point of view I would be able to accept this report in relation to DC/18/1712/FUL.
12. Tree Officer: The details set out in the Arboricultural Method Statement (AIA) demonstrate the complexity of the proposed development in relation to the trees on site. I am satisfied that any granted consent would not result in a significant degree of harm from an arboricultural perspective, this is subject to the recommendations of the AIA being complied with in full. If planning permission is to be granted, this should be accompanied by a condition requiring the submission and written approval of a detailed Arboricultural Method Statement and Tree Protection Plan.
13. Ecology & Landscape Officer (verbal consultation): No objection subject to condition to require the proposed development to take place in strict accordance with the details, conclusions and recommendations contained within the Practical Ecology Preliminary Ecological Appraisal Report (V2, July 2018).

Representations:

15. Cowlinge Parish Council: *The Council heard from a number of other members of the public that were concerned over the likely substantial increase in traffic and highway safety on the C666 and through the village generated by this application. There were also concerns over possible noise from the venue site which might be difficult to mitigate given the nature/design of the construction together with issues regarding lighting over the dark evenings. Those living at Branches Park were particularly concerned about the site being too close to their properties which were in a quiet secluded location. After considerable discussion it was decided that the Parish Council would object to this application. The grounds being highway safety with substantial increased traffic, possible noise generation, lighting in the countryside at night and close siting to other residences.*

Neighbours:

16. Sixteen letters of support were received from:
- The Duchess of Rutland, Belvoir Castle
 - Paula Radcliffe MBE
 - Crown Catering Ltd, 1 Stetchworth Road, Dullingham
 - Mrs Brown, 71 Starfield Road, London
 - Mrs Spilsbury, 49 King Street, Peterborough
 - Mr Brownlow, Deanburn, Hawick
 - Mrs Aston, 1 Waterhall Cottage, Newmarket Rd, Cowlinge
 - Mr Humphreys, 197 The Street, Kirtling
 - Mrs Rosie Gedge-Gibson, GG Bloodstock and Racing, Parsonage Farm, The Street, Kirtling
 - Mr Cardwell, 2 Waterhall Cottage, Cowlinge
 - Miss Lyssa Whitehead, 5 Spring Barns, Thurlow Rd, Great Bradley
 - Mr Sikon, Kingdom Forge, Manor Barns, Brundish
 - Richard Max & Co Solicitors, 87 Chancery Lane, London
17. Raising the following points:
- Venue would provide an ideal location to host high profile guests for charitable organisations including Children with Cancer, The Willow Foundation and Born Free Foundation.
 - Extremely high quality design of 'tree house'
 - It would be a huge asset to the local area providing economic benefit by way of local caterers, food/drinks suppliers, waiters/waitresses/bar staff and locally sourced produce.
 - Interest in cooking, nature conservation classes.
 - Interest from International and national arts programs with the venue seen as an ideal location for emerging practising artists to exhibit works, host events and workshops.
 - The Art Director at Halcyon Gallery, Mayfair, London would like to work with the management of this unique new site to help bring compelling arts initiatives to Suffolk and work in collaboration with the local community to help local businesses and attract something educational and enriching to this unique location.
 - Diversification will allow the farm to survive.
 - Other venues are in the area but choice and competition is good.
 - Advice taken on how to sympathetically protect and rejuvenate the existing landscape from the author of Capability Brown & Belvoir – Discovering a lost landscape (The Duchess of Rutland).
 - Opportunities for the landscape institute to host events for local school children.
 - Opportunity for local artists, sculptors, craftsmen and women to exhibit their works and teach skills.
 - Opposition appears to be driven by those who seek to protect their own wedding venues and do not want any competition.
 - Excellent platform to promote health, wellbeing and country life, sports education classes where children can learn to appreciate nature, wildlife and the countryside, a truly unique opportunity in today's climate and growing obesity crisis.
 - The countryside should be enjoyed and used by more people, not just the privileged few who seek to keep it for themselves.
 - Guest accommodation is traditional and in keeping with the countryside.
 - New venue is highly unlikely to create the vehicular movements that the original farm and more recently scaffolding business did.

- Venue will bring much needed high-end business which will add to the local economy and create job, business opportunities across the region.
- Anderson Acoustics have confirmed that given the distances to the nearest noise sensitive property (480m) the level of sound insulation required to be achieved is not onerous and all necessary mitigation can be provided through acoustic double glazing, fully sealed doors and adequate mass and insulation incorporated into the external walls and roof.
- The courts have held that when considering whether to grant planning permission for a development, it is lawful and relevant to take into account the possibility of an alternative use or “fall back” position where there is a realistic possibility of the land being put to that alternative use.
- The conclusions of the transport assessment remain robust have been accepted by the Highways Authority.

18. Thirty eight letters of objection were received from:

- Mrs Patton, Bloomfields Farm, Newmarket Road, Cowlinge
- Mr & Mrs Lewis, Erratts Farm, Newmarket Road, Cowlinge
- Mr Hanbury, Green Man House, Newmarket Road, Cowlinge
- Mr Fella, The Old School House, Main street, Westley Waterless
- Mr Rochford, Kinvarra, Bradley Rd, Kirtling
- Mr Moss, Parsonage Farm, Cowlinge
- Dr P J Hyde, Cater's Farm, Cowlinge
- Mrs Turner, Garden Cottage, Branches Park, Cowlinge
- Miss Crowther, Bonnetts, The Belt, Lidgate
- Mr & Mrs Smith, Coach House, Branches Park, Cowlinge
- Mr & Mrs Laing, Park House, Cowlinge
- Mr & Mrs Wilson, The Old Vicarage, Queen Street, Cowlinge
- Mr Osborn, Glendale, East Green, Great Bradley
- Mrs Lee, Kespar, The Belt Lidgate
- Mr Davison, High Elms Farm, Cowlinge
- Mr & Mrs Ramsden, Pear Tree House, Bradley Road, Kirtling
- Mr Frisby, Rosalie Farm, Bradley Road, Cowlinge
- Mr & Mrs Rees, Dowels Farm, Cowlinge
- Karrie and Emma Jerman, North Lodge, Branches Park
- Mr Clifton-Brown, Little Bradley Hall, Haverhill
- Mr Bredin, 133 Station Road, Dullingham
- Mr & Mrs Ascroft, Bridges Farm Barn, New England Lane, Cowlinge
- Branches Park Fisheries
- Mr Greenwood, Syde House, 37 The Street
- The Planning Law Practice, 8 Marquis Close, Bishops Stortford
- Mr & Mrs P Cole, Old College House, Queen Street, Cowlinge
- Mr & Mrs Walker, 2, Seven Elms Close, Queen Street, Cowlinge
- The Fairhaven Estate, Place Farm, Kirtling
- Ms. J Newton & Mr P Faircloth, 13 Tillbrook Hill, Cowlinge
- Mrs Woolf, 1 Saxon Street Road, Cheveley,
- Mrs Moyes, Brookside, Queen Street, Cowlinge
- Mr & Mrs Overman, Beaufort House, Queen Street, Cowlinge
- Mr Torpey & Miss Lovick, 12 Tillbrooks Hill, Cowlinge
- Mrs Hegarty, Top Cottage, Queen Street, Cowlinge
- Mr & Mrs Evans, Ivy Cottage
- Mrs Midwood, Butlers Hall, Wickhambrook

19. Between them, these raise concern, in summary, with regard to:
- Adverse impact on residential amenity
 - Noise pollution
 - Light pollution
 - Traffic/Highway safety
 - Increased traffic will impact horse riders using the road
 - Access
 - Impact on Wildlife
 - Already enough wedding venues in the surrounding area
 - Decrease in value of property
 - 'Tree House' is too large and dominant in the landscape
 - 'Tree House' is out of keeping with the surrounding area
 - Unsuitable position
 - Hours of operation
 - Negative impact on local area
 - Security of nearby trout lake/trespass
 - Sustainability
 - Water pollution
 - Previous scaffolding business cannot be compared to this proposal
 - Highways Authorities response cannot be relied on
 - Events are often accompanied by fireworks

Full details of all representations received can be viewed on the Council's website.

Policy:

20. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
21. The following policies of the Joint Development Management Policies Document and the [Forest Heath Core Strategy 2010] [St Edmundsbury Core Strategy 2010 & Vision 2031] have been taken into account in the consideration of this application:
- 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 DM31 Farm Diversification
- Policy DM33 Re-Use or Replacement of Buildings in the Countryside
- Policy DM34 Tourism Development
- Policy DM46 Parking Standards
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Rural Vision 2031
- RV1: Presumption in Favour of Sustainable Development

Other Planning Policy:

22. National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPD. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Residential Amenity
- Visual Amenity and Landscaping
- Impact on Highway Safety
- Biodiversity
- Other Matters

Principle of Development

24. Paragraph 83 of the NPPF is supportive of '*a) the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside*'.

25. Paragraph 84 goes on to state that '*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive*

to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

26. Paragraph 118 states that planning decisions should '*encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*'
27. It is considered that the proposals broadly accord with these parts of the NPPF, given that they are for part brownfield development, are partly for the conversion of existing buildings, and that they also comprise of proposals for agricultural diversification.
28. Policy DM5 'Development in the Countryside' of the Joint Development Management Policies document (2015), states that proposals for all types of business and enterprise in the countryside should recognise 'the intrinsic character and beauty of the countryside,' as well as meet certain criteria in relation to loss of best and most versatile agricultural land; historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and have no significant adverse impact on the local highway network.
29. The proposal is partly on grade two agricultural land, however the main areas of development involve conversion of the barn on brownfield land, the construction of the tree house on the edge of woodland and the area of car parking within an existing spruce plantation, neither of which could be considered to presently be useable agricultural land and, in any event, the extent of loss is small and therefore only weighs modestly against the scheme in the balance of considerations.
30. The proposals are considered to be broadly in accordance with Policy DM31: Farm Diversification, in that the proposal remains subsidiary to the main farm enterprise and will provide new full and part time employment opportunities.
31. Policy DM33 Re-Use or Replacement of Buildings in the Countryside provides that the re-use, conversion and alteration or extension of buildings in the countryside for the following uses will be permitted where proposals comply with other policies in this and other adopted Local Plans: employment (defined for the purposes of this policy as uses within Classes B1 and, where appropriate, B2 general industrial, and limited small scale or ancillary storage), where it can be demonstrated that such uses would not create significant levels of traffic, particularly lorries, on rural roads; tourist accommodation; recreational uses including riding stables, livery, and sports pavilions; community facilities.
32. In addition to other policies in the Plan, proposals such as this for the re-use, conversion and alteration or extension of buildings must be structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction; any proposed alterations to the building, its

proposed use, its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance or adversely affect the setting of the building in the rural locality, in the case of tourist accommodation there is no creation or installation of private curtilages and domestic paraphernalia which would have a harmful effect on the character of the site or the surrounding area; it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area.

33. It should be noted that one barn currently has an extant consent to be converted to two residential dwellings and the other barn has a lawful use as a scaffolding business. Noting this, and noting the considerations in the previous paragraph, it is considered that support for this proposal, insofar as it relates to the conversion of the existing agricultural building, can be drawn from Policy DM33.
34. The principle of the proposals are therefore broadly in accordance with both national and local planning policy in respect of farm diversification, re-use of buildings in the countryside and economic growth and expansion in the countryside, such that officers consider, as a matter of balance, that the principle can be supported.

Residential Amenity

35. With regard to residential amenity it is proposed to hold no more than one wedding per week (Sunday to Saturday) but never on consecutive days (meaning only one event could ever be held over a weekend), up to a maximum of thirty per year. The proposal is also to hold no more than two additional events per week, which could include workshops and demonstrations, educational events, arts and craft exhibitions, cookery and local produce events, corporate employee events, fundraising events, dinners and 'pop-up' food events. Hours of operation would be restricted to Monday to Friday – 9am until 12 midnight, Saturday – 10am until 12 midnight, Sunday and Bank Holidays – 10am until 8pm. This would be controlled by condition and will require the applicant to keep a record of events which could be made available for inspection by the Local Authority if required.
36. Working on a worst case scenario the proposed use of the site will arguably generate a lower level of vehicular movements than the previous use on part of the site as a scaffolding business, which it is noted could still be brought back into operation and whilst concern has been raised that this venue could hold over one hundred weddings per year the applicant is clear that they do not wish to hold any more that 30 weddings per year and this is controlled by condition four which restricts the amount of weddings to a maximum of one per week (Sunday to Saturday inclusive, but never on consecutive days) and up to a maximum of 30 per year.
37. With regard to site lighting, it is understood that flood lighting is currently installed within the farm yard and that local low level wall lighting is proposed to entrance doorways to the new and converted buildings in addition to low level PIR bollard lighting to pathways. Whilst the application site is in a rural location, there is an existing residential dwelling to the East of the farmyard at Bridgelands Farm. The proposed venue space is within

approximately 600m of residential dwellings to the South West at Branches Farm with further residential dwellings to the North East and South of the application site.

38. With regard to noise from plant and equipment the closest neighbouring properties are Coach House Cottage and The Garden Cottage at 460m to the south west, Erratts Farm is 852m to the south east and Waterhall Cottages are 772m to the north. A baseline noise survey was undertaken in October 2018 by Anderson Acoustics Ltd and this has been used to establish plant noise emission limits at the nearest noise-sensitive receptors (16 dB LAeq). In addition, octave band measurements were used to establish noise limits for amplified music and speech from the multi event building. The assessment showed that the nearest residential property, The Hall at Branches Park, is not predicted to be adversely affected by noise from the fixed plant installation at Bridgelands Farm multi event building, providing the kitchen extract system is limited to 46 dB LAeq at 10 m distance from a louvre or a ducting termination point.
38. With regard to entertainment noise, the overall entertainment noise (EN) level from the multi event building is predicted to be 15 dB below the established background noise levels at the nearest residential property, The Hall at Branches Park, meeting the adopted criteria (LAeq EN should not exceed LA90 WEN). However, the assessment showed that Branches Park could be adversely affected by noise in the 63 Hz octave band from amplified music or speech at the Bridgelands Farm multi event building.
39. Officers met with the applicant and Direct Acoustics at Bridgelands Farm, to discuss and understand the proposed directional array noise system to be installed within the proposed venue. The system is made up of a series of panels each of which house a number of small speakers. The speakers work by controlling bass frequency.
40. The directional array system was set up at the edge of the parkland where the proposed tree house will be. The speakers of the array system were mounted in panels and secured in place off a metal framework to simulate the dance floor, with the speakers above the "dance floor". The noise level in the centre, was set at around 94dB which is considered sufficiently loud enough for the intended use and produced a very good quality of sound.
41. Officers then walked from the array system towards Branches Park where the properties known as The Garden Cottage, The Coach House and The Cottage are located, the boundary being around 459m to the West; there is however a significant tree line at the western boundary of the parkland at around 390m. The music, including all bass, was inaudible at a distance of around 300m from the dance floor/array. The wind direction was N/NNE so the music was being blown towards Branches Park.
42. It is understood that additional smaller speakers will be installed within the proposed tree house but these will be set and controlled at about half of the level on the "dance floor". The overall music level externally is therefore unlikely to increase. In addition, the building elements of the tree house will provide further sound attenuation.
43. Whilst concerns have been raised with regard to managing the venue so as to ensure windows and external doors remain closed during any events that

include the playing of amplified music, the demonstration confirmed that at the noise level required (94dB) for a disco to meet the audiences expectations, the music would be inaudible at 300m from the "dance floor". As the demonstration was in the open air, even if doors or windows were left open during an event, the music noise would be inaudible at the nearest noise sensitive premises.

44. Officers discussed how the venue would be used, for example, DJ's or live, amplified music. The directional array system contains a limiter which can be set at an overall noise level; in addition, the noise level at various frequencies can also be controlled so the bass levels can be effectively cut back. All DJ's will be required to connect into the limiter. In addition, if live music is required, only an electronic drum kit will be permitted and all equipment will need to be amplified through the installed system.
45. Direct Acoustics will set up the system and test once installed and set the limit. They also provide a noise management plan for the venue operator and users and advise of regular site monitoring throughout the event as part of the noise management plan to be submitted within the scheme of sound attenuation as required by condition.
46. As further confirmation of the noise levels at distances from the proposed venue, monitoring was undertaken. Again starting at just over 94dB on the dance floor, the noise level was measured at around 33dB at the far western boundary of the site and no music was audible. Photographs were taken of the noise level at various distances from the "dance floor" which indicate that:-
 - 5m from array - 93dB
 - 50m distance - 50dB
 - 200m distance - 39.6dB
 - 300m distance - 32.6 dB and not audible at allBoundary to Branches Park on parkland side 35.9 dB. The increase in the noise level at this location was due to leaves in the trees as the wind was gusting at 9mph (taken from the met office website).
47. Public Health are satisfied that the music noise levels can be effectively controlled and managed so as to ensure that the nearest noise sensitive premises are not impacted upon during events. Public Health and Housing have therefore raised no objection with regard to these findings and a condition is attached which will require the submission and approval of full details of a scheme of sound attenuation and noise management plan prior to the commencement of the use.
48. Subject to this and subject to the controlling of the hours of operation by condition given the site's context and the degree of separation between the tree house venue and the off-site dwellings, the proposal is not judged to give rise to such severe amenity impacts that it should be refused. This is not to say that the guests of the events venue will never be audible – such a postulation would be remiss given the low background noise levels of the locality – but in order for the LPA to recommend refusal of the application, the use itself would need to give rise to activities and noise which generate sustained, unacceptable levels of harm to the area's amenity, and it is not considered that there would be such a level of adverse impact on any neighbouring properties by reason or noise of excessive vehicular

movements to justify anything other than the approval in compliance with policy DM2 and the provisions of the NPPF 2019.

Visual Amenity and Landscaping

49. Policy DM2: Creating Places - Development Principles and Local Distinctiveness provides that all development proposals should maintain or create a sense of place and/or character by employing designs that are specific to the scheme, and which respond intelligently, basing design on an analysis of existing buildings, landscape or topography, and fully exploiting the opportunities that these present, utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach that is appropriate for the location, creating or contributing to a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming and creating and supporting continuity of built form.
50. The appearance of the barns has been carefully considered to ensure the local agricultural building vernacular is retained with the design maintaining the existing positions of door and window openings. Additional openings and timber clad extensions to the barns use the same proportions and materials as the rest of the barn to ensure architectural continuity. The proposal respects the existing material palette of the farm and the nearby agricultural outhouses in the surrounding area of Cowlinge. Materials including stained timber cladding, brick and corrugated metal are incorporated into the design. The holiday accommodation will support this venue and help provide the required guest facilities needed in a rural location.
51. The treehouse venue is made up of a number of interconnected circles and the plan form is very efficient while keeping a relatively small footprint. On a raised structure, the curved façades help reduce any visual impact while creating a natural form. Clad in natural timber, with timber shingles on the roof, and timber balustrade details, the treehouse will blend in with the woodland setting. It will provide space for 125-150 people and create a unique destination for special events. It is therefore considered that the barns and tree house venue accord with policy DM2 and the provisions of the NPPF 2019.
52. The proposal is designed to restore and enhance the 'lost' Capability Brown landscape through new parkland and landscaping which will include new individual oak planting and improvements to grassland. The other elements of the scheme offer the opportunity to enhance the wider landscape through new landscaping, sensitive treatment of parking and paths and other enhancements such as restoration of woodland habitat.
53. New landscaping will take place across the site, including new tree planting to the parkland and creation of a new parkland area to the north of the woodland, bordering the farmyard and new planting to the entrance avenue. The existing areas of woodland and copses will be subject to new management (which is required by condition 14) and the grassland to the parkland will be restored to its original design in order to maximise biodiversity and landscape benefits.

54. The details set out in the Arboricultural Method Statement (AIA) demonstrate the complexity of the proposed development in relation to the trees on site. However it is not considered that the proposal would result in a significant degree of harm from an arboricultural perspective with the local authority's tree officer raising no objection. This is subject to the recommendations of the AIA being complied with in full, a condition will be attached requiring the submission and written approval of a detailed Arboricultural Method Statement and Tree Protection Plan in compliance with policy DM13 and the provisions of the NPPF 2019.

Impact of Highway Safety

55. Paragraph 109 of the NPPF provides that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe".
56. The existing entrance from Newmarket Road will remain the primary access point for vehicles. Parking to the farm house will not change, along with the existing access to the agricultural barns. A new dedicated parking area for 12 cars and bicycles, adjacent to the holiday accommodation, will be provided for guests. A larger car park for 55 cars will be provided in the old spruce tree plantation (which is considered to be of low arboricultural value) for visitors of the treehouse venue. A service road will also allow deliveries to and from the treehouse.
57. It is accepted that the scheme would replace a substantial scaffolding firm which has since vacated the site but which occupied three buildings and an open yard and which generated a significant number of trips and represented a large scale enterprise. The courts have held that when considering whether to grant planning permission for a development, it is lawful and relevant to take into account the possibility of an alternative use or "fall back" position where there is a realistic possibility of the land being put to that alternative use.
58. The agent has provided an updated transport statement working on a worst case scenario of two secondary events occurring each week thereby potentially generating no more than 212 vehicle movements per seven days. When such a figure is combined with the potential wedding event trips a total of 392 vehicle movements per seven days is possible. As detailed and accepted by SCC as Highway Authority Plan B scaffolding generated 240 trips per day and over the course of six days equating to 1,440 vehicle trips. The agent's reports concludes that it can be seen that the proposed use will generate significantly fewer trips than the site's most recent use, and, critically, these will be during off-peak periods. Also the traffic implications of the proposed development will represent a significant improvement when compared to the site's previous use, which it is accepted could be reinstated.
59. Concern has been raised with regard to the proposed traffic generation detailed within the updated transport statement. However the Highway Authority has considered the transport report and whilst the figures presented therein are ambitious, and assumptions made about transport modes, the Highway Authority has assumed a worst case scenario on trips to assess the highway impact. A 150 person wedding venue will attract car sharing by nature of the event, and whilst some families do provide coaches

it cannot be guaranteed. So the Highway Authority has realistically looked at the staff numbers, deliveries, services and guests of the venue and concluded that the trips will not provide a severe impact upon the highway and will be spaced over the duration of any event and its preparation.

60. As a previous business has used this site with no severe impact on road safety, there is not the evidence to indicate that this application will have an adverse impact on highway safety. Whilst the Highway Authority have not specifically requested a travel plan in this instance they have welcomed the applicants willingness to provide one and this will be required by condition.
61. The proposed use will arguably generate a lower level of movements than the previous use on the site which will impact positively on the surrounding rural road network, however the times of the movements will vary to those by the former use on the site. It is considered however that the development would not have a severe cumulative impact on highway safety and that the level of use of the access from the C666 would be commensurate with existing and previous levels of use. The recorded accident data history for the five years between 2013 and 2017 does not indicate that there are existing highway safety issues which should be addressed or mitigated by this application with the Highways Authority raising no objection in compliance with policy DM46 and the provisions of the NPPF 2019.

Biodiversity

62. With regard to biodiversity the Preliminary Ecological Assessment dated July 2018 by Practical Ecology Ltd recommends measures required to achieve biodiversity gain should include:
 - Tree planting should take place throughout the semi-improved grassland field and the parkland habitats on the site to convert the semi-improved grassland into parkland and to improve the condition of the existing parkland. Oak trees should be planted in preference to any other species.
 - Tree planting should also occur within the conifer plantation on the site. It is recommended that in order to offset the impacts from tree felling and the construction of a new car park, broadleaved trees should be planted throughout this plantation woodland to convert it from conifer plantation to mixed woodland. Conifer plantation has low ecological value, whereas mixed woodland has a higher biodiversity value and is more beneficial for a number of species.
 - Management plan to be produced for the parkland BAP habitats to improve the conditions from 'poor' and 'moderate' to 'good'. This will include details of tree planting and management regimes such as twice annual hay cuts. Retention of standing deadwood.
 - Management plan to be produced for semi-natural woodland to improve the condition of the semi-natural woodland from 'moderate' to 'good'. This will include the removal of common snowberry and common rhododendron and the retention of standing deadwood.
 - Management plan to be produced for the mixed woodland. To include details of tree planting and retention of standing deadwood where possible.
 - Management plan to be produced for Ponds 1 and 2 to improve their condition from 'moderate' to 'good'. This will include removal of duckweed and pollution prevention measures.

63. These measures which require the relevant management plans to be submitted too and approved by the local planning authority along with other enhancement and mitigation measures will be required by condition, with the local authority's Senior Ecology & Landscape Officer raising no objection in compliance with policies DM11, DM12 and the provisions of the NPPF 2019.

Economic Benefit

64. Economic Development colleagues have commented generally that tourism is worth approximately £510m to the local economy and generates around 10.6m trips. It is one of the key sectors that the Local Authority's Economic Development department choose to promote and focus on.
65. The aim is to increase the value of tourism to the economy and do this by increasing overnight stays and increasing the duration of trips (among other work). This proposal would add to the increasing number of bed spaces in West Suffolk and thereby assist in increasing overnight stays. In addition the proposal is for something different to that already on offer in Suffolk and this would attract people who otherwise would not be visiting.
66. As this proposal is different, it is likely to receive national interest which will help to put West Suffolk "on the map". Media coverage of one asset often leads to benefits to other tourism providers.
67. This proposal would be an important asset to the local area - providing economic benefit by way of local caterers, food/drinks suppliers, waiters/waitresses/bar staff and locally sourced produce.
68. The venue will result in the provision of a business which will create jobs, result in the safeguarding of existing jobs (seasonal workers to permanent staff) and open up higher paid opportunities for local people in marketing; events planning etc.
69. The proposal will provide opportunities for the landscape institute (an educational charity that promotes the art and science of landscape practice) to host events for local school children and opportunities for local artists, sculptors, craftsmen and women to exhibit their works and teach skills.
70. The diversification offered by this proposal will provide additional income to the estate which will assist with the viability of the farm operation. This is the kind of proposal that farmers are encouraged to undertake to enable the cross subsidy of traditional farming.
71. It will also generate additional spend in local community assets and facilities which will help sustain and enhance the vitality of the rural area and surrounding villages. The NPPF states that significant weight should be placed on the need for to support economic growth through the planning system and paragraphs 83-84 state that planning should support economic growth in rural areas including that of tourism and leisure uses and that there should be a positive approach to sustainable new development.

Other Matters

72. Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'
73. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
74. Therefore a condition requesting electric vehicle charge points is recommended, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.
75. Other than the already addressed above concerns were raised with regard to decrease in value of property, security of nearby trout lake/trespass and the fact that some events are often accompanied by fireworks.
76. Decrease or increase of property value and risk of trespass are not material planning considerations, with regard to fireworks it should be noted that events can be held on land for up to 28 days a year without requiring planning permission.

Conclusion:

77. 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:

78. It is recommended that planning permission be **APPROVED** 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.
 3. The development hereby permitted shall be constructed entirely of the materials detailed within the application hereby approved.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. The use of the site and venue space for events shall be limited to the following:
 - Weddings / wedding receptions (maximum 1 per week (Sunday to Saturday inclusive, but never on consecutive days), and up to a maximum of 30 per year, Monday to Friday - 9am until 12 midnight, Saturday - 10am until 12 midnight, Sunday and Bank Holidays - 10am until 8pm;
 - Other Events (to be a maximum of two 'other events' per week in total - Sunday to Saturday inclusive).
 - Educational events;
 - Workshops and demonstrations;
 - Art and craft exhibitions;
 - Cookery and local produce events
 - Corporate employee events (team building etc);
 - Fundraising events; and
 - Dinners and 'pop-up' food events.

On commencement of the use hereby permitted, the owners/operators of the venue shall keep at all times an up-to-date Register of all events which shall include the name and address of the person, organisation or party occupying the venue during each individual booking. The Register shall be made available for inspection on demand by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties, and in the interests of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, the provisions of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. No above ground development shall take place until details of the areas to be provided for the loading, unloading, manoeuvring, parking of vehicles, including secure cycle storage, refuse storage and details of the 'no-dig' foundation service road will allow deliveries to and from the treehouse, have been 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.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6. Before the first operation of the development hereby approved, a Travel Plan, shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall detail incentives for encouraging access to the site by modes other than the car and shall be implemented in all respects following the commencement of the operation of the use hereby approved.

Reason: To encourage the use of sustainable forms of transport and reduce dependence on the private motor vehicle, in accordance with policy DM2 and DM45 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

7. Prior to first operational use of the site, at least 5% of car parking spaces for the events venue and one car parking space associated with each barn for holiday let shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework (NPPF) paragraphs 105 and 110 and the Suffolk Parking Standards.

8. Prior to commencement of development an arboricultural method statement and scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

9. The use of the site as a wedding/events venue shall not commence until full details of a scheme of sound attenuation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall take into account noise from the playing of any amplified live or recorded music and speech and all external plant or equipment including all heating installations, air conditioning or handling plant and extract ventilation systems. Thereafter, the approved works shall be carried out in their entirety and retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, the provisions of the National Planning Policy Framework and all relevant Core Strategy Policies.

10. No live or amplified recorded music shall be played outside of the Tree house venue building, in the garden areas or in any externally sited marques after 8pm.

Reason: To safeguard the residential amenity of neighbouring properties, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, the provisions of the National Planning Policy Framework and all relevant Core Strategy Policies.

11. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

12. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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 assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Framework and all relevant Core Strategy Policies.

13. The holiday let units hereby permitted shall be occupied only as holiday letting accommodation and for no other purpose (including any other purpose in Class C3 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). Pond Barn and Long Barn shall not be occupied as a person's sole or main place of residence. Each letting as holiday accommodation shall not exceed a period of 3 weeks nor shall the unit be let or occupied to any one individual or party for a period exceeding 4 weeks in total within any 12 month period. On commencement of the holiday let use hereby permitted, the owners/operators of the holiday let unit shall keep at all times an up-to-date Register of all lettings which shall include the name and address of the person or party occupying the accommodation during each individual letting. The Register shall be made available for inspection on demand by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM34 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 6 of the National Planning Policy Framework and all relevant Core Strategy Policies.

14. The development shall take place in strict accordance with the details, conclusions and recommendations contained within the Practical Ecology Preliminary Ecological Appraisal Report (V2, July 2018), including, where set out below, submitting to and agreeing in writing with the Local Planning Authority, the following matters:
- A) A site clearance method statement as recommended shall be submitted to and approved by the Local Planning Authority.
- B) An Edna newt test is to be carried out as soon as possible on Ponds 1, 2 and 4 to determine the presence/absence of this species on the site and to inform an appropriate mitigation strategy if required details of which shall be submitted to the Local Planning Authority.
- C) 3 swallow nest cups to be installed on either the newly converted barns or the existing farm buildings. Installation be on the northern aspect of the building, at a height of at least 5m details of which shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 3.8.4.4
- D) For every 2 trees felled on the site, 1 small passerine bird box must be placed on a retained tree in the broadleaf woodland or in the parkland details of which shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 3.7.4.
- E) 1 x kestrel box to be installed on a retained mature tree in the parkland habitat; and 1 x barn owl box to be installed on the margin of the woodland details of which shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 3.7.4.
- F) A Woodland management plan shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 and plan no. PEL-TH-Q2-0319.
- G) A pond enhancement plan for ponds one and two shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 and plan no. PEL-TH-Q2-0319.
- H) A mixed woodland management plan to include details of tree planting and retention of standing deadwood shall be submitted to and

approved by the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 and plan no. PEL-TH-Q2-0319.

I) A semi-natural woodland to improve the condition of the semi-natural woodland from 'moderate' to 'good'. This will include the removal of common snowberry and common rhododendron and the retention of standing deadwood and plan no. PEL-TH-Q2-0319.

J) A parkland management plan shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 and plan no. PEL-TH-Q2-0319

K) The recommendations with regard to the bat mitigation shall be complied with in full and any details as the result of surveys shall be submitted to the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 3.44

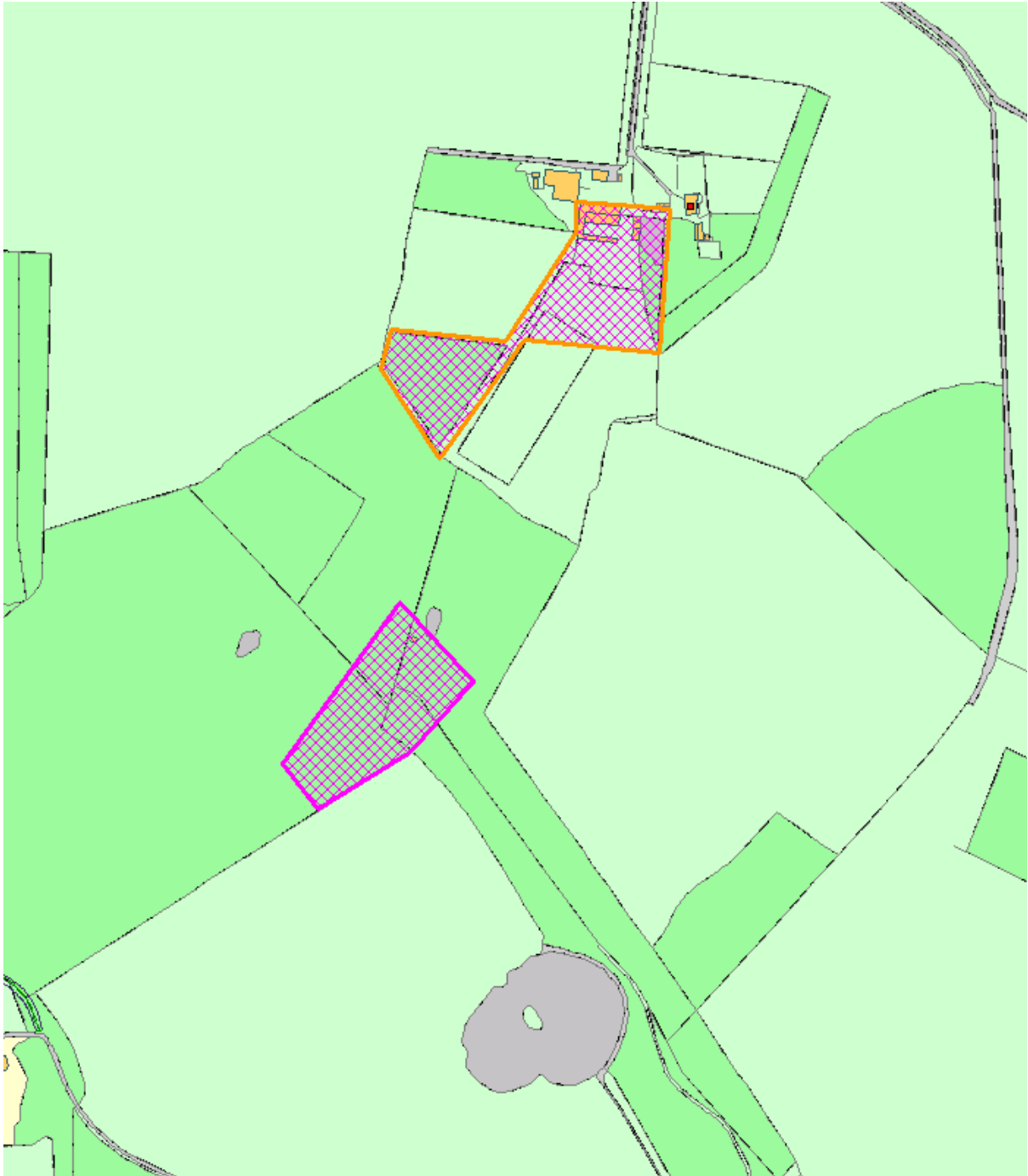
Any matters as agreed and / or required pursuant to this condition shall be implemented during construction (as appropriate) or otherwise installed in accordance with timescales which shall also have been submitted to and agreed in writing by the Local Planning Authority, and shall thereafter be retained as so installed. There shall be no use of the building hereby permitted unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority and thereafter installed.

Reason: To secure biodiversity protection and enhancement commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1712/FUL](https://www.westsuffolk.gov.uk/DC/18/1712/FUL)

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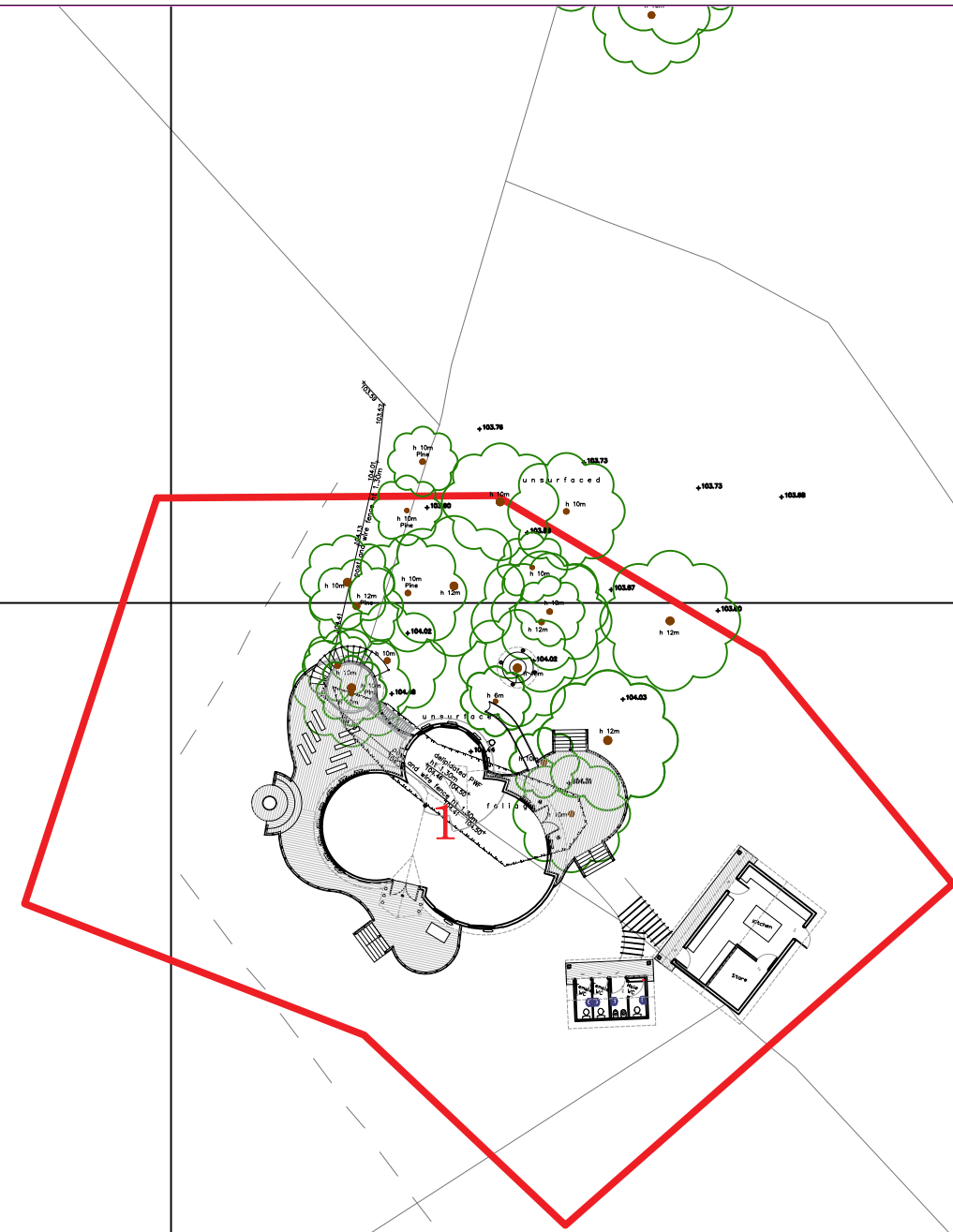
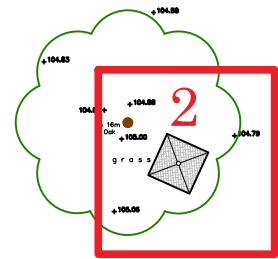
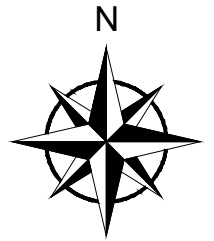


DC/18/1712/FUL



Bridgelands Farm
Newmarket Road
Cowlinge
CB8 9HN

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- 1. Commercial Treehouse
- 2. Ceremony Platform

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Note: All dimensions are in mm

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Only figured dimensions are to be used for construction purposes. This drawing must be read in conjunction with all relevant details for the project. All dimensions are to be checked on site prior to commencement and any discrepancy reported to Blue Forest (UK) Limited. Copyright ©Blue Forest (UK) Limited

Rev	Date	Description
-	140818	First Issue

Client	BRI
Project Title	Commercial Treehouse & Cermony Platform
Drawing Title	Block Plan

Drawn by	BM	Client Number	421	Drawing Number:	PL002
Checked By:	AP	Drawing status	PL	Revision:	-
Date:	24.04.18	Scale:	1:500	Format:	A3



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Development Control Committee 2 October 2019

Planning Application DC/19/1116/FUL – Land West of Unit D, Homefield Road, Haverhill

Date Registered:	28.05.2019	Expiry Date:	23.07.2019 – EOT 03.10.2019
Case Officer:	Kerri Cooper	Recommendation:	Approve Application
Parish:	Haverhill Town Council	Ward:	Haverhill South
Proposal:	Planning Application - Gas fired power plant within fenced compound containing 2 no. 2MW generators and associated equipment		
Site:	Land West of Unit D, Homefield Road, Haverhill		
Applicant:	Mr Ben Wallace		

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 application and associated matters.

CONTACT CASE OFFICER:

Kerri Cooper
Email: kerri.cooper@westsuffolk.gov.uk
Telephone: 01284 757341

Background:

The application was referred to Delegation Panel due to the objection from the Ward Member and Haverhill Town Council, which was contrary to the Officers' recommendation of APPROVAL.

The Delegation Panel determined that the application should be presented before the Development Control Committee.

Proposal:

1. Planning permission is sought for a 4MW gas fired power station consisting of 2no. 2MW generators and ancillary infrastructure. The development is proposed to increase local grid capacity by generating electricity locally, providing benefit to local business, developments and electric vehicle (EV) charging points.

Application Supporting Material:

2. Information submitted with the application as follows:
Application Form
Planning Statement
Supporting Statement
Noise Report
Site Location and Layout
Elevations, Floor Plans and Sections
3. The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.

Site Details:

4. The application site is located within the designated general employment area of Haverhill. The site measures 0.07ha and comprises unused hardstanding. The vacant site is surrounded by commercial and light industrial uses. An existing vehicular access serves the site.

Planning History:

5. No relevant planning history.

Consultations:

6. Public Health and Housing - Public Health and Housing concludes from the submitted report that noise will not adversely impact on the amenity of the area. No objection, subject to construction hours condition.
7. Environment Team – No objection.
8. Rights Of Way Support Officer – No comments received.
9. Ramblers Association - It would appear unlikely that the proposal will be visible from the footpath, once it has left Homefield Road, due to intervening

buildings, which may also prevent any noise nuisance reaching users of the footpath. No objection.

Representations:

10. Town Council - Haverhill Town Council objects to the application on the following summarised grounds:
 - This application directly contradicts West Suffolk Council's Sustainability Strategy to reduce CO2 emissions and to work to reduce greenhouse gas emissions and to cut emissions ahead of statutory national targets;
 - The proposed development is not comparable to the appeal referred to within the submitted planning statement;
 - This application is for a 4Mw plant, which can support only 4000x8kw renewable generation and is on a constrained site unlikely to be useable for renewable energy production in the future;
 - Such small-scale plants cannot offer sufficient efficiency in power production to justify the disadvantages they bring, particularly in urban settings.

11. Ward Member - The local Ward Member, Cllr David Smith objects to the application on the following summarised grounds:
 - At a time when we are facing a climate emergency it would be wrong to approve the building of generator powered by fossil fuel;
 - Concerned at the proximity to the houses in Orford Road and Parkside, and any increase in the noise level coming from the industrial estate;
 - No guarantee that the power plant will not start up at unsociable hours;
 - Northern boundary only has trees acting as a screen;
 - Limited public benefit

12. Neighbours - 1no. letter of objection was received from owner/occupier of 6 Norton Road, which is summarised as follows:
 - Existing issues with noise from factory units, this will raise noise complaints due to proximity to residential areas.

Policy:

13. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

14. The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 and Haverhill Vision 2031 have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM8 Low and Zero Carbon Energy Generation
- Policy DM13 Landscape Features
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS9 - Employment and the Local Economy
- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV9 - General Employment Areas - Haverhill

Other Planning Policy:

15. National Planning Policy Framework (2019)

16. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Environmental Impact
- Impact on Visual Amenity
- Impact on Residential Amenity

Principle of Development

18. Paragraph 148 of the National Planning Policy Framework (NPPF) states 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of

existing buildings; and support renewable and low carbon energy and associated infrastructure.'

19. Policy DM8 states that proposals for generation or recovery of low carbon or renewable energy, such as wind turbines, biomass, and combined heat and power, will be encouraged subject to the following criteria: a. proposals will be required to demonstrate the new carbon saving benefit that they will create, taking into account both carbon dioxide savings from renewable energy generation and any additional carbon dioxide generation that results from the proposal; b. proposals will be required to include a landscape and visual assessment which should, where appropriate: i. show the impact of the proposal in the landscape or townscape. All development should be designed and sited to minimise intrusion and visual impact; ii. include mitigation measures to address the visual impact of the scheme; iii. include an appraisal of the impact on the environment of the proposal either in isolation or cumulatively with any other similar developments; c. where appropriate the proposal includes provision for mitigation and compensation measures, such as habitat enhancement or relocation.
20. All proposals will need to demonstrate to the satisfaction of the Local Planning Authority that due regard has been given to the following: d. the impact of off-site and on-site power generation infrastructure including achieving underground connections to the electricity grid system; and e. in respect of proposals for wind turbines, current standards relating to noise emission, shadow flicker and other negative effects such as interference to television transmission and air traffic control systems and the effects on public health; and f. soil quality is not affected adversely by either construction or the operation or decommissioning of the development.
21. The proposed development is for a small scale 4MW gas fired power station consisting of 2no. 2MW generators and ancillary infrastructure. The development is proposed to increase local grid capacity by generating electricity locally, providing benefit to local business, developments and electric vehicle (EV) charging points. As such, the site is known as an 'Urban Reserve'. The purpose of an Urban Reserve is to generate electricity close to and in urban areas where demand for electricity is highest.
22. Electricity generated by Urban Reserve Projects is exported on to the local 11kV HV network. These networks are either 'Generation Dominated' - where more electricity is generated locally than the local area requires, or 'Demand Dominated' - where more electricity is consumed than the local area generates. The proposal is 'Demand Dominated' therefore, this means that the electricity generated will be consumed locally and not exported elsewhere.
23. Urban Reserve sites must be connected to the 11kV high voltage electricity distribution network. In this case, the electrical point of connection is located approximately 30metres from the site. In addition, the project is required to be connected to the local gas network. A medium pressure gas main is located approximately 400metres from the site.
24. Policy DM30 'any non-employment use proposed on sites and premises used and/or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied that the proposal

can demonstrate that it complies with other policies in this and other adopted local plans (particularly Policies DM1 and DM2 in this Plan), and one or more of the following criteria has been met (as appropriate to the site/premises and location): a. there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements; b. evidence can be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future; c. the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site; d. an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs; e. it is for an employment related support facility such as employment training/education, workplace crèche or industrial estate café; f. an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.'

25. The application site is designated within the General Employment Area of Haverhill. The proposed development will result in the loss of a small scale site, which has been designated for purposes falling within Class B1, B2 or B8. The site measures 0.07ha in area and was previously used for car parking but is currently not being used for any formal purpose. Given the scale of the site and the nature of the development being proposed, it is considered that the proposed development complies with criteria e and f of Policy DM30.

26. As such, it is considered that the principle of the proposed development is acceptable, subject to its impact and compliance with other policies.

Environmental Impact

27. As part of an application of this nature, it is important to assess the environmental impact arising as a result of the proposed development. Concerns have been raised by the Ward Member and Town Council in this regard. In respect of this, the applicant stated the following in their supporting statement:

28. 'In order to transition the electricity network to a low carbon system there is a need to move away from these high carbon intensive technologies in favour of lower carbon options. In the UK this has predominantly been new Solar and Wind Farms. Both technologies are however 'weather dependant' and are not 'dispatchable'. This means they cannot be 'turned on' at any time, and only operate when the weather permits.

29. Natural Gas has a significantly lower carbon intensity than coal and is dispatchable - in that it can be turned on, and off, as demand requires. Urban Reserve projects also export electricity at lower voltage providing electricity to the local area reducing losses experienced when transporting electricity through the transmission network.

30. The reduction in renewable generation capacity is most acutely felt during periods of high pressure in the winter months. During this time wind speeds are low, and the daylight hours are short meaning the UK is increasingly

reliant on 'dispatchable technologies' such as that proposed. Building new, localised, highly efficient natural gas 'back up' power stations therefore enables the further penetration of renewables in the UK without risking black outs and interruption to businesses (and similar disruption of residential supplies) and helps move away from large centralised carbon intensive power stations. The overall effect is to reduce the carbon intensity of grid supplied electricity, support further development of renewables and give resilience to the local network.

31. The locations for Urban Reserve sites are chosen as local to areas with a risk of power outages and being small under-utilised sites within the areas they are intended to serve. The Urban Reserve sites do not replace renewable energy generation capacity but support its use and further development.
32. Finally, it is worth noting that the development of the use of electric vehicles (a mainstay of the low carbon initiative) requires stable and resilient grid infrastructure and supply; the Urban Reserve sites provide these factors in areas where the electricity supply companies would otherwise be unable to support such development.
33. In summary, low carbon gas fired Urban Reserve energy generation plants, such as that proposed, are part of addressing a nationally recognised need for transitional low carbon energy supplies to facilitate an orderly and effective conversion of the UK's power supply network to renewable energy sources and a carbon neutral state. Therefore, far from working against the renewable energy policies and targets approving the Homefield Power proposal would be contributing to the ultimate achievement of the policies and targets.
34. Whilst in most cases it would be preferable to see new power production generated from renewable sources of energy, the proposed development provides a low carbon energy and is not replacing existing renewable energy but will in fact support its use for further development and capacity. Furthermore, there is no National or Local Policy at present which states that only renewable energy will be permitted.
35. Therefore, for the reasons set out above it is considered that there will be no adverse environmental impact as a result of the proposed development.

Impact on Visual Amenity

36. Policy DM2 of the Joint Development Management Policies Document seeks to provide developments that respect the character, scale, density and massing of the locality, in accordance with the guidance set out in the National Planning Policy Framework for good design.
37. The site would be enclosed by palisade fencing measuring 2.4 metres in height, along all boundaries. Within the site would comprise 2 no. 2MW generators in steel containers measuring approximately 12.2 metres in length and 2.45 metres in width, with an exhaust stack measuring 7 metres high from ground level and ventilation/cooling equipment mounted on the roof. An associated gas kiosk would be situated to the front of the site measuring approximately 2.5 metres in height.

38. The application site sits at a lower level to Homefield Road, with the site itself being set behind a landscaped verge, which runs along the vast majority of the road. Any associated vehicles accessing the site will use the existing access and will enter and exit through the west. The industrial buildings surrounding the site are large in scale, varying in height and position along the street scene.
39. The exhaust stack in particular will be highly visible along Homefield Road, with glimpses in longer views. Given the surrounding uses and the context of the site, it is considered that there will be visual harm arising as a result of the proposed development will be modest.

Impact on Residential Amenity

40. Policies DM2 of the Joint Development Management Policies Document seeks to safeguard residential amenity from potentially adverse effects of a new development.
41. The closest residential properties are located north of the site off Orford Road, approximately 220 metres away. Residential properties to the east they are in excess of 800 metres in streets off Hamlet Road. The sites immediately adjacent to the application site comprise a range of industrial units.
42. A noise report has been submitted with the application. This has been reviewed in detail by our Public Health and Housing Team. The report states during the daytime the operation of the site would be between 1dB(A) and 14dB(A) below the background sound level at the receptors assessed. In accordance with BS4142:2014 the site would have a low noise impact during the daytime. During the night-time the operation of the site would be between 4dB(A) above and 10dB(A)s below the background sound level at the two receptor locations assessed. In accordance with BS4142:2014 the site would have a low noise impact during the night-time at the Receptors to the south, and potentially a marginal adverse noise impact during the night-time at the receptors on Orford Road. The operation of the site would meet the noise rating curve internal to each receptor assessed, with only a slight exceedance at 500Hz at the commercial premise by less than 1dB. It is therefore concluded that the potential for a marginal adverse noise impact, identified by the BS4142:2014 assessment at night at the receptors on Orford Road, is not significant. The slight exceedance at 500Hz at the commercial premises is also not considered significant.
43. It is therefore concluded that the noise generated from the proposed development will not result in a detrimental impact to residential amenity as to cause harm by reason of disturbance.

Conclusion:

44. 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:

45. It is recommended that planning permission be **APPROVED** 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
(-)	Noise Report	28.05.2019
(-)	Planning Statement	28.05.2019
(-)	Energy Efficiency Statement	07.08.2019
(-)	Supporting Statement	28.08.2019
(-)	Application Form	28.05.2019
HOM-01	Location Plan	28.05.2019
HOM-07	Fence Plan	28.05.2019
HOM-06	Proposed Elevations	28.05.2019
HOM-05	Proposed Elevations & Floor Plans	28.05.2019
HOM-03	Proposed Floor Plans	28.05.2019
HOM-02	Proposed Site Layout Plan	28.05.2019

- 3 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

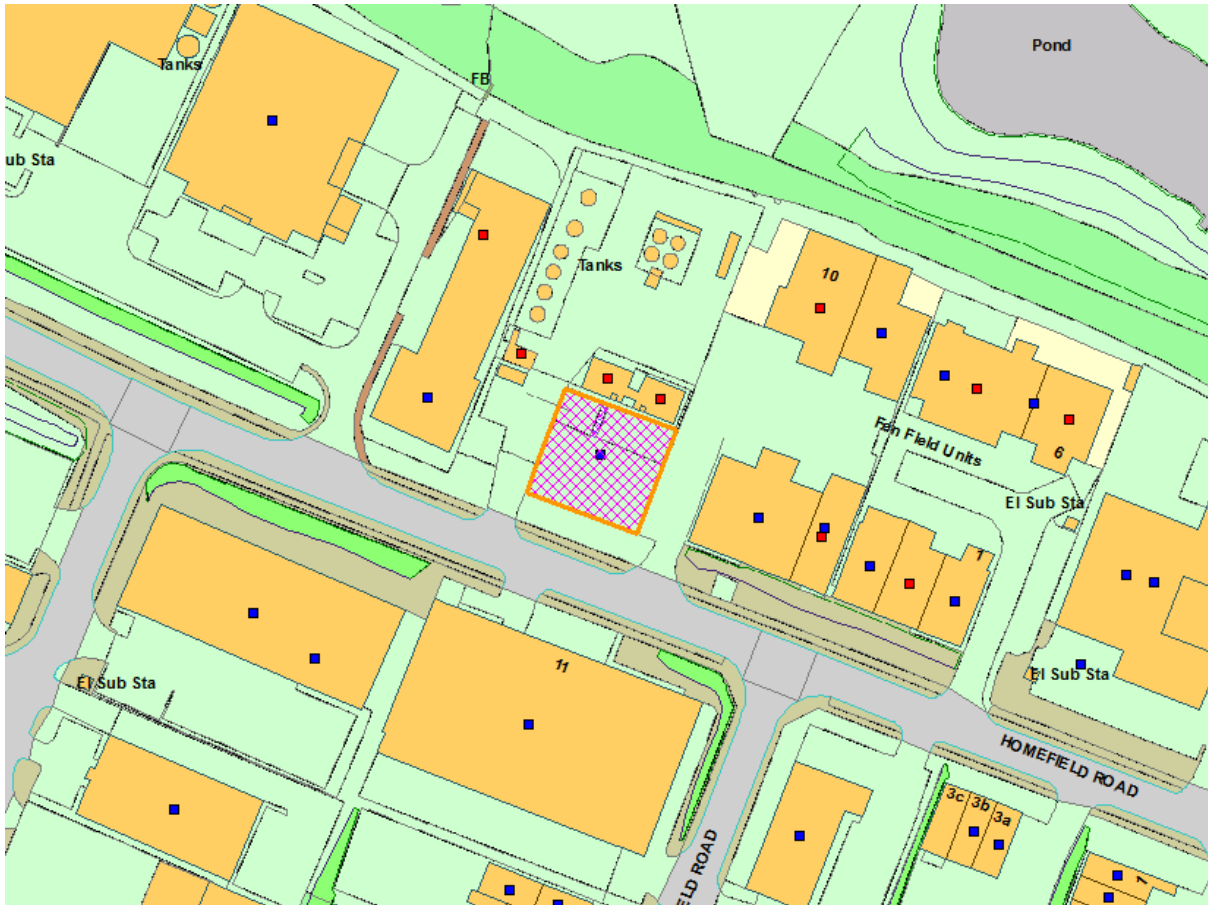
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/19/1116/FUL>

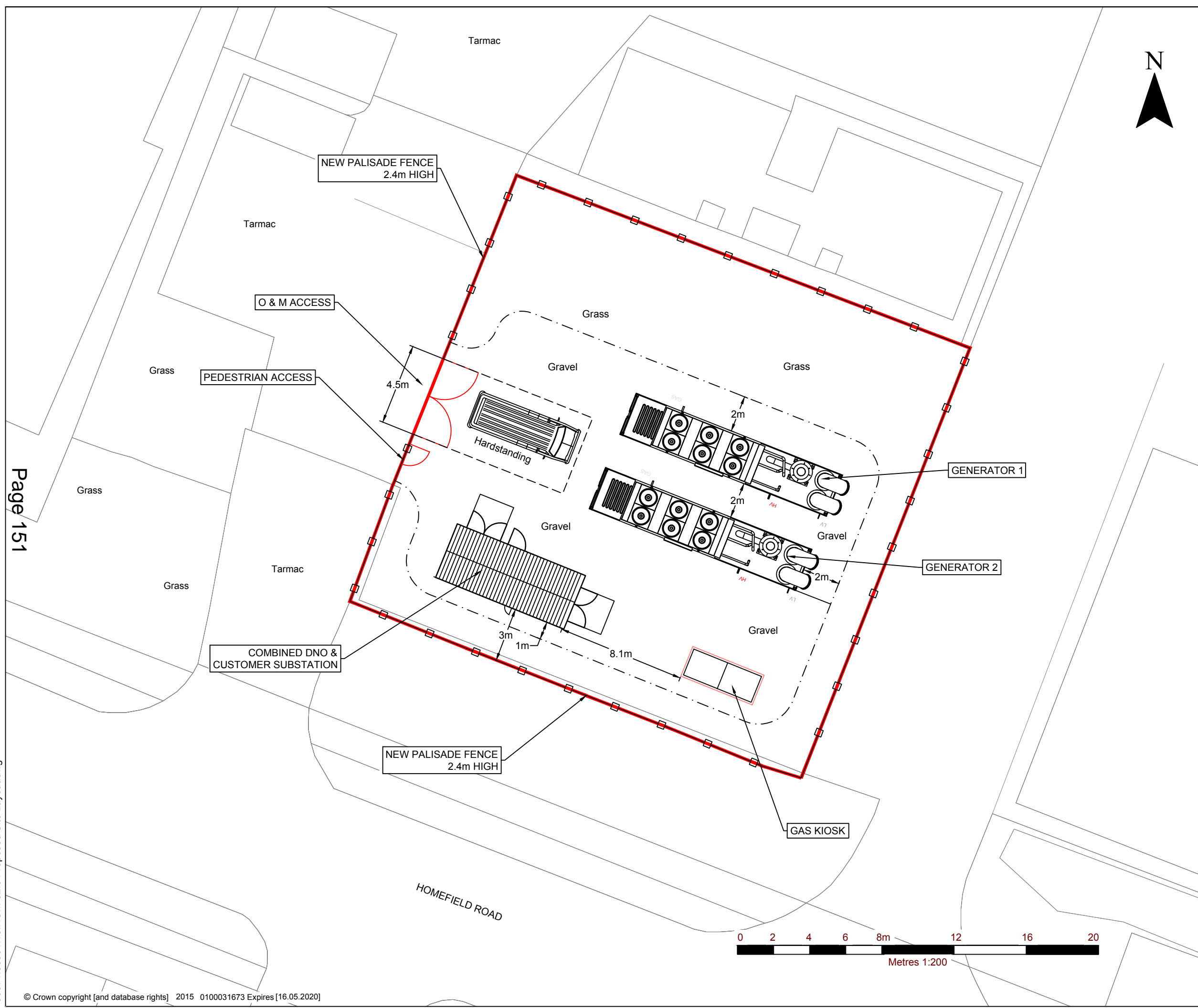
Case Officer: Kerri Cooper Phone: 01284 757341

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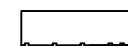
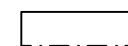
DC/19/1116/FUL –
Land West Of Unit D
Homefield Road
Haverhill
Suffolk



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LEGEND

-  SITE BOUNDARY (0.070ha)
-  2.4m HIGH PALISADE FENCE
-  APPROXIMATE OUTLINE OF CUT AND FILL

Page 151

08071.00001.16.HOM-02.0 Proposed Site Layout.dwg



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HOMEFIELD ROAD, ST EDMUNDSBURY, CB9 8QU

**HOMEFIELD POWER
URBAN RESERVE
PROPOSED SITE LAYOUT**

HOM-02

Scale
1:200 @ A3

Date
MAY 2019



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Development Control Committee 2 October 2019

Planning Application DC/19/1329/FUL – Land off Pippin Post Close, Stansfield

Date Registered:	09.07.2019	Expiry Date:	08.10.2019
Case Officer:	Jo-Anne Rasmussen	Recommendation:	Refuse Application
Parish:	Stansfield	Ward:	Whepstead and Wickhambrook
Proposal:	Planning Application - (i) 5no. dwellings (ii) public open space (iii) community orchard and associated landscaping (iv) associated access and parking		
Site:	Land off Pippin Post Close, Stansfield, Suffolk		
Applicant:	H E Dennis & Son Limited		

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 application and associated matters.

CONTACT CASE OFFICER:

Jo-Anne Rasmussen

Email: Jo-Anne.Rasmussen@westsuffolk.gov.uk

Telephone: 01284 757609

Background:

The application is before the Development Control Committee, as the Officers' recommendation is one of REFUSAL contrary to the view of the Parish Town Council and the concerns raised by the local Ward Member, Councillor Mary Evans.

Proposal:

1. Planning permission is sought for five dwellings with associated access, parking and landscaping. A community orchard is also proposed as part of the scheme.

Application Supporting Material:

2. Site location plan
Landscaping plan/details
Floor Plans and elevations
Proposed block plan
Arboricultural Impact Assessment
Biodiversity Survey and report
Design and Access Statement
Heritage Statement
Landscape and visual impact assessment (LVIA)
Contamination report
Planning statement
Statement of community involvement
Sustainable drainage strategy
Transport assessment
Details of house types (private/affordable)

Site Details:

3. The site is situated to the south of Pippin Post Close on land which is currently undeveloped countryside. To the north and east of the site are residential properties. To the south and west are further agricultural fields within the same ownership. The site is not within the settlement boundary for Stansfield and is therefore on land classified as countryside.

Planning History:

4. None relevant

Consultations:

5. Parish: Support with the following comments;
 - Supports the principle of affordable housing, subject to it meeting local need.
 - The Parish would like a S106 agreement in place to ensure a local connection criteria is used to rent out the affordable housing units.
 - Supports the community open spaces
 - Would like additional visitors parking to be provided to prevent visitor parking on Pippin Post Close.
 - There should be good access for emergency vehicles.

- Drainage conditions set out in the drainage report should be complied with.
- 6. Planning Obligations Officer: The site falls as a Major as defined by the NPPF and as such 30% affordable housing is required under Policy CS5. 30% of 5 units is 1.5 units.
- 7. Housing: Does not support the application.
The scheme could not be supported as an exception scheme.
The affordable housing does not meet the definition given within annexe B of the NPPF as they have not appointed a registered provider to manage the rented dwellings. The community survey is not sufficient to demonstrate a local need.
- 8. Public Health and Housing: No Objections subject to conditions
- 9. Environment Team: No Objection subject to conditions
- 10. Highways: No Objections subject to conditions

Representations:

- 11. 19 letters of representation were received 15 Objected whilst 4 were in support of the proposal.

Objections;

Sustainability of the site;

The site is outside of the village boundary

Site not sustainable.

The countryside should be protected from inappropriate development

Future occupiers would be reliant on private car. No school, doctors or amenities within the village. Few public transport links. Nearest schools and doctors are over-subscribed.

Brownfield/alternative site preferred.

A number of sites around the village have been bought by developers and could come forward if this is approved. Potential for future developments in the countryside. The development could set a precedent for further similar development.

Housing;

Local questionnaire relating to housing is misleading and over 3 years old. Survey inadequate and insufficient to demonstrate local need. Lack of local support for more housing

Given the style/ design of properties the affordable units may still not be affordable.

Design/ visual impact;

Visual Impact doesn't adequately show impact upon residents.

5 houses would be a significant increase in housing given the size of the village

Design of properties is not in-keeping with the surrounding built vernacular.

Highways safety;

Increase of traffic on narrow road surrounding the site
Blind bend/dangerous junction onto Pippin Post Close.
Difficulties for emergency services accessing the site and neighbouring properties
Roads surrounding Stansfield are inaccessible and have accident black spots with hazardous junctions.
Increase of traffic from surrounding villages.
Increased traffic will have a detrimental impact upon cyclists and walkers.
Occupiers of existing houses on Pippin Post Close park on the road.
Ancient right of way through field.

Impact upon neighbour amenity;

Loss of privacy/ enjoyment of garden. Increase of traffic and noise. Loss of view. Devaluation of property
Negatively impact upon the quiet nature of the village.

Detrimental impact upon the health of neighbour who has existing medical conditions – noise/disturbance, impact upon access from additional parking and traffic. Potential disruption to services.

Support ;

Support the application for more housing to allow people to stay in the village.
Current housing unaffordable so support affordable housing.
There needs to be more affordable housing for younger people who live and work in the village.

Policy:

12. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
13. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Rural Vision 2031 have been taken into account in the consideration of this application:
 - Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM7 Sustainable Design and Construction
 - Policy DM22 Residential Design
 - Policy DM13 Landscape Features

- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV3 - Housing settlement boundaries
- Vision Policy RV1 - Presumption in favour of Sustainable Development

Other Planning Policy:

14. National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Impact upon the form and character
- Impact upon neighbouring properties
- Affordable housing
- Ecology
- Highways
- Other material planning considerations

Principle of development

16. The proposed development comprises 5 new dwellings and a community orchard. The site is not situated within the settlement boundary of Stansfield and is therefore on land classified as countryside.
17. Policy CS4 identifies the settlement of Stansfield as an Infill Village. Such villages have a limited range of services, and only infill development comprising single dwellings, or small groups of five dwellings or fewer will normally be acceptable within the settlement boundary. Policy CS13 further states that development permitted in such locations will only be so much as is necessary, reflecting the need to maintain the sustainability of services in the community they serve, and the provision of housing for local needs. Development outside the defined settlements within CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
19. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. Paragraph 12 of the NPPF is clear however that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts with such should be refused unless other material considerations indicate otherwise.
20. West Suffolk Council has a 5 year housing supply and therefore, its policies for the supply of housing (including settlement boundaries) are considered up-to-date and are material considerations in the determination of this application, (para 11 NPPF). The Council has a 6.3 year supply of housing including a 5% buffer.
21. Policy DM5 further provides that areas designated as countryside will be protected from unsustainable development and sets out the circumstances where new or extended buildings will be permitted. In terms of housing, policy DM5 supports the principle of affordable housing, dwellings for key agricultural, forestry or equine workers, small scale development in accordance with policy DM27, and the replacement of existing dwellings on a one-for-one basis. It is not considered the proposal would accord with any of the provisions within DM5 which look to allow sustainable development within the countryside.

22. Policy DM27 permits up to two dwellings on small undeveloped plots within otherwise built up frontages in existing clusters of 10 or more houses. The development is for 5 new dwellings and is not considered to be situated within an otherwise built up frontage. The development is not considered "in-fill" development and does not accord with DM27.
23. Policy DM29 sets the criteria for rural housing exception sites. The proposal includes two "affordable housing" units with 3 private units. DM29 would in exceptional circumstances allow a small number of private market homes where it can be demonstrated that these are necessary to facilitate the delivery of the affordable units, no such argument has been presented by the applicant and this development is not being presented as an exception site. As such the proposal fails to accord with DM29.
24. Stansfield is classed as an infill village and therefore has limited facilities necessary for day to day living such as a school or doctors. Public transport routes to larger settlements are limited. It is therefore likely that any future occupiers would be largely dependent upon private car to access services and facilities.
25. As the proposed dwellings would be located in the countryside and do not meet any 'exceptional circumstance' as envisaged in the Core Strategy and set out in Policies DM5, DM27 and DM29 of the Joint Development Management Policies Document, it is considered that the proposal undermines the planned strategy for housing supply, and the protection of the countryside, contained in the Development Plan taken as a whole. Whilst the National Planning Policy Framework aims to boost housing supply significantly, this is to be achieved in a sustainable way following a genuine plan led approach, which in this case is primarily set out in policies CS4 and CS13 of the Core Strategy and DM5 and DM27 of the Joint Development Management Policies Document. On the contrary, the provision of five dwellings outside of the settlement boundary, and noting that Stansfield is designated as an infill village with only a very modest range of services, further suggests that this is an unsuitable and a more unsustainable location for a new dwelling.
26. The increase to housing stock made by 5 additional houses is noted as is the community orchard/ public open space. As detailed above, local and national policies aim to protect the countryside and steer housing to appropriate sustainable locations. Therefore whilst the proposal could be said to increase housing within the village, this is an argument that could be applied to many sites in this and nearby settlements which would lead to significant unplanned development of the countryside. It is not considered the provision of a community orchard could be awarded such significant weight to outweigh the clear and identified harm to the countryside and conflict with the development plan.
27. Officers consider that there are no material considerations cited which outweigh the clear and significant conflict with the development plan in this case. These facts weigh very heavily, and fundamentally, against the scheme in the balance of considerations.
28. The principle of development is therefore contrary to the Development Plan. Accordingly, notwithstanding consideration of any matters of detail,

this policy conflict is considered to be a very notable weight against the proposal, and sufficient to justify refusal on its own.

Impact upon the form and character

29. DM2 looks for new development to achieve a high quality design and seeks to maintain a sense of place and local character. Policy CS3 looks for all new development to create and contribute to a high quality environment which illustrates an understanding and regard for the local context.
30. Policy DM13 (Landscape Features) states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value.
31. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
32. Properties to the east of the site which fall within the settlement boundary of Stansfield are set relatively closely together and form a tighter knit, typical of a village of this nature. The site is undeveloped land bound largely by post and rail fencing and natural vegetation and is quite clearly visually distinct from the built character of the settlement. Land to the south and west is undeveloped countryside. There is a recognised change in the built character of the development, with the area within the village boundary being distinctly different to this undeveloped area of countryside on the edge of the settlement. The established settlement boundary for Stansfield serves to ensure that the rural setting and character of the settlement is protected. Whilst the LVIA looks to identify limited views of the site within the wider landscape, the undeveloped nature of the site adds positively to the character of Stansfield. The provision of 5 unjustified domestic units and associated domestic paraphernalia in this location would undermine the undeveloped nature of this countryside location resulting in an urbanising intrusion which would have a detrimental impact upon the character of the countryside.
33. It is noted that the design ethos of the properties is to draw similarities and be in a style similar to agricultural buildings. However the grouping of the properties is not in-keeping to that of a traditional farmstead nor how agricultural buildings would characteristically be found within the landscape. Nor would such agricultural buildings have the associated domestic paraphernalia and parking associated with residential properties. As such it is not considered the design of the properties would be sufficient to outweigh the level of harm upon the landscape character of the countryside and settlement.
34. Permission for five new dwellings on this site would serve to undermine policies in place to protect the countryside from this type of urbanising development, with similar arguments being applied to many other sites within the village and surrounding settlements which would result in significant unplanned and incremental expansion of the rural settlement. The proposal would result in an encroachment to the countryside, which is

distinctively visually separate from that which is present within the Housing Settlement Boundary. The provision of the proposed dwellings would intrude into this open countryside setting, to the detriment of the landscape character and rural character of Stansfield and as such would be contrary to policies DM2, DM22, and DM13 of the Joint Development Management Policies Document 2015.

Affordable Housing

35. Owing to the size of the site, contributions towards affordable housing are necessary. Policy CS5 requires such developments to provide 30% affordable units and as such the proposal would be required to provide 1.5 units.

36. Policy DM29 makes provision for exceptions sites in the countryside and states as an exception to the provision made in the Core Strategy for general housing demand, the local planning authority will permit rural affordable housing schemes in the district adjoining but outside a Housing Settlement Boundary or built up area provided that:

a. the development will meet or assist in meeting a proven and specific need for affordable housing in the locality which could not otherwise be met;

b. the development is on the edge of a Key Service Centre, Local Service Centre, or Infill Village and is well related to existing community services and facilities and sympathetic to the form and character of the settlement;

c. the site is the most suitable to meet the identified need and, in particular, the need could not be met on any site which would better meet criterion b.;

d. the development will not negatively impact on biodiversity, geodiversity or the surrounding landscape character. Any unavoidable harm to the natural environment will be adequately mitigated; and

e. secure arrangements are made to ensure that initial and subsequent occupation of the dwellings can be restricted to those having an identified local need for affordable housing through the use of appropriate safeguards, including conditions or legal obligations.

In exceptional circumstances, a small number of market homes will be permitted where demonstrated to be essential to facilitate the delivery of affordable units.

37. Criteria a. requires there to be a proven and specific need for affordable housing in the locality which is achieved by conducting a housing needs study or by analysing data from the housing register. The applicant has relied on a community survey conducted by Stansfield Parish Council in 2016. The Housing Officer has stated that this is not enough to demonstrate the need for affordable housing in the village. Establishing the need would help to guide how many and what type of dwellings should be built. The community survey was not a full housing needs study and Appendix 1 does not give sufficient detailed evidence to support an exception scheme in Stansfield. Housing Register data confirms three applicants indicating a local connection to Stansfield which is not enough need to support an exception scheme.

The development is not being brought forward as an exception scheme. Three of the units proposed are provided as market dwellings. The Planning Statement suggests this will help to enable the delivery of the

affordable units. Policy DM29 does allow a small number of market homes to be permitted in exceptional circumstances where demonstrated to be essential to facilitate the delivery of affordable dwellings. No evidence has been submitted to demonstrate the market homes are essential to facilitate the two affordable dwellings. As such the proposal fails to accord with the provision and aims of DM29. Furthermore, the type of housing being proposed on this development does not meet the definition within Annex 2 of the NPPF;

NPPF Annex 2 classifies affordable housing as housing for sale or rent, for those whose needs are not met by the market [...] and which complies with one or more of the following definitions:

a) Affordable housing for rent; b) Starter homes; c) Discounted market sales housing; and d) Other affordable routes to home ownership.

Annex 2a definition of affordable housing to rent says that development must meet all of the following conditions:

(a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);

(b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and

(c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).'

38. The planning statement states two of the five proposed dwellings will be offered as affordable rent (to be let at 80% of the open market value) and will be owned and let by the applicant as opposed to a registered provider. However, the applicant is not a registered provider and as the proposal does not fall under the definition of a build to rent scheme which are a mix of affordable private rent and private market rent properties.

39. **Annex 2b** Starter Homes are defined in Sections 2 and 3 of the Housing and Planning Act 2016 [...]

"starter home" means a building or part of a building that— (a) is a new dwelling, (b) is available for purchase by qualifying first-time buyers only, (c) is to be sold at a discount of at least 20% of the market value, (d) is to be sold for less than the price cap, and (e) is subject to any restrictions on sale or letting specified in regulations made by the Secretary of State.

Information provided in the planning statement does not evidence the proposed dwelling could fall under the category of a starter home.

40. **Annex 2c** definition of discounted market sales housing is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households. The planning statement gives no indication that a 20% discount against the district valuer's valuation of the property is going to be applied and nor that the applicant will enter into a legal agreement to ensure the property remains at a discount in perpetuity when sold.

41. **Annex 2d** definition of other affordable routes to home ownership is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement. The planning statement does not provide any evidence that other affordable routes to home ownership are being considered.
42. The proposed Affordable units do not meet the definition of affordable as set out by Annex 2 of the NPPF. The development would be required to provide a minimum of 1.5 affordable units which it fails to do. Further to this the applicant has failed to provide sufficient justification to identify a local need for such housing. As such the proposal fails to accord with the provisions of Policy DM5 and DM29.

Impact upon neighbour amenity

43. The closest dwelling to the site is 2 Pippin Post Close which abuts the northern boundary of the site. Unit one is located 14 metres from the common boundary with 2 Pippin Post Close. There is an existing hedgerow to the boundary which landscaping plans illustrate would be reinforced. There are a number of windows to the northern elevation of unit one, including a bedroom and kitchen window. However given the separation distance and single storey nature of the dwelling it is not considered the proposal would have an adverse impact upon neighbour amenity in terms of overlooking, overbearing impact or overshadowing. Given the separation distances from the units to other properties along Pippin Post Close and fronting onto the High Street it is not considered the development would negatively impinge upon the amenity of the occupiers.
44. Whilst concerns have been raised by neighbours as to loss of privacy to their front gardens from the additional traffic and people visiting the site and community orchard the front garden areas of such properties are generally more open where a large degree of privacy would not be expected.
45. Whilst regard is given to the personal circumstances of one of the residents near to the site, however given the distance of this property from the site is not considered any significant dis-amenity would occur. Whilst noise may be heard during the construction phase this is not in itself a reason to prevent development, nor is the increased noise from traffic visiting the housing once built.

Highways

46. Policy DM46 requires that development have appropriately designed and sited parking areas to limit unsafe parking within the street scene. Proposals should accord with the adopted standards, in this instance the Suffolk Guidance for Parking 2019 adopted by Suffolk County Council.

47. Highways have stated that the highway leading to the site, Pippin Post Close, is wide enough for two cars to pass and further that the crashmap indicates that the area surrounding the site has had no reported accidents between 1998 and 2018.
48. Highways have stated that Public Footpath 16 Stansfield is aligned adjacent to the south western boundary of the site and would not be directly affected other than the creation of a new link to it from the development.
49. Highways have not objected and have stated that there are no highway safety reasons why the proposal should be refused. Two parking places are provided for each dwelling which meets the standards within the Suffolk Guidance for Parking, 2019. Taking the above into account it is considered the proposal would not have a detrimental impact upon highway safety and would comply with DM46.

Ecology

50. Policy DM12 requires development to include measures within the design for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.
51. An Ecological Appraisal was provided as part of the application. This concluded that "providing the avoidance, precautionary methods, as detailed in Section 5, are implemented, to protect any potential species that may be using parts of the site, the development of the site can proceed with negligible impact on any protected species or locally important species. Providing the proposed opportunities to enhance the site as detailed in the landscape design are incorporated into the proposed development then the site has the potential to be enhanced from its current state. Thus delivering a net biodiversity gain."
52. Section 5 states that the landscaping which would enhance the biodiversity of the site would include;
- A new native-species hedgerow is proposed around the perimeter of new dwellings.
 - Planting of boundary trees
 - Planting of a small area of fruiting trees
 - Reinforcing field boundary hedgerow.

The site itself is currently undeveloped countryside with vegetation to the boundaries. Whilst the ecological appraisal indicates that there will be a biodiversity gain there is no evidence to suggest that this would be significant considering and when balanced against the level of domestication of the site that would occur. Whilst the benefit to ecology can be given some weight it is not considered that this would be sufficient to outweigh the urbanising impact this development would have upon the countryside and the conflict with policies designed to protect the countryside from such unjustified and unsustainable development. DM12 requires all development to include biodiversity enhancements and as such the proposal would be compliant with this policy.

Other material planning considerations

53. Policy DM7 states proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Should permission be granted a condition could be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

54. The application site lies outside of a defined settlement boundary and is therefore within the countryside where the provision of new housing is strictly controlled. The exceptions are set out under policies DM5, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing for local needs in accordance with other policies, dwellings for rural workers, small scale infill development of one or two dwellings, and the replacement of an existing dwelling. Whilst the application includes a community orchard, some ecological benefits and two "affordable units" these are not considered to outweigh the identified harm to the countryside from this unjustified development. The affordable units fail to meet the definition given within the NPPF and as such the proposal fails to provide the minimum number of affordable units as required by CS5.

55. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the development plan is the starting point for decision making and proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise. As set out earlier in this report, officers are of the opinion that there are no material considerations that indicate that policy should be set aside in this case.

Recommendation:

56. It is recommended that planning permission be **REFUSED** for the following reasons:

Reason 1:

The site falls outside of any defined settlement boundary and is therefore within the countryside where the provision of new housing is strictly controlled. The exceptions for new housing in the countryside are set out under policies DM5, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing for local needs in accordance with other policies, dwellings for rural workers, small scale infill development of one or two dwellings, and the replacement of an existing dwelling. The affordable units proposed do not meet the definition given within annex 2 of the NPPF. The proposal would not represent any of these exceptions. There are no material planning considerations which would outweigh this significant conflict with policy and as such the proposal is considered contrary to Policies DM1, DM5, DM27 and DM29 of

the Joint Development Management Policies Document 2015, CS1 and CS4 of the St Edmundsbury Core Strategy 2010 and the guiding principles of the National Planning Policy Framework 2019 (NPPF).

Reason 2:

The proposed development being outside of the settlement boundary would lead to an encroachment into the countryside which would negatively impact upon the rural character of the site and the village of Stansfield. There are no material considerations which would outweigh the significant harm caused by an unjustified and unsustainable development in the countryside and conflict with the development plan. The proposal would be contrary to Policies DM2, DM5, DM13 and DM22 of the Joint Development Management Policies Document 2015, CS1 and CS3 of the St Edmundsbury Core Strategy 2010 and the guiding principles of the National Planning Policy Framework 2019(NPPF).

Reason 3:

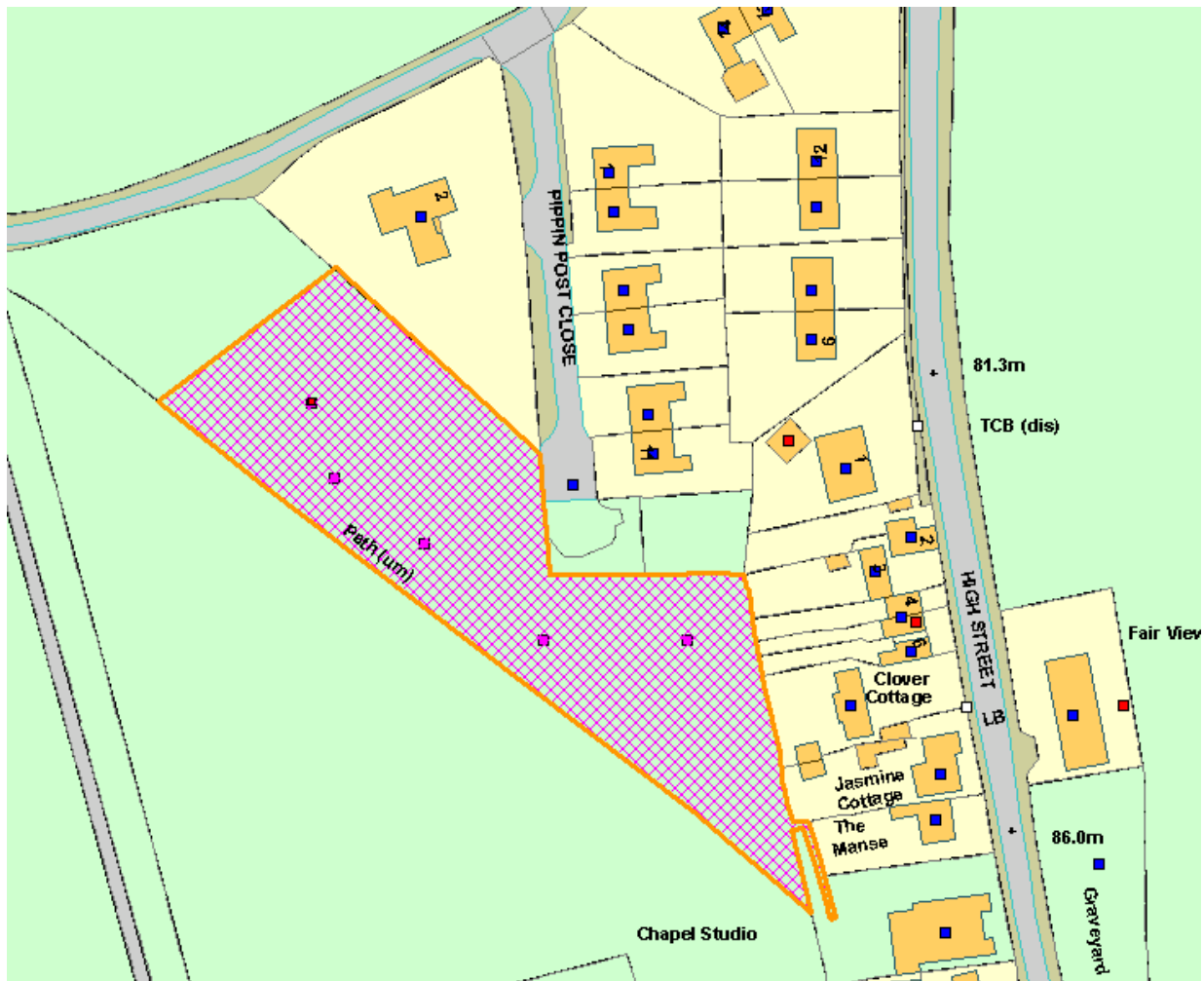
Policy CS5 requires such developments to provide 30% affordable units for a site of this size and as such the proposal would be required to provide 1.5 units. The proposed affordable units do not meet the definition of affordable set out by Annexe 2 of the NPPF. The development would be required to provide a minimum of 1.5 affordable units which it fails to do. Further to this the applicant has failed to provide sufficient justification to identify a local need for such housing. As such the proposal fails to accord with the provisions of Policy DM5 and DM29 of the Joint Development Management Policies Document 2015, CS5 of the St Edmundsbury Core Strategy 2010 and the guiding principles of the National Planning Policy Framework 2019 (NPPF).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1329/FUL](https://www.stedmundsbury.gov.uk/DC/19/1329/FUL)



DC/19/1329/FUL -
Land Off Pippin Post Close
Stansfield
Suffolk



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- Note
1. DRAWINGS MUST NOT BE SCALED; WORK ONLY TO FIGURED DIMENSIONS
 2. CHECK ALL DIMENSIONS ON SITE BEFORE ORDERING MATERIALS OR PUTTING WORK IN HAND
 3. DIMENSIONS MUST BE VERIFIED ON SITE BEFORE PREPARATION OF SHDP DRAWINGS
 4. SHOP DRAWINGS OF MANUFACTURED ITEMS MUST BE APPROVED BY THE ARCHITECTS BEFORE WORK IS PUT IN HAND
 5. THE ARCHITECT MUST BE NOTIFIED OF ANY DISCREPANCIES IMMEDIATELY

Key

- Electric Vehicle Charging Point
- Charging Point Equipped (For Future Integration)

No. Date		
CLIENT	DENNIS	
PROJECT	Stansfield, Suffolk	
TITLE	Site Layout	
DRAWING STATUS	Planning	
DRAWN	NC	CHECKED
SCALE	1:1250 @ A3	
DATE	May 2019	
4 BELMONT PLACE CAMBRIDGE CB1 1AR		
T: 01223 361803 w: www.piparchitecture.co.uk e: info@piparchitecture.co.uk		
JOB NO.	DRAWING NUMBER	REV
1837	PL-1-02	

Approx. 17m between Plot 5 boundary and west boundary of dwellings fronting High Street

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Development Control Committee 2 October 2019

Planning Application DC/19/0386/VAR – Mildenhall Hub, Sheldrick Way, Mildenhall

Date Registered:	06.03.2019	Expiry Date:	04.10.2019 (EOT)
Case Officer:	Julie Barrow	Recommendation:	Approve Application
Parish:	Mildenhall	Ward:	Mildenhall Queensway
Proposal:	Planning Application - (i) Variation of Condition 2 (approved plans) of DC/18/1489/VAR incorporating amendments to the SuDS, changes to external materials, minor internal layout changes, minor changes to vehicular and pedestrian routes within the site and associated landscaping revisions (ii) Variations of Conditions 5, 11, 32 and 34 to vary the time scale for submission of required details and (iii) Discharge Condition 12 (Deliveries Management Plan), Condition 19 (Surface Water Disposal), Condition 21 (Surface Water Drainage Scheme), Condition 22 (Surface Water Drainage Components), Condition 29 (Materials), Condition 30 (glazing details) and Condition 38 (Sustainability & Energy Strategy)		
Site:	Mildenhall Hub, Sheldrick Way, Mildenhall		
Applicant:	Mr Alex Wilson & Ed Thomas – Forest Heath District Council Academy Transformation Trust		

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 application and associated matters.

CONTACT CASE OFFICER:

Julie Barrow

Email: julie.barrow@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is referred to the Development Control Committee as the development relates to a major strategic development site and the applicant is the Council.

Planning permission for the Mildenhall Hub was issued on 24 November 2017 following determination of the application by the Development Control Committee at its November 2017 meeting. The principle of development of the Mildenhall Hub has therefore been established.

An application to vary condition 3 of DC/17/1106/FUL to amend the timing for the certification of the diverted public right of way was approved by the Development Control Committee in September 2018 and a decision notice under the reference DC/18/1489/VAR was issued on 6 September 2018.

This application seeks to vary conditions 2, 5, 11, 32 and 34 of DC/18/1489/VAR and to discharge conditions 12,19,21,22,29, 30 and 38.

Proposal:

1. The application seeks to vary condition 2 of DC/18/1489/VAR incorporating amendments to the SuDS, changes to external materials, minor internal layout changes, and minor changes to vehicular and pedestrian routes within the site and associated landscaping revisions. The application also seeks to vary conditions 5, 11, 32 and 34 to vary the time scale for submission of required details and to discharge condition 12 (Deliveries Management Plan), Condition 19 (Surface Water Disposal), Condition 21 (Surface Water Drainage Scheme), Condition 22 (Surface Water Drainage Components), Condition 29 (Materials), Condition 30 (glazing details) and Condition 38 (Sustainability & Energy Strategy).

Application Supporting Material:

2. The full planning application, plans and documents submitted by the Applicant can be viewed online using the following link:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PNUDQAPD03E00>

Site Details:

3. The application site is located on the western side of Mildenhall and is approximately 500m from the Town Centre. The site, which extends to approximately 19.2 hectares, contains the Mildenhall College Academy Sixth Form site and adjacent agricultural farm land. Mildenhall Public Footpath No. 25 runs north to south from Queensway to Wamil Walk adjacent to Sheldrick Way and Mildenhall Public Footpath No. 24 crosses the site east to west along an existing hedgerow. Construction has commenced on the Mildenhall Hub with work progressing on the steel frame element of the building and the car parks.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/2085/EIASCR	EIA Screening Opinion under Regulation 5 (1) of the Environmental Impact Assessment Regulations 2011 on the matter of whether or not the proposed development is considered that there are likely significant environmental impacts for which an Environmental Statement would be required - Mildenhall Hub project	Not EIA development	27.10.2016
DC/17/1106/FUL	Planning Application - Construction of Mildenhall Hub to include Office, Leisure, Health, Emergency and Educational Facilities with associated external works including revised vehicle access from Sheldrick Way, new vehicle parking area, a Sustainable Urban Drainage scheme, 3g Playing Pitch and provision of new Public Plazas.	Application Granted	24.11.2017
DC/18/1489/VAR	Planning Application - Variation of Condition 3 of DC/17/1106/FUL to amend the timing for the certification of the diverted public right of way, to prior to the first occupation of the development. The submission and agreement of full details of the temporary diversion of the public footpath and the provision of that path to remain prior to the commencement of any works affecting the existing routes	Application Granted	06.09.2018

DCON(1)/18/1489	Application to Discharge Conditions 12 (deliveries management plan), 19 (Surface water disposal), 21 (Surface Water Drainage Scheme), 22 (Surface water drainage components), 24 (Protection of playing fields) and 36 (sky larks) of DC/18/1489/VAR	Condition(s) Part Discharged	31.07.2019
DCON(2)/18/1489	Application to Discharge Conditions 3 (details of PROW diversion), 18 (Contamination remediation strategy) and 23 (archaeology) of application DC/18/1489/VAR	Condition(s) Part Discharged	31.07.2019

Consultations:

- Statutory consultees and nearby addresses were consulted and notified of the application on 15 March 2019 and responses were due to be received on 5 April 2019. The consultation period has been extended following the receipt of amended information and the posting of new site notices on 30 August 2019. The consultation period therefore expires at midnight on 24 September 2019. This report summarises the responses received at the time of writing and an update will be provided to Members at the committee meeting of any additional responses received.

All of the full responses are available on the Council's website:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=makeComment&keyVal=PNU DQAPD03E00>

- SCC Growth – No comment.
- SCC Highways – No additional comments or conditions to those already applied.
- Historic England - No comments to make.
- Highways England - No Objection.
- SCC Flood And Water Team - SCC Flood and Water Management have reviewed the latest drainage information and can now recommend approval of condition 21 and 22. No objections to the variation of condition 2 and the inclusion of new amended drawings for the drainage/SuDS provision as approved under DC/18/1489/VAR.
- Environment Agency - No comments on S73 application. Recommend discharge of condition 19.

11. Anglian Water – No objection to discharge of surface water drainage conditions.
12. MOD Safeguarding – No objection provided Bird Management Plan is secured by condition.
13. NATS Safeguarding – No safeguarding objection.
14. Natural England - No comment.
15. Conservation Officer – No comments received.
16. Public Health And Housing - No objections.
17. Environment Team - No comment on the proposed variations.

Representations:

18. Site notices posted on 2 April 2019 and 30 August 2019 and 147 addresses notified. Advertisements placed in the East Anglian Daily Times on 22 March 2019 and 6 September 2019. No representations received from members of the public.
19. Mildenhall Parish Council – No comment.

Policy:

20. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.
21. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

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 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 DM35 Proposals for Main Town Centre Uses
- Policy DM41 Community facilities and Services
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM43 Leisure and Cultural Facilities
- Policy DM44 Rights of Way
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Forest Heath Core Strategy

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change
- Spatial Objective ENV2
- Spatial Objective ENV4

Emerging Local Plan Policy:

22. The Council has now received the Inspector's report in respect of the Single Issue Review (SIR) and Site Allocations Local Plan (SALP) and both have been found to be sound subject to modifications. The relevant policy from the SALP is policy SA4(a) – Land West of Mildenhall.

Other relevant Planning Policy and guidance:

23. Mildenhall Hub Development Brief – June 2016

24. National Planning Policy Framework (NPPF) (2019) and Planning Practice Guidance

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process. The key development plan policies in this case are policies DM41, DM42, DM43 and DM44 and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant DM Policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant DM Policy.

Officer Comment:

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

- Principle of development
- Design, layout and visual amenity
- Flood risk and drainage
- Acceptability of details submitted to discharge planning conditions
- Acceptability of the variation of conditions 5, 11, 32 and 34

Legal context

26. Once planning permission has been granted development must take place in accordance with the permission and any conditions attached to it. New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where the modifications are fundamental or substantial a new planning application will need to be submitted. Where less substantial changes are proposed there are two options for amending a proposal that has planning permission. Firstly a non-material amendment can be sought, and secondly an application to amend conditions attached to the planning permission, including seeking to make minor material amendments, commonly known as a section 73 application.

27. Officers have considered whether the extent of the changes proposed to the consented scheme can be considered 'minor material amendments' and advice has been sought from the Council's Legal Team. The changes proposed do not fundamentally or substantially change the proposal, rather the changes seek to amend certain design elements and to rationalise land uses. Officers are therefore satisfied that the changes are 'minor material' and can be considered as such under section 73. This application therefore seeks to vary condition 2, which lists the approved plans and documents by removing a number of plans and substituting them with the updated version.

Principle of development

28. Planning permission for the Mildenhall Hub was issued on 24 November 2017 following determination of the application by the Development Control Committee at its November 2017. The principle of the development of the Mildenhall Hub has therefore been established and the development could be constructed in accordance with the approved plans without further recourse to the local planning authority.

29. This application seeks consent for changes to the external appearance of the approved scheme together with the variation of a number of conditions relating to the submission of further details. Whilst the principle of development has already been established it is useful to set out the current context of the application in relation to the development plan.

30. The main legal and legislative requirements applicable to this application have not changed since planning permission was granted, however, significant progress has been made in respect of the former Forest Heath area Single Issue Review (SIR) and Site Allocations Local Plan (SALP). Both documents have been found sound and they are being presented to Council on 19 September 2019 with the recommendation that they are adopted.

Given the progress that has been made in relation to the preparation of both documents it is considered that the SIR and the SALP can be given significant weight in the decision making process as a material consideration.

31. The site of the Hub falls within the land west of Mildenhall allocation SA4 in the SALP. The allocation is intended to deliver a mixed use site to include 1300 dwellings with a local centre, a minimum of 5ha employment, schools, leisure facilities and public services. The policy states that the Mildenhall Hub already benefits from an adopted Development Brief (June 2016) and that any planning applications relating to the delivery of the Mildenhall Hub in accordance with the Development Brief may be determined prior to the approval of a masterplan for the whole site.
32. The proposal continues to be supported by Policy DM41, which allows for new community facilities, emphasises the requirement to contribute to the quality of community life and the maintenance of sustainable communities, and Policy DM42, which states that proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other policies within the plan. The proposal also continues to meet the requirements of Policy DM43 in relation to the provision of new leisure and cultural facilities.
33. Until such time as the SIR and SALP are adopted by the Council the site of the Mildenhall Hub remains outside the established settlement boundary for Mildenhall. Once adopted allocation SA4 will fall within a revised settlement boundary that will encompass the proposed extension to Mildenhall.
34. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications should be determined in accordance with the development plan unless material considerations dictate otherwise. The SALP is one such material consideration and given the advanced stage of preparation of the document it is considered that it outweighs any conflict with policies in the development plan relating to development in the countryside. Taken in conjunction with the fact that there is an extant planning permission for the construction of the Mildenhall Hub it is considered that the principle of development is well established.
35. The remainder of this report will assess the detail of the changes proposed to the design and layout of the development and whether it is acceptable to vary the timing of a number of planning conditions relating to the submission of further details.

Design, layout and visual amenity

36. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development, indivisible from good planning. The current NPPF also goes on to state that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
37. Policy DM2 requires all development to recognise and address key features, characteristics, landscape/townscape character, local distinctiveness and

special quality of an area to maintain or create a sense of plan and local character. In addition, Policy DM13 seeks to prevent development that would have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value.

38. The changes proposed to the approved scheme do not seek to significantly change the scale, mass or position of the building and as such it is being constructed in accordance with the approved plans in this regard. The current application seeks to agree changes to the external appearance of the building in terms of the finishing materials and the form of the design of the exterior of the leisure centre element. The proposal also seeks to reflect the design intent of a number of external public areas, including the Northern Plaza, Eastern Plaza, public footpaths and cycleways.

External and internal changes

39. The building massing remains pre-dominantly the same. Key highlights are the reduction in the triple height dining space within the Academy and a change in profile to the roof to the gym and sports hall. Screening has also been added to the roof above the pool plant, to conceal plant sitting on this roof. The changes also include the addition of flues, visible above the roof line and an internal plant riser with external access so that the building can be maintained without entering the academy secure area.

40. Other internal changes are:

- Revised approach in the sharing of the Police and staff WC and shower facilities;
- Position of the access control barriers has been revised to provide clear access through the public atrium to the leisure area;
- Academy changing rooms have been developed to allow sloped access from the academy into the leisure centre;
- Studios and change facilities at first floor have been reconfigured;
- Soft play area is no longer double height.

Materials

41. The Design and Access Report for the consented scheme indicates that a key component of the design of the building is the incorporation of local vernacular in a modern style. It identified that brick and flint is heavily used throughout Mildenhall and buff brickwork and patterned rain screen cladding was proposed as a modern interpretation of this. The palette of materials were to be used to further help break up the overall bulk of the building, whilst helping to articulate the distinct uses within the hub and highlight key entrance points.

42. The fundamental concept behind material selection has not altered but a number of changes are now proposed. Specifically the Academy is no longer brickwork for all three storeys. The ground floor level retains the buff brickwork, linking back to local vernacular, with the first and second floors to be finished in a neutral shade of render.

43. The office wing, previously all buff brickwork, is now brickwork on the North and West elevations facing into the plaza and approach from the North, to ground the building with the local vernacular. The South and East are now

render, similar to the Academy. Orange banding is proposed within the main public entrance façade, alongside buff brickwork and timber cladding. The secondary public entrance will be finished in an orange render, tying the elevation into the local context for pedestrians approaching from Wamil Way. The orange façade within the academy plaza to the south is retained however this is now render instead of rainscreen cladding. The use of projected headers within the brickwork has been removed due to its use within Academy areas and concerns it may become a climbing hazard.

44. The vectorised image of flint is no longer proposed for the rainscreen cladding on the leisure centre. At the outset of this application the applicant proposed to simplify the form of the cladding into a randomised pattern of rectangular shapes. The applicant now wishes to simplify the rainscreen cladding further through the use of larger colour blocks to differentiate between different elements of the leisure use.
45. The loss of the custom designed rainscreen cladding represents the loss of a link between the building and its local vernacular, however, the remaining pallet of materials continues to minimise the visual impact of the building and provide some relief by breaking up the expanse of the elevations. The continued use of buff brickwork and sympathetic coloured render will ground certain elements of the building into the landscape with the colour blocks of rainscreen cladding differentiating the leisure uses and adding interest to the building. The use of banding and headers in key areas, including the main entrances, ensures the building is legible and will aid access for future users. It is considered that the changes proposed to the external finishes do not materially diminish the design quality of the development and that the pallet of materials continues to respect local distinctiveness and create an interesting and attractive series of elevations.
46. The submission of samples of the materials to be used on the external elevations was secured by planning condition on the extant consent. The applicant has sought to discharge this condition through the submission of samples under this current application. Through a process of negotiation details of materials have been agreed, with the exception of the buff brickwork, and the submitted plans reflect these details. Similarly, details of the glazing have been submitted as part of this application to satisfy the requirements of a planning condition.

Northern and Eastern Plazas

47. The Northern Plaza is a key focal point for the building and marks the main public entrance, with several key pedestrian routes converging in this area. The Eastern Plaza is located adjacent to a secondary entrance. In the Design and Access Statement for the consented scheme the Northern and Eastern Plazas are described as key civic spaces along with the linear connection between the Eastern Plaza and the town centre. These areas were due to have formal avenues of tree planting, with paved surfaces and street furniture to complement. The hard landscaping within the Northern Plaza 'funnelled' visitors into the building and provided views from the external environment and vice versa.
48. The requirement for the Northern Plaza to be a multi-functional area has been highlighted as the scheme has been refined and areas for an outdoor café and secure external play area for the Children's Centre are essential.

The design ethos of ensuring that the Northern Plaza remains a key circulation route to the public atrium is being retained, whilst ensuring that space is provided for public exhibitions performances or other key external events.

49. The current proposals for the Northern Plaza take the focus away from a hard-surfaced area to one that uses structural planting and key street furniture placement in order to ensure users are directed and taken on a journey through the Plaza. The use of block paving alongside the strategic landscaping ensures the area is legible and a central focal space can be used for events etc. in line with the applicant's requirements.
50. A similar design ethos has been adopted in respect of the Eastern Plaza, which connects into the footpath leading towards Wamil Way. This is a key pedestrian and cycle route from the town centre and it is imperative that this route remains legible and accessible. Changes are proposed to the form of the footpath / cycleway but these do not detract from its key function and appropriate access to the existing sixth form centre building is maintained.
51. Details of the soft landscaping of all these areas is to be secured by condition and it is considered that subject to satisfactory details being submitted that the amended proposals create a strong sense of place and produce designs that provide access to all in accordance with Policy DM2. The proposals will produce high quality areas of public realm that complement the building and its design principles.

Landscape mounding

52. The current proposals include an element of landscape mounding to the western area of the Mildenhall Hub site. A design development document for the mounding has been submitted, which states that the principal requirements for the site's landscaped area of the Hub is to provide external recreation space, through the creation of both formal and informal spaces. The creation of mounding is proposed as a way of supporting this aim, to create some visual interest in the areas between the building, the public right of way and wider open areas and to accommodate some spoil from the site to reduce the requirement for sending material offsite.
53. The mounding will be formed with a maximum gradient of 1:3 so that the areas can be easily maintained. In key areas such as the east west access, south of the 3G pitch, a more gradual approach has been designed so that the area is more accessible and can maintain its ease of use for members of the public. Planting is also proposed in key areas. Small areas of mounding are proposed alongside the Public Right of Way to add interest and break up the space between the Right of Way and the building.
54. The architects for the scheme have worked closely with the Council's Landscape Officer in respect of the all of the changes to the external areas. The Landscape Officer has stated that the main areas of mounding will be imperceptible except for the areas that provide for inclusive access. Views from the higher ground will be unaltered and the proposed soft landscaping will help to assimilate the mounding into the surroundings. It is considered that the proposals will not result in an adverse impact on the approved landscape features of the Mildenhall Hub and the proposal continues to accord with Policy DM13 in this regard.

Parking and access

55. Minor changes have been made to the parking and access arrangements with two routes now proposed for buses to enter and exit with drop off zones. The revised layout improves pedestrian circulation through the area and omits the requirement for buses to reverse out of bays, which could have presented a hazard for other vehicles entering the area.
56. Access to the 3G pitch from the Academy has been included in the scheme and a pedestrian route to the west side of the overflow carpark and service yard has been removed. The western overflow car park and Council service yard have been re-configured with the delivery access route. It is considered that the proposals continue to accord with Policy DM2 and the NPPF in respect of the need to produce designs that provide access for all and encourage the use of sustainable forms of transport.

Flood risk and Drainage

57. A Flood Risk Assessment was submitted with the original application for the Hub, which demonstrated that the scheme could be constructed and operated safely without significantly increasing the risk of flooding to the site and the surrounding areas, provided the mitigation measures set out in the assessment are implemented.
58. Planning Conditions 19, 21 and 22 relate to the submission of a detailed surface water drainage scheme, based on the approved Flood Risk Assessment. At the detailed design stage it was established that the three SuDS basins proposed could be rationalised into one basin located to the south of the Hub building. This shallow basin will collect surface water run-off from the site and will be fed by a network of swales and underground pipes. The basin will be dry the majority of the time, filling at stormwater events. The base of the basin will be planted with grass/wildflower seed which is tolerant of periodic wet conditions and the edges of the basin will be planted with native shrubs to provide an attractive amenity space. A knee rail fence is proposed around the basin for safety reasons.
59. The Lead Local Flood Authority has liaised with the applicant's drainage consultants in relation to the changes to the scheme for the disposal of surface water and has confirmed its agreement to the discharge of conditions 21 and 22. Confirmation has also been received from the Environment Agency and Anglian Water that they are satisfied with the information submitted in respect of the surface water drainage conditions.

Other matters pertinent to the S73 application

60. The changes proposed to the approved scheme does not raise any issues in relation to residential amenity and does not alter the assessment made at the time planning permission was granted in 2017.
61. Historic England has raised no concerns regarding the changes and it is considered that the proposals do not alter the heritage assessment undertaken in 2017 and that the changes do not have any additional impact on views of the Grade I listed Church of St Mary. It is considered that the proposal continues to comply with Policies DM15 and 17 in relation to the

conservation area and listed buildings and that the requirement to have special regard to the desirability of preserving or enhancing a listed building or its setting and the desirability of preserving or enhancing the character or appearance of a conservation area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been satisfied.

Sustainability

62. Condition 38 requires the submission of a Sustainability and Energy Strategy that sets out the sustainability measures and renewable/low carbon energy technologies to be used within the Hub. It is envisaged that the strategy will include, but not be limited to the use of combined heat and power, energy management systems, ground source heat pump and low G value glazing.

63. The Strategy has been submitted as part of this application and the Council's Energy Advisor has been asked to review it. An update will be provided to the Committee at the meeting as to the acceptability of the Strategy and its implementation.

Deliveries Management Plan

64. A Deliveries Management Plan has been submitted to satisfy condition 12. SCC Highways has been asked to confirm its agreement to the document and an update will be provided to the Committee in due course.

Variation of conditions 5, 11, 32 and 34

65. Planning condition 5 of DC/18/1489/VAR requires details of the proposed access at the junction of Sheldrick Way to be submitted to and approved in writing by the local planning authority prior to any above ground construction taking place. Condition 11 requires details of the measures to be employed to prevent discharge of surface water from the development onto the highway. These details were required prior to any above ground construction taking place.

66. At present details of the access and connected surface water drainage measures have not been submitted and the applicant is in breach of these conditions. The applicant is currently liaising with SCC Highways in respect of the details required to satisfy the conditions and has therefore requested that the conditions are varied to allow for the information to be submitted within one month of the approval of this current application.

67. Given that the applicant is working with SCC Highways to satisfy the requirements of the conditions and that the access in its current form is capable of accommodating the traffic accessing the site, it is considered reasonable to vary the condition as requested.

68. Conditions 32 and 34 relate to the submission of soft and hard landscaping details for approval by the local planning authority. Once again, details should have been submitted to the local planning authority prior to any above ground construction taking place. Given that a number of design changes to the scheme are proposed, as detailed in this application, it is accepted that full details of the soft and hard landscaping could not be

presented to the local planning authority until it has been established whether the design changes are acceptable. The applicant is therefore proposing that the soft and hard landscaping details are submitted within one month of the approval of the current application and again, this is considered acceptable to officers.

Conclusion:

69. 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:

70. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 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:

Reference No:	Plan Type	Date Received
16-0050-CDP-DR-00-XX-L-1002	Location Plan	30.05.2017
16-0050-CDP-DR-00-XX-L-2017	Access Plan	30.05.2017
16-0050-CDP-DR-ZZ-XX-E-0100-P2	Lighting Details	30.05.2017
16-0050-CDP-DR-00-XX-A-5006	Other	21.07.2017
118307-CDP-DR-XX-XX-A-5003-C5	Proposed Elevations	18.09.2019
16-0050-CDP-DR-00-R1-1-2001-P3	Roof Plans	29.07.2019
118307-CDP-DR-00-R1-A-4003-C1	Roof Plans	29.08.2019
118307-CDP-DR-00-R2-A-4003-C1	Roof Plans	29.08.2019
118307-CDP-DR-00-R3-A-4003-C1	Roof Plans	29.08.2019
118307-CDP-DR-ZZ-XX-L-9015-P1	Bin and Bike Store Plans	29.08.2019
Bin Store Fencing	Fence elevations	29.08.2019
16-0050-CDP-DR-00-00-A-2001-P3	Proposed Ground Level	29.08.2019
16-0050-CDP-DR-00-01-A-2001-P3	Proposed First Floor Plan	29.08.2019
16-0050-CDP-DR-00-02-A-2001-P3	Proposed Second Floor Plan	29.08.2019
16-0050-CDP-DR-00-XX-L-2001-P13	Masterplan	29.08.2019
16-0050-CDP-DR-00-XX-L-2008-P3	Boundaries	29.08.2019
16-0050-CDP-DR-00-XX-L-2009-P7	Hard Landscape Proposals	29.08.2019
16-0050-CDP-DR-00-XX-L-2010-P6	Hard Landscape Proposals	29.08.2019
16-0050-CDP-DR-00-XX-L-2012-P6	Hard Landscape Proposals	29.08.2019
16-0050-CDP-DR-00-XX-L-2013-P6	Soft Landscape Proposals	29.08.2019
16-0050-CDP-DR-00-XX-L-2014-P6	Soft Landscape Proposals	29.08.2019

16-0050-CDP-DR-00-XX-L-2015-P6	Soft Landscape Proposals	29.08.2019
16-0050-CDP-DR-00-XX-L-2016-P6	Soft Landscape Proposals	29.08.2019
16-0050-CDP-DR-00-XX-L-2018 P3	Sections	29.08.2019
16-0050-CDP-DR-ZZ-XX-L-2022-P1	Planting Scheme	29.08.2019
16-0050-CDP-DR-ZZ-XX-L-6018-P2	Sections	29.08.2019
16-0050-CDP-DR-ZZ-XX-L-6019-P2	Sections	29.08.2019
16-0050-CDP-DR-ZZ-XX-L-9016-P1	Landscape Plan	29.08.2019
P19DW0016 100- REV A4	Window Details	29.08.2019
P19DW0016 101- REV A3	Window Details	29.08.2019
P19DW0016 102- REV A3	Window Details	29.08.2019
P19DW0016 103- REV A3	Window Details	28.08.2019
P19DW0016 104- REV A3	Window Details	28.08.2019
P19DW0016 105-REV A3	Window Details	28.08.2019
P19DW0016 106- REV A3	Window Details	28.08.2019
P19DW0016 107-REV A2	Window Details	28.08.2019
P19DW0016 300- REV A2	Door Details	28.08.2019
P19DW0016 301-REV A2	Door Details	28.08.2019
P19DW0016 302-REV A2	Door Details	28.08.2019
P19DW0016 303- REV A2	Door Details	28.08.2019
P19DW0016 304-REV A2	Door Details	28.08.2019
P19DW0016 305-REV A2	Door Details	28.08.2019
P19DW0016 306-REV A2	Door Details	28.08.2019
16-0050-CDP-DR-00-XX-L-2011-P6	Hard Landscape Proposals	29.08.2019
16-0050-CPD-DR-ZZ-XX-L-9005-P4	Other	29.08.2019
118307-CDP-SH-XX-XX-A-7201-C1	Window Details	17.09.2019
118307-CDP-DR-00-00-A-7000-C1	Window Details	17.09.2019
118307-CDP-DR-00-01-A-7000-C1	Window Details	17.09.2019
118307-CDP-DR-00-02-A-7000-C1	Window Details	17.09.2019
A20-C1183-E010 REV P1	Window Details	28.08.2019
A20-C1183-E011 REV P1	Window Details	28.08.2019
A20-C1183-E012 REV P1	Window Details	28.08.2019
A20-C1183-E013 REV P1	Window Details	28.08.2019
16-0050-CDP-DR-00-XX-A-5001-P5	Sections	21.03.2019
Design Changes Statement		
Design & Access Report Addendum		
Construction Management Plan		
Northern Plaza Design Statement		
Traffic Management Plan		
Skylark Mitigation Strategy		
Landscape Mounding Statement		
Archaeological Watching Brief		
Archaeology Evaluation Report V0.6		
Ecological Appraisal		
Preliminary UXO Risk Assessment		
Flood Risk Assessment and Drainage Strategy		
Heritage Statement (as amended)		
Landscape Management Plan		
Mildenhall Hub Consultation Report		
Suffolk Design Review Panel Report		
Site Investigation Report -GC20314_SI		

Supplementary Visual Impact Assessment
Transport Assessment
Transport Assessment Non-Technical
Summary
Transport Assessment Non-Technical
Summary
Transport Assessment Addendum
Tree Survey, Arboricultural Impact
Assessment and Arboricultural Method
Statement

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

2 PROW

The temporary diversion of Mildenhall Footpath No. 24 and No. 25 shall be carried out in accordance with the Temporary Closure Map and Temporary Traffic Regulation Notice and Orders dated 29 August 2018 and 1 February 2019 and any subsequent approved extension to the temporary diversion. Prior to first use of the development permitted the Town and Country Planning Act Diversion Order shall be confirmed and certified.

Reason: To ensure appropriate provisions are in place to redirect the footpath prior to any works that may disrupt its use and to ensure that appropriate arrangements are put in place for the formal diversion of the public rights of way.

3 Existing Swimming Pool - continued provision

The existing swimming pool and sports hall serving the local community shall remain operational until the new facilities are completed and ready for use.

Reason: To ensure continuity of provision for the residents of Mildenhall and to meet Local Plan Policy

4 Access details

Within one month of approval being granted details of the proposed access (including the position of any gates to be erected and visibility splays provided) shall be submitted to the Local Planning Authority for written approval. The approved access shall be laid out and constructed in its entirety prior to the first use of any part of the development hereby approved. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

5 Access Visibility - prior to first use

Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

6 Sustainable Transport Route(s) - prior to first use

A sustainable transport route or routes, to include links from the High Street via Church Walk and/or other suitable links to site, and improvements to facilitate pedestrian movement across Wamil Way, shall be completed in full accordance with details previously submitted to the local planning authority and agreed in writing, prior to the first use of any part of the development hereby approved, or in accordance with a timetable previously agreed with the local planning authority

Reason: To ensure that satisfactory access is provided for the safety of the public and in the interests of sustainable development.

7 Off site Public Rights of Way work - prior to first use

The following public rights of way improvement works shall be completed in accordance with details submitted to the local planning authority and agreed in writing, prior to the first use of the development hereby approved or in accordance with a timetable agreed with the local planning authority:

Surfacing of 230m length x minimum 1.5m width of Mildenhall Public Footpath 35, south of the development site, linking to Public Footpath 30, Mill Street and PROW network;

Surfacing of 37m length x minimum 1.5m width of Mildenhall Public Footpath 30 south of the development site, linking to Footpath 35, Mill Street and the PROW network; and,

Resurfacing of 305m length x minimum 1.5 metre width of Mildenhall Public Footpath 30, part of the main pedestrian route from Barton Mills to Mill Street, linking to the development Site.

Reason: To mitigate for the increased use of the public footpath network as a result of the development and to improve connectivity, accessibility and sustainability of the development in accordance with Policy DM2 of the Joint Development Management Policies Document 2015.

8 Off-site highways mitigation - prior to first use

Queensway and New Street mitigation works identified in the Transport Addendum shall be completed prior to the first use of any part of the development hereby approved or in accordance with a timetable previously agreed with the local planning authority in full accordance with details to be submitted to the local planning authority and agreed in writing.

Reason: To ensure that the mitigation works are designed and constructed

to an appropriate specification and made available prior to first occupation in the interests of highway safety.

9 Cycle strategy - prior to first use

Prior to the first use of any part of the development hereby approved, a sitewide Cycle Strategy must be submitted and approved in writing by the Local Planning Authority. The Cycle Strategy must annually monitor the usage of the cycle storage facilities provided on the site and provide additional cycle storage if the initial cycle storage capacity has been reached.

Reason: In the interests of sustainable development as set out in the NPPF, CS12 of the Core Strategy 2001-2026 and DM4, DM45 and DM46 of Forest Heath and St Edmundsbury Local Plan.

10 Prevention of surface water to highway

Within one month of approval details shall be submitted to the Local Planning Authority for written approval, 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.

Reason: To prevent hazards caused by flowing water or ice on the highway.

11 Deliveries Management Plan (***Subject to agreement from SCC Highways***)

All HGV traffic movements to and from the site over the duration of the construction period shall be subject to the Construction Management Plan dated 14.01.2019 and revised on 17.09.2019. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

12 Parking, manoeuvring- prior to first use

Prior to the first use of any part of the development hereby approved, the areas providing for the parking, loading/unloading and manoeuvring of vehicles shall be fully implemented in accordance with details previously submitted to the local planning authority and agreed in writing. The approved scheme retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate onsite space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

13 Cycle storage - prior to first use

Prior to the first use of the development hereby approved, areas for secure

covered cycle storage for both students, employees and visitors and changing facilities including storage lockers and showers shall be fully implemented in accordance with details previously submitted to the Local Planning Authority and approved in writing. The employee cycle storage shall be in a lockable facility away from public access to maximise the uptake in cycling among staff. The approved scheme shall be retained thereafter and used for no other purpose.

Reason: In the interests of sustainable development as set out in the NPPF, CS12 of the Core Strategy 2001-2026 and DM4, DM45 and DM46 of Forest Heath and St Edmundsbury Local Plan.

14 Travel Plan - prior to first use

Prior to the first use of any part of the development hereby approved, travel arrangements to and from the site for employees and customers in the form of a Travel Plan, including monitoring provisions shall be implemented in full accordance with details submitted to and approved in writing by the Local Planning Authority. The measures outlined in the plan shall be adhered to in perpetuity.

Reason: In the interests of sustainable development as set out in the NPPF, CS12 of the Core Strategy 2001-2026 and DM4, DM45 and DM46 of Forest Heath and St Edmundsbury Local Plan.

15 Travel Information Pack - within one month of first use

Within one month of first use, each employee/shall be provided with Travel Information Pack that contains the sustainable transport information and measures that was identified in the Travel Plan. Not less than 3 months prior to the occupation, a completed Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include up-to-date walking, cycling and bus maps, relevant bus and rail timetable information, car sharing information, and sustainable transport discounts. The Travel Information Pack shall be maintained and operated thereafter.

Reason: In the interests of sustainable development as set out in the NPPF, CS12 of the Core Strategy 2001-2026 and DM4, DM45 and DM46 of Forest Heath and St Edmundsbury Local Plan.

16 Pedestrian and cycle signage - prior to first use

Prior to the first use of any part of the development, pedestrian and cycle signage shall be installed in accordance with a strategy previously submitted to the local planning authority and agreed in writing.

Reason: To ensure that satisfactory access is provided for the safety of the public and in the interests of sustainable development.

17 Surface water disposal

The Development shall be carried out strictly in accordance with the drainage strategy set out in the 'Drainage Statement' [ref: 668892-MLM-

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

18 Unexpected Contamination - during development

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

19 Surface Water Drainage Scheme

The development shall be carried out strictly in accordance with the surface water drainage scheme detailed on the following approved plans and documents:

668892-MLM-ZZ-XX-DR-C-0204 External Works GA Hub Building (rev C2)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0205 External Works GA Eastern Plaza (rev C3)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0206 External Works GA Wamil Way Car Park (rev C2)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0207 External Works GA Southern Basin (rev C3)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0210 External Works Construction Details Sheet 1 (rev C5)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0211 External Works Construction Details Sheet 2 (rev C1)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0126 Foul Water Manhole Schedules . (rev C6)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0200 External Works GA Access Road (rev C2)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0201 External Works GA Car Park - West (rev C4)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0202 External Works GA Car Park - East (rev C5)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0203 External Works GA Public Footpath (rev C3)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0112 Below Ground Drainage Construction Details - Sheet 2 (rev C1)	Drainage Plans	13.09.2019

668892-MLM-ZZ-XX-DR-C-0113 Below Ground Drainage Construction Details - Sheet 3 (rev C1)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0114 Below Ground Drainage Construction Details - Sheet 4 (rev C2)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0120 Southern Basin Sections . (rev P2)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0121 Southern Basin Setting Out . (rev P1)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0125 Surface Water Manhole Schedules . (rev C2)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0106 Private Drainage GA Wamil Way Car Park (rev C2)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0107 Private Drainage GA Southern Basin (rev C5)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0110 Car Park Swales & Drainage Construction Details (rev C1)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0111 Below Ground Drainage Construction Details - Sheet 1 (rev C1)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0103 Private Drainage GA Public Footpath (rev C7)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0104 Private Drainage GA Hub Building (rev C9)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0105 Private Drainage GA Eastern Plaza (rev C3)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0101 Private Drainage GA Car Park - West (rev C5)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0102 Private Drainage GA Car Park - East (rev C4)	Drainage Plans	13.09.2019
668892-MLM-ZZ-XX-DR-C-0100 Private Drainage GA Access Road . (rev C1)	Drainage Plans	13.09.2019

Reasons: To prevent the development from causing increased flood risk off site over the lifetime of the development (by ensuring the inclusion of volume control); ensure the development is adequately protected from flooding (and to maximise allowable aperture size on control devices); to ensure the development does not cause increased pollution of the downstream watercourse; and, to ensure clear arrangements are in place for ongoing operation and maintenance. To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register.

20 Archaeology

The Written Scheme of Investigation for Archaeological Watching Brief Works dated February 2019 and the Management Plan for Preservation of Below Ground Archaeological Remains dated April 2019 shall be implemented in full during the course of the development and in accordance with the approved details.

No building shall be occupied or otherwise used until the site investigation

and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation referred to above; and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy CS3 of the Forest Heath Core Strategy, policy DM20 of the Joint Development Management Policies Document 2015 and the guidance contained within the NPPF.

21 Protection of playing fields - during construction

The development shall be carried out strictly in accordance with the Site Logistics Plan contained in the Traffic Management Plan.

Reason: To protect playing fields/sports facilities from damage, loss or availability of use.

22 3G Pitch Construction - pre development of 3G pitch

No development shall commence on the construction of the 3G pitch until full details of the design and layout of the pitch have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The pitch shall be constructed in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy DM2.

23 Air Quality Condition - prior to first use

Prior to the first operational use of the site, at minimum of 5 car parking spaces (1 of which will be a disabled accessible space) shall be equipped with working electric vehicle charge points each with single phase wiring capacity of carrying a minimum continuous load of 32 amp, which shall be provided for staff and/or visitor use. The Electric Vehicle Charge Points shall be retained thereafter.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality in line with the National Planning Policy Framework (NPPF) paragraph 35 and Policy DM14 of the Joint Development Management Policies Document.

24 Air Quality Condition - prior to first use

Prior to first operational use of the site, single phase wiring with a minimum continuous load capacity of 32 amp shall be installed to support the future installation of electric vehicle charge points capable of serving an additional 17 car parking spaces. A timetable for the installation of these additional charge points shall be provided, and agreed in writing by the local planning

authority, prior to first occupation.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality in line with the National Planning Policy Framework (NPPF) paragraph 35 and Policy DM14 of the Joint Development Management Policies Document.

25 Fire Hydrants - prior to occupation

No part of the development shall be occupied or brought into use until any necessary fire hydrants have been provided in accordance with a scheme for the provision of fire hydrants which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for fire fighting/community safety.

26 Materials

With the exception of the facing brickwork the materials to be used on the exterior surfaces of the development shall be as detailed on Drawing No. 118307-CDP-DR-XX-XX-A-5003-C5 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a high quality of development in accordance with policies DM2 and DM13 to ensure the development has a positive visual impact.

27 Within one month of approval details/sample of the facing brickwork to be used shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure a high quality of development in accordance with policies DM2 and DM13 to ensure the development has a positive visual impact.

28 Bat roost Inspection

A preliminary bat roost inspection of trees on site was carried out on 12th April 2016, which is valid for two years. No trees shall be removed from the site after 12th April 2018 without the written agreement of the local planning authority following the submission of a further bat roost inspection report.

Reason: to ensure protected species are adequately protected in accordance with policy DM11 of the Joint Development Management Policies Document 2015.

29 Soft Landscaping

Within one month of approval a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be submitted to the Local Planning Authority for written approval. The soft landscaping details shall include:

- Details of the modelling of key sight lines and how this has informed the

detailed design of planting to screen and frame views;

- Detailed planting plans and specifications with reference to screening and enhancing landscape character;
- Provision of woody vegetation for nesting birds;
- Provision of an area of new grassland and native scrub / woodland habitat associated with drainage basins in the south of the site;
- Details of the planting within and around the suds basins;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants noting species, plant sizes and proposed numbers/densities;
- Updated tree protection and method statements; and
- A timetable for planting to ensure new landscape structure planting is as early as possible.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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, safeguard visual amenity and enhance biodiversity in accordance with policies DM2 and DM13 of the Joint Development Management Policies Document 2015.

30 Landscape Management Plan - submission with soft landscaping

A landscape and ecology management plan (LEMP), shall be submitted to the Local Planning Authority and approved in writing prior to the first occupation of any part of the development hereby approved.

The plan shall include:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on the site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management options;
- Preparation of a work schedule (including annual work plan capable of

being rolled forward over a five year period);

- Details of the body or organisation responsible for the implementation of the plan;
- Ongoing monitoring and remedial measures;
- Long term design objectives;
- Specific management requirements for the area of scarce plants found on the site;

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented carried out in accordance with the approved details for the lifetime of the development.

Reason: To enhance the appearance of the development, safeguard visual amenity and enhance biodiversity in accordance with policies DM2 and DM13 of the Joint Development Management Policies Document 2015.

31 Hard Landscaping

Notwithstanding the details on the submitted plans, within one month of approval full details of a hard landscaping scheme for the site shall be submitted to the Local Planning Authority for written approval. These details shall include proposed finished levels, gradients and contours showing any earthworks and mounding; surfacing materials; means of enclosure; car parking layouts including safe pedestrian routes; other vehicle and pedestrian access and circulations areas; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features). The scheme shall be completed prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To ensure a high quality of development in accordance with policy DM2 of the Joint Development Management Policies Document.

32 Ecological Mitigation and Enhancement- prior to first occupation

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecology Report submitted with the application and agreed in principle with the local planning authority. The enhancement measures identified in the Ecology Report, and set out below shall be completed prior to the first occupation of the Hub hereby approved or in accordance with a timetable previously agreed in writing with the local planning authority:

- Provision of a substantial area of new grassland and native scrub /

woodland habitat associated with drainage basins in the south of the site as detailed in the soft landscaping scheme submitted in respect of condition 29.

- Provision of additional boundary planting with native trees and shrubs ornamental tree planting in car parks and around the building as detailed in the soft landscaping scheme submitted in respect of condition 29.
- Construction of drainage basins along the edge of the River Lark to strengthen the site's function in supporting habitat linkage along this corridor as detailed in the soft landscaping scheme submitted in respect of condition 29.
- Increase in the size of the area containing the scarce plants (as identified in the ecology report) with an agreed management plan for this area (British Standard 42020 D4.5) as detailed in the soft landscaping scheme submitted in respect of condition 29.
- An increase in woody vegetation for nesting birds as detailed in the soft landscaping scheme submitted in respect of condition 29.
- Precautionary clearance of vegetation
- Proposed lighting to be screened from the River Lark Corridor by planting

Reason: To ensure adequate biodiversity enhancements as part of the development in accordance with policy DM12 of the Joint Development Management Policies Document 2015.

33 Sky Lark mitigation

The Skylark Mitigation Strategy received on 27 March 2019 shall be implemented in full during the course of development. The habitat creation and monitoring strategy will be implemented in accordance with the approved details, in line with the agreed timetable. The habitat shall continue to be managed in accordance with the agreed details in perpetuity.

Reason: To ensure the creation and effective monitoring of compensatory habitat for skylarks in accordance with policy DM11 of the Joint Development Management Policies Document 2015.

34 Bird Management Plan - prior to first occupation

Prior to the first occupation of any part of the development hereby approved a detailed bird management plan for the site shall be submitted to the local planning authority and agreed in writing. The plan shall include:

- Details of mitigation measures following extreme rainfall events to discourage birds from any standing water within the drainage basins;
- Details of mitigation measures to discourage nesting birds from the roof of the hub building including details of access to all areas of the roof for this purpose;
- Details of the management of the open spaces to discourage birds to

include the use of including signage and lidded bins, where appropriate; and

- Details of responsible persons and lines of communication;

The agreed plan shall be adhered to for the lifetime of the development.

Reason: To ensure the appropriate management of the site to discourage birds within the RAF Mildenhall Birdstrike Zone, which could cause a hazard to air traffic.

35 Sustainability and Energy Strategy (***Subject to agreement from the Council's Energy Advisor***)

The Sustainability and Energy Strategy dated 18 September 2019 V2 shall be implemented in full during the course of the development. The agreed details shall be fully implemented and operational prior to first occupation of the development, or in accordance with a timetable agreed with the local planning authority.

Reason: To ensure the development meets high standards of sustainable design and construction as required by policy DM7 of the Joint Development Management Policies Document 2015.

36 Sprinkler Tanks

In the event that sprinkler tanks are required to be installed on site, details of the tanks including the precise location, size, external appearance and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The sprinkler tanks shall be installed in accordance with the approved details.

Reason: To ensure the adequate supply of water for fire fighting/community safety.

37 Flue details

Within one month of approval details of the flues shown on Drawing No. 118307-CDP-DR-XX-XX-A-5003-C5 shall be submitted to the Local Planning Authority for written approval. The details shall include the precise location and specification of the flues, including their finished colour.

Reason: To ensure a high quality of development in accordance with policies DM2 and DM13 to ensure the development has a positive visual impact.

38 Rainscreen cladding to Leisure Centre

Within one month of approval detailed drawings of the rainscreen cladding proposed on the leisure centre wing shall be submitted to the Local Planning Authority for written approval. The details shall include the panel sizes and colour together with the method of fixing and glazing details within the relevant areas.

Reason: To ensure a high quality of development in accordance with policies DM2 and DM13 to ensure the development has a positive visual impact.

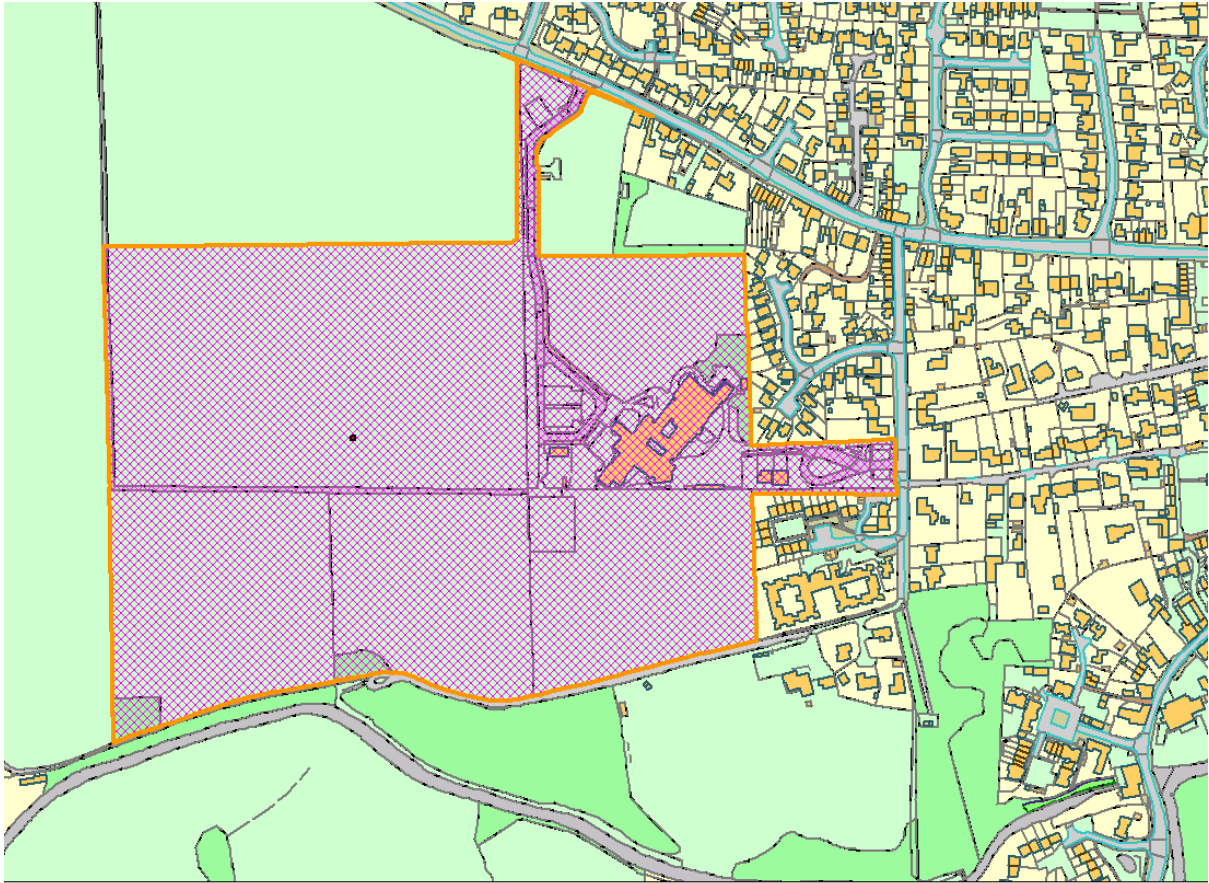
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/0386/VAR](#)

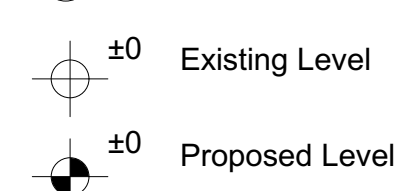


DC/19/0386/VAR

Mildenhall Hub, Sheldrick Way, Mildenhall



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REV	DATE	BY	DESCRIPTION	CHKD
P10	01.03.19	LY	Issue for planning. Application to vary condition 2	LMD
P11	17.04.19	LY	Station points added to assist design disciplines with aligning information for reference.	MS
P12	25.07.19	EB	Drawing updated to reflect LPA comments	CC
P13	27.08.19	EB	External finishing amended	CC

Concertus
DESIGN & PROPERTY CONSULTANTS

Project: Mildenhall Hub, Mildenhall, Sheldrick Way

Project Number: 118307

Scale: 1:1000

At A0 Size

Drawing Title: Masterplan

Drawn: RC

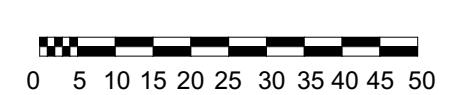
Checked: SW

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