

Development Control Committee

Title:	Agenda											
Date:	Wednesday 4 March 2020											
Time:	10.00am											
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU											
Full Members:	<p style="text-align: right;">Chair Andrew Smith</p> <p style="text-align: right;">Vice Chair Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative Group (9)</u></td> <td style="width: 33%;">Andy Drummond Susan Glossop Ian Houlder</td> <td style="width: 33%;">David Roach Peter Stevens Ann Williamson</td> </tr> <tr> <td><u>The Independent Group (6)</u></td> <td>Richard Alecock John Burns Jason Crooks</td> <td>Roger Dicker David Palmer Don Waldron</td> </tr> <tr> <td><u>Labour Group (1)</u></td> <td>David Smith</td> <td></td> </tr> </table>			<u>Conservative Group (9)</u>	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<u>The Independent Group (6)</u>	Richard Alecock John Burns Jason Crooks	Roger Dicker David Palmer Don Waldron	<u>Labour Group (1)</u>	David Smith	
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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											
** THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA**												
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk											

**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 Document 2015	
Forest Heath Area Local Plan	St Edmundsbury Area Local Plan
Forest Heath Core Strategy 2010 as amended by the High Court Order (2011)	St Edmundsbury Core Strategy 2010
Core Strategy Single Issue Review of Policy CS7 (2019)	Vision 2031 adopted 2014 <ul style="list-style-type: none"> - Bury St Edmunds - Haverhill - Rural
Site Allocations Local Plan (2019)	
Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (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/changed, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the 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/altered, 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 - 36

To confirm the minutes of the meeting held on 5 February 2020 (copy attached).

4. Planning Application DC/19/1519/OUT - Land Adjacent to Fishwick Corner, Thurston Road, Rougham

37 - 78

Report No: **DEV/WS/20/014**

Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council

5. Planning Application DC/19/1599/FUL - Land South of Woodlands Road and West of Sow Lane

79 - 98

Report No: **DEV/WS/20/015**

Planning Application - Construction of (i) office building (ii) ancillary buildings (iii) amended vehicular access via Sow Lane (iv) extended estate access road, footways and cycleway (v) vehicle parking (vi) landscaping (vii) boundary treatments and associated infrastructure

6. Planning Application DC/17/2474/OUT - Land South of Bury Road, Kentford

99 - 124

Report No: **DEV/WS/20/016**

Outline Planning Application (Means of Access, Appearance and Scale to be considered) - Up to 19no. dwellings as amended by plans and documents received 9th May 2019

(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 5 February 2020** at **10.00 am** in the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

John Burns

Jason Crooks

Roger Dicker

Andy Drummond

Susan Glossop

Ian Houlder

David Palmer

David Smith

Peter Stevens

Don Waldron

Ann Williamson

Substitutes attending for a full Member

Carol Bull

In attendance:

Beccy Hopfensperger

(Ward Member: The Fornhams and Great Barton)

John Smith

(Ward Member: The Rows)

80. **Apologies for Absence**

Apologies for absence were received from Councillors David Gathercole and David Roach.

81. **Substitutes**

The following substitution was declared:

Councillor Carol Bull substituting for Councillor David Roach.

82. **Minutes**

The minutes of the meeting held on 8 January 2020 were confirmed as a correct record and signed by the Chair, subject to the following correction to a typographical error in respect of minute 76:

'....**Dead** of Variation....be amended to read.....'**Deed** of Variation...'

83. **Planning Application DC/19/1609/RM - Former Howard Community Primary School, St Olaves Road, Bury St Edmunds (Report No: DEV/WS/20/005)**

Reserved Matters Application - Submission of details under DC/17/1047/OUT appearance, landscaping, layout and scale - (i) up to 79no. dwellings (ii) a new community centre also incorporating a replacement Carousel Children's Centre (Class D1) with associated parking (iii) open space, landscaping and infrastructure

This application was referred to the Development Control Committee at the request of Members of the former St Edmundsbury Borough Council (SEBC) when the original outline application for up to 79 dwellings was considered in December 2017.

The outline application for this site was previously referred to (the now dissolved) SEBC's Development Control Committee as one of the applicants was SEBC who was the owner of part of the site. West Suffolk Council was now the owner of part of the site, which had been sold subject to contract.

A Member site visit was held prior to the meeting.

Attention was drawn to the supplementary 'late paper', which was issued following the publication of the agenda and reports for this meeting. The late paper contained final comments on the application from Suffolk County Council's (SCC) Highways and from SCC's Flood and Water Management teams, which were duly noted by the Committee. The full wording for the proposed conditions were also set out.

The Principal Planning Officer updated the Committee with additional information that had been received following the publication of the report and late paper, that:

- Further to paragraph 25 of the report, which addressed the housing tenure mix, the Strategic Housing team had now confirmed the submitted plans did adequately show that two bed/three person and three bed/four person dwellings could adequately accommodate growth in the form of additional person occupancy.
- An additional pre-occupation condition had been proposed in connection with the management and maintenance of non-adopted roads, as follows:
'Before the occupation of any dwelling, full details of the future management and maintenance of the non-adopted estate roads for the site shall be submitted to and agreed in writing by the Local Planning Authority. The roads shall be managed and maintained in accordance with the agreed details for the lifetime of the development.'
Reason: In the interests of highway safety and for the benefit of the occupiers of the dwellings.'
- SCC's Flood and Water Management team had stated that the proposed drainage was satisfactory, but the landscaping and proximity to the SUDS features were still to be agreed. This was capable of being dealt

with in compliance with pre-commencement conditions attached to the outline permission.

Speaker: Kate Wood (agent) spoke in support of the application.

The Committee noted that SCC Highways would adopt the junctions and the first section of the entrance road to the estate; however, some concern was expressed that some of the roads within the estate would not be adopted and that these would be managed by a private management company. Some Members were concerned whether these would be adequately maintained and to an acceptable standard in years to come. In response, Members were informed that the freehold owners within the development site would be shareholders of the management company and it would therefore be in their interests to maintain the road and area. It was not a requirement that all roads needed to be adopted by County Highways and this was quite often the case with new developments.

In respect of street lighting, where units were located on the main adopted highway, these would be managed and maintained by SCC. In private unadopted areas, these were likely to become the responsibility of Bury St Edmunds Town Council or the estate's private management company.

Other questions were asked in relation to the proposed development, several of which had met the required standard of the appropriate statutory consultee or had been conditioned as part of the outline planning permission which had been granted on 11 October 2019. Specifically, it was asked whether sufficient electric vehicle (EV) charging points would be installed. A condition was thought to have been included within the outline permission regarding this; however, should this not be the case, it was suggested that officers should be given delegated authority, in consultation with the Chair and Vice-Chairs of the Committee, to attach an appropriate condition regarding the installation of an acceptable number of EV charging points on the estate. This was agreed.

It was moved by Councillor Ian Houlder that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Peter Stevens.

A discussion was then held on some of the proposed conditions. Particular reference was given to ensuring any potential noise breakout from the Newbury Community Centre was appropriately managed and mitigated where necessary. The hours of use, as set out in a proposed condition, were considered to be acceptable; however, where it would be permitted for the Centre to open until 1am up to 12 times a year, it was suggested that an additional condition should be included to prevent events from being held up until this time on consecutive days. After further discussion, this eventuality was considered to be a rare occurrence and therefore, it was not felt necessary to condition.

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

Decision

- A. The reserved matters be **APPROVED** subject to the following conditions (*fully worded conditions extracted from supplementary 'late paper' to Report No: DEV/WS/20/005*):
1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
 2. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the side elevations of plots 5, 10, 23, 33, 34, 38, 55, 68 and 71.
4. All bathroom windows in side elevations of dwellings shall be obscure glazed and maintained as such thereafter
5. The glazing and ventilation of the dwellings shall be constructed as recommended by SRL Noise Report, Ref C14898A/TO1A/TRMD, dated 11th January 2019, so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB (A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided.
6. The rated day time noise level of external plant or equipment serving the Community Centre with all plant operating, when measured or calculated at the nearest noise sensitive receptors, shall be limited to

42dB(A) LAeq,T. Measurements and calculations shall be undertaken in accordance with BS4142:2014.

7. The rated night time noise level of external plant or equipment serving the Community Centre with all plant operating, when measured or calculated at the nearest noise sensitive receptors, shall be limited to 38 dB(A) LAeq,T. Measurements and calculations shall be undertaken in accordance with BS4142:2014.
8. The site preparation and construction works, including road works, shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays
08:00 - 13.30 Saturdays

And at no times during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

9. 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.
10. No external lighting to the Community Centre to be erected until a scheme to demonstrate adequate protection for exiting residents has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the agreed scheme thereafter.
11. No playing of amplified music or speech within the Community Centre shall take place until a Noise Management Plan for the prevention of music noise breakout has been submitted to and approved in writing by the LPA. The submitted plan shall include details of the structure of the building, the timing of events, the methods to be adopted to control

the low frequency component of the sound, the management systems to be put in place to monitor and control noise breakout etc. A Noise Management Plan must also consider the control of noise impacts from the use of external areas and car parking facilities. All amplified music and speech shall accord with the Noise Management Plan thereafter.

12. All ecological measures, mitigation and/or works shall be carried out in accordance with the details contained in the ecological appraisal RT-MME-151023-01 (November 2019) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
13. Before any above ground works are commenced, details of the estate roads and footpaths, (including layout, levels, gradients, lighting, widths, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
14. All HGV and construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction & Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

The Plan shall include:

- Routes for HGV and construction traffic.
- Means to ensure water, mud and other debris cannot egress onto the highway.
- Means to ensure sufficient space is provided on site for the parking and turning of delivery and construction traffic, including all staff and visitors.
- Means to ensure sufficient space is provided on site for the storage of materials and equipment and siting of welfare facilities.
- Means to ensure no light source from the construction site can cause glare or discomfort to highway users.

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.

15. Before above ground works are commenced details of the areas to be provided for the loading, unloading manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
 16. Before above ground works are commenced, details showing an adequate car turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
- B. The inclusion of an additional pre-occupation condition in connection with the management and maintenance of non-adopted roads, as follows:

'Before the occupation of any dwelling, full details of the future management and maintenance of the non-adopted estate roads for the site shall be submitted to and agreed in writing by the Local Planning Authority. The roads shall be managed and maintained in accordance with the agreed details for the lifetime of the development.'

- C. If not already included within the outline planning permission previously granted on 11 October 2019, delegated authority be given to the Service Manager (Planning – Development), in consultation with the Chair and Vice-Chairs of the Development Control Committee, to attach an appropriate condition regarding the installation of an acceptable number of electric vehicle charging points on the estate.

84. **Planning Application DC/19/1711/OUT - Land West of Three Counties Way, Three Counties Way, Withersfield (Report No: DEV/WS/20/006)**

Outline Planning Application (Means of Access to be considered) – up to 155no. dwellings, associated infrastructure and open space

This application, being a proposal for a 'major' development, had been referred to the Development Control Committee because Withersfield Parish Council had given support to the proposal contrary to the Officer recommendation of refusal.

A briefing note from the applicants, Jaynic Investments LLP, had previously been circulated directly to the Committee. The Principal Planning Officer responded to each of the paragraphs contained in the briefing note in turn, which were duly noted by the Committee.

Speaker: Paul Sutton (agent) spoke in support of the application.

Before the debate commenced, the Service Manager (Planning – Development) introduced the Service Manager (Economic Development and Business Growth) to the Committee, who was in attendance to respond to any technical questions Members may have on the application regarding employment and economic development matters.

The Committee considered the area in which the development site was located was an extremely important gateway for Haverhill, which had been allocated for employment use and not for residential use. The Council's relevant planning policies were up to date and Members considered the relevant criteria of those policies had not been met to allow this proposal to continue.

Members considered that the loss of future employment and investment that would support the planned housing growth of some 4,000 homes for the town and the loss of such a strategic employment site was significantly harmful. The Innovation Centre was also likely to be a form of anchor development that was anticipated to attract other interest in the site from companies considering locating or relocating to Haverhill. The proposed residential development would prevent this expansion of the site from happening.

It was moved by Councillor Peter Stevens that the application be refused, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

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

Decision

Outline planning permission be **REFUSED** for the following reasons:

1. It is important to ensure that employment land is available in the right locations. Haverhill is one of the fastest growing towns in Suffolk and it is essential that this residential growth is matched by employment opportunities. There is not considered to be an oversupply of employment land in Haverhill. The site is one of five key Enterprise Zone sites that the Cambridge & Peterborough Combined Authority (CPCA) has designated around Cambridge. The site also benefits from Employment Zone status until the year 2041. Haverhill Research Park (HRP) is a key employment site within the Cambridge Norwich Tech Corridor and as this brand becomes established, more opportunities are likely to come forward for HRP.

The benefits of a residential development of up to 155 dwellings are acknowledged (these include affordable housing, public open space, contribution towards housing supply, potential reduction in traffic and job creation and promotion of local economic prosperity). The weight to be attached to these last two benefits is tempered by the fact that significant investment in the local area and job creation could also occur with the planned commercial development. Balanced against these benefits is the loss of future employment and investment that would support the planned housing growth of some 4000 homes for the town. The loss of such a strategic employment site is significantly harmful. It is accepted that the applicants have allowed for some 'grow on' space adjacent this centre (plot 200), however the Innovation Centre now under construction would also likely be a form of anchor development that would likely attract other interest in the site from companies considering locating or relocating to Haverhill. The proposed residential development would prevent this expansion of the site from happening.

Recently the Council has allowed the relaxation of the permitted use on the site (to allow for use classes B1 (a, b & c) including general light industry, and, more recently, the new innovation centre building (permission now implemented). Furthermore, West Suffolk Council has contributed financially towards the innovation centre building to allow it to be developed. These factors are indicative of a flexible approach to supporting the delivery of the HRP and this important employment allocation in accordance with paragraph 81 of the NPPF.

The proposed residential development of the majority of a strategic allocated employment site does not accord with Joint Development Management Policy DM30 as the relevant criteria have not been met.

The Innovation Centre under construction on the site is likely to have a positive impact on the remainder of HRP, and it is too soon to completely remove future opportunities to provide employment opportunities allied to the planned growth in Haverhill and to create a balanced sustainable community.

The application does not accord with St Edmundsbury Core Strategy Policy CS9, Joint Development Management Policy DM30, Haverhill Vision 2031 Policies HV2 and HV10, and paragraphs 80 and 82 of the NPPF.

2. Without a Section 106 legal agreement or unilateral undertaking from the applicant to secure the following additional provisions (set out in full in the officer's report) the proposal is not considered to be sustainable development and conflicts with the aims of the NPPF and St Edmundsbury Core Strategy CS14:

- Healthcare (NHS England) - £91, 800 to mitigate for the healthcare impacts of the development.
- Provision of open space and children's play area prior to the occupation of the 75th dwelling.
- Libraries - £16 per dwelling.
- Provision of Realtime Information Screens at 2 bus stops on the A1307 - £22,000.
- Provision of satisfactory footpath links to the wider PROW network, a contribution of £18, 500 to be made to provide a link from Hanchett End along the maintainable highway. The contribution will also fund surface improvements to Footpath 43 between Hanchett End and Notley Drive.
- Travel Plan – implementation of Travel Plan measures and £1000 per annum Travel Plan Evaluation and Support Contribution (for a minimum of 5 years).

85. **Planning Application DC/19/1712/FUL - 28-34 Risbygate Street, Bury St Edmunds (Report No: DEV/WS/20/007)**

Planning Application - Construction of (i) 48no. apartments (ii) communal facilities (iii) access, car parking and landscaping as amended by plans received 13 December 2019

The application was presented to the Development Control Committee on 4 December 2019. The Committee had resolved to defer the application in order to allow additional time for Officers to consult with the applicant to establish whether it would be possible to amend the scheme to reduce the height of the building by way of removing the seven units on the top floor, in order to address the concerns regarding overlooking as raised by neighbouring residents.

The Principal Planning Officer reported that the applicant amended the scheme following the December meeting of the Development Control Committee by removing the two units on the fourth floor that faced the rear of properties on Nelson Road.

A further period of consultation had been carried out on the amended plans and the application was now being brought back to the Development Control Committee for determination.

The Principal Planning Officer reported a typographical error in the report, whereby the words (*increasing number of apartments by 1no.*) should be removed from the wording within the proposal as this no longer applied.

Speaker: Rosie Roome (agent) spoke in support of the application.

Members expressed their support for the amended application, commending the applicant for taking into account the previous concerns of the Committee and neighbouring residents. A particularly acceptable scheme had now been achieved, which was in compliance with relevant development plan policies and the National Planning Policy Framework.

It was moved by Councillor Roger Dicker that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor John Burns.

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

Decision

Planning permission be **GRANTED** subject to the completion of the s106 Agreement and the conditions detailed below.

The s106 Agreement will secure the following financial contributions:

- Affordable housing contribution of £523,284.20
- Library contribution of £768.00
- NHS CCG contribution of £14,504.95

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 No above ground development shall take place until a scheme for the provision of fire hydrants within the application site has been 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.
- 3 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.
- 4 Prior to first occupation, at least 25% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be rated to provide at least a 7kWh charge, retained thereafter and maintained in an operational condition.
- 5 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/DS by Civil Engineering Practice (ref:- 23225 rev 1.1 and dated Nov 2019) and will demonstrate that surface water run-off generated by the development will be limited to 12l/s up to and including the critical 100yr + CC storm.
- 6 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.
- 7 No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 8 Prior to commencement of development 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 site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), 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.
- 9 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 10 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.
- 11 No above ground development shall take place until an Air Quality Assessment based on at least 6 months of on-site monitoring has been submitted to, and approved in writing by, the Local Planning Authority. The Air Quality Assessment will provide an assessment of the likely levels of nitrogen dioxide and particulate matter (PM10 & PM2.5) pollution at the facades of the proposed structure and provide mitigation measures where any Air Quality Objectives are modelled as being breached. Any mitigation measures shall be implemented as approved.
- 12 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.

- 13 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.
- 14 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.
- 15 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

- 16 Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays provided) shall be 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 occupation of the development. Thereafter the access shall be retained thereafter in its approved form.
- 17 The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.
- 18 Prior to the development hereby permitted being first occupied, the proposed access onto Risbygate Street and any other access shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 19 Before the development is commenced details of the areas to be provided for storage, presentation and collection of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 20 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 21 No above ground development shall take place until details of the internal vehicular access/es and footpaths, (including widths, layout, levels, gradients, surfacing and means of surface water drainage), have been submitted to and approved in writing by the Local Planning Authority.
- 22 Condition: All HGV and Construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction 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 Plan shall include, but not be limited to;
- Routing for HGV and delivery vehicles
 - Means to ensure water, mud and other debris cannot flow onto the highway
 - Means to ensure sufficient space on-site will be provided for the parking and manoeuvring of construction and delivery vehicles.
 - Means to ensure sufficient space is provided on-site for the storage of materials, equipment and other demolition and construction facilities.
- 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.
- 23 No above ground development shall take place until details of the areas to be provided for the loading, unloading, manoeuvring and parking of

vehicles including secure cycle storage, mobility scooter storage and charging, powered-two-wheeler parking and EVCP connectivity 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.

- 24 Prior to first occupation, details of the Part L compliance a BRUKL documentation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include information on ventilation, lighting, heating and cooling and unregulated loads. Any areas in which the proposed energy strategy might conflict with other requirements set out in the Development Plan should be identified and proposals for resolving this conflict outlined.
- 25 No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.
- i) Detailed drawings at a scale of not less than 1:5 showing the window head and sill details and vertical cross-sections showing the projections and mouldings of the elevations and window recesses
 - ii) Samples of external materials and surface finishes, including the render colours
 - iii) Specification for any works required to the existing brick and flint boundary walls

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

- 26 Before any new services are installed or any existing services are relocated (in each case including communications and telecommunications services) details thereof (including any related fixtures, associated visible ducts or other means of concealment) shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in complete accordance with the approved specification.
- 27 No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.
- 28 No development above ground level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- i) Sample panel(s) of all new facing brickwork/ flintwork shall be constructed on site showing the proposed brick types, colours, textures, finishes/dressings of the flint; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority
 - ii) The materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority.
 - iii) The approved sample panel(s) shall be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

- 29 No works involving the installation of windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the windows to be used (including details of glazing bars and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
- 30 No works involving the installation of external doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in complete accordance with the approved details.
- 31 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.
- 32 No works involving the installation of the proposed substation shall be carried out until details of the external appearance of the substation 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.
- 33 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.
- 34 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).
- 35 The dwelling(s) 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.
- 36 Prior to occupation details of biodiversity enhancement and mitigation 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. The measures shall be based on the Ecological Design Principles and Enhancement Opportunities set out in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment dated August 2019 prepared by Tyler Grange Ltd. 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.
- 37 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents.
- 38 Each of the apartments hereby permitted shall be occupied only by:
- Persons aged 60 or over; or
 - A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
 - Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or
 - Any other individual expressly agreed in writing by the Local Planning Authority.
- 39 The east facing circulation corridor window adjacent to Unit 42 as shown on Drawing No. 40034BS/PL04 Rev C shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be retained in such form in perpetuity.
- 40 The glazing to be installed in the development hereby approved shall be strictly in accordance with the Overheating Risk Assessment dated November 2019 prepared by Inkling LLP and the Stage 1 Risk Assessment and Stage 2 Acoustic Design Statement dated July 2019 prepared by Clarke Saunders Associates.
- 41 Prior to commencement of development details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site shall be 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.

(At this point at 11.25 am, Part A of the agenda was concluded. The Chair adjourned the meeting until 1pm, which was the earliest start time that had been published for commencing Part B of the agenda.)

86. **Planning Application DC/19/1714/FUL - Marlows Home and Garden, Hepworth Road, Stanton (Report No: DEV/WS/20/008)**

Planning Application - (i) 6no. dwellings with off-street parking (ii) 1no. A1 (shop) with service yard, car park and associated works (following demolition of existing buildings)

(At this point, at 1pm, the meeting resumed to commence Part B of the agenda.)

This application was referred to the Development Control Committee as the application has been called in by the Member for Stanton ward, Councillor Jim Thorndyke. Concerns had been raised by neighbours and Stanton Parish Council with regards to the site layout, impact on neighbour amenity and the street scene, as well as concerns about asbestos present on the site.

The site was an employment site which had a retail element; however, the former business had relocated and the site was now vacant. This application followed an application that had been withdrawn for this site for a residential scheme for up to nine dwellings which could not be supported because it was purely for housing.

A Member site visit was held prior to the meeting.

Attention was drawn to the supplementary 'late paper', which was issued following the publication of the agenda and reports for this meeting. The late paper contained additional representations of concern received from the occupants of neighbouring properties.

The Senior Planning Officer informed the Committee that two further objections from neighbouring residents had been received since the circulation of the late paper. These contained similar concerns to those previously contained in the report.

Speakers: Councillor Brian Brown (Stanton Parish Council) spoke in general support of the application; however, the Parish Council considered a principal concern remained in respect of maintaining access to Foundry Cottage.
Councillor Jim Thorndyke (Ward Member for Stanton ward) spoke in support of the application; however, Councillor Thorndyke considered some issues needed to be addressed prior to commencement of the development.
Adam Tuck (agent) spoke in support of the application.

The Committee considered this was a sensible mixed development that was an excellent use of the site and would be a beneficial asset to Stanton. Concerns had been expressed by local residents regarding potential adverse

effects on amenity and overlooking to neighbouring properties; however, Members felt that adequate controls would be in place to mitigate this.

Members queried the access to the proposed residential parking and car park for the retail unit, and the maintenance of the private right of way to both Foundry House and Foundry Cottage. However, upon further consideration of the element of the report which addressed highway matters, and as the Highways Authority had not objected to the amended scheme (subject to conditions), the Committee considered the proposal to be acceptable. The Senior Planning Officer clarified that the maintenance of clear access for Foundry Cottage and Foundry House remained a private matter.

It was moved by Councillor Peter Stevens that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Jim Thorndyke.

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 following approved plans and documents.
- 3 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.
- xi) Details as to how the developer will satisfactorily address the removal of the existing asbestos cement sheet roof from the existing building.
- 4 No part of the residential development approved by this planning permission excluding demolition shall commence until the following components to deal with the risks associated with contamination of the site have 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. The strategy shall be based on the risk assessment in the approved Phase II Geo-environmental Assessment.
- 5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 6 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.
- 7 Prior to occupation of the commercial unit details of the measures to be adopted to minimise delivery noise impacts shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be implemented and maintained in accordance with the details as approved.
- 8 Deliveries of goods with the exception of newspapers and magazines shall be restricted to between 0700 and 1800 hours Monday to Saturday. There shall be no deliveries of goods with the exception of newspapers and magazines on Sundays, public holidays or bank holidays.
- 9 The opening hours of the premises shall be restricted to between 07:00 and 22:00 on any day.
- 10 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
- 11 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.
- 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.

- 13 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing 7792 28 (latest revision) and with an entrance width of at least 5.5m and be made available for use prior to first occupation of dwellings or commercial use of store. Thereafter the access shall be retained in the specified form.
- 14 Prior to the development hereby permitted being first occupied, the proposed access onto Hepworth Road shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 15 Prior to first operation use of the commercial unit and prior to first occupation of any of the dwellings hereby approved the areas to be provided for storage and presentation of Refuse/Recycling bins from the Convenience Store and dwellings 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 development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 17 Before the access is first used visibility splays shall be provided as shown on Drawing No. 7792 28 (latest revision) 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 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 7792 28 (latest revision) for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
- 19 Before the development is first occupied the vehicle turning space/s shown on drawing 7792 28 (latest revision) shall be provided in entirety and shall be retained thereafter in the approved form and used for no other purpose.
- 20 Before any works above slab level take place details shall be submitted to and approved in writing by the Local Planning Authority showing an official pedestrian crossing and associated infrastructure and relocation of existing road sign/s. 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.
- 21 Before work above slab levels takes place details of the areas to be provided for the secure cycle storage for residents 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.

- 22 The development shall be carried out strictly in accordance with the Arboricultural Impact Assessment & Method Statement by Oakfield Arboricultural Services ref. OAS 19-221-AR01.
- 23 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.
- 24 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.
- 25 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.
- 26 The dwelling(s) 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.
- 27 Works in relation to the commercial unit shall not take place above slab level until details of the cladding and brick for plinth and front wall 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.
- 28 The dwellings hereby permitted shall be constructed entirely of the materials detailed on the approved plans.
- 29 Before plot 5 hereby permitted is first occupied, the staircase window in the western elevation shall be fitted with obscure glass and shall be retained in such form in perpetuity.
- 30 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.

87. **Planning Application DC/19/1700/FUL - Caravan Site South, Pigeon Lane, Fornham All Saints (Report No: DEV/WS/20/009)**

Planning Application - (i) Change of use of part of golf course for the siting of 35no. caravan holiday homes (ii) new access from A1101 (iii) construction of access roads, parking spaces and associated infrastructure (as amended by email on 14.01.2019 to omit 2 caravans)

The application was a re-submission of a recently withdrawn application for Change of Use of two sites on part of a golf course (one in the north and one in the south) for the siting of 70no. caravan holiday homes, with associated works including the creation of a new access from the A1101 and the B1106. This current application related to the southern part of the previous application only.

The application site and large parts of the golf course fell within the parish of Fornham All Saints. The All Saints Hotel and parts of the golf course was within the parish of Fornham St Martin cum St Genevieve. Therefore, both Parish Councils had been consulted.

The application was referred to the Development Control Committee because Fornham All Saints Parish Council had made comments in support of the application and Fornham St Martin cum St Genevieve Parish Council had objected. One of the Ward Members for The Fornhams and Great Barton Ward had asked for the application to be considered by the Committee due to the number of representations received and one of the Ward Members of the adjoining Tollgate Ward had objected to the proposal.

The Senior Planning Officer informed the Committee that the amended application was for 35 caravans and therefore the word 'lodge' should be removed from the title of the proposal.

A Member site visit was held prior to the meeting.

Speakers: Malcolm Johnson (local resident) spoke against the application.
Enid Gathercole (local resident) spoke against the application.
Frank Stennett (local resident) spoke against the application.
Councillor Beccy Hopfensperger (one of the Ward Members for The Fornhams and Great Barton ward) spoke against the application.
David Harris (applicant) spoke in support of the application.

A detailed discussion was held and the majority of Members expressed several concerns with this application. The Officers had considered that the

application accorded with relevant planning policies, particularly Policy DM34 – Tourism Development of the Joint Management Policies Document. This sought to direct larger scale tourism activities and overnight accommodation to the larger urban areas. The policy permitted new tourism facilities, including overnight visitor accommodation such as holiday lodges, static and touring caravans provided that a number of criteria were being satisfied. The policy required proposals to:

- a) be connected to and associated with existing facilities or located at a site that related well to the main urban areas and defined settlements in the area and could be made readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users;
- b) not adversely affect the character, appearance or amenities of the area and the design was to be of a standard acceptable to the Local Planning Authority;
- c) vehicle access and on-site vehicle parking would be provided to an appropriate standard.

Additional criteria applied to rural areas, where proposals must also:

- d) have no significant adverse impact on nature conservation, biodiversity or geodiversity interests, or upon the character or appearance of the landscape and countryside;
- e) be of an appropriate scale for their context and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.

Officers considered that whilst the proposal was located in the countryside, it accorded with the above policy and other relevant policies, and therefore was considered to be acceptable development in the countryside in this case.

Some Members considered this location in the Lark Valley was a major gateway into Bury St Edmunds and the siting of the proposed caravans would have an adverse impact on the visual amenity and landscape of this important gateway. The removal of a significant number of trees to allow for the development was considered to have a harmful effect on the character of the landscape, and whilst a replacement landscaping scheme had been proposed, this planting would take some time to mature and provide screening and adequate softening to the appearance of the caravans.

Moreover, whilst not protected, these trees provided a distinctive feature towards separating the two settlements of Fornham All Saints and Fornham St Martin cum St Genevieve. Their removal was considered by some Members to impact on the boundaries of these two villages which should remain clearly separate and distinct, and therefore coalescence was to be resisted.

Further concern was also expressed regarding the impact of the proposal on carbon emissions and highway safety.

Other Members, however, concurred with the Officers' recommendation and considered the development to be acceptable and in accordance with development plan policies and the National Planning Policy Framework. These Members considered the impact on visual amenity and the landscape was

minimal and temporary, particularly given the proposed development's proximity to an industrial area. Recognising the economic benefits of promoting tourism, the location was considered to be appropriate for encouraging tourists that wished to visit Bury St Edmunds and its surrounding area. The proposed landscaping scheme was also considered to be acceptable by these Members, including that the settlement boundaries of Fornham All Saints and Fornham St Martin cum St Genevieve would still sufficiently remain separate and distinct.

Contrary to the Officers' recommendation of approval, it was moved by Councillor Peter Stevens that the application be refused on the grounds of the adverse impact on the landscape, visual amenity, carbon footprint, highway safety and potential for settlement coalescence of the two villages of Fornham All Saints and Fornham St Martin cum St Genevieve. This was duly seconded by Councillor Susan Glossop. Members were however, subsequently advised that there was no technical evidence to support a potential adverse impact on the proposed development's carbon footprint and highway safety, therefore upon the agreement of the proposer and seconder of the motion, these two reasons for refusal were removed from the motion.

Upon being put to the vote and with 9 voting for the motion, 5 against and 1 abstention, it was resolved that

Decision

Planning permission be **REFUSED** on the grounds of the adverse impact on the landscape, visual amenity and potential for settlement coalescence of the two villages of Fornham All Saints and Fornham St Martin cum St Genevieve.

(Councillor Peter Stevens left the meeting at the conclusion of this item at 2.23 pm)

88. **Planning Application DC/19/0225/FUL - Land NE Haverhill, Wilsey Road, Little Wratting (Report No: DEV/WS/20/010)**

Planning Application - Temporary construction access off Chalkstone Way associated with wider work at Great Wilsey Park

(Councillor John Burns declared a non-pecuniary interest in this item as he lived within the vicinity of, but not adjacent to, the application site. He remained in the meeting, took part in the debate and the voting on the item thereon.)

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

The applicants, Redrow Homes Limited, were looking to deliver the first phases of the development and the access sought in this application was proposed to facilitate the construction work associated with two of the development parcels within those phases. A main compound was proposed at the north of the site, accessed from Haverhill Road, which was approved by the Development Control Committee under application DC/19/0224/FUL.

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

This application was referred to the Development Control Committee as a result of a call-in by one of the Ward Members for Haverhill East, having considered the context of the strategic nature of the wider site.

A Member site visit was held prior to the meeting.

The Principal Planning Officer informed the Committee that in respect of proposed Condition 2 referred to an incorrect drawing number; however, the drawing itself contained in the report was correct. The correct drawing number was 183821-002 Rev D.

Speakers: Councillor John Burns (one of the Ward Members for Haverhill East ward) raised some concerns with the application.
Chris Gatland (applicant) spoke in support of the application.

Councillor John Burns raised a number of queries, including technical questions to which the Officers duly responded. He acknowledged that this was only a temporary construction access but wished to clarify a number of issues principally relating to the impact on the existing road infrastructure and to neighbouring residents in the locality of the proposed access route. The Committee found the local knowledge extremely useful in supporting their determination of the application.

The debate included consideration of attaching a condition to request that when the access was no longer required for the intended purpose, it should be stopped up and the land reinstated. This was agreed.

Having considered the content of the report, including that the Highways Authority had not objected to the application (subject to conditions), the Committee considered that the proposed access from Chalkstone Way would have no significant adverse effect on the operation of the highway or on its physical structure and the non-Heavy Goods Vehicle (HGV) traffic movements would have no significant adverse effects on residential amenity. Members acknowledged that the routing of HGV construction traffic was to be dealt with separately under a condition attached to the outline permission and therefore, should not be considered as part of this application.

It was moved by Councillor John Burns that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Jason Crooks.

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

Decision

A. Planning permission be **GRANTED** subject to the following conditions:

1. Time
The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. Access details
No part of the development shall be commenced until details of the proposed access have been submitted to and approved in writing by the Local Planning Authority.
These details will include:
 - The position of any gates to be erected
 - Visibility splays provided and means to maintain
 - Width/s and surface materials
 - Pedestrian access into the site and across the proposed access
 - Means to ensure there will be no Left Turn for larger vehicles out of the access onto Chalkstone
 - Way during the operation life of the access.
 - Trigger point for the removal of the access and means to reinstate the highway verge.

The approved access shall be broadly in accordance with drawing 183821-002 Rev D and 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.

3. Prevention of surface water and mud on to highway
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 and mud 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.
4. Construction Deliveries Management Plan - In respect of construction of the access only
All HGV and construction traffic movements to and from the site over the duration of the construction period of the access shall be subject to a Construction Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

The Plan shall include, but not be limited to:

- Routing and timing of construction vehicles;
- Means to ensure construction vehicles will not park, wait, load or unload from the highway
- Means to ensure no material, equipment or other infrastructure will be stored on the highway or in such a way that highway safety may be compromised.
- Means to ensure no water, mud or other debris may egress onto the highway
- Means to ensure any lighting will not cause glare that could cause an impact to users of the highway
- No HGV or construction traffic 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.

5. Surface water disposal strategy
The strategy for the disposal of surface water (dated 06/06/2019, ref: 183821-005 Rev D) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
 6. Deliveries and service vehicles during the use of the access.
All HGV traffic movements to and from the site over the duration of the use of the access 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. The Plan shall include the routing of all delivery and service traffic vehicles and means to ensure all of these vehicles will not turn left (toward Green Road) out of the access onto Chalkstone Way. 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.
- B. That an additional condition be attached to the planning permission requesting that when the access was no longer required for the intended purpose, it should be stopped up and the land reinstated.

(On the conclusion of this item at 2.54pm, the Chair adjourned the meeting for a short comfort break. Councillor Ian Houlder left the meeting and did not return.)

89. **Planning Application DC/19/0947/FUL - Dwelling 1, Herringswell Manor, Herringswell Road, Herringswell (Report No: DEV/WS/20/011)**

Planning Application - Conversion of garages and stores to 2no dwellings

(At this point, at 3pm, the Chair resumed the meeting.)

This application was referred to the Development Control Committee following consideration by the Delegation Panel. Herringswell Parish Council had objected to the application.

A Member site visit was held prior to the meeting.

Speakers: Liz Wilkinson (resident of Herringswell Manor) spoke against the application.
Richard Winsborough (applicant) spoke in support of the application.

Having acknowledged a number of the representations in opposition to the application, some Members questioned whether the garages that were proposed for conversion into residential dwellings were redundant as claimed by the applicant. In addition, some concern was expressed in respect of

whether sufficient parking would be provided for those that currently resided at Herringswell Manor and those that would occupy the proposed new dwellings.

Other concerns raised included the justification for the proposed development in the countryside and the potential overlooking to neighbouring residents' private amenity space.

In response, the Principal Planning Officer stated that the two garage block buildings were not redundant in their entirety. The Officers were satisfied that the first floor level of the garage blocks were completely redundant and were previously used for storage. As a result of the proposed development, there would be a loss of two garages on the ground floor. It was understood that these were currently let out to residents; however, it was within the site operator's gift to no longer lease them. Whilst the ground floor garages would be lost, sufficient parking spaces would remain on the site as a whole, as explained further below. The buildings were structurally sound and capable of conversion and having considered and discounted other potential uses, together with taking into account other considerations, as set out in the report, the Officers had considered the conversion to residential use was an appropriate use in this case.

In respect of the provision of adequate parking spaces, the Committee noted that Block 1 had two spaces plus one visitor space proposed immediately adjacent to the block. Parking for Block 2 (also two spaces) was further away within an existing area of surplus parking to the east. The proposal would result in the loss of two garage spaces and it was understood that these were currently rented out to residents, some of which were used for storage and some for parking. Any displaced parking as a result of the loss of the two garage spaces would be accommodated within the surplus parking area. The Highways Authority had considered this arrangement to be acceptable.

The report provided details of how the proposal would comply with relevant planning policies applicable to development in the countryside and reference was made to the reasons given by the Planning Inspector following their allowing of an appeal for the change of use of an existing gymnasium facility to residential on the same site, which made further justification for this proposal.

In addition, Officers were satisfied that there would be no overlooking to private amenity space as a result of the new development, as set out in the report.

Following due consideration, some Members remained concerned whether the majority of the garage block buildings were in fact redundant, as claimed by the applicant, challenging that the buildings remained in use for parking and storage. Contrary to the officers' recommendation of approval, Councillor Andy Drummond subsequently proposed that planning permission be refused on the grounds that the application did not comply with Joint Development Management Policies Document Policies DM28 and DM33 as the buildings were not redundant. This proposal was duly seconded by Councillor Don Waldron.

The Service Manager (Planning – Development) explained that if Members were minded to refuse the application, contrary to the Officers’ recommendation of approval, then the Committee’s Decision Making Protocol would need to be invoked and a risk assessment detailing the implications of refusing permission would need to be produced for consideration by the Committee at a subsequent meeting.

Upon being put to the vote and with 4 voting for the motion, 8 against and 1 abstention, the motion was lost.

It was then moved by Councillor Jason Crooks that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor John Burns.

Upon being put to the vote and with 8 voting for the motion, 4 against and 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 use of the development hereby permitted, the area(s) within the site shown on drawing No. C-273-G-10 for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
- 4 No works involving new/replacement windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
- 5 No works involving new/replacement doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement internal/external doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
- 6 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.
- 7 No development above ground level shall take place until details of the treatment of the rear garden boundary to block 2 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.
 - 8 The dwelling(s) 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.
 - 9 Prior to first occupation of block 1, this dwelling with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.
 - 10 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
 - 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted under Part 1 Classes A, B, C, D, E and F of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
 - 12 Prior to both dwellings being first occupied, details of the refuse and recycling storage for each unit shall be submitted and agreed in writing with the Local Planning Authority. The agreed details shall then be provided in their entirety and been made available for use prior to occupation of each unit. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.
 - 13 Prior to occupation 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. 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.

- 14 Prior to occupation, details of the timber cycle stores for each unit shall be submitted and agreed in writing with the Local Planning Authority. The stores shall be installed prior to occupation in accordance with the approved details and thereafter retained for that purpose.

90. Planning Application DC/19/1918/FUL - Land at Chardale, Dale Road, Stanton (Report No: DEV/WS/20/012)

Planning Application - 1no dwelling and cart lodge

The application was originally referred to the Development Control Committee on 8 January 2020 following consideration by the Delegation Panel.

Stanton Parish Council supported the application, which was contrary to the Officer recommendation of refusal.

A Member site visit was held prior to the previous meeting on 6 January 2020.

At the meeting on 8 January 2020, Members resolved that they were 'minded to approve' the application contrary to the Officer recommendation of refusal. Accordingly, the Committee's Decision Making Protocol was invoked in order for a risk assessment to be produced for Members' further consideration and as set out in the report before the Committee at this meeting.

On 8 January 2020, the Committee had passed a resolution of 'minded to approve' the application as Members considered it to be a sustainable development situated in a sustainable location. It had been highlighted that a 'cluster' of dwellings' was subjective and considered the scheme would marginally contribute to the District's housing supply and economy. The Committee felt the proposal would not have an adverse impact on the character of the countryside and would not contravene Joint Management Policies Document Policy DM27, which addressed Housing in the Countryside.

Officers were continuing to recommend that the application be refused, for the detailed reason set out in paragraph 14 of the report, which in summary was contrary to the Development Plan.

The Service Manager (Planning – Development) reported that paragraph 29 of the Working Paper referred to Hundon; however, this was a typographical error and should refer to Stanton. Members were then informed that following reconsideration of the application and given due consideration to the implications of approving the application as set out in the risk assessment contained in the report, if the Committee were still 'minded to approve' the application, the Council as Local Planning Authority would need to advertise the application as a departure from the development plan as required by law. If it was resolved to approve the application, it would be asked that the decision to grant planning permission be delegated to officers, in consultation

with the Chair and Vice-Chairs of the Committee following the conclusion and outcome of the advertising of the application.

Speaker: Councillor Jim Thorndyke (Ward Member for Stanton) spoke on the application.

Clarification was sought on the requirement to advertise the application. The Service Manager (Planning – Development) explained that it was not initially anticipated by Officers that the application would need to be advertised. However, in order to meet statutory publicity requirements, if the Committee approved the application, it would need to be advertised locally as a departure from the development plan.

Some clarity was sought on the proposed conditions should the application be approved, including that proposed condition 7 should require an electric charging point to be installed with the capability of providing a *minimum* of a 7 kilowatt charge.

Whilst the risk assessment had been taken into account, some Members remained consistent with their previous views that the application should be approved for the reasons given above. Other Members, however, felt that the Council had adopted planning policies that should be adhered to. Officers had been robust in their reasons for refusal and it was therefore not appropriate to contravene the relevant policies and depart from the development plan.

It was moved by Councillor John Burns that the application be approved, contrary to the Officer recommendation of refusal on the grounds that it would not have an adverse impact on the character of the countryside, would contribute to the Council's housing supply and would provide limited economic gains. This was duly seconded by Councillor Jim Thorndyke.

Upon being put to the vote and with 7 voting for the motion, 6 against and no abstentions, it was resolved that

Decision

- A. Application DC/19/1918/FUL be **APPROVED** on the grounds that it would not have an adverse impact on the character of the countryside, would contribute to the Council's housing supply and would provide limited economic gains; and
- B. following the conclusion and outcome of the advertising of the application, delegated authority be given to the Service Manager (Development - Planning), in consultation with the Chair and Vice-Chairs of the Development Control Committee, to determine the application and grant planning permission as appropriate, 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. Occupation shall not commence until the area(s) within the site shown on Drawing No. 2142/LO(-)02A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
4. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 2142/LO(-)02A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
5. Before the access is first used visibility splays shall be provided as shown on Drawing No. 2142/LO(-)02A with an X dimension of 2.4 metres and a Y dimension of 42 metres in each direction 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.
6. No construction site machinery or plant shall be operated, noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800- 1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public Holidays.
7. Prior to first occupation, the dwelling hereby permitted shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a minimum of a 7kW charge.
8. The dwelling(s) 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.
9. Prior to commencement of development a scheme for the protection during construction of the TPO/156(1991) Walnut tree on site, in accordance with BS 5837:2012 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.

91. **Planning Application DC/19/2326/FUL - 18 Victoria Close, West Row (Report No: DEV/WS/20/013)**

Planning Application - (i) two storey side extension (ii) single storey rear extension to dwelling approved under DC/15/1450/RM

This application was referred to the Development Control Committee following consideration by the Delegation Panel. West Row Parish Council had objected to the application.

A Member site visit was held prior to the meeting.

The Principal Planning Officer reported of a printing error whereby overprinting of text had occurred within the Planning History section of the report and gave a short presentation.

Speaker: Councillor John Smith (Ward Member for The Rows) spoke against the application.

During the debate concern was expressed by Members that the proposal constituted overdevelopment and was not in keeping with the street scene as the majority of properties in this location were of relatively small scale in comparison to the proposed development. The proposal was considered not to respect the character, scale, design and form of the existing dwelling and adversely impacted on the character and appearance of the neighbouring properties in the immediate and surrounding area.

It was moved by Councillor Susan Glossop that the application be refused on the grounds of overdevelopment and for not being in keeping with the street scene, which was contrary to the Officers' recommendation of approval. This was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 10 voting for the motion, 3 against and no abstentions, it was resolved that

Decision

Planning permission be **REFUSED** on the grounds of overdevelopment and for not being in keeping with the street scene.

The meeting concluded at 4.14 pm

Signed by:

Chair

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Development Control Committee

4 March 2020

Planning Application DC/19/1519/OUT – Land Adjacent to Fishwick Corner, Thurston Road, Rougham

Date Registered: 23.07.2019 **Expiry Date:** 06.03.2020 (EOT)

Case Officer: Julie Barrow **Recommendation:** Approve

Parish: Rushbrooke with **Ward:** Rougham
Rougham

Proposal: Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council

Site: Land Adjacent to Fishwick Corner, Thurston Road, Rougham

Applicant: Bloor Homes and Sir George A. Agnew

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 cross boundary application with Mid Suffolk Council. The development within West Suffolk relates to the realignment of the junction known as Fishwick Corner. The remainder of the development is within Mid Suffolk and relates to the delivery of up to 210 dwellings, means of access, open space and associated infrastructure on land at Beyton Road, Thurston.

The Development Control Committee considered the application on 4th December 2019 and resolved to defer the application for the following reason:

In order to allow the scheme to be firstly determined by Mid Suffolk Council and to also ensure that a Highways Officer was able to attend West Suffolk's Development Control Committee during their determination.

Mid Suffolk District Council's Planning Committee considered the application at its meeting on 29th January 2020 and it resolved to approve the application subject to the conditions detailed in the Committee Report and the completion of a S106 Agreement.

A copy of the recommendation made to and accepted by Mid Suffolk District Council's Planning Committee is attached as Appendix 1, which sets out the planning obligations and proposed planning conditions. The full committee report can be viewed via;

<file:///U:/Pre-apps%20and%20applications/2019/Applications/DC-19-1519-OUT%20-%20Fishwick%20Corner/DC1903486%20Land%20South%20West%20of%20Beyton%20Road%20Thurston%20Suffolk%20-%20Committee%20Report.pdf>

Officers from West Suffolk have requested the presence of the SCC Highways Officers at the meeting of the Development Control Committee on 4 March 2020.

SCC Highways issued an updated response to both local planning authorities prior to Mid Suffolk District Council's Planning Committee meeting and a copy of this response is attached as Appendix 2.

Proposal:

- 1. The application as submitted to West Suffolk Council seeks consent for the realignment of New Road to create a staggered junction, where New Road meets Thurston Road at the current crossroads. The junction is known locally as Fishwick Corner.**
- 2. The proposal involves a flared southern approach, moving the junction to the west of its current position. The proposal also includes the provision of drainage infrastructure and new landscaping.**

Figure 1 below details the realignment of New Road

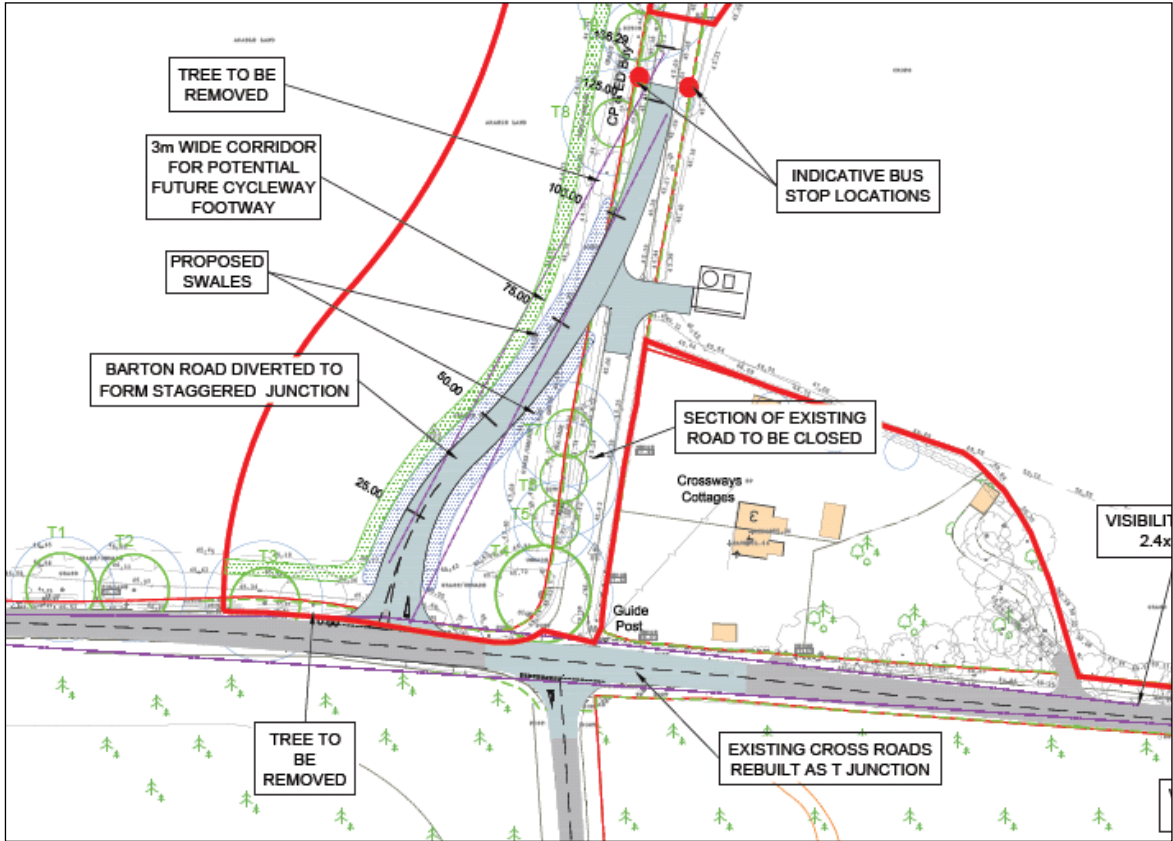
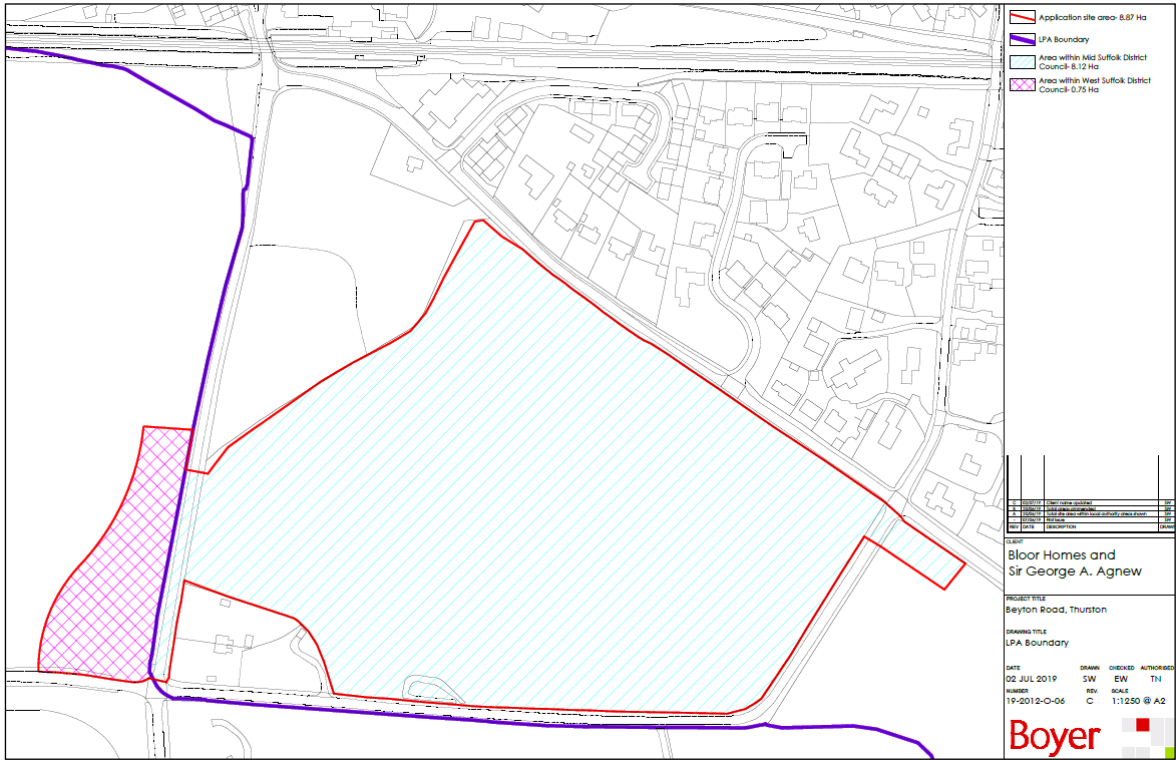


Figure 2 below is the Illustrative Masterplan for the development as a whole



Figure 3 below indicates the extent of the development in West Suffolk (pink hatching) and the extent within Mid Suffolk (blue crossing)



Application Supporting Material (as it relates to the West Suffolk element of the planning application):

- Illustrative Masterplan
- Land Use Parameter Plan
- Building Densities Parameter Plan
- Existing Vegetation Parameter Plan
- Fishwick Corner Landscaping Plan
- Staggered Junction Visibility Plan
- Site Access Strategy and Local Junction Improvements Plan
- Arboricultural Impact Assessment
- Written Scheme of Investigation for an Archaeological Evaluation
- Design and Access Statement
- Flood Risk Assessment
- Ecological Site Walkover and Ground Level Tree Assessment

Site Details:

3. The application site as a whole comprises 8.87ha of land located within two local planning authorities. Within West Suffolk the area of land proposed for the road realignment extends to 0.75ha and comprises the corner of an agricultural field together with the current highway that leads to the New Road/Mount Road junction. There are a number of Oak Trees alongside the existing highway that have been made the subject of a Tree Preservation Order during the course of the application. The site as a whole lies outside any established settlement boundary, however, the north-east boundary of

the site with Mid Suffolk's jurisdiction adjoins the settlement boundary for the village of Thurston.

Planning History:

4. No relevant planning history in West Suffolk.

Consultations:

5. SCC Highways – N.B. Joint response issued to West Suffolk and Mid Suffolk Councils. The details below relate to the extent of the highway matters that relate to West Suffolk:

Following the receipt of five major planning applications within Thurston village received in 2017 totalling 827 dwellings, SCC and BMSDC commissioned highways consultants (AECOM) to provide a cumulative impact assessment to determine any mitigation required due to the additional traffic generated from the sites. Mitigation measures proposed for Fishwick Corner involved a change in priority at the junction and the introduction of a 40mph speed limit. Constraints were identified with regard to capacity and safety and SCC highlighted that future mitigation was limited by the restricted land available within the highway boundary. Any further development in Thurston would not be supported without suitable mitigation to address capacity and safety.

Existing situation – Fishwick Corner is a junction where the primary cause for congestion is due to limited visibility at the junction with a crossroads configuration which adds delay with each vehicle making that manoeuvre. This junction is also an accident cluster site with 13 recorded injury accidents.

Proposed mitigation – The land to the north west of the junction is within the applicants' control and the highway boundary is no longer a constraint for further improvements with regard to the safety and capacity of the junction. The dominant turning movement in the AM peak is from the north arm turning right towards Bury St Edmunds and in the PM peak, from Bury St Edmunds turning left into the north arm.

By introducing a staggered junction delays will be reduced by approximately 3 minutes, improving capacity. The staggered junction will provide the required visibility for the speed of road (40mph) and this type of layout has been shown to reduce accidents by some 60%. The proposed layout does not affect the trees that are subject to a preservation order.

The question of a roundabout has been raised by councillors. This mitigation would not necessarily be deemed as proportionate as the proposal for a staggered junction delivers sufficient mitigation therefore, not necessary for the scale of development. Also, roundabouts are more dangerous for cyclists than to any other kind of road user and there would be a need to remove the protected trees. SCC have also requested an additional area to be secured to allow for a cycle/footway scheme that may come to fruition.

Conditions recommended in relation to detailed designs of the mitigation measures being submitted for approval and the submission of a Construction Management Plan.

N.B. Updated response issued by SCC Highways on 7th January 2020. A copy of the response is attached as Appendix 2.

6. SCC Floods – Initially put a holding objection on the proposal subject to further preliminary infiltration testing being carried out.

Following receipt of further information the objection is lifted. Acknowledged that infiltration is unsuitable and the new highway layout will be drained via positive discharge to existing watercourses nearby.

7. SCC Archaeology – High potential for the discovery of below-ground heritage assets of archaeological importance within this area and groundworks have the potential to damage or destroy any archaeological remains that exist. No objection to development proceeding subject to a programme of archaeological work being secured by condition.

8. SCC Growth – Make reference to response given to Babergh and Mid Suffolk Councils. CIL payments required in respect of education (secondary and sixth form), libraries and waste infrastructure. S106 contributions requested in respect of education (primary), early years provision and highways.

Land will need to be dedicated for highway purposes and a cumulative highways impact assessment will be required on the basis of schemes already granted planning permission in Thurston and the wider locality. Consideration must be given to addressing pedestrian safety issues at Thurston Railway Station.

9. SCC Minerals – The Environmental Study and Minerals Investigation dated 4 July 2019 notes that the site contains sand deposits which may be suitable for incidental extraction. Recommend that a scheme for the prior extraction of mineral resources is secured by condition.

10. Suffolk Fire & Rescue – Recommends installation of fire hydrants and consideration given to the installation of a fire sprinkler system.

11. Suffolk Constabulary – Comments relate to residential element of scheme.

12. West Suffolk Planning Policy – The residential site is situated outside the settlement boundary of Thurston as shown in the Mid Suffolk Local Plan 1998. The site is contrary to the policy principle in relation to development in the countryside and is contrary to the settlement boundary shown in the Regulation 17 Thurston Neighbourhood Plan, which has some weight post examination.

The site is one of a series of land parcels proposed to be allocated in the Babergh and Mid Suffolk Joint Local Plan. Since the site is allocated within a Regulation 18 Plan, proposals for its development may be given some weight, dependent on whether there are unresolved objections to the policy.

The scale of new development proposed in Thurston, combined with existing growth planned in Bury St Edmunds is likely to place pressure on existing services and infrastructure.

The application should have regard to highway capacity issues and potential implications for Great Barton's Air Quality Management Area.

13. Landscape and Ecology Officer (September 2019) – The site is located in the *Plateau estate farmlands* character area and is typical of the landscape type with large open fields bounded by straight hedge lines, woodland and woodland copses. Any loss of mature oak trees and hedgerow, as a consequence of the proposals, is likely to affect landscape character.

The assessment of the effects of the road re-alignment on existing trees is insufficient to conclude there would not be significant harm to the trees. No landscape proposals to compensate for the loss of existing trees and hedges and to mitigate potential visual effects of the new road and abandonment of the old alignment are included. Potential for the application to contribute to an existing woodland enhancement corridor. The Preliminary Ecological Appraisal does not cover the area and features that would be affected.

Further comments received following the submission of additional landscaping details. Suggestions made to enhance the landscaping scheme and to ensure existing and future trees and hedges are protected. Disappointed that the opportunity to contribute to the existing woodland corridor has not been taken up.

The Ecological Site Walkover and Ground Level Tree Assessment is noted. The tree which is to be removed to facilitate the works does not appear to have been assessed. The recommendations of the ecology report should be implemented in full if the application is approved.

14. Environment Team – No comments on land contamination. The development on its own is unlikely to have a significant impact on air quality in West Suffolk, however, the cumulative impacts of proposed and approved Thurston development should be considered, in particular in relation to the existing Air Quality Management Area in Great Barton.

15. Public Health & Housing – No objection subject to conditions to minimise impacts on any nearby residents.

16. Strategic Housing – No comment to make.

Representations:

17. Site notice posted and advertisement placed in the East Anglian Daily Times – No responses received.

18. Rougham Parish Council – Consider that whilst safety has to be improved at Fishwick Corner a roundabout rather than a staggered junction would be far more effective.

19. Thurston Parish Council – Comments summarised as follows:

- The Parish Council has objected to Mid Suffolk District Council's application DC/19/03486.
- The proposal fails to take full regard of the policies contained within the Thurston Neighbourhood Development Plan.
- The site is outside the amended built-up boundary and as such is contrary to policies within the Mid Suffolk Local Plan and the Thurston

neighbourhood Development Plan Policy 1: Thurston Spatial Strategy, which states that all new development shall be focused within the settlement boundary of Thurston village.

- The conflict with the development plan would be an adverse impact of the propose development.
- The Parish Council contends that the granting of planning permission on 5 significant sites in late 2017 means that Thurston should not be expected to accommodate any additional growth outside the settlement boundary.
- Additional growth such as that proposed is unsustainable, unsafe and will have a severe impact on the highway network in and around Thurston.
- Concerns that this staggered junction [at Fishwick Corner] will result in any vehicles leaving the village to access the A14 for BSE/Cambridge having to turn left and then wait in the middle of Mount Road to turn right. On-coming traffic on Mount Road will be approaching around a blond bend where accidents regularly occur.
- Concerned that this junction is only required because of the proposed development, SCC Highways having already offered an apparently acceptable s106 funded highway realignment proposal to mitigate the impact of the previous five significant developments already approved in Thurston.
- The main planning application incorporates other proposed transport improvements but concerns remain that that these proposals have not been fully tested against potential traffic growth numbers and impacts such as the new SCC Post 16 School Transport policy.
- The majority of transport improvements proposed at main junctions are likely to compromise the safety of cyclists/
- The proposal fails to consider or offer a solution to the impact on passenger safety on the Thurston Level Crossing at the railway station.
- The proposal will effectively release the adjacent field to the West of New Road/Barton Road for further development.
- Application should not be supported as it has not been clearly determined as any safer than the current crossing arrangement and it is being offered in lieu of an apparently acceptable realignment proposal funded by s106 contributions.

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 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 DM6 Flooding and Sustainable Drainage
 - 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 DM20 Archaeology
 - Policy DM45 Transport Assessments and Travel Plans
-
- Core Strategy Policy CS2 - Sustainable Development
 - Core Strategy Policy CS7 - Sustainable Transport
 - Core Strategy Policy CS8 - Strategic Transport Improvements
 - Core Strategy Policy CS13 - Rural Areas
-
- Vision Policy 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 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:

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

- Principle of Development
- Highway safety
- Landscape and visual impact
- Drainage and Flood Risk
- Ecology
- Archaeology
- Other planning considerations

Principle of development and background to the proposal

23.The extent of the application due to be determined by West Suffolk Council relates solely to the highway works associated with the realignment of the Fishwick Corner Junction. The remainder of the development, including the residential element and associated infrastructure together with other off-

site highway works, falls within the jurisdiction of Mid-Suffolk District Council. As such West Suffolk is not tasked with considering the merits of the residential development, rather whether the proposed works at Fishwick Corner are acceptable in planning terms. It should be noted that the main access to the residential development is off Beyton Road and the works to Fishwick Corner do not facilitate access to the residential development.

24. 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.
25. Policy CS2 of the Core Strategy 2010 seeks to ensure that a high quality sustainable environment is achieved by designing and incorporating measures appropriate to the nature and scale of development. The policy goes on to set out the criteria that will achieve a high quality sustainable environment, including the conservation, and where possible, enhancement of the character and quality of local landscapes and the wider countryside.
26. Policy CS7 states that the Council will develop and promote a high quality and sustainable transport system across the borough. Policy CS8 relates to strategic transport improvements.
27. Policy CS13 relates to development in rural areas and states that development outside defined settlements 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.
28. Policy DM5 relates to development in the countryside and states that areas designated as countryside will be protected from unsustainable development. New or extended buildings will be permitted in the countryside where they meet the specific exceptions set out in Policy DM5.
29. Policy RV1 of the Rural Vision 2031 reaffirms the principle of the presumption in favour of sustainable development, stating that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making a decision planning permission will be granted unless material considerations indicate otherwise, taking into account any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole or specific policies in the NPPF indicate that development should be restricted.
30. The Rural Vision 2031 sets out a number of aspirations for the area, with Aspiration 8 stating 'safety of all road users is improved'. The text that accompanies the aspiration acknowledges that there needs to be a balance between the safety of road users and the rural environment. One of the actions identified to achieve this aspiration is to encourage the County Council, as highways authority, to implement safety measures on rural roads.
31. The Rural Vision 2031 acknowledges that the car remains the main mode of transport for people who live in rural areas due to lack of alternatives. The

application site of the highway works is situated within the parish of Rougham. The Rural Vision 2031 states that Rougham is a Local Service Centre with the main settlement spread across two main areas – Blackthorpe and Kingshall Street. Both areas lie to the south of the application site, beyond the A14. There are various routes that can be taken to access the A14 and the main settlement of Bury St Edmunds but any traffic heading north from the Kingshall area may be required to cross the Fishwick Corner junction. Such trips may include those accessing Thurston railway station.

32. The Rural Vision 2031 goes on to state that as the local roads are rural in nature any new development in Rougham could lead to upgrade requirements to both the roads and junctions.
33. The proposal to realign the Fishwick Corner junction has been put forward as a direct result of planned development in the village of Thurston. Planning permission for up to 827 dwellings has been granted since 2017. The current draft Babergh Mid-Suffolk Joint Local Plan allocates seven sites for development in Thurston, including those that already have planning permission and the site that is the subject of the current cross boundary application, with provision for up to 978 dwellings. The draft Local Plan is still at an early stage therefore any weight afforded to its policies is limited.
34. A detailed study commissioned by Suffolk County Council in 2017 of the cumulative impacts of the approved schemes on the local highway network demonstrated that the majority of traffic leaving Thurston travels through Fishwick Corner and that the junction is operating close to its capacity. The accidents data also confirmed that there is a road safety issue at the junction. The implementation of mitigation measures was considered necessary at this junction and a number of proposals, including a change in priority, a reduction in the speed limit and enhanced road signs and markings were put forward. These measures were secured through a number of s106 planning obligation agreements attached to the consented schemes.
35. The study went on to consider that the junction could not be improved further in terms of either road safety or capacity due to the highway boundary constraints. It was envisaged that in order to deliver a focused and extensive improvement to the junction additional land beyond the site and highway boundary would need to be secured. The current cross boundary application offers the additional land needed to further improve the Fishwick Corner junction, in the manner suggested by the detailed study.
36. As stated earlier in this report the site lies outside of any settlement boundary, in an area designated as countryside for planning purposes. The proposal to realign New Road and divert it through the corner of an agricultural field does not meet any of the exceptions for development set out in Policies DM5 and CS13 and is therefore contrary to the development plan in this regard. However, it has already been identified that the junction is operating close to capacity and that it has a poor safety record. The extent of committed development in Thurston is such that there will be additional traffic using the junction regardless of whether the residential development that forms part of the cross boundary application goes ahead. As detailed below, Suffolk County Council as Highway Authority, supports

the principle of development and had the land been available at the time, it is likely that the works would have been secured as part of the five consented schemes in Thurston.

37. The Rural Vision clearly identifies the need to ensure that the safety of all road users is improved and acknowledges the importance of the private motor vehicle for rural communities. The proposal to realign Fishwick Corner meets the aspirations of the Rural Vision in this regard. Of note is the fact that the Thurston Neighbourhood Plan identifies Fishwick Corner as being 'the most dangerous junction within the village'
38. Whilst it is accepted that the proposals for Fishwick Corner do not meet any of the exceptions to development in the countryside, it is considered that there are other material considerations that indicate that the development should be approved. In particular the improvements to highway safety, as discussed in detail below, are one such material consideration that weighs heavily in favour of the proposal.

Highway safety

39. Policy DM2 relates to the creation of places and sets out the criteria that proposals for development should meet, including the production of designs that maintain or enhance the safety of the highway network.
40. Policy DM45 states that for major development or where a proposals is likely to have significant transport implications, the applicant is required to submit a Transport Assessment with the planning application. The policy places a requirement on developers to negate the transport impacts of development. This may be in the form of the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport.
41. The Transport Assessment submitted with the application details the background work that has taken place over the past two years in respect of the assessment of highway capacity in and around Thurston and the works required to mitigate for the planned development in the village.
42. As stated above, the changes being proposed to Fishwick Corner are considered by the applicant to represent an improvement to highway safety, a view shared by Suffolk County Council as the Highway Authority. As already detailed, had the land at Fishwick Corner been available at the time the consented schemes were approved, it is likely that the improvements would have been secured at that time.
43. It should also be noted that the Site Access Strategy and Local Junction Improvements plan submitted with the application details the full extent of on and off-site highway works proposed in connection with the development as a whole, including the residential element. A mini roundabout is proposed at the Barton Road/Beyton Road junction and Barton Road will be realigned where it passes under the railway bridge to allow for a 1.5m footway on the eastern side of the road. The existing Station Road mini roundabout will be adjusted to suit the changes made to the south of it. Traffic calming measures are proposed along Beyton Road and the main access into the residential development will be off Beyton Road. Improvements are also proposed to the Pokeridge Corner junction, including

the provision of a zebra crossing. These works are in addition to the changes proposed to the Fishwick Corner Junction.

44. During the course of the application a number of amended plans have been submitted as a result of discussions with various consultees. Two indicative bus stop locations are detailed on the amended plans, north of Crossways Cottages. At the request of SCC Highways the amended plans also show a 3m wide corridor that could form a future cycleway and footway, improving connections towards Rougham and Bury St Edmunds.
45. The Transport Assessment demonstrates that the works will significantly improve capacity at the junction, with all arms operating within capacity. The creation of a staggered junction as opposed to a traditional crossroads improves visibility, the lack of which at the current junction is a significant contributory factor towards the number and frequency of accidents that have occurred at the junction.
46. Suffolk County Council, as Highway Authority, has provided its advice to West Suffolk Council as the determining authority in respect of the proposed works to Fishwick Corner. The Highway Authority supports the realignment of the highway, stating that it will result in increased capacity and improve the safety of the junction.
47. The Highway Authority's consultation response states that the dominant turning movement in the AM peak is from Thurston Road (north arm) turning right to Bury St Edmunds and in the PM peak, from Bury St Edmunds turning left into Thurston Road (north arm). The introduction of a staggered junction is considered to reduce delays by approximately 3 minutes, therefore improving capacity. The Highway Authority further advises that the staggered junction will provide the required visibility for the speed of the road (40mph) and this type of layout has been shown to reduce accidents by some 60% compared to a crossroads.
48. The Highway Authority has also given consideration to provision for cyclists using the junction and has suggested that the section of carriageway that will be stopped up is stopped up only in respect of vehicles, with access retained for cyclists and pedestrians. This area would need to be the subject of detailed design to ensure that drivers approaching from Rougham do not mistake it for a continuation of the road. The submission of such details could be secured by planning condition.
49. In response to comments made by Rougham Parish Council that a roundabout would be preferable in this location, the Highway Authority has stated that the construction of a roundabout would not be proportionate as the proposal for a staggered junction delivers sufficient mitigation. The Highway Authority also states that roundabouts are more dangerous to cyclists than any other kind of road user and a roundabout in this location is likely to result in the loss of the protected trees due to the land take that would be required.
50. The Highway Authority has advised that any further growth in Thurston, over and above that already consented, would not be supported without further mitigation measures being put in place at a number of key locations/junctions. The current proposal for additional residential development in Thurston facilitates the delivery of much needed highway

improvements although it is acknowledged that should the residential element of the scheme be refused then the highway improvements are unlikely to be delivered. Notwithstanding this point it is considered that the proposal to realign the Fishwick Corner junction will result in improvements to capacity and safety and that the proposal complies with Policies DM2 and DM45 in this regard.

51. The National Planning Policy Framework 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*'. The Highway Authority has advised that it has examined the application and the supporting information in detail. It acknowledges that the additional development will lead to more vehicles, pedestrians and cyclists using the highway network around Thurston in addition to that from the permitted developments. Without mitigation the Highway Authority considers that the cumulative impacts are severe in highway terms. However, with the proposed mitigation the Highway Authority considers that while some significant negative factors remain the overall impact, when balanced, is no longer severe nor is there an unacceptable impact on road safety.
52. The timing of the delivery of the highway improvements will be secured by the S106 Agreement, with the developer required to submit a highway phasing plan to Mid Suffolk District Council for approval. It is envisaged that the works to Fishwick Corner will be complete prior to any part of the wider development being occupied.

Landscape and visual impact

53. Policy DM13 seeks to ensure that development will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. All proposals for development should be informed by and be sympathetic to the character of the landscape. In addition, proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape.
54. The site is located in the *Plateau estate farmlands*. This landscape typology is characterised by large regular fields with small woodlands on light loamy soils. This locality south-west of Thurston village is typical of the landscape type with large open fields bounded by straight hedge lines, woodland and woodland copses. Mature Oak trees are a typical occurrence in the area, typically but not exclusively within hedgerows, and which make a significant contribution to the landscape character. Any loss of mature Oak trees, and hedgerow as a consequence of the proposals is likely to affect landscape character including the character of Thurston Road and New Road and potentially visual amenity as views towards the new dwellings would be opened up.
55. During the course of the application West Suffolk Council served a Tree Preservation Order in respect of 11 Oak trees located on New Road and Thurston Road. The Order cites the fact that the trees are a visually prominent feature along Thurston Road, providing a notable degree of landscape value, both collectively and as individuals.

56. An Arboricultural Impact Assessment submitted with the application identifies one Oak tree as requiring removal due to extensive decay at its base. The Tree Officer and Landscape Officer do not contest the removal of this, however, further information in respect of the effects of the road realignment on existing trees was requested together with landscape proposals to compensate for the loss of the tree and sections of hedgerow alongside the site of the realignment.
57. A landscaping plan has been submitted during the course of the application, with mitigation proposed in the form of the planting of a new native hedgerow and hedgerow trees, alongside native cover crops within the adjoining arable field. To either side of the road areas will be planted with wild bird seed mix with amenity grass margin/verges. At the southern extent of the road swales are proposed alongside the carriageway for drainage purposes. The applicant proposes to plant a number of trees on the western side of the road, which will define the boundary between the new piece of carriageway and the adjacent arable field.
58. The Landscape and Ecology Officer has assessed the planting proposals and is broadly accepting of the scheme. Further details in respect of the placement of trees will be required together with details of the proposals for the re-instatement of the existing section of carriageway that will become disused.
59. The extent of the road realignment works will result in a marked change in the landscape character of the immediate area with the addition of hard surface carriageway, adjacent footpaths and drainage swales and the loss of sections of hedgerow. At present the site forms the edge of an arable field with tree and hedgerow cover on the peripheries. By necessity parts of the site will be opened up to achieve the required visibility splays and the addition of street lighting and other such paraphernalia, the development will appear conspicuous in its immediate surroundings. This brings the application into conflict with Policy DM13 as the scheme is likely to result in some adverse effects on landscape character. The mitigation proposed goes some way to assimilating the development into its surroundings and the harm caused must be weighed against the benefits of the proposal, which in this case principally relate to highway safety and capacity.
60. The Arboricultural Impact Assessment submitted with the proposal also refers to the proposed net gain in tree numbers as a result of the scheme as a whole. Policy DM13 is clear that where any harm will not significantly and demonstrably outweigh the benefits of the proposal, development will be permitted subject to other planning considerations. In respect of the trees protected by Order it is considered that the road realignment is generally sensitive to tree retention and that there is no direct conflict with the Order.

Drainage and flood risk

61. Policy DM6 states that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.

- 62.A Flood Risk Assessment (FRA) accompanies the application. This states that the site is located in Flood Zone 1, where the majority of development should be directed. The FRA considers the fact that the highway works proposed at Fishwick Corner are in West Suffolk with the remainder of the development in Mid Suffolk. Cross border flow paths have therefore been considered.
- 63.Consideration has been given to extreme flood events and the interaction between the parts of the sites. The ditch on the west side of New Road will intercept any flows from West Suffolk and the existing highway acts as a barrier from flows from Mid Suffolk. However, as an additional measure, levels to the east of New Road will be designed to fall back towards the infiltration basin proposed on the residential development, preventing surface run-off crossing the border and containing any extreme event in close vicinity of the basin whilst it infiltrates the ground.
- 64.The FRA advises that the geology of much of the site is such that infiltration devices such as crate soakaways, infiltration basins, swales, filter traps and permeable pavements are likely to form a solution to surface water drainage. However, infiltration is not a viable option at the Fishwick Corner junction. Here, roadside swales are proposed to collect highway run-off by the use of periodic repeating flush kerbing and check dams to attenuate, subsequently discharging to the existing ditch alongside New Road. The applicant envisages that the swales will be put forward for adoption by the highway authority.
- 65.The Lead Local Flood Authority has confirmed that the drainage strategy for both parts of the development is acceptable and subject to a condition requiring the detailed design of the system to be submitted it is considered that the proposal complies with Policy DM6.

Ecology

- 66.Policies DM11 and DM12 relate to protected species and the mitigation, enhancement, management and monitoring of biodiversity.
- 67.At the request of the Landscape and Ecology Officer further ecological investigative work has been carried out by the applicant and an Ecological Site Walkover and Ground Level Tree Assessment has been submitted to supplement the investigative work undertaken on the residential development site. The Ground Level Tree Assessment was undertaken in order to establish if the trees within the site of the highway works held potential roosting features for bats and assess the need for any subsequent survey.
- 68.Habitats within the site include arable, poor semi-improved grassland, scattered trees, amenity grassland and species poor hedgerow with trees, with arable land being dominant. The trees on or close to the site were assessed as having low roost value for bats and as these are being retained (with the exception of one Oak tree), the potential roosting features will not be directly affected and as such no further surveys are recommended in respect of roosting bats.
- 69.The existing hedgerows provide suitable foraging habitat for bats and the loss of sections of hedgerow on the peripheries of the site in order to achieve

satisfactory visibility will have an adverse effect on biodiversity. Further indirect effects from lighting may also arise, although a number of strategies to minimise impacts can be employed.

70. Subject to the development being carried out in accordance with the recommendations of the ecological reports submitted with the application it is considered that the proposal will not result in adverse effects on biodiversity and ecology and the proposal complies with policies DM11 and DM12 in this regard.

Cultural heritage

71. Policy DM20 states that on sites of archaeological interest, or of potential archaeological importance, provided there is no overriding case against development, planning permission will be granted subject to satisfactory prior arrangements being agreed.
72. Policy DM15 relates to proposals to alter, extend or change the use of a listed building, or development affecting its setting and sets out the criteria to be met in order for development to be permitted.
73. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;
In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
74. Suffolk County Council Archaeological Service has advised that the whole development site is in an area of archaeological potential as recorded on the County Historic Environment Record. It is in close proximity to a Roman Road and in a general landscape of later prehistoric activity. As a result there is high potential for the discovery of below-ground heritage assets of archaeological importance within the area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
75. The Archaeological Service raises no objection to development proceeding subject to a programme of archaeological investigation being undertaken. A Written Scheme of Investigation (WSI) for an Archaeological Evaluation has been submitted with the application and details the extent of evaluation works that will be carried out across the whole site. The Archaeological Service has confirmed that the WSI is acceptable and its implementation can be secured by condition. The proposal therefore accords with Policy DM20.
76. The Round House is Grade II listed and is located to the west of the application site. It is described as a former lodge building in its listing and it has some distinctive features, however, it does not feature prominently in the streetscene and is surrounded by dense woodland to the west, south and east. The application site forms a part of the wider setting of the building given its location on the Rougham Estates, however there is no intervisibility between the site and the building and the arable field where the road realignment works are proposed makes no particular contribution

to the significance of the heritage asset. The proposal is not therefore considered to result in any harm to the setting of The Round House.

77. Crossway Cottages are a pair of semi-detached late C19 cottages located to the east of New Road and within the district of Mid Suffolk. Mid Suffolk Council has identified these cottages as non-designated heritage assets due to their architectural and aesthetic quality. The setting of these cottages is predominantly rural with the site of the residential development providing separation from the cottages from the village. This area therefore makes a positive contribution to the setting of the cottages, and would be affected by the residential development. Mid Suffolk Council has identified that the Mid Suffolk element of the development would cause a low to medium level of less than substantial harm to the significance of the non-designated heritage assets as it would detract from their historically isolated rural setting.

78. The road realignment works will change the character of the area immediately to the west of the cottages, however, they are already bound by the highway leading to Fishwick Corner and this forms part of the setting for the cottages. The proposed highway works will move the carriageway away from the cottages and allow the area of existing highway to be stopped up and returned to the landowner. The proposals therefore offer an opportunity to enhance rather than harm the setting of the cottages and as such there is no requirement to weigh any harm against the public benefits of the proposal as required by the NPPF. The proposal is considered to meet the requirements of Policy DM15 and the LPA has had regard to its duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

79. Policy DM2 makes reference to the need for all development proposals to ensure that they do not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated. The avoidance of development that adversely affects residential amenity is also a requirement of the policy, however, it accepts that mitigation measures may be taken into account.

80. The site of the road realignment is rural in nature with the closest residential dwellings being Crossway Cottages, located to the east of the existing carriageway. The cottages are set back some distance from the highway and although the development is likely to result in some noise and disturbance during construction, any adverse effects can be minimised through the employment of a construction management plan. Given that the cottages are already located adjacent to a highway it is considered that the movement of the carriageway away from their curtilages will improve living conditions with less traffic noise and light being omitted from vehicle headlights. On balance therefore it is considered that the proposal will not result in any long term adverse effects on the residential amenity of nearby residents and the proposal accords with Policy DM2 in this regard.

Other matters

Cumulative impact of growth in Thurston

81. As discussed earlier in this report a number of sites within Thurston have the benefit of planning permission with a further application on land to the north of the village pending consideration with Mid Suffolk Council. Mid Suffolk Council are proposing to allocate the area for residential development under this cross-boundary application in addition to the committed development in the village. As detailed above, the weight that can be afforded to this allocation is limited given the stage of preparation that the plan is at and the outstanding objections to it.
82. West Suffolk Council has made representations to Mid Suffolk Council in respect of the draft joint local plan and in respect of Mid Suffolk's element of this planning application. West Suffolk Council considers that the scale of new development proposed in Thurston, combined with existing growth planned within Bury St Edmunds is likely to place pressure on existing services and infrastructure. It is also concerned that no mitigation is proposed to address these factors.
83. It should be noted that all five of the consented schemes in Thurston are committed to either delivering improvements to the highway network or to making a financial contribution to the County Council to enable such works to be carried out. In addition all the developments are making significant financial contributions towards all levels of education provision.
84. Mid Suffolk Council has advised that its Leisure Service is actively discussing improved sport and leisure facilities for the village with Thurston Parish Council and a number of projects have been identified in response to the level of growth that is anticipated.
85. Mid Suffolk Council is a CIL (Community Infrastructure Levy) charging authority and a CIL contribution towards health care will be generated by the residential development. The Clinical Commissioning Group has advised that these funds will be used to increase capacity at the Woolpit Health Centre.
86. The Highway Authority has been asked to consider the cumulative impact of all proposed development in Thurston on the local highway network and it raises no objection to the proposal on this basis. The applicants have also indicated that a robust travel plan will be put in place for the site, which includes the establishment of a car club.

Minerals

87. SCC Minerals and Waste has commented on the application and recommends a condition requiring the submission of a minerals management plan, detailing the incidental extraction of mineral resources, with the first reserved matters application. The works to be undertaken in West Suffolk are on a relatively small area of land in comparison to the remainder of the development site and the area is distinctly separate from the main parcel of land. On this basis it is not considered to be practicable

or reasonable for the extraction of mineral resources on the West Suffolk area and such a condition is not proposed by officers.

Loss of agricultural land

88. The proposal will result in a loss of agricultural land. An Agricultural Land Classification submitted with the application relates to the residential development and identifies the area as being grade 2 and 3a, i.e. best and most versatile land. Given the proximity of the site of the road realignment to the remainder of the development it is considered likely that the land within West Suffolk is a similar grade. The area of land proposed for the road realignment extends to approximately 0.75 ha and not all of the land is actively farmed. It is therefore considered that any loss of agricultural land is minor and the refusal of the application on these grounds could not be justified when balanced against the benefits of the scheme.

Contaminated land

89. A Geoenvironmental and Geotechnical Site Investigation has been submitted with the application, although it excludes land required for the road realignment. However, given that the construction of a highway is not a sensitive end use no further action is required in this regard.

Mid Suffolk District Council Planning Committee

90. As stated above, Mid Suffolk District Council considered its element of the planning application at its committee meeting on 29th January 2020. Members carefully considered the application in relation to both its adopted and emerging development plan and the Thurston Neighbourhood Plan. The Committee was satisfied that the proposal as a whole did not conflict with the Thurston Neighbourhood Plan and, given that the presumption in favour of sustainable development as set out in the NPPF was engaged, that the benefits of the scheme outweighed any adverse effects.

91. The Committee was supportive of the package of highway improvements being put forward, including those proposed at Fishwick Corner. The Committee resolved to approve the application subject to the completion of a S106 Agreement and the imposition of appropriate planning conditions. Details of the planning obligations, including affordable housing, provision of open space and financial contributions towards education together with the conditions proposed by Mid Suffolk District Council are set out in Appendix 1.

Planning balance & Conclusion

92. This is a cross boundary application with the extent of development within West Suffolk restricted to the realignment of the Fishwick Corner junction. The application site lies outside of any established settlement boundaries, in an area designated as countryside for planning purposes. The development does not meet any of the exceptions to development in the countryside as set out in Policy DM5 and therefore conflicts with the adopted development plan in this regard. This conflict attracts significant weight against the proposal. However, the Rural Vision 2031 recognises the importance of the motor vehicle and the local highway network in rural areas

and advocates the need to improve highway safety. The proposed highway improvement works seek to deliver on these aspirations.

93. The Highway Authority has set out the fact that the junction is operating close to or at capacity and that it has a poor safety record. It highlights that a number of mitigation measures are due to be delivered as part of the permitted development in Thurston, however, further mitigation measures will be required to accommodate any further growth and had the land been available at the time the consented schemes were considered the works would have been delivered in connection with those developments. The improvements to highway safety and capacity are considered to attract very significant weight in favour of the proposal.
94. The proposal will result in some adverse effects on the landscape character of the area, contrary to Policy DM13. This attracts some weight against the proposal, although mitigation in the form of new planting reduces the weight attributed to this policy conflict. The proposal accords with development plan policies in relation to drainage and flood risk and subject to the implementation of the recommended ecological enhancements the proposal is not considered to result in adverse effects on ecology and biodiversity.
95. Subject to the imposition of conditions in relation to the carrying out of archaeological investigation, the proposal accords with relevant development plan policies in relation to cultural heritage. Similarly, the imposition of conditions relating to construction, the proposal will not result in any significant adverse effects on the residential amenity of nearby occupiers. Any loss of best and most versatile agricultural is considered to be minor and would attract very limited weight against the proposal.
96. The road realignment is intrinsically connected to the residential development on the remainder of the application site given that there is one landowner and developer involved and any further growth in the village of Thurston may result in increased pressure on facilities and infrastructure in the district of West Suffolk. However, it is considered that the benefits of the scheme in relation to highway safety and increased capacity on the local highway network would outweigh any adverse effects of the scheme and on this basis the application is recommended for approval.

Recommendation:

97. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 agreement between the applicants and Mid Suffolk District Council in respect of the planning obligations considered necessary by Mid Suffolk Council.

Planning conditions are recommended in respect of the planning matters listed below in so far as they relate to the works within West Suffolk. The final detail of the conditions required in respect of the whole development to be agreed with Mid Suffolk Council, with authority delegated to the Assistant Director for Planning and Regulatory in consultation with the Chair of the Development Control Committee to agree the conditions.

Suggested planning conditions in respect of the development within West Suffolk:

- Approved plans
- Time limit
- Reserved matters for the construction of access in the WS administrative area
- Surface water drainage details
- Detailed design of road realignment (including section of carriageway to be stopped up)
- HGV construction management plan
- Provision of fire hydrants
- Archaeological investigation and evaluation
- Landscaping scheme
- Ecological mitigation and enhancement measures
- Arboricultural method statement
- Tree Protection details
- Scheme for the reinstatement of the stopped up highway
- All conditions imposed by MSDC for the parts of the development situated in its administrative area

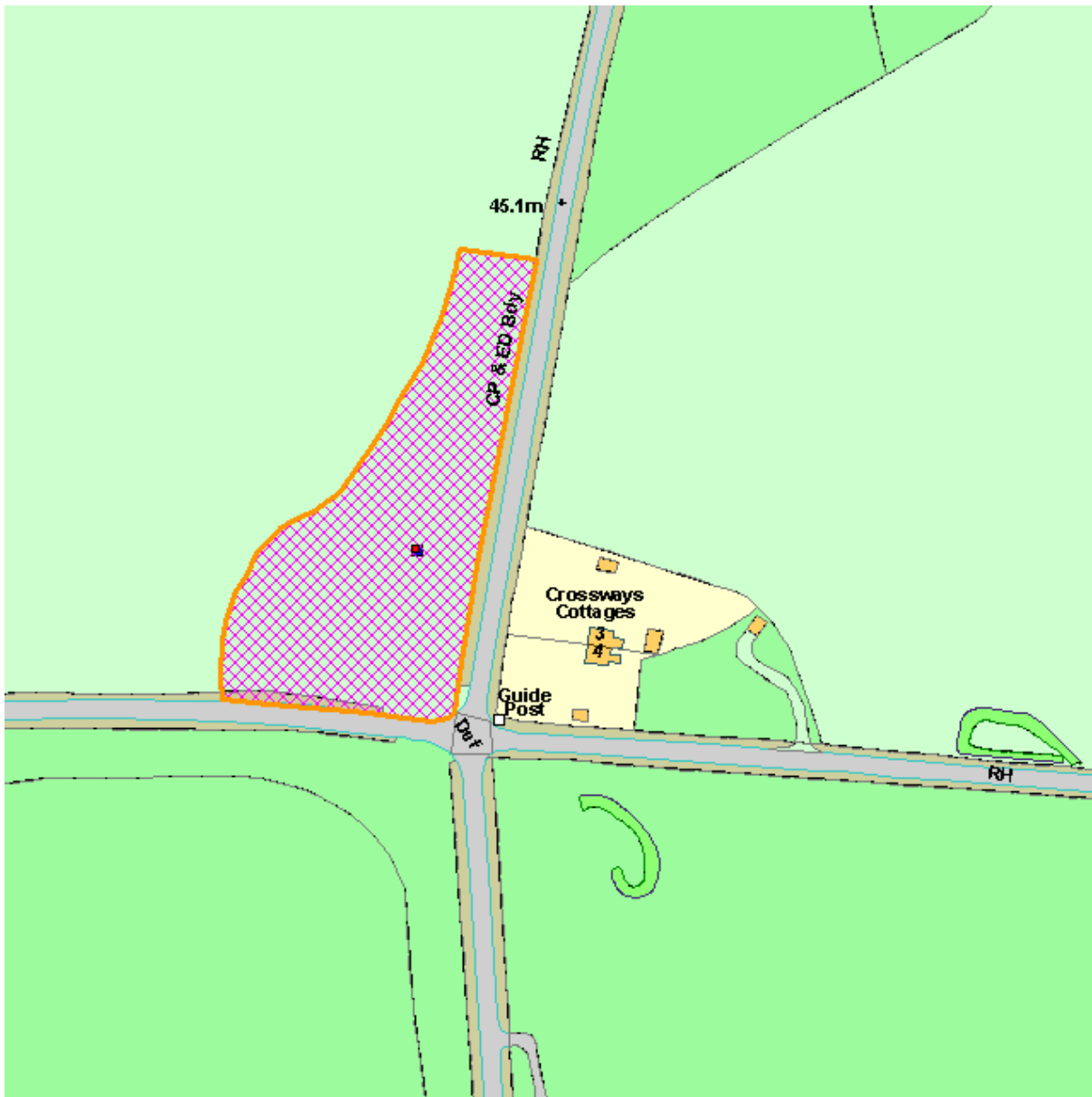
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1519/OUT](#)





- Appendix 1 – copy of the recommendation made to and accepted by Mid Suffolk District Council’s Planning Committee
- Appendix 2 – SCC Highways updated response to both local planning authorities prior to Mid Suffolk District Council’s Planning Committee meeting

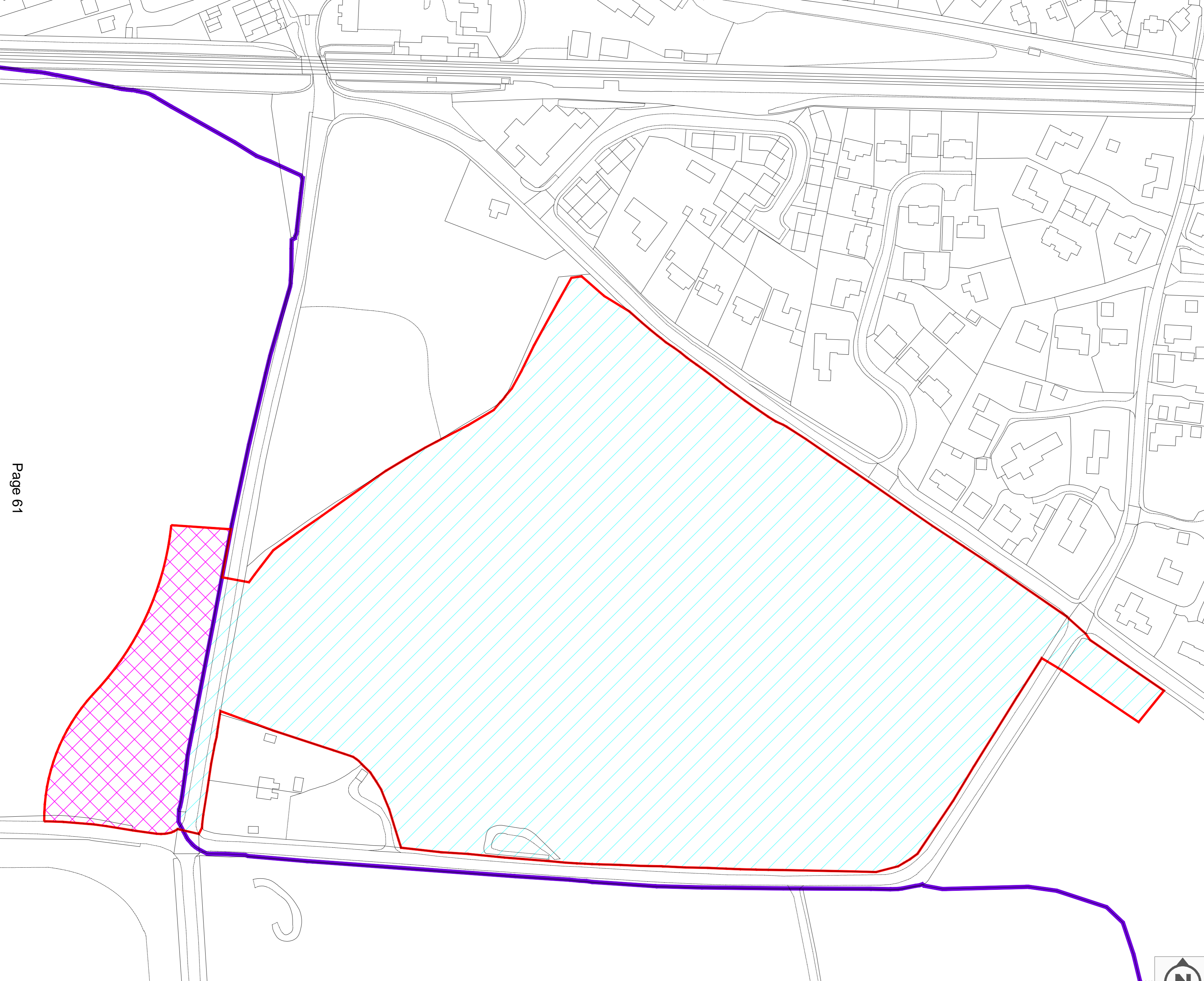


DC/19/1519/OUT – Land Adjacent To Fishwick Corner, Thurston Road, Rougham



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- LEGEND**
-  Application site area- 8.87 Ha
 -  LPA Boundary
 -  Area within Mid Suffolk District Council- 8.12 Ha
 -  Area within West Suffolk District Council- 0.75 Ha



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REV	DATE	DESCRIPTION	DRAWN
C	02/07/19	Client name updated	SW
B	20/06/19	Total areas ammended	SW
A	20/06/19	Total site area within local authority areas shown	SW
-	07/06/19	First issue	SW

CLIENT
Bloor Homes and Sir George A. Agnew

PROJECT TITLE
 Beyton Road, Thurston

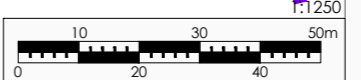
DRAWING TITLE
 LPA Boundary

DATE	DRAWN	CHECKED	AUTHORISED
02 JUL 2019	SW	EW	TN
NUMBER	REV.	SCALE	
19-2012-O-06	C	1:1250 @ A2	



bristol | cardiff | colchester | london | midlands | wokingham

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Appendix 1

Extract from Mid Suffolk District Council Committee Report

RECOMMENDATION

In the event of:

1. The satisfactory and prior completion of a S106 Agreement to secure the delivery of a staggered junction and associated new section of road as generally shown on drawing ref: X601_EL_201B [Fishwick Corner] along with the delivery of the matters set out in the recommendation section of this report

- The need for a highway works phasing plan to be submitted to and approved by the Council as local planning authority before any development on site proceeds above slab height. That plan shall identify when each of the required highway works is to have been provided by reference to a prior to [x] occupations within the residential development. The mechanics for delivery of those works shall be the subject of S278 Agreements with SCC as local highway authority. MSDC as local planning authority will require the development to conform with the Highway Works phasing plan thereafter and for phased occupations not to exceed the restrictions set out within that agreed Plan
- On-site delivery of 35% affordable housing as required¹⁵ by the Council's Housing Strategy Service
- £30,000 financial contribution towards a Thurston Station platform improvement feasibility and design study
- Delivery of no less than two car club vehicles within the village
- Provision of a public electric charging point within the village
- Provision of urban gym trail facilities within the development and an equipped local play area. [with appropriate maintenance arrangements]
- Provision and maintenance of open space
- Travel plan monitoring fee
- Payment of the Education contributions
New primary school land cost: £67,288
New primary school build cost: £1,019,772
New early years build cost: £372,609

Total £1,459,669 [or such other sum as shall have been agreed with SCC]

THEN,

2. The Chief Planning Officer be authorised to GRANT Outline Planning Permission subject to conditions that shall include those as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Reduced time limit for submission of reserved matters [to 12 months] and then 18 to commence
- Reserved matters as submitted shall be based substantially on the illustrative drawings reference...and shall include cross sections
- Removal of householder permitted development rights
- No encroachment of built form into any of the open space areas shown on the illustrative layout
- Reduced time for submission of reserved matters [to 12 Months] and then 18 months to commence
- Reserved Matters to be substantially in accordance with illustrative material
- No built form shall encroach into or upon any of the open space land shown on the illustrative drawings
- Total residential units shall not exceed 210
- Unit size shall be a matter for reserved matters
- Removal of Permitted development Rights
- Approved Plans (Plans submitted that form this application)
- Parking to comply with Adopted Parking Standards
- Ecological Mitigation
- Electric charging to all plots and sustainable construction
- External materials which shall include clay tiles and clay stock bricks, externally applied glazing bars and 75mm window reveals in masonry
- Construction Method Statement
- As required by SCC Highways
- As required by SCC Water & Floods

and,

3. Appropriate informatives

HOWEVER;

4. In the event of the Planning obligations or requirements referred to in Resolutions (1) and (2) above not being secured within 6 months then the Chief Planning Officer be authorised to refuse the application on appropriate grounds if he deems there is little or no prospect of the issues delaying the securing of (1) and (2) being resolved given a reasonable extension of time.

APPENDIX 2

Your Ref:DC/19/03486
Our Ref: SCC/CON/3036/19
Date: 7 January 2020



All planning enquiries should be sent to the Local Planning Authority.

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Vincent Pearce

Dear Vincent,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/19/03486

PROPOSAL: Outline Planning Application (some matters reserved - access to be considered) -

Erection of up to 210 dwellings, means of access, open space and associated infrastructure, including junction improvements (with all proposed development located within Mid Suffolk District, with the exception of proposed improvements to Fishwick Corner being within West Suffolk).

LOCATION: Land south west of Beyton Road Thurston Suffolk

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

1. Background Information

Following the receipt of five major planning applications for Thurston received in 2017 totalling 827 dwellings, SCC and BMSDC commissioned AECOM to provide a cumulative impact assessment to determine any mitigation required due to the additional traffic generated from the sites. The assessment used the peak hours 8.00 to 9.00 and 17.00 to 18.00hrs (derived from traffic survey evidence). Junctions were modelled to calculate the capacity and queue lengths for future years with the developments and required mitigation measures regarding capacity are:

- Introduction of Traffic signals at A143 Bury Road/Thurston Road junction (locally known as Bunbury Arms Junction) with introduction of 30mph speed limit on commencement of works.
- Change in priorities on C692/C693 Thurston Roads (known as Fishwicks Corner) and introduction of a 40mph speed limit at the junction.

Other mitigation measures requested where safety was a consideration are:

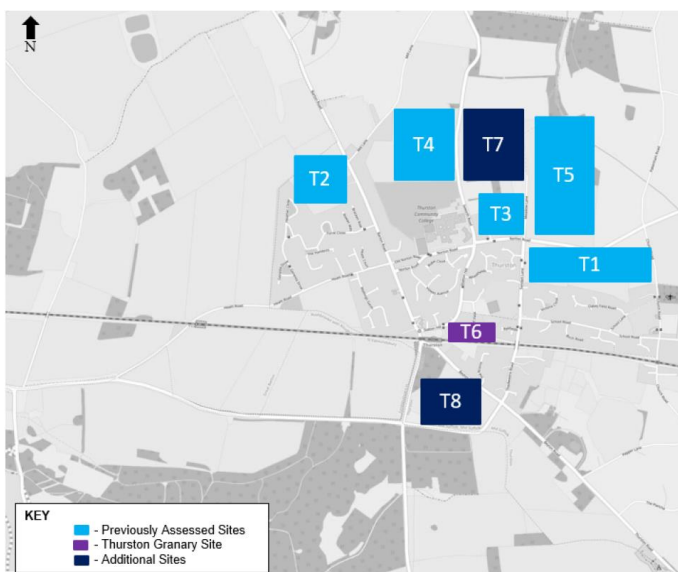
- Improvements to footway network within the village
- Contributions to pedestrian crossings at key junctions and locations
- Extension of 30mph speed limits on Ixworth Road, Barton Road and Norton Road.
- Improvements to the PROW footpath network; contribution of £126,500

In our 2017 response we identified constraints at Bunbury Arms Junction, Fishwicks Corner, Pokeridge Corner and Barton Road under the Rail Bridge which needed to be addressed by any future development. Each location will need to be improved with regard to both capacity and safety and we highlighted that future mitigation was limited by the restricted land available within highway boundary.

2. Highway Assessment of 2019 Applications

In 2019 a further 2 major applications for Thurston were received proposing upto 420 dwellings (210 for each site) bringing the total of 1247 dwellings for 7 sites. AECOM were commissioned by SCC to update the report on the cumulative impact from the 5 original sites (plus The Granary site) to include the 2 new sites for future year 2024. TEMPRO was used to derive the local growth factors for the area. The trip generation applied were those set out in the 2017 transport assessment 0.67 (two-way traffic) giving additional 846 trips in the AM peak and 832 trips in the PM peak from all 7 developments.

The indicative locations of all the development sites and the junctions assessed are shown below:



Locations of Developments



Junction Locations

The junctions assessed are as follows:

- Barton Road/Station Hill mini roundabout
- Pokeridge Corner
- Fishwick Corner
- Station Hill/Ixworth Road/Norton Road junction
- Barton Road/Norton Road junction
- Bunbury Arms junction

By applying the trips from the developments to the existing highway layout, the Ratio of Flow to Capacity (RFC) and Queue lengths (Q) were calculated on the key junctions for future year 2024. Note If the RFC value is 0.85 or less, this indicates the junction is nearing but operating within capacity; 1 being at capacity.

By applying the committed sites, with growth and new trips from the proposed developments, the following table gave a summary of the Junction Capacity Assessments:

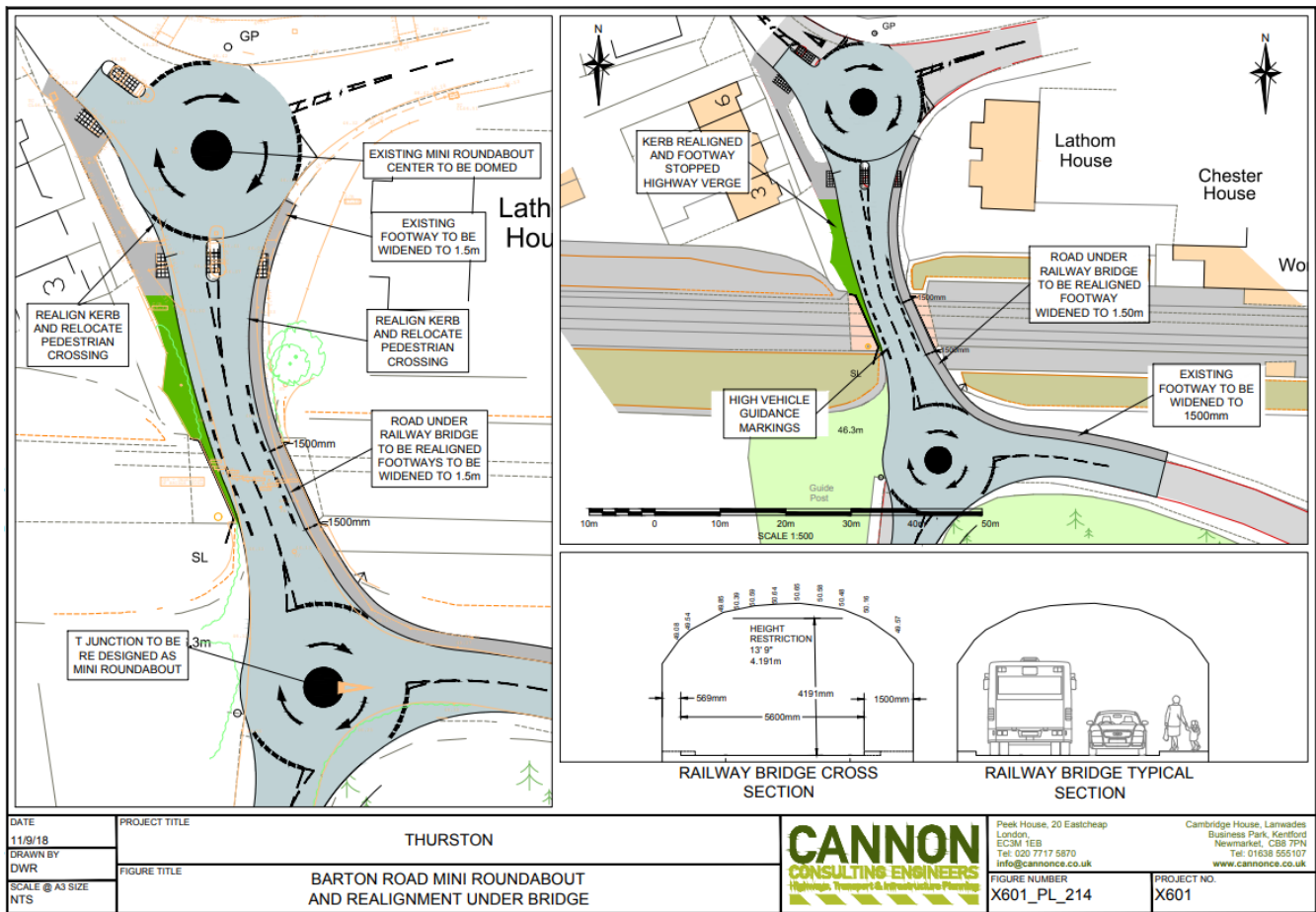
	Junction	2024 Base		2024 With Dev (T1 – T6)		2024 With Dev (T1 – T7)		2024 With Dev (T1 – T6 & T8)		2024 With Dev (T1 – T8)	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
J1	C691 Barton Road / C562 Station Hill Three Arm Mini Roundabout	Green	Green	Green	Green	Yellow	Yellow	Green	Yellow	Yellow	Yellow
	<i>Proposed Mitigation Scheme</i>	Grey	Grey	Green	Green	Yellow	Green	Green	Green	Yellow	Green
J2	C560 Beyton Road / C692 Thurston Road / U4920 Thedwastre Road Crossroads (Pokeridge Corner)	Green	Green	Yellow	Green	Yellow	Green	Yellow	Green	Yellow	Green
	<i>Proposed Mitigation Scheme</i>	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green
J3	C693 Thurston Road / C692 Thurston Road Crossroads (Fishwick Corner)	Yellow	Green	Red	Green	Red	Green	Red	Green	Red	Green
	<i>Proposed Mitigation Scheme</i>	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green
J4	C559 Norton Road / C562 Ixworth Road / C562 Station Hill staggered Crossroads	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
J5	C691 Barton Road / C559 Norton Road 'T' Junction	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
J6	A143 / C691 Thurston Road Crossroads	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
	<i>Proposed Mitigation Scheme</i>	Grey	Grey	Red	Green	Red	Green	Red	Green	Red	Green

- within theoretical capacity – less than 0.85
- near capacity – between 0.85 and 1.00
- over capacity – over 1.00

The report concluded that the 2 developments shows Barton Road/Station Hill mini roundabout, Fishwick Corner and Pokeridge Corner junctions would all be close to or over capacity. With proposed mitigation from the Beyton Road development, these junctions all operate within desired capacity limits for future year 2024.

The detailed designs of the junctions will be designed to current specifications and standards. A Stage 2 Safety Audit has also been completed on the junctions with the proposed mitigation measures. The audit did not identify major problems and minor items raised can be detailed during the s278 process during our technical approval process.

Barton Road Mini Roundabout and Rail Bridge/Beyton Road junction



Existing situation	Proposed mitigation
<p>Barton Road under the railway bridge has sufficient carriageway width to allow 2 cars to pass. However, with the arch of the bridge, high-sided vehicles have to use the centre of the carriageway to use the maximum height of the bridge, therefore no other vehicles can pass large vehicles except cyclists. Due to the height restriction of the bridge, use by high sided vehicles is restricted (single deck buses can use this route). The footways under the bridge are narrow; where the west footway terminates adjacent to the south-west bridge abutment 490mm wide and the other has a pinch point of 750mm.</p> <p>The carriageway is not parallel with the bridge abutments which restricts the forward visibility from Beyton Road junction under the bridge to 24.5m.</p>	<p>By introducing improvements to the existing mini-roundabout and a new mini-roundabout on the Barton Road/ Beyton Road junction, this improves the RFC for Base + Committed Development + the Development from 1.00 to 0.85 and reducing delays by approx. 60 seconds therefore, improving capacity. By realigning the carriageway parallel with the bridge abutments, will improve the inter-visibility between the junctions on each side of the bridge. Removing the footway on the west side enables the footway on the east to be widened to 1.5m enabling safer passage for pedestrians making an acceptable walking route for existing and new residents. Access for cyclist remains poor as the footway is too narrow restricting them to the road and hence potential conflict with vehicles.</p>

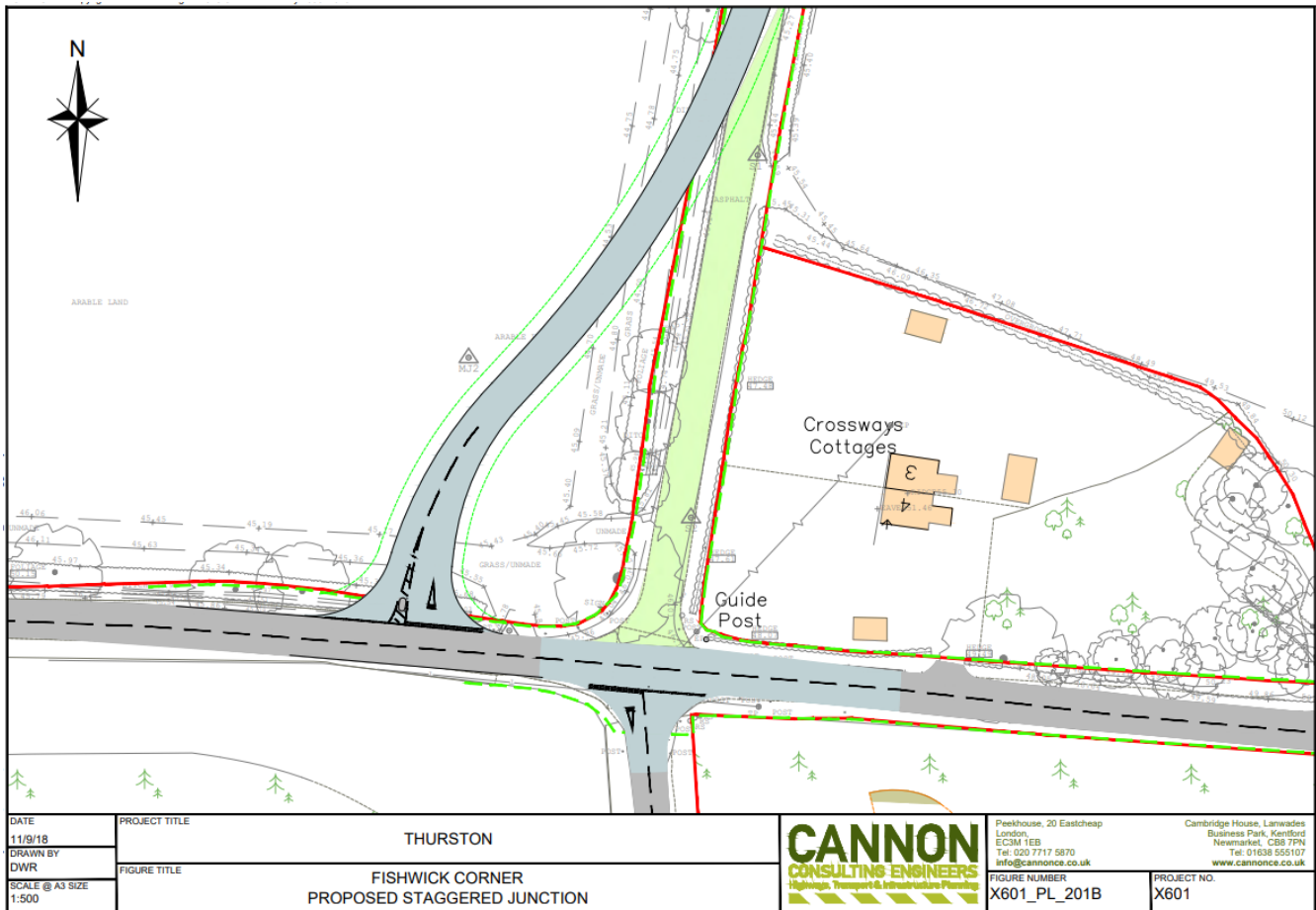
Barton Road Rail Bridge: Straightening of the road will improve sight lines for drivers and provide a 1.5m wide footway on the east side. While the width of footway is less than desirable, particularly next to a busy road we have considered that on balance we would not consider it so unsafe as to recommend refusal.

However, this is a judgement made on the likely number of pedestrians from this development and any additional pedestrian use, particularly if it involves vulnerable users, would need to be reassessed. The problem of higher vehicles having to use the middle of the road to avoid the low arch remains a hazard

as does the limited capacity albeit with a degree of improvement to the flow by the proposed mini roundabout south of the bridge. Balancing the improvements in footway, better sight lines and alignment against the remaining limited capacity we consider that on balance This is regarded as a benefit in highway terms sufficient for this development.

Proposals have been suggested by Network Rail and others to provide an underpass to provide a safer link to access either side of the railway line. While promoted as a measure to allow closure of the 'barrow' crossing between the station platforms this would also be of significant benefit to this development by providing a more desirable route remote from vehicles particularly for cyclists. This would be of significant benefit to non-motorised users and would support such a scheme. This proposal is at an early stage and it would be disproportionate to expect a single development to fund it all. However, we consider a contribution towards developing this scheme is reasonable based on the impact of the additional rail users coming from this development on the safety of the station crossing.

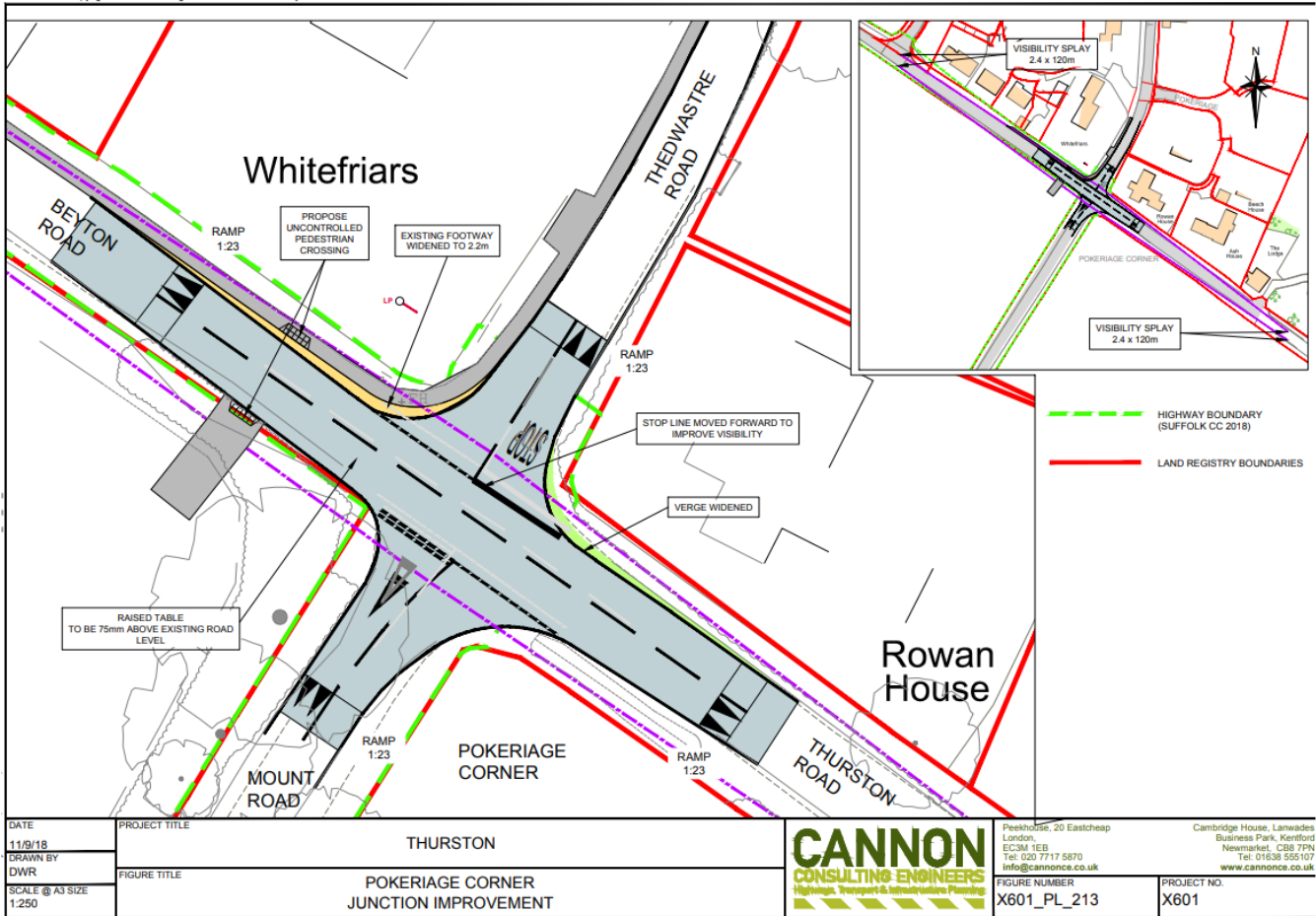
C693 Thurston Road/C692 Thurston Road junction (Fishwicks Corner)



Existing situation	Proposed mitigation
<p>At Fishwicks Corner the primary cause for congestion is due to limited visibility at the junction. Being a crossroads with four-way movements also reduces capacity and adds to delays. The junction is an accident cluster site with 13 recorded injury accidents; 11 of which were drivers failing to look properly on the minor arms of the crossroads due to poor forward visibility. As part of the mitigation for the 2017 developments, a 40mph speed limit is being introduced with a change in the junction priority and altering the give-way scenario to Stop lines on the side roads. The predicted RFC with the 2017 developments following the revised layout of the junction was calculated as 0.93 in the PM peak.</p>	<p>The land to the north west of the junction is within the developers control so the highway boundary is no longer a constraint for further highway improvements to improve safety and capacity of the junction. The dominant turning movement in the AM peak is from Thurston Road (north arm) turning right to Bury St. Edmunds and in the PM peak, from Bury St Edmunds turning left into Thurston Road (north arm). By introducing a staggered junction, this improves the RFC for Base + Committed Development + the Development from 1.10 t(unmodified) o 0.58 and reducing delays by approx. 3 minutes therefore, improving capacity. Also, staggered junctions will provide the required visibility for the speed of road (40mph) and this type of layout has been shown to reduce accidents by some 60% compared to a crossroads. Recently, a preservation order has been applied to trees next to the existing junction but these are unaffected by the proposed new junction</p>

The question of a roundabout in this location has been raised by councillors. While an acceptable solution it is not concerned proportionate to the scale of the development as the proposal for a staggered junction delivers sufficient mitigation. Also, a roundabout would require a large area of land, are less safe for cyclists than to any other kind of road layout and there would be a need to remove more trees. possibly those recently protected. SCC have also requested additional area of land to be secured to allow for a future cycle/footway scheme if that is considered necessary.

C560 Beyton Road/C692 Thurston Road/U4920 Thedwastre Road Crossroads (Pokeridge Corner)



Existing situation	Proposed mitigation
<p>Pokeridge Corner is also a crossroads where the primary cause of congestion is the lack of visibility from the side arms of the junction. It was considered the traffic impacts of the 2017 applications did not affect this junction to a point where mitigation was required. There were 3 accidents at this junction where drivers failed to look properly and overshoot the give way lines.</p>	<p>With the committed and proposed development, the results indicate the predicted maximum RFC in the AM peak period operates above the desirable capacity limits; RFC 0.93 and Q length of 8 vehicles on the Thedwastre Road arm. This in isolation is not considered severe and the Beyton Road development would have minimal impact in terms of capacity at this junction. However, the nature of the crashes at this junction show that altering the layout to improved visibility and installing raised junction to reduce vehicle speeds will improve safety. There are also capacity benefits improving the RFC to 0.65 and reducing the queue to 2 vehicles.</p>
<p>The bridge over the rail track on Thedwastre Road has a vehicle priority system with a single lane road and a painted footway. The parish council has raised concerns on the pedestrian safety at the bridge due to the increase in traffic and pedestrian movements associated with this development. There has been no recorded crashes resulting in injury at this location and the visibility is good for all road users.</p>	<p>Both the developer and the LHA recognise that further improvements can be made for pedestrians. Inclusion as an obligation within the S106 agreement will enable options to be considered in consultation with the LPA and Parish Council</p>

While the LHA's preference would have been to split the Pokeridge Corner junction into two three arm priority junctions as at Fishwick Corner this is difficult at this location due to the restricted land available. While other forms of improvement would provide greater benefits that proposed mitigates the developments impact on this junction. It also enables some improvements to highway drainage and crossing points for pedestrians.

Accesses for the Site

The Suffolk Design Guide states that there should be 2 access points for developments with over 150 dwellings. The proposal gives 2 access points with required visibility; one to the south and one to the north allowing alternative routes for vehicles and reducing the impact on junctions.

4. Sustainable access to and from the Development

To promote, encourage and support the principles of sustainable transport as outlined in the National Planning Policy Framework, safe and suitable access is required for bus services, pedestrians and cyclists to and from the site:

- The rail station is within the village and is approx 500m from the centre of the site
- The closest bus stop is 500m from the centre of the site with good bus service
- The primary school is 1200m (15 minute walk) and the secondary school is 850m from the site both schools are within walking distance.
- With the proposal to improve the footway under the rail bridge, an acceptable pedestrian link is created to facilities in the village including the schools.
- A number of pedestrian crossing points are to be created along Beyton Road
- Details of improvements on Threwastre Road to be finalised as a S106 contribution
- National Rail, BMSDC and SCC and in talks regarding the existing pedestrian safety and accessibility within the station.
- Land has been safeguarded between Fishwick Corner and the rail bridge for the eventuality that a cycle route can be developed from Thurston towards Rougham as alternative to Heath Lane.

5. Discussion

When considering this application, we have been careful to balance the negative impacts of the development against the positive impacts of some of the mitigation to provide a balanced recommendation to the Planning Authority.

Capacity - The mitigation proposed for the 2017 was acceptable for that level of development at that time but did not allow headroom for future development. An additional 210 dwellings from this development will place additional strain on the road network around Thurston, specifically in the Bunbury Arms, Fishwick Corner and Pokeridge junctions and the road under the rail bridge. While we consider that this development has a significant impact in terms of capacity we do not consider that it is severe and would therefore justify a recommendation to refuse the application on highway grounds

Road Safety - in 2017 we expressed concerns regarding the impact of development in terms of road safety at the same junctions. The mitigations proposed for the 2017 applications were sufficient to mitigate their harm but not that of other future developments. This development places additional strain on the highway network in terms of road safety, in cases beyond that mitigated by the 2017 schemes. However, this application contains a number of improvements that address these road safety concerns. In particular the realignment of Fishwick Corner is a significant improvement. Improvements to the footway under the rail bridge, along Beyton Road and Pokeridge Corner are, while not the optimal solutions, beneficial in terms of road safety.

Existing Pedestrian and Cycle Links - there are two realistic links from this site to the village infrastructure. In their current form all have significant limitations,

- Barton Road: The footway under the rail bridge narrows to around 700mm and is less than that considered a safe width to allow passage of pedestrians or cyclists.
- Thedwastre Road: There is no formal footway over the rail bridge pedestrians sharing the road with vehicles within a single lane priority system
- Beyton Road: There is no current crossing point for pedestrians to cross the road to access the site.

The options of crossing the railway line at Church Road and Barrell's Road are discounted due to their distance from the site and lack of footways on the roads leading to them. The development includes improvements to footways or crossing points at all three locations. While not optimal these proposals are considered proportionate to the scale of development.

School Transport - concerns have been raised by the Parish Council and residents regarding the removal of subsidised places on school buses and the impact on travel patterns. Pupils from the proposed development could reasonably be expected to walk or cycle to both the primary and secondary schools and the applicant is expected to provide high quality footways and cycleways to enable this. However, Thurston Academy has a large, predominately rural catchment area the changes to school transport are likely to generate additional car trips from these areas for non-eligible pupils. As the policy is phased in and only started in September 2019 it is difficult at this point to assess the transport impact. It is clear that any impacts will be greatest (but not exclusively) at the Ixworth Road / Norton Road and Norton Road / Barton Road junctions. We are aware that Thurston Community College (TCC) are keen to continue to support bus travel to school and each year survey families of potential new year 7 students to see if there is enough demand to make a school-led bus option financially viable.

The Highway Authority's main concern is the impact on road safety although congestion and inconsiderate parking also have to be considered. While it is not reasonable in planning terms to expect this development to mitigate the additional school traffic it is a matter that we consider should be included in the Planning Authorities weighing up of the application.

6. Conclusion

The National Planning Performance Framework 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'*.

As the Highways Authority we have examined this application and the supporting information in detail. The additional development will lead to more vehicles, pedestrians and cyclists using the highway network around Thurston in addition to that from the permitted developments. Without mitigation, we consider that the cumulative impacts are severe in highway terms. However, with the proposed mitigation we considered that, while some significant negative factors remain the overall impact, when balanced, the impact is no longer severe nor is there an unacceptable impact on road safety. For these reasons we advise that we do not recommend that this application is refused specifically on highway grounds.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

V 1 - Condition: Before the access into the site is first used, visibility splays shall be provided as drawing Nos X601_PL_200 and 200B 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.

HW 1 - Condition: Prior to commencement of any works (save for site clearance and technical investigations) details of the highway improvements and mitigation (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing to the Local Planning Authority in consultation with Local Highway Authority. The details as agreed shall be delivered in accordance with a timetable for improvement which shall have been submitted to and agreed in writing by the LPA concurrent with the said details.

Reason: To ensure that design highway improvements/footways are constructed to an acceptable standard.

ER 1 - Condition: Prior to commencement of any works, (save for site clearance and technical investigations) details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

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

ER 2 - Condition: 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 in consultation with Local Highway Authority.

L1 - Condition: Before the development hereby permitted is commenced a Lighting design shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to avoid the hazard caused by disability or discomfort glare for motorists.

P 2 - Condition: Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including electric vehicle charging units and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

B 2 - Condition: Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

TP1 - Condition: Prior to the occupation of any dwelling details of the travel arrangements to and from the site for residents of the dwellings, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Transport Assessment shall be submitted for the approval in writing by the local planning authority in consultation with the highway authority. No dwelling within the site shall be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development as set out in the NPPF, policies CS7 and CS8 of the St Edmundsbury Core Strategy and Strategic Objectives SO3 and SO6 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).

TP2 - Condition: 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). 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 and rail 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, and Strategic Objectives SO3 and SO6 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).

HGV CONSTRUCTION - Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction
- details of deliveries times to the site during construction phase
- details of provision to ensure pedestrian and cycle safety
- programme of works (including measures for traffic management and operating hours)
- parking and turning for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials
- 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: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

S106 CONTRIBUTION

Travel Plan

As Suffolk County Council (as Highway Authority) have been identified as a key stakeholder in the Travel Plan process, a £1,000 per annum Travel Plan Evaluation and Support Contribution payable prior to occupation of the 100th dwelling to provide Suffolk County Council suitable resource to engage with the Travel Plan Coordinator appointed by the applicant. As this is a discretionary function of the County Council, this is chargeable under Section 93 of the 2003 Local Government Act and Section 3 of the 2011 Localism Act. This will need to be secured through a Section 106 Agreement or separate Unilateral Undertaking. If the contribution is not secured Suffolk County Council are unlikely to have the resource to provide the assistance which is identified in the Travel Plan, which is likely to result in the Travel Plan failing. Further guidance and justification of this contribution can be found in the Suffolk County Council Travel Plan Guidance (www.suffolk.gov.uk/assets/Roads-and-transport/public-transport-and-transport-planning/Local-Links/26444-Suffolk-Travel-Plan-Guidance-V5-Printable-Version-LR.pdf).

Alternatively, Suffolk County Council can produce the Resident Travel Packs and deliver the Travel Plan on behalf of the developer if a suitable contribution can be agreed and secured through a Section 106 Agreement or separate Unilateral Undertaking prior to the determination of this application. If this is of interest to the developer, they can contact the Suffolk County Council Travel Plan Team at travelplans@suffolk.gov.uk to obtain a quote. Further information on this service can be found on www.suffolk.gov.uk/assets/planning-waste-and-environment/planning-and-development-advice/Travel-Plan-Delivery-offer-to-LPAs-and-developers-2.pdf.

Public Transport

Creation of pair of raised bus stops at the southern end of New Road, with a pedestrian access into the site at that point. These works can be completed under s278 or a contribution of £6,000 for the construction.

NOTES

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

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.

Travel Plan Comments

On reviewing the Framework Travel Plan (dated July 2019) the Travel Planning Officer raised a number of points; regarding provision of bus stops and multi-modal voucher and a need to liaise with other Travel Plans for Thurston Applications. Also, details were highlighted on what is required in the Travel Plan. These are to be addressed with the officer.

Yours sincerely,

Samantha Harvey
Senior Development Management Engineer
Growth, Highways and Infrastructure

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Development Control Committee

4 March 2020

Planning Application DC/19/1599/FUL – Land South of Woodlands Road and West of Sow Lane

Date 5th August 2019 **Expiry Date:** 9th November 2019
Registered:

Case Officer: Peter White **Recommendation:** Approval

Parish: Rushbrooke **Ward:** Moreton Hall Ward
with Rougham

Proposal: Planning Application - Construction of (i) office building (ii) ancillary buildings (iii) amended vehicular access via Sow Lane (iv) extended estate access road, footways and cycleway (v) vehicle parking (vi) landscaping (vii) boundary treatments and associated infrastructure

Site: Land South of Woodlands Road and West of Sow Lane

Applicant: Hopkins homes Ltd

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings 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:

Peter White

Email: peter.white@westsuffolk.gov.uk

Telephone: 01284 757357

Background:

The application site straddles the following three Local Plan allocations 1) Rougham Airfield, 2) Eastern Relief Road (ERR), and 3) the Suffolk Business Park Extension with the remainder falling within the Countryside. Owing to the ERR coming forward in a more northerly alignment this plot of land has now been split away from the Rougham Airfield, is no longer required for the ERR and is now associated with the Suffolk Business Park Extension.

The application is therefore before the Development Control Committee, as the Officers' recommendation is one of approval, which is not wholly consistent with the Development Plan, noting the designation of part of this site as being within the Suffolk Business Park Extension/airfield/ERR/ Countryside and the largely technical conflict arising as a consequence

The application is recommended for conditional approval.

Proposal:

1. The Planning application seeks consent for the construction of a new 2201m² two storey headquarters office building for a Suffolk based housebuilder. The scheme would include the amendment of an existing access which currently serves a private road known as Woodlands Road. The access links onto Sow Lane which was altered as part of the ERR works, which were completed in September 2017. The scheme also includes an ancillary storage building, a car park, landscaping, boundary treatment and a cycle/ bin store. Lastly the scheme includes the northern details of an estate access road, footways and cycleway which has previously been granted consent and has already been part constructed, which links into General Castle Way to the south.

Application Supporting Material:

2. The following documents were submitted to support this application:
 - Drawings including elevations and block plan
 - Application form
 - Design & Access Statement
 - Archaeological Statement
 - Land Contamination Assessment
 - Acoustic Report
 - Ecological Impact Assessment
 - Energy Statement
 - Flood Risk Assessment
 - Landscape and Visual Impact Assessment
 - Lighting Assessment
 - Proposed Landscape Plan
 - Transport Assessment
 - Tree Survey

- Biodiversity Survey and Report
- BREEAM Assessment

Site Details:

3. The site is situated north of J45 of the A14, north east of the Rougham Industrial Estate and to the west of Sow Lane which was amended as part of the ERR works.
4. The site is part in the Suffolk Business Park Extension, part in the Rougham Airfield allocation and part where the ERR was thought to go and part in the countryside.
5. There is a woodland to the north west of the site and directly to the north is a private access road which is known as Woodlands Road. There are residential properties to the north of the site along either side of Sow Lane. The nearest property is to the north east of the site and is a Grade II listed building known as Battlies House.

Planning History:

6. The planning history for the site is as follows.

DC/17/1468/OUT - Outline Planning Application (Means of Access and Landscaping to be considered) for Use Classes B1, B8, A3, A4, A5 and C1 - As amended by plans and details which alter the proposed landscaping and ecology matters. Additionally information submitted relating to transport, an Impact Assessment, and LVIA. | Suffolk Business Park Rougham Tower Avenue Rougham Suffolk – Undetermined

DC/17/1469/FUL - Planning Application - (i) 2no. three storey office buildings (B1 use) with an associated two storey warehouse building (B8 use) (ii) single storey coffee shop unit and drive-through facility (A3/A5 use) with car and cycle parking, landscaping and associated works (iii) Construction of new access roads, foot and cycle ways and strategic boundary landscaping - As amended by plans and details which alter the proposed landscaping and ecology matters, increase the amount of car parking for the proposed coffee shop drive thru and submit updated information relating to transport and drainage. Approved Dec 2017 but not implemented to date

DC/17/1504/FUL - Planning Application - Two linked buildings comprising two storey office building (B1 use) and single storey warehouse building (B8 use) with car and cycle parking, landscaping and associated works. Construction of new access roads, foot and cycle ways and strategic boundary landscaping. Approved and built and now occupied by Festool

DC/19/1828/FUL - Planning Application - Construction of (i) office building (ii) ancillary buildings (iii) extended estate access road, footways and cycleway (iv) vehicle parking (v) landscaping (vi) boundary treatments and associated infrastructure – DECISION PENDING The applicant has asked for the application to be paused.

Consultations:

7. Highway Authority: No objection but recommend various conditions
8. Environment Agency: Based on the information provided they do not consider this proposal to be high priority in respect of the risk to controlled waters. Therefore, they do not provide detailed site-specific advice or comments with regard to land contamination issues.
9. Natural England: Standing advice issued.
10. Public Health and Housing: No objection. Have fully assessed the impact of the proposal on nearest residential properties. Recommend a range of conditions that are necessary to protect residential amenity during construction and once the site is brought into operation.
11. Suffolk Fire and Rescue: No objection but recommend a condition that requires the provision for a fire hydrant.
12. Highways England: No objection.
13. Environment Team Air Quality: No objection. Recommend a condition that requires 5% of all car parking spaces to have electrical charging points.
14. Environment Team Land contamination: No objection but recommend an informative regarding action to take if unidentified contamination is found during construction phase.
15. Landscape and Ecology Officer: Raised a number of issues with the original scheme which have been addressed and responded to during the planning process through amendments submitted by the applicants.
16. Suffolk County Council Archaeological Service: No objection subject to conditions being attached to any approval notice.
17. Suffolk County Council Flood and Water Engineer: Final comments awaited Recommend standard conditions to ensure surface water is appropriately managed.
18. Anglian Water: No objection but recommend notes to be added to the decision notice.

Policy:

19. 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.

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

Joint Development Management Policies Document (adopted February 2015):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Creating Places – Development Principles and Local Distinctiveness
- Policy DM3: Masterplans
- Policy DM6: Flooding and Sustainable Drainage
- Policy DM7: Sustainable Design and Construction
- Policy DM10: Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11: Protected Species
- Policy DM12: Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13: Landscape Features
- Policy DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15: Listed Buildings
- Policy DM20: Archaeology
- Policy DM35: Proposals for Main Town Centres Uses#
- Policy DM44: Rights of Way
- Policy DM45: Transport Assessment and Travel Plans
- Policy DM46: Parking Standards

Bury St Edmunds Vision 2031 (adopted September 2014):

- Policy BV1: Presumption in Favour of Sustainable Development
- Policy BV13: Strategic Site – Extension to Suffolk Business Park, Moreton Hall, Bury St Edmunds
- Policy BV26: Green Infrastructure in Bury St Edmunds

St Edmundsbury Core Strategy (adopted December 2010):

- Policy CS1: St Edmundsbury Spatial Strategy
- Policy CS2: Sustainable Development
- Policy CS3: Design and Local Distinctiveness
- Policy CS7: Sustainable Transport
- Policy CS8: Strategic Transport Improvements
- Policy CS9: Employment and the Local Economy
- Policy CS10: Retail, Leisure, Cultural and Office Provision
- Policy CS14: Community Infrastructure Capacity and Tariffs

St Edmundsbury Borough Council Local Plan Policies Map (adopted February 2015) – Bury St Edmunds Inset Map 1

Other Planning Policy:

- National Planning Policy Framework
- National Planning Practice Guidance
- Concept Statement Suffolk Business Park Extension Adopted October 2007
- Suffolk Business Park Extension Masterplan Adopted June 2010
- St Edmundsbury Green Infrastructure Strategy Dated September 2009

Officer Comment:

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

- Principle of Development
- Design
- Highway safety, parking and sustainable travel
- Landscape and Ecology
- Heritage
- BREEAM and Energy
- SUDS
- Other matters

Principle of Development

22. The Suffolk Business Park is an allocated employment site under Policy BV13 of the Bury St Edmunds Vision 2031 document. This policy sets out that B1 and B8 uses are acceptable on the site. The proposal is for a B1 office building and would therefore accord with the allocation.

23. However, in this instance the site is not only in the Suffolk Business Park Extension allocation, but it also straddles land within the Rougham Airfield allocation and land that is set aside for the ERR/ in the Countryside. As such much of the site is not allocated for B1 uses. 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 detail of the proposal must therefore be assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.

24. In this instance land does not need to be protected for the ERR because that has already been delivered. As the current allocations were based on the presumed alignment of the ERR (which has now come forward with a more northerly alignment) this has resulted in a section of the land allocated for the Rougham Airfield being separated from the rest of the airfield allocation by the ERR, a new woodland and Woodlands Road. The proposal would develop land that is otherwise indistinguishable to

land that is allocated as part of the business park. If the Local Planning Authority (LPA) insisted that development strictly followed the current allocations, this would have no relation to any physical features on the ground (such as hedges, roads or ditches) and would, in the view of officers be out of context in land use terms given the re-alignment of the ERR

25. Accordingly, officers give little weight to the largely technical conflict with the statutory development plan, which, in this regard is considered out of date given the alignment of the ERR that has come forward. Furthermore it is worth noting that this approach was taken for two other applications which have already been approved on parcels of land that have become available as a result of the ERR alignment being different than planned.

Design

26. The Suffolk Business Park Extension is intended to be a high-quality business park. This is a clear instruction of the adopted Masterplan. To achieve a high-quality business park both the design of buildings and landscaping are equally as important.

27. The applicants have commissioned a building design which is considered by officers to be of a very high standard. The submitted details set out that the design approach is to provide the impression of arriving at a stately home, with the building's scale and massing establishing a hierarchy and status to other buildings within the park and to read the new building as being set within an established landscape setting.

28. The design of the main building includes full height glazed gables with the glazing set back with deep reveals behind an expansive timber louvre screen. The building employs a material palette of timber, glass and metal. Rooftop ventilation cowls arranged along the building's ridge line, help establish and scale and proportion to the building's length. The architects set out in the application that:

"that the contemporary design provides a heightened sense of scale and drama to the prominent arrival elevation. The deep reveal, oversailing eaves and timber louvre screen have been designed to establish a lively interplay of framed views into (and out of) the building, controlling the play of natural light as the sun's orientation progresses east to west throughout the day."

29. The ancillary storage building and the cycle store are considered acceptable. The cycle store is wooden clad with a green roof. The modest scale of these outbuildings and their location is considered acceptable and in keeping with the types of buildings that would be expected on the park.

30. Overall the layout and design of the proposal is considered to be excellent and accordingly carries significant weight in support in the planning balance. Officers consider that the proposed scheme exceeds

the requirements of the adopted masterplan in design terms and that the plot and its building will set a standard that will help ensure that the Suffolk Business Park Extension meets the aims of the adopted masterplan in becoming a high quality business park.

Highway safety, parking and sustainable travel

31. Policy BV13 requires a Travel Plan to be implemented to reduce dependency on the motor vehicle. Having discussed this with officers at Suffolk County Council who oversee Public Transport Operations and Travel Plans it was agreed that the requirement for a Travel Plan and contributions towards a bus service would not be sought unless in exceptional circumstances. Having considered various factors, it was not considered appropriate to seek such an approach or contributions to amend/provide a bus service. The factors that influenced this decision included; the length of time that it will realistically take to deliver the entire Business Park and assessing at what point a service would become viable and the experience elsewhere in the County of bus routes serving business parks and how sustainable they are in the long term after developer subsidy drops away.
32. To replace this approach the LPA and County Council have been seeking facilities to be installed in all new premises on the Suffolk Business Park Extension that allow for staff to walk and cycle to work. These practical facilities would exceed what would normally be delivered. Such facilities will include separate male and female changing rooms, with lockers that can accommodate wash kit, a suit or other workwear, drying rooms for wet clothes, and multiple shower cubicles. In this instance the application includes 2 changing rooms (one male and one female) each with a drying room, shower cubicles and sufficient space for lockers. This is considered acceptable and in keeping with the level of facilities the LPA is wanting to see delivered in the absence of a Travel Plan or public transport contribution to allow those staff who can travel sustainably to the site to do so.
33. The scheme proposes the use and alteration of an existing access which historically has served a private road known as Woodlands Road. The adopted Concept Statement for the Suffolk Business Park set out that there should be no direct access to existing or future businesses from the Relief Road. Whilst the proposed access is considered safe by the Highway Authority as it has the necessary visibility splays, the alteration brings with it a significant improvement to walking and cycling infrastructure. The ERR included a footway and a shared cycle/ footway. The shared cycle/ footway is 3 metres wide and runs the length of the ERR. Unfortunately, at the access, which is proposed to be altered as part of this application, the cycleway had to be reduced to circa 1 metre in width for a short length owing to third party land not being available. This development would remove this existing pinchpoint and would result in the cycleway being 3 metres wide as it is alongside the rest of the ERR. The access is considered acceptable as it is amending an existing access, the intensified use is safe (as it has the necessary visibility splays), and the development would remove a pinchpoint in the

existing cycleway network.

34. The scheme proposes 125 car parking spaces including 6 accessible spaces. The scheme also proposes 8 electrical charging points. The amount of accessible spaces accords with the parking guidance and the amount of electrical charging spaces exceeds the adopted guidance. The adopted parking standards indicate that an office development of 2201m² with an ancillary storage building of 232m² would require 75 car parking spaces. It is acknowledged that the scheme does represent a significant increase in the amount of parking spaces that the parking standards indicate should accompany a development of this size. Whilst the overprovision of parking spaces counts against the development under the environmental objective of achieving sustainable development officers give this only moderate weight. Officers are satisfied that the site proposes to deliver the practical facilities to allow staff to walk and cycle to the site all year round as discussed above (eg changing rooms, drying rooms, and lockers) as other development across the Suffolk Business Park have already done.

Landscape and Ecology

35. Policy DM13 of the Joint Development Management Policies document requires 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. Policy DM13 also requires that all 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. Finally, the policy advises that where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations. However, the policy also requires 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.

36. The Suffolk Business Park Extension Masterplan deals with Landscaping and Ecology in section 5. This states that *"the landscape objectives for the site are to retain where possible the existing landscape features which make a positive contribution to the appearance of the area, and to enhance the site with extensive new planting. Therefore, the principal trees and hedgerows will be substantially retained and will be incorporated into the structure of Suffolk Park Extension."* The masterplan goes on to state that, *"within plots, planting will be used to soften frontages and provide some enclosure of vehicle parking and manoeuvring areas appropriate to the use. Native species will be used where possible. This will ensure that landscape is an integral part of plot design and result in a consistent appearance throughout the development."*

37. The original scheme raised several specific points from the Tree and

Landscape Officer. Overall the landscaping scheme is considered generous by officers and exceeds the amount of landscaping that other plots have delivered on the Suffolk Business Park Extension. Amended details have been submitted to address the points raised which covered, grass type, tree pits, badger gates, woodland mix details and removal of certain lighting near trees. These changes are all considered acceptable and as such the landscaping is considered appropriate to support the development.

38. Local and National Planning policies require mitigation and enhancement of biodiversity. The application is supported by an Ecological Impact Assessment. This highlights that the significant new woodland and hedgerow planting along much of the site boundary will increase the availability of habitat for vegetation nesting birds and foraging and commuting bats. The planting will provide a better-quality wildlife corridor to woodland beyond the western and eastern boundaries of the site. It recommends that planning conditions should be secured that require a Construction Environment Management plan and the lighting scheme should minimise lighting spillage. Lastly measures to minimise impacts to mammals during and post construction is recommended and these are considered appropriate and should be conditioned as necessary.

Heritage

39. The site is not in or near to a conservation area and there are no listed buildings within the site. However, to the north east of the site is Battlies House which is a grade II listed building. Policy DM15 sets out that development should, amongst other things respect the setting of listed buildings, including, including inward and outward views.
40. The enclosed nature of the grounds of Battlies House means that the setting of the house is primarily appreciated from within its own grounds with barely any indication of the existence of the house from outside the site. Even if the development site might be seen in winter when there is reduced foliage, views into and out of the grounds would still be adequately protected by the combination of landscaping and distance, with only small glimpses being possible, if at all. Additionally, the proposed development will sit within generous landscaped grounds and as previously said the building is considered to be of a very high standard of design. It is therefore considered that the proposal would make a positive contribution to the local character and distinctiveness of the area and there would be no adverse impact on the setting of the listed building. The proposal is considered to meet the requirements of Policy DM15 and the LPA has had regard to its duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BREEAM and Energy

41. Policy DM7 of the JDMPD requires all new non-residential developments over 1,000 square metres to achieve the BREEAM Excellent standard or equivalent unless it can be demonstrated why this is not feasible,

technically achievable or unviable. In this instance the scheme is proposed to have a BREEAM rating of "Very good" which is one step below "Excellent". The Energy statement says that the development includes a PV array to complement the fabric improvements and VRF to achieve the required 20% reduction in carbon emissions through using low and zero carbon energy sources. It continues by saying that the building has been designed to exceed the requirements of Part L (Approved Document L2A: Conservation of fuel and power in new buildings other than dwellings) by approximately 22.0%. Given the above, and the flexible approach that has been employed on other developments across the Suffolk Business Park Extension previously whereby the LPA has accepted a BREEAM rating of at least "Very Good" where it has been demonstrated that at least a 20% reduction in emissions against the Part L will be achieved. Officers are therefore satisfied that this element is acceptable subject to conditions securing a BREEAM rating of at least Very good and at least a 20% reduction in emissions against the Part L of the building regulations.

SUDS

42. The proposed internal estate road which is included in the scheme already benefits from planning consent under DC/17/1469/FUL which was intended for Servest as new office headquarters. That application secured consent for the complete internal estate road however Servest have decided to not go ahead with that development. The Festool development further south, which has gone ahead, secured consent for a southern section of the estate road to facilitate its own access to the highway network. This current application seeks consent for the remainder of the internal estate road. The Flood and Surface Water Engineer has raised some concerns regarding the scheme relating to the road which already has been granted consent. Discussions are ongoing between the Flood and Surface Water Engineer, the LPA and the applicant and a verbal update will be given at the Development Control Committee.

Other matters

43. The nearest property is Battlies House to the north east. The proposed use (B1) is in planning terms, considered acceptable next to residential development. Public Health and Housing have considered the scheme and have recommended a series of conditions to protect the amenity of residential properties during construction and once the building is brought into use. These conditions are considered acceptable and would be attached to any permission.

44. Other consultation responses around archaeology, land contamination, fire hydrants, ground water protection, are all supportive of the scheme subject to a number of standard conditions.

Conclusion and Planning Balance :

45.Suffolk Business Park represents the key strategic employment allocation for Bury St Edmunds and West Suffolk. To ensure that sustainable communities are brought forward it is vital that employment growth is delivered at the same time as the planned housing growth.

46.The matters which weigh against the scheme are;

- Technical conflict against the statutory development plan
- Overprovision of car parking
- BREEAM rating of Very Good

The matters which weigh in favour of the scheme are;

- High Quality, contemporary design of the main and ancillary buildings
- Significant landscaping
- Practical facilities to allow staff to walk and cycle to the site
- Improved energy efficiency by 22%
- Removal of a pinch point in the cycle and footway network

47.The technical breach against the development plan is given little weight for the reasons explained above. The overprovision of parking and the BREEAM rating of Very Good are both considered acceptable when weighed against the walking and cycle provisions and the reduction in energy use. The high quality contemporary design and landscaping are given significant weight Accordingly, the application has been considered and scrutinised and following certain amendments and clarifications the application is considered acceptable subject to the relevant conditions set out below.

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

1. Time limit 3 years
2. Compliance with approved plans.
3. Vehicle access prior to occupation
4. Cycle store and refuse provision before occupation.
5. Details of surface water drainage.
6. Construction and Deliveries Management Plan
7. Loading, unloading, manoeuvring and parking plan
8. Visibility splays
9. Access road construction
- 10.Plant and equipment noise assessment.
- 11.Site management plan
- 12.Construction hours limit.
- 13.Generators hours limit
- 14.Waste removal during construction
- 15.Lighting details to be agreed
- 16.Energy strategy
- 17.BREAAAM Very Good

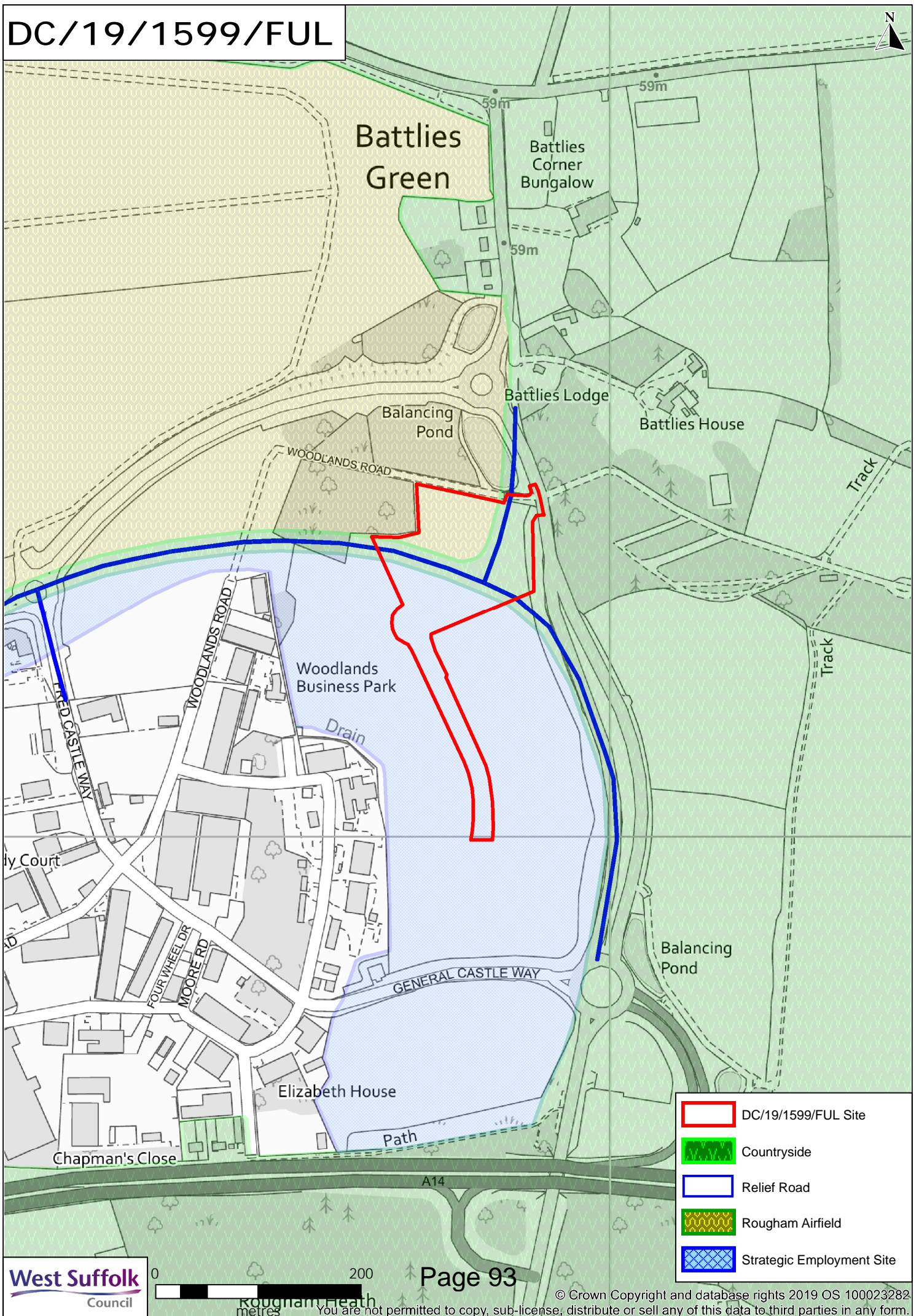
- 18.Landscaping conditions
- 19.Ecology conditions.
- 20.Archaeology conditions

Full details of conditions to be provided as a Late Paper.

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

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

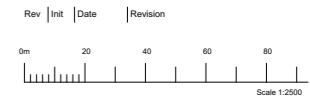
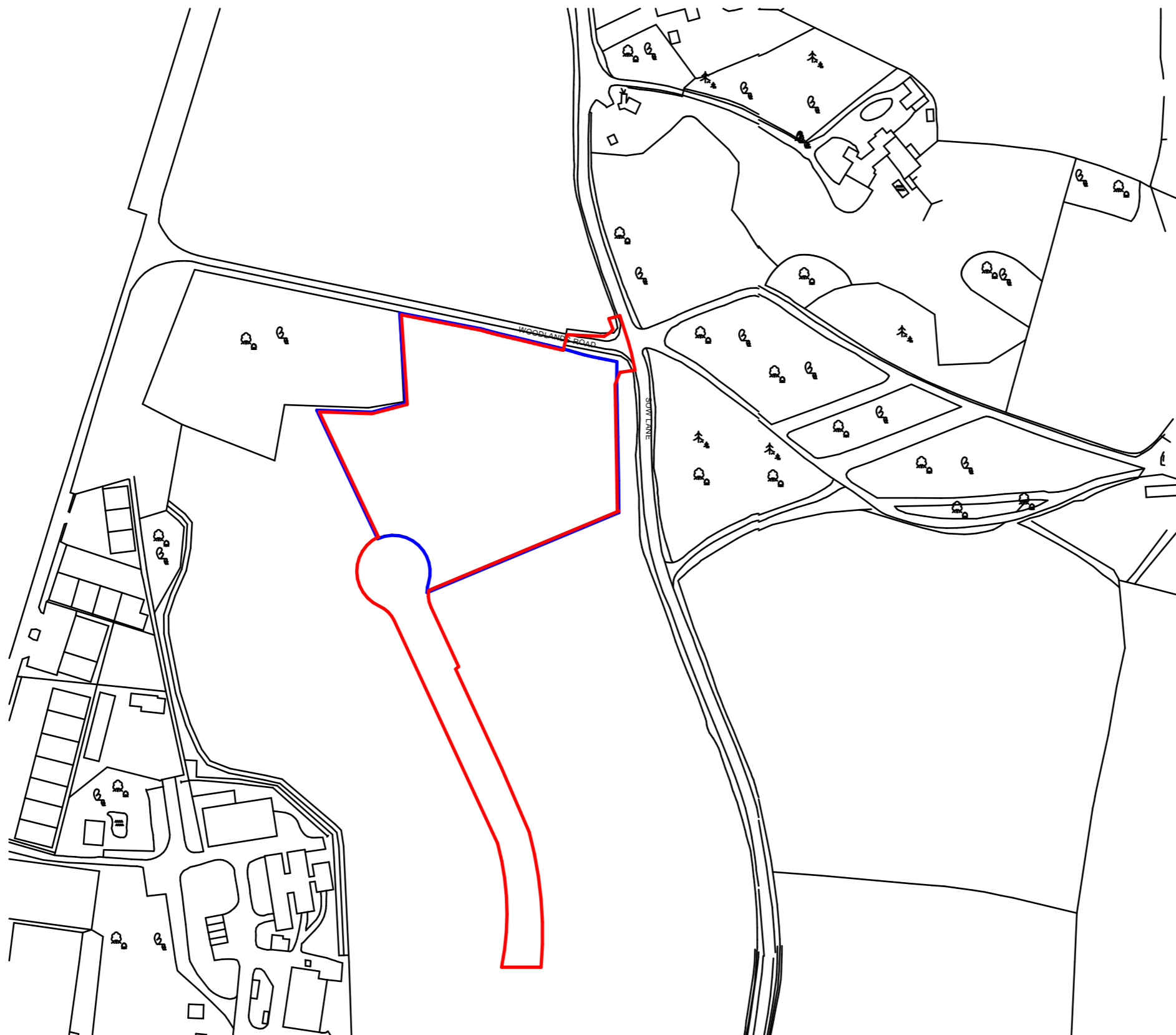
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- Ownership Boundary
- Planning Boundary



lsi
 ARCHITECTS

NORWICH
 The Old Drill Hall
 23a Cattle Market Street
 Norwich NR1 3DY
 +44(0)1603 650711

LONDON
 Floor 2
 50-54 Clerkenwell Road
 London EC1M 5PS
 +44(0)20 7276 1738
 www.lsiarchitects.co.uk

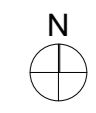
Client
 Hopkins Homes

Project
 Headquarters Office

Title
 Site
 Site Location Plan

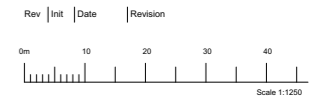
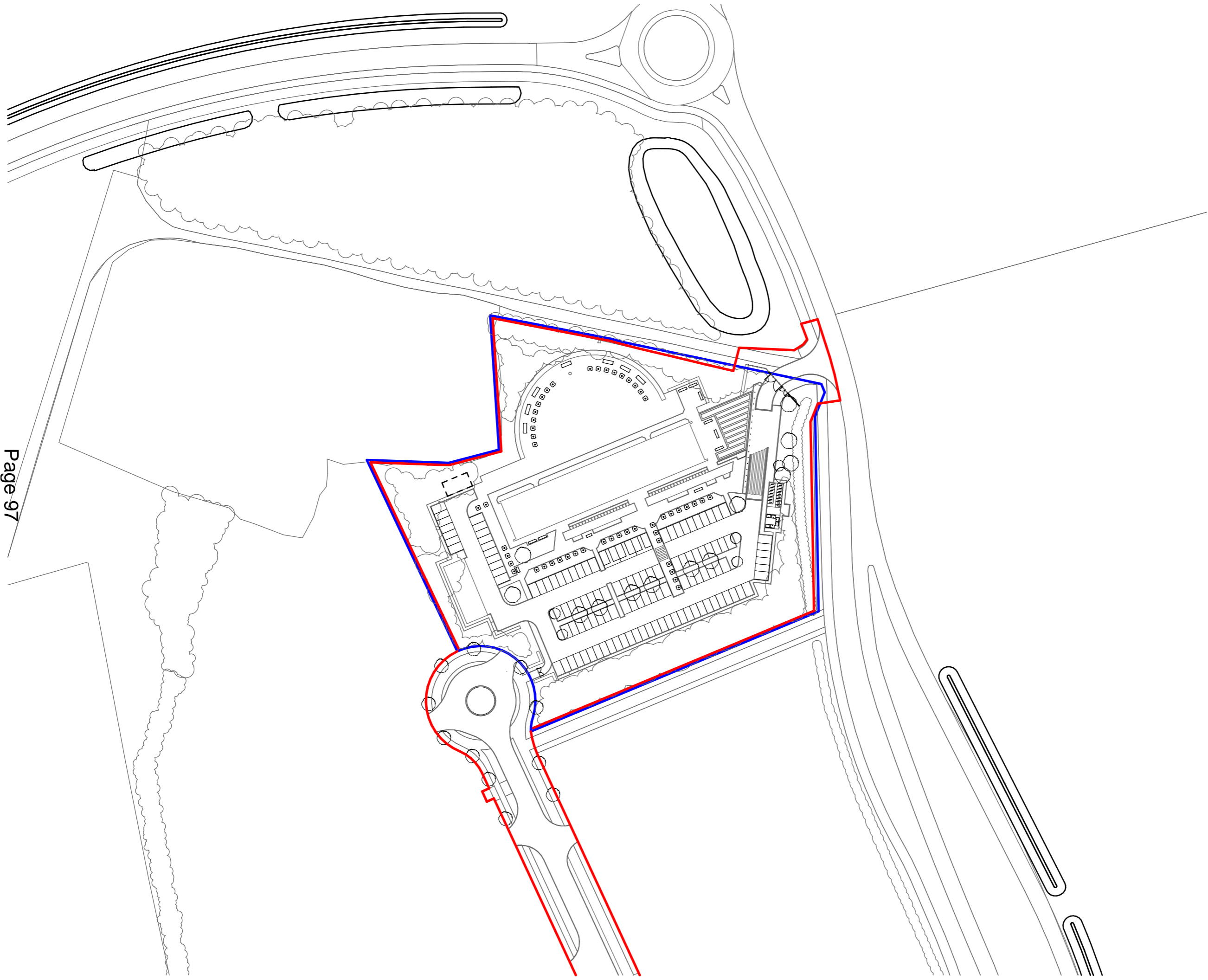
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Purpose of issue Issued For Planning Approval		
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— Ownership
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ARCHITECTS

NORWICH
The Old Drill Hall
23a Cattle Market Street
Norwich NR1 3DY
+44(0)1603 650711

LONDON
Floor 2
50-54 Clerkenwell Road
London EC1M 5PS
+44(0)20 7276 1738
www.lsiarchitects.co.uk

Client
Hopkins Homes

Project
Headquarters Office

Title
Site
Block Plan

Scale @ A3 1:1250	Date 18/02/19	Drawn SC
Purpose of issue Issued for Planning Approval		
Drawing Code 17120-LSI-HHS-ZZ-DR-A-1175	Suit. Rev. S2 P02	

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Development Control Committee 4 March 2020

Planning Application DC/17/2474/OUT – Land South of Bury Road, Kentford

Date Registered:	13.12.2017	Expiry Date:	14.03.2018 EoT 9.3.20
Case Officer:	Charlotte Waugh	Recommendation:	Refuse Application
Parish:	Kentford	Ward:	Kentford and Moulton
Proposal:	Outline Planning Application (Means of Access, Appearance and Scale to be considered) - Up to 19no. dwellings as amended by plans and documents received 9th May 2019		
Site:	Land South of Bury Road, Kentford		
Applicant:	Heritage Developments Ltd - Mr M Bartram		

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:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

The application is referred to the Development Control Committee given the controversial nature of the application and recommendation, where, despite the potential benefits, the Local Authority is recommending refusal of an affordable housing exception site. Kentford Parish Council object to the application.

Proposal:

1. The outline application has been amended during the course of its consideration and now seeks consent for up to 19 dwellings with means of access, appearance and scale included for consideration. The site is submitted as an affordable housing exception site to provide affordable homes for those people locally who are in housing need.
2. Two vehicular accesses are proposed off Bury Road, as well as highway improvements such as a footpath to connect the development to that existing to the south.
3. A woodland park is proposed at the Eastern end of the site including play equipment.

Application Supporting Material:

4. Information submitted within the application is as follows:
 - Application form – amended
 - Plans
 - Planning/Design and Access Statement – inc. addendum
 - Phase 1 Habitat Survey
 - Reptile Survey
 - Bat Survey
 - Environmental Noise Assessment
 - Flood Risk Assessment
 - Gas Risk Assessment
 - Phase 1 Desk Study Report
 - Housing Needs Survey
 - Transport Statement
 - Arboricultural Implications Assessment
 - Tree Removal Plan
 - Landscape and Visual Issues Technical Note

Site Details:

5. The site is located on the eastern edge of Kentford, south of Bury Road (B1506) with the A14 beyond and covers an area of 0.6 hectares. To the south of the site is a former landfill site and a disused gallops track, to the West is a two storey residential property (Flint House).
6. The site consists of a tree belt, which is predominantly Scots pine and protected by a tree preservation order (TPO2013/1). It lies outside of, but

abutting, the defined housing settlement boundary for Kentford. The tree belt continues to the East.

7. The site falls within the 1500m buffer zone (Stone Curlew Constraint zone) of the Breckland Special Protection Area (SPA)
8. Kentford has a range of basic local services and facilities, which is the reason it has been designated as a Primary Village in Core Strategy Policy CS1. These include a post office and convenience store, two public houses (The Kentford and The Bell), St Marys Church and modest employment areas at the eastern and western ends of the village.

Planning History:

9.

Reference	Proposal	Status	Received Date	Decision Date
F/2013/0176/OUT	Outline Application: residential development comprising of 16 units (Major Development and Departure from Development Plan)	Recommended for refusal but withdrawn before committee consideration	5.4.2013	2.1.2014

Consultations:

10. Tree Officer (12/1/18)

Object. The mature trees (which form a pine belt and open woodland) are a key characteristic of the landscape character type and are visible from the wider landscape, a large number of trees would be lost, and two thirds of the site would become built development. As a result the proposals would have a significant adverse impact on landscape character.

11. Ecology and Landscape Officer (10/10/19)

Maintains an objection in relation to landscape and visual amenity for the following reasons:

The gnarled, contorted trunks of pine trees in lines and tree belts in the Brecks contribute to the wilderness qualities of the area, and this is part of the charm of these trees. In an open woodland location, such as this, the risks associated with the failure of these trees are minimal. Without the development it is likely that the trees would continue to make a contribution irrespective of their arboricultural condition.

Approximately one third of the trees on the site would need to be felled, and other trees would be subject to resentment pressure because of the proximity of the new development. It remains the case that the location of a play area beneath the canopy of the trees is unacceptable and is likely to lead to further tree loss in the future. It is likely that once space for the new houses and associated roads and car parking have been designed, there will be little space for new trees. The *Appendix A overlays* illustrate that the

replacement trees would be limited with only a few areas available for new planting and that the new trees would likely affect the proposed infrastructure and buildings. Easements associated with street lighting, visibility sightlines and utilities would constrain the choice of species that would be suitable to smaller garden type trees rather than forest type trees.

It is agreed that this site may be in the transitional zone between landscape character areas and that being the case the settlement pattern may be more characteristic of the chalklands. However, whilst a number of the trees on the site will remain, and there may be a few more trees planted, it remains the case that the construction of dwellings, roads, car parking and a play area at the site will significantly change the character of the open woodland/tree belt. It will no longer be rural in character giving views through to the countryside beyond.

Planning policy DM13 requires that "All 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." The proposals will erode the rural setting of Kentford in particular the tree line to the south of the eastern approach to the village which provides the gateway to the village. The erosion of the character of the site will be experienced by motorists, but it will also be experienced by pedestrians and cyclists who will most likely be local residents who are more sensitive to change. Whilst the views might be transient, in the context of such a small village community they will have an adverse effect particularly in the short term. The effects will be experienced during the day and at night time due to the introduction of lighting which will be necessary for the safe operation of the site.

Bats: the survey is noted. Mitigation is recommended which includes:

- the scheme lighting design minimises light spill onto the site boundaries and retained trees, particularly to the east and to the south boundary.
- landscaping should include native species able to provide insect prey for bats; the south boundary should also include structural planting or clear linear features to provide a continuous corridor east-west from the woodland to the east to the Kentford conurbation
- felled timber should be retained on-Site as log piles and habitat 'heaps'
- at least six high quality bat boxes are provided.

Based on the current proposals:

- It is not clear whether a lighting scheme could be provided that meets the above criteria
- The proposals would not allow space to retain or provide a linear feature/ east west corridor for bats. Group G2 on the TPP is described as 'sparse self set trees to southern boundary' which is not sufficient and is outside of the control of the applicant.

With this in mind there remains potential for unmitigated impacts on bats.

(3/7/19)

Object. The layout plan whilst indicative shows a significant number of trees which would be threatened by the proposals.

The play area, now slightly reduced in size, is located within the woodland area to the east of the development. Whilst an additional play area in Kentford would be welcomed, the design and location of this facility is not acceptable. The area selected would not benefit from sufficient informal surveillance from residential properties, the equipment is located beneath the canopy of existing trees which will be a maintenance concern (for both the equipment and the trees) going forward, installation of any equipment and safety surface has the potential to damage protected trees (as it is located within the RPA). The play area is located adjacent to a very busy road and whilst this may have some surveillance benefits, there are disadvantages in relation to safety and access for young people from other parts of this village as it would only be possible along Bury Road (noting that a new connecting footpath on the south side of Bury Road forms part of the proposal).

Ecology surveys are incomplete. A full suite of mitigation and enhancements are required should planning permission be approved.

12. Planning Obligations Manager SCC (30/5/19)

No objection subject to S106 to secure:

a. Education -

Primary School - 5 pupils at £16,732 per place (£83,660)

Secondary School 11-16 - 3 pupils at £22,306 per place

Secondary School 16+ - 1 pupil at £22,306 (£89,660)

School transport contribution - 3 pupils at £960 a year for 5 years (£14,400)

b. Pre-school - 2 pupils at £16,732 (£33,464)

c. Libraries - £16 per dwelling (£304) Total £221,488

13. Environment Agency (8/7/19)

Reviewed revised drainage details and have no objections.

14. Public Health and Housing (4/1/18)

The site is affected by road traffic noise and as such, recommend that the properties are constructed in line with the recommendations made in the noise assessment. No objection subject to conditions controlling internal noise levels, hours of construction, foundation methodology and external lighting.

15. Environment Team (4/1/18)

Satisfied with the phase 1 report and Landfill gas risk assessment and agree that no further assessment is necessary. Recommend condition to ensure that gas protection measures are incorporated into the scheme to ensure adequate protection for future occupants as well as the inclusion of electric vehicle charging points.

16. Natural England (5/6/19)

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

17. Suffolk Wildlife Trust (6/6/19)

Satisfied with the initial findings of the Phase 1 habitat survey and Reptile survey. However, note that bat emergence surveys are recommended which have not been carried out. Furthermore, a further assessment for badgers is required given that the initial survey report carried out in July 2017 only remained valid for 6 months. These assessments should be undertaken prior to determination. Recommend Natural England are consulted given the proximity (900m) to Breckland Farmland Site of Special Scientific Interest (SSSI).

18. Suffolk Fire and Rescue Service (4/1/19)

Requires fire hydrants to be installed. No objection subject to condition requiring such.

19. SCC Environment & Transport – Highways (16/10/19)

No objection subject to conditions controlling a footpath to link the site to that existing, access requirements, visibility splays, traffic calming measures and deliveries and construction traffic.

(28/6/19)

Holding refusal. Visibility as shown may be acceptable if the speed limit can be reduced and suitable traffic calming measures introduced. However, this would require a Traffic Regulation Order and may not be achievable.

Visibility splays appear to cross third party land. As does the access point and no ownership details have been submitted.

Gateway features to be relocated require plans to be submitted and village name plates need to remain in place as they denote the boundary. If the feature remains there are concerns that access 1 is too close and vehicles exiting the site will cross into the path of oncoming traffic.

Spanning of watercourses requires permission from the Lead Local Flood Authority (SCC) as well as a suitable drainage strategy.

Details of footways need to be submitted (where, width, drainage) and needs to be achievable in the applicants or highway land.

20. Strategy and Enabling Officer, Housing (23/9/19)

The housing needs survey does not provide enough evidence to support an exception site in Kentford. However, there are 18 applicants on the housing register in housing need indicating a local connection for Kentford and a further 14 indicating a local connection to the adjoining parishes of Moulton, Herringswell and Tuddenham.

The Section 106 agreement must secure the transfer of the dwellings to a registered provider and ensure they remain affordable with the initial and subsequent occupation giving preference to those with a connection to Kentford with a cascade mechanism to adjacent parishes.

Based on the current housing needs the required tenure split of 70/30 will be secured within the S106. A condition regarding the mix of dwellings will be required (ranging from 1,2,3 and 4 bed houses, bungalows and flats) to be determined by Strategic Housing based on local housing need prior to a reserved matters application being submitted.

(3/7/19) Support the fact that there's a need for some affordable housing development for local residents within Kentford. However, query the evidence behind the Local Housing needs survey and based on the information submitted, unable to support a tenure mix so heavily weighted towards low cost home ownership.

21. SCC Flood And Water Team (31/5/19)

Satisfied with drainage documentation (Evans River and Coastal -March 2019 Ref:- 1916/RE/09-17/01 Revision B). No objections subject to the inclusion of conditions requiring a surface water drainage scheme including its maintenance and management and a construction surface water management plan.

22. SCC Archaeological Service (21/12/17)

The proposed development site lies in an area of high archaeological potential, no objections subject to conditions to ensure a scheme of investigation and post investigation assessment are undertaken.

23. Kentford Parish Council (22/7/19)

Remain strongly opposed for 3 reasons

1. Kentford has seen more than sufficient growth in recent times.
2. This development feels like it would be a ghetto style development, as it is detached from the village, is faced by series of busy and noisy transport links, and backed by a landfill site. Affordable housing should not be squeezed onto otherwise unwanted land for commercial gain, but be integrated into village life as in the other new Kentford developments.
3. We question the validity of the data which backs the local need for affordable housing.

Representations:

24.No third party representations received.

Policy:

25.On 1 April 2019 Forest Heath District Council merged with St Edmundsbury Borough Council to become a single Authority, West Suffolk Council. The development plans for the merged 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.

26. 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 (adopted February 2015):

- 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 DM20: Archaeology
- Policy DM22: Residential Design
- Policy DM45: Transport Assessment and Travel Plans
- Policy DM46: Parking Standards

Forest Heath Core Strategy (2010) policies are relevant to the consideration of this application:

- Policy CS1: Spatial Strategy
- Policy CS2: Natural Environment
- Policy CS3: Landscape Character and the Historic Environment
- Policy CS4: Reduce Emissions, Mitigate and Adapt to Future Climate Change
- Policy CS5: Design Quality and Local Distinctiveness
- Policy CS9: Affordable Housing Provision
- Policy CS10: Sustainable Rural Communities
- Policy CS13: Infrastructure and Developer Contributions

Other Planning Policy:

27. National Planning Policy Framework 2019
National Planning Policy Guidance 2019
National Design Guide 2019

28. 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:

29. The key considerations when determining this application are:

- Principle of development/Housing need
- Landscape impact/Loss of trees
- Design and Visual Amenity
- Residential Amenity
- Highway Impact
- Impact on Ecology
- Land Contamination/Gas Risk
- Sustainability and other Issues
- Developer contributions

Legislative Context for Outline Applications

30. This application is for outline planning permission with details of access, appearance and scale provided. The National Planning Practice Guidance (NPPG) confirms that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.

31. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access
- Appearance
- Landscaping
- Layout
- Scale

32. In this case, layout and landscaping will form the reserved matters and therefore, whilst an indicative layout has been submitted this carries no weight in the applications determination.

Principle of development/ Housing need

33. The NPPF explains (in paragraph 8) that in order to achieve sustainable development, economic, social and environmental objectives need to be pursued in mutually supportive ways so that net gains can be achieved across each objective through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

34. Kentford is identified as a primary village within Core Strategy Policy CS1, where basic local services are provided and limited housing growth can be accommodated to meet local housing needs. The site falls outside the defined settlement boundary of the village, so in terms of planning policy, this is regarded as countryside where residential development would be contrary to Development Management Policies, which require a justification for new development within the rural area. DM5 as well as CS9 provide an exception to this policy for affordable housing and potentially offer support to this application, subject to the proposed scheme meeting a demonstrated local need, retention of the housing provided at an affordable cost and their availability to those with a local need in perpetuity. The Affordable Housing Supplementary Planning Document is a material consideration in the determination of this application.

35. This site has been proposed for development for many years and has been submitted as part of the Strategic Housing Land Availability Assessment (SHLAA) since 2008. This is a library of sites submitted to the Local Authority for development. The site was deferred in 2012 and has been consistently deferred since this time given its location in the Special Protection Area buffer zone. Furthermore, the previous application on the site for 16 dwellings (F/2013/0176/OUT) was recommended for refusal, albeit the application was withdrawn prior to committee consideration. On this basis, the Local Authority has been consistent in its view that the site was not considered deliverable.

36. The current scheme proposes up to 19 dwellings all of which would be affordable and provided through a registered provider, albeit the application is submitted by the land owner. Whilst the Strategic Housing team question the evidence behind the submitted housing needs survey which lacks sufficient detail to justify the original quantity of discount market sale housing, the applicant has amended the scheme and agreed to provide the housing in accordance with the Affordable housing SPD which requires a ratio of 70% rented and 30% intermediate.

37. Additionally, whilst there are 18 applicants on the housing register in housing need indicating a local connection for Kentford, a further 14 indicate a local connection to the adjoining parishes of Moulton, Herringswell and Tuddenham. On that basis and subject to a section 106 agreement which

secures the affordability of the dwellings in perpetuity and the occupant's local connection, no further objections are raised by Strategic Housing. Given that the application is submitted in outline form, the mix of dwellings required will need to be provided by the Local Authority, based on current need, prior to any reserved matters application being submitted.

38. It must be remembered that this information regarding local housing need records a snapshot in time and doesn't take into consideration the several large developments that are taking place in Kentford at present which will contain affordable housing, albeit these will not be restricted to those with a local need but provide for the district as a whole. Nonetheless, the scheme provides affordable housing through an exception site which is supported by a local need and gains support from policies DM5 and CS9. The Local Authority is keen to encourage the development of much needed affordable homes in the district and as such, this aspect of the scheme weighs heavily in its favour.

Landscape impact/Loss of trees

39. The consideration of impact on landscape character is particularly important on development sites in the rural area. This application seeks outline consent with landscaping as a reserved matter. In addition to the impact on landscape character itself, the application must assess the loss of protected trees within the site.

40. In 2013 (and subsequently modified in 2014) a tree preservation order (TPO2013/1) was placed on the site. It specifies 66 individual trees which are largely Scots Pine, as well as an area of Elm and two groups of Scots Pine and Ash. The reason for the tree preservation order was;

These trees located east of the village of Kentford provide an important landscape feature marking the gateway to the village and contributing to the visual amenity of the locality. Tree belts such as this containing Scots pine are common locally and characteristic of the Brecks area. The trees are threatened by development and this TPO is to prevent precipitous removal of the trees now and in the future.

41. The trees occupy an exposed position where they are visible in the landscape over a wide catchment to the north and south and including the A14 transport corridor. They are a feature that is a key characteristic of the landscape type: 'Estate Sandlands'
The creation of farmland out of the former heaths in the 18th and 19th centuries resulted in the widespread planting of tree belts and rectilinear plantations. These are commonly of pines ...
(Suffolk Landscape Character Map)

42. The application makes clear that the development would imply change of use from woodland and a substantial number of trees and area of woodland would be removed. The Arboricultural Implications Assessment notes the

removal of 19 individual trees (Category B & C) and 8 Category U trees (to be removed on arboricultural grounds).

43. The landscape and visual issues technical note provided by the applicant states that the loss of some trees will overall not be significant as some of these are of poor quality and replacements will be planted. That the tree belt as a whole will remain in the landscape. Furthermore, the introduction of housing will not have a significant effect in the long term.
44. Although the layout would be addressed at the reserved matters stage, it is evident that its flexibility would be constrained by the position of trees, their quality and the need to ensure that each plot has sufficient ability to enable a dwelling to be built which is not overshadowed or otherwise constrained by the proximity to trees. In view of this, and because of the clear justification contained in the design and access statement it must be considered that the plan submitted is an illustration of the likely general layout of the scheme. The Development Management Procedure Order 2015 states that the submission of access within an outline application should be interpreted as accessibility for all routes to and within the site and as such, the access routes shown on the indicative layout should be considered as drawn. Therefore, whilst the reserved matters application has the ability to somewhat tweak the layout, including the precise position and orientation of the dwellings and car parking spaces this is limited, not only by the trees but by the internal access roads.
45. The Local Authority has concerns over the acceptability of this indicative layout and should it be included for consideration would not be supportive. It details the removal of 19 trees to facilitate the development illustrated, but without including layout for consideration the Local Authority has no comfort that this layout is achievable and should it change, the number of trees to be removed also has the potential to increase. Consequently, whilst the application asks us to consider the loss of these trees, without full details of the scheme it is not possible to know the full extent of tree loss anticipated.
46. It is noted, that several trees shown as retained are within rear gardens, parking areas and in close proximity to footpaths and areas of hardstanding. Roads and footpaths are unlikely to be adopted by the County Council in such close proximity to trees. Furthermore, this plan doesn't take into consideration utilities required and any easements or maintenance strips necessary which may also lead to tree removal. The retention of tall Scots pine in the centre of a small rear garden is unlikely to be desired by future occupants. The orientation of the site means that all trees to the south of proposed dwellings will cause overshadowing and its likely that residents would resent these dominant trees given their close proximity to the properties as well as their impact on light to both gardens and rear rooms. This places additional pressure on their removal which is difficult for the Local Authority to resist when it potentially concerns the safety of residents. With this in mind it must be considered whether 19 dwellings could be accommodated within such a constrained site without almost total removal of the trees.

47. The woodland park proposed on the Eastern edge of the development suffers the same problem. The plan indicates that the majority of trees in this area can be retained but in reality a children's play area under the canopy of trees represents issues for maintenance of both trees and equipment as well as damage to tree roots and concerns for child safety. It is unlikely that the Local Authority would adopt a play area in this situation.
48. The applicant makes the argument that *'The unmanaged appearance of the site does not present a high quality landscape on the approach to the village'*.
However, the appearance of the trees is not dissimilar to an image used by the Suffolk Landscape Character Mapping site to describe the Estate Sandlands Landscape Character. Landscape Character mapping does not make value judgements on landscape type but features that reinforce character are considered to be important and worthy of retention. It is the gnarled and contorted trunks of pine trees and tree belts in the Brecks that contribute to the wilderness qualities of the area and this is the charm of these trees. In an open woodland location, such as this, the risks associated with the failure of these trees are minimal. Without the development it is likely that the trees would continue to make a contribution irrespective of their arboricultural condition.
49. It is apparent in aerial photographs that the woodland has deteriorated over the last decade or two. However, it still provides significant visual benefit. Whilst the applicant suggests that the trees have not been managed (and will not in the future if this application fails to succeed) and therefore, a number need to be removed due to their poor growth, this is not sufficient justification for the loss of this woodland area. Allowing removal on this basis, would effectively be rewarding the applicants for their lack of tree management which is not a precedent the Local Authority wants to encourage. Not mentioned within the application is the requirement to replace any protected tree removed which would further boost the tree cover on this site. However, should the application succeed, it is difficult to determine if sufficient space is available to accommodate this further planting.
50. Planning policy DM13 requires that "All 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." Furthermore, DM2 states that development should not involve the loss of important, open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement as well as not affecting adversely important landscape characteristics.
51. The proposals will erode the rural setting of Kentford in particular the tree line to the south of the eastern approach to the village which provides the gateway to the village. The erosion of the character of the site will be experienced by motorists, but it will also be experienced by pedestrians and

cyclists who will most likely be local residents who are more sensitive to change. Whilst the views might be transient, in the context of such a small village community they will have an adverse effect particularly in the short term.

52. The removal of this many trees and their replacement with built form would have a significant detrimental impact on the visual amenity of the area, eroding the soft edge to the settlement that this woodland currently provides. It is considered that this development would constitute an undesirable and urbanising change to the landscape character which conflicts with the provisions of policies DM2, DM5, DM13 and the NPPF which seek to protect the countryside from unsustainable development.

Design and Visual Amenity

53. Situated at the Eastern end of the village the site provides a soft edge to the settlement of Kentford, acting as a transitional area between the A14 and the centre of the village where housing development gradually thins out to countryside. The village itself has a distinctive linear form which sees built development on either side of Bury Road where dwellings are generally two storey in height fronting the highway. A variety of development has recently been built in the vicinity of the application site and other permissions for development have been granted but generally this linear character prevails.
54. The suburban cul-de-sac arrangement proposed and governed by the access roads is unsympathetic to this rural location, intensifying the built form in an area where it otherwise peters out to countryside. This conflict would be discordant and harmful to the established character of the area and fail to comply with the aims of the NPPF which seek to ensure, amongst other things, schemes that; (a) make an efficient use of land taking into account the desirability of maintaining an area's prevailing character; and (b) establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces.
55. The NPPF makes clear that creating high quality buildings and places is fundamental to planning. The National Design Guide has been created to illustrate how good design can be achieved in practice and forms part of the governments collection of planning practice guidance. The guide introduces 10 characteristics to good design. These characteristics largely echo the provisions of DM2 and the NPPF which state that all development should be based on a sound understanding of the key features and characteristics of an area, integrate into their surroundings and create or maintain a sense of place. It is not considered that the scheme in this form adequately meets these aims or complies with the long-standing fundamental principles of good design; (as stated within the National Design guide) fit for purpose, durable and brings delight.
56. The woodland park proposed, whilst welcomed as a village facility is located on the edge of the settlement adjacent to a busy road. The area does not benefit from natural surveillance, is not definitely served by a linking footpath and as such, does not represent a safe and accessible environment.

57. Matters of scale and appearance are included for consideration. Plans demonstrate that dwellings would be a maximum of two storeys and similar in height to those nearest featuring pitched roofs and stone detailing. Plans show dwellings to be built using a mixture of buff and red brick and flint with slate tiles. The scale and materials shown are considered acceptable in this location and reflective of development in the wider village.

Residential Amenity

58. Policies DM2, DM22 and CS5 seek to ensure that development protects residential amenity for existing and future users of land. The site sits adjacent to Flint House to the West, which has recently gained planning permission for a further two dwellings to be erected in its curtilage. The indicative plan shows plot 1 on the common boundary with this dwelling as well as the rear car park with no indication of any landscaping or space for this to occur. Nonetheless, the layout has not been submitted for consideration at this stage and should the scheme get to reserved matters stage boundary treatments and fenestration can be considered to ensure no loss of amenity to adjacent occupants.

Highway Impact

59. The site is located adjacent to the B1506, a two way road which is subject to a 40mph limit in this location. The 30mph limit, which is marked with a gateway feature is located to the Western corner of the site and includes a narrowing of the road. The A14 slip road is approximately 500 metres to the East.

60. Two access points are proposed off B1506 and subject to detailed plans which indicate visibility and take into account actual road speeds, the Highway Authority is satisfied. A potential extension to the 30mph zone and traffic calming measures would be subject to further consideration.

61. The footpath on the Southern side of the road ends at the vehicular access to Flint House to the West of the site. The applicant has indicated that a footpath will be provided along the frontage of the site and/or through the site to the West joining the highway behind the current village gateway feature. The Highway Authority has queried what changes will be required to the gateway feature in order to narrow it and allow this footway without moving it East or West, but is satisfied that a solution can be reached. This footpath is not proposed within the red or blue line of the application. The application site as submitted however does not abut land owned by the highway and a potential ransom strip is retained between. This being the case, and with no record of any conversation with the land owner, the Local Authority is not convinced that there is reasonable prospect of this essential link being delivered.

62. Consequently, whilst the position of the accesses is considered acceptable, doubts over the achievability of the footpath weigh heavily against the scheme. Without a suitable link to join the development to the village the

scheme fails to contribute to a safe, inclusive, well connected and sustainable community as required by the NPPF and the National Design guide which stresses the importance of social cohesion through planning.

Impact on Ecology

63. The application is supported by ecology reports to assess the suitability of the site to accommodate protected species.
64. The Local Planning Authority, as the competent authority is responsible for the Habitats Regulation Assessment as required by the Conservation of Habitats and Species Regulations 2010 (as amended). The site is located approximately 930m from Breckland Farmland SSSI which is a component part of Breckland Special Protection Area (SPA), and approximately 7.3km from Mildenhall Woods which is part of Breckland Forest SSSI and also a component part of Breckland SPA. 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. Natural England has advised that an Appropriate Assessment is not required in this case.
65. It is acknowledged that the site has the potential for bat roosting and provides foraging habitat. The most recent bat survey does not consider the development to have a significant impact on bats and suggests mitigation measures including a lighting design which minimised light spill onto retained trees and site boundaries as well as the retention of a clear linear feature or structural planting corridor East to West to allow bats to follow the line from the village to the woodland to the east. It is not clear from the application if these measures are achievable given that the indicative plan does not allow space to retain or provide suitable landscaping East to West. Without the provision of these mitigation measures there remains potential for impacts on bats which weighs against the scheme.

Land Contamination/ Gas risk

66. The site is adjacent to a former landfill site which is closed and known to be 'gassing' where the gas concentrations are operating on a dilute and disperse principal. Disturbance of the land has the potential to increase the risk of gas migration and consequently, further monitoring is recommended. Subject to conditions, including the ongoing monitoring of the site and the use of particular building construction methods the Environment Agency is content for the site to be developed for residential use.

Sustainability and Other issues

67. 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.’

68. 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. As such, a condition is suggested requiring electric vehicle charge points to enhance the local air quality through the enabling and encouraging of zero emission vehicles.
69. In terms of archaeology, the proposed development site lies in an area of high archaeological potential due to its close proximity to three ring ditches and the probable remains of Bronze Age burial mounds. Due to the high potential for the discovery of below ground heritage assets a condition is recommended to ensure a programme of archaeological work is secured.
70. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Developer contributions

71. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations, which were amended on 1st September 2019. In particular, this states that a planning obligation may only constitute a reason for approval if it is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
72. These are the three principal tests set out in Paragraph 56 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, ‘A Developers Guide to Infrastructure Contributions in Suffolk’.
73. Suffolk County Council has advised a shortfall of pre-school, primary and secondary school places to accommodate occupants of this development and as such has requested a total contribution of £221,184 to spend on enhancing and improving this provision. In addition, a fee for the enhancement of local libraries is requested at £16 per dwelling. These requests are considered to be reasonable and necessary in order to make the development acceptable in planning terms.

74. The application proposes up to 19 dwellings on an exceptional basis given that they are for affordable housing and consequently, this must be secured by a legal agreement, including the cascade method of occupation starting with those with a local connection to Kentford and then out to those with a local connection to the adjacent parishes.

Conclusion:

75. Noting the above conclusions, consideration of this application must remain a balanced matter. Officers are satisfied that the scheme will provide affordable housing that meets a locally identified need and will boost the Councils supply. This weighs in favour of the scheme. Objections previously raised in relation to highway access and safety, gas risk and housing need have been overcome.

76. Nonetheless, the opposite side to the balance of considerations is the significant adverse impact identified to the landscape character through the introduction of housing combined with the loss of protected trees and woodland which the Local Authority is not confident can be replaced. Moreover, the constrained nature of the site results in a contrived layout which fails to represent good design or recognise the key characteristics of the area.

77. The Framework identifies the three dimensions of sustainable development as economic, social and environmental and emphasises that these should not be taken in isolation because they are mutually dependent. Whilst the application may meet part of these aims through economic benefits brought through the construction of new dwellings as well as local spend by residents, in addition to the principle of affordable housing itself, it is not considered that the scheme represents overall net gains in these objectives and on this basis, cannot be considered to represent sustainable development.

78. The applicant has agreed to provide the above developer contributions but given that the application is recommended for refusal a legal agreement has not been signed. Without the security of a completed Section 106 agreement this must weigh against the development and constitute a reason for refusal.

Recommendation:

79.Planning permission is **REFUSED** for the following reasons:

1. The protected trees on the site provide an important and distinctive landscape feature marking the gateway to the village and contributing to the visual amenity of the locality. Tree belts such as this containing Scots pine are common locally, are characteristic of the Brecks area and should be retained. The removal of this many protected trees and their replacement with built form would have a significant detrimental impact on the visual amenity of the area, eroding the soft edge to the settlement that this woodland currently provides. It is considered that this development would constitute an undesirable and urbanising change to the landscape character which conflicts with the provisions of policies DM2, DM5, DM13 and the NPPF which seek to protect the countryside from unsustainable development.
2. The constrained nature of the site has resulted in a scheme which appears overdeveloped and contrived, introducing an unsympathetic suburban form of built development which conflicts with the adjacent character and pattern of rural development. This is contrary to the aims of The National Planning Policy Framework and policies DM2, DM22 and CS5 which stress the importance of good design, the creation of a sense of place and recognition of key features of the area.
3. The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy and guidance contained within the NPPF 2019.
4. Policies CS9 and DM5 allow development outside of designated housing settlement boundaries on an exceptional basis only. Without a signed section 106 agreement restricting occupation of the housing to those with an identified local affordable housing need the Local Authority has no assurances that the scheme would deliver affordable housing and as such would be contrary to local and national policy which seeks to locate residential development within settlement boundaries.

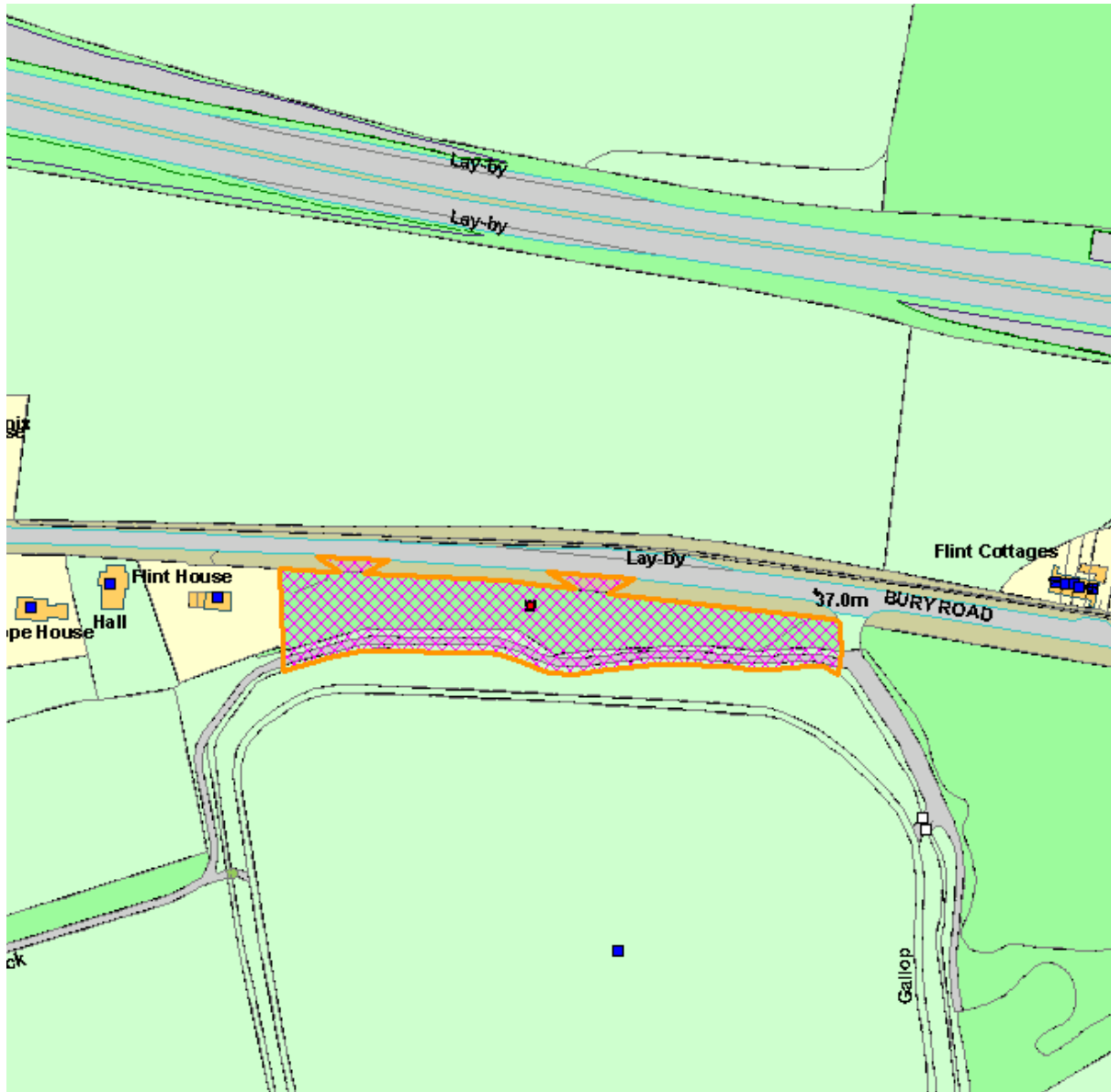
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2474/OUT](#)

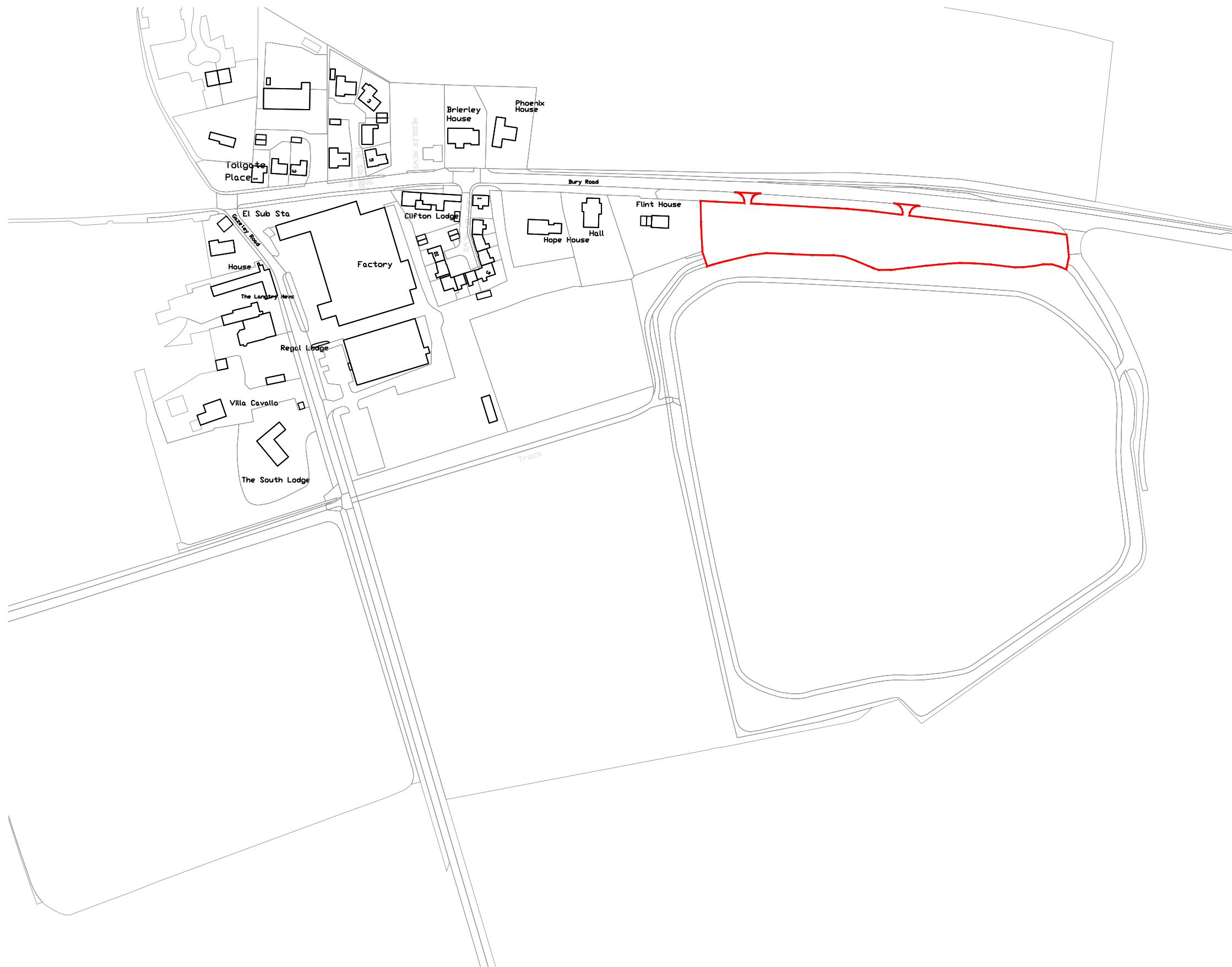
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DC/17/2474/OUT – Land South of Bury Road, Kentford



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<http://www.hse.gov.uk/construction/cdm/2015/responsibilities.htm>

It is your responsibility as client to make yourself aware of your role within CDM 2015 and act accordingly.

Site Boundary 0.6ha

PURPOSE OF ISSUE PL - For Planning	RIBA STAGE 3
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DRAWING STATUS S2 - Fit for Information
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PROJECT TITLE Land off Bury Rd, Kentford

CLIENT Heritage Developments

DRAWING TITLE Location Plan	SCALE 1:1250 @A3
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DATE March 19	DRAWN BY RVR/DO	CHECKED BY JC	APPROVED BY IR
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DRAWING NUMBER			
PROJECT NO	TYPE	UNIQUE NO	REVISION
0502	- 00	- 000	- B



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Norwich Office: Brettingham House, 98 Pottergate, Norwich, NR2 1EQ
Tel 01603 631 319 www.lanproservices.co.uk



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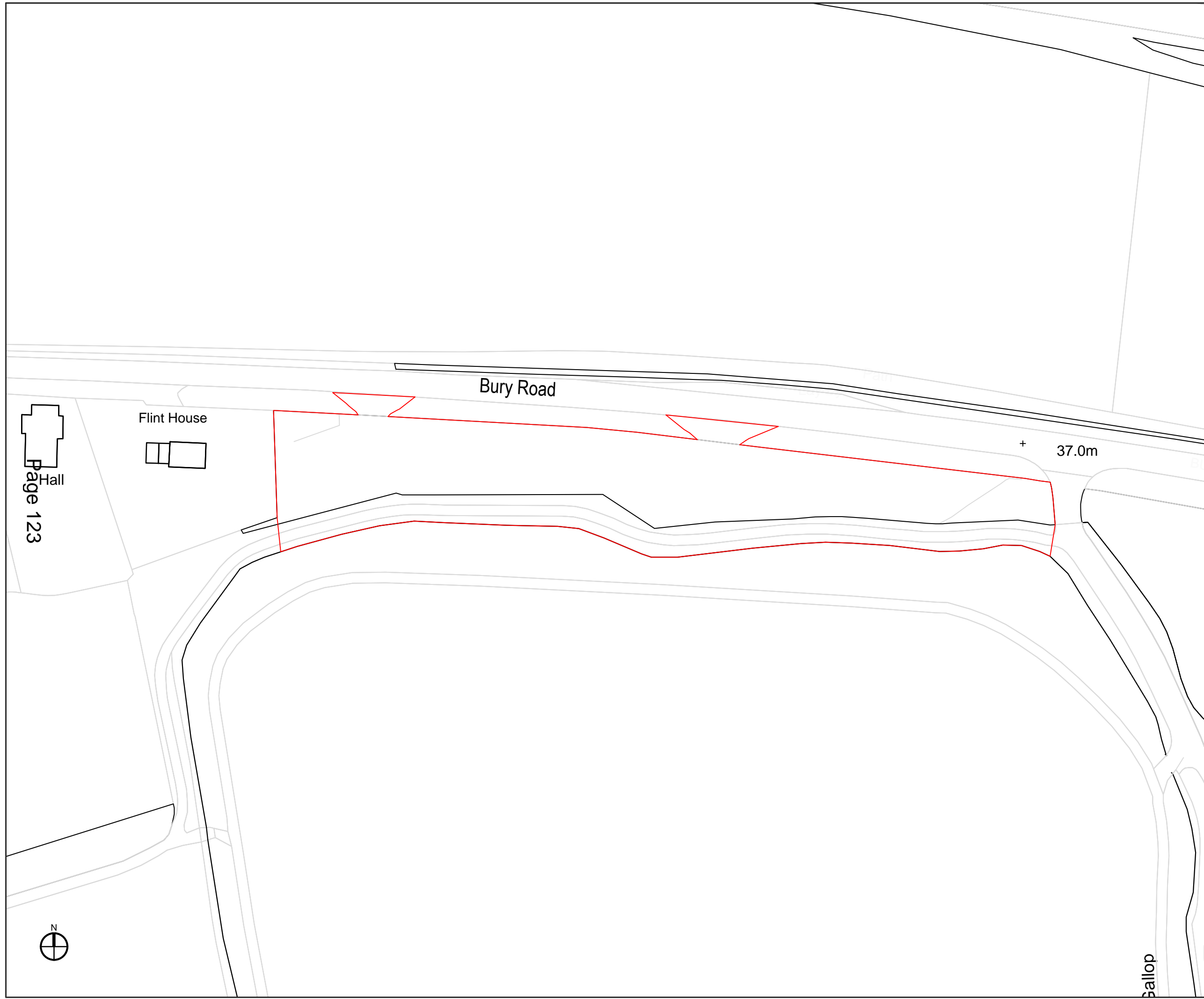
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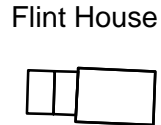
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— Site Boundary 0.6ha



Hall
Page 123



Bury Road

37.0m



REVISED BY:	DATE:	CHECKED BY:	DATE:
PURPOSE OF ISSUE PL for Planning		RIBA STAGE 3	
DRAWING STATUS S2 - Fit for Information			
PROJECT TITLE Land of Bury Rd, Kentford			
CLIENT Heritage Developments			
DRAWING TITLE Site Plan			SCALE 1:1000@A3
DATE NOV 17	DRAWN BY JPG	CHECKED BY TU	APPROVED BY IR
DRAWING NUMBER			
PROJECT NO 0502	TYPE 00	UNIQUE NO 010	REVISION -



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Gallop

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