

# Development Control Committee

<b>Title</b>	<b>Agenda</b>		
<b>Date</b>	<b>Wednesday 1 June 2022</b>		
<b>Time</b>	<b>10.00am</b>		
<b>Venue</b>	<b>Conference Chamber</b> <b>West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU		
<b>Full Members</b>	<b>Chair</b> <b>Vice Chairs</b>	To be appointed by the Development Control Committee on 1 June 2022	
	<b>Conservative Group (10)</b>	Carol Bull Mike Chester Andy Drummond Susan Glossop Brian Harvey	Ian Houlder David Palmer Andrew Smith Peter Stevens Jim Thorndyke
	<b>The Independent Group (5)</b>	John Burns Jason Crooks Roger Dicker	Andy Neal Vacancy
	<b>Labour Group (1)</b>	David Smith	
<b>Substitutes</b>	<b>Conservative Group (5)</b>	Nick Clarke James Lay Sara Mildmay-White	David Nettleton David Roach
	<b>The Independent Group (2)</b>	Richard Alecock	Trevor Beckwith
	<b>Labour Group (1)</b>	Diane Hind	
<b>Interests – declaration and restriction on participation</b>	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.		
<b>Quorum</b>	Six Members		
<b>SITE VISITS WILL BE HELD ON MONDAY 30 MAY 2022 AT THE FOLLOWING TIMES</b>			
<b>The coach for Committee Members will depart West Suffolk House at <u>9.30am sharp</u> and will travel to the following sites:</b>			

**1. Planning Application DC/21/2320/FUL - Pattles Grove Stud, Pattles Grove House, Chedburgh Road, Wepstead**

Planning application - a. partial change of use to a timber supplies business (sui generis); b. stable block; c. office building; d. timber store; e. workshop; f. open fronted storage barn; g. open fronted timber store and; h. associated ancillary development

**Site visit to be held at 9.50am**

**2. Planning Application DC/21/2328/FUL - Sentinel Works, Northgate Avenue, Bury St Edmunds**

Planning application - nine dwellings

**Site visit to be held at 10.30am**

**3. Planning Application DC/19/2456/HYB - Land North East of Bury St Edmunds, Bury Road, Great Barton**

Hybrid Application - i) Outline application (with all matters reserved except for access) - for up to 1375 dwellings, access (including two new roundabouts onto A143 and creation of new foot and cycleway links into the site which would include new cycle/pedestrian crossings of the A143 and cycle/pedestrian link through the existing railway underpass), public open space (including buffer to Cattishall and Great Barton) and landscaping; new local centre (which could include the following uses A1; A2; A3; A4; A5; B1; D1; or D2); primary school; and associated infrastructure and works (including access roads, drainage infrastructure and substations), and ii) Planning Application - Full details for Phase 1 of the outline application for 287 dwellings (which are part of the overall up to 1375 dwelling proposal), garages, access roads, parking, open space, drainage infrastructure and associated infrastructure and works

**Site visit to be held at 11.00am**

**On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 11.45am.**

**Where otherwise required for this agenda, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting.**

**Committee administrator**

**Helen Hardinge**

Democratic Services Officer

**Telephone** 01638 719363

**Email** [helen.hardinge@westsuffolk.gov.uk](mailto: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)
  - 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.
  - The following planning local plan documents covering West Suffolk Council:
    - Joint development management policies document 2015
    - In relation to the Forest Heath area local plan:
      - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
      - ii. Core strategy single issue review of policy CS7 2019
      - iii. Site allocations local plan 2019
    - In relation to the St Edmundsbury area local plan:
      - i. St Edmundsbury core strategy 2010
      - ii. Vision 2031 as adopted 2014 in relation to:
        - Bury St Edmunds
        - Haverhill
        - Rural

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.

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 or 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 section 3 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 or 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 and 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

**1. Election of Chair 2022/2023**

**2. Election of Vice Chairs 2022/2023**

**3. Apologies for absence**

**4. Substitutes**

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

**5. Minutes**

**1 - 6**

To confirm the minutes of the meeting held on 4 May 2022 (copy attached).

**6. Declarations of interest**

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

**7. Planning Application DC/19/2456/HYB - Land North East of Bury St Edmunds, Bury Road, Great Barton**

**7 - 76**

Report No: **DEV/WS/22/016**

Hybrid Application - i) Outline application (with all matters reserved except for access) - for up to 1375 dwellings, access (including two new roundabouts onto A143 and creation of new foot and cycleway links into the site which would include new cycle/pedestrian crossings of the A143 and cycle/pedestrian link through the existing railway underpass), public open space (including buffer to Cattishall and Great Barton) and landscaping; new local centre (which could include the following uses A1; A2; A3; A4; A5; B1; D1; or D2); primary school; and associated infrastructure and works (including access roads, drainage infrastructure and substations), and ii) Planning Application - Full details for Phase 1 of the outline application for 287 dwellings (which are part of the overall up to 1375 dwelling proposal), garages, access roads, parking, open space, drainage infrastructure and associated infrastructure and works

- |            |   |                  |
|------------|---|------------------|
| <b>8.</b>  | <b>Planning Application DC/21/2328/FUL - Sentinel Works,<br/>Northgate Avenue, Bury St Edmunds</b>  | <b>77 - 100</b>  |
|            | Report No: <b>DEV/WS/22/017</b>   |                  |
|            | Planning application - nine dwellings   |                  |
| <b>9.</b>  | <b>Planning Application DC/22/0172/FUL - Land adjacent to<br/>1 and 2, Park Garden, West Row</b>  | <b>101 - 122</b> |
|            | Report No: <b>DEV/WS/22/018</b>   |                  |
|            | Planning application - six dwellings with access, parking and associated site work  |                  |
| <b>10.</b> | <b>Planning Application DC/22/0199/FUL - White Gables,<br/>Stock Corner, Beck Row</b>   | <b>123 - 140</b> |
|            | Report No: <b>DEV/WS/22/019</b>   |                  |
|            | Planning application - a. two dwellings and associated works; b. access   |                  |
| <b>11.</b> | <b>Planning Application DC/21/2320/FUL - Pattles Grove<br/>Stud, Pattles Grove House, Chedburgh Road, Wepstead</b>  | <b>141 - 154</b> |
|            | Report No: <b>DEV/WS/22/020</b>   |                  |
|            | Planning application - a. partial change of use to a timber supplies business (sui generis); b. stable block; c. office building; d. timber store; e. workshop; f. open fronted storage barn; g. open fronted timber store and; h. associated ancillary development |                  |
| <b>12.</b> | <b>Planning Application DC/22/0579/FUL - Mildenhall<br/>Library, Chestnut Close, Mildenhall</b>   | <b>155 - 166</b> |
|            | Report No: <b>DEV/WS/22/021</b>   |                  |
|            | Planning application - Installation of two metre high security fencing to external boundary (previous application DC/21/1536/FUL)   |                  |

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# Development Control Committee



**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 4 May 2022** 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

Carol Bull

Brian Harvey

John Burns

Ian Houlder

Jason Crooks

David Palmer

Roger Dicker

David Smith

Andy Drummond

Peter Stevens

Susan Glossop

**Substitutes attending for a full member**

Nick Clarke

Andy Neal

229. **Apologies for absence**

Apologies for absence were received from Councillors Richard Alecock and David Roach.

230. **Substitutes**

The following substitutions were declared:

Councillor Nick Clarke substituting for Councillor David Roach.

Councillor Andy Neal substituting for Councillor Richard Alecock.

231. **Minutes**

The minutes of the meeting held on 6 April 2022 were unanimously confirmed as a correct record and signed by the Chair.

232. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

233. **Planning Application DC/22/0090/HH - 18 Aspal Hall Road, Beck Row (Report No: DEV/WS/22/012)**

**Householder planning application – a. outbuilding to front elevation  
b. cladding of front elevation.**

This application was referred to the Development Control Committee following consideration by the Delegation Plan.

Planning permission was sought retrospectively for a single storey outbuilding to the front of the dwelling to create a disability gymnasium for the personal use of the applicant. The outbuilding measured up to 6.5 metres in depth and 4.6 metres in width, with a flat roof to a height of 2.3 metres. The outbuilding was clad with a charcoal colour cement board cladding.

The proposal was amended during the course of the application to also include (retrospectively) the cladding of the front elevation of the house, to match the finish of the outbuilding.

Attention was drawn to the supplementary 'late paper' which had been circulated following publication of the agenda, which set out a condition requiring the retention of off-road parking, as recommended by the Highways Authority, this had been omitted from the attached report in error.

Officers were recommending that planning permission be approved, subject to conditions, as set out in Paragraph 23 of Report No DEV/WS/22/012 and the late paper, which was contrary to the Parish Council's objection to the application.

As part of her presentation the Planning Officer showed videos of the site by way of a virtual 'site visit'.

In response to questions posed by Members the Officer advised that Aspal Hall Road was a private road, the impact on the street scene was considered acceptable, and the outbuilding was already in existence.

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

Upon being put to the vote and with the vote being 13 for and 3 against, it was resolved that

Decision

Planning permission be **GRANTED** subject to the following condition:

1. The development permitted shall not be carried out, except in complete accordance with the details shown on the approved plans and documents.
2. The area(s) within the site shown on drawing number 01-22 for the purpose of loading, unloading manoeuvring and parking of vehicles shall be retained and used for no other purpose.

234. **Planning Application DC/21/2118/FUL - Lady Wolverton Pavilion, Adastral Close, Newmarket (Report No: DEV/WS/22/013)**

*(Councillor Andy Drummond declared a non-pecuniary interest in this item in light of the fact that he had taken part in Newmarket Town Council's consideration of the application when they resolved to support the scheme. However, Councillor Drummond stressed that he would keep an open mind and listen to the debate prior to voting on the item.)*

**Planning application – one log cabin**

This application was referred to the Development Control Committee as Lady Wolverton Pavilion was a West Suffolk Council owned site.

The application sought planning permission for the construction of a log cabin within the grounds of Lady Wolverton Pavilion. The proposed log cabin was 5 metres by 11 metres and accommodated two classrooms and a cloakroom area associated with the existing nursery school on the site. The overall height was 2.4 metres.

The Town Council had raised no objections.

Officers were recommending that approval be granted, subject to conditions as set out in Paragraph 24 of Report No: DEV/WS/22/013.

As part of her presentation, the Planning Officer showed videos of the site by way of a virtual 'site visit'.

In response to questions posed by Members the Officer advised that the colour proposed for the log cabin would be a stained timber finish; fire safety was covered under the Building Regulations and the safety and duty of care of children was covered by other legislation, which the operator had to abide by.

It was proposed by Councillor Andy Drummond that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Carol Bull.

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. Time limit  
The development permitted shall be begun not later than three years from the date of this permission.
2. Compliance with plans  
The development permitted shall not be carried out, except in complete accordance with the details shown on the approved plans and documents.

235. **Planning Application DC/21/2220/HH - 29 Springfield Avenue, Bury St Edmunds (Report No: DEV/WS/22/014)**

**Householder planning application – single story rear extension**

This application was referred to the Development Control Committee for determination, following consideration by the Delegation Panel because an objection had been received from the Town Council and the application was recommended for approval.

The application sought planning permission for a single storey rear extension. The proposed extension would have a flat roof with two skylights. The extension would provide a larger kitchen/dining space with French doors to the rear. The rear of the proposed extension, which currently serves as a bathroom.

The proposal would have a height of 2.7 metres, a width of 2.56 metres and a depth of 5.93 metres. The proposed materials would match the host dwelling.

A sun path and light report had been produced by the agent, which concluded that the proposed extension would have a low impact on the light received by the neighbouring property at number 27 Springfield Avenue. Whilst the proposal would result in some extra shading, the effect would be minimal due to the existing arrangements. Shading was already present within the rear garden due to the nature of the existing adjacent development. The fallback position of permitted development was also a consideration in terms of impact from shading.

Attention was drawn to the supplementary 'late paper' which had been circulated following publication of the agenda, which set out additional comments received from Ward Member Councillor David Nettleton, dated 27 April 2022.

Officers were recommending that planning permission be approved, subject to conditions as set out in Paragraph 42 of Report No: DEV/WS/22/014.

As part of his presentation, the Planning Officer showed videos of the site by way of a virtual 'site visit'.

Speaker: Will Smith (agent for Mason Cube) spoke in support of the application.

*(A neighbouring objector had also registered to speak but had indicated that they would be unable to attend the meeting in person and intended to submit either a pre-recorded audio file to be played or a written statement to be read out. The Chair asked the Democratic Services Officer to verbally update the meeting on the current position, the Officer advised that she had her email account open before her and no further communication had been received from the individual in question since their initial request to register.)*

Discussions took place and some Members were concerned that the area proposed was very small to be developing in but noted that the proposal had

been amended since initial submission. The Permitted Development fallback position was also commented upon and further explained by Officers.

In response to questions posed by Members the Officer advised that a sunlight assessment had been received and were satisfied with the report.

It was then proposed by Councillor Carol Bull that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with the vote being 12 for and 4 against, it was resolved that

#### Decision

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

1. The development permitted shall be begun no later than three years from the date of this permission.
2. The development permitted shall not be carried out, except in complete accordance with the details shown on the approved plans and documents

#### 236. **Planning Application DC/22/0644/DE1 - Mildenhall Swimming Pool, Recreation Way, Mildenhall (Report No: DEV/WS/22/015)**

##### **Notification under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 – demolition of building.**

This application was referred to the Development Control Committee because it related to an application made by and on behalf of West Suffolk Council.

Members were advised that notification was made under regulations contained within the Town and Country Planning (General Permitted Development) Order 2015, specifically Schedule 2 Part 11 Class B.2. In such instances, an application was required to be submitted to the local planning authority for determination as to whether the prior approval of the local authority was required in relation to the method of demolition and any proposed restoration on the site.

Officers were recommending under Paragraph 42 of Report No: DEV/WS/22/015, that it be confirmed that prior approval as to the method of demolition, was not required.

The proposal was to demolish in full the former swimming pool building at Recreation Way, Mildenhall.

As part of his presentation, the Senior Planning Officer showed videos of the site by way of a virtual 'site visit'.

In response to questions posed by Members the Officer advised that the application was solely to deal with the demolition-method and manner of the

restoration. The future maintenance of the site would be to level the area, seed with grass and a wildflower mix, and maintain the area on a regular basis, which was outside the scope of this application. Members were also advised that the electrical charging points mentioned in the report were also not part of this application.

It was then proposed by Councillor Andy Drummond that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor John Burns.

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

Decision

It was confirmed that Prior Approval as to the method of demolition was **not required**.

The meeting concluded at 11.30 am

**Signed by:**

**Chair**

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## **Development Control Committee**

### **1 June 2022**

#### **Planning Application DC/19/2456/HYB – Land North East of Bury St Edmunds, Bury Road, Great Barton**

<b>Date registered:</b>	6 January 2020	<b>Expiry date:</b>	27 April 2020 – EOT agreed up to 29 October 2021
<b>Case officer:</b>	Julie Barrow	<b>Recommendation:</b>	Refuse (endorsement of reasons for refusal sought to form the Council's stance at appeal)
<b>Parish:</b>	Great Barton	<b>Ward:</b>	The Fornhams and Great Barton
<b>Proposal:</b>	Hybrid Application - i) Outline application (with all matters reserved except for access) - for up to 1375 dwellings, access (including two new roundabouts onto A143 and creation of new foot and cycleway links into the site which would include new cycle/pedestrian crossings of the A143 and cycle/pedestrian link through the existing railway underpass), public open space (including buffer to Cattishall and Great Barton) and landscaping; new local centre (which could include the following uses A1; A2; A3; A4; A5; B1; D1; or D2); primary school; and associated infrastructure and works (including access roads, drainage infrastructure and substations), and ii) Planning Application - Full details for Phase 1 of the outline application for 287 dwellings (which are part of the overall up to 1375 dwelling proposal), garages, access roads, parking, open space, drainage infrastructure and associated infrastructure and works		
<b>Site:</b>	Land North East of Bury St Edmunds, Bury Road, Great Barton		
<b>Applicant:</b>	St Joseph Homes Ltd		

**Synopsis:**

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

**Recommendation:**

It is recommended that the committee endorse the reasons for refusal as the applicant has submitted an appeal against the non-determination of the application by the local planning authority within an agreed extension of time.

CONTACT CASE OFFICER: Julie Barrow  
Email: [julie.barrow@westsuffolk.gov.uk](mailto:julie.barrow@westsuffolk.gov.uk)

Telephone: 01284 757621

## **Background:**

**This application was submitted to West Suffolk Council in December 2019 and was validated in January 2020. It relates to a major strategic development site within the town of Bury St Edmunds and forms one of the five residential sites identified for growth in the St Edmundsbury Core Strategy 2010 and Bury St Edmunds Vision 2031.**

**The application has been subject to extensive scrutiny and lengthy discussions between the applicant, the local planning authority and external stakeholders, in particular the local highway authority.**

**The application is accompanied by a Transport Assessment and a number of subsequent detailed technical notes and a comprehensive walking and cycling strategy. The technical notes and walking and cycling strategy were submitted by the applicant during the course of the application as a direct result of discussions with the local highway authority.**

**The local Highway Authority, supported by National Highways, has reached the conclusion that the development would be contrary to Paragraph 111 of the National Planning Policy Framework which states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.**

**The applicant has provisionally agreed a package of highway mitigation measures in order to address the highway impacts of the scheme, however, the local highway authority do not consider that the package is sufficient to fully mitigate the impacts of the development and as such both the local highway authority and National Highways object to the application.**

**The applicant has declined to negotiate further with the local highway authority and on 27 April 2022 the applicant formally notified the local planning authority that it has submitted an appeal to the Planning Inspectorate in respect of the non-determination of the application.**

**As at the date of writing this report the local planning authority awaits a formal 'start letter' from the Planning Inspectorate for the appeal and an update will be provided to the Committee if any further information is available at the meeting relating to the timetable for the appeal.**

**In the light of the continuing objections from the local Highway Authority and National Highways, Officers have taken the view that the application could not be supported and had it come before the Committee for determination it would have been with a recommendation of REFUSAL.**

**This application is now being presented to the Committee to seek endorsement of the reasons for refusal that officers would have been recommending had the local planning authority been able to determine**



**the application. The reasons for refusal will form the basis of the local planning authority's defence of the appeal.**

**1.0 Proposal:**

- 1.1 Planning permission is sought for the erection of up to 1375 dwellings and associated infrastructure. The associated infrastructure includes a new primary school, local centre and public open space in addition to the necessary drainage infrastructure, means of access and substations. The proposed vehicular accesses would take the form of two roundabouts on the A143.
- 1.2 The application is made in hybrid form, with outline planning permission sought for the principle of up to 1375 dwellings and its associated infrastructure. Full planning permission is also sought for Phase 1 of the development, comprising 287 dwellings, access roads, open space, play areas and strategic landscaping.
- 1.3 Details of the layout of the remainder of the site and the appearance and scale of the buildings are reserved for later consideration, such that no formal details of these matters are included with the planning application for consideration and approval at this outline stage. The application is however, accompanied by a series of parameter plans to demonstrate how the later phases of development can be built out at a later date. Parameters for the outline element of the planning application and later potential reserved matters submissions, and the details submitted for the full element of the application for Phase 1 are informed by a Masterplan for the site. The Masterplan was adopted by the Council for use in development management decisions in June 2014.

**2.0 Application supporting material:**

The following documents accompany the planning application forms and comprise the planning application):

- Application Forms and Certificates
- Plans and Drawings
- Environmental Statement, including:
  - Noise and Vibration Assessment
  - Heritage Assessment (Archaeological and built heritage)
  - Landscape Visual Impact Assessment
  - Air Quality Assessment and Odour Assessment
  - Ecological Assessment and associated protected species surveys
  - Lighting Impact Assessment
- Planning Statement
- Design & Access Statement (including Landscape Design Statement)
- Transport Assessment (including Public Transport Strategy and Travel Plan)
- Framework Construction Management Plan
- Landscape Management Plan
- Statement of Community Engagement
- Flood Risk Assessment and Drainage Strategy
- Phase 1 Geo-Environmental Assessment
- Tree Survey and Arboricultural Impact Assessment
- Energy Statement

The following amendment/additional information has been received during the course of the application:

May 2020:

- Transport Technical Note 7 – ‘Summary of Actions’
- Transport Technical Note 8 – ‘Walking and Cycling Audit’
- Transport Technical Note 10 – ‘Applicant’s response to Third Party Representations’
- Transport Technical Note 11 – A134 Layout

August 2020

- Transport Technical Note 12 – ‘Response to SCC Comments received 10 June 2020’

December 2020

- Updated parameter plans
- Updated detailed layout plans for phase 1, including
  - Layout
  - Layout in wider context
  - Reuse strategy layout
  - Parking strategy layout
- A Walking and Cycling Strategy Document
- Updated house type designs and street scene drawings
- Updated Tree Protection details for phase 1
- Updated illustrative landscaping proposals and open space assessment
- Updated Outline Landscape Management Plan
- An addendum to the Design and Access Statement
- A response note on ecology matters
- A Biodiversity Impact Assessment Technical Note
- A technical note of noise related matters
- A technical note in respect of EIA matters
- Updated phasing plan

January 2021:

- Transport Assessment Addendum

March 2021:

- Updated Walking and Cycling Strategy Document

May 2021

- Flood Risk Assessment and Drainage Strategy Addendum
- Updated Land Use Parameter Plan
- Updated Green Infrastructure Parameter Plan
- Updated Density Parameter Plan
- Updated Phasing Plan
- Updated Walking and Cycling Strategy Document
- Updated illustrative landscape ‘vignettes’ for key open space areas
  - East West Landscape Link – ref. 1546/014 Rev H
  - The Green – ref.1546/010 Rev J
  - Countryside Park Phase 1 – ref.1546/018 Rev D
  - Entrance Roundabout (north) – ref.1546/007 Rev H
- Updated Open Space Assessment Plan – ref. 1546/002 Rev O
- Alternative Greenspace Access Strategy document
- Landscape Strategy Document – ref. 1546/023 Rev B
- Site wide Hedgerow Strategy – ref. 1546/022 Rev B
- Updated Phase 1 Layout Plan
- Updated Phase 1 Landscape Plan

- Updated parking layout plan
- Updated refuse layout plan
- Updated northern roundabout drawing – ref. 70055213-SK-011 rev H
- Revised Orttewell Road Ped Crossing drawing – ref. 70055213-SK-033 rev A
- Updated Landscape Masterplan – ref. 1546/017 Rev D
- Updated Landscape Management Plan Phase 1 & Country Park

#### June 2021:

- Energy Statement Addendum
- Farmland Bird Mitigation Strategy

#### July 2021:

- Site wide Tree Protection Plan
- Technical Note to accompany Biodiversity Impact Assessment calculations – Rev B

#### September 2021:

- Planning Statement Addendum
- Transport Position Statement
- Updated Walking and Cycling Strategy
- Updated Landscape Strategy Document
- Updated Southern Roundabout Landscape Design plan
- Updated Northern Roundabout Landscape Vignette
- Updated Lighting Strategy Document
- Updated Phasing Plan

#### February 2022:

- Updated Residential Travel Plan (v3)
- AQMA Sensitivity Test
- Response to SCC Detailed Phase 1 Highway Comments
- Updated Phase 1 Site Layout Plan (line) – ref. 1005 PL Rev F
- Updated Phase 1 Layout Plan (colour) – ref. 1005 PL rev F
- Updated Phase 1 Site Layout Plan (context) – ref. 1105 PL rev F
- Updated Phase 1 Refuse Strategy – ref. 1700 PL Rev E
- Updated Phase 1 Parking Strategy – ref. 1701 PL Rev E
- Updated Phase 1 Materials and Boundary Treatment Plan – ref. 1702 PL Rev D
- Updated Phase 1 Tenure Distribution Plan – ref 1703 PL Rev D
- Updated 'The Green' Landscape Vignette – ref. 1546/010 Rev M
- Phase 1 Visibility Plan – ref. 70055213-SK-038 Rev B

### **3.0 Site details:**

- 3.1 The application site area extends to approximately 78.67 hectares including the highway land required to facilitate access and highway drainage.
- 3.2 The site forms a broad triangle shape and is contained on its southern boundary by the Cambridge to Ipswich railway line whilst the A143, which runs from the south west to north east, contains the Site on its northern boundary. The eastern boundary of the site is formed by the hamlet of Cattishall and Green Lane that runs southwards towards an existing at-grade level crossing at the railway line.
- 3.3 The Site is presently in an arable agricultural use, broadly comprising five separate fields separated by existing hedgerows. An existing drainage channel runs along the north western boundary of the Site adjacent to the

A143. Within the Site there is a small existing pond broadly within the north eastern quadrant of the Site, a further small water body lies on the edge of the northern boundary of the Site within a copse of existing trees.

- 3.4 To the south of the railway line is the Moreton Hall estate with employment areas and the A14 beyond. To the west of the Site is the Chapel Pond Hill Industrial Estate. To the north of the Site (on the opposite side of the A143) lies Barton Stud, whilst the village of Great Barton lies to the north east of the Site.
- 3.5 The majority of the site lies within the Bury St Edmunds Housing Settlement Boundary as defined upon the Council's adopted Policy Map (2015) (the site of the country park lies outside).
- 3.6 The Glen Chalk Caves Site of Special Scientific Interest (SSSI) is located circa 1km from the Site, the Horringer Court Caves SSSI is located 4.3km south-west of the Site and the Breckland Special Protection Area (SPA) is located approximately 7.7km north-west of the Site.
- 3.7 The Great Barton Air Quality Management Area lies approximately 1km to the north of the site. The site lies within Flood Zone 1 and within a Minerals Safeguarding Zone as defined within the SCC Minerals Core Strategy 2008.

#### **4.0 Planning history:**

No relevant planning history.

#### **5.0 Consultations:**

- 5.1 The application has been subject to amendments and additional information has been submitted during the course of the application. The consultation responses are set out below in summary. Full copies of consultation responses are available to view online through the Council's public access system using the link below:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2PFF3PD0DB00>

#### **5.2 Highways England (Jan 2020)**

Highways England are currently reviewing the technical information provided in support of the application.

#### **5.3 Highways England (Sept 2020 – Feb 2021)**

Highways England are in discussion with the applicant and local authorities relating to how the predicted traffic effects on the proposed development on the Strategic Road Network can be mitigated.

#### **5.4 Highways England (July 2021)**

Negotiations have been ongoing regarding this application for some time, if the development is going to be acceptable a number of sustainable transport measures need to come forward, all of them to some extent mitigate this development's impact upon the Strategic Road Network, some more so than others. The measures are set out in Suffolk Council's letter of the 23 July 2021 addressed to West Suffolk District Council.

**5.5 National Highways (formerly Highways England) (Sept 2021)**

National Highways has received a letter [from the applicant] claiming that the points made previously are immaterial. It is agreed that they may have more benefit to the local road network than the national network but they cannot be dismissed. The promotion of sustainable modes is a high government priority and all development should be doing all it can to support this policy objective.

**5.6 National Highways (formerly Highways England) (March 2022)**

Negotiations have been ongoing regarding this application for some time, if the development is going to be acceptable a number of sustainable transport measures need to come forward, all of them to some extent mitigate this development's impact upon the strategic road network, some more so than others. The measures are set out in Suffolk County Council's letter of 23 July 2021 addressed to West Suffolk Council.

Recommend that planning permission is not granted before September 2022 to allow sufficient time for the above matters to be addressed. If all matters can be agreed sooner than this, the recommendation can be withdrawn and issue a definitive response.

**5.7 SCC Highways (June 2020)**

In response to the SCC initial response on highways and transportation matters the applicant has submitted several technical Notes and Appendices.

- The drawing of the eastern A143 sit access has been modified and is accepted (redline also revised)
- Accept that the Suffolk Model has a good fit for the strategic roads around the site. However, this does not automatically follow for roads with very little traffic in base year that are predicted to suffer from very high percentage increases.
- No evidence to show East Barton Road could cope with a very significant increase in projected traffic flow. Visibility appears compromised and the bridge is narrow and severely limited for forward visibility.
- The A143/East Barton junction modelling highlights the inadequacy of the junction to take very high increased in traffic on the minor arm. Also highlights risk of congestion within an Air Quality Management Area.
- Analysis supports view that it cannot be accepted that very high traffic flows on East Barton Road are feasible. The road safety risks at the junctions and bridge are so severe that some form of mitigation is required.
- MOVA note – the applicant should schedule a meeting with the SCC traffic signal team.
- Northgate roundabout as knock on impacts on the Trunk Road network, reducing ability of traffic to leave A14 J43. This has considerable risk to fast moving traffic on the A14. SCC and HE to review further data on Northgate/Compiegne Way roundabout. However, consider that a dedicated review of the interaction between these two strategic junctions would be better carried out through Micro Simulation or a similar tool.
- A143 footway cycleway link – further details required.
- Walking and cycling note still appears to be a partial review of the overall sustainable transport links. It does not provide details of links to main destinations and remains fixed on arbitrary distances.

- Do not agree with assessment of L34 and Cattishall Rail Crossing.
- Cycling assessment contains a lot of data but little or no consideration of the potential for improvement.
- Sustainable modes impact analysis – overall assessment is that relatively few pedestrians are using the routes and therefore no specific mitigation is required. This is the point – if routes were significantly improved they would be more attractive and more people would use them.
- Road safety issues highlighted in cycling section need to be addressed.
- It remains the view that a link from the development to Great Barton is necessary.
- Highlight Green Access Manager’s comments on Cattishall railway crossing.
- Progress has been made in some areas but there are a great number of transport and highways matters still to resolve.

## 5.8 **SCC Highways (July 2021)**

- There has been some positive engagement from the applicant but the application is not yet acceptable in highway terms and the development is likely to result in a severe impact on the highway network, primarily on road safety grounds
- Two significant factors – the site was anticipated to be built out by the end of the original plan period – 2031 and this will not happen. Secondly the quantum of development proposed is significantly higher than at the time of allocation – 1400 dwellings tested, up from 1250 in the development plan
- The site is challenging due to its location – harder to enable trips to be made sustainably
- Local centre and community building should be commensurate with the scale of development
- Regardless of the need to reduce the vehicular trip rate to a level that can be accommodated on the local road network the site requires a comprehensive package of sustainable transport improvements to comply with local and national policy
- improvements are needed to address road and rail safety issues and the absence of the required improvements would trigger a recommendation of refusal from SCC
- Key off-site measures:
  - (i) New footbridge over the railway line at the Cattishall crossing
  - (ii) Toucan phase at Orttewell Road shuttle working traffic signals, integrated into a bus gate
  - (iii) Measures to address excessive traffic on East Barton Road
  - (iv) Cycle and pedestrian route safety improvements, including improvements to the SCC PRoW network set out separately by the SCC Green Access Team
- Measures to manage congestion:
  - (i) Northgate roundabout – widen Compiegne Way approach
  - (ii) Contribution to Town Centre Fund
  - (iii) A143 / Fornham Road junction improvement
- It is essential that good quality and safe walking and cycling routes are provided to key destinations in the town and wider area
- It is imperative that a satisfactory Walking and Cycling Strategy is agreed – this forms one part of the key measures that are needed to mitigate the highway impacts of the development
- If all the above measures are secured, such is the scale of development and its projected traffic impacts, it would still give rise to a severe impact, contrary to paragraph 111 of the NPPF

- This can be resolved through a suitable Travel Plan, based on a trip budget approach, to ensure that incentives and monitoring maintains trips from the site within the agreed parameters

#### 5.9 **SCC Highways (Nov 2021)**

Consultation on Applicant's submitted Transport Position Statement

- The report contains some positive developments – the applicant has confirmed that it will deliver the Cattishall railway bridge and a Toucan crossing phase at the Orttewell Road traffic signals
- Comments on Travel Plan attached
- There are still a large number of outstanding points in relation to the bus gate and strategy, Walking and Cycling Strategy, East Barton Road and the Town Centre Fund
- SCC Highways support the position of National Highways

It is disappointing that the trip budgeting approach has been dismissed by the applicant.

#### 5.10 **SCC Highways (Highway Engineer) (Jan 2022)**

Comments on amended Phase 1:

- Residential parking is in accordance with Suffolk Guidance for Parking 2019 (SGP)
- The visitor parking space opposite dwelling 159 is too close to the junction and should be relocated southwards to be a minimum distance of 10 metres from the junction
- The provision of visitor parking spaces does not meet SGP requirements of 0.25 spaces per dwelling. There are areas where the density of visitor parking is lower than the site average,
- It is recommended cycle locking facilities are provided in close proximity of the southwestern play area
- Clarification required on refuse collection drawings
- If garages are to provide secure cycle storage, SGP requires a minimum dimension of 7m by 3m. If garages are smaller, then separate secure cycle storage is required. Secure residential storage for 2 cycles per dwelling is in accordance with SGP.
- Additional on-street visitor parking spaces in the vicinity of the play area would help prevent on-street parking
- No information has been provided about highway drainage, street lighting, visibility splays, EV charging infrastructure

#### 5.11 **SCC Highways (March 2022)**

- SCC has engaged positively with the LPA and the applicant on highway matters
- The site is very large, exceeds the original quantum in the Vision 2031 and is in a rural location
- Located beyond the railway line and A14 and the main retail area and local facilities/employment sites
- SCC has previously submitted a formal objection on the basis the highway mitigation package is inadequate to address the significant impacts from the development and there would be unresolved unacceptable impacts on highway safety and residual cumulative severe impact on the local and strategic road network
- It appears the applicant is unable or unwilling to fully fund the package of highway mitigation identified in meetings between the parties
- These schemes need to be delivered in full
- SCC is willing to provide further clarity on the highways mitigation contribution

- SCC note the technical submissions from British Sugar – these mostly comment on traffic delay impacting their commercial operations. SCC are not in a position to comment on these. SCC consider the sensitivity testing on the increased HGV traffic associated with the annual beet campaign addresses the concerns of the local highway authority around key junctions and accesses to the British Sugar facility.
- If WSC is minded to grant planning permission request that highways planning conditions are applied.

#### 5.13 **SCC Active Travel Officer (March 2022)**

Revised Travel Plan has been reviewed and the following is outstanding:

- The Multi-modal (bus & Cycle) voucher of £90 per dwelling is still not sufficient. The applicant has not taken account of the bus services that serve the area. The applicant needs to look at what existing operators offer that currently serve the area.
- A response to the SCC Travel Plan delivery offer is required.

#### 5.14 **Network Rail (Feb 2020)**

[Comments made on DC/19/2480/FUL]

Network Rail is concerned that, as the area develops, Cattishall public footpath level crossing will become busier, therefore becoming a higher risk level crossing. NR has been in discussion with the developer, the LPA and SCC for several years to mitigate the impact.

NR has applied for a closure order, which if successful would result in the closure of the crossing through a diversionary route. If unsuccessful, NR require the level crossing to be closed as soon as the footbridge opens to the public.

Commercial terms have been agreed with the developer concerning the costs of constructing and maintaining the footbridge.

#### 5.15 **Network Rail (May 2020)**

Repeat of comments made above. In addition, state that NR require the footbridge to be in place following occupation of Phase 1 plus no more than 25 dwellings in total from other phases.

Delivery of the bridleway link between the level crossing and the underbridge on the north side of the railway should be provided in Phase 1.

From the Hydraulic Modelling it appears that the route south from the level crossing will be equally as prone to flooding as the underbridge. Recommend the developer consider larger attenuation ponds to minimise impact of flood events that will sever north-south connectivity.

If flooding will be a regular problem, leaving the Cattishall level crossing as the only dry north-south route this makes the requirement for the footbridge more urgent, possibly prior to occupation of any units in Phase 1.

#### 5.16 **Network Rail (Oct 2021)**

Network Rail are most concerned with the occupation of the area immediately to the north-west of the current crossing, and do not want more than 30 homes occupied in the area labelled phase 2 on the attached plan. Network Rail do not think that the occupation of other areas will pose much of an increased usage at the crossing. The link from the level



crossing to the underbridge to be constructed early on to allow cyclists and other users to be signposted to the underpass, with the footbridge construction to follow when the area to the north west of the crossing becomes occupied.

**5.17 SCC Rights of Way and Access Manager (June 2020)**

Having reviewed the site, its location and surrounding Public Rights of Way network, improvements are necessary to make the development acceptable.

Object to the proposal as it does not include the footbridge which would allow the at grade crossing at Cattishall to be closed.

The development will require resilient, high quality links from the site to the Moreton Hall area and beyond. The opening up of the underpass will not be sufficient. The underpass may be liable to flooding and may become unavailable for periods if it requires maintenance or safety related repairs. Some users may feel intimidated using the underpass, which would not have the same openness and visibility of a footbridge. Residents could be isolated if the underpass is unavailable and either increase congestion on the highway network or make the trip unviable if they do not have access to a motor vehicle.

Green Lane should be retained.

A coherent walking and cycling strategy is required.

**5.18 SCC Rights of Way and Access Manager (June 2021)**

Seeking substantial improvements to the PROW network, including ensuring that there is good connectivity with the local countryside around the development, and the provision of a footbridge over the railway line at the existing Catishall level crossing

**5.19 SCC Rights of Way and Access Manager (Oct 2021)**

The county council will be seeking substantial improvements to the PROW network, including to ensure there is good connectivity with the local countryside around the development.

The county council is working with West Suffolk Council to secure these improvements, to avoid the need to lodge an objection to the application. A significant requirement of the county council is the provision of a footbridge over the railway line at the existing Cattishall level crossing.

**5.20 Environment Agency (Jan 2020)**

No objection subject to conditions

**5.21 Environment Agency (Feb 2021)**

The focus of this consultation is the surface water drainage scheme for the detailed / full application element, specifically the proposed construction of a basin above an infiltration blanket.

Propose no change to previous position that planning permission could be granted if the conditions set out in that response are included.

**5.22 Anglian Water (Jan 2020)**

There are assets owned by AWA or those subject to an adoption agreement within or close to the site.

Foul drainage is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding downstream.

The preferred method of surface water disposal would be to a sustainable drainage system.

**5.23 Anglian Water (Feb 2020)**

Following review of submitted Surface water Drainage Strategy comments regarding the risk of flooding referred to above have been removed

**5.24 Lead Local Flood Authority (Jan 2020)**

Recommend holding objection as the proposed SuDS design does not comply with the local SuDS policy and national standards. The permitted discharge rate for the outline site is not acceptable and the infiltration results on the Full parcel are below the LLFA's minimum standard.

**5.25 Lead Local Flood Authority (Feb 2021)**

Holding objection maintained. The designs do not allow sufficient space for the management of surface water from the development.

**5.26 Lead Local Flood Authority (May 2021)**

The additional information submitted has been reviewed and the LLFA recommend approval subject to conditions.

**5.27 WSC Environment Team (Jan 2020)**

Satisfied by the results of the submitted report that the risk from land contamination is low and no further works are required.

Request further time to comment on Air Quality Assessment as confirmation that the traffic modelling, on which the air quality assessment is based, is approved by SCC.

**5.28 WSC Environment Team (Nov 2020)**

Recommend that planning conditions are imposed to secure delivery of electric vehicle charging infrastructure.

**5.29 WSC Environment Team (Feb 2022)**

The AQMA Sensitivity test undertaken by Tetra Tech, reference 784-A103379 dated 2nd February 2022 has been reviewed.

The report presents a number of scenarios for traffic volumes along the A143 adjacent to the Great Barton AQMA and indicates that the point where the impact on the AQMA would be considered to be moderate is well above any predicted traffic flow from the proposed development. Even where the impact is Moderate, the predicted levels of pollution would still be below the legal air quality objectives.

The Environment Team are therefore satisfied that the impact on the AQMA will be acceptable and do not offer any objection to the development.

**5.30 SCC Public Health (Jan 2020)**

Could not locate any document or evidence of how health impacts would be assessed. Recommend that a Rapid HIA is undertaken and Healthy Urban Planning checklist is completed.

General information/advice on healthy neighbourhoods, healthy housing, healthier food environment, healthy environment, active travel and local area and population health profile provided.

**5.30 SCC Public Health (June 2020)**

SCC Public Health do not object to the proposal and raised some public health issues to be considered pre, during and post construction. Satisfied with the response of the developer and have no specific comments at this stage.

**5.32 WSCCG (Jan 2020 & Feb 2021)**

Identifies the development will give rise to a need for additional primary healthcare provision. A developer contribution will be required to mitigate the impacts of the proposal.

**5.33 WSC Public Health & Housing (June 2020)**

Methodology used to assess the odours present in the vicinity is accepted.

Assessment identified areas (western boundary and north-west corner) that were subject to what was described as strong to distinct strength odours, classed as unpleasant or moderately unpleasant. The report concludes odour impacts are not significant but this does not mean they will not be detectable at certain times, mainly depending on activity at British Sugar and wind/weather conditions.

Impact on amenity of future residents could occur. However, on balance there is no objection on odour grounds.

The main noise source for Phase 1 is traffic using the A143. Modelling appears to show four properties will be affected with measures required to meet night-time internal noise guidelines.

Impact on later phases on properties closet to the railway line. Without suitable mitigation there is potential at some properties for sleep disturbance. Mechanical ventilation is usually considered a last resort. Increasing distance from noise sources and/or the provision of earth bunding and other boundary treatments must be a consideration.

Further noise and vibration impact data, and consideration of additional acoustic design proposals are required.

Conditions recommended in the form of a CEMP, construction times and prevention of burning on site.

**5.34 WSC Public Health & Housing (Nov 2020)**

Applicant has submitted additional information in response to previous comments.

The expansion to the discussion on vibration levels satisfactorily addresses concerns raised regarding human response to vibration experienced from the railway line.

Accept that screening will not be effective where the railway line is at a higher elevation due to an embankment. Additional screening should be considered for residential areas along the railway line that will be at ground level.

The applicant has referenced further practical measures that could be included in the detailed design phases, to allow natural ventilation to improve thermal comfort by the opening of windows in high noise environments, whilst maintaining a suitable internal acoustic environment.

Running a mechanical extract ventilation system has a cost implication to the householder and the environment through increased energy usage, whereas other options such as designing good internal layouts, the use of dual-aspect or plenum windows etc does not

Residents may consider they have no choice but to only use mechanical means to achieve a good level of thermal comfort and not regularly compromise their internal night-time noise environment.

Properties in Phase 4 in the western corner are affected by noise from the railway line and A143. This area provides for a challenging situation in considering alternative noise mitigation options. Only those properties where there are no other reasonable options available to meet internal guideline targets should be considered for enhanced acoustic insulation and mechanical ventilation.

**5.35 WSC Public Health & Housing (Oct 2021)**

The Team has reviewed the Lighting Strategy and Assessment, ref A103379. The conclusions are considered to be sound and the lighting layout and design for Phase 1 is acceptable.

The amended Green Infrastructure Parameter Plan proposes an enlarged area of SuDS to the south-west corner of the site, thus increasing the distance to future sensitive receptors from the higher noise sources of combined road and rail noise. This is welcomed.

**5.36 Sport England (Feb 2020)**

No formal community sports facilities proposed. Opportunities for sport and physical activity are limited to the proposed primary school, community building, 40ha of open space (including a country park) and new cycleways and footpaths to link into existing networks.

Additional population will generate additional demand for sports facilities.

Sport England's Sports Facilities Calculator indicates demand for Sports halls and swimming pools.

Football foundation identify shortfall in 3G pitches and suggest a financial contribution is sought. Similar comment from RFU.

SE support the application but request a contribution towards additional 3G provision in the local area.

**5.37 Sport England (June 2020)**

Support the proposal to seek a financial contribution towards the new leisure centre at Western Way and accept the figure put forward by the Council.

5.38 **WSC Parks & Infrastructure Manager (May 2020)**

Preference for new residential development to have its own football pitch and associated facilities. The applicant has confirmed that the main green area with the layout does not provide enough space to deliver the facilities necessary.

The West Suffolk Local Football Facility Plan identifies the need for a full size 3G all-weather pitch and associated infrastructure.

To resolve the situation the Council's preference is for an off-site contribution to provide a 3G pitch. The current preferred option is a scheme being developed at the Victory Ground.

The Open Space SPD sets out that developments should contribute to leisure centre and swimming pools. Reflecting the current planning application for the redevelopment of Western Way a contribution is sought.

The size of allotments, the amount of parking, fencing and water supply should be secured appropriately.

5.39 **Natural England (Feb 2020)**

No objection subject to appropriate mitigation being secured to prevent significant effects on The Glen Chalk Caves SSSI and Horringer Court Caves SSSI

5.40 **Natural England (Feb 2021)**

Proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. No additional comments to make.

5.41 **Suffolk Wildlife Trust (March 2021)**

Request that the recommendations made within the Environmental Statement Chapter 8 Ecology are implemented in full.

A lighting strategy in accordance with current guidelines should be designed.

Recommend that a hedgerow plan is produced with further opportunities for planting explored.

Planting details to be submitted.

Further connectivity for species between Several Clump and the southern section of hedgerow H12 could be incorporated.

A Skylark mitigation strategy is required.

Recommend that integral swift nest boxes are incorporated into buildings that are a minimum of two storeys.

5.42 **WSC Landscape and Ecology Officer (May 2020)**

- Green Infrastructure has some omissions (in the west, to the north of central green, and linking Severels Clump and H12 to the east) and the width of corridors is insufficient to accommodate the aspiration of the Illustrative Masterplan

- Development encroaches significantly on the width of H12
- There is not enough detail on the 'landscape strategy' for the outline
- Concern that the SuDS proposals are not deliverable within the space set aside
- The level of landscape detail for the 'Phase 1 and Access' is insufficient
- Hedgerow loss has not been compensated
- Ecological enhancement is not demonstrated. The development should demonstrate measurable Biodiversity Net Gain
- The site is sensitive to lighting and the lighting proposals need to be acceptable to SCC Highways
- A significant challenge is to ensure that the ecological mitigation is delivered through design, construction and implementation of the proposals
- Concerns about whether the site could adequately accommodate 1375 dwellings

#### 5.43 **WSC Landscape and Ecology Officer (Feb 2021)**

- Balance of open space still heavily weighted to the east. Could be addressed by strengthening corridor to south of site.
- Connectivity is poor between some development parcels.
- Remain concerned that SuDS proposals are not deliverable within space set aside
- Further consideration should be given to accessibility to green space and play space for young people.
- Pedestrian and cycle provision to west of site required
- Consideration to be given to lighting of cycle/footpaths
- Mount Road route constrained by proximity to Glen Caves SSSI
- Lack of a comprehensive landscape strategy or code for the site is a significant shortfall
- Conditions proposed in respect of landscape and ecology
- Landscape details for the site accesses should be secured by condition
- Landscape masterplan lacks a detailed strategy
- Further consideration of The Green/Severals Clump landscape vignette required
- Recommend additional planting is included to maintain linear connectivity along the A143
- Details of allotments should be secured by condition
- Arboricultural method statement and tree protection plans to be submitted prior to commencement
- Air quality effects will need to be reviewed prior to the HRA being completed
- Information on the delivery of Green Infrastructure across the site is required prior to determination
- Details of hedgerow loss, gain and creation are required
- Compensatory measures for the loss of farmland habitat required for skylarks

#### 5.44 **WSC Landscape and Ecology Officer (June 2021)**

- Welcome SuD pond on western extent and increase in width of green corridor between the local centre and railway line
- Parcel north of the Green remains large
- Changes in level within the strategic open space will need to be agreed
- The Open Space Assessment (1546/002 Rev P) shows that the proposals provide a good level of open space on the site
- Landscape Strategy should primarily be aimed at explaining the design principles of the outline planning application rather than the phase 1 – amendments to strategy requested

- Notwithstanding detail in Landscape Masterplan, detailed soft landscape treatment should be secured by condition
- Relocation of car parking space at the natural crossing point for The Green/Severels Clump
- Necessary to ensure retention of hedgerows on east/West landscape link
- Further detail required in Landscape Management Plan
- Further consideration of tree protection measures
- The footpath to the underpass is shown to have streetlights however it links with the footpath that passes through the POS close to hedgerow H12 which would not be lit
- The comments in the applicants Ecology rebuttal of May and December 2020 in relation to Breckland SPA are noted. However, it remains the case that the ES identifies potential effects on Breckland SPA.
- Environment Officer unable to reach conclusion on air quality at this stage
- The applicant has submitted an Alternative Greenspace Access Strategy and Landscape Strategy which demonstrate the phasing of the open space alongside the housing
- Biodiversity Net Gain calculations are presented in the technical note HDA Ref:2092.43 Rev A
- A farmland bird mitigation strategy has been submitted and the implementation in full should be secured

**5.45 WSC Landscape and Ecology Officer (Jan 2022)**

- It is accepted that changes in level can be controlled by a condition requiring full details of level changes are submitted as part of each subsequent reserved matters application
- A lighting strategy for access routes is shown in the walking and cycling strategy, however notwithstanding this detailed lighting proposals should be secured by condition
- Remove other urbanising features from Green Lane and/or provide design solutions/materials that will retain the character of the lane
- Landscape Strategy is now largely acceptable
- Add additional planting to maintain linear connectivity along the A143 – this could be achieved through detailed landscape proposals

**5.46 WSC Landscape and Ecology Officer (April 2022)**

- Noted that the Environment Team has now reached a conclusion in relation to air quality which does not affect or contradict the conclusions in the ES.

**5.47 SCC Archaeological Service (Feb 2020 & Oct 2021)**

The proposal affects an area of known archaeology recorded in the County Historic Environment Record.

Although the site has previously been subject to geophysical survey and low-level trial trenched evaluation is required to fully define the character, extent and significance of surviving above and below ground heritage assets.

There are no grounds to refuse permission, however, any permission granted should be the subject to planning conditions to record and advance understanding of the significance of heritage assets.

**5.48 Suffolk Fire & Rescue (Jan 2020)**

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations.

Recommends that fire hydrants are installed and that proper consideration be given to the benefits of an automatic fire sprinkler system.

**5.49 Suffolk Constabulary (Feb 2020)**

Police facilities are necessary to address the increased crime impacts and community safety and cohesion requirements linked to the housing and population growth arising from the proposed development. A financial contribution is therefore sought.

**5.50 Suffolk Constabulary – Design Out Crime Officer (Feb 2020)**

Summary of main security concerns for Phase One:

- Location of parking spaces
- Incorporation of alleyways/footpaths
- Footpaths making the area too permeable for an offender to enter and leave the area
- Rear parking courtyards
- Open plan garaging and undercrofts
- Insufficient surveillance for visitor parking spaces

General comments:

- Reasonable surveillance from onward facing properties for the community pavilion area
- Requested that active windows are incorporated to provide surveillance for areas of open space
- Underpass is a concern – needs to be well lit with clear straight wide walkways and low lying, well maintained vegetation
- Primary school should be built to Secure by Design Schools 2014
- Play and sports facilities should be designed to Sport England guidance. Play equipment should be installed to British Standards
- Public open space should be fenced/railed off
- Would be good to see development built to Secured by Design SBD Homes 2019 accreditation.

**5.51 SCC Minerals and Waste (Jan 2020 & Feb 2021)**

The site is in the minerals consultation area. As the site has been allocated in the local plan SCC Minerals & Waste have no further comments.

**5.52 WSC Waste Management Team (Feb 2020)**

Highlight Suffolk Waste Partnership guidance, which states “collection crews should not have to carry individual waste containers or move wheeled container in order to facilitate their collections”.

Since the development does not meet this specification the Waste department objects.

**5.53 WSC Waste Management Team (April 2021)**

There are multiple collection points that require crews to access private land and pull bins to the back of the vehicle. This is not acceptable. The amount of reversing that vehicles will have to do is of concern.

**5.54 WSC Urban Design Officer (March 2020)**

Comments in relation to revised Design and Access Statement and street scenes submitted in December 2019.



The Street character areas and some of the courtyard spaces need some more redefinition.

The scale and built form of some of the building typologies are also out of context with the area, and wider design influences should be sought from the surrounding villages to create more distinctive building typologies which reflect a more rural and village aesthetic.

**5.55 WSC Urban Design Officer (Jan 2021)**

Comments in relation to Design and Access Addendum and supporting plans submitted December 2020.

Generally, the eight character areas are now considered to be well defined, the improved landscape garden area for the apartment in the Northern Corner creates opportunities for social interaction, the proposed Central Green Link now creates a sequence of inter-connected green spaces, and the revisions to building appearance provide more of a rural aesthetic and effective differentiation in the form and appearance of the apartment blocks. The artists impressions also provide useful visualisations of how the new neighbourhood will look on the ground.

**5.56 WSC Strategic Housing (Feb 2020)**

Support application in principle as it meets Policy CS5 to deliver 30% affordable housing.

Affordable housing mix proposed for Phase 1 meets current housing need. Affordable dwellings are dispersed evenly across Phase 1 in clusters no greater than 15.

Phase 1 is compliant with the Council's endorse technical Advice Note on Space Standards.

**5.57 WSC Strategic Housing (Feb 2021)**

Comments as per February 2020.

Concerned that the amended Design and Access Statement makes reference to old parking standards and does not offer the required two car parking spaces per 2 bed dwelling

**5.58 WSC Energy Advisor (June 2020)**

Object on the grounds that the design proposed does not meet the requirements of Policy DM7 and CS2 for sustainable design and construction.

Accept proposal meets national standards as set out in Part L of the Building Regulations – but only just.

Dwellings in Phase 1 are designed to be 17% more thermally efficient than building regulation requirement, however, recent consultation on Part L proposed that in 2020 a fabric-based improvement of 20% should be achieved.

Focus on gas boilers and electric panel heaters in Phase 1 does not meet required target emissions rate. Once solar PV array is proposed to overcome this, which will result in an overall improvement of 1.7% - just better than the compliance target.

Remainder of development designed in a similar way and will achieve the same standard of only slightly better than current regulations – 1.78%.

Acknowledge there will be a change in the greenhouse gas emissions conversion factors and this will result in a 5.4% improvement for Phase 1 and 45% across the remaining dwellings, however, remain concerned that the performance of the development will not meet good practice or future policy requirements.

Concerned that Phase 1 dwellings do not have necessary space to retrofit air source heat technology and it is unlikely that future owners will chose to install this technology.

Disappointing that developer is not making a firm commitment to the use of readily available greener and more efficient technology on the remaining phases.

Contrary to Policy GB13 of the Great Barton Neighbourhood Plan

#### 5.59 **WSC Conservation Officer (Oct 2020)**

An assessment of the effects on the setting of built heritage assets within a 1km buffer study area has been undertaken in accordance with Historic England good practice guidance.

The contribution of setting towards significance of the built heritage assets within the area identified have all been sufficiently assessed together with an assessment of impact on their respective settings.

Topography, distance, existing vegetation and intervening development prevent long distant/significant views of the site/proposed development from the assets identified to include the Bury St Edmunds Conservation Areas, Church Of The Holy Innocent, Great Barton Lodge, the aisled barn at Manor Farm, Moreton Hall and the Former RAF Rougham Control Tower and RAF Rougham Radar building. As such the proposal is not considered to have an adverse effect on the setting of nearby Heritage Assets.

### **6.0 Representations:**

Site notices posted, advertisements placed in the East Anglian Daily Times and nearby addresses notified.

Full copies of consultation responses are available to view online through the Council's public access system using the link below:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2PFF3PD0DB00>

#### 6.1 **Great Barton Parish Council (Feb 2020)**

Access and Transport

- Instead of focusing on whether road capacity will be breach, SCC should focus on the impact on the health, safety and amenity of local residents due to increased traffic
- Would like to see mitigation measures to deter use of minor roads as 'rat runs'

- Opportunity to use the stop-up slip road near to the Orttewell Road as an additional buffer to mitigate traffic growth
- Concerns over the loading of junction 43 of the A14 and the need to assess seasonal impact of sugar beet campaign
- The proposed westerly 2 lane approach at the Compiegne Way junction should be abandoned
- The design of the A143/Fornham Road crossing should facilitate deceleration of north bound traffic

#### Pedestrian and cycle access

- Unclear when the crossing over the A143 will be provided – request they are provided prior to first occupation in phase 1
- Crossing point proposed at the junction of A143/The Avenue. To provide a safe walking environment a scheme should be provided along The Avenue to Fornham Road

#### Bus routes and provision

- The Parish Council has promoted to the developer that the bus service should encompass a bus stop that connects with the main part of the village to encourage further uptake of the service in the area

#### Underpass

- Safe passage through the underpass is imperative for connections beyond Several
- Plans for the underpass should be consulted on. The Parish Council requests to be a party to the discussions.
- The underpass must be ready by first occupation within phase 1

#### Transport – on site

- A more open route to the community facilities than that proposed would be preferred
- Is the road width of 4.8m sufficient to resist partial parking on the pavement, especially as it is the roadway to the allotments? Parking on the footway causes danger and inconvenience to other users and problems providing bus services

#### Parking

- Although there has been a reduction of direct access by motor vehicles onto the spine road there are parking bays abutting the pavement in many instances. This could result in vehicles encroaching onto the footpath and forcing pedestrians into the roadway.
- There is a heavy dominance of on-street parking within the higher density areas that needs to be broken up.

#### Topography

- The application documents illustrate that the site rises to the east. When travelling northbound on the A143 the 3 storey apartments will dominate the skyline. This does not signify a typical Suffolk village scene as purported in the application.

#### Landscape, buffer zone and country park

- The buffer zone should be made available for public use prior to first occupation
- The inclusion of the full eastern buffer in phase 1 should be implemented.

- It is galling to see in print the virtues of the Poplar tree belt west of Cattishall Farm House noting some have been retained, when the 2014 Masterplan stated all would be retained
- The Country Park footpath must be suitable for those residents with impairments who may be using wheelchair and mobility vehicles.
- The Parish Council would like assurance that measures will be put in place to manage all un-adopted public spaces

#### Several Green – allotments

- The Parish Council has described the requirements of the community building and maintains the interest to secure s106 monies for the build and the early running costs before the whole Severals site hopefully provides self-sufficiency of the community building and surrounding area
- The Community Centre could accommodate many forms of recycling and assist in the running costs of the centre
- The allotments planning and management could be facilitated by discussions with the Great Barton Allotment Association

#### Health Impact Assessment

- The Parish Council remains concerned of the impact of the development proposals on local health infrastructure and facilities to not erode the well-being of existing residents
- There should be adequate dog bin provision on all walkways and open spaces, the cost and maintenance of which should be incorporated into any management/adoption strategy

#### Education

- The Parish Council is concerned the delivery of the Primary School and pre-school are not compromised by the developer due to the changing development phases when compared to the adopted 2014 masterplan

#### Development – Phase 1

##### Building heights

- Severals is situated within the rural landscape but is constantly referred to as Townscape
- Is a mansion style block on arrival a natural rural scene?

##### Building density

- The softening of density towards the development edges is welcomed and whether the mixture of densities down a spine road is reminiscent of village street remains questionable

##### Building materials

- Query use of clay and slate effect tiles. Lack of flint and plain or decorative pargeting

##### Building layout and design

- Courtyards need treatment sensitivity to ensure safety of residents by spatial separation
- Some affordable units only have courtyard parking as opposed to driveway parking
- There are a number of blank /poorly articulated gables which are fronting public open spaces and streets – which will result in an unsatisfactory streetscene and poor surveillance

- The proposed external facing materials are very generic and do not integrate with the vernacular of Great Barton
- There are no specific details of the type, texture and colour of external materials to be used
- There are a number of streets which terminate with a poor vista, looking into the backs of dwellings / parking / rear gardens.

#### Housing

- The developer's provision of 22% 4-bedroom homes is 20% higher than the recommendation coming out of the Housing Needs Assessment 2018 from AECOM for the Great Barton Neighbourhood Plan
- Although there is reasonable dispersal of the affordable homes within this development phase plots 109 to 119 could be better distributed to remove the linear string of front house parking
- The Housing Needs Assessment commissioned by the Great Barton Neighbourhood Working Group highlighted the growing requirement for housing the elderly whether as homes suitable for independent living and/or the provision for Care Homes/ specialised housing

### 6.2 **Great Barton Parish Council (May 2020)**

#### Community building

- The Parish Council has previously expressed its views on the delivery and management of a community building
- The building must be adequate for the community it is to serve in addition to being multifunctional, having a number of different sized rooms with good facilities and storage
- The proposal of 185m<sup>2</sup> floor area and 20 parking spaces is not sufficient for the Several community and not comparable to neighbouring facilities (Great Barton village Hall floor area of 561m<sup>2</sup> with 950 homes in the village)
- The vehicle parking is insufficient and needs to cater for visitors to the MUGA, the activity area and the community building (Great Barton Village Hall has 60 spaces (71with parking management))
- The building should be able to support ball sports within the main hall and have changing facilities.
- The building could now be a entre for remote working with admin support and IT facilities
- The applicant has an opportunity to provide a landmark multi-functional building for amenity/leisure and work place which not only allows the possibility of enjoying the facilities and views but provide a revenue stream from the new way of working which has to be a feature of community structures going forward

### 6.3 **Great Barton Parish Council (Oct 2021)**

Transport Position Statement by WSP submitted on behalf of the applicant has been reviewed. Comments summarised as follows:

- File appears to be based on computer/desk models and site visits in the last two years, which are of no value due to Covid 19 restrictions and home working
- Current proposals will create rat runs through Great Barton and Moreton Hall
- The underpass is old and not fit for purpose – it would need extensive updating and renovation. Even use in daylight may not be much
- Footbridge over railway line should be complete as soon as the first house is occupied
- The footbridge and underpass should be well lit and fit for purpose

- East Barton Road is not of sufficient width for 2 cars to pass along many stretches of its route and has a 7.5 tonne weight limit to prevent the passage of HGVs. WSP have stated that this road is for 100 vehicles per hour in each direction.
- This defies logic and calls into question the validity of the data modelling used by the developer. There is no footpath or cycle path so there is a risk to cycle and foot traffic from vehicles. Traffic signals at the bridge will exacerbate the problem as vehicles will jump the lights or take smaller roads off this, thus causing problems on other roads
- we have had lorries using Mill Road, Fornham Road, East Barton Road and through Moreton Hall Estate, following blockages on the A143 and they were not made for that type of traffic
- WSP speak of a bus route via Ortewell Road / Eastgate Street or via Compeigne Way both of which were under 10 minutes at 0800 to the bus station in St Andrews Street North. This is not achievable.
- A toucan crossing at Ortewell Road will add to delays at the railway bridge and consequently back along the A143 which will add to the traffic in Great Barton and rat runs through surrounding roads.
- In the Transport Strategy and Mitigation it states that the applicant is committed to providing a bus shuttle The question must be asked how long for?
- States that the Waste Policy is not right, our understanding is that it has always been a kerbside collection in St Edmundsbury now West Suffolk Council. It is not a matter for debate by the developer.
- Great Barton object to the development as it stands
- Great Barton has Neighbourhood Plan in place and in consultation with the new Local Plan were informed that the proposed 150 homes in addition to the homes on this site were sufficient for the village. Only for this new area to be added. This is not tenable and West Suffolk must take into consideration all the other new housing along the A143 back to Diss.

#### 6.4 **Bury St Edmunds Town Council (Feb 2020)**

Object on the grounds that the application lacks sensitivity to and understanding of the local area, is not in conjunction with Policy CS2 of the Core Strategy, insufficient work has been done on the impact of traffic generation, the dwelling designs are repetitive and poor and do not follow the Suffolk Residential Design Guide; and recommends that bin provision, including in the open spaces, be conditioned prior to first occupation.

#### 6.5 **Bury St Edmunds Town Council (Feb 2021 and Oct 2021)**

Upholds its previous objection made on the grounds that the application lacks sensitivity to and understanding of the local area, and is not in keeping with Policy CS2 of the Core Strategy. Insufficient work has been done on the impact of traffic generation, the dwelling designs are repetitive and poor (and do not follow the Suffolk Residential Design Guide); and recommends that bin provision, including in the open spaces, be put in place prior to first occupation. Furthermore, it objects on the grounds of poor drainage, lack of a buffer zone and air quality. It supports the holding objection made by Suffolk County Council's Flood and Water Management Team relating to Sustainable Drainage Systems.

#### 6.6 **British Sugar (via their consultants Rapleys) (March 2020)**

- Representations accompanied by a technical transport note
- British Sugar's operations are protected in the Development Plan through the designation of the factory site as a General Employment Area and Policy BV16

- British Sugar is committed to ongoing and long-term operations in Bury St Edmunds. As such, it is of critical importance to ongoing and sustainable operations that it is not undermined by developments in the area.
- British Sugar's primary concern is the potential impact arising from the traffic generated from the proposed development on the road network and its effect on British Sugar's Campaign operation.
- There are two main areas of concerns: 1. British Sugar's Campaign traffic is not appropriately reflected in the traffic forecasts; and 2. There are fundamental deficiencies in the standalone junction modelling presented in the Applicant's TA

#### 6.7 **British Sugar (Transport consultant's comments) (June 2020)**

[following submission of Technical Note 10 by applicant]

- Despite WSP's statement that 'the development on NE Bury St Edmunds will have no significant impact on its [BS] operational performance in future years, this position is yet to be supported by an appropriate Transport Assessment and there are significant issues to be addressed by the applicant in understanding the impacts and appropriately mitigating.
- Until such time that these are addressed the **objection** must still stand.
- More evidence should be provided by the applicant to demonstrate the proposed development's impacts on the local highway network will not be severe to the detriment of British Sugar's operations. This additional evidence should address :
  - the baseline conditions to ensure the inclusion of the British Sugar traffic related to the Beet Campaign;
  - the rigor of the traffic modelling to ensure that the representations are realistic and that the implications can be properly understood; and,
  - the need for additional mitigation in response to the above.

#### 6.8 **British Sugar (Transport consultant's comments) (March 2021)**

- Comments submitted following a review of the applicant's January 2021 Transport Assessment Addendum
- Concerns have centered around the absence of appropriate baseline traffic flows; the absence of appropriate appraisal of the affected highway network both in the baseline or with the addition of development traffic; and consequently the absence of a proven demonstrably deliverable mitigation package or strategy.
- The development is forecast to add an extra vehicle every 4 seconds onto the road network relied upon by British Sugar
- The Addendum fails to address the previously identified shortcomings. There is still no evidence that the applicant has considered the Beet Campaign traffic. As such the baseline cannot be deemed to be representative
- Further, the reprised traffic modelling work continues to fail to adhere to industry best practice both in terms of its concept and its detailed application

#### 6.9 **British Sugar (via their consultants Rapleys) (Oct 2021)**

- We have reviewed the additional information provided by the applicant [Transport Position Statement] in response to concerns raised by us and other parties. However, they do not address our previous concerns, and as a result our position remains unchanged – we still object to the planning application.

## 6.10 Public representations:

28 responses received, summarised and categorised as follows:

### Traffic and transportation (inc. walking and cycling)

- Transport Assessment has review problem of traffic queuing at signals on Orttewell Road but fails to identify a solution
- Existing problem with queuing traffic at peak times
- Growth of Bury St Edmunds continuing and a lack of adequate crossing over or under the railway line will continue to cause traffic problems
- Supporting documents refer to safeguarded land to be utilised for the Great Barton by-pass which is positive
- All traffic heading to facilities identified in Accessibility to Local Facilities document will have to use Orttewell Road/Barton Road junction or travel via the town centre
- Consider widening the existing railway bridge or provide access from the south of the proposed estate
- Addition of extra roundabouts on A143 is not going to significantly change existing congestion
- Tesco roundabout with the A14 is a key access point for the town and the A14 and will become much worse
- Forcing traffic through existing gridlocked A14 junction and Bury St Edmunds roundabouts. Build new villages along A14 with new access points
- Compeigne Way needs to be improved and dualled to take the extra traffic this development will bring to the area
- The Orttewell Road bridge should be two way before there is any more development. It would also help if the bottom of Mount Road, at the junction with Eastgate Street were to be made two way again
- Residents will continue to use their vehicles as the bus service only operates hourly, is costly and takes too long
- There is no cycle path access across the town centre to other areas of Bury
- The train service to neighbouring towns is often unreliable
- The East of England currently has an average of 1.4 vehicles per household so this development will introduce around another 1900 vehicles to the area plus associate delivery, trades, public transport etc.
- The queue from the Orttewell Road signals does not always clear in one cycle as stated in the transport assessment
- Fail to see how the Transport Assessment says that the new development will not have a significant impact
- If a revised traffic light system is a mitigation where is the evidence to confirm this and details of how it could operate?
- The A143 is subject to daily congestion and delay and is responsible for a lot of air pollution
- How will two new roundabouts on the A143 make the proposal acceptable?
- Development in Thurston and on the outskirts of other surrounding villages will exacerbate the situation
- Concerns regarding the cycle path linking into the existing path alongside the A143. The existing path is very dangerous with no separation from vehicles.
- Significant disruption during construction.
- The proposed northerly roundabout on A143 needs to incorporate The Avenue, as well as providing for the spur for a potential by-pass



- The infrastructure for the increased and existing volume of traffic needs to be put in place before building commences and should be a mandatory condition of any planning permission.
- Emissions from vehicle will continue to affect human health
- The junction of The Avenue/A143 is dangerous now. Could it be incorporated into the second roundabout?
- Use of Fornham Road as an alternative route into town is extremely dangerous
- The developer has said they will initially pay for the bus – what happens when the funding stops?
- Road infrastructure is inadequate and is further aggravated by consistent flooding in Compeigne Way which causes HGV traffic to divert through Moreton Hall
- Why have three other major development had or will have to provide alternative roads?

#### Parking

- In previous developments not enough space has been provided for off-road parking – making it difficult for bus services to move around the estate

#### Scale of development

- The proposal for 1375 homes is an increase in the original plan for 1200 homes
- More homes in less space with ensuing problems of parking and general infrastructure
- Great Barton will be destroyed by eventually tripling the size of the village with zero benefits

#### Cattishall buffer

- No clear evidence that the public open space buffer protecting Cattishall is a serious component of the plans
- Buffer agreed in 2016 with planting in phase 1 has been withdrawn
- Development seriously impacts on Cattishall and the countryside surrounding it
- Buffer is an essential element of the development and it is important it is initiated at the earliest stage so that it has time to grow and serve its purpose

#### General

- Planning consultations are a tick box exercise and local opinion is not listened to
- Combined effect of this massive development along with the waste hub will put a huge strain on road travel, noise, pollution and traffic
- Are proposed dwellings designed to be carbon neutral? The government has committed to meet in this respect and the carbon released from properties is an important part
- Why is so much housing being built on the eastern side of town? Why is Bury not taking its fair share?
- Site is currently productive farmland that is essential to feed the nation's burgeoning population
- Greenfield area with diversity of vegetation in the hedgerows, which are habitats for wildlife
- There are brownfield sites in the district which need to be explored for potential building sites
- If planning is granted the development will fly in the face of all local and national efforts to curb global warming

- Bury has changed from beautiful historic and thriving market town to current path of ghost town and ghetto. Retail units are empty and residential properties being built in any conceivable nook and cranny.
- Schools are full and building on playing fields to accommodate demand for places. Hospital can barely cope and doctors and dentists are full.
- Residents who chose a lifestyle, that of a quiet satellite village, thirty years ago are now seeing that idyll destroyed
- These 'developments' are not based on the needs of the local community at all, they are based on Government statistics that are out of date by the time they are applied
- The development is neither ethical or positive
- Site is constrained on one side by the railway and on the other by an increasingly busy main road
- The site is isolated – measures to mitigate this questionable
- Planning may have advanced too far to allow meaningful consultation
- Great Barton Freedom Church would be willing to work with others to facilitate the development of community and applaud plans to provide a community amenity
- Seeking assurances that the development will be as carbon neutral as possible – condition that specifications go above and beyond the currently mandated requirements
- Concerned dwellings should not seriously disturb nature, that not too many trees are removed and animals and plants are not overcome by the development.
- The local facilities at Lawson Place will attract residents putting pressure on local services

## **7.0 Development Plan Policy**

7.1 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.

7.2 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:

### Joint Development Management Policies Document (2015):

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM3 - Masterplans
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM7 – Sustainable Design and Construction.
- Policy DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- Policy DM11 – Protected Species.
- Policy DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.

- Policy DM13 – Landscape Features
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM15 – Listed Buildings.
- Policy DM16 – Local Heritage Assets
- Policy DM17 – Conservation Areas.
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM36 – Local Centres
- Policy DM37 – Public Realm Improvements.
- Policy DM41 – Community Facilities and Services.
- Policy DM42 – Open Space, Sport and Recreation Facilities.
- Policy DM44 – Rights of Way.
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

#### Bury St Edmunds Vision 2031

- Policy BV1 – Presumption in Favour of Sustainable Development.
- Policy BV2 – Housing Development within Bury St Edmunds.
- Policy BV6 – Strategic Site – North-East Bury St Edmunds.
- Policy BV12 – New and Existing Local Centres and Community Facilities.
- Policy BV21 – Allotments
- Policy BV24 – Safeguarding Educational Establishments
- Policy BV26 – Green Infrastructure in Bury St Edmunds

#### St Edmundsbury Core Strategy December (2010).

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS5 (Affordable Housing)
- Policy CS7 (Sustainable Transport)
- Policy CS8 (Strategic Transport Improvements)
- Policy CS10 (Retail, leisure, Cultural and Office Provision)
- Policy CS11 (Bury St Edmunds Strategic Growth)
- CS14 (Community Infrastructure Capacity and Tariffs)

Subsequent to the submission of the application the Great Barton Neighbourhood Plan has been 'made' and now forms part of the statutory development plan.

- Policy GB 1 – Spatial Strategy
- Policy GB 2 – Housing Delivery
- Policy GB 4 – Housing Mix
- Policy GB 5 – Housing Design
- Policy GB 7 – Community Facilities
- Policy GB 12 – Development Design Considerations
- Policy GB 13 – Sustainable Construction Practices
- Policy GB 15 – Public Rights of Way

### **8.0 Other planning policy:**

- 8.1 The following adopted Supplementary Planning Document is relevant to this planning application:

- Joint Affordable Housing Supplementary Planning Document (September 2013).

- 8.2 The former St Edmundsbury Borough Council adopted a Masterplan for the Northeast Bury St Edmunds strategic site in June 2014.

The Masterplan, which has been prepared in the light of Development Plan policies and an adopted Concept Statement (adopted May 2013), does not form part of the Development Plan for the District. And has informal planning guidance status. The content of the Masterplan is a material consideration when determining planning applications relevant to the sites identified in it. It is a matter for the decision maker in each case to consider the weight to be attributed to the Masterplan.

- 8.3 National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

- 8.4 Cycle Infrastructure Design Local Transport Note 01/2020 Published July 2020

- 8.5 Department for Transport Gear Change: A bold vision for cycling and walking

- 8.6 Rights of Way improvement Plan "Suffolk Green Access Strategy" published 2020

## **9.0 Officer comment:**

### **Legislative Framework**

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

- 9.2 Planning and Compulsory Purchase Act 2004 (as amended)

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 principle of development in relation to the development plan and the conformity of the proposals with key policies are discussed through the rest of this report.

### 9.3 The Conservation of Habitats and Species Regulations 2010

The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended).

### 9.4 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)

A residential development of this nature is an urban development project as listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The planning application is accompanied by an Environmental Statement. Officers have reviewed the document and consider the Statement complies with the requirements of Schedule 4 of the 2017 Regulations (Information for inclusion in Environmental Statements).

### 9.5 Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

The potential impact of the application proposals upon biodiversity interest is discussed later in this report.

### 9.6 Equality Act 2010

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

### 9.7 Crime and Disorder Act 1998

Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application and the comments of the Design Out Crime Office have been considered in assessing the design and layout.

### 9.8 Planning (Listed Buildings and Conservation Areas) Act 1990

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.

Section 72(1) of the same Act states;  
...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The impact on heritage assets is discussed later in this report.

#### 9.9 Community Infrastructure Levy Regulations 2010 (as amended)

These set out general regulations relating to the Community Infrastructure Levy, but Part 11 refers specifically to planning obligations (including those in S106 Agreements) and is relevant to the consideration of this planning application. The Regulations in Part 11 will influence the final content of a potential S106 Agreement (in the event that planning permission is granted).

Regulation 122 imposes limitations on the use of planning obligations and states (where there is no CIL charging regime), a planning application may only constitute a reason for granting planning permission for the development if the obligation 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.

Planning obligations arising from the proposed development are discussed later in this section of the report.

### **10.0 Principle of Development**

10.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the delivery of sustainable forms of development. It sets out that there are three dimensions to sustainable development:

- i) economic (contributing to building a strong, responsive and competitive economy),
- ii) social (supporting strong, vibrant and healthy communities) and,
- iii) environmental (contributing to protecting and enhancing our natural, built and historic environment).

In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

10.2 The NPPF is clear that it does not change the statutory status of the development plan as the starting point for decision making. The policies contained in the NPPF are, however, a material planning consideration in the consideration and determination of planning applications.

10.3 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.

10.4 Core Strategy policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development in the former St Edmundsbury area. This is re-affirmed by CS4 which sets out the settlement hierarchy for the District. Policy BV1 of Vision 2031 repeats national policy set out in the NPPF insofar as there is a presumption in

favour of sustainable development. Policy BV2 of Bury St Edmunds Vision 2031 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan.

- 10.5 Policy CS11 set directions of growth and confirmed north-east Bury St Edmunds as a location for growth and, whilst the policy does not seek to identify the boundaries of the site, it sets out criteria against which a subsequent Area Action Plan (in this case the Bury St Edmunds Vision 2031 document) and subsequent Masterplans and planning applications must adhere to. These include landscape, flood risk, highway, public open space & recreation and social facilities. The policy anticipates around 1,250 new homes would be delivered at this location, including affordable homes.
- 10.6 Policy BV6 of Vision 2031 allocates 89.5 hectares of land and identifies a site for delivery of a strategic housing site. The policy identifies a buffer on the eastern side of the site indicating this area could be used for open space, agricultural land, landscaping or SUDS. The policy confirms planning applications will only be determined once the masterplan for the whole site has been adopted by the LPA and that the masterplan should be prepared in accordance with the content of the adopted concept statement (appended to the Vision 2031).
- 10.7 The Concept Statement sets out a vision for the growth area, for the delivery of a new community with a village character that is its own identifiable place and yet is well connected to its hinterland. The location of the site is such that development is expected to create a sensitive transition between the urban, semi-rural and rural.
- 10.8 The adopted Masterplan document has been prepared within the parameters of the Concept Statement. Its over-arching vision is to deliver a new community with a village character and its own sense of identity. The Masterplan frameworks draw upon the existing natural landscape features of the site and existing woodlands, tree belts and hedgerows are to be used to assimilate the development into the landscape.
- 10.9 Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the NPPF and in the Bury St Edmunds Vision 2031 document.
- 10.10 As stated above, Policy CS11 envisages that the site will deliver 'around 1,250 homes'. The application as submitted seeks approval for the construction of up to 1,375 homes, an increase of 10 percent on the allocation. The applicant's Planning Statement states that 'the upper figure of 1375 houses has been derived from a comprehensive assessment of a) the capacity of the site to accommodate dwellings in an appropriate form and layout having regard to the Masterplan SPD, and b) the capacity of wider infrastructure in the area'.
- 10.11 It is acknowledged that Policy CS11 uses the term 'around' 1250 homes and it is accepted that local plan allocations do not always place a strict upper limit on the quantum of development. Rather, the figure provided is a guide that should be used as a starting point when a site is being assessed in the level of detail required to prepare a masterplan and subsequent planning applications, and it is widely accepted that unit

numbers may need to be revised up or down once the constraints and opportunities that a site presents are fully understood.

10.12 In the light of the above planning policy and Masterplan context it is considered that the principle of the development of the Bury north-east Masterplan site accords with national and local policies, including the development allocation in Policy BV6 of Vision 2031.

10.13 The remainder of the officer assessment below considers other material considerations (including site/development specific considerations) and impacts in detail, including the increase in number of units from 1,250 to 1,375, (and in no particular order) and discusses S106 requirements before reaching conclusions and a recommendation.

## **11.0 Landscape and Visual Impact, Landscape Strategy and Open Space**

11.1 The NPPF confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promote development of previously used land but other than continuing protection of formal Greenbelt designations (of which there are none in St Edmundsbury) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.

11.2 Core Strategy Policy CS2 seeks to achieve (inter alia) conservation or, where possible, enhancement of the character and quality of local landscapes and the wider countryside and public access to them. Policy CS3 requires development proposals to consider protection of the landscape and historic views. Policy CS11, which identifies north-east Bury St Edmunds as one of the locations to accommodate new growth, requires new development to positively use the framework created by the natural environment and character of the area.

11.3 Policy DM13 of the Joint Development Management Policies Document seeks to protect the landscape character from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.

11.4 Chapter 10 of the applicant's Environmental Statement addresses the landscape and visual impact of the proposals.

11.5 The site is located close to the western boundary of National Character Area (NCA) 83: South Norfolk and High Suffolk Claylands. NCA 86: South Suffolk and North Essex Claylands is the adjacent NCA to the south-west. NCA 83 stretches from Bury St Edmunds in the west to the sandy heathlands of the Suffolk coast in the east and southwards from just below Norwich to the River Gipping. The dominant character of the NCA is described as the high and predominantly flat clay plateau. The NCA highlights the shared characteristics of the NCA with surrounding NCAs and the relationship with NCA 86. NCA 83 is distinguished from NCA 86 by reason of the latter's noticeably more undulating topography.

11.6 The site also lies within the Plateau Estate Farmlands (11) character area as set out in the Suffolk Landscape Character Assessment. The key characteristics of this typology are defined as: flat landscape of light loams



and sandy soils; large scale rectilinear field patters; network of tree belts and coverts; and large areas of enclosed former heathland.

- 11.7 The site features a number of boundary hedgerows, hedgerow trees, a woodland clump (Severals Clump) and tree belts within the site and at the western boundary. Thirteen trees qualifying as 'veteran' are present within or immediately adjacent to the site. The majority of the land is at present under arable cultivation. The field sizes are relatively large and irregular, characteristic of the wider Plateau Estate Farmlands LCA.
- 11.8 The scale and nature of the development are such that the landscape character of the site will change, with the introduction of built form including dwellings, access roads and other associated development, all of which will have an urbanising effect.
- 11.9 The applicant's Landscape and Visual Impact Assessment (LVIA) concludes that the impact of the development (once operational) upon the site features overall would be minor adverse. As part of this assessment it identifies that the impact upon existing arable farmland features of the site would be moderate adverse, but also that other site features would be subject to minor beneficial impacts. The applicant suggests that this minor adverse impact must be considered in the context of the site allocation policy for 'around 1250 dwellings' and associated uses. It follows that the allocation of the site for residential (and associated) development will inevitably lead to the predicted landscape impacts.
- 11.10 The applicant proposes to mitigate the landscape character impacts through the creation of strong landscape infrastructure within the site to protect retained features and the provision of buffer planting to sensitive features to reflect local landscape character.
- 11.11 On an initial assessment of the application, the Council's Landscape and Ecology Officer raised some concerns about the proposed landscape mitigation strategy. In general it was considered that the approach to limiting the landscape and visual effects of the proposal was poorly documented. The broad-brush approach taken by the applicant resulted in very little detail being available to give confidence that the proposals were acceptable. The lack of a comprehensive landscape strategy or code for the site was considered to be a significant shortfall.
- 11.12 The applicant responded to these criticisms by making a number of changes to the Parameter Plans during the course of the application. In particular, additional green space is being provided within the detailed Phase 1 element of the scheme and there has been a reduction in the size of development parcels in the southwest of the site in order to provide greater separation distance from one another and the southern site boundary with the railway embankment. Following discussions between the Landscape and Ecology Officer and the Lead Local Flood Authority further amendments were made to ensure the functional separation of blue and green infrastructure.
- 11.13 The applicant has also revised and updated the overarching Landscape Strategy for the development. The Strategy outlines the landscape design principles for the green infrastructure in key areas including the A143 corridor, Restricted Byway 4 (Green Lane), country park and village green. Further details in respect of the retention of existing hedgerows and trees have been submitted together with details of new hedgerow planting.

- 11.14 The Country Park is an important component of the Green Infrastructure and Open Space Strategy with the northern Country Park (as set out in the Landscape Strategy document) forming the eastern boundary to the proposed development and a landscape buffer to the adjacent countryside. The northern Country Park will be designed as an amenity space with a rural character, including a walking route, fitness trim trail elements, allotments and community orchard.
- 11.15 The Southern Country Park provides a substantial landscape buffer to the hamlet of Cattishall. Here existing vegetation will be retained and enhanced with additional hedgerow and woodland copse planting to provide visual screening and a rural character. The bulk of the Southern Country Park will be delivered after Phase 1, however, at the request of local residents and the Parish Council, the extent of the landscape buffer to Cattishall that will be delivered within phase 1 has been increased.
- 11.16 The applicant's Open Space Assessment shows that the proposals provide a good level of open space on the site. The assessment against the council's quantity standard shows that the scheme will deliver against all categories except outdoor sports facilities, for which an off-site contribution has been agreed. As well as acting as a buffer to development the Country Park also counteracts the potential for recreational effects on Breckland SPA and is largely additional to the quantity standard, as is the land-take required for SuDS infrastructure.
- 11.17 Subject to the imposition of conditions to ensure that the development accords with the Green Infrastructure and Open Space Parameter Plans and the updated landscape strategy, the Landscape and Ecology Officer has confirmed that the scheme is now largely acceptable in its current form. The visual impacts of the development of a greenfield site of this nature are acknowledged and could be anticipated through the allocation of the site in the development plan. It is considered that the application, in its current form, accords with the requirements of Policies CS2, CS3 and DM13 in relation to the assimilation of the development into its landscape setting and edge of settlement location.

## **12.0 Ecology and Biodiversity**

- 12.1 Core Strategy policy CS2 seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity.
- 12.2 Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements relating to potential impacts upon sites of biodiversity and geodiversity interests. In addition it requires the biodiversity mitigation hierarchy to be followed. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.
- 12.3 The NPPF confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The NPPF states that protection of

designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations.

#### International sites

- 12.4 The application site is relatively remote from the Breckland Special Protection Area which is situated over 7.5km away from the application site at its closest point. The 'buffers' to the SPA (designated by means of planning policy) are approximately 7km from the application site at their closest point. The degree of separation between the application site and the SPA (including its buffers) means direct impacts upon the SPA can be ruled out both during the constructional and operational phases of the development.
- 12.5 The Biodiversity chapter of the ES has properly assessed the potential direct and indirect impacts of the proposed development upon nearby Internationally and Nationally designated sites. The ES identifies the potential change and consequential effect to the Breckland Special Protection Area is disturbance from increased recreational pressure from new occupants of the development (an in-direct impact).
- 12.6 The development includes measures to avoid recreational impacts, including the provision of circa 33 hectares of new open space for future and existing residents (excluding attenuation basins) to use, including the opportunity for circular walks around the site and access to other open spaces and the wider Rights of Way network and Fortress Park located to the south.
- 12.7 The findings of the ES and measures to address potential impacts upon the SPA have been considered and accepted by Natural England and the Council's Tree, Ecology and Landscape Officer. On the basis that the levels of public open space and other green infrastructure included in the ES is secured within the development proposals, the scheme would not give rise to significant effects upon the Breckland SPA.

#### Other statutory sites

- 12.8 There are no nationally designated sites of biodiversity interest within or close to the application site. The ES assesses the potential impact of the proposals upon The Glen Chalk Caves SSSI (approx. 880m south west of the site) and The Horringer Court Caves SSSI (approx. 4.2 km southwest of the site).
- 12.9 The ES concludes the impact of development to both SSSI sites is unlikely to be significant. The Horringer Court SSSI is on the other side of town where there is an abundance of substantial foraging and commuting away from the site impact on the Glen Chalk Caves needs further consideration from loss and fragmentation of small areas of foraging and commuting habitat for bats associated with the SSSI's and lighting from the construction phase. The ES sets out appropriate mitigation measures for these potential impacts which Natural England accept.
- 12.10 The impact of development upon nationally designated sites is appropriately considered. Measures to mitigate potential impacts and enhance the interest of the site are included and could be secured by means of planning condition.

### Irreplaceable habitats

12.11 Paragraph 180c of the NPPF sets out that loss or deterioration of irreplaceable habitats like veteran or ancient trees should only occur in wholly exceptional circumstances and with a suitable compensatory strategy in place. In this instance the site has 13 veteran trees which are located within hedgerows on the site. The development would not harm any of these irreplaceable habitats and as such is acceptable in this regard. Necessary conditions are appropriate to ensure trees are adequately protected during the construction phase.

### Biodiversity Net Gain

12.12 Mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town and Country Planning Act (TCPA) and is due to become law in 2023. The Act sets out that a minimum 10 percent gain required calculated using Biodiversity Metric and approval of net gain plan. Whilst biodiversity hasn't become law at this point in time the government's intention is clear and local and national planning policies have required enhancements in biodiversity for some time, although the Environment Act confirms that development should deliver a 10 percent enhancement.

12.13 The applicant has submitted a technical note to accompany the Biodiversity Impact Assessment. This demonstrates that for Phase 1 it is anticipated that the development will deliver a 86% improvement and that subsequent phases would deliver circa 25% increase.

12.14 Therefore, this accords with local and national plan policies which seek enhancements and would exceed the 10 percent increase in biodiversity of the Environment Bill if that was a requirement now.

### Skylarks

12.15 Section 40 of The Natural Environment and Rural Communities (NERC) Act 2006 places a legal obligation on public bodies in England to have regard to particular living organisms and types of habitats which are of the greatest conservation importance whilst carrying out their functions, whilst also having a general regard for protecting all biodiversity. Skylarks are a priority species in connection with Section 41 of the NERC Act and the applicant's biodiversity surveys found that these ground nesting birds would be impacted by the development. The developer has secured appropriate off-site mitigation for Skylarks and this would be secured via any permission which is considered acceptable.

12.16 The ES sets out a wide range of Habitat enhancement and management alongside habitat creation which would be done via the proposed soft landscaping delivered on site. All of which is considered acceptable and would be secured via an appropriately worded condition. Accordingly, officers are satisfied that proposed development is acceptable in biodiversity terms.

## **13.0 Traffic and Transportation and Sustainable Travel**

13.1 The NPPF confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to

maximise sustainable transport solutions will vary from urban to rural areas.

- 13.2 It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the NPPF confirms this policy needs to take account of other policies in the document, particularly in rural areas.
- 13.3 The NPPF confirms 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.
- 13.4 Policy CS7 of the Core Strategy sets out that sustainable transport modes should be prioritised over the use of private motor vehicle and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas). Policy CS11, which identifies north-east Bury St Edmunds as a location for new growth (and with respect to highway matters) that provision for a future bypass is facilitated, contributes to reducing congestion at appropriate A14 junctions, provides improved public transport, foot and cycle links to the town centre and south towards the A14 and strategic employment sites.
- 13.5 Policy CS14 sets out infrastructure delivery requirements from new development proposals and how these are to be secured. The provision of new relief roads in Bury St Edmunds [delivery being part of the strategic residential and employment sites allocated around the town], improved sustainable transport links and A14 junction improvements are regarded by the policy as 'fundamental infrastructure'.
- 13.6 Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications.
- 13.7 Policy BV26 covers green infrastructure in Bury St Edmunds. The supporting details for that policy include Project D.2 which is the creation of a radial route around the town for pedestrians, cyclists and horse riders. The proposed radial route is shown to go through this allocated housing site utilising the existing Restricted Byway (number 4) which travels through the site linking into the existing footpaths to the north and south.
- 13.8 Policies DM44 and CS8 also require development to improve existing rights of way and enable new links to be created within and between settlements whilst seeking to deliver the overall aims and objectives of the Suffolk County Council Rights of Way Improvement Plan.
- 13.9 The Concept Statement highlights that the site is separated from the existing urban edge of Bury St Edmunds by the railway line which acts as a physical barrier which could present difficulties in the development being integrated into the surrounding built development. It sets out that the Cattishall crossing and existing underpass should be utilised.

- 13.10 The 'Vision' for the site contained within the Masterplan makes reference to the incorporation and enhancement of existing public rights of way and national cycle routes into the development and the improvement of links to the surrounding area for pedestrians and cyclists, particularly to Great Barton and the town centre.
- 13.11 Since the application was submitted the Government has issued Design guidance for cycle and walking infrastructure in the form of Local Transport Note 01/2020 (LTN01/2020) and published "Gear Change a bold vision for walking and cycling" which sets out the role walking and cycling play in future transport systems.
- 13.12 To ensure the application adopted the principles now required by this guidance the applicant has produced a Walking and Cycling Strategy which sets out how the development, over all phases, will ensure that walking and cycling is prioritised over the private motor vehicle. The application proposes connections to existing walking and cycling infrastructure and, in addition, proposes appropriate enhancement to elements of the network to promote and encourage sustainable travel. Such measures include the re-opening and renovation of an existing subway under the railway and, in order to ensure that links to the south of the development are maximised, the applicant has entered into an agreement with Network Rail to deliver a footbridge over the railway line at the existing at-grade Cattishall crossing. The footbridge will ensure that a safe and secure connection over the railway line is in place should the subway become unavailable at any time. The delivery of the footbridge can be secured at an appropriate point during the development by way of planning condition and a planning obligation agreement.
- 13.13 Other walking and cycling improvements are targeted according to the findings of an audit and assessment of existing infrastructure to local destinations carried out by the applicant using a methodology agreed with the local planning authority and local highway authority. The following had been agreed prior to the application being appealed;
- Footway/cyclepath link from the development to Great Barton along with crossing point on the A143 opposite an existing entrance into Hall Park;
  - Surfacing of the Restricted Byway (RB4) ;
  - Crossing on the A143 next to Angelnook Cottages at the western end of the Restricted Byway RB4;
  - Financial contribution to surface and create a new footway/cyclepath to Fornham Business Park;
  - Surfacing of the Bridleway and improvement of the crossing to Chapel Pond Hill Business Park;
  - Financial contribution to improve walking and cycling infrastructure on the direct route to the town centre along Barton Road, Eastgate Street, Mustow Street/Northgate Street and Looms Lane;
  - Upgrade Footpath 21 to bridleway and divert to field edge;
  - Toucon Crossing at Orttewell Road on the northern side of the underpass;
  - Walking and cycling signage;
  - Delivery of a Travel Plan; and
  - Delivery of a Shuttle Bus service linking the site with the Bury St Edmunds Bus and Train station.

- 13.14 On the basis of the above officers are of the opinion that the proposed development would provide for travel by a range of means of transport other than the private car and that, in conjunction with the proposed residential Travel Plan and Walking and Cycling Strategy, the proposals are designed such that they will encourage and promote the use of sustainable forms of transport in accordance with national and local plan policies and other material considerations.
- 13.15 The traffic impacts of the development have been assessed by the applicant and the findings presented in a Transport Assessment and a series of Transport Technical Notes that been submitted by the applicant in response to discussions with the local highway authority. The local highway authority is satisfied that the package of walking and cycling measures that has been agreed with the applicant will go some way to mitigate the impacts of the additional vehicular traffic that will be generated by the development. Future residents will be able to take advantage of safe and secure walking and cycling routes and the measures proposed will offer a real alternative to the use of the private motor car.
- 13.16 In addition to the above, a number of specific measures have been identified in respect of the highway network in order to help mitigate the traffic impacts. These are:
- Installation of MOVA controller at Orttewell Road underpass;
  - Widening of the A143 to facilitate right turn into Fornham Road;
  - Deliver the remaining elements of the SCC Northgate Roundabout scheme; and
  - Contribution to SCC to develop and deliver a scheme to mitigate the impacts of development traffic on East Barton Road.
- 13.17 The local highway authority has pointed out that the site was allocated in the Bury Vision 2031 along with several other strategic sites across the town. The Vision 2031 transport analysis was carried out at the time by SCC in order to support this amount of growth. Through this process all parties (including the applicant) acknowledged that several key junctions on the A14 and around the town centre were projected to exceed their optimum performance, with the potential for significant traffic delay and wider impacts on the transport network.
- 13.18 To address the cumulative impacts of growth on the local and strategic road network the local highway authority developed a method of apportioning the costs of delivering mitigation schemes on the ground. The strategic growth sites that have already secured planning permission (and in some cases commenced development) have made financial contributions towards these schemes and the local highway authority consider that this site should contribute in the same way. The local highway authority has supplied a technical 'Transport Mitigation and Section 106 note' to aid the applicant's understanding of the methodology applied to the calculation of this sum.
- 13.19 The applicant disagrees with the local highway authority's position and considers that the package of highway related mitigation (including the walking and cycling infrastructure improvements) that it has provisionally agreed to is sufficient to fully mitigate the impacts of the development. The applicant does not consider that a further financial contribution is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

- 13.20 In the absence of agreement between the applicant and the local highway authority on this point the local highway authority has stated that the development fails to meet the requirements of paragraph 111 of the NPPF in respect of highway safety and the cumulative impacts of the scheme. The local highway authority therefore object to the application.
- 13.21 National Highways have been a party to the detailed discussions that have taken place with the applicant in relation to highway impacts and it agrees with the stance taken by the local highway authority. Whilst the Northgate Roundabout works referred to above are designed to minimise any impacts on the strategic road network (in this case Junction 43 of the A14) and National Highways are fully supportive of this measure being delivered as part of the scheme, it considers that a complete package of mitigation measures is required in order to ensure that the development meets the requirement to deliver and promote sustainable travel. National Highways therefore maintains its objection to the application in line with the local highway authority's objection.
- 13.22 In light of the above, and the fact that the local highway authority and National Highways are maintaining their objections to the scheme, it is considered that the application fails to comply with the provisions of Policies CS3, CS7, CS8, CS11, CS14 and DM45 in relation to sustainable transport and the mitigation of highway impacts. Consequently the proposal also fails to accord with paragraph 111 of the NPPF in this regard.

#### **14.0 Built form and design considerations**

- 14.1 The NPPF states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The NPPF goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 14.2 The NPPF also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 14.3 Core Strategy policy CS2 seeks to secure high quality, sustainable development and sets out a wide range of criteria in order to achieve this.
- 14.4 Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals, where appropriate. Policy DM22 sets out detailed design criteria for considering new residential proposals.
- 14.5 The application has been made in hybrid form with full planning permission sought for Phase 1 of the development, comprising 287 dwellings and associated landscaping and infrastructure. The remainder of



the application is made in outline form with the detail of the dwellings, school, local centre and other infrastructure reserved to a later date.

- 14.6 A detailed assessment of Phase 1 is contained elsewhere in this report and while 'design' is not a determinative factor at this stage of the outline application, the applicant has developed the townscape and character element of the framework plan contained within the Masterplan and has sought to demonstrate the approach taken to the concept of developing the entire site at this stage. This ensures that all future phases of development come together to form one comprehensive and cohesive scheme that meets the overarching objectives of the Masterplan.
- 14.7 The Masterplan divides the development into three distinct areas separated by open space and landscape features to form a series of linked villages; Upper Severals; Middle Severals and Lower Severals. A further character area focuses on the southern entrance to the site, where the local centre and primary school were to be located.
- 14.8 The main design principles featured in the Land Use plan within the Masterplan have been retained in the planning application but with several key differences:
- Relocation of the northern roundabout to allow for visibility splays to be provided;
  - Relocation of the main public open space from adjacent to the southern entrance to a central location;
  - Relocation of the primary school to land to the north of Green Lane, which is a flatter part of the site; and
  - Relocation of the local centre to the east of the spine road so that it is directly adjacent to the school (Note that the local centre has been developed further – see later in this report).
- 14.9 The main features of the building heights diagram within the Masterplan have been retained. The Outline Parameter Plan – Building Heights details how the majority of the development will be up to 3 storeys in height with some two storey development on the sensitive eastern edge and potentially up to 4 storey development in and around the local centre. Broadly, the proposed densities across the site have also been carried forward from the Masterplan. In general a medium density is applied across the entire development with specific areas designated as either high or low density, dependent on their location.
- 14.10 The intentions of the Design Rationale diagram within the Masterplan have been maintained, in particular the intention to separate the development into three 'Village' character areas which the scheme achieves by maintaining the strategic green corridors.
- 14.11 The applicant has developed a system whereby the built form is split into three distinct character areas that reflect their setting and the outlook to which buildings are facing towards. Within each 'Village', areas have been identified that fit into one of the follow categories:
- Rural edge and rural approach – buildings around the edge of the site that would have an aspect towards the wider countryside and could be seen when passing the site on the A143;
  - Internal edge and residential streets – buildings that overlook internal spaces such as Severals Green, and residential streets within the development parcels; and

- Courtyards and cul-de-sacs – the smallest collection of buildings that would generally be located around courtyards or small cul-de-sacs and generally away from public areas, in a more intimate setting.

14.12 The western corner of the site forms the 'West Village' and includes the local centre and primary school. Density is slightly higher in this area due to the proximity to the town and relatively low amount of boundary facing open countryside. A slightly tighter street and building pattern is found here than other village character areas.

14.13 The 'East Village' is the area in the south-east corner of the site and is bounded by Green lane to the north and the railway to the south. It adjoins the country park and buffer with Cattishall to the east. This area is primarily residential with green movement corridors leading to the country park. Density is of a medium to low range with dwellings aligning the eastern edge restricted to two storeys.

14.14 The 'North Village' is situated to the north of Green Lane and adjoins the A143. It is mainly residential with a central area of open space incorporating Severals Clump, where play space and a residents' community building will also be located. Density is varied with a higher density along the spine road, medium density to the housing areas and low density for units facing the countryside edge.

14.15 The material submitted in support of the outline element of the application demonstrates how development opportunities could be maximised at the detailed design stage. Interwoven with the design parameters set out by the applicant are the landscape and green and blue infrastructure strategies and the access and movement strategy. All of which combine to deliver a development that recognises and addresses the key features, characteristics, landscape character and special qualities of the area, as required by Policy DM2. The detailed character assessment work provides a framework against which future reserved matters applications can be judged and it does not raise any in principle matters that would preclude the delivery of up to 1,375 units (subject to all other material considerations being satisfied).

## **15.0 Cultural Heritage**

15.1 Heritage assets encompass a wide range of features, both visible and buried, including archaeological remains, Listed Buildings and non-designated heritage assets.

15.2 The conservation of heritage assets is a core principle of the planning system upon which the NPPF places great weight as part of achieving sustainable development. The NPPF guidance is reflected in Development Plan Policies DM15 (listed buildings), DM16 (local Heritage Assets) DM17 (Conservation Areas) and DM20 (archaeology).

15.3 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 15.4 Chapter 9 of the applicant's Environmental Statement addresses archaeology and cultural heritage.
- 15.5 The applicant carried out a data search of the Suffolk Historic Environment Record and identified that a number of non-designated heritage assets, including monuments and findspots, have been recorded within the site. These range from artefacts finds to the recording of a tumulus close to the eastern boundary of the site. Evaluation trenching was also undertaken in parts of the site in 2014. Archaeological remains dating from the earlier prehistoric to the post-medieval periods were recorded.
- 15.6 The Environmental Statement concludes that, due to the number of assets identified within the site, there is high potential for further, as yet unidentified, archaeological evidence to remain. As such it is recommended that a programme of archaeological evaluation is carried out to fully understand the nature and extent of remains on site.
- 15.7 The Suffolk County Council Archaeological Service agrees with this conclusion and has provided advice on the scope of future archaeological works that should be undertaken on site. The Service is satisfied that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. Subject to the imposition of conditions requiring the implementation of an Archaeological Mitigation Strategy, the Service does not raise any objection to the scheme.
- 15.8 There are no sites of historic significance within the 1km buffer study area of the site as drawn by the applicant. The easternmost edge of the Bury St Edmunds Town Centre Conservation Area extends into the southwest corner of the study area but is isolated from the site by intervening development and topography, ensuring that there is no direct intervisibility between this heritage asset and the site.
- 15.9 The Grade I listed Church of the Holy Innocents is located approximately 400 metres to the east of the site, close to the junction of Green Lane and Church Road. Within the 1km study area there are also two Grade II\* listed buildings and three Grade II listed buildings. There are no listed buildings with the application site itself.
- 15.10 The Environmental Statement concludes that due to the visual distance involved between the Grade I Church and the site, and with a sufficient landscape buffer separating the development away from the Church, the proposed development will have a neutral effect on the asset. No significant effects are anticipated on the Grade II\* and Grade II listed buildings. This is due to a multitude of factors including the separation between the site and the buildings, existing and proposed vegetation and landscape buffers and an assessment of the significance of the site to the asset's setting.
- 15.11 The Conservation Officer has confirmed that the assessment of the effects on the setting of built heritage assets within a 1km buffer study area has been undertaken in accordance with Historic England good practice. The contribution of setting towards significance of the built heritage assets within the area identified have all been sufficiently assessed together with an assessment of impact on their respective settings.

- 15.12 Topography, distance, existing vegetation and intervening development prevent long distant/significant views of the site/proposed development from the assets identified to include the Bury St Edmunds Conservation Areas, Church Of The Holy Innocent, Great Barton Lodge, the aisled barn at Manor Farm, Moreton Hall and the Former RAF Rougham Control Tower and RAF Rougham Radar building. As such the proposal is not considered to have an adverse effect on the setting of nearby Heritage Assets.
- 15.13 It is considered that approach taken by the applicant to assessing cultural heritage accords with local and national policy. Subject to appropriate planning conditions, the proposed development will not result in any adverse effects or harm on heritage assets and it has not therefore been necessary to engage the public interest test as set out in national policy.

## **16.0 Flood risk, drainage and pollution**

- 16.1 Policies for flood risk set out in the NPPF aim to steer new development to areas with the lowest probability of flooding. The NPPF also seeks to ensure that new development does not increase the risk of flooding elsewhere.
- 16.2 The NPPF states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 16.3 Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.
- 16.4 The allocated site has two main corridors where known Surface Water flooding occurs at times of heavy rainfall. These are adjacent with the A143 on the northern boundary of the site and a corridor from the current disused railway underpass on the southern boundary towards the northwest part of the site.
- 16.5 The original scheme and subsequent amendments were considered acceptable by the Environment Agency. However the Lead Local Flood Authority (LLFA) and Anglian Water (AW) both objected to the original submission on the grounds that the submitted details did not demonstrate that the proposed drainage channels and drainage basins would adequately manage surface water flows on and off site. However, since that time additional details have been submitted, and the LLFA and AW have now confirmed that these demonstrate that the development will manage surface water flows on site adequately and ensure that downstream is not unduly affected either.
- 16.6 The application includes a Desk Study and Ground Investigation Report and it does not identify any significant sources of contamination and the intrusive investigation does not encounter any physical signs of contamination. The chemical analysis of soil samples was also free from contamination. The report concludes that the soil poses a very low risk to the human health of end users and other potential receptors. The Environment Team agree with the findings of the report and suggest that only an informative is attached to any decision which sets out what the

developer must do in the event of unexpected contamination being encountered.

- 16.7 The planning application is also accompanied by an assessment of the potential impact of the proposed development upon air quality. This is particularly important along the A143 in Great Barton near the junction of School Road where there is an Air Quality Management Area (AQMA). The applicant has submitted two further Technical Notes on Air Quality (Feb 2020 and April 2020) and a AQMA Sensitivity Test (Feb 2022) to demonstrate the acceptability of the scheme in Air Quality terms. These have been assessed by the councils Environment Team and officers are advised that the report presents a number of scenarios for traffic volumes along the A143 adjacent to the Great Barton AQMA and indicates that the point where the impact on the AQMA would be considered to be moderate is well above any predicted traffic flow from the proposed development. Even where the impact is Moderate, the predicted levels of pollution would still be below the legal air quality objectives.
- 16.8 The scheme will include EV charging points which the Environment Team highlight will assist in reducing general air pollution. The delivery of electric vehicle charging points can be secured by condition.
- 16.9 The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution considerations (contaminated land, potential contamination of water supply and air quality), subject to the imposition of suitably worded conditions, as discussed.

## **17.0 Residential Amenity**

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

### Outline phases

- 17.3 The submitted details address the potential impact on the future residents from odour and in particular odours from the Sugar Beet factory. The assessment identified areas (western boundary and northwest corner) that were subject to what was described as strong to distinct strength odours, classed as unpleasant or moderately unpleasant. The report concludes odour impacts are not significant but this does not mean they will not be detectable at certain times, mainly depending on activity at British Sugar and wind/weather conditions. Public Health and Housing officers have assessed the submitted details and are satisfied that on balance there is no objection on odour grounds.
- 17.4 Early assessment of the scheme by Public Health and Housing officers identified that impact on later phases on properties nearest to the railway line would need further consideration. The scheme was amended so that Green Infrastructure Parameter Plan proposes an enlarged area of SUDS

to the southwest corner of the site, thus increasing the distance to future sensitive receptors from the higher noise sources of combined road and rail noise.

- 17.5 In addition to this the applicant's noise consultant referenced a number of practical measures that could be included in the detailed design phases, to allow natural ventilation to improve thermal comfort by the opening of windows in high noise environments, whilst maintaining a suitable internal acoustic environment. Public Health and Housing officers highlight that dwellings which require a mechanical extract ventilation system to regulate thermal comfort have a cost implication to the householder and the environment through increased energy usage and should only be used as a last resort. Options such as designing good internal layouts, the use of dual-aspect or plenum windows should be utilised before mechanical extract ventilation. Properties in Phase 4 in the western corner of the site may be affected by noise from the railway line and A143. Dwellings in this area were highlighted as a challenging situation in considering alternative noise mitigation options. Only those properties where there are no other reasonable options available to meet internal guideline targets should be considered for enhanced acoustic insulation and mechanical ventilation.
- 17.6 Officers are therefore satisfied that an appropriate condition can be imposed which means that all other options of ensuring that appropriate night-time noise and thermal comfort are maintained, with mechanical ventilation being used as a last resort. Additional conditions as per phase 1 would also be attached to protect nearby existing residential properties during the construction phase.

#### Full element (Phase 1)

- 17.7 The main noise source of noise for the occupiers of Phase 1 will be from vehicles travelling along the A143. Modelling appears to show a small number of properties will be affected with measures required to meet night-time internal noise guidelines. To ensure the most appropriate mitigation is installed it is agreed that a condition requiring the mitigation to be agreed should be attached to any permission.
- 17.8 Public Health and Housing officers have reviewed the Lighting Strategy and Assessment, ref A103379. The conclusions are considered to be sound and the lighting layout and design for Phase 1 are acceptable in that regard.
- 17.9 The nearest existing residential properties to phase 1 are those at Cattishall to the southeast and the semi-detached pair located to the west which front onto the A143 known as Anglenook Cottages. These properties could experience a loss of amenity during the construction phase and conditions which restrict construction hours and burning of materials will be necessary in order to ensure any loss of amenity is not significant during that period.
- 17.10 Accordingly, officers are satisfied that the layout, design and details for phase 1 demonstrate that the future occupiers of these dwellings will be satisfactory and accord with both national and local planning policies.

### **18.0 Local Centre, Education and Community Uses**

- 18.1 Policy CS11 states that this site should deliver a number of community, education and employment opportunities and sets out that the following should be included in the development:
- Opportunities for B1 use class local employment;
  - New high quality strategic public open space and recreation facilities; and
  - Additional education, community and leisure facilities to meet the needs of the development and located in a way that can achieve positive integration with the wider area.
- 18.2 Policy BV6 of the Bury Vision 2031 carries forward the requirements of Policy CS11 and makes reference to a buffer (with Great Barton and Cattishall) where amenity/recreational open space, agricultural land, landscaping and SuDS could be situated.
- 18.3 Policy BV12 identifies existing local centres and community facilities within Bury St Edmunds and sets out the sites that will provides new local centres, one of which being the north-east Bury St Edmunds strategic site.
- 18.4 Policy DM41 supports the provision of community facilities and services where they contribute to the quality of community life and the maintenance of sustainable communities. That policy also goes onto state that, where necessary to the acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land [for the delivery of such uses].
- 18.5 The Masterplan identifies a character area focusing on the southern entrance to the site where it is envisaged that the primary school and local centre will be located, surrounded by an area of open space. The Masterplan goes onto state that the local centre or community hub will provide a mix of uses, including retail, possibly health services, leisure facilities and education, with opportunities for B1 use class local employment. The Masterplan details that the primary school has been strategically placed within the site on the framework plans to afford easy access off the A143 and so that it is within walking distance of the majority of the site.
- 18.6 The Masterplan recognises that the development will provide incidental job creation at the school and that the new residents will increase the trade and patronage of existing local shops and businesses.
- 18.7 The applicants Design and Access Statement details how, through a process of evolution and consultation, the Masterplan concepts have been developed. Of relevance to these topic areas are the relocation of the strategic open space to the 'heart' of the development, a redesigned local centre and southern entrance to create an arrival point and frame the entrance into the development, and the relocation of the school to improve access from the A143.

#### Opportunities for B1 use class local employment and local centre

- 18.8 The Planning Statement submitted with the application states that the local centre area will provide small business units that may be capable of supporting B1 uses (now Class E) should market demand for such uses exist.

- 18.9 The Planning Statement also sets out how the local centre is proposed in close proximity to the school and is intended to provide service and facility floor space to serve the development. The precise mix of uses is not known at this stage and specific operators have not yet been identified.
- 18.10 The application as submitted proposed a local centre with a gross internal area of approximately 375 square metres. Based on this amount of space, the applicant predicts that approximately 25 jobs could be created.
- 18.11 The applicant was challenged by officers as to the amount of space allocated to the local centre and whether a gross internal floor area of 375 square metres was sufficient to meet the needs of the new community. The applicant initially responded by providing details of the advice it had received from its commercial consultants on this matter. This advice was that 375 square metres of floor space would be sufficient to satisfy demand based on current market conditions and their experience of demand elsewhere. The consultants envisaged that a local centre of this size would provide a mix of either one larger unit and 2-3 small retail units or a parade of 4-5 smaller units as being viable in this location. The consultants further advised that they would not expect demand for B1 uses as part of this and did not expect that they would be successful in this location.
- 18.12 Officers are in agreement that the delivery of a significant amount of space for B1 uses is not necessary on this site given its proximity to existing employment areas to the south and the improvement of walking and cycling links to such areas as part of this application (see the Traffic and Transportation section of this report).
- 18.13 Notwithstanding the conclusion on B1 uses the applicant was pressed further by officers to justify the size of the local centre. It was considered the local centre should be increased in size to provide sufficient space for a convenience store plus several smaller units to ensure a diverse mix of uses could be accommodated and to ensure that the local centre meets the needs of the development. It is acknowledged that there needs to be a balance between providing for the new community and attracting a modest amount of passing trade to ensure the viability of the centre without creating a local centre that would compete with existing local centres and significantly increase traffic movements in the immediate area.
- 18.14 Following further discussions with the applicant the amount of land allocated to the local centre has been increased to approximately 0.54 hectares, which would provide for a gross internal floor area of 750 square metres. The local centre will now be split across two parcels on either side of the spine road and will provide adequate space for a convenience store along with a number of other smaller units.
- 18.15 Officers consider that this is a satisfactory level of provision on the site to meet the needs of the community and ensure that the development is sustainable. The local centre will be co-located adjacent to the primary school to provide opportunities for linked trips and will be within a reasonable walking distance for the majority of the site. On this basis it is considered that the provision of the local centre meets the requirements of Policies CS11, BV6, BV12 and the Masterplan.

School site



- 18.16 Land sufficient to accommodate up to a two-form entry primary school is proposed as part of the development, located on land between Green Lane and the southern roundabout access. As stated above, the Design and Access Statement refers to the relocation of the school site in order to provide a better location to access from the A143, whilst still being sited adjacent to Green Lane. This maximises the opportunities for pupils and staff to safely walk and cycle to the school. The chosen site is also a flatter part of the site. An early years nursery will be co-located on the premises.
- 18.17 Officers have liaised closely with Suffolk County Council officers in order to ensure that the school site is fit for purpose as the county council will be responsible for designing and the construction of the school buildings in the future. The site has been examined closely in relation to drainage and flood risk and the applicant has demonstrated that any nearby SuDS features will lie outside the school site boundaries and thus not fall to the school operator to maintain. Similarly, officers have worked with the Council's Public Health and Housing and Environment Teams to ensure that the site will not be subject to adverse impacts from noise or air quality given its location off the A143. A landscape buffer sits between the site and the A143, which is also where any necessary SuDS features will be located.
- 18.18 As detailed elsewhere in this report the applicant has also committed to making a number of s106 payments in connection with the delivery of the new school and early years setting and the provision of secondary, sixth form and special educational needs places.

#### Residents Building

- 18.19 Policy CS11 makes reference to the provision of community facilities to meet the needs of the development, however, it does not provide any detail as to the nature of these facilities and the form they should take. Similarly Policy BV6 is not explicit in this regard. The Concept Statement for the site appended to the Bury Vision 2031 recognises the need for a community hub to provide a focus for the new development, where activities such as shops, community facilities, primary school and healthcare facilities could be located. The Concept Statement also suggest that the subsequent Masterplan should address how opportunities will be created to achieve the establishment of local community governance groups and other community run initiatives.
- 18.20 The Masterplan envisages a combined local centre or 'community hub' and to a large degree this is being delivered by the applicant as explained above. In addition to the local centre/primary school site the applicant is also proposing to deliver a community building within a central location of the site that will be delivered as part of phase 1. The Planning Statement describes the building as being intended to be a multi-functional community facility space akin to a village hall or similar and is intended to meet the specific needs of the development itself, and not any wider need. The design and layout of the building is reserved for later approval.
- 18.21 The applicant proposes to locate what it labels as a 'residents building' in the central area of open space, alongside a play area. Several Clump forms part of this area of strategic open and recreational space. The applicant has provided indicative plans for the building, based on its experience of delivering similar buildings elsewhere. The indicative plans

show a building with a footprint of approximately 12.2 metres by 20.5 metres that features a main hall, kitchen, meeting room, storeroom and toilet facilities. With the provision of a parking area the community building would have a land take of around 0.16 hectares. The applicant has indicated that the building will be operated and maintained by a residents' management company and that it will be available for use by clubs, societies and for local events.

- 18.22 There are numerous community facilities in and around Bury St Edmunds of varying sizes. Great Barton Parish Council has made representations that the community building on this development should be commensurate with the existing Great Barton village hall. The existing village hall is significantly larger than the residents' building proposed by the applicant despite there being fewer dwellings within the existing settlement of Great Barton than the number of units proposed on this development. The Parish Council is seeking a facility that can accommodate sports use (including changing facilities) and has suggested that the building could be a centre for remote working with administrative support and IT facilities.
- 18.23 Officers have discussed the size and form of the residents' building at length with the applicant given the points raised by the Parish Council. Advice has also been sought from Sports England. The only concern raised by Sports England is that the indicative plans show the bar area jutting out into the main hall and it is recommended that the main hall should have flush walls.
- 18.24 While the plans submitted at this stage are only indicative, the Land Use Framework Plan allocates 0.16 hectares of land to the residents' building and it is therefore unlikely that a building that exceeds that shown on the indicative plans could be accommodated. The residents' building is centrally located on the site with good connectivity for walking and cycling and it is therefore considered that the provision of a significant number of parking spaces in this area is not commensurate with the objective of achieving a sustainable form of development and removing reliance on the use of private motor vehicles.
- 18.25 The concerns raised by the Parish Council have been duly noted by officers and the applicant has been made aware of these. However, it is considered that there is no policy requirement for a community building to be constructed on site that is commensurate with the existing Great Barton village hall. Indeed, it is considered that community facilities should be provided in various guises in order to serve different community needs. The costs of operating and maintaining community facilities have to be taken into account as well as the cost to residents of hiring/using such facilities. Having the option of two, different, facilities within Great Barton increases the likelihood of both being financially viable and the fact that the residents' building on this site will be managed by the residents themselves is an advantage. Additional community facilities are proposed on the development in the form of the local centre and it is commonplace for school buildings to be made available for community use outside of school hours (although it is acknowledged that this is dependent on future governance arrangements for the school).
- 18.26 On balance it is considered that the proposed residents' building meets the policy requirements of CS11, BV6 and DM41 and that the final design and layout of the building and associated infrastructure can be secured by condition and/or s106 planning obligation.

## Allotments

18.27 The applicant proposes to deliver an allotment area within phase 1 of the country park. The allotments will be well connected to the pedestrian and cycle network and sit comfortably within this strategic area of open space.

### **19.0 Sustainable Construction and Energy Use**

19.1 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate. It goes on to state that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience. Emphasis is placed on encouraging the reuse of existing resources and supporting renewable and low carbon energy and associated infrastructure.

19.2 Paragraph 157 states that local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Furthermore applicants should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

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

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

19.5 Great Barton Neighbourhood Plan Policy GB13 requires development proposals to demonstrate how they:

- a. maximise the benefits of solar gain in site layouts and orientation of buildings;
- b. incorporate best practice in energy conservation and be designed to achieve maximum achievable energy efficiency;
- c. avoid fossil fuel-based heating systems;
- d. incorporate current sustainable design and construction measures and energy efficiency measures, such as, where feasible, ground/air source heat pumps, solar panels, thermal and pV systems; and
- e. make provision for grey water/rainwater, and/or surface water harvesting and recycling.

19.6 An Energy Statement was submitted with the application that set out the principal measures being incorporated into the scheme in relation to sustainable construction and energy use. These include;

- enhanced fabric energy efficiency measures that reduce the energy demand of the development;
  - incorporation of photovoltaic panels (26.5kWp on Phase 1 and an estimated additional 291kWp on remaining phases depending on the regulatory landscape at the time of the Reserved Matters for each phase;
- 19.7 The Energy Statement highlights that the proposed strategy meets minimum requirements for Part L of current Building Regulations.
- 19.8 For the purposes of Phase 1 the applicant has considered energy efficiency in terms of building fabric, thermal bridging, lighting, ventilation and air permeability, space heating and hot water and limiting the risk of summer overheating. Taking into account energy efficiency the Energy Statement sets out that Phase 1 will achieve a 17 percent improvement over the current Part L1A (2013) baseline for dwellings. However, when the apartment buildings are factored in the document states that the current Part L baseline will not be met due to the use of electric heating.
- 19.9 Looking beyond Phase 1 the Energy Statement makes reference to the decarbonisation of the grid electricity and the use of air source heat pumps could be a lower carbon option for the remaining phases.
- 19.10 The Energy Statement also addresses the non-residential elements of the scheme, acknowledging that Policy D7 requires all non-residential areas over 1,000m<sup>2</sup> to meet BREEAM 'Excellent' or equivalent standard.
- 19.11 The Council's Energy Advisor raised a number of concerns in relation to the applicant's sustainability strategy including the marginal gains over current Building Regulations and the lack of ambition to meet a Net Zero standard. The use of gas boilers and electric panel heaters in Phase 1 was stated to be disappointing and it is unclear whether the dwellings will have the necessary space to retrofit air source heat pumps. A firm commitment to the utilisation of 'green' technology in later phases was also sought.
- 19.12 The applicant responded to the Energy Advisor's comments by highlighting the fact that currently the only national standard relevant to carbon neutral development is Part L of the Building Regulations, which the development will be compliant with. The applicant also reaffirmed that the proposal for phases beyond Phase 1 is to include heat pump technologies for houses and provide a highly energy efficient fabric with electric heating for flats. In response to concerns about the ability to retrofit air source heat pumps the applicant has stated that, in line with proposals in the Future Homes Standard consultation, any heating systems installed will be future-proofed by using low operating temperatures compatible with heat pumps. The applicant has also demonstrated how the equipment could be accommodated in the dwellings.
- 19.13 To formalise its position the applicant submitted an Energy Statement Addendum following discussions on the sustainability credentials of the development. The Addendum updates the applicant's energy strategy and states that the applicant's commitments are aligned with the requirements outlined in emerging planning policy and regulations and therefore go significantly beyond current minimum standards.

- 19.14 In relation to fabric energy efficiency the applicant now proposes to enhance standards in Phase 1, which will align with future Part L requirements. Whilst the final targets have not been formalised, the applicant anticipates that this will represent a 13-15 percent improvement over current standards.
- 19.15 As highlighted above, the applicant is maintaining its intention to install gas boilers in Phase 1, citing concerns over the relative immaturity of the heat pump market, including the supply chain and skills base for installation and ongoing maintenance. The applicant is, however, now proposing to install solar technology on all appropriate houses within Phase 1 (it is likely that this will be dependent on the location and orientation of the units).
- 19.16 It is considered that the applicant has had regard to national and local planning policy in relation to the move towards net zero and, in particular, the provisions of Policy GB13 have been taken into account. That policy seeks to avoid the use of fossil fuel-based heating systems but does not preclude their use. Much of the regulation and guidance in relation to such matters lies within Building Regulations and the applicant has committed to exceeding current targets. The Council is currently undertaking a review of its development plan and it is possible that future planning policies will change local requirements in respect of sustainability and energy use. Future phases of development may well be subject to such policies, as well as any updates to Building Regulations, and the applicant has acknowledged this.
- 19.17 The Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, has been the subject of examination. Accordingly, it is appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water efficiency measures to be incorporated into the fitting out of this development.

## **20.0 Phase 1 Full Application**

- 20.1 As confirmed elsewhere in this report, Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects to be delivered as part of any residential-led scheme. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals (where appropriate). Policy DM22 sets out detailed design criteria for considering new residential proposals.
- 20.2 Details of Phase 1 of the development have been submitted in full and make up the full element of the application. The applicant therefore seeks approval of details of the layout, scale, design, appearance and landscaping of this element of the development.

- 20.3 The application as originally submitted was for the construction of 291 units in Phase 1, accessed from a new roundabout on the A143. A number of design principles were established by the applicant to inform the design development process, with a focus placed on the retention and use of existing hedgerows and tree groupings, the creation of a key public space around Several Clump and the maintenance of views of Holy Innocent Church where possible.
- 20.4 In accordance with the Parameter Plans that accompany the outline element of the planning application densities across Phase 1 vary from lower density along the eastern edge where the residential development adjoins the country park to a higher in key areas, such as the landmark apartment building that addresses a corner plot alongside the primary access road. Building heights range from 2 storeys up to 3 storeys.
- 20.5 Phase 1 lies within the North Village character area and the applicant has developed this further to introduce sub-character areas within the three main areas referred to as the 'External Edge', 'Internal Edge' and 'Courtyard Areas'. These sub-character areas address key focal points such as the arrival space into the development, the village green and courtyard spaces created within the layout. Key feature buildings are strategically placed throughout the development to aid navigation and mark key routes and public spaces. The character areas respond to external factors such as noise from the A143 and their interaction with landscape and SuDS features. The building types and materials vary across the character areas to reflect those that would be typically found in the respective areas.
- 20.6 Following a detailed review of Phase 1 by officers the applicant made a number of amendments to this element of the scheme and submitted revised plans as a result. At this stage the number of units to be delivered within Phase 1 reduced from 291 to 287.
- 20.7 To address comments regarding the lack of green connectivity between Severals Green and the Country Park, the smaller 'village green' space in the centre has been extended westwards to meet the tree corridor and Severals Clump. The pedestrian and cycle network was also adjusted around this space. As detailed elsewhere in this report the strategy for pedestrians and cyclists was developed in conjunction with the highway authority and the applicant's transport consultants and relevant amendments have been made within Phase 1 to accommodate the strategy. Revisions were made to the affordable apartment buildings and the appearance of a number of other house types. The character areas have been amended to identify the spine road as an alternative character area. The landscape strategy has been updated to reflect the changes to the scheme and address comments made by the Landscape and Ecology Officer.
- 20.8 Further refinements have been made to Phase 1 over the course of the application, in response to consultee comments and as a result of changes to the overarching landscape and drainage strategies that address the whole development site.
- 20.9 The parking strategy for the development accords with the Suffolk Guidance for Parking 2019, with provision made for cycle parking and storage across the scheme.

- 20.10 30 percent of dwellings provided in Phase 1 are affordable and are split between Affordable Rented and Shared Ownership, with the split having been agreed by the Council's Strategic Housing Team. As changes have been made to Phase 1 through the course of the application the affordable housing offer has been updated accordingly.
- 20.11 Phase 1 includes the delivery of the northern part of the Country Park, totalling 8.84ha within the north-east of the site. This part of the Country Park will be dominated by semi-natural habitats including meadow grassland, scrub and woodland, and includes an area of community orchard planting. A circular walking route of 1.1km will be provided within this area.
- 20.12 Dwellings within the western part of Phase 1 will be able to access the Country Park through proposed and/or enhanced green corridors along the northern site boundary, through Phase 1 to the east and along Green Lane to the south. Green Lane is being enhanced as part of the Phase 1 works.
- 20.13 A further additional area of greenspace will be provided during Phase 1, namely the 3.16ha village green, which incorporates Severals Clump and can be incorporated into walks between the western areas of Phase 1 and the Country Park. This area also includes a Neighbourhood Equipped Area of Play (NEAP).
- 20.14 During the course of the application additional and revised landscape details have been submitted in response to comments received from the Landscape and Ecology Officer. Vignettes in respect of The Green/Several Clump and the entrance roundabout demonstrate how planting will seek to enhance these areas. The application is also supported by a Landscape Management Plan and an Arboricultural Method Statement.
- 20.15 A refuse strategy has been submitted with the application detailing individual dwelling bin collection points and communal bin collection points. The strategy also highlights where residents will have a refuse drag distance of up to 30 metres and where refuse works will have to drag bins up to a further 15 metres to the collection vehicle.
- 20.16 The Council's Waste Management Team has pointed out that the 'Waste Technical Guidance for Residential and Commercial Developments' states that collection crews should not have to carry or move wheeled containers to facilitate their collection.
- 20.17 There is some disagreement between the applicant and the Waste Management Team as to the interpretation of this guidance, with the Waste Management Team maintaining its position that refuse bins must be presented at the kerbside. It is accepted that crews will enter storage facilities within apartments buildings to collect containers but individual units should present containers at the kerbside. The applicant has actively sought to minimise instances where collection crews will need to drag bins a short distance and, with the exception of the apartment blocks, there is now a handful of places where this is necessary. This deviation from the adopted guidance does however place an additional burden on collection crews.
- 20.18 Overall it is considered that the level of information submitted at this stage in respect of the above-mentioned matters is acceptable to support Phase 1, subject to further details being secured by condition where necessary.

## **21.0 Planning Obligations**

21.1 Planning obligations are required to meet a number of tests in order to meet the requirements of The Community Infrastructure Regulations 2010 (as amended). The tests are that planning obligations should:

- be necessary to make the development acceptable in planning terms.
- be directly related to the development, and
- be fairly and reasonably related in scale and kind to the development.

21.2 Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.

21.3 The following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts).

### Affordable housing

21.4 Local planning authorities are required to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions

21.5 Core Strategy policy CS5 requires 30 percent of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance (SPG) which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).

21.6 The development proposals include provision of 30 percent affordable housing, with a tenure split of 80 percent social/affordable rent and 20 percent intermediate (shared ownership), in accordance with Council's Affordable Housing SPG.

21.7 In accordance with the Council's Technical Advice Note on Space Standards for Residential Development, 5 percent of the affordable housing provision will be provided to meet Building Regulations Part M4(3). In accordance with this requirement Phase 1 will provide two flats and 2 houses (single storey) as M4(3).

21.8 The affordable housing will be dispersed amongst the open market housing and this is demonstrated in the detailed layout for Phase 1.

### Education

21.9 It is necessary to ensure that a sufficient choice of school plans is available to meet the needs of existing and new communities and local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement.



- 21.10 Core Strategy Policy CS14 considers educational requirements (additional school places) as an essential infrastructure requirement.
- 21.11 The proposed development generates the need for a new primary school and early years setting and as discussed earlier in this report, a site has been identified for these uses. The transfer of the site and the payment of a sum to meet the construction costs will be included within the s106 agreement. In addition, a payment will be made by the applicant to fund temporary classroom facilities at an existing school should this be necessary, depending on the timing of the construction of the new school. A contribution towards the excess of early years places that will be required is also proposed,
- 21.12 Suffolk County Council has also confirmed a need for the development to provide contributions towards increasing capacity for secondary and sixth form pupils together with a sum for special educational needs provision. The applicant has agreed in principle to provide all contributions requested in this regard.

#### Public Open Space

- 21.13 Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 21.14 Core Strategy Policy CS14 considers provision of open space and recreation as required infrastructure.
- 21.15 Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.
- 21.16 As set out elsewhere in this report the amount of type of open space being proposed across all phases of development is considered to be sufficient and meets the demands that future residents will place on it.
- 21.17 Sport England were consulted on the proposal and suggested that its Sports Facilities Calculator could help to provide an indication of the likely demand that will be generated by a development for certain facility types. This indicates that there will be demand for sports halls and swimming pools.
- 21.18 Sport England goes onto state that it offers its support for the application subject to a financial contribution towards additional 3G pitch provision in this local area, as suggested by the Football Foundation and based on Suffolk's Local Football facility Plans.
- 21.19 The Council's Parks Infrastructure Manager also commented on the application stating that it is the Council would usually seek for this development of this nature to have its own football pitch and associated facilities. However, given the need for the delivery of a 3G all-weather pitch, as highlighted by Sport England, The Parks Infrastructure Manager suggested that a financial contribution towards off-site provision be secured.

21.20 Sport England concurred with this view and the applicant has agreed to make a suitable financial contribution towards the delivery of a 3G pitch at the Victory Ground in Bury St Edmunds.

21.21 In respect of the increased demand for swimming pools, the local planning authority is seeking a financial contribution towards the delivery of the proposed new leisure centre at the former depot site on Western Way, which will contain a new eight lane swimming pool. At the time of writing this report the applicant had not agreed to make such a contribution and justification for its position is being sought by officers.

#### Libraries

21.22 Suffolk County Council has identified a need to improve and increase library stock for future residents of the development and has request a contribution towards this. The applicant has agreed in principle to this sum.

21.23 Suffolk County Council is seeking a further sum towards the improvement of the Bury St Edmunds town centre library and has identified a program of works that could be carried out. The applicant does not feel that this contribution is justified and officers are continuing to negotiate with the County Council and the applicant in connection with this point.

#### Health

21.24 West Suffolk Clinical Commissioning Group has confirmed there is insufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, it is appropriate to secure a health contribution from the proposed development to be used towards delivery of a defined project. The applicant has agreed to the payment of this sum.

#### Waste

21.25 Suffolk County Council are seeking a contribution towards the capital costs of the Waste Transfer Station that will be utilised by future residents. The applicant has agreed to the payment of this sum.

#### Highway Mitigation Package

21.26 See Section 13 of the report above. The local highway authority has outline the full highways mitigation package is considered is necessary to fully mitigate the impacts of the development on the local and strategic road network. National Highways support the local highway authority in this regard.

21.27 The applicant has been unable to reach agreement with the local highway authority as to the payment of a highways mitigation contribution.

#### Suffolk Constabulary

21.28 Suffolk Constabulary requested a financial contribution towards police facilities and funding to address increased incidence of crime, to integrate the new and existing communities and provide for community safety, cohesion and policing. Whilst it is acknowledged that taking an active approach to the integration of new and existing communities may be

beneficial, the principle of making a significant financial contribution towards policing and police facilities is not one that has been engaged on other growth sites within the District.

## **22.0 Conclusion and planning balance:**

- 22.1 The site is allocated by Development Plan policies for a strategic housing development and the principle of development has therefore been established. The proposal would provide additional homes and would have the range of economic benefits that are usually associated with a large housing scheme. These would include new jobs during the construction period and there would also be a contribution to economic growth and the generation of household expenditure would help to support the local economy and provide local jobs. All of which attract significant weight in favour of the proposal.
- 22.2 The greenfield nature of the site is such that its landscape will be subject to significant change and the visual impacts of the scheme have been assessed accordingly. A comprehensive green infrastructure and landscape strategy is proposed and features such as the country park will act as a buffer between the new peri-urban edge to the town of Bury St Edmunds and the existing settlement of Great Barton. Existing valuable landscape features will be retained and all phases of development will be subject to a detailed landscape scheme.
- 22.3 The application is supported by sufficient information to demonstrate that matters in relation to ecology and biodiversity, flood risk, drainage and pollution and cultural heritage can be satisfactorily addressed, subject to the imposition of suitably worded planning conditions. Similarly, future residents will enjoy a satisfactory level of amenity subject to the appropriate layout and design of buildings, open space and associated infrastructure. The development includes the provision of a number of community facilities in the form of a local centre, education establishments and a 'residents building', all of which contribute to the creation of a sustainable neighbourhood. The above-mentioned matters do not bring the development into direct conflict with the relevant development plan policies and as such either attract neutral weight or weight in favour of the proposal.
- 22.4 The application is accompanied by a sustainable construction and energy use strategy and whilst it is acknowledged that the approach being taken by the applicant has been strengthened in favour of a more sustainable form of development during the course of the application, it remains the case that Phase 1 is dependent on the use of gas-fired boilers. The Great Barton Neighbourhood plan states that the use of fossil-fuel based heating systems should be avoided and the applicant has not provided compelling evidence to demonstrate that this is not feasible. The application therefore comes into conflict with this development plan policy and as such attracts some weight against the proposal.
- 22.5 The application is accompanied by a Transport Assessment and a number of detailed technical notes and a comprehensive walking and cycling strategy. The highway impacts of the scheme have been subject to extensive scrutiny and lengthy discussions between the applicant, the local planning authority and the local highway authority. The applicant has provisionally agreed a package of highway mitigation measures in order to

address the highway impacts of the scheme, however, the local highway authority do not consider that the package is sufficient to fully mitigate the impacts of the development and as such both the local highway authority and National Highways object to the application. In the absence of a full and comprehensive highway mitigation package the development will result in unacceptable impacts on highway safety and residual cumulative severe impacts on the transport network, contrary to paragraph 111 of the NPPF. The proposal is therefore also considered to be contrary to Policies CS3, CS7, CS8, CS11 and CS14 in this regard.

- 22.6 The application is in direct conflict with a number of local and national policies that seek to ensure that a safe and sustainable development can be brought forward. This conflict attracts very significant weight against the proposal, such that the benefits of the scheme cannot be outweighed.

### **23.0 Recommendation:**

- 23.1 The applicant has submitted an appeal in respect of the local planning authority's failure to determine this application within an agreed period of time. The local planning authority is not therefore in a position to determine the application. This report details the assessment of the application that has been undertaken to date and reaches the conclusion that the application cannot be supported in its current form. Had the local planning authority been able to determine the application officers would have made a recommendation of REFUSAL for the following reasons:

1. The proposed development has been assessed as having an unacceptable impact on highway safety and will result in residual cumulative severe impacts on the local and strategic transport network. The proposal is therefore contrary to Paragraph 111 of the National Planning Policy Framework (July 2021). The proposal is also considered to be contrary to Policies CS3, CS7, CS8, CS11 and CS14 of the St Edmundsbury Core Strategy (December 2010) and Policy DM45 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document, which seek to ensure that all development fully addresses access and transport considerations and ensures that they deliver an appropriate level of infrastructure to fully mitigate the highway impacts of the proposal.
  2. The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, as well as 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 CS14 of the St. Edmundsbury Core Strategy (2010) and guidance contained within the National Planning Policy Framework 2021
- 23.2 **Officers request that the above-mentioned reasons are endorsed by the committee and that the matters raised within them are pursued by the local planning authority through the appeal process.**

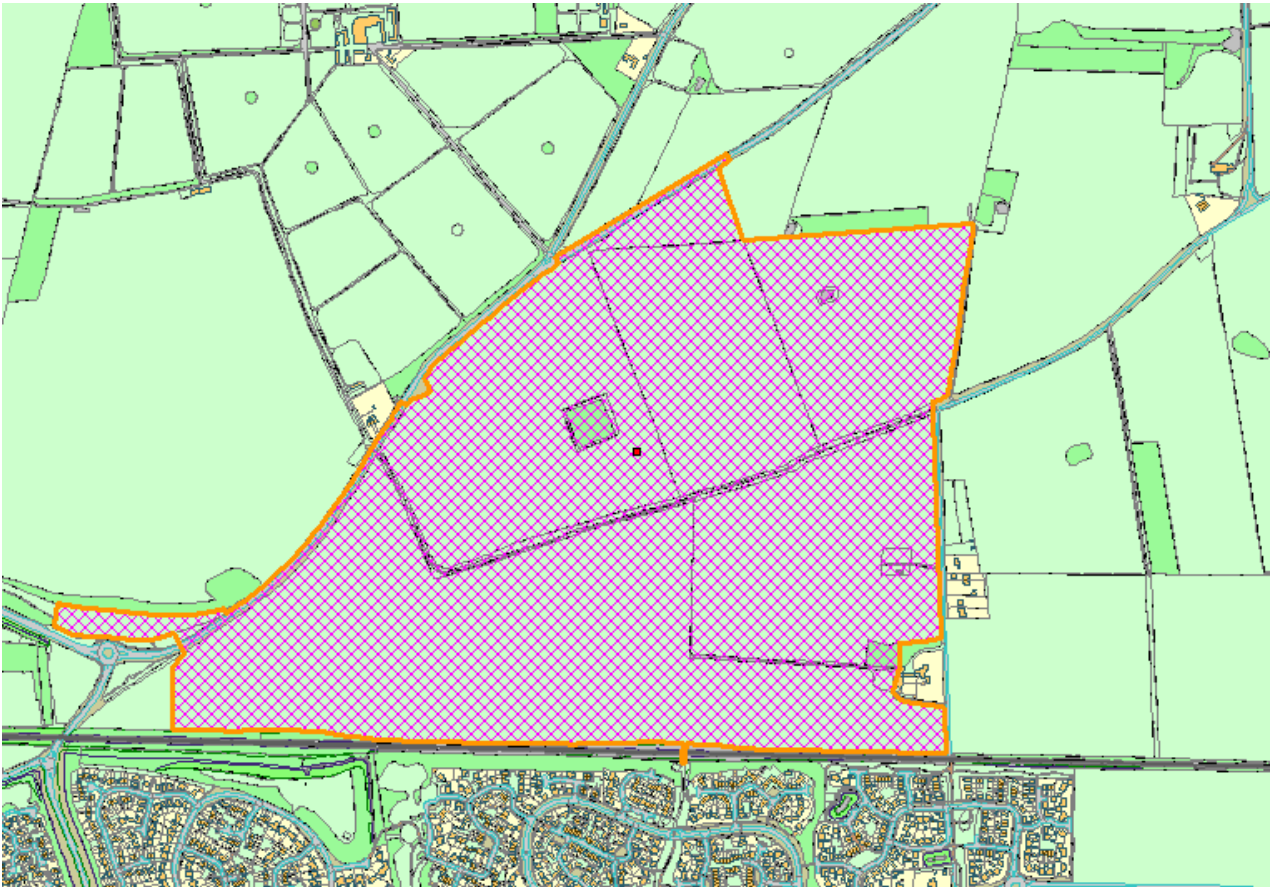
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/19/2456/HYB>

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INDICATIVE ALIGNMENT OF PROPOSED OFF-SITE HIGHWAY TO GREAT BRITAIN, SUBJECT TO ENGINEER'S FINAL DESIGN

0 m 50 m 100 m 200 m  
SCALE

**St Joseph**  
Designed for life

Client: **ST JOSEPH**  
Project: **LAND NE, BURY ST EDMUNDS**

Drawing Title: **PHASE 1 - SITE LAYOUT SHOWING ACCESS ROUNDABOUT & COUNTRY PARK**  
Scale: **1:1250 @ A1**

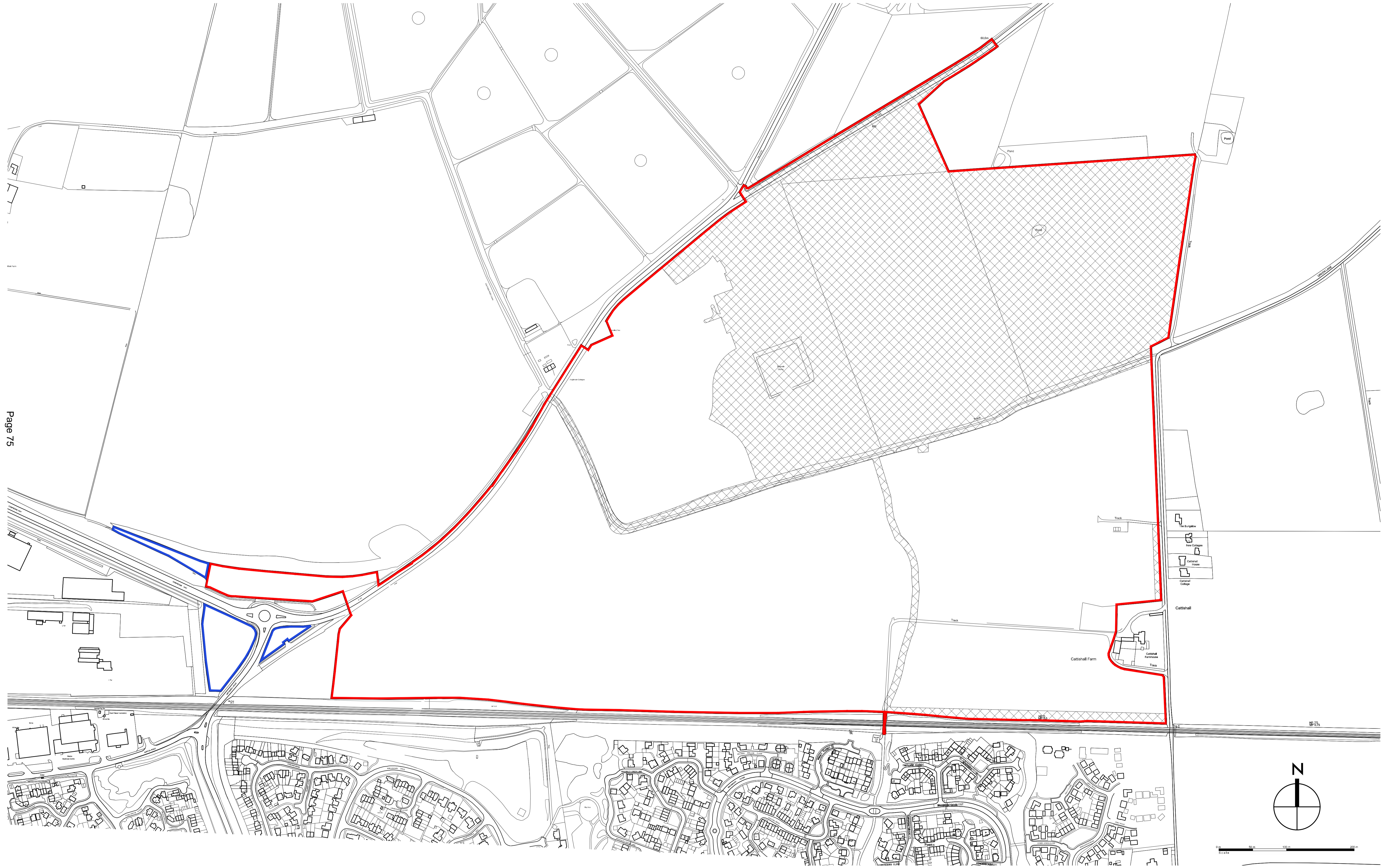
**Omega Architects**  
The Front Barn, 124 Manor Road North, Thomas Ditton, K17 0BH  
T: 01372 470 313 W: www.omega-architects.co.uk

Project No'	Class	Dwg No'	Status	Rev
2742	C	1105	PL	D

Revision	Drawn	Check	Date
B	MP	--	18.12.20
C	MP	--	14.05.21
D	MP	--	27.01.22

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KEY

 FULL EXTENT OF DETAILED ELEMENT OF HYBRID APPLICATION

**St Joseph**  
 Designed for life

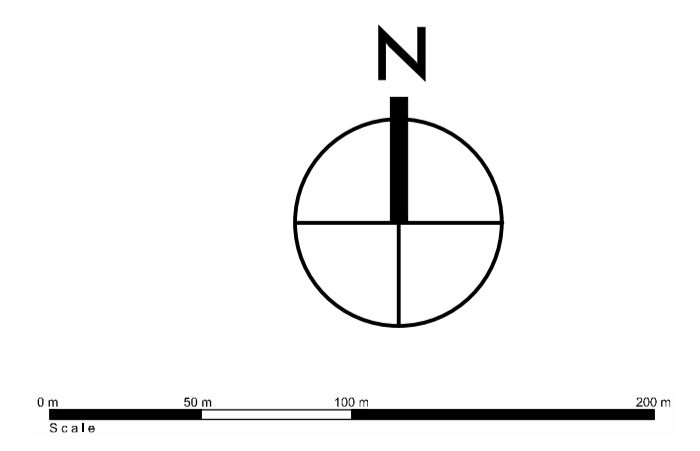
Client: **St Joseph**  
 Project: **Land North East of Bury St Edmunds**

Drawing Title: **Site Location Plan**  
 Scale: **1:2500 @ A1**

Revision	Drawn	Check	Date
B	MP	JH	04.05.20
C	MP	JH	11.12.20
D	MP	JH	13.05.21

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Project No'	Class	Dwg No'	Status	Rev
<b>2742</b>	<b>A</b>	<b>1100</b>	<b>PL</b>	<b>D</b>



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## **Development Control Committee**

### **1 June 2022**

#### **Planning Application DC/21/2328/FUL – Sentinel Works, Northgate Avenue, Bury St Edmunds**

<b>Date registered:</b>	22 December 2021	<b>Expiry date:</b>	16 February 2022 EOT 08.06.2022
<b>Case officer:</b>	Britta Heidecke	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Bury St Edmunds Town Council	<b>Ward:</b>	Tollgate
<b>Proposal:</b>	Planning application - nine dwellings		
<b>Site:</b>	Sentinel Works, Northgate Avenue, Bury St Edmunds		
<b>Applicant:</b>	Mr Terry Sprigings		

**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:**

Britta Heidecke

Email: [britta.heidecke@westsuffolk.gov.uk](mailto:britta.heidecke@westsuffolk.gov.uk)

Telephone: 07812 509938

## **Background:**

**This application is referred to Committee following consideration at the Council's Delegation Panel. The application was called in by the Ward Members and the Town Council objects to the proposal, which conflicts with the Officer recommendation for APPROVAL.**

## **Proposal:**

1. Planning permission was granted for the re-development of the site with a contemporary scheme for 8 dwellings and two cartlodges in 2019 under reference DC/19/1406/FUL. The former commercial buildings have now been demolished and contamination remediation begun. The permission therefore has commenced and is extant. The applicant does however not wish to implement the contemporary scheme and this application therefore seeks permission for a more traditional design of 9 dwellings and no cartlodges.
2. The application seeks planning permission for 9 dwellings, one detached 4 bedroom dwelling and four pairs of semi-detached dwellings. Plot 2/3 and 4/5 being 4 bedroom properties with one bedroom within the roof and plots 6/7 and 8/9 being a 2 bedroom and 3 bedroom house.
3. There will be 2 off-street parking spaces per property.
4. The application has been amended during the course of the application to address officer and neighbour comments where possible:
5. Plot 1
  - repositioning to move dwelling slightly forward achieve a slightly staggered building line rather than a big step from plot 1 to plots 2/3.
  - retain one parking space to the front and bin presentation.
  - reduction in ridge height back to that previously approved which will present a similar relationship to No. 45 as other neighbouring properties in the area.
6. Plots 2/3
  - These plots had been amended with a reduced overall width but changed back because the subsequent increased access width was not considered appropriate by officers as it would have resulted in highways dominance and a more interrupted streetscene.
  - The proposed pair of dwellings will have the same separation from the site boundary than the approved and although with accommodation in the roof, will be of the same ridge height. Concerns had been raised about accommodation in the roof and potential impacts on parking requirements.
7. Plots 6/7 and 8/9:
  - The dwellings have been relocated away from the rear boundary to achieve the same separation as previously approved.
  - The central gable design has been changed and the gable moved to the outside of each pair as to create more openness in relation to No.4 Pine Leys.
  - The separation of first floor windows to the rear boundary with No.4 Pine Ley now matches that of the approved scheme.

8. Parking has been reduced to 2 per dwelling given the sustainable location of the site with easy access and short walking distances to local schools and services as well as good access to public transport. Reduced parking provision is therefore considered wholly acceptable in this case.

**Site details:**

9. The application site is located within the settlement boundary, towards the northern edge of Bury St Edmunds, within a residential area. Access is from the end of Northgate Avenue, at the junction with Norfolk Road.
10. The site is largely rectangular in shape and is approximately 0.3ha in area which was last used for B8 and B1 mixed commercial use. The land gently slopes from south to north with the site being relatively level. The front of the site previously provided an area for car parking and the rear of the site was used by cars and vans serving the site. The commercial buildings have now been demolished and the site has been cleared.
11. There is a wide variety of dwelling scales and designs in the area ranging from large detached houses in relatively large grounds, through to smaller terraced dwellings with narrow, long gardens.
12. The area is characterised by mature trees which line particularly Norfolk Road and Northgate Avenue. There are also trees covered by TPOs along the site boundaries. The boundaries of the site are generally marked with timber fencing with varying heights from 1.6m to 2.0m.
13. Northgate Avenue becomes a bridleway for a section north of the site. It then provides vehicular access for neighbouring properties further north of the site onto Tollgate Lane.

**Planning history:**

14.

Reference	Proposal	Status	Decision date
DC/19/1406/FUL	Planning Application - (i) 8no. dwellings and (ii) 2 car lodges (demolition of existing commercial buildings)	Application Granted	15 October 2019
DCON(A)/19/1406	Application to discharge conditions 3 (archaeology); 5 (contamination) of DC/19/1406/FUL	Pending Consideration	

**Consultations:**

**Environment & Transport - Highways**

15. The Highway Authority initially submitted a holding objection, noting the increase by one dwelling and subsequent minor internal revisions to the layout of the dwellings and parking. Whilst the approved scheme was accepted with reduced parking the increase in dwellings was not accounted

for by more parking, leading to a greater under provision. The substandard parking could lead to difficulty in safe pedestrian movements through the site due to potential parking within the shared space area or vehicles being pushed onto Northgate Avenue

16. Additional comments were made with regards to proposed soft landscaping obscuring visibility to certain parking spaces.

**Highways Re-consultation comments (21/02/2022):**

17. Following submission of amendments 'The Highway Authority notes the improvements to the scheme and is now comfortable to recommend conditions. The existing/extended metal boundary railings to the Northeast of the site should not exceed 0.6m in height to ensure pedestrian/vehicular inter-visibility for all users of the site.

18. No objection subject to conditions.

**Highways Re-consultation comments (14/04/2022):**

19. The minor amendments to the plans for properties does not impact the recommendation of conditions made on 21/02/2022.

**Waste Management Operations Manager**

20. Bin collection from within the site off a private road would not be an option and raised concerns that the dragging distance to the bin collection point exceeds the recommended maximum distance in the waste guidance.

*Officer comment: The previous scheme was approved with a bin collection point to the front of plot 1 and a compromise must be found. The access will be properly surfaced such that dragging the bins should not be too onerous, and buyers will be aware of the arrangements when purchasing a property. A bin collection point to the front therefore is considered acceptable.*

**Environment team comments (17.01.2022)**

21. Contaminated land: The application is an amendment of a previously submitted and approved application (DC/19/1406/FUL) which included a Phase One Desk Study undertaken by EPS Ltd, and a discharge of conditions application is currently open which includes a Phase 2 Intrusive Investigation, again undertaken by EPS Ltd. We understand that further intrusive investigations are ongoing and that some remediation is likely to be required.
22. Although we recognise that the applicant has completed much of the work to discharge the land contamination conditions relating to this site, there is still some work to be undertaken. We therefore recommend that the standard land contamination condition is attached, should planning be granted, to ensure that the remaining work in relation to land contamination is completed to the appropriate standard.
23. Air quality: Paragraph 107 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 ultra-low emission vehicles.' Paragraph 112 of the NPPF states that 'applications for development should' be designed to



enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'

24. Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)."
25. St Edmundsbury Core Strategy policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality.
26. 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.
27. Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge all in new dwellings.
28. We therefore recommend the condition requesting electric vehicle charge points is attached to the planning consent, should planning be granted, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.

#### **Environment Team (re-consultation)**

29. Note that a Supplementary Environmental Assessment, undertaken by EPS Ltd, reference UK19.4432c dated 8th February 2022 has now been submitted in support of the land contamination assessment.
30. This report includes the findings of additional intrusive investigations in areas of the site not previously accessible. The report also includes details of the removal of a below ground fuel storage tank. The report finds numerous contaminants in the shallow soils that require remediation, however, there was no hydrocarbon contamination associated with the removed below ground tank.
31. Outline recommendations for remediation of future garden areas was given and it was recommended that a remediation statement was produced to ensure that the scope and method of remediation was clearly established.
32. The Environment team is therefore in a position to amend their previously recommended condition to the below condition 14 at the end of the report.
33. Air quality: Our comments made on the 17 January 2022 remain valid and unchanged.

#### **Public Health And Housing**

34. No objection. The Public Health and Housing Team, in the interest of nearby residents would recommend conditions to control and request submission of details in respect of the following:
  - Construction Hours
  - Noise & Dust

- Construction Management Plan
- Lighting

### **Development Monitoring Officer**

35.No comments received.

### **Leisure & Cultural Operational Manager**

36.No comments received.

### **Green Access Team Suffolk County Council Rights Of Way And A**

37.No comments received.

### **Natural England**

38.No comments to make.

### **Ramblers' Association**

39.No comments received.

## **Representations:**

### **Town Council**

40.Objection on the grounds of loss of amenity, overshadowing, loss of privacy, access and highway safety, overlooking, layout and density of buildings.

### **Town Council (24.02.2022):**

41.Objection on the grounds of loss of amenity, overshadowing, loss of privacy, access and highway safety, overlooking, layout and density of buildings

### **Town Council re-consultation (07.04.2022)**

42.recommends REFUSAL and upholds previous objections ' loss of amenity, overshadowing, loss of privacy, access and highway safety, overlooking, layout and density of building

### **Ward Councillor**

43.Cllr Hind: supports refusal as would want a scheme that takes account of all the points raised.

44.Cllr Nettleton: no formal comments received.

45.Representations have been received from three neighbouring properties raising the following summarised concerns:

- Highways safety / parking under provision
- Impact on Amenity (potential overlooking of No.45 if windows in the side elevation were not obscured; overshadowing and loss of direct sunlight to side windows serving kitchen and utility room and

- secondary bedroom at first floor at Sentinel House. See officer comments on amenity below)
- Waste collection and soft landscaping (responsibility of upkeep)
  - Sustainable building credentials (EV charge points, wood burner, energy efficiency) and whether these are covered under building regulations
  - Overlooking potential from plot 1 landing window and bathroom
  - Overlooking potential from plots 2/3 of garden
  - Loss of direct sunlight
  - Objection to amended scheme from Sentinel House due to relocation and depths of plots 2/3 resulting in additional loss of light and outlook.
  - The traditional design was welcomed by some in comparison to the approved contemporary design.

**Policy:**

46. 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.

47. 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:

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS9 - Employment and the Local Economy

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM20: Archaeology

Policy DM22 Residential Design

Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Policy DM46 Parking Standards

Policy BV1 Presumption in Favour of Sustainable Development

Policy BV2 Housing Development within Bury St Edmunds

**Other planning policy:**

National Planning Policy Framework (NPPF)

48. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

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

- Principle of Development
- Layout, Scale and Design
- Amenity
- Highways
- Ecology and trees
- Contamination
- Other Matters

**Principle of Development**

50. The principle of development has already been established through application DC/19/1406/FUL which is extant and this is a material planning consideration.

51. The application site is within the settlement boundary of Bury St Edmunds in a predominantly residential area. The site was last used for mixed use B8 and B1, albeit not intensively. Residential development within the town's settlement boundary is acceptable in principle.

52. Whilst policy DM30 seeks to prevent the loss of sites and premises used and/or designated on the policies maps for employment purposes, and

that is expected to have an adverse effect on employment generation, in this case the buildings did not appear to be fit for purpose and due to their poor condition the buildings were becoming redundant.

53. For the site to remain in employment use some intensification of the last use could reasonably be expected for viability reasons and to ensure efficient use of land. Being located within a predominantly residential area with dwellings in close proximity, intensified commercial uses would likely result in adverse impacts on residential amenity of surrounding neighbours. An intensification of the use of the access would also likely result in highway safety issues given the access crosses a public right of way.
54. Moreover, Suffolk Business Park and town centre employment sites provide adequate, more suitable alternatives. On this basis the proposed redevelopment of the site with dwellings was not considered to have a significant adverse effect on employment generation.
55. The proposals for the redevelopment of this brownfield site are therefore not considered to conflict with policies CS9 and DM30 and accord with policies BV2, CS1 and CS4. As such the proposals are considered acceptable in principle subject to all other material planning considerations.

### **Layout, Scale and Design**

56. This application is a resubmission following grant of permission on the site for 8 dwellings. This current scheme seeks to change the previous contemporary design to a more traditional design, omit two cartlodges and provide overall one additional unit. Whilst the previous scheme was the result of pre-application discussions and amendments throughout the planning application stage to achieve an acceptable layout and design, design is subjective and a matter of planning judgement. Whilst the change from contemporary to traditional may be regrettable to some, it is welcomed by others.
57. This current application has also been the subject to amendments, which seek to address concerns raised by officers, consultees and neighbours where possible.
58. The application proposes a detached property (plot 1) with the gable end fronting Northgate Avenue and a pair of semi-detached 2 storey houses with accommodation (one en-suite bedroom) in the roof, positioned either side of an improved access. The access road will not be adopted highway. Plot 1 will have an active frontage towards the new access road into the site and also windows in the gable elevation to the front. Plots 2/3 along the frontage will be the same house type as plots 4/5 central to the site. The frontage aligns with the neighbours garage, which is attached to Sentinel House to the north. Plot 1 is slightly set back but not as far as 45 Northgate Avenue to the south, such that the proposed dwellings will provide a gradual staggered building line.
59. The scale of the dwellings is similar to that of dwellings in the area. Plots 2/3 will be 8.65m to the ridge and plot 1 8.3m to the ridge. The room in the roof will be served by rooflight windows. A streetscene drawing has

been provided in support of the application. The amended plans, which for plot 2/3 revert back to the original submission, show an acceptable relationship to neighbouring properties and within the streetscene, where the gap left for the access between plots 1 and 2/3 is less prominent and the scheme less highways dominant as a result.

60. Plots 2/3 each have a two storey gable projecting off the rear elevation on the northern side with a single storey in-fill protrusion with a roof lantern. The gable has a bedroom window on the southern elevation only, which will prevent any overlooking of the neighbour property Sentinel House.
61. Bin presentation and a small area of soft landscaping are shown to the front of plot 1. Bin collection from within the site has been considered, however given the access road will not be adopted highway the waste team confirmed that bin lorries would not enter the site. Concerns were also raised about the dragging distances which will be up to approx. 55m and as such exceed the recommendations in the waste guidance which suggest that residents of dwellings should not have to drag their bins more than 30m. However, the Waste planning guidance is guidance and in some instances a compromise must be found where the 30m cannot be achieved. Noting that the bin presentation point was approved in this location previously and that collection from unadopted highway land from within the site was not an option, the proposal is on balance considered to be acceptable.
62. Concerns have been raised by No.45 Northgate Avenue about the maintenance of the landscaped area to the front of plot 1 as well as the bin presentation. Bin presentation will be a matter of site management and responsibility of the individual occupants, but details of soft landscaping and future maintenance can be secured by condition.
63. North of the access drive will be a footpath into the site. To the rear of plots 1 and 2/3 will be private gardens enclosed by facing brick walls. Behind plots 2/3 will be two rows of tandem parking. Along the southern site boundary will be a staggered row of parking for 9 cars with planting along parts of the row. Central to the site facing south will be a pair of semi-detached dwellings; plots 4/5 which are of the same house type as plots 2/3, with a two storey gable and the windows carefully placed sideways to avoid overlooking of the rear garden to Sentinel House and No 89. The pair of two storey semi-detached dwellings will have a fourth bedroom in the loft and private gardens to the rear. All gardens will have a cycle storage shed, details of which can be secured by condition.
64. At the end of the access road will be two more pairs of semi-detached dwellings. Each will provide one two bedroom and one three bedroom property. The stand-off to the rear boundary from the rear wall of the two-storey dwelling is 12.5 meters. It will be the same separation distance as previously approved. The bungalow beyond the rear boundary is located approx. 2 meters away from the shared boundary with its amenity space on the western side away from the application site. A section drawing has been submitted with the application which demonstrates restricted intervisibility between the existing bungalow and the proposed first floor bedroom windows, subject to a 2m boundary fence and hedge planting, details of which can be secured by condition.

65.All dwellings will have bay windows to the front and be constructed of selected red facing brick with slate roofs and some detailing, including a contrasting buff brick dentil course, stone heads to windows and doors and led finish roofs to the bay windows.

### **Summary on Design, Scale and Layout**

66.The area within which the application site is located is characterised by a variety of dwelling types, scales and designs including large, detached bungalows and houses in substantial plots, some with their roof slope and others with their gable end facing the road. A number of properties have been significantly altered and enlarged, utilising a range of materials. Although, not in the direct vicinity but off Northgate Avenue is Avenue Approach, with predominantly terraced dwellings of traditional appearance with narrow, long gardens. Given the variety of built development in the area and the gradual increase in height which respects the scale of surrounding development, the proposals will sit comfortably within the streetscene and are not considered to be out of keeping with the character and appearance of the area. As such the proposal would make efficient use of land whilst being in accordance with policies CS3, DM2 and DM22.

### **Amenity**

67.The proposed dwellings will face front and rear, or north-easterly/south-westerly directions, to avoid overlooking particularly beyond the site. Plots 2/3 and 4/5 have been arranged so that the first-floor windows do not look towards the north westerly boundary with Sentinel House. The existing boundary fence along the easterly side is 2.5m in height. New brick walls to the front of the plots and close boarded timber fencing is proposed to other boundaries at 2m height.

68.Sentinel House is set back from the front behind its attached garage. A kitchen and utility room window are in the side elevation at ground floor facing the application site as well as a bedroom window at first floor. Whilst the layout and design of the properties adjacent to Sentinel House has changed from the previously approved one, the site must be considered in the urban context it sits within. The proposed dwellings will at the narrowest point be a little over 2m away from the site boundary.

69.The previous application was submitted with a daylight sunlight assessment which clearly demonstrated that the impacts on direct light afforded to the side elevation of Sentinel House will be very limited, mostly to the winter months and early morning hours. The proposed dwellings are of the same height as that approved but the rear gable will project some 1.6m beyond the neighbouring rear garage and along the side of Sentinel House. The highest part of the dwellings at plot 2/3 will be 8.65 metres to the ridge and 5.7 metre to the eaves, and the gable projection will be 8 meters to the ridge and 5.7 meters to the eaves.

70.For comparison, the approved terrace in this same location would be 8.65m to the ridge and 5.3m to the eaves. It would project 0.7m beyond the back of the neighbour's garage.

71.Whilst the concerns raised by the neighbour about potential loss of direct sunlight are noted and the potential for the development to result in some

overshadowing are acknowledged, given the impacts are mostly limited to the winter months and early morning hours and that both kitchen and utility rooms are not generally considered as habitable rooms, the impacts from the proposed development are not considered so harmful that they would justify refusal.

72. Plots 6/7 and 8/9 are located 18.5m away from the south-eastern boundary with no. 4 Pine Leys. New hedging and trees are being proposed to supplement the fencing here to soften the site and reduce the potential for overlooking. Whilst plot 1 adjacent to the bungalow at No. 45 Northgate Avenue will be notably higher, the increase is gradual and the proposed dwelling is situated to the north-east, thus not causing unacceptable overshadowing. Moreover, the part of No.45 nearest to the shared side boundary is the garage. As such the proposal is not considered to result in unacceptable loss of outlook from the habitable rooms.
73. No. 18 Norfolk Road, opposite Northgate Avenue to the north-east, will be separated by some 19m, by road and existing trees and vegetation. The separation and relationship between the proposed dwellings and existing neighbouring properties in this urban context are not considered to result in unacceptable impacts on residential amenity by reason of overlooking, loss of daylight/ sunlight or being overbearing. The proposals therefore accord with policy DM2 and DM22 in this respect.
74. The proposed dwellings in general meet the nationally described space standards, apart from the 4<sup>th</sup> bedroom in the loft. This is because the space standards state that in order to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm and should at least be 2.15m wide, whilst areas below 1.5m head height do not count towards floor area and any area between 0.9m and 1.5m used for storage only count as 50% of its floor area. The rooms in the loft are 4.2m long and 3.6m wide but only approx. 1.8m wide at a height of 1.5m. This means that these loft rooms do not meet the suggested 2.15m width with a head height over 1.5m and therefore would not count as a bedroom in terms of its size. However, given the dwellings will be market housing and not affordable housing, which is usually occupied at maximum capacity, the slight conflict with the space standards is not considered to have an unacceptable adverse effect on the amenities of future occupants. All dwellings will benefit from private gardens, sizes relative to the size of the dwelling, thus overall providing a good standard of amenity for future occupants in accordance with policies DM2, DM22 and the NPPF.

## Highways

75. The existing access diverges into the site from Northgate Avenue and crosses a public right of way (PROW). Bridleway 37 is frequently used to access the local schools and users have got used to the little or no traffic on this southern end. It will be important to ensure great care during the construction phase and to design a safe access. For this reason, an on site meeting was held with a senior highway engineer and the case officer during the life of the previous application.
76. To reinforce the primacy of pedestrians and cyclists using the PROW, the access has, in discussions with the Highway Authority, been carefully engineered under the previous application. The current proposal does not



change the approved access. The access has been straightened to reinforce that the access is an access and not a continuation of Northgate Avenue. The footpath continues into the site, there is a raised table to force vehicles to slow down, a 'give way' sign will be installed on site, shrubs at the front and within the visibility splays will be removed and black metal railings installed to the front.

77. Two parking spaces will be provided per dwelling. This is below the requirement for dwellings set out in the Suffolk Guidance for Parking (SPG), which requires 2 spaces per two and three bedroom and 3 spaces per 4+ bedroom properties, albeit with a note specifically for two-bed properties that a reduction in this figure may be considered. However, the site benefits from good access to local facilities and services as well as public transport. Given the highly sustainable location, reduced car parking is considered acceptable subject to good cycle parking and pedestrian access into the site.

78. Following submission of amended plans and on the basis that the site is in a sustainable location, SCC Highways have no objection to the application subject to conditions. The amended proposal is considered to provide safe access for all without resulting in unacceptable impacts on highway safety, in accordance with policies DM2, DM46 and the NPPF.

### **Ecology and trees**

79. There are a number of protected trees in close proximity to the site boundaries. The scheme is proposed to be implemented in accordance with the previously approved Arboricultural Impact Assessment and Arboricultural Method Statement. No trees will be removed to enable the development and the Council's Tree Officer is satisfied that subject to implementation in accordance with the details, the proposal will not have unacceptable impacts on the viability and vitality of the protected trees on and adjacent to the site.

80. The application site has been cleared since the previous permission was granted (after bat surveys confirmed no roosts on site) and no trees are proposed to be removed. The potential impacts on bats and other protected species are therefore negligible. Additionally, the application proposes suitable mitigation and enhancement measures in accordance with policies DM11 and DM12. This can be secured by condition.

### **Contamination**

81. The application was submitted in support of a Phase 1 Desk Study and Preliminary Risk Assessment. The report provides a summary of the history and environmental setting of the site and surrounding area and presents a conceptual site model. The report identifies potentially complete contaminated linkages and recommends intrusive investigations.

82. The Environment Team noted that a Supplementary Environmental Assessment, undertaken by EPS Ltd, reference UK19.4432c dated 8th February 2022 has now been submitted in support of the land contamination assessment.

83. This report includes the findings of additional intrusive investigations in areas of the site not previously accessible. The report also includes details of the removal of a below ground fuel storage tank. The report finds numerous contaminants in the shallow soils that require remediation, however, there was no hydrocarbon contamination associated with the removed below ground tank.
84. Outline recommendations for remediation of future garden areas was given and it was recommended that a remediation statement was produced to ensure that the scope and method of remediation was clearly established.
85. The Environment team therefore were satisfied that the remaining risks can be dealt with by a bespoke condition to secure a remediation strategy as set out below. Subject to the suggested conditions the proposals will comply with policy DM14 in this respect.

### **Other matters**

86. Policy DM7 states (inter alia) that all proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to the broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques, mostly enforced through building regulations.
87. DM7 specifically requires all new residential development to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regard to sustainable design and construction. Therefore, a condition will be needed to ensure compliance with policy DM7.
88. Section 3.4.2, of the Suffolk Guidance for Parking states that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) states 'Within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' On this basis a condition is recommended to secure a vehicle charging point for each new dwelling.
89. SCC Archaeology have confirmed that all the archaeological fieldwork has been completed on site such that no further works are required. The post investigation report is still outstanding to fully satisfy policy DM20, which can be secured by condition.

### **Conclusion:**

90. In conclusion, the principle of redevelopment of this site is acceptable and there is an extant permission for residential development of the site. The layout and scale of the proposed development will ensure efficient use of land, as encouraged by the NPPF. The design is not out of keeping with the character and appearance of the area and the impacts on neighbour

amenity and streetscene are not considered to be contrary to policy. The application site is in a sustainable location with easy access to services and facilities as well as public transport such that reduced parking would be supported by policy DM46. Overall, the details of the proposal are, subject to the conditions set out below, considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

**Recommendation:**

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

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

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
21.09/04	Boundaries	25 November 2021
OAS 19-084-TS01	Tree protection	25 November 2021
21.09/03	Location plan	22 December 2021
21.09/02 Rev. D	Proposed block plan	1 April 2022
21.09/04 Rev A	Street scene	1 April 2022
21.09/10 Plot 1	Proposed elevations & floor plans	1 April 2022
21.09/20 REV.B plots 2/3 and 4/5	Proposed elevations & floor plans	1 April 2022
21.09/40 Plots 6/7	Proposed elevations & floor plans	1 April 2022
21.09/500 Plots 8/9	Proposed elevations & floor plans	1 April 2022

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

- 3 The metal fence along the northeast highway frontage of the site shall be reduced to and not exceed 0.6 metres above the level of the adjacent carriageway before occupation of the development. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

Reason: In the interests of highway safety by providing and maintaining intervisibility between highway users, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No.21.09/02 Rev.D shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway and in accordance with Suffolk Guidance for Parking 2019 and in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. No.21.09/02 Rev. D 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.

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

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

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

- 7 The development hereby permitted shall not be brought into use/first occupied until the cycle storage facilities indicated on Drawing no. No. 21.09/02 Rev. D have been provided in their entirety and been made available for use. 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.

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

- 8 A Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site.

The strategy shall outline the means of mitigation from the effects of construction. This should include the following:

- Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which may operate overnight.
- Methods for dust control and suppression. (dust management plan) Details of wheel washing facilities including location and type.
- The areas for the storage of plant and materials.
- Location of site compound.
- All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

The strategy shall also include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive areas, in the interest of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. And to ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

- 9 No part of the development shall be commenced until a photographic condition survey of the highway fronting and near to the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies, to ensure that damage to the highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public. This is a pre-commencement condition because the required survey must be carried out before any development takes place.

- 10 The development shall be carried out strictly in accordance with the Arboricultural Impact Assessment & Method Statement ref. OAS 19-084-AR01 Rev A as already submitted with the application.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development

- 11 Prior to works above slab level details of biodiversity enhancement measures to be installed at the site (including three bat bricks, wildlife friendly amenity grassland, House Sparrow boxes on at least 2 of the units, hedgehog gaps within the fencing and three bee bricks within southern elevations of 4 new units at 2-3m height), including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

- 12 No external lighting shall be installed until a lighting scheme has been submitted to and approved by the local Planning Authority.

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

Reason: To safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 13 No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.

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

- 14 No development approved by this planning permission shall commence until the following components to deal with the risks associated with

contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority: i) Based on the risk assessment in the EPS Ltd Supplementary Environmental Assessment (reference UK19.4432c dated 8th February 2022), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 15 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.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 17 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 required under Condition 3 of DC/19/1406/FUL and approved under DCON(A)/19/1406 and the provision made for analysis, publication and

dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 18 Before the dwelling hereby permitted is first occupied/brought into use, the first floor bathroom and landing windows shown on plan 21.09/10 Rev.A as obscured glazing shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights up to a height of 1.7m from floor level and shall be retained in such form in perpetuity.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

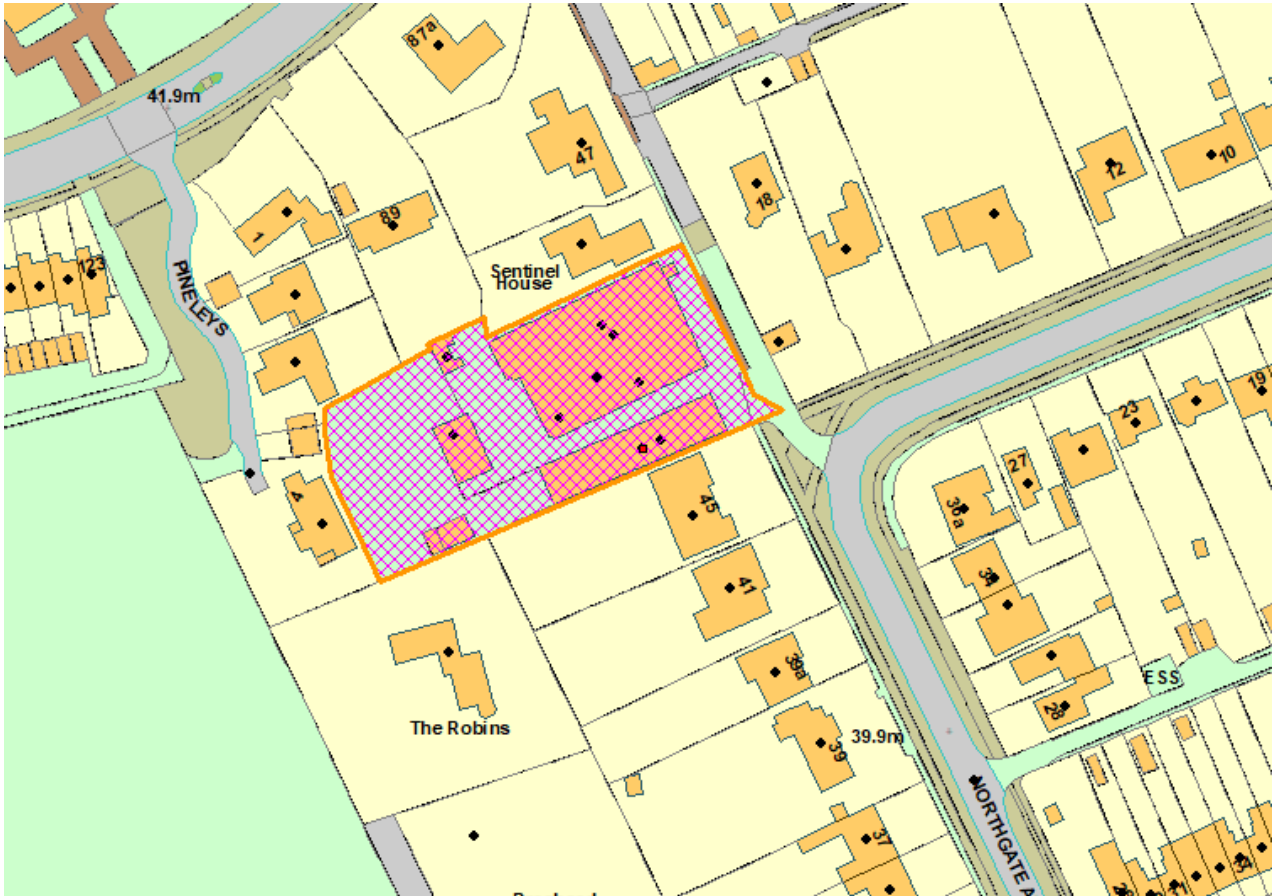
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/2328/FUL](https://www.westsuffolk.gov.uk/DC/21/2328/FUL)

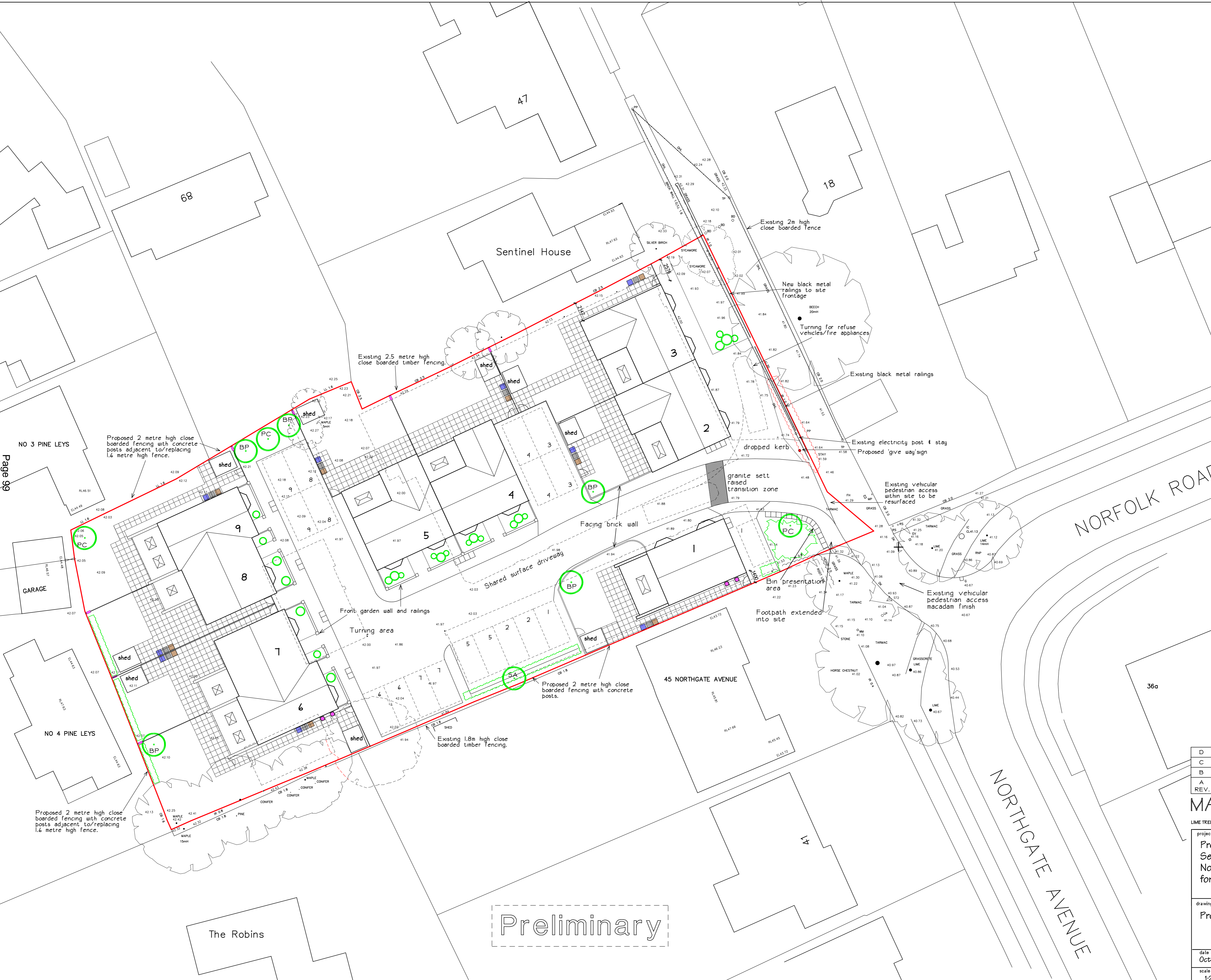
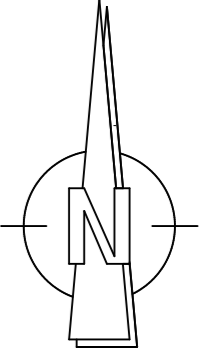




DC/21/2328/FUL - Sentinel Works, Northgate Avenue, Bury St Edmunds, IP32 6AZ



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**Accommodation Key**

- Plot 1 Four bedroom house @ 130.70m<sup>2</sup>
- Plot 2 Four bedroom house @ 187.74m<sup>2</sup>
- Plot 3 Four bedroom house @ 187.74m<sup>2</sup>
- Plot 4 Four bedroom house @ 187.74m<sup>2</sup>
- Plot 5 Four bedroom house @ 187.74m<sup>2</sup>
- Plot 6 Two bedroom house @ 118.85m<sup>2</sup>
- Plot 7 Three bedroom house @ 151.42m<sup>2</sup>
- Plot 8 Three bedroom house @ 151.42m<sup>2</sup>
- Plot 9 Two bedroom house @ 118.85m<sup>2</sup>
- TOTAL 9 No. Dwellings

- 18no parking spaces – 2 no for each property
- Cycle parking provision included within sheds
- Sheds to be timber treated with dual pitch roof
- Generally fences to rear gardens to be 1.8m high close boarded timber with matching gates providing access to rear gardens. Posts and gravel boards to be concrete. Fences to site boundaries to be 2m high close boarded timber.
- Garden walls to be facing brickwork to match attached dwelling 2m in height.
- Space for 3no. wheelie bins to be provided within garden of each dwelling. Collection points as indicated.

- Shared access road – Block paved finish  
Marshalls colour Pewter Multi
- Private drives & other paving – Block paved finish  
Marshalls colour Buff

- Proposed Trees**
- Betula Pendula (Silver Birch)
  - Sorbus Aria (Whitebeam)
  - Prunus Cerasifera (Cherry)

- Proposed native hedge screening
- Proposed planting

- 4no. Schwegler 1F bat boxes built into wall of dwellings min. 3m high, south facing where possible.
- Hedgehog holes 130x130mm in fences in rear gardens in locations as shown. Gateways into rear gardens to be raised by 130mm from ground level to allow hedgehogs to pass through.

- Trees/hedges to be removed

D	01/04/22	Bin presentation area reinstated.
C	01/04/22	Parking to plot 1 amended.
B	16/03/22	Plots 2, 3, 4, 7, 8 & 9 amended & parking adjustments to layout.
A	01/02/22	Plots 2 & 3 amended, parking added & minor adjustments to layout.
REV.	DATE	

**MARK A. JOHNSTON M.C.I.A.T.**  
LIME TREE BARN, CHURCH ROAD, THURSTON, BURY ST EDMUNDS, SUFFOLK, IP23 3RN. Tel. 01259 271255

Project  
Proposed residential development,  
Sentinel Works,  
Northgate Avenue, Bury St Edmunds,  
for Wentworth Country Properties Ltd.

Drawing  
Proposed site layout.

date October 2021	drg no. 21.09/02	rev. D
scale 1:200 @ A1		

Preliminary

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## **Development Control Committee 1 June 2022**

### **Planning Application DC/22/0172/FUL – Land adjacent to 1 and 2, Park Garden, West Row**

<b>Date registered:</b>	21 February 2022	<b>Expiry date:</b>	18 April 2022 EOT 08.06.2022
<b>Case officer:</b>	Britta Heidecke	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	West Row	<b>Ward:</b>	The Rows
<b>Proposal:</b>	Planning application - six dwellings with access, parking and associated site work		
<b>Site:</b>	Land Adjacent to 1 and 2, Park Garden, West Row		
<b>Applicant:</b>	Mr Gavin Wells		

**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.

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## **Background:**

**The application has been referred to Development Control committee following consideration at the Council's Delegation Panel. The Officer recommendation for APPROVAL conflicts with the Parish Council objection on highway safety grounds and queries raised by Ward Councillor Don Waldon with regards to the commencement of a previous permission and subsequent fallback position.**

## **Proposal:**

1. Planning permission was granted on the wider application site in outline under reference DC/14/2407/OUT for 7 dwellings. Reserved matters were subsequently approved and development commenced on plot 5. Six plots have subsequently been sold to the applicant who wishes to make minor material changes to the approved 6 dwellings, hence the submission of a new full application to change the layout and design of 6 of the 7 plots. Plot 5 will be built out as already approved.
2. The application proposes 6 detached dwellings, three with attached garages and two with detached garage. Five of the dwellings will be 4-bedroom properties and one a 5 bedroom house. Plot 5, which has approval for a 5 bedroom house has been excluded from the application site and would be built under the extant permission. The site would be accessed from Park Gardens via an existing private access road and each dwelling would benefit from a private rear garden.
3. The application has been amended. Originally an area for bin presentation off Park Garden was proposed and this has now been removed (this matter is addressed in the Officer comments section of the report).

## **Site details:**

4. The site is located to the west of the village and covers an area of approx. 0.49 hectares. It is agricultural land outside of, but adjacent to, the defined settlement boundary for West Row as defined by policy SA1 and CS1, where generally policy DM5 applies. The site is not allocated for housing. The Officer comments section below from para 22 explains why permission was originally granted despite being outside of the settlement boundary. The site is relatively rectangular and fairly level. There is no significant vegetation on site besides a hedge along the southern boundary is to be retained.
5. The site is accessed through the residential cul-de-sac at Park Garden and via Parkers Drove that leads onto Friday Street. Park Garden comprises of three detached properties that are served by the shared road that leads onto Parkers Drove. Other properties accessed from Parkers Drove are No. 4 Park Garden, Nos. 1 & 2 Parkers Drove and Nos. 6, 9 & 62 Friday Street.
6. Residential properties lie to the north, east and south-east corner of the application site and the boundaries of the rear gardens of those properties are defined by fences and/or hedges with some trees and other vegetation. Agricultural fields lie to the south and west of the site with mature vegetation and hedge along the southern boundary of the site and an established area of trees further to the west.

**Planning history:**

7.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/14/2407/OUT	Outline Planning Application (Means of Access to be considered) - Revised Scheme of F/2013/0329/OUT - Construction of 7 detached dwellings	Application Granted	13 February 2015
DC/16/0741/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/14/2407/OUT - scale, appearance, landscaping and layout for 7 no. dwellings	Application Refused	1 July 2016
DC/16/2671/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/14/2407/OUT - scale, appearance and layout for 7 no. dwellings	Application Granted	22 February 2017
DCON(1)/14/2407	Application to Discharge Condition 8 (refuse collection strategy) of DC/14/2407/OUT	Application Granted	27 November 2017
DC/17/2149/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/14/2407/OUT - the landscaping details for 7 no. detached dwellings	Application Granted	7 December 2017
DCON(B)/14/2407	Application to Discharge Conditions 4 (Soft Landscaping), 5 (Hard Landscaping), 6 (Boundary Treatment), 7 (Surface water Drainage), 10 (Construction method statement) of DC/14/2407/OUT	Application Granted	17 September 2019
NMA(A)/14/2407	Non-material amendment to DC/14/2407/OUT - Amend condition 11 from provision of Fire Hydrants (as detailed on decision	Application Granted	25 September 2019

notice DC/14/2407/OUT)  
to provision of sprinkler  
systems within each  
dwelling: 'Prior to  
occupation each dwelling  
hereby approved shall be  
fitted with a domestic  
sprinkler systems'

F/2013/0329/OUT	Outline application: erection of 7 detached dwellings	Approve with Conditions	26 November 2013
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## Consultations:

### 8. Public Health And Housing

No objection subject to implementation in accordance with the submitted Construction Management Strategy and restricted construction and delivery hours and construction lighting to ensure no glare to neighbours.

### 9. Waste Management Operations Manager

Concerns were raised about accessibility of the site by bin lorries and if this was the intention swept paths drawing would be required. Concerns were also raised about dragging distances to the proposed collection point.

From the previous application it was clear that it is not feasible for the Council's bin lorries to enter the site. The bin collection was previously agreed within the access road. The waste team agreed, given other examples in West Row where the dragging distances have been exceeded, that on balance the proposal would be acceptable.

Officer note: The applicant has however explored alternative waste collection services which are proposed to be used for the waste collection from within the site, which is a better option in terms of amenity and convenience for future occupants. An informative will be attached to highlight this site specific arrangement.

### 10. Environment Team

Contaminated land:

Based on the submitted Desktop Study Report undertaken by Your Environment, reference YEX3689 dated February 2022, for the above site, this Service is satisfied that the risk from contaminated land is low.

Air quality:

Paragraph 107 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 ultra-low emission vehicles.' Paragraph 112 of the NPPF states that 'applications for development should' be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'

Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to



promote modes of transport with a low impact on air quality (such as electric vehicle charging points)."

Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ' and ensure no deterioration to either air or water quality.

Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge all in new dwellings.

The Environment Team therefore recommends the below condition requesting electric vehicle charge points is attached to the planning consent, should planning be granted, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.

### **11.Environment & Transport - Highways**

No objection based on a review of the collision data of the last 10 years, actual visibility splays and speeds and pedestrian connectivity to local services. Standard conditions recommended to secure parking, cycle storage and vehicle charging points.

### **Representations:**

#### 12.Parish Council

Objects on '1. Access – safety to access for fire and emergency vehicles and access to bin lorry. 2. Increased traffic – number of vehicles per house'

#### 13.Ward Councillor

Cllr Don Waldron raises concerns with regards to the commencement of the previous permission stating that 'digging a trench with no concrete is not a foundation' and that the trench should be reopened to evidence whether foundation were poured or not.

#### 14.Objections have been received from 10 properties on Park Garden and Friday Street, which can be read in full on the application online file. They raise the following summarised concerns:

- Whether works had commenced and the 2014 planning permission is extant
- Highways safety / Access from Friday Street / Access into the site via Parkers Drove and Park Garden
- Overlooking
- Massing / outlook from Friday Street properties
- Waste collection from Parkers Drove would mean long bin dragging distances and adverse effect on visual amenity
- Damage to private road from construction vehicles
- Stress and inconvenience during construction period

### **Policy:**

15.On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were

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

16. The following policies of the Joint Development Management Policies Document, the Forest Heath Core Strategy 2010 and Site Allocations Local Plan Document (2019) have been taken into account in the consideration of this application:

SA1 - SALP 2019 SA1 - Settlement boundaries

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS3 - Landscape character and the historic environment

Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change

Core Strategy Policy CS5 - Design quality and local distinctiveness

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 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 DM46 Parking Standards

## **Other planning policy:**

### 17. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

## **Officer comment:**

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

- Principle of development
- Layout, design and scale
- Residential Amenity
- Landscape and biodiversity
- Other Matters
- Waste collection/ Emergency access

## **Principle of Development**

19. The principle and detail for development of the whole site by 7 dwellings (including 30% affordable housing) was established by grant of permission in outline with all matters reserved under reference F/2013/0329/OUT. Planning permission was granted despite the site being outside of the settlement boundary for West Row because at the time the Council was unable to demonstrate a five-year housing supply (at that time the supply was 3.6 years). On that basis, in accordance with NPPF, relevant development plan policies could not be considered up-to-date. The LPA was required to grant planning unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole"*.

20. The LPA concluded that West Row has been identified as a Primary Village within the Core Strategy that can accommodate growth and in terms of location, the proposed development was considered to relate well to the existing settlement and benefits from easy access to local services and facilities as well as some public transport. The concerns raised by local residents at the time had been taken into consideration and in particular, a balanced view had been taken with regard to the potential impact on highway safety. The application had to be considered against the requirements of paragraph 14 of the Framework at the time and as such, Officers concluded that the benefits of the proposal in terms of delivering housing in a sustainable location outweigh any adverse impacts. Consequently, planning permission was granted by the council's Development Control committee in 06 November 2013.

21. In February 2015, following changes to the threshold for affordable housing contributions, planning permission was then granted under reference DC/14/2407/OUT for 7 market dwellings. Whilst the Council could demonstrate a five-year housing supply when considering the 2014 application, the principle of development had already been established and the Council's housing policies were still out of date as Core Strategy policy CS7 was quashed, so there was no defined housing distribution for the District. Assessed against the NPPF 2012 as a whole, it was not considered that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
22. Reserved matters applications were subsequently submitted and approved under DC/16/2671/RM (scale, appearance and layout) in February 2017 and the last reserved matter under DC/17/2149/RM (landscaping) in December 2017.
23. All pre-commencement conditions had been discharged and works commenced in October 2019. As evidenced by photos and building control records, trenches were dug for the garage associated with plot 5 of the approved development.
24. The concerns by local residents and the ward member in relation to whether the works undertaken in October 2019 took place before the permission expired and whether the works constitute commencement are noted and a legal view has been obtained.
25. On the basis of the evidence available the outline permission for 7 dwellings and subsequent reserved matters (which together form one permission) has lawfully been commenced and as such is extant and can be implemented. This previous permission therefore is a fallback position (as development can still be built out under it) which establishes the principle of development and is a material consideration in the determination of this current application to change 6 of the 7 plots.
26. The threshold for claiming that development has been begun is very low. Case law established that no major works are required and trenches or part trenches do not have to have foundations poured to constitute lawful commencement. To clarify what constitutes commencement in planning terms reference should be made to The Town and Country Planning Act 1990 which deals with the issue of commencement as follows:

By virtue of section 56(1) development of land is taken to be commenced:

  - (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
  - (b) if the development consists of a change in use, at the time when the new use is instituted;
  - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).
27. Section 56(2) goes on to provide that development shall be taken to be begun on the earliest date on which any material operation "comprised in the development" begins to be carried out. The effect of section 56 is that permissions may be 'kept alive' indefinitely; i.e. remain legally extant and capable of full implementation despite expiry conditions if works or actions to implement them have lawfully commenced.

28. These "material operations" (previously referred to as "specified operations" in sec.43 of the 1971 Act) are listed at section 56(4) of the Act and they are as follows:
- A. any work of construction in the course of erection of a building;
  - AA. any work of demolition of the building;
  - B. the digging of a trench which is to contain the foundations, or part of the foundations of any building;
  - C. the laying of any underground main pipe to the foundations or part of the foundations of a building, or to any such trench mentioned in para.(b).
  - D. any operation in the course of laying out or constructing a road or part of a road;
  - E. any change in the use of the land which constitutes material development.
29. The Council's building control team has a record of commencement on site in October 2019, when a surveyor attended the site and witnessed the commencement of foundations for the garage of approved plot 5. Building Control confirmed that the works were classed as having commenced on site. Further evidence in the form of photos have also been submitted and are on the public file.
30. Officers note that concerns were raised about the fact that the trenches were backfilled. However, case law holds that a foundation trench of the requisite width and depth to contain foundations which were dug and then backfilled constituted commencement – High Peak BC v SoS for the Environment [1981] JPL 366.
31. The test to consider when establishing if permission is extant is whether the work was done in accordance with the planning permission and whether it was material in the sense of not being de minimis – East Dumbartonshire Council v SoS for Scotland and MacTaggart & Mickel Ltd [1991] 1 PLR 53
32. It is also important to note that all pre-commencement conditions have been discharged – this is known as the Whitley principle and was the case here. Works carried out under a planning permission cannot qualify as a commencement unless that work is also carried out in compliance with the conditions subject to which the permission was granted. Again, this was the case here, no conditions have been breached when the trenches were dug.

### **Summary on principle**

33. In summary, all pre-commencement conditions had been discharged and the trenches for the garage of plot 5 were dug in October 2017 before the permission would have expired in December 2017. Notwithstanding the fact that the trenches have been backfilled works have been commenced in accordance with the approved plans and cannot be considered de minimis, the previous permission is therefore considered to have lawfully commenced.

34. On this basis the principle of development of the site has been established and only the proposed changes and their potential impacts can be considered.
35. As set out above this application seeks changes to 6 of the approved 7 plots whilst the 7<sup>th</sup> dwelling (plot 5) will be built out under the extant planning permission and does not form part of this application.

### **Scale, layout and design**

36. The site is rectangular in shape and as previously approved, two dwellings and the former plot 5 are proposed on the western side and four dwellings on the eastern side of the central access. The access slightly curves into the site allowing a more even distribution of the properties and their rear gardens. The six dwellings proposed are of the same scale and similar layout than that already approved. The main changes are the re-orientation of plot 6 to face the access road as opposed to being gable end on, facing plot 5 to the south. The garages to plots 1 to 4 are linked rather than integrated as previously approved. A vehicle turning head and field access into the field to the west will remain as approved. There will be five 4 bedroom dwellings and one 5 bedroom dwelling, which is the same as that already approved. There would therefore be no intensification resulting from this proposed scheme when compared to the approved scheme.
37. The chalet style design is fairly traditional in appearance. The application proposes facing brickwork, traditional brick & stone - Farmhouse Blend to plot 2, 4 and 7 and facing Granchester Blend to plot 1, 3 and 6. Weatherboarding in dark grey is proposed for the garages and grey concrete tiles to the roofs. The mix of materials and the scale proposed reflect the local vernacular and will add to the variety of build development in the area. On this basis the application complies with policies DM2, DM22 and CS5 in this respect.

### **Residential amenity**

38. Concerns have been raised by local residents, particularly off Friday Street, about potential overlooking from plot 4 and the loss of view and outlook to the rear of these properties and The Lilacs. However, the ridge height of the approved and proposed scheme is unchanged at 7.5 meters and therefore impacts in terms of outlook remain the same. Whilst staggered and slightly closer to the boundary in places when compared to the approved scheme, the distance from the rear elevation to the rear boundary of plot 4 has increased.
39. The proposed dwellings are between 13.3 meters (plot 1), 15 meters (plot 2), 14.5 meters (plot 3) and 20.8 meters (plot 4) from the rear boundary of the application site, which backs onto the rear gardens of properties on Friday Street. As such the stand-off between the proposed chalets and existing bungalows on Friday Street is well over 20m. The comments from adjacent properties are noted and whilst it is acknowledged that the presence of chalets on this currently undeveloped field will be notable loss of view is not a material planning consideration. Whilst the Council does not have adopted design standards, a back-to-back stand-off in excess of

20 meters is not considered to cause unacceptable loss of outlook or be overbearing nor would it cause unacceptable overlooking.

40. Plot 4 will be sited approximately 2.2m away from the side boundary with The Lilacs. Whilst this is closer than the approved scheme, the proposed chalet will only have an en-suite bathroom window at first floor in the side elevation towards The Lilacs, which can be conditioned to be obscure glazed, and a kitchen window at ground floor. The existing boundary hedge is to be retained and will provide additional screening, albeit a 1.8m fence will provide sufficient privacy to existing and future occupants.
41. The proposal therefore is not considered to be contrary to policy DM2 and DM22 in this respect.

### **Highways issues**

42. The access from Friday Street into and out of Park Garden is on a bend and concerns have been raised by local residents about the safety along this junction in terms of highways safety. However, the approved scheme for 7 dwellings and the proposed scheme for 6 plus the former plot 5, will result in the same number of dwellings, 7 in total, comprising of five 4 bedroom and two 5 bedroom properties with the same amount of parking per property, which is ample and meets the current Suffolk Guidance for Parking.
43. The highway authority confirmed no objection to the proposal following a thorough assessment of the site. Based on a review of collision data of the site which reveals no recorded incidents in the past 10 years the access does not indicate an immediate highway safety risk. Visibility from the junction of Park Garden and the blind bend on Friday Street (approx. 40m) is deemed sufficient to allow for adequate inter-visibility between highway users. According to Manual for Streets, junctions within a 30mph zone require a minimum of 43m of visibility to allow for sufficient distance to allow vehicles at this speed to safely stop. It is anticipated that the speeds at this location will in fact be lower than 30mph due to the geometry of the road network which will further reinforce the suitability of the visibility splay.
44. There is sufficient pedestrian provision in the surrounding area, including public rights of ways west of the site, to allow for pedestrians to safely walk to local services such as village halls and schools. The highway authority does not consider that the scale of development would warrant any significant increase in the pedestrian provision.
45. The access utilised by the proposed development would remain as approved and given the scale of development does not change, the traffic generated from the proposed scheme must be assumed to be the same as that of the approved scheme. As such highways matters have already been accepted. The proposal would not be contrary to DM2 and DM46 in this respect.

### **Landscape and biodiversity**

46. The application site lies on the edge of the developed envelope of West Row with open countryside beyond. A Public Right of Way runs further

west of the site. As such the development may be glimpsed in public views. The boundary treatment along this western boundary is particularly important to ensure an appropriate relationship with the countryside. As previously approved, the application proposes a 1.4m high post and rail fence along the western boundary to be planted with a native hedge. Between the plots and along the northern boundary will be close boarded fencing to provide privacy to neighbouring properties and future residents. The existing mature hedge along the southern boundary will be retained. Amenity grassland and additional trees are proposed within the site.

47. The application is supported by an ecology report, which concludes that the site does not contain suitable habitat for protected species and the likely impacts from the development on protected species are negligible. The report includes recommendations for mitigation and biodiversity enhancements, including hedgehog gaps within the close boarded fencing, a native bat friendly hedge along the western boundary and bat and bird boxes. Details of enhancement measures can be secured by condition.
48. Subject to the proposed planting of a native hedge and details for biodiversity enhancement to be secured by condition the proposal is considered to comply with policies CS3, DM11, DM12 and DM13 and the NPF in this respect.

### **Other Matters**

49. Archaeological fieldwork and reporting has been completed on the site and no further investigations are required in order to comply with policy DM20.

The planning history of the site does not give rise to concerns with regards to risk from contamination, as such the application does not conflict with policy DM14. Policy CS4 states that the Council will promote and encourage all development proposals to deliver high levels of building sustainability. Electric vehicle charge points as suggested by the Environment Team would be secured in accordance with the comments from the Councils Environment Team above.

The site is within flood zone 1 and states in the application form that drainage will be dealt with by soakaways. The proposal is of a scale where the details would be dealt with through building regulations. There is therefore no conflict with policy DM6 in this respect.

Construction traffic and hours of construction

50. Concern was raised about construction traffic and hours by residents. A construction management plan has been submitted with the application and Public Health and Housing have recommended standard construction hours to be imposed to ensure impacts on local amenity are minimised. Wear and tear to the private access road is a civil matter. However, it is the responsibility of the site owner, who is aware of the access constraints, and their contractors to ensure they cause no damage to private property and to rectify any damage which may be caused by them.
51. Anyone with an interest in the access may keep a photographic record of the condition of the access before the development begins and could raise any concerns with the developer to make them aware of the issues.



Independent legal advice could also be sought about the responsibilities on the owner and contractors. However, these matters are outside of the control of the planning process.

### **Waste collection/ Emergency access**

52. The application originally proposed a collection point off Park Garden which would have meant that the residents would have to drag their bins well over the recommended maximum dragging distance set out in the West Suffolk Waste Guidance. Whilst the approved scheme already exceeds the recommended maximum dragging distance of 30m by approx. 40m, the proposed location only extends this by a further approx. 15 metres, as such, in the view of officers this alone would not be sufficient to justify refusal. The developer has explored alternative private collection services. The application proposes collection from within the site by a private provider.
53. Concerns were raised by local residents about impact on amenity from the activity associated with the bin presentation. However, whilst this would be a weekly occurrence and as such not a constant issue that would warrant refusal, the amended proposed private collection addresses this point as well.
54. SCC Fire and Rescue Services have been consulted and confirmed that subject to fire sprinklers within the properties they have no concerns or objections. These have been secured by condition on the approved scheme and would be secured again.

### **Summary and Conclusion:**

55. The principle of development has been established through the extant outline and reserved matters permissions and a scheme for 7 dwellings can and would be implemented regardless of the outcome of this application. The changes proposed through this application relate to the layout of 6 of the 7 plots and their design. Reserved matters approval cannot be varied under the provisions of s73 of the Act, hence a new full application has been submitted for these 6 plots. The design proposed is acceptable in this location which is characterised by a variety of dwelling designs and sizes. Loss of view is not a material planning consideration and impacts on outlook or overlooking are considered to be acceptable, nor will the proposals be overbearing given the 7.5m chalet height and considerable separation from the rear boundary of between 13.3m and 20.8m. Waste collection is proposed to be provided by a private service provider from within the site, which will be an improvement to the current approved scheme.
56. The scale of the development and access will remain unchanged from the approved scheme such that there would not be an adverse effect on highway safety as a result of this revised scheme and parking provision will be in accordance with the current standards.
57. The principle and detail of the proposals, subject to conditions, are therefore considered acceptable and the application is recommended for approval subject to conditions.

## Recommendation:

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

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

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reference number	Plan type	Date received
JP-2021-014-70 Plot 7	Proposed elevations & floor plans	2 February 2022
JP-2021-014-60 Plot 6	Proposed elevations & floor plans	2 February 2022
JP-2021-014-10 Plot 1	Proposed elevations & floor plans	2 February 2022
JP-2021-014-40 Plot 4	Proposed elevations & floor plans	2 February 2022
JP-2021-014-30 Plot 3	Proposed elevations & floor plans	2 February 2022
JP-2021-014-20 Plot 2	Proposed elevations & floor plans	2 February 2022
JP-2021-014-1 Rev.A	Location & block plan	20 April 2022

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

- 3 Before the dwelling at plot 4 hereby permitted is first occupied/brought into use, the first floor bathroom window in the south elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights up to 1.70m from floor level and shall be retained in such form in perpetuity.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The Construction Management Statement received on 02 Feb 2022 shall be adhered to throughout the construction period.

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

- 5 No construction HGV movements, loading and unloading of vehicles or deliveries shall be taken or despatched outside the hours of 07:00 - 19:00 Mondays to Saturdays and no deliveries shall be taken or despatched on Sundays and Bank Holidays unless agreed in writing with the Local Planning Authority.

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

- 6 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

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

- 7 All construction lighting installations to be provided at the site, including those within the car parking areas, service yards and security, shall be positioned so as not to cause unacceptable glare to the residential properties in the vicinity of the site.

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

- 8 All planting comprised in the approved details of landscaping detailed on drawing no P-2021-014-1 Rev A shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015,

Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

- 11 The dwelling(s) hereby approved shall not be occupied until the 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.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 12 Prior to occupation each dwelling hereby approved shall be fitted with a domestic sprinkler system and shall be maintained fully functional thereafter.

Reason: To enhance Firefighter safety in accordance with policy DM22.

- 13 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. JP-2021-014-1 Rev.A 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.

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

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

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive areas, in the interest of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 No development above slab level shall take place until details of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

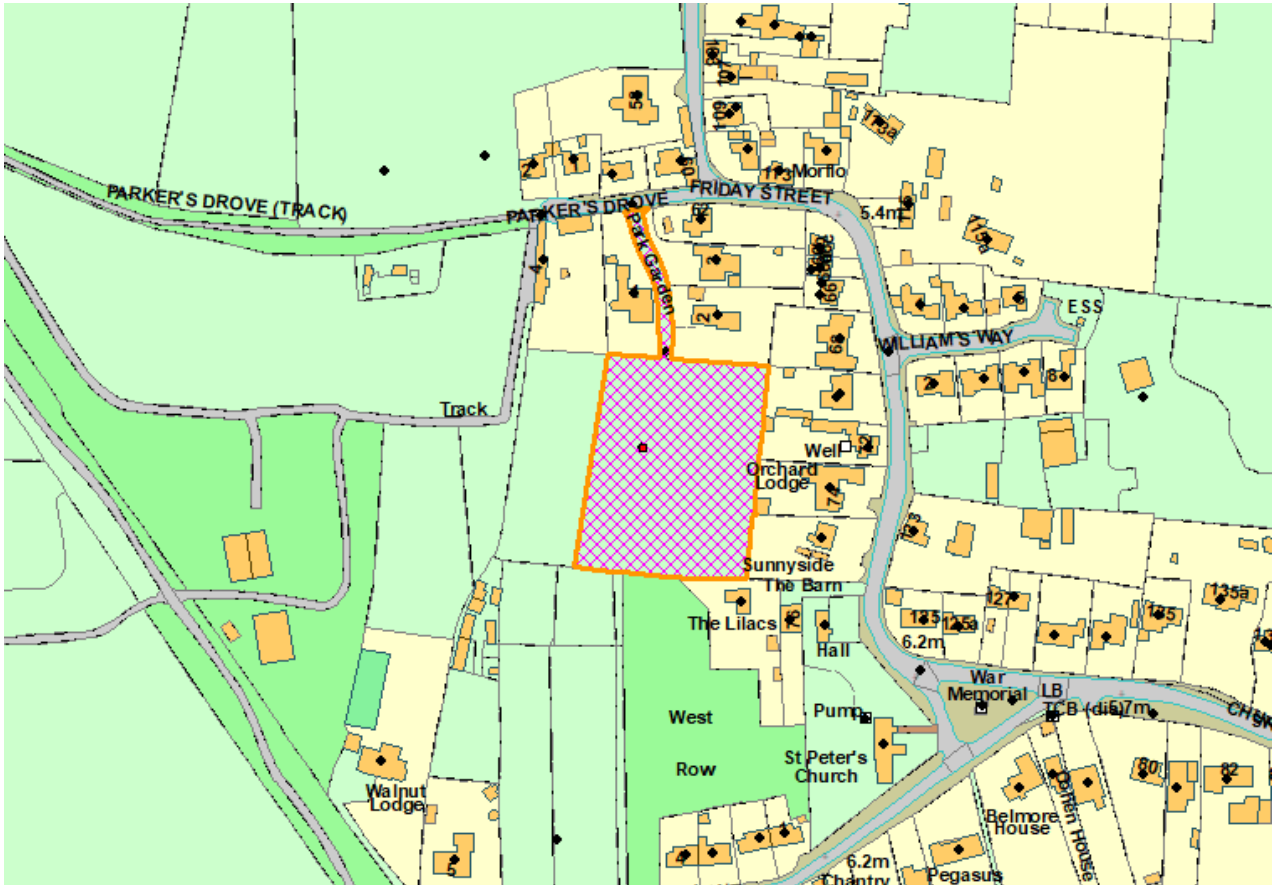
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0172/FUL](#)

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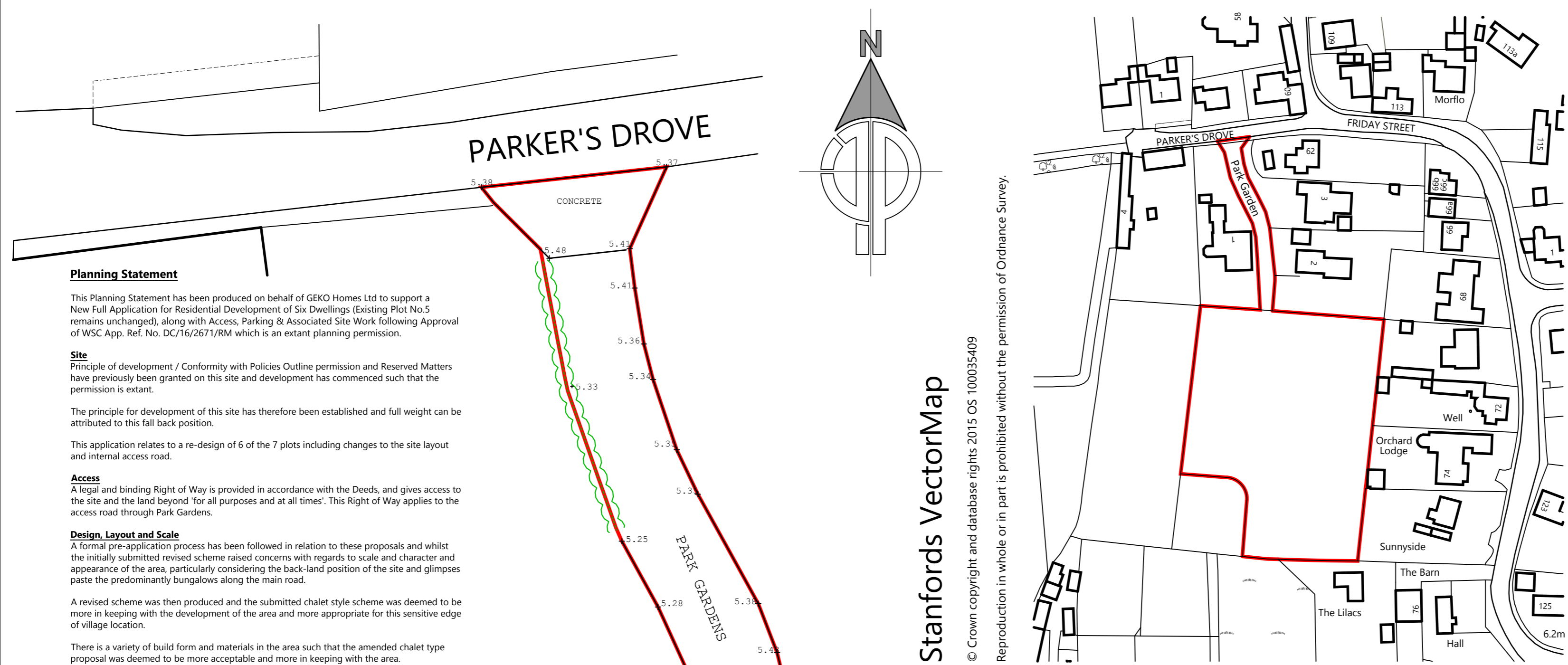


DC/22/0172/FUL - Land Adjacent To 1 And 2, Park Garden, West Row



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Stanfords VectorMap  
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# Ordnance Survey Map

(Scale: 1:1250)

**Planning Statement**  
This Planning Statement has been produced on behalf of GEKO Homes Ltd to support a New Full Application for Residential Development of Six Dwellings (Existing Plot No.5 remains unchanged), along with Access, Parking & Associated Site Work following Approval of WSC App. Ref. No. DC/16/2671/RM which is an extant planning permission.

**Site**  
Principle of development / Conformity with Policies Outline permission and Reserved Matters have previously been granted on this site and development has commenced such that the permission is extant.

The principle for development of this site has therefore been established and full weight can be attributed to this fall back position.

This application relates to a re-design of 6 of the 7 plots including changes to the site layout and internal access road.

**Access**  
A legal and binding Right of Way is provided in accordance with the Deeds, and gives access to the site and the land beyond for all purposes and at all times. This Right of Way whilst the access road through Park Gardens.

**Design, Layout and Scale**  
A formal pre-application process has been followed in relation to these proposals and whilst the initially submitted revised scheme raised concerns with regards to scale and character and appearance of the area, particularly considering the back-land position of the site and glimpses past the predominantly bungalows along the main road.

A revised scheme was then produced and the submitted chalet style scheme was deemed to be more in keeping with the development of the area and more appropriate for this sensitive edge of village location.

There is a variety of build form and materials in the area such that the amended chalet type proposal was deemed to be more acceptable and more in keeping with the area.

**Amenity**  
The formal pre-application response suggests that the proposed separation distances appear sufficient as to not raise any concerns in regards to overlooking, overshadowing or being over bearing. The standoff between the proposed dwellings back to the existing appears to be in excess of 20m which is generally considered acceptable.

There would also be adequate external amenity space.

**Layout**  
Again, the formal pre-application response suggests the proposed changes are not significant, but consider the layout an improvement to that approved under the extant permission. The response suggests that the access road appears more organic, and it is noted that the scheme would result in more even plot sizes and a better sense of place, which accord with Local Plan policy DM2.

**Highways**  
Whilst SCC Highways were not consulted as part of pre-application enquiries, it is acknowledged that parking within the garages and drive ways either meet or exceed the current standards and changes to the access where it meets the highway and detailing such as bin storage and collection would not appear to be affected, given the number and size of properties does not change.

**Arboricultural Implication Assessment**  
Hedges and smaller trees acknowledged, it would appear that prior to my client purchasing the site, adjoining occupiers have removed the majority of the trees on the boundaries referred to on the previously approved site layout. As such we do not anticipate that an accompanying Arboricultural Impact Assessment will be necessary with this new application.

**Ecology**  
The scheme incorporates comprehensive Biodiversity Enhancements in accordance with policy DM12 including but not limited to a soft landscaping scheme, hedgehog gaps within any close boarded fencing and to boundaries as well as bird and bat boxes suitably orientated.

**Archaeology**  
Archaeological investigation for the site was concluded on the previous application and as such any resubmission would comply with policy DM20 in this respect.

**Refuge Collection**  
Refuge to be collected from within the site confines by private bin collection company as opposed to Local Authority Refuse Team.

**Any Other Matters**  
The site is outside of the MOD 2020 flight noise contours.

All new development will provide Electric Vehicle Charge Points - which could be secured by condition, as well as restricted water usage per dwelling per day in accordance with DM7.

**Surface Water Drainage**  
100mm diameter Supersevee pipes laid to minimum 1:100 fall on Class 'S' pea shingle bed surround and cover, from rainwater downpipe to AQUAVOID blocks. Each bank of 6 1 cubic metre AQUAVOIDs can drain 90m<sup>2</sup> of roof.

AQUAVOID blocks positioned minimum 5.00m from any building and in installed in strict accordance with manufacturers details & recommendations.

**Foul Water Drainage**  
All below ground foul water drainage to comply with BS 8301

100mm diameter supersevee pipes laid to minimum 1:60 fall on Class 'S' pea shingle bed surround & cover. Foul water manholes comprising of, where depth less than 1.00m: 450mm dia preformed polypropylene inspection chambers installed in strict accordance with manufacturers recommendations, with medium duty cover and frame where depth exceeds 1.00m: 150mm concrete base with precast concrete sections, surrounded in 150mm concrete, with cover slab and medium duty cover and frame.

All manholes exceeding 1.00m in depth to be fitted with metal step irons if light duty covers and frames are used they must be screw down type to prevent access by children.

Where drains pass through external and loadbearing walls bridge with a PCC lintel to give 50mm all round clearance. Mask opening both sides with rigid sheet material to prevent entry of fill or vermin.

Foul water from new dwellings to terminate into main road serving new estate & then subsequently into public sewer.

**Soft Landscaping**  
**Native Species Hedge**  
Double staggered rows with at least five plants per metre 1+1 bare root transplants 60 - 90cm + cane @ approx. 0.4m ctrs.

Species to comprise:

Common Hawthorn ( <i>Crataegus Monogyna</i> )	60%
Hazel ( <i>Corylus Avellana</i> )	10%
Field Maple ( <i>Acer campestre</i> )	20%
Dogwood ( <i>Cornus Sanguinea</i> )	5%
Dog Rose ( <i>Rosa Canina</i> )	5%

**Imported topsoil (Provisional)**  
If there are topsoil shortfalls the Landscape Contractor shall allow to supply and spread approved topsoil as necessary to make up levels if required. Soil shall conform to BS 3882 (2015) for the grade of topsoil specified.

The Contractor shall arrange for the CA to inspect a representative sample of the soil before making further deliveries to site. The CA will retain this for comparison with subsequent. The soil shall conform to the following requirements:

- Texture: Medium loam.
- pH 7.0 - 8.0.
- Organic matter: minimum 5%.
- Nutrient content: Nitrogen, phosphorus, potassium and magnesium minimum index values to be as for general purpose grade of BS 3882.
- Made up of discernible crumbs, typically 2-7mm diameter, each comprising an aggregation of soil particles attracted around a sticky humus centre.
- Maximum stone size: 50mm in any dimension.
- Maximum stone content: 5% by dry weight.

**Herbicide Treatment (Provisional)**  
If garden areas or soil stores have stood open long enough to allow weed growth to have arisen, apply a glyphosate-based herbicide to all areas as directed by the CA. Ensure that sprays are applied in dry, still weather conditions, using a spray guard. All spraying shall be as per the manufacturer's instructions and best practice guidelines and at least 2 weeks before planting works commence. Avoid contact with trees and other existing vegetation that is to be retained. (Also consider below ground root unions of vegetation to be retained - which may spread the impact of translocated herbicides).

**Cultivation**  
All proposed planting and lawn areas shall be cultivated to ensure that soil compaction is relieved and a fine tilth is prepared suitable for planting and grass seeding as required. It is recommended that a small tractor or large rotovator scale of machine may be the most appropriate sized equipment for this site. Use a small tractor mounted harrow or similar implement to ensure free draining soils and compaction relief to a depth of at least 250mm. The Contractor shall allow to separate out any building waste or other deleterious material that might arise during the cultivation works and remove to the Contractors off-site tip.

**Soil Conditioner (Provisional)**  
The Contractor shall supply and spread 50mm of approved soil conditioner to all planting beds (not lawn areas) and incorporate into the topsoil. This equates to a rate of 5 cubic metres of conditioner per 100sqm of planting bed. The conditioner shall be free of perennial weed seeds, bulbs or rhizomes or any deleterious material larger than 25mm in any dimension. The conditioner will be a peat free, well composted organic material, with a nominal pH of between 6.0 and 7.0 and free of detrimentally high salt or other chemical properties. The conditioner shall be free of strong odours. The Contractor shall ensure the conditioner is free of plant pathogens and should produce a representative sample and evidence of origin for consideration by the CA prior to bulk deliveries to site.

Note: If planting areas eventually comprise 100mm or more of new imported BS 3882 (2015) topsoil, then soil conditioner may be deleted from the specification. Confirm with the Contract Administrator (CA).

**Fine Grading**  
Work in the soil conditioner and bring the soil to a fine tilth. The Contractor shall ensure that there are no mounds or hollows across proposed lawn areas and that any required falls are even and will not allow ponding in future. The Contractor shall take care to avoid soil spillage over paths, road and other finished surfaces.

**Sown Grass - Rear Lawn and Verge Areas**  
Sow proposed lawn areas with Emossgate 'Strong Turf Grass' mix at a rate of 25gms/sqm. The Contractor shall allow a rate to supply and sow, by drill, hand broadcast or fiddle, grass seed to all prepared lawn areas as shown on the plans or directed by the CA. Sow the seed in dry, windless conditions and where possible roll in afterwards.

**Sown Grass Establishment**  
When the grass sward reaches a height of 35-40mm the Contractor shall allow to pick off any larger stones or detritus on the site and remove to the Contractors tip before rolling the sward in two directions with a light roller. When the grass reaches a height of 75-100mm and in suitable weather conditions, the Contractor shall allow to pick off any larger stones or detritus on the site and remove to the Contractors tip before rolling the sward in two directions with a light roller. When the grass reaches a height of 75-100mm and in suitable weather conditions, the Contractor shall allow to pick off any larger stones or detritus on the site and remove to the Contractors tip before rolling the sward in two directions with a light roller. When the grass reaches a height of 75-100mm and in suitable weather conditions, the Contractor shall allow to pick off any larger stones or detritus on the site and remove to the Contractors tip before rolling the sward in two directions with a light roller.

**Turfing - Ground Preparation**  
Front lawn areas around dwellings are proposed to be provided as rolled turf. To prepare those areas proposed for new lawn the Contractor shall cultivate the soil to produce an even, free draining, fine tilth. Grade the soil to provide a firm, level surface that will allow the new turf to marry with adjacent pavements, fences and planting beds. To finish, the Contractor shall roll or rake the soil to obtain an even, well consolidated surface.

**Turf Supply**  
Obtain turf from a specialist grower. All turf shall be supplied to the standards set out by the Turf Growers Association (TGA). The preferred turf shall be a hard-wearing multi-purpose type with a variety of grass species and suitable for amenity situations. Provide a sample prior to delivery for approval by the CA. Lay the turf carefully, close butting adjacent turves and cutting to provide the best fit if required. Brush in fine soil to any cracks and consolidate with wooden beaters to provide even grades to the finished lawn.

**Watering In**  
After laying, the turf shall be irrigated with a fine sprinkler system so that the turves are thoroughly moistened but ensuring that the ground does not become waterlogged and that surface water runoff does not occur. Check that water has penetrated the turf and saturated the soil underneath.

**Mulch**  
The Contractor shall monitor mulch levels and allow in his price to supply and spread additional mulch to beds at the end of the maintenance period to ensure that there is a 50mm layer of mulch to beds at the time of handover. Make up any other areas where settlement may have occurred (eg in tree pits in pavement areas). Bring in additional soil if necessary.

**Grass Mowing**  
Maintain lawns at a height of between 30 and 50mm in height - allowing for between 10 and 14 cuts throughout the year. Remove mowings from the site.

**Watering in dry weather during plant establishment**  
The following guidance is offered for watering plants in the first 2-3 years of establishment in dry weather periods:

- Use a watering a sprinkler or trickle hose system that will administer water slowly and at a low pressure, mimicking rainfall. Fill the water 'gates' on trees as per the manufacturers instructions.
- A newly planted tree/shrub/perennial should be watered-in when planted, and watering should continue in dry weather throughout the spring and summer until the leaves have fallen in autumn (for deciduous trees).
- Water should be applied to the base of the plants, evenly distributed over the entirety of the root ball to encourage even root development. Try to avoid direct watering foliage, especially in hot weather, as this may cause leaf scorch.
- You may need to water evergreens a little during the winter months if it is particularly dry, this does not need to be done routinely, and can be a response to a period of dry weather.
- During the height of a dry summer, water should be applied at a rate of 2 domestic bucket fulls (or 20 litres of water) per plant every other day. One long soak every few days is preferable to sprinkling water more regularly.

Plants lost due to dry weather will be replaced by the Contractor at the Contractors expense during the next planting season.

**Care, Maintenance & Establishment of the Lawn Areas (Provisional)**  
It is the Contractor's responsibility to, weed, mow and fully maintain the grassed areas during the 12 month establishment period, unless otherwise agreed by the CA. The Contractor shall mow the grass when it has a general height of 40mm and shall maintain a regular mowing program thereafter. It is recommended that the first cut for the new turf areas is left until the grass is around 60-70mm tall. Where areas of grass are vulnerable to disturbance by garden users the Contractor shall protect the newly grassed areas from trespass and traffic by then supply and erection of temporary fencing. The Contractor shall allow for supply, maintenance and removal of temporary protective fencing within the lump sum tender price.

**Care, Maintenance & Establishment of the Planting Areas (Provisional)**  
The landscape contractor shall maintain all the planting areas for a period of 12 months following practical completion. All planting areas shall be kept free of weeds for the duration of the maintenance period. All plants that are found dead, diseased or dying within the 5 years of practical completion shall be replaced in the next available growing season.



# Site Layout

1:2500	0	25m	50m	100m	200m
1:1250	0	12.5m	25m	50m	100m
1:500	0	5m	10m	20m	40m
1:200	0	2m	4m	8m	12m
1:100	0	1m	2m	4m	8m
1:50	0	0.5m	1m	2m	4m
1:20	0	0.2m	0.4m	0.8m	1.6m
1:10	0	0.1m	0.2m	0.4m	0.8m

A	- LANDSCAPING REVISIONS - BIN COLLECTION METHOD REVISED	APRIL 2022
-	PLANNING PORTAL SUBMISSION	JAN 2022

Rev: Notes: Date:

**Client:**  
GEKO Homes Ltd

**Project Reference:**  
New Full Application for Residential Development Access, Parking & Associated Site Work following Approval of WSC App. Ref. No. DC/16/2671/RM (which is an extant planning permission).

**Drawing Number:** JP-2021-014-1 **Rev.** A

**Drawing Name:**  
Proposed Site Layout & Ordnance Survey Map

**Address:**  
Residential Development, Land Adjacent 1 & 2 Park Gardens, West Row, Suffolk, IP28 8QG.

**NOTES:**  
COPYRIGHT RETAINED BY AGENT  
THIS DRAWING MUST NOT BE SCALED  
ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING WORK OR ORDERING ANY MATERIALS.  
ANY DISCREPANCIES TO BE NOTIFIED IMMEDIATELY.

**Jamie Palmer**  
Architectural Design Services Ltd  
131a Brook Street, Soham, Cambridgeshire, CB7 5AE  
e-mail: jamie.palmer@jp-ads.co.uk  
mobile: 0777 111 1979

**Scale:** 1:200  
**Paper Size:** A1

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**Development Control  
Committee  
1 June 2022**

**Planning Application DC/22/0199/FUL –  
White Gables, Stock Corner, Beck Row**

<b>Date registered:</b>	4 February 2022	<b>Expiry date:</b>	1 April 2022 EOT 08.06.2022
<b>Case officer:</b>	Britta Heidecke	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Beck Row, Holywell Row & Kenny Hill	<b>Ward:</b>	The Rows
<b>Proposal:</b>	Planning application - a. two dwellings and associated works; b. access		
<b>Site:</b>	White Gables, Stock Corner, Beck Row		
<b>Applicant:</b>	Mr and Mrs Irons		

**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:

Britta Heidecke

Email: [britta.heidecke@westsuffolk.gov.uk](mailto:britta.heidecke@westsuffolk.gov.uk)

Telephone: 07812 509938

## Background:

**This application is referred to the Development Control Committee because the proposal, which is recommended for APPROVAL, technically represents a departure from the development plan. The Parish Council object to the application on the grounds of inadequate access.**

## Proposal:

1. The application seeks planning permission for two dwellings within the extensive side garden of an existing bungalow which occupies the site.
2. Both dwellings as proposed are two storey units with 4 bedrooms on their first floor. The dwellings have an eaves height of 4m and a ridge height of 6.9m. Each dwelling has a footprint of 9.5m x 10m. They are the same house type and will occupy the site as a pair of detached dwellings.
3. Externally, each dwelling will be finished with facing brick work and tiles although the precise details have not been confirmed and can be controlled through a suitably worded planning condition.

## Site details:

4. The approx. 0.3 hectare application site in question lies adjacent to but outside of the defined settlement for Beck Row. Presently the site is occupied by a single storey bungalow, a number of substantial outbuildings and its associated curtilage.
5. The area is typified by residential development with similarly styled 2-storey dwellings to the south west of the application site and further residential development to the North and North East of the site. RAF Mildenhall lies to the South of the site.
6. It should also be noted that the application site is adjacent to a larger site which already has planning permission for up to 8 dwellings under DC/16/0436/HYB, granted under the same set of local plan policies and at a time when the Council could demonstrate a 5-year housing supply. This permission established that the locality was sustainable in terms of accessibility. However, although 8 dwellings were approved, the applicant opted to only build 7, as confirmed through the approval of DC/17/1189/RM. The site immediately to the north west also has later gained planning permission under DC/19/1952/FUL for 2 dwellings, replacing an existing bungalow. The 9 dwellings in total have now been constructed.

## Planning history:

7.

Reference	Proposal	Status	Decision date
F/97/049	Outline application for the erection of one three bedroomed bungalows as	Refuse	20 March 1997

amended by plans received  
18/03/97

F/93/338

New vehicular access,  
closure of existing access  
and temporary siting of  
mobile home.

Refuse

19 August  
1993

**Consultations:**

8. SCC Highways – no objection subject to conditions
9. WS Environment Team – no objection subject to conditions
10. WS Waste Management Team – no comments to make
11. MOD – no objection
12. Public Health & Housing – no objection

**Representations:**

13. Parish Council: Object – inadequate access for 2 dwellings.
14. No other representations received

**Policy:**

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

16. The following policies of the Joint Development Management Policies Document, the Forest Heath Core Strategy 2010 and the Site Allocations Local Plan Document 2019 have been taken into account in the consideration of this application:

SA1 - Settlement boundaries

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS5 - Design quality and local distinctiveness

Core Strategy Policy CS9 - Affordable Housing Provision

Core Strategy Policy CS10 - Sustainable rural communities

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM7 Sustainable Design & Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM46 Parking Standards

**Other planning policy:**

National Planning Policy Framework (NPPF)

17. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

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

- Principle of Development
- Design, scale and form
- Impact on amenity
- Noise from nearby military activity
- Ecological impacts
- Highway implications

**Legal context**

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Forest Heath

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

20. National planning policies set out in the revised National Planning Policy Framework 2021 are also a key material consideration.

### **The principle of development**

21. As noted earlier in this report, the application site in question is located outside any defined settlement boundary and as such, the proposal comprises development in the countryside in planning policy terms.

22. Local planning policies (SA1, CS1, CS10, DM5 and DM27) state that planning permission for residential development in the countryside will typically not be supported unless there are valid and material reasons for doing so.

23. Ultimately, proposals for residential development outside of defined settlements must be considered carefully as it is incumbent upon the LPA to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development. Accordingly, where material planning considerations indicate that proposals in the countryside are unacceptable, due to conflict with the development plan they should be resisted.

24. In line with policy SA1 of the 2019 Site Allocations Local Plan, policy CS1 of the former FHDC Core Strategy confirms and clarifies that proposals for residential development should be directed towards the sustainable settlements and, where possible, away from the open countryside. This is further bolstered by policy CS10 which dictates that in villages and small settlements not identified for a specific level of growth, including the open countryside, residential development will only be permitted where:

- A. There are no suitable sites available inside the limits of a defined settlement boundary;
- B. It is an affordable housing scheme for local needs in accordance with Policy CS9;
- C. It involves the appropriate re-use of a rural building;
- D. It provides a site for gypsy and travellers or travelling show people which complies with the Gypsies and Travellers policy in Policy CS8.
- E. It is a replacement of an existing dwelling;
- F. It is a dwelling required in association with existing rural enterprises which complies with the requirements of national guidance in relation to new dwelling houses in the countryside.

25. The more recent Joint Development Management Policies (2015), in line with the NPPF, further allows for infill development within existing clusters of dwellings in the countryside subject to a number of criteria being met.

26. In this instance the dwellings as proposed do not strictly meet any of the exceptions for dwellings in the countryside as set out by policies CS9, CS10, DM5 and DM27. It is for this reason that the proposal represents and has been advertised as a departure from the development plan.

27. However, whilst the primacy of the development is acknowledged, if material planning considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 the LPA may grant planning permission for development which does not strictly accord with the development plan.
28. This is relevant to the proposal under determination due to its urban context, prevailing built form, and the locality's character.
29. It is noted that national and local policy aim to prevent unsustainable development from taking place and that policies such as DM5 and CS10 aim to retain the intrinsic beauty of the countryside. However, whilst the application site technically sits outside of the settlement boundary, it is not open, undeveloped countryside as DM5 intends and it does not represent a site which the LPA would strive to prohibit from being developed on the basis of countryside integrity alone. It already contains a lawful bungalow and planning permission has been granted for the re-development of the land surrounding it.
30. As illustrated by the submitted plans, the site lies in between existing residential development on three sides and is presently occupied by a single storey bungalow and its large associated curtilage. The proposed dwellings would infill a gap within this existing cluster of dwellings without encroaching into the open countryside. They are in a location within walking and cycling distance to local services and facilities along a 30 miles per hours road with street lighting, such that alternative modes of transport are available.
31. The planning history in the locality and precedent for development in this location, together with the locational sustainability are material considerations in this particular case to indicate that the development plan should not be followed. Moreover, given the lack of harm arising, existing urban built form and the way in which the site would positively relate to existing off-site dwellings, despite the technical conflict with development plan policies CS10, DM5 and DM27, the principle of development on this site for two houses is something that can be supported.

### **Design, scale and form**

32. With the principle of development established as being something that officers can support in this instance, albeit representative of a conflict with the development plan, consideration must next be given to the design, form and scale of the proposed development.
33. In conjunction with policy DM2, policy DM22 indicates that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
34. The recently constructed two storey dwellings north and west of the site are of a very similar scale to that proposed. To the east of the site are predominantly single storey dwellings and south of the site are 3 storey



military dorms. The dwellings in the area are of varying age, scale and design.

35. The proposed development would blend in with the existing vernacular of residential development in the area. The application site would provide similar plot sizes to those in the vicinity, whilst accommodating sufficient on site parking and external amenity space for the existing bungalow and the proposed dwellings without resulting in overdevelopment. The proposal as such accords with policy DM2, DM22 and CS5 in this respect.

### **Impact on amenity**

36. Both policies DM2 and DM22 seek to secure development proposals which do not have an undue adverse impact on residential amenity. This requirement is particularly relevant to the proposal under consideration as the application site is adjacent to existing dwellings and existing private amenity space.

37. The dwellings have been sited to align with the adjacent dwelling at 1 Mias Way. This property has a blank gable end facing towards the application site. Consequently, there would be no intervisibility or direct overlooking. The windows in the rear elevations of the existing and proposed dwellings would provide oblique sightlines, such that there would not be unacceptable overlooking of the private external amenity spaces of the dwellings either side. The separation distances and orientation are such that the proposals would also not be unduly overbearing or result in overshadowing.

38. Given the above the proposal is considered to be acceptable when assessed against policies CS2, DM2 and DM22 in this respect.

### **Noise from nearby military activity**

39. The application site is close to an operational airfield, being located within the 66db noise contour for RAF Lakenheath (as set out in "A Report on a Military Aviation Noise Contour of F15MK/C and F15MK/E Aircraft Activity at RAF Lakenheath January 2017" (Report: OEM/08/17)).

40. The application site is therefore located within an area affected by noise generated by military aircraft operating from an MOD establishment operated by the United States Air Force (USAF).

41. Paragraph 187 of the National Planning Policy Framework (2021) states that "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were permitted" before going on to require the applicant or agent of change to "should be required to provide suitable mitigation before the development has been completed."

42. The submitted Noise Impact Assessment (NIA) sets out how the development will mitigate against the locality's aircraft noise, and this has been reviewed by the Public Health and Housing Officer and the MOD, who have raised no objection to the submitted assessment. As such, given the requirements of policy DM2, a condition requiring compliance with the measures set out within the NIA is recommended.

## **Ecology and trees**

43. As required by the National Planning Policy Framework (2021), the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through FHDC Core Strategy policy CS2, and policies DM11 and DM12 of the Joint Development Management Policies Document.
44. The National Planning Policy Framework (2021) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged. This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.
45. In this instance, the application site forms part of a residential garden and contains some outbuildings and trees. The application was submitted in support of a tree survey and report and preliminary ecology report. From a site visit and the tree report the two trees on site which will need to be removed to enable the development (T14 and T15), require removal as high priority regardless of the development due to major decay and fungi. The Ecology report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. The report did not find any indication of protected species being present on site and concludes that there would not be an unacceptable impact on protected species or their habitat subject to suitable mitigation measures such as site clearance outside the bird breeding season. No further surveys are required and suitable mitigation measures and recommendations for biodiversity enhancement are set out in the report.
46. Subject to a condition to ensure implementation in accordance with the mitigation measures set out in the report and a condition which requires the submission of ecological enhancement measures and suitable timescales for implementation, the proposal would comply with policy DM11 with regards to protected species and policy DM12, which advises that biodiversity enhancements should be sought where possible and relevant.

## **Highway implications**

47. The NPPF at paragraph 110 provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed.
48. Policy DM2 of the Joint Development Management Policies Document (2015) also requires proposals to maintain or enhance the safety of the highway network.

49. Accordingly, given that this proposal connects to the public highway (A1101), formal comments from the Highway Authority have been sought. No objections are raised subject to conditions to secure the improvements to the existing access, bound surfacing for the first 5m, visibility, means to prevent the discharge of surface water onto the highway, bin storage and presentation points, provision of cycle storage and parking.
50. In addition, policy DM46 requires proposals to comply with the latest adopted parking standards as may prevail at the time of determination. The 2019 Suffolk Guidance for parking document (SCC) must therefore be considered and this requires dwellings with 4 beds or more to provide 3 spaces per dwelling. Where this parking is shared as opposed to tightly allocated, the Highway Authority are able to reduce their requirement as the use of fluid or floating spaces is less likely to result in cars being displaced onto the highway.
51. In this instance, the proposed site plan illustrates that there will be 6 spaces available across the two dwellings and this has enabled the Highway Authority to offer a comment of no objection. There is also sufficient parking retained for the existing dwelling.
52. Accordingly, this element of the proposal is judged to meet the requirements of DM2 and DM46 insofar as they relate to highway safety and parking.

### **Sustainable construction**

53. Policy DM7 states (inter alia) that all proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to the broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques, mostly enforced through building regulations.
54. DM7 specifically requires all new residential development to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regard to sustainable design and construction. Therefore, a condition will be needed to ensure compliance with policy DM7.
55. Section 3.4.2 of the Suffolk Guidance for Parking provides that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.
56. The NPPF at paragraph 107 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution.

57. On this basis a condition is recommended to ensure an operational electric charge point is delivered to each dwelling.

**Conclusion:**

58. In conclusion, whilst there is a conflict with current local plan policies SA1, CS1, CS10 and DM5 in terms of the spatial strategy for housing, given the site's location outside of the adopted settlement boundary of Beck Row, the urban built context and recent planning history on the larger site that wraps around the application site, establishing the locational sustainability, these are all material considerations that indicate a departure from the development plan is acceptable in this particular instance.

59. Despite the land being classified as countryside for planning policy interpretation, the site is not open unspoiled rural land as policy DM5 seeks to protect. It is, however, flanked by existing recent residential development and would not encroach into open countryside. The site is in a location which would be considered as sustainable with respect to the proximity of the settlement boundary and local services and facilities.

60. The proposal would, albeit limited due to the small scale, provide social, economic and environmental benefits from the provision of additional housing, the construction period and additional local spend whilst being locational sustainable and providing biodiversity enhancements.

61. Given material considerations indicate that the principle is acceptable in this instance, the absence of harm as set out above, whilst benefits would arise the proposal is recommended for approval subject to conditions.

**Recommendation:**

62. As the press notice does not expire until 10 June, subject to no further material representations being received during this time, it is recommended that the decision be delegated to the Director of Planning & Growth and planning permission be **APPROVED** subject to the following conditions:

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

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
P-6475-02	Location & block plan	3 February 2022
P-6477-01	Site plan	21 March 2022
P-6475-03	Proposed elevations & floor plans	3 February 2022
P-6475-02	Location & block plan	21 March 2022
P-6475-05	Site plan	3 February 2022

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

- 3 No development above slab level shall take place until details of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

- 5 The dwelling(s) hereby approved shall not be occupied until the 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.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 6 All ecological measures and/or works shall be carried out in accordance with the details contained in the Arbtech Preliminary Ecology Report as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

- 7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall

be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

- 8 The development hereby approved shall be implemented in accordance with the sound insulation measures set out in the 'Atspace Acoustic Design Assessment Report' received on 03.02.2022.

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

- 9 No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with drawing no. P-6475-02 and made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that accesses are located at an appropriate position to avoid multiple accesses which would be detrimental to highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 Prior to the development hereby permitted being first occupied, the existing access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

- 11 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.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 12 Before the access is first used visibility splays shall be provided as shown on Drawing No. P6475 - 02 with an X dimension of 2.4 metres and a Y dimension of 43 metres [tangential to the nearside edge of the carriageway] 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging to take avoiding action in the interests of road safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 13 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No.P- 6477 - 01 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway and in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. P- 6477 - 1 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.

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

- 15 The use shall not commence until the area(s) within the site shown on Drawing No. P- 6477 - 01 for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2019 to promote sustainable travel, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 No development above ground level shall take place until a scheme of soft

landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

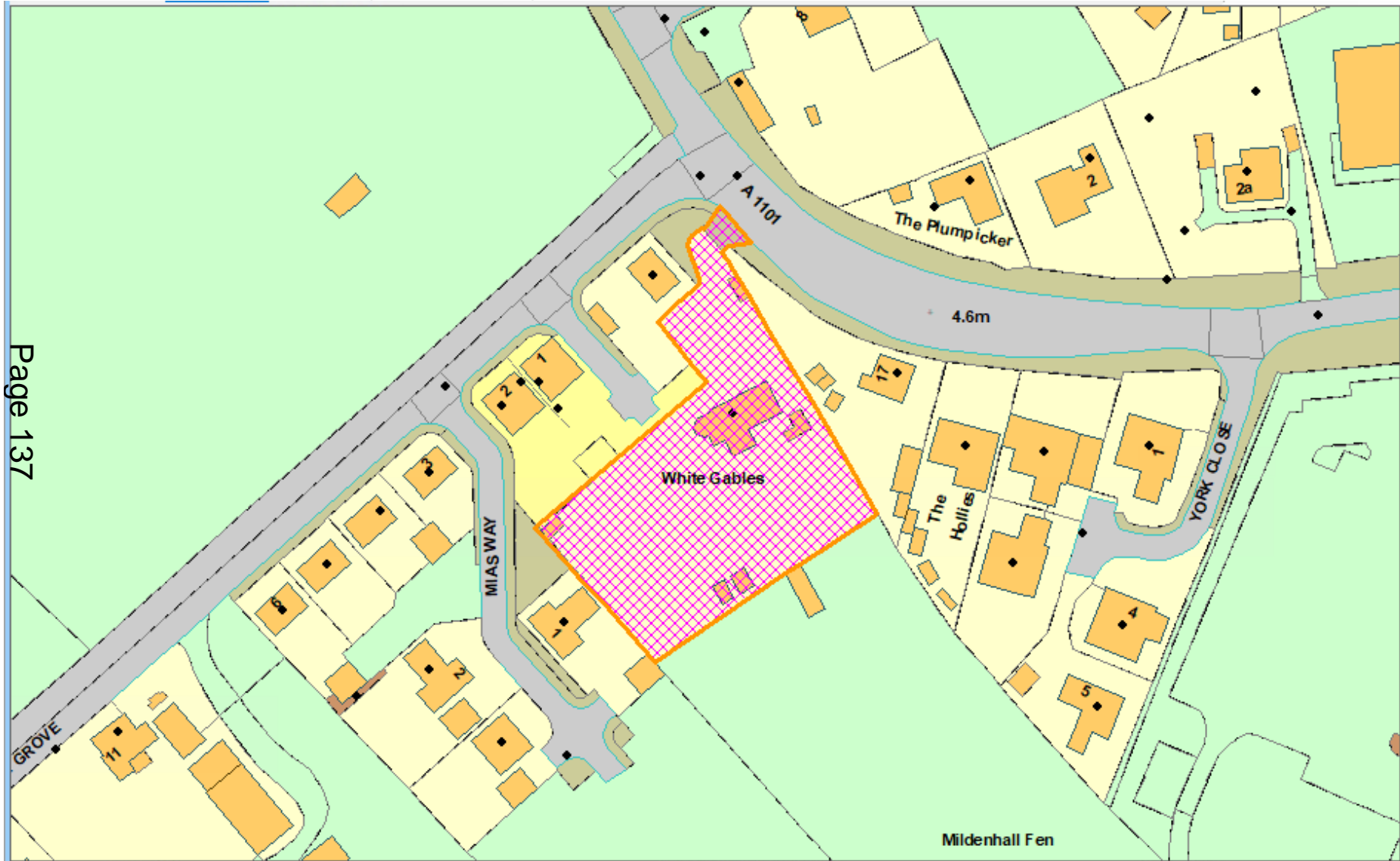
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0199/FUL](#)

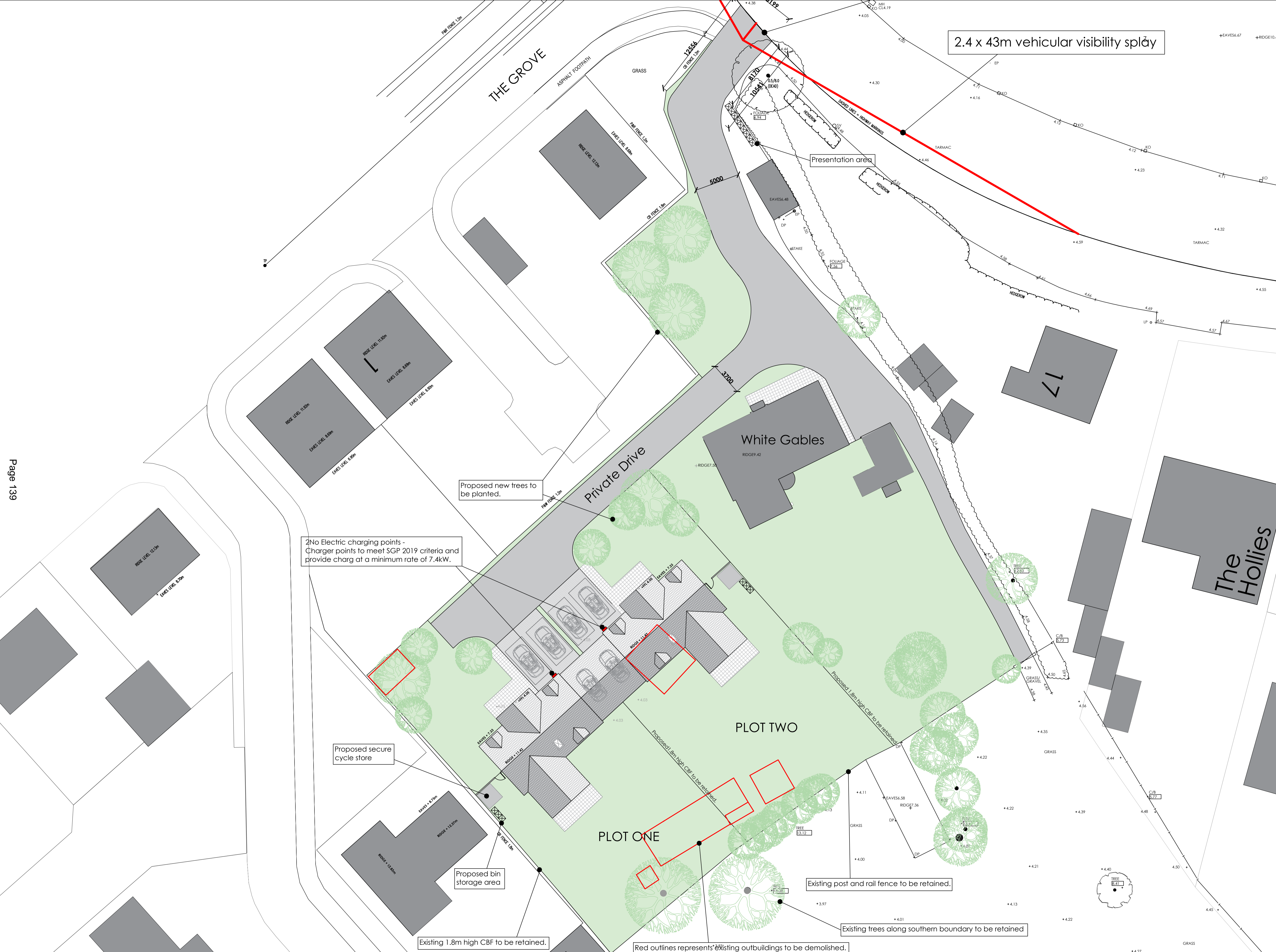




DC/22/0199/FUL – White Gables, Stock Corner, Beck Row



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2.4 x 43m vehicular visibility splay

Presentation area

White Gables  
RIDGE 42

The Hollies

THE GROVE

Private Drive

PLOT TWO

PLOT ONE

2 No Electric charging points -  
Charger points to meet SGP 2019 criteria and  
provide charge at a minimum rate of 7.4kW.

Proposed new trees to  
be planted.

Proposed secure  
cycle store

Proposed bin  
storage area

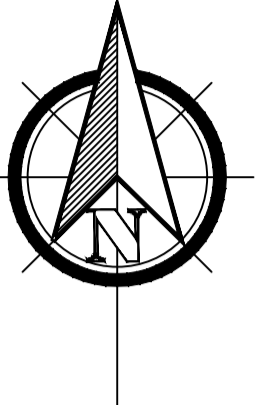
Existing 1.8m high CBF to be retained.

Red outlines represents existing outbuildings to be demolished.

Existing post and rail fence to be retained.

Existing trees along southern boundary to be retained

**NOTES**  
 This drawing must not be scaled. Report any discrepancies to the designer immediately.  
 All dimensions to be verified on site by main contractor before any work on site starts.  
 Any construction work carried out prior to receiving of necessary approvals is entirely at the householders / clients risk.  
 All building works to comply with current & relevant Building Regulations and British Standards.  
 This drawing is to be read with all relevant architectural / engineers drawings and other relevant info.  
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 All drawings based digital ordnance survey as instructed by client and are subject to a topographical site survey.  
 Plans to be in accordance with structural engineers details.



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**Project**  
 Proposed erection of 2no dwellings and associated works at White Gables, Stock Corner, Beck Row

**Description**  
 Proposed site plan

**Client**  
 Mr & Mrs Irons

**Date**  
 Jan 2022

**Drawing No**  
 P- 6477 - 01

**Scale**  
 1 : 200

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## **Development Control Committee**

### **1 June 2022**

#### **Planning Application DC/21/2320/FUL – Pattles Grove Stud, Pattles Grove House, Chedburgh Road, Wepstead**

<b>Date registered:</b>	4 January 2022	<b>Expiry date:</b>	1 March 2022 E.o.T 3 June 2022
<b>Case officer:</b>	Charlotte Waugh	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Wepstead	<b>Ward:</b>	Wepstead and Wickhambrook
<b>Proposal:</b>	Planning application - a. partial change of use to a timber supplies business (sui generis); b. stable block; c. office building; d. timber store; e. workshop; f. open fronted storage barn; g. open fronted timber store and; h. associated ancillary development		
<b>Site:</b>	Pattles Grove Stud, Pattles Grove House, Chedburgh Road, Wepstead		
<b>Applicant:</b>	Pattles Grove Group Limited		

**Synopsis:**

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

**Recommendation:**

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

**CONTACT CASE OFFICER:**

Charlotte Waugh

Email: [charlotte.waugh@westsuffolk.gov.uk](mailto:charlotte.waugh@westsuffolk.gov.uk)

Telephone: 01284 757349

## Background:

The application is referred to Development Control Committee following a call-in request from Ward Member Councillor Sarah Pugh and consideration by the Delegation Panel. The application is recommended for APPROVAL and the Parish Council objects.

## Proposal:

1. The application seeks consent for a partial change of use from stud farm to a timber supplies business as well as associated buildings. The use changed in March 2020 and as such, the application is retrospective.

## Site details:

2. The application site measures 0.65 hectares and sits within the wider Pattles Grove site which also accommodates a large dwelling with outbuildings and paddocks. The site is accessed from Chedburgh Road and is located within a shallow valley.
3. The application site currently has an approved stud farm use and contains buildings permitted as part of that use as well as other unauthorised buildings which this application seeks to retain.
4. The site is not subject to any statutory designations.

## Planning history:

5.

Reference	Proposal	Status	Decision date
SE/04/3745/P	Planning Application - (i) Change of use from agricultural land to stud farm; and (ii) two storey extension to Pattles Grove House to form stud worker's annexe as amended by letter and plans received 15 February 2005 (Drawing Nos. 5530/05 and 5530/02A) omitting erection of bungalow from the scheme	Application Granted	27 May 2005
SE/09/0957	Planning Application - (i) Change of use from agricultural land to stud farm; and (ii) two storey extension to Pattles Grove House to form stud worker's annexe without complying with conditions 4,6,7,8 and 9 of SE/04/3745/P	Application Granted	11 September 2009
DC/15/1915/FUL	Planning Application - (i) Proposed Stables, Barn, Office, Yard, Horse Walker	Application Granted	5 May 2016

	and Lunge Ring (ii) Associated Landscaping and access road as amended by plans and details received 16.12.15		
DCON(A)/15/1915	Application to Discharge Conditions 2 (Landscaping scheme) and 4 (waste strategy) of DC/15/1915/FUL	Application Granted	23 November 2016
NMA(A)/15/1915	Non-material amendment for DC/15/1915/FUL - (i) Re-orientation and enlargement of office building (ii) Re-location of Horse Walker (iii) Roof Cladding and Wall Cladding to be substituted from approved materials	Application Granted	31 October 2016
DCON(B)/15/1915	Application to Discharge Conditions 3 (External Lighting) of DC/15/1915/FUL	Application Granted	14 July 2017
DC/19/1256/FUL	Planning Application - 1no. dwelling	Application Granted	7 November 2019

### **Consultations:**

#### **Public Health and Housing**

6. No objection to the development subject to a condition restricting hours of deliveries to the site.

#### **Highway Authority**

7. No objections

#### **Whepstead Parish Council**

8. Parish Councillors voted to strongly object in principle to the whole development and change of use from a stud to an industrial timber supplies business. They considered it a misnomer to call the application a 'partial change of use' as only 3 horse boxes remain and a stud business would never position a sawmill next to a horse walker and lunge ring. The business is a change of use to industrial and the retrospective nature of the application (two years after trading started) sets a terrible precedent which councillors fear will be repeated throughout the village and possibly the county. The manner in which the business has been developed – with a disregard for the rules - has been very distressing for villagers. Councillors were concerned by the noise of the saw mill which is not as the application claims 'just now and then' and the extra traffic the business claims to have generated does not ring true with villager experience of large – sometimes articulated – lorries travelling through the village. In addition, planning application claims that the business does very little prep work, is contrary to what the company says on its website. An industrial

development of this kind, on agricultural land, would be better suited to an industrial estate.

### **Representations:**

9. Four representations have been received raising objections to the application, which are summarised as:
  - Conversion of equestrian land to industrial – worrying precedent for rural area. Should be in industrial area
  - Constant noise – cutting machinery and reversing alarms
  - Lorry traffic – amount stated is incorrect
  - Damage to local roads and verges
  - Partial change of use is unrealistic – stud use was unviable
  - Danger of further expansion if approved
  - Necessary to control development limits, hours etc
  
10. Three representations have also been received in support of the application, making the following comments:
  - Good for local economy
  - Offers another supply option to national merchants
  - Sensible use of buildings – which are immaculately kept
  - Created good quality local jobs
  - Close to main road so little disruption to village
  - Good service
  - No noise encountered (from residents at neighbouring property and 1 mile away)
  - All machinery fitted with white noise alarms

### **Policy:**

11. 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.
  
12. 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 DM45 Transport Assessments and Travel Plans
  - Core Strategy Policy CS3 - Design and Local Distinctiveness



**Other planning policy:**

National Planning Policy Framework (NPPF)

13. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

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

- Principle of development
- Impact on visual amenity
- Impact on local highway
- Impact on residential amenity
- Impact on horse racing industry

**Background**

15. The site was previously granted permission for an equine stud farm under SE/04/3745 which was subsequently varied under SE/09/0957. This use was implemented by the previous site owners providing the current lawful stud use. The applicant achieved planning permission for associated buildings under DC/15/1915/FUL, the orientation and relocation of which were changed under a non-material amendment. Whilst the 20 bay barn was constructed, the smaller barn and office was not. Similarly, the managers dwelling granted in 2019 has not been constructed but is still capable of being implemented, albeit not in conjunction with the current application given that both occupy the same area.

**Principle of development**

16. The site is located within open countryside where policy DM5 seeks to prevent unsustainable development. This policy does however permit proposals for economic growth and expansion of all types of business and enterprise that recognises the intrinsic character and beauty of the countryside where:

- It will not result in the loss of best and most versatile agricultural land
- There will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests, and
- There will be no significant adverse impact on the local highway network

17. The application proposes the change of use of a building erected with planning permission as stables, new buildings to serve both businesses, in addition to a partial change of use of the site, allowing the stud use to be retained alongside the timber supplies business.
18. In terms of additional buildings, a new 3 bay stable block has been constructed to serve the existing and retained stud use.
19. To serve both businesses a new office has been constructed in the location of the permitted dwelling. This building is single storey, clad in timber with a floor area of 48m<sup>2</sup> as opposed to the 152m<sup>2</sup> approved for the dwelling. A parking area is provided to the front of this building for staff and visitors. It is worth noting that should this application be refused, the dwelling is still capable of being implemented if the office was removed.
20. To serve the timber supplies business a new timber clad storage barn has been constructed on the south side of and adjacent to the existing barn. It measures 242m<sup>2</sup> and has matching eaves height and finishes flush with the adjacent building.
21. A workshop sits behind this barn, measures 190m<sup>2</sup> and features a lower ridge and eaves height.
22. An open fronted machinery store has been built on the northern boundary measuring 284m<sup>2</sup>. This contains machinery used by both businesses.
23. The muck bunker proposed in the north east corner has been covered with an open fronted store for materials measuring 98m<sup>2</sup>.
24. The timber supplies business focuses on storage, sales and distribution of timber products, which in most cases are sold and sent out in the form they arrived in. There is an enclosed workshop on site but it is understood that this is used for occasional cutting and commissions rather than on a regular basis.
25. The proposal seeks to retain the stud farm use with the new timber supplies business. The applicants have adapted their business model due to the changes experienced by the equine industry during the last couple of years. Rather than place horses with the stud throughout the key winter season, the applicant saw a rapid drop off in boarders throughout the usual busiest months of December to March as trainers elected to keep horses in their own yards instead. As a result, the stud farm now operates on a seasonal grazing basis where horses are kept on the site in the summer months grazing in the paddocks without the need for stabling. It is understood that clients have already been secured for this season. The two uses appear to be compatible and as such, this application allows both businesses to be retained.
26. It is understood that as well as retaining the full time stud employee the new use has generated 4 full time and 2 part time jobs.
27. Section 6 of the NPPF sets out the need to build a strong and competitive economy. This section outlines that planning policies and decisions should help create the conditions in which businesses can invest, expand and

adapt, and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

28. Paragraph 84 goes on to state that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It is later confirmed at paragraph 85 that in supporting a prosperous rural economy, planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
29. In this case, the proposal gains support from policy DM5, in that this policy, in principle, permits economic growth of all types of business in the rural area. Consideration of the buildings themselves, their appearance as well as noise and traffic movements is discussed below.

### **Impact on visual amenity**

30. Policy DM2 echoes the NPPF and stresses the importance of good design and the need to recognise and address local distinctiveness and landscape character.
31. DM5, whilst permitting economic growth in rural areas requires the enterprise to recognise the intrinsic character and beauty of the countryside and not have a detrimental impact on the character and visual amenity of the landscape.
32. The buildings now erected for the timber supplies business sit on the same contained area as the stud buildings were built/proposed. There is no additional loss of land to be considered. Furthermore, the building heights as erected, are no higher than those already granted permission, with the permitted stable barn the tallest building on site. They appear as a cluster of agricultural buildings with the built form comparable to those in surrounding farmyards. Combined with the undulations of the site there is no greater landscape impact. The site sits within a shallow valley and as such, none of the buildings are visible from the adjacent highway.
33. The buildings have been designed and constructed to a high standard. They are sensibly arranged and use attractive materials which, when combined with the landscaping, create a high quality development.
34. On this basis, the proposal is considered to comply with the provisions of policy DM5 which seeks to ensure that development has no significant detrimental impact on the character and visual amenity of the landscape.

### **Impact on local highway network**

35. Policy DM5 permits development in the countryside which (in addition to other criteria) has no significant adverse impact on the local highway network. Furthermore, policy DM45 requires developments with significant transport implications to submit a transport assessment. Whilst this is not considered to be an application which meets this scale, a transport note has been provided.

36. Access is gained via the existing access to the wider site and the stud farm, no alterations are proposed in this respect.
37. Concerns have been raised as to the impact of associated traffic movements on the local road network. The transport note specifies 2 HGV deliveries a week, 4 x light goods vehicles deliveries (outward) a day and approximately 5 visitors to the site a day to collect timber. These movements appear fairly modest and should be balanced against the authorised stud use which would have similar or higher levels of traffic including evening and weekend movements. Given the level specified and the proximity to the main road the Highway Authority has not raised any concerns.
38. It is not considered that the proposal results in a significant adverse impact on the highway network which would prevent compliance with policies DM2, DM5 and the NPPF. As such, the application is considered acceptable with regard to transport movements.

### **Impact on residential amenity**

39. Policy DM2 seeks to ensure that development does not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration or volume or type of vehicular activity generated.
40. In terms of noise, concerns have been raised with regards to noise pollution emanating from the machinery on site. The business benefits from a well-equipped workshop which is entirely contained within a building as well as a variety of vehicles, many of which are used for both the timber and equine businesses. A noise impact assessment has been submitted which measured the noise from various plant and equipment at 4 different receptors and found the level of noise to be acceptable. These results have been shown on a map which identifies that the closest house to the development (Plumpton Hall) would hear a maximum of 32 decibels. This is an acceptable daytime volume. Furthermore, the impact of this use should be considered against the permitted stud farm which would have generated noise at all times of the day. Public Health and Housing are satisfied with the information provided and haven't raised any concerns.
41. The level of noise shown in the noise assessment and witnessed onsite, including the use of white noise alarms on vehicles and the potential disturbance from vehicle movements is considered acceptable and in accordance with policy DM2.

### **Impact on Horse Racing Industry**

42. Policies DM48 and DM49 seek to protect the horse racing industry around Newmarket, to ensure the town's long term sustainability. Located outside the main catchment of Newmarket and given the immature nature of the stud business, it is not considered that this proposal would have a significant impact on the integrity of the horse racing industry. Notwithstanding this, the continuation of the stud farm, albeit operating under a different model, will allow the business to contribute modestly to the equine community and is therefore compliant with these policies.

43. The Parish Council have raised concerns about the ability of the two uses to be compatible, stating 'a stud business would never position a sawmill next to a horse walker and lunge ring'. Whilst undoubtedly this was never the intention when the stud business formed, given the change in circumstances the applicants saw an opportunity to diversify. The current stud business relies on summer grazing and will therefore, make little use of the other facilities. Nonetheless, equine yards also experience large vehicle deliveries, with machinery such as tractors and forklifts used on a regular basis. So in that respect and given that the workshop is not in regular use, the activity here is unlikely to be dis-similar.

### Conclusion:

44. It is understood that the Parish Council is disappointed with the retrospective nature of the application and with the time taken for it to be submitted. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In addition, the National Planning Policy Guidance makes it clear that retrospective applications should be considered in the normal way. Whilst development has been carried out without the benefit of planning permission this is not a material consideration and members should consider the proposal in accordance with locally and nationally adopted policies.

45. In conclusion, the structures are contained within the existing developed site, are commensurate in scale with that of agricultural buildings and are attractive and well maintained. The noise and vehicle movements associated are modest and in comparison to the approved stud use, these elements are reduced. DM5 and the NPPF stress the importance of supporting the local economy and job creation which the proposal achieves. Subsequently, with the use of conditions to control hours of operation, the application is considered to comply with national and adopted policy.

### Recommendation:

46. It is recommended that planning permission be **APPROVED** subject to the following condition:

1. The development hereby approved is defined by the following plans and documents and no alterations or extensions shall take place without the prior written consent of the Local Planning Authority.

Plan type	Plan ref	Received date
Location plan	BC6991 C	15.2.22
Proposed plans	G (1)	24.11.21
Plans	G (2)	24.11.21
Proposed block plan	BC6991 B	4.1.22

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

2. No deliveries shall be taken or despatched outside the hours of 08:00 - 17:00 Mondays to Saturdays and no deliveries shall be taken or despatched on Sundays and Bank Holidays unless agreed in writing with

the Local Planning Authority.

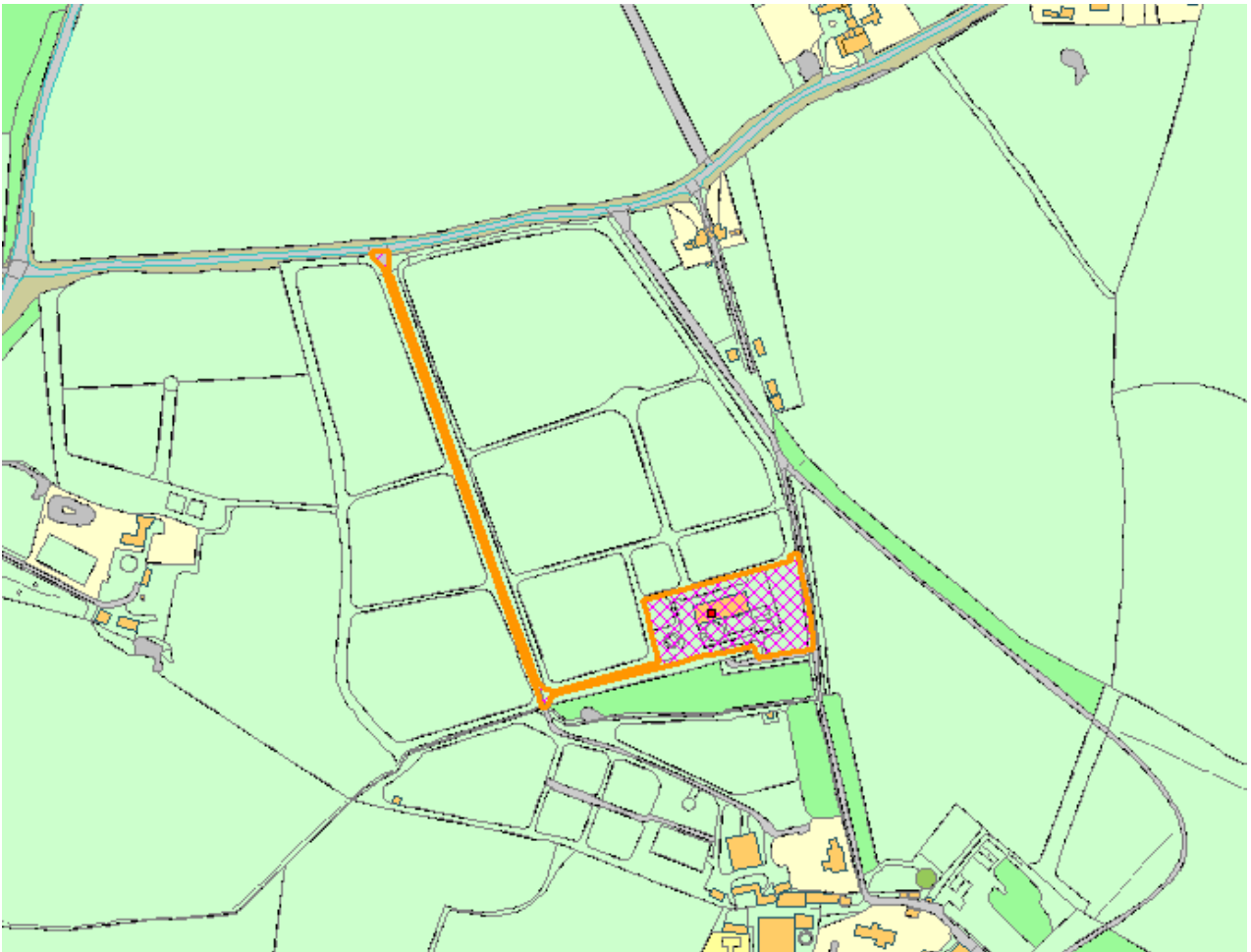
Reason: To protect the amenities of occupiers of properties in the locality, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/2320/FUL](#)



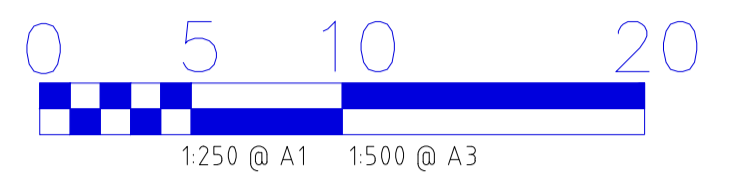
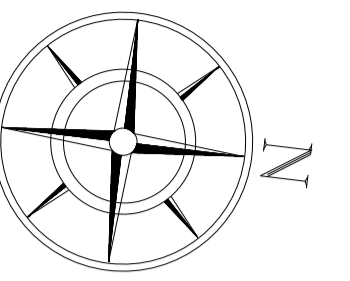
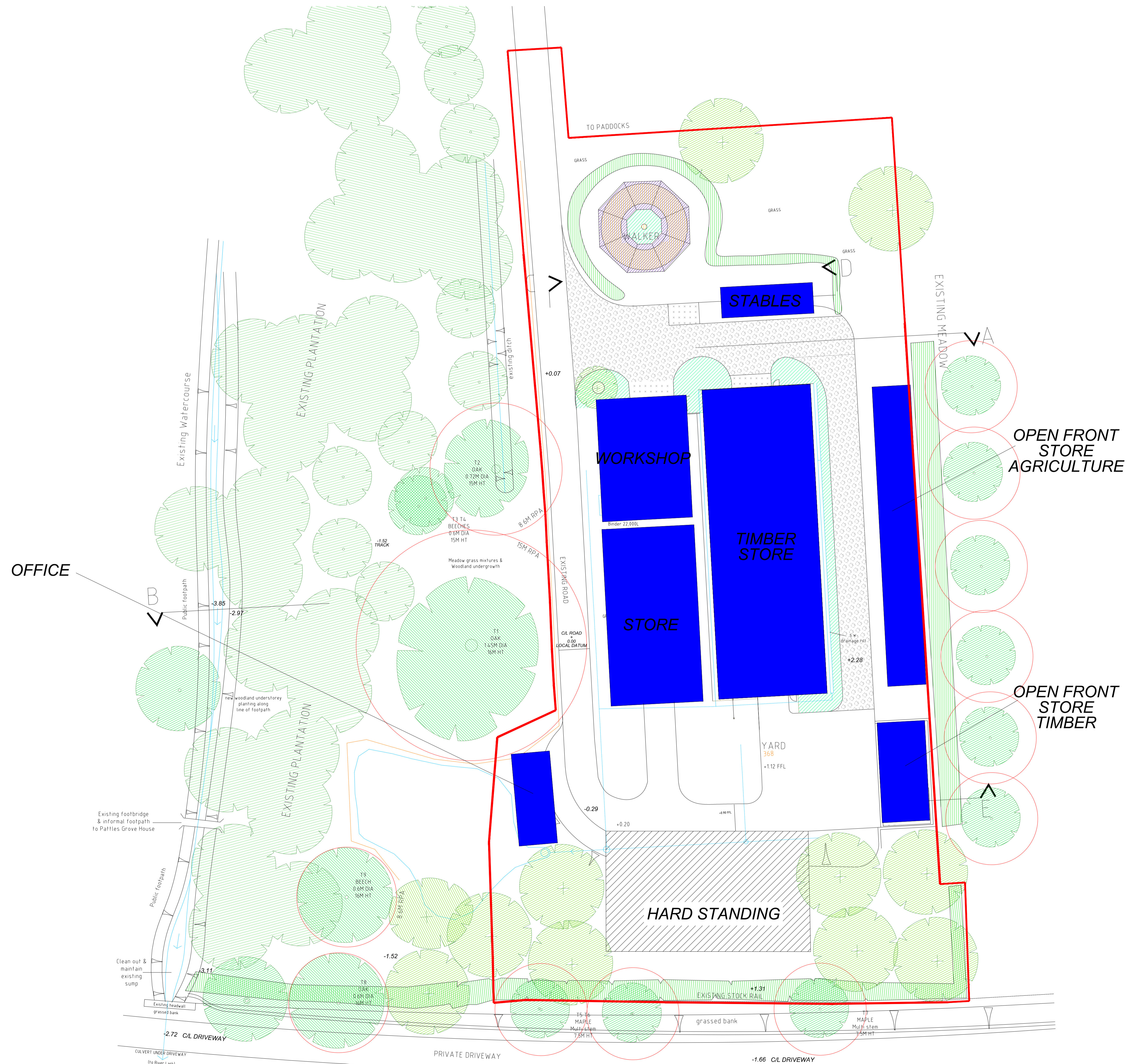
DC/21/2320/FUL - Pattles Grove Stud, Pattles Grove House, Chedburgh Road, Whepstead, IP29 4SU



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# BLOCK PLAN LAYOUT



## KEY

- APPLICATION BOUNDARY
  - T5 EXISTING TREE
  - PROPOSED TREE AT MATURITY (indicative)
  - PROPOSED HEDGE (indicative)
  - +2.28 EXISTING LEVEL
  - +2.28 PROPOSED LEVEL
  - 600 IMPERMEABLE AREAS
  - A.I. Drainsphalt 20' permeable asphalt surface
  - Limestone aggregate permeable surface
  - Impermeable concrete apron
  - SUDS Features
  - Protective fencing to BS5837. No plant or materials beyond this line.
  - Tree root protection areas as determined by James Blake Associates
- FOR LANDSCAPING DETAILS REFER TO JBA DRG NO 15/332/01 Rev B



PROJECT: Mark Gaywood  
 CLIENT: Pattles Grove stud  
 DRAWING TITLE: Proposed Block Plan Layout  
 DRAWING NUMBER: BC6921 REVISION: B  
 SCALE: 1:250 @ A3  
 DRAWN: NB NG APPROVED: DATE: Nov 2021  
 NB NG  
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## **Development Control Committee**

### **1 June 2022**

#### **Planning Application DC/22/0579/FUL – Mildenhall Library, Chestnut Close, Mildenhall**

<b>Date registered:</b>	4 April 2022	<b>Expiry date:</b>	30 May 2022 EOT 06 June 2022
<b>Case officer:</b>	Connor Vince	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Mildenhall	<b>Ward:</b>	Mildenhall Kingsway and Market
<b>Proposal:</b>	Planning application - Installation of two metre high security fencing to external boundary (previous application DC/21/1536/FUL)		
<b>Site:</b>	Mildenhall Library, Chestnut Close, Mildenhall		
<b>Applicant:</b>	Oliver Loughton, West Suffolk Council		

**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:

Connor Vince

Email: [connor.vince@westsuffolk.gov.uk](mailto:connor.vince@westsuffolk.gov.uk)

Telephone: 07866 913717

**Background:**

**The application is referred to Development Control Committee as West Suffolk Council is the applicant.**

**The application represents an extension to the provision of security fencing as previously approved via DC/21/1536/FUL. That proposal was considered and approved at Development Control Committee on 1 September 2021.**

**Proposal:**

1. Planning permission is sought for the erection of a 2.0 metre high boundary fence to the external boundary of the former Health Centre and Library to the south of the former council offices. This is proposed to secure the site following the closure of the offices and aforementioned buildings.

**Application supporting material:**

2. Information submitted with the application as follows:
  - Application Form
  - Location Plan
  - Block Plan
  - Site Plan
  - Fencing Specification
  - Tree Constraints Plan
  - Tree Survey Table
  - Arboricultural Method Statement
  - Arboricultural Method Statement - Demolition

**Site details:**

3. The site consists of the former library and health clinic buildings, which are single storey and set within landscaping, parking and footpaths. The site is otherwise open and is bounded on two sides by the former Council Offices entrance to the north and residential properties to the south.

**Planning history:****4.**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Determined Date</b>
DC/21/1536/FUL	Planning application - Installation of two metre high security fencing including personnel and vehicle access gates, to external boundary	Application Granted	17 November 2021
DC/22/0276/DE1	Notification under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order	Not Required	11 March 2022

**Consultations:**

5.

Mildenhall Town Council: Support

Ward Councillor: No comments received.

Arboriculture comments: No objection subject to compliance with measures indicated within Arboricultural Method Statement

Ecology & Landscape Officer: No objections

Public Health & Housing: No objections subject to construction hours condition.

Natural England: No comments received.

RSPB Eastern England Regional Office: No comments received.

**Representations:**

6. One comment received from 2 Chestnut Close, objecting to the application based on infringement of the proposed fence on land claimed to be owned by the objector. *Officer Note - The applicant has confirmed they have ownership of the site subject to the application and have served the relevant notices.*

**Policy:**

7. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.
8. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Core Strategy Policy CS5 - Design quality and local distinctiveness

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM11 Protected Species

**Other planning policy:**

9. National Planning Policy Framework (NPPF)

10. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 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
- Scale, Layout & Design
- Impact on Amenity
- Ecological Impacts
- Arboricultural Impacts

**Principle of Development**

11. The proposed development has been assessed against policy DM2 and is considered generally to be acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing that there is not an adverse impact upon residential amenity and highway safety. Along with CS5, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.

12. The former Health Clinic and Library buildings are to be demolished as part of demolition notification DC/22/0286/DE1. This application supplements the previous permission granted to the former council offices site to the north as part of DC/21/1536/FUL, where the provision of fencing to the external boundary of the site will secure the site and offer protection from unauthorised ingress while the site is unoccupied. The proposed works are therefore considered to be acceptable in principle. However, further consideration must be given in relation to policy DM2 and DM13, regarding the appearance and location of the proposed fencing in relation to services, amenity and landscaping features accordingly.

**Scale, Layout and Design**

13. The application proposes the erection of 2 metre high twin wire mesh security fence panels, along the site boundary of the health centre and

library, connecting to the fencing previously approved at the former council offices. The fencing is to be situated surrounding the aforementioned buildings, not encroaching on the parking area to the south and mitigating access issues for residents within Chestnut Close.

14. Whilst the fencing will clearly be visible from the wider area and local street scene, given the sympathetic appearance and colour scheme of the fencing, plus its modest height and acceptable location, the character and local distinctiveness of the area will be preserved. The scheme therefore complies with the provisions of policies CS5 and DM2 accordingly.

### **Impact on Amenity**

15. Whilst the site is currently unoccupied, the fencing will be visible from the street scene with residential properties in particular bordering the site to the east and south. Residential properties are also located across College Heath Road to the west. Whilst the proposed fencing would be visible from these residential dwellings, due to the position and modest height, it is not considered that the proposal would have an unacceptable impact on residential amenity. Therefore, the development is considered to comply with policy DM2.

### **Ecological Impacts**

16. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.
17. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancement.
18. The application site is situated within the Stone Curlew 1500 metre buffer and is situated approximately 80 metres west of the Woodlark and Nightjar 400 metre buffer. The Ecology and Landscape Officer has confirmed that, given the nature of the proposed works, there are no objections to the proposal in relation to these designated sites. The introduction of the fencing will avoid any adverse ecological impacts. The proposal is therefore considered to comply with the relevant provisions of policies DM11 and DM12 accordingly.

### **Arboricultural Impacts**

19. Policy DM13 states 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.
20. Whilst the site is not situated within a conservation area, nor are there any trees protected by a tree preservation order on, or bordering the site, there are a number of significant soft landscaping specimens which are on

and border the site. The tree constraints plan identified 51 individual specimens and 14 groups of trees located at the site.

21. The supporting information in relation to trees was submitted as part of DC/22/0286/DE1 and DC/21/1536/FUL. However, the trees surveyed include those within the site subject to this application and therefore the contents of the reports remain relevant for consideration here.
22. In the survey 46 individual trees and 14 groups were identified and categorised (in accordance with BS5837:2012) as 12 Cat A trees, 3 Cat A groups, 20 Cat B trees, 7 Cat B groups, 14 Cat C trees and 4 Cat C groups. Category A and B trees are material considerations in the planning process so care should be taken to ensure the scheme does not have a detrimental impact on their health and longevity. As well as this any incursions into Root Protection Areas of Cat A, B or C trees should be suitably documented and mitigation included.
23. The fence installation will cause potential root damage to T34, T35 and G9 as a result of the fencing specific to this application. As well as this localised crown reductions will be required for T35, T36 and G9. Within the Arboricultural Method Statement (AMS) suitable mitigation measures have been included that show how the trees will be suitably protected during the works, as confirmed by the Arboricultural Consultant.
24. There are therefore no arboricultural grounds for the scheme to be objected to and the information that has been included within both AMS documents is suitable for the progression of this application subject to the compliance condition identified below.

### **Conclusion:**

25. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

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

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

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

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

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

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
-------------------------	------------------	----------------------

	Application Form	01 April 2022
--	------------------	---------------



	Location Plan	01 April 2022
	Block Plan	01 April 2022
	Site Block Plan	01 April 2022
	Photograph	01 April 2022
	Fencing	
P4291.1 001	Tree Constraints Plan	01 April 2022
	Tree Survey Table	01 April 2022
P4291.2.0	Arboricultural Method Statement	01 April 2022
P4291.3.0	Arboricultural Method Statement	01 April 2022
	- Demolition	

- The development shall be carried out strictly in accordance with the Arboricultural Method Statement (AMS) submitted 01 April 2022, drawing no. P4291.2.0 dated 15 November 2021. The protective measures contained within the scheme shall be implemented, maintained and retained until the development is completed. The development shall be carried out in accordance with the approved AMS unless agreed in writing by the Local Planning Authority.

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

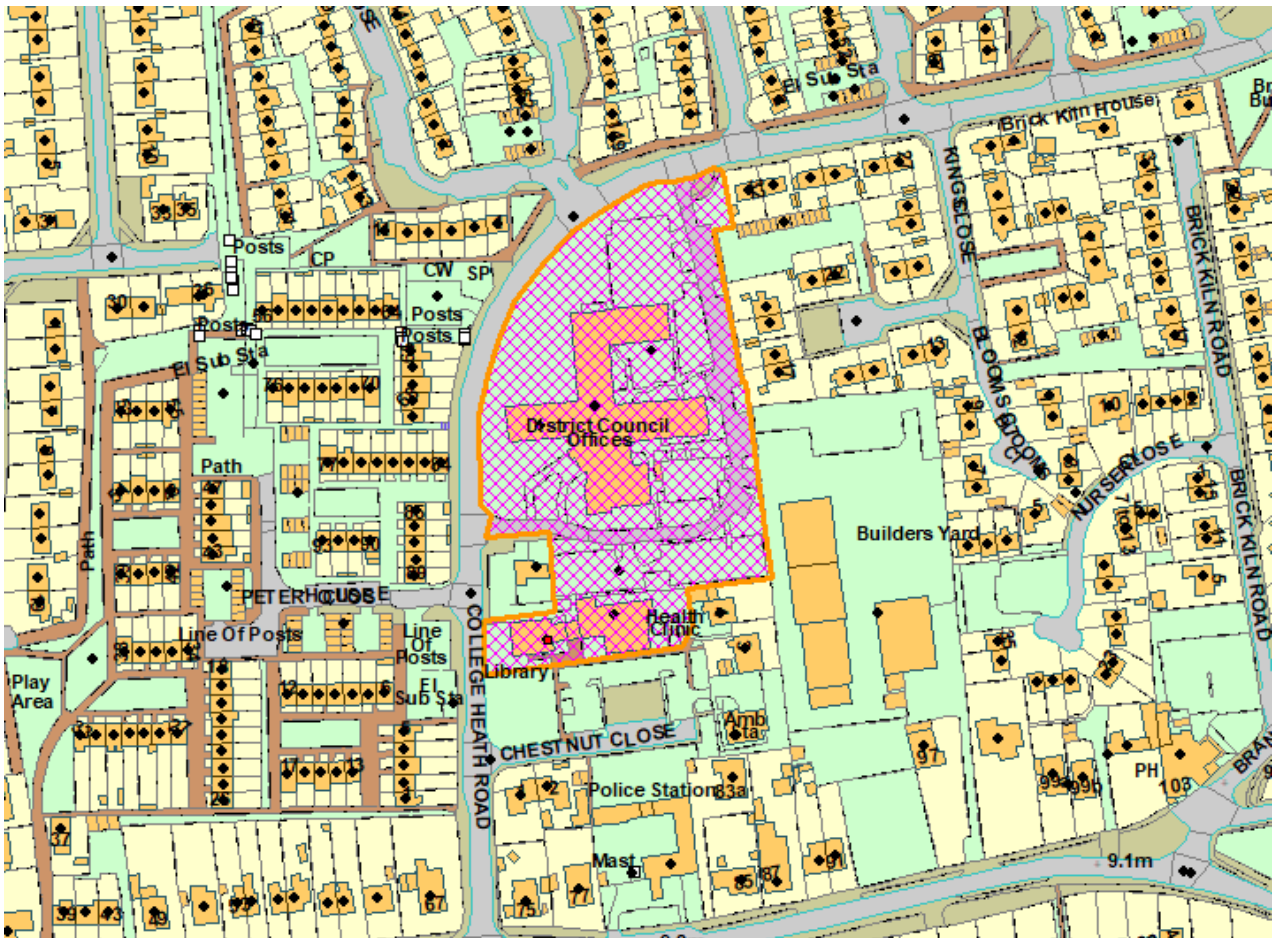
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0579/FUL](https://www.suffolk.gov.uk/DC/22/0579/FUL)

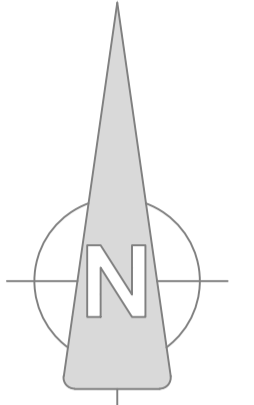
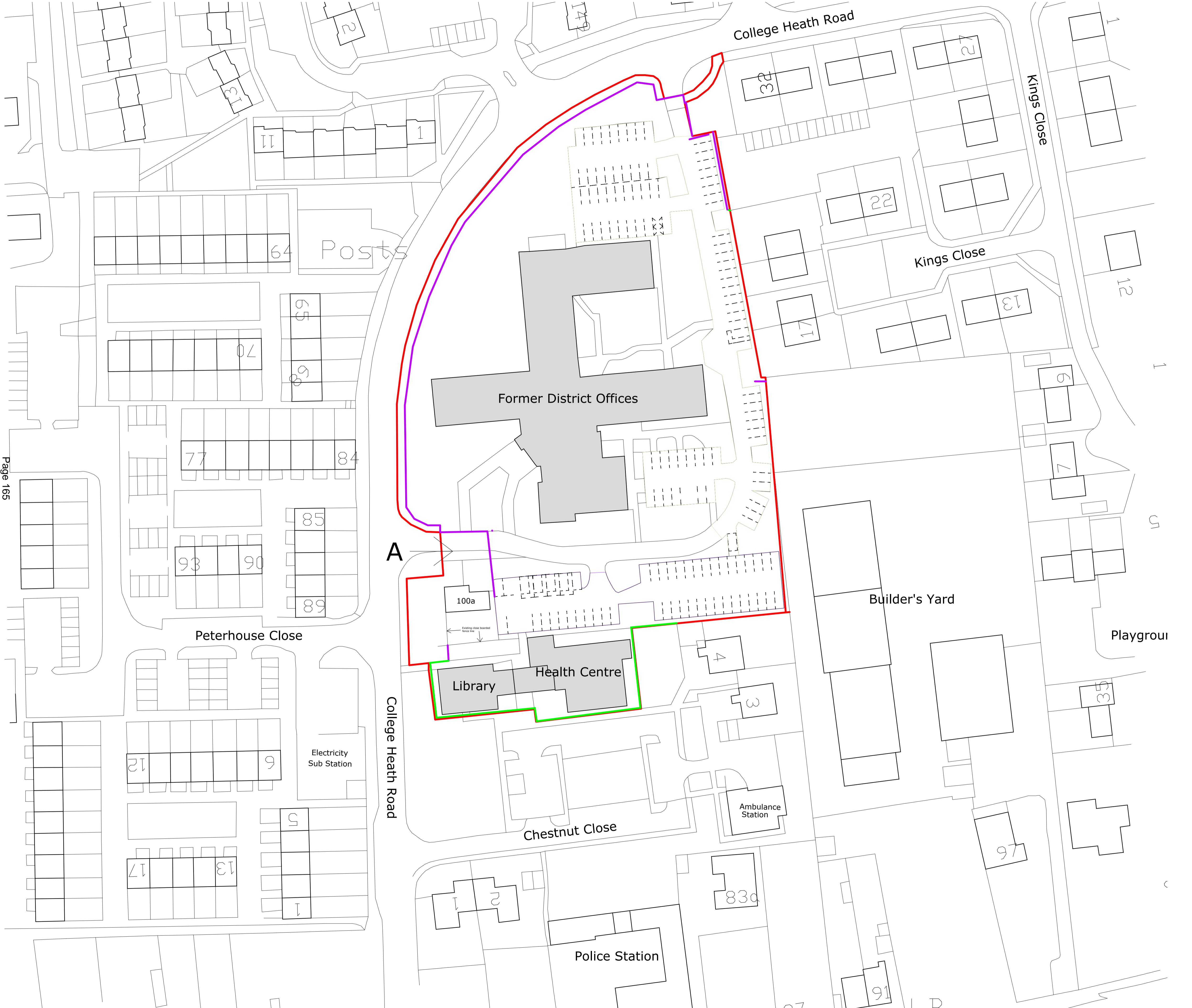
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DC/22/0579/FUL - Mildenhall Library , Chestnut Close, Mildenhall, IP28 7NL



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- Buildings to be demolished
- Line of existing security fencing
- Line of proposed security fencing
- Site Boundary
- A Designated site access / egress

**West Suffolk Property Services**  
 West Suffolk House  
 Western Way,  
 Bury St. Edmunds  
 Suffolk, IP33 3YU  
 Tel: 01284 763233  
 Web: <https://www.westsuffolk.gov.uk>  
 E-Mail: [property.services@westsuffolk.gov.uk](mailto:property.services@westsuffolk.gov.uk)

**Former District Offices  
 College Heath Road  
 Mildenhall**  
 Title:  
**Site Layout**

Scale: <b>1 : 500</b>	Drawing Size: <b>A1</b>
Date: <b>March 2022</b>	Drawn By: <b>OL</b>
File No.:	Appr By: <b>Revision:</b>

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