

Development Control Committee



Title	Agenda											
Date	Wednesday 4 January 2023											
Time	10.00am											
Venue	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU											
Full Members	<p style="text-align: right;">Chair Andrew Smith</p> <p style="text-align: right;">Vice Chairs Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Conservative Group (11)</td> <td style="width: 33%;">Carol Bull Andy Drummond Susan Glossop Brian Harvey</td> <td style="width: 33%;">Ian Houlder David Palmer David Roach Peter Stevens</td> </tr> <tr> <td>The Independent Group (4)</td> <td>John Burns Jason Crooks</td> <td>Roger Dicker Andy Neal</td> </tr> <tr> <td>Labour Group (1)</td> <td>David Smith</td> <td></td> </tr> </table>			Conservative Group (11)	Carol Bull Andy Drummond Susan Glossop Brian Harvey	Ian Houlder David Palmer David Roach Peter Stevens	The Independent Group (4)	John Burns Jason Crooks	Roger Dicker Andy Neal	Labour Group (1)	David Smith	
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Substitutes	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Conservative Group (5)</td> <td style="width: 33%;">Nick Clarke John Griffiths James Lay</td> <td style="width: 33%;">Sara Mildmay-White David Nettleton</td> </tr> <tr> <td>The Independent Group (2)</td> <td>Richard Alecock</td> <td>Trevor Beckwith</td> </tr> <tr> <td>Labour Group (1)</td> <td>Diane Hind</td> <td></td> </tr> </table>			Conservative Group (5)	Nick Clarke John Griffiths James Lay	Sara Mildmay-White David Nettleton	The Independent Group (2)	Richard Alecock	Trevor Beckwith	Labour Group (1)	Diane Hind	
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Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.											
Quorum	Six Members											
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email democratic.services@westsuffolk.gov.uk <p style="text-align: right;"><i>Details of Site Visit overleaf...</i></p>											

A SITE VISIT WILL BE HELD ON TUESDAY 3 JANUARY 2023 AT THE FOLLOWING TIME:

As there is only one site visit, no coach will be provided and Members are asked to make their own way to site and to car share wherever possible. A postcode has been included with the address below, together with instructions on where to park

Planning Application DC/21/2148/FUL - Agricultural Building, Maids Cross Hill, Lakenheath, IP27 9EJ

Planning application - agricultural storage building

Site visit to be held at 10.00am

Vehicles can be parked at the Nature Reserve Car Park. Some walking will be involved, and sensible footwear is recommended given the surfaces and the time of year

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

Part 1 – public

Procedural matters

1. **Apologies for absence**
2. **Substitutes**
Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.
3. **Minutes** **1 - 52**
To confirm the minutes of the meetings held on 30 November 2022 and 7 December 2022 (copies attached).
4. **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.
5. **Planning Application DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, Bury St Edmunds** **53 - 84**
Report No: **DEV/WS/23/001**

Planning application - change of use from gym (class E) to retail (class E commercial, business and service).
6. **Planning Application DC/21/2148/FUL - Agricultural Building, Maids Cross Hill, Lakenheath** **85 - 104**
Report No: **DEV/WS/23/002**

Planning application - agricultural storage building
7. **Planning Application DC/22/1888/FUL - Provincial House, 32 High Street, Haverhill** **105 - 116**
Report No: **DEV/WS/23/003**

Planning application - a. replacement of entrance door off High Street and associated glazing b. external bin collection point c. external platform lift d. goods lift to service yard

**8. Planning Application DC/22/1102/FUL - 6A Angel Hill,
Bury St Edmunds**

117 - 128

Report No: **DEV/WS/23/004**

Planning application: a. installation of roof extractor unit b. re painting doors and windows as amended by plans received 19 October 2022

Extraordinary Development Control Committee



Minutes of an extraordinary meeting of the **Development Control Committee** held on **Wednesday 30 November 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

John Burns

Sara Mildmay-White

Jason Crooks

Andy Neal

Roger Dicker

David Palmer

Andy Drummond

David Roach

Susan Glossop

David Smith

Brain Harvey

Peter Stevens

Ian Houlder

295. **Apologies for absence**

Apologies for absence were received from Councillor Carol Bull.

296. **Substitutes**

The following substitution was declared:

Councillor Sara Mildmay-White substituting for Councillor Carol Bull.

297. **Declarations of interest**

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

298. **Planning Application DC/22/0593/HYB - Land at Hardwick Manor, Hardwick Lane, Bury St Edmunds (Report No: DEV/WS/22/046)**

(Councillor Peter Stevens declared, in the interests of openness and transparency, that his daughter was employed by the West Suffolk NHS Foundation Trust and worked at Newmarket Community Hospital. Councillor Sara Mildmay-White also declared, in the interests of openness and transparency, that she was the West Suffolk Portfolio Holder for Housing and Strategic Health, however, the application was not a District Council project and Councillor Mildmay-White had not been involved in the project.)

Hybrid planning application - a. outline application (means of access to be considered) for a new hospital (use class C2) of up to 100,000 square metres and surface and multistorey car park with associated

infrastructure, structural landscape buffer, temporary construction compound and demolition of existing hospital buildings. b. full planning application - change of use of Hardwick Manor from a single residential dwelling (use class C3) to health related uses associated with the new hospital (use class C2)

This application was referred to Development Control Committee because the application is a Major Development and is also a departure from the Development Plan.

Bury St Edmunds Town Council support the application but raised transport concerns and sought assurances that part of the current site would not be sold for redevelopment. Horringer cum Ickworth Parish Council objected to the application raising safety concerns about the main construction compound access.

A Member site visit was held prior to the meeting.

Officers were recommending that the application be approved, subject to the completion of a S106 Agreement and conditions, as set out at Paragraph 365 of Report No DEV/WS/22/046 and inclusive of the amendments as itemised in the supplementary 'late papers'.

The Principal Planning Officer made a detailed presentation on the scheme seeking approval, which included the changes that had been made to the proposal since its original submission, the site selection process undertaken by the applicant and the need for the replacement facility due to the life expectancy of the existing hospital.

Visuals were shown to the meeting which illustrated the proposal at year 1 of completion and also year 15. Members were advised that landscape planting would commence alongside the construction, as soon as practicable.

Attention was drawn to the fact that much of the Hardwick Manor site was classified as Irreplaceable Habitat. The loss of which was considered profound and weighed heavily against the development in the planning balance.

However, the Committee was informed that the proposal of a new District General Hospital was considered to be a "wholly exceptional circumstance" (as defined in the NPPF), and the application would secure a compensation strategy for the loss of the Irreplaceable Habitat; with the compensation land representing 10 hectares for every 1 hectare lost of Irreplaceable Habitat and including the specialist translocation of waxcap grasslands.

The site's relationship to Hardwick Manor's Grade II Listed Building and wall was also referenced in the presentation. As were highways considerations and flooding mitigation.

Speakers: Michael Schultz (neighbouring objector, speaking on behalf of his household and other neighbouring objectors) spoke against the application
Rupert Brown (objector) spoke against the application
Jacqui Grimwood (agent) spoke in support of the application

Councillor Peter Stevens opened the debate by posing a question in respect of the Committee's Decision Making Protocol in relation to the Officer recommendation being contrary to the policy. The Service Manager (Planning – Development) explained that the Decision Making Protocol covered those circumstances where the committee was minded to make a decision contrary to the officer recommendation. It did not relate to an officer recommendation being proposed that was contrary to policy.

A number of Members voiced some concerns over the access as proposed and questioned why a second access route from the West was not included in the proposal. The Principal Planning Officer explained that a further access route had been extensively considered, however, in order to provide an access to the West further landscape harm would be created, further harm to irreplaceable habitats would be caused, unintended highways impacts (particularly on Horsecroft Road) may be created, and on balance this wasn't considered necessary to make the proposal acceptable as the Highways Authority had already set out that the scheme without a Western access was acceptable. Furthermore, the ambulance service was satisfied that the access proposed wouldn't cause undue delays. In any event, the scheme before the Committee (which did not include an access to the West) had to be considered on its own merits.

Public transport was also discussed by the Committee with some Haverhill Members informing the meeting that patients from their side of the district often opted to receive treatment at Addenbookes hospital as the public transport into Cambridge was more accessible than to West Suffolk Hospital.

In response to comments relating to the funding of the proposal, the Service Manager (Planning – Development) reminded the Committee that the likelihood or prospect of a scheme receiving funding was not a material planning consideration.

The Chair introduced the two Suffolk County Council Highways Officers to the meeting and invited them to respond to the highways related questions posed by Members. The conditions requested by the Local Highways Authority were also highlighted, which included construction access and the relocation of public transport stops from Hardwick Lane to better aid traffic flow.

The Principal Planning Officer further assured the Committee that the access routes from the A14 had been looked at collectively in respect of junctions 42, 43 and 44.

In response to the Town Council's concerns regarding further redevelopment of the site in question, the Principal Planning Officer explained that any other form of development such as residential development would not pass the "wholly exceptional circumstance" tests.

Some Members disagreed with the recommendation and considered the loss of the Irreplaceable Habitat and associated ecology, on balance, to outweigh the public benefits of the application. Some Members also expressed concern about landscape impact. Whereas others on the Committee spoke on the real

need for a new West Suffolk Hospital to serve all residents of the district, and beyond, and the significant public benefit this would bring about.

Councillor Jim Thorndyke asked if Members were minded to refuse the application based on the concerns raised, contrary to the Officer recommendation, would this invoke the Decision Making Protocol. The Service Manager (Planning – Development) confirmed that a risk assessment would need to be produced and considered by the Committee if Members were minded to refuse the proposal.

Councillor Andy Drummond spoke in support of the application and proposed that it be approved, as per the Officer recommendation. This was duly seconded by Councillor Roger Dicker.

Upon being put to the vote and with 8 voting for the motion and 8 against, the Chair was called upon to make his casting vote.

Prior to which Councillor Jim Thorndyke interjected in order to explain the reasons why he had cast his vote as he had, however, he was advised by the Lawyer that the debate had concluded and the vote in process needed to continue.

Accordingly, it was resolved on the Chair's casting vote that

Decision

Planning permission be **GRANTED** subject to:

Completion of S106 Heads of Terms:

1. A sum of £668,964.80 so that a sustainable route between Horringer and the new hospital can be delivered by the SCC Highway Authority/ Rights of Way team (inclusive of dropped kerb and tactile paving)
2. A bond of £350,000 so that mitigation can be delivered if necessary, on J42 of the A14 after the development has been brought into use.
3. A sum of £50,000 to cover the costs of the making and implementation of Traffic Regulation Orders (TRO) in the Bury St Edmunds and including parking restrictions on Gypsy Lane and Horsecroft Road
4. A sum of £20,000 to cover the costs of the making and implementation of Traffic Regulation Orders (TRO) on Mayfield Road
5. A sum of £5000 (or £1,000 per annum for five years) For SCC to fully engage with the Travel Plan.

And the following conditions; with Delegated Authority granted to Officers to make minor changes as required:

Standard conditions

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The

development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i) The expiration of five years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters.
2. Prior to commencement of development details of the, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.
 3. The change of use hereby approved shall be implemented no later than five years from the date of this permission.
 4. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following plans and documents, unless otherwise stated.

Highways (all)

Construction Method Statement

5. Prior to commencement of the development hereby approved, including any site preparation, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) parking and turning for vehicles of site personnel, operatives and visitors.
 - b) loading and unloading of plant and materials.
 - c) piling techniques (if applicable).
 - d) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices,
 - e) The erection and maintenance of security hoarding including external safety and information signage, lighting, interpretation boards, decorative displays and facilities for public viewing, where appropriate;
 - f) Measures to control the emission of dust and dirt during construction;
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) Noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - i) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
 - j) provision and use of wheel washing facilities.
 - k) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works.
 - l) a communications plan to inform local residents of the program of works.
 - m) details of measures to prevent mud from vehicles leaving the site during construction.
 - n) details about haul routes for construction traffic on the highway network and between the site compound and the construction site.
 - o) monitoring and review mechanisms.

Highway condition survey condition (Photographic evidence) for Hardwick Lane frontage and Horsecroft Road

6. No part of the development shall be commenced until a photographic condition survey of the part of Hardwick Lane highway fronting the site and Horsecroft Road to the west of the site has been submitted to and approved in writing by the Local Planning Authority.

Hardwick Lane signalised junction condition and other improvements shown

7. Before the new hospital hereby approved is first brought into use the highway improvements shown on Drawing No. 65206871-SWE-XX-XX-D-TP-0005 (sheet 1 (Rev P11) and sheet 2 (Rev P 10)) shall be laid out and completed in their entirety. Thereafter they shall be retained in their approved form.

Method for construction of improvements to retain trees on Hardwick lane frontage

8. The highway improvements required by condition 7 shall be carried out in accordance with the details and construction methods shown on Drawing No. 65206871-SWE-XX-XX-D-TP-0016 P04 (sheets 1 to 6) and drawing no. 221110-1.1-HM-TPP-Lane Extract -NC.

Loading, unloading areas

9. Details of loading, unloading, manoeuvring and parking of vehicles including powered two-wheeled vehicles shall be submitted to the Local Planning Authority concurrently with the subsequent Reserved Matter application for Layout for the hereby approved hospital. The approved scheme shall be carried out in its entirety before the hereby approved hospital is first brought into use unless otherwise agreed in writing by the Local Planning Authority and shall be retained thereafter and used for no other purpose.

EV charging points

10. Prior to the hereby approved hospital being brought into use, at least 15% of car parking spaces shall be equipped with working electric vehicle charging points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. In addition, a further 15% of car parking spaces shall be equipped with ducting to allow them to be retrofitted with electric vehicle charging points. The approved Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition. Details of the Electric Vehicle charging points shall be submitted as part of the Reserved Matter "layout" application and shall be approved in writing by the Local Planning Authority prior to installation.

Cycle storage

11. Details of staff and public cycle storage to serve the new hospital and other areas across the new campus shall be submitted to the Local Planning Authority concurrently with any Reserved matter application for "Layout" for approval. The submitted details shall include
 - a) How the proposed cycle storage accords with best practice guidance as shown in LT01/2020 and Gear Change (or subsequent updated version)

- b) Location of any cycle storage and whether it serves staff or the general public
- c) Detailed design demonstrating how cycles will be covered, will be illuminated and secured (for staff storage)
- d) Storage for non standard cycles
- e) Charging details for electric bicycles
- f) How the quantity of cycles relates to the adopted Suffolk County Council Parking standards
- g) Details of bicycle repair tools

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

Construction access on Gypsy Lane visibility splay condition

12. Before the Gypsy Lane construction access is first used visibility splays shall be provided as shown on Drawing No. 65206871-SWE-ZZ-XX-DR-TP-0016 P01 with an X dimension of 2.4 metres and a Y dimension to the east of 120 metres and a Y dimension to the west of 27 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.

Construction accesses on Horsecroft Road condition

13. No part of the development shall be commenced until the construction details and traffic management necessary for safe use for the two temporary accesses on Horsecroft Road (east and west) has been submitted to and agreed in writing by the local planning authority. The submitted details shall generally accord with the details shown on drawing 65206871-SWE-ZZ-XX-DR-TP-0013 P01. The approved details shall be implemented in their entirety before the construction period commences and the approved traffic management arrangements shall be adhered to throughout the construction period.

Extinguishing the temporary construction accesses on Horsecroft Road and replanting where necessary.

14. Before the new hospital hereby approved is first brought into use details of how the two temporary construction access on the Horsecroft Road (west and east) shall be extinguished and made good shall be submitted to and approved in writing by the local planning authority. The submitted details shall include any necessary soft landscaping drawn to a scale of not less than 1:200. The soft landscaping details shall include a bespoke planting mix written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping shall be implemented in accordance with a phasing plan that shall be submitted to and approved in writing with the Local Planning Authority. The Construction accesses shall be extinguished within two months of the hereby approved hospital being brought into first use.

Travel Plan

15. Prior to the hereby approved new hospital being first brought into use, details of the travel arrangements to and from the site for employees and visitors, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Transport Assessment and Travel Plan shall be submitted for the approval in writing by the local planning authority. This Travel Plan must contain the following:
- a. Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and identified targets to reduce the vehicular trips made by employees and visitors across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met.
 - b. Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan.
 - c. A commitment to monitor the vehicular trips generated by the employees and submit a revised (or Full) Travel Plan no later than six months after the hereby approved hospital is first brought into operation.
 - d. A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring.
 - e. A suitable marketing strategy to ensure that all employees and visitors on the site are engaged in the Travel Plan process.
 - f. A Travel Plan budget that covers the full implementation of the Travel Plan
 - g. A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area.

The hereby approved hospital shall not be brought into operation until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Bus interchange improvement condition

16. Prior to the hereby approved hospital being first brought into use the bus interchange arrangements shall have been laid out and constructed in accordance with the details shown on Drawing No. 65206871-SWE-XX-XX-D-TP-0011 P02. Thereafter they shall be retained in its approved form.

Bus stop improvement condition

17. Prior to the hereby approved hospital first being brought into use, details of an onsite electric shuttle bus service shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- a) full details/specification of the bus to be used
 - b) full detail of all on site bus shelters/ bus stops

- c) details of the frequency including hours of operation during the day, days of the week and service throughout the year
- d) routing details around the site

The hereby approved details shall be implemented on the first day of the hereby approved hospital is brought into use and the service shall operate as approved unless otherwise agreed in writing with the Local Planning Authority.

Disabled Parking

18. The submitted Reserved Matter for "Layout" shall detail the provision that will be made for disabled parking. The approved details shall be implemented and available from the first day that the hereby approved hospital is first brought into use and shall be retained for the approved purpose thereafter.

Updated Detailed Construction Logistics Plan

19. Before the construction compound is prepared for the construction phase of the hereby approved new hospital a Detailed Construction Logistics Plan (DCLP) that is based on the assumptions of the hereby approved Framework Construction Logistics Plan (FCLP) shall be submitted to and approved in writing by the local planning authority. The approved details of the DCLP shall be adhered to throughout the construction and demolish phases unless otherwise agreed in writing by the Local Planning Authority.

Block up Sharp Road

20. Within 6 months of the development hereby approved commencing details of how the current access into the site from Sharp Road will be blocked up whilst the proposed landscaping is maturing shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed before the new hospital is first brought into use and thereafter retained.

National Highways

Monitoring of J42 of the A14 and possible mitigation

- 21.
- a) A queue detector will be installed at the 75% capacity point on the A14 J42 westbound off slip in order to monitor whether queuing is recorded to extend back beyond the queue detectors, for a period of more than 10 minutes on more than 3 occasions in a rolling 7 days. If queuing is recorded to extend back beyond the queue detectors, for a period of more than 10 minutes on more than 3 occasions in a rolling 7 days than parts b) to d) below would not apply. The installation of the queue detectors and the period of time that they will be in place shall be agreed in writing with the local planning authority before any development commences on site.

Should queuing not be recorded as per Part a):

- b) For five years from when the hereby approved hospital is first brought into use, continuous monitoring of queue lengths will take place on the

westbound A14 J42 off slip making use of existing or new queue detectors to monitor whether queuing is recorded to extend back beyond the queue detectors for a period of more than 10 minutes on more than 3 occasions in a rolling 7 day week in any 7 day period.

- c) If queuing as defined in Part b) is detected, then an assessment shall be undertaken to establish whether the queuing is as a result of the new hospital development and will be submitted to and agreed in writing with the LPA. The conclusion of the assessment shall be submitted to the Local Planning Authority within 6 months of the queue first being detected as defined in Part b) unless otherwise agreed in writing with the local planning authority.
- d) If it is concluded that unacceptable queuing is the responsibility of the new hospital development as defined in Part c) above, then details shall be submitted to and agreed in writing with the Local Planning Authority that generally accord the junction improvements shown on drawing 65206871-SWE_XX_XX_D-TP-0021 Rev P01. The approved details shall be laid out and constructed in their entirety (and operational) within a timeframe to be agreed with the Local Planning Authority and thereafter they shall be retained in the approved form

Off site sustainable routes

22.(Station Hill to Cullum Road)

Before development commences on the hereby approved hospital, details of enhanced walking and cycling facilities between the Bury St Edmunds Train Station and the Cycle Track that links into Cullum Road shall be submitted at a scale of 1:200 and approved in writing by the Local Planning Authority. The submitted details shall generally accord with the proposals shown on drawing 66202530-SWE-ZZ-XX-DR-TP-0010 Rev P02, 66202530-SWE-ZZ-XX-DR-TP-0011 Rev P02, 66202530-SWE-ZZ-XX-DR-TP-0012 Rev P01 and 66202530-SWE-ZZ-XX-DR-TP-0013 Rev P01 Thereafter the approved details shall be implemented in their entirety before the new hospital hereby approved is first brought into use.

23.(Water meadow)

Within 12 months of the first Reserved Matters application for the new hospital building being submitted to the Local Planning Authority, the following details shall be submitted to and agreed in writing with the Local Planning Authority:

- a) Full design details at a scale of 1:50 of a proposed boardwalk that is in general accordance with the location shown on drawing 65206871-SWE-XX-XX-DR-TP-0018 P02
- b) A Flood Risk Assessment to support the proposed design work that demonstrates that the proposed development would not block or divert existing or future flows of either fluvial (river) or pluvial (surface water) flood water
- c) Details of any necessary flood storage compensation
- d) 12 months ecology survey of the site with recommendations which will help inform the Construction Method Statement and design of the boardwalk

- e) Details of measures to mitigate impacts on protected species and other important habitats
- f) A Construction Method Statement including details on how works will be undertaken without disrupting flows of water within the floodplain
- g) A maintenance regime which includes i) vegetation clearance, ii) the boardwalk structure and the surface and iii) debris clearance in order to ensure the flow of flood water within the function floodplain

The approved details shall thereafter be built out in accordance with the Construction Method Statement and the boardwalk shall be made available for public use before the hereby approved hospital is first brought into use.

24. (Rembrandt Way, Barons Road and Laundry Lane)

Before development commences on the hereby approved hospital, details of enhanced walking and cycling facilities along Rembrandt Way, Barons Road and Laundry Lane shall be submitted to at a scale of 1:200 and approved in writing by the Local Planning Authority. The submitted details shall generally accord with the proposals shown on drawing 66202530-SWE-ZZ-XX-DR-TP-0017 Rev P02, 66202530-SWE-ZZ-XX-DR-TP-0018 Rev P01 and 66202530-SWE-ZZ-XX-DR-TP-0019 Rev P01. Thereafter the approved details shall be implemented in their entirety before the new hospital hereby approved is first brought into use.

25. (Sicklesmere Road across Hardwick Heath/ Fallowfield Walk/ Mayfield Road/Old Town Lane/ Plovers way)

Before development commences on the hereby approved new hospital details of a walking and cycling route between the hereby approved new hospital and Sicklesmere Road shall be submitted to, at a scale of 1:200, and approved in writing by the Local Planning Authority. The submitted details shall generally accord with the proposals shown on drawing 66202530-SWE-ZZ-XX-DR-TP-0022 Rev P03, 66202530-SWE-ZZ-XX-DR-TP-0023 Rev P02, 66202530-SWE-ZZ-XX-DR-TP-0024 Rev P03, 66202530-SWE-ZZ-XX-DR-TP-0025 Rev P02. Thereafter the approved details shall be implemented in their entirety before the new hospital hereby approved is first brought into use.

26. River Linnet route

Before development commences on the hereby approved new hospital details of a walking and cycling route along the River Linnet shall be submitted to and approved in writing by the Local planning Authority. The submitted details shall generally accord with the details shown on drawing 65206871-SWE-XX-XX-D-TP-0001 P01 (page 1-5) and be submitted at a scale of 1:200. Thereafter the approved details shall be implemented in their entirety before the new hospital hereby approved is first brought into use.

Details for access to Horsecroft road

27. Within 6 months of the works on the foundations of the hereby approved new hospital commencing, full details of the surface and lighting to be installed through the western tree belt for Access K (as

shown on drawing RYD-MM-ZZ-DR-L2004 Rev P16) shall be submitted to and approved in writing by the Local Planning Authority. The access and route through the western treebelt shall be installed in accordance with the approved details and a pedestrian/cycle link shall be available from Horsecroft Road to the new hospital before the new hospital hereby approved is first brought into use.

On site signage for pedestrians and cyclists

28. Before the hereby approved hospital is first brought an on site signage strategy for pedestrians and cyclists shall be submitted to and approved in writing by the local planning authority. The signage shall direct to both onsite destinations and key off site destinations like the Bury St Edmunds train station and town centre stipulating time and distance. The approved signage thereafter shall be installed before the hereby approved hospital is first brought into use and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

LLFA

Further details in general accordance with the FRA including the construction surface water plan

29. Unless otherwise agreed in writing with the Local Planning Authority Concurrent with the submission of the layout reserved matter application for site a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:
- a) Dimensioned plans and drawings of the surface water drainage scheme;
 - b) Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality;
 - c) If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to QBAR or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
 - d) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - e) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - f) Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface

water must be included within the modelling of the surface water system;

- g) Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
- h) Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 - a) Temporary drainage systems
 - b) Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - c) Measures for managing any on or offsite flood risk associated with construction

The scheme shall be fully implemented as approved.

Within 28 days of the suds components being practically finished on the existing hospital site a verification report shall be submitted

30. Within 28 days of practical completion of the final SuDS component on the existing hospital site, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA for that part of the site, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Within 28 days of the suds components being practically finished on the new hospital site and wider Hardwick manor parkland a verification report shall be submitted

31. Within 28 days of practical completion of the final SuDS component serving the new hospital and wider Hardwick Manor site, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

EA and Environment Team (Contamination)

Control the risks associated with contamination east of the primary road

32. No development approved by this planning permission shall commence to the east of the proposed new primary vehicle access route on the

existing hospital site, other than above ground demolition, until the following components to deal with the risks associated with contamination of the relevant part of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a) A site investigation scheme,
- b) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM)
- c) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Verification report linked to previous condition

- 33.If land contamination remediation is considered necessary in a part of the area defined in Condition 32, a verification report demonstrating completion of works as set out in the remediation strategy shall be submitted to the Local Planning Authority before first use of any of the new structures or car parks in the relevant part of this area.

If during development contamination is found

- 34.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.

A scheme for surface water disposal

- 35.No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

No piled foundations

- 36.Piled or other deep foundations, or penetrative ground source heating cooling systems, shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Materials Management Plan (MMP)

- 37.Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall include:
1. Details of the volumes and types of material proposed to be imported or reused on site.

2. Details of the proposed source(s) of the imported or reused material(s);
 3. An inspection and sampling strategy for the testing of excavation formations;
 4. A stockpile validation strategy;
 5. Details of the chemical testing to be undertaken before placement of material onto the site;
 6. Details of arisings processing; and
 7. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 1 to 6 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action; and confirmation of the chain of evidence to be kept during the materials movement including: material importation, reuse placement and removal from and to the development.
- All works will be undertaken in accordance with the approved document.

Air quality

Air Quality Assessment

38. As part of the first reserved matters application, an air quality assessment shall be submitted that assess both the impact of the vehicle movements from the proposed construction/demolition process and the impact from the backup generator (and any other on site combustion if applicable) on the local air quality. This assessment shall include both nitrogen dioxide and particulates (PM10 and PM2.5). Where any impact is identified as moderate or above suitable mitigation measures shall be identified and implemented as agreed.

Archaeology

Outline Written Scheme of Investigation

39. No construction works, or site preparation works, or ecological mitigation works, involving ground disturbance, shall commence on any phase of (part of) the authorised development, until an Archaeological Outline Written Scheme of Investigation (OWSI), after consultation with the archaeological advisors to the local planning authorities, has been submitted and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Site-Specific Written Schemes of Investigation

40.No construction works, or site preparation works, or ecological mitigation works, involving ground disturbance, shall commence on any phase of (part of) the authorised development, until Archaeological Site-Specific Written Schemes of Investigation (SSWSIs) for that phase (part of) the authorised development, in compliance with the Archaeological Outline Written Scheme of Investigation (OWSI), approved under Condition 39, after consultation with the archaeological advisors to the local planning authorities, has been submitted and approved in writing by the local planning authority.

Each scheme of investigation shall include an assessment of significance specific to the particular site and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
7. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Post-Excavation Assessment Reports

41.All archaeological site investigations must be completed for the relevant phase of construction, preparation or ecological mitigation works in accordance with the Outline Written Scheme of Investigation (OWSI), and Site-Specific Written Schemes of Investigation (SSWSI) for that phase, and provision made for analysis and preparation of a Post-Excavation Assessment Reports (PXAs).

Post Excavation Assessments

42.No building shall be occupied until all archaeological Post Excavation Assessments (PXAs) have been completed for all parts of the authorised development and related ecological mitigation sites, and an Updated Project Design (UPD), detailing the scope of Post-Excavation Analysis and Publication, in accordance with the approved Outline Written Scheme of Investigation (OWSI) and Site Specific Written Schemes of Investigation (SSWSIs), has been submitted and approved by the local planning authority, and funds secured to deliver the works identified in the UPD, publication, and deposition of the full archive with Suffolk County Council Archaeological Service (Archive).

BREEAM

Pre assessment

43. Before development commences on the hereby approved hospital, a BREEAM pre-assessment shall be submitted to and approved in writing by the Local Planning Authority which demonstrates how the hereby approved hospital will achieve at least an Excellent BREEAM rating with a greater than 5% buffer to allow for changes in design during construction.

Achieve the certificate

44. Within 6 months of the hereby approved hospital first being brought into use a Final BREEAM Certificate shall be submitted to the Local Planning Authority demonstrating that the hereby approved hospital achieved a Final Certificate rating of at least Excellent in accordance with the requirements of the relevant BREEAM scheme.

Suffolk Fire and Rescue

Fire statement

45. If subsequent Reserved Matter applications show that the hereby approved hospital exceeds 18 metres in height a Fire Statement shall be submitted and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be carried out in accordance with the details approved and shall be maintained as such thereafter."

Details of fire hydrants

46. Within 6 months of development commencing on the hereby approved hospital building, details for the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include

- i. Amount of fire hydrants proposed, which will need to be placed on a main, that is determined by a water company or a self-lay company, to provide a minimum sustained outlet discharge of 2100lpm to be acceptable for firefighting purpose
- ii. that all fire hydrants are within 90metre of a dry riser if the hereby approved hospital is over 18 metres in height
- iii. Road layout details showing how all fire vehicles will move around the site and buildings
- iv. mains lay drawing/s provided by a water company or self-lay company that demonstrate how the proposed amount of fire hydrants was determined.

Thereafter the fire hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Public Health and Housing

Hours of construction

47. Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development works shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays

08:00 to 13.00 Saturdays

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

No burning at any time

48.The burning of any waste either during the construction phase or after the site becomes operational is prohibited at any time within the site.

External lighting

49.Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/21 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Noise details of the planet and machinery

50.Prior to commencement of the development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the external sound level emitted from the installation of any external mechanical plant / equipment associated with the development hereby approved and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted will be lower than the lowest existing background sound level by at least 10dB inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics in order to prevent any adverse impact. The assessment shall be made in accordance with BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all equipment operating together at maximum capacity and inclusive of any penalty for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

Noise details of the plant and machinery

51.Prior to commencement of the development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the external sound level emitted from the installation of any external mechanical plant / equipment associated with the development hereby approved and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted will be equal to or lower than the lowest existing background sound level inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics in order to prevent any adverse impact. The assessment shall be made in accordance with BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all equipment operating together at maximum capacity and inclusive of any penalty for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

Noise details of the backup generator

52.Prior to commencement of the development hereby approved details shall be submitted to and approved in writing by the Local Planning

Authority of the sound level emitted from the installation of the emergency back up generator associated with the development hereby approved and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted will not exceed the BS 8233:2014 guidelines for internal noise levels in dwellings when the windows of nearby noise sensitive receptors are partially open (based on a sound reduction of 15 dB from a partially open window) in order to prevent any adverse impact. The assessment shall be at the nearest and / or most affected noise sensitive premises, with all equipment operating together at maximum capacity.

Post completion Noise assessment backup generator

53. Within 2 months of the hereby approved hospital first being brought into use a post-completion noise assessment shall be carried out of the emergency back up generator and submitted to and approved in writing by the Local Planning Authority to confirm compliance with the sound criteria above and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

Further acoustic impact assessment for the access road to the new hospital and facilities yard and any necessary mitigation identified and installed. Such as acoustic fence

54. Before development commences a noise impact assessment on the link road (the road from the existing site to the new hospital) and the facilities management yard at the south end of the new hospital shall be submitted to and approved in writing by the local planning authority. The noise impact assessment will assess the impact of these areas on nearby residential properties. This assessment is likely to require consideration of the following mitigation measures to restrict noise levels to avoid significant adverse impacts at the façade(s) of the nearest sensitive receptor(s) where reasonably practical:

- Road alignment;
- Speed restriction;
- Restrictions on ambulance sirens in the Site unless absolutely necessary;
- Noise barriers between the road/facility management yard and the receptors.
- Facilities Management Yard Plan which would include hours of deliveries and service vehicles coming to and from site and details on audible warning reversing signals for vehicles and loading and unloading bays

Any identified mitigation shall be installed/ retained thereafter/ adhered to in the case of the Facilities Management Yard Plan

Suitable extract and filtration equipment for cooking activities.

55. The commercial kitchen extraction and odour control system associated with the development hereby approved shall comply with the EMAQ+ document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' in respect of its installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet.

Approved details shall be implemented prior to the use of the development and thereafter be permanently retained.

proprietary anti-vibration isolators

56. Prior to the hereby approved hospital being brought into first use, any external mechanical plant / equipment, including (but not limited to) the commercial kitchen extraction and odour control system and associated external ducting etc associated with the development hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Landscape

Nighttime and visual impact assessment

57. Prior or concurrent with any reserved matters application for Appearance a night-time landscape and visual assessment must be submitted and approved by the LPA. This should include a description of the night time baseline and a commentary on the effect of the proposed scheme (during construction and operation) on the night time environment, which includes / supported by:

- a) Night time photographs showing night time views and existing sources of lighting in the landscape
- b) Night time visualisations showing night time views and the proposed development and its potential lighting.
- c) Analysis of maps on existing levels of illuminance / light pollution in the study area
- d) Landscape and visual assessment schedules describing; the baseline night time situation / existing sources of lighting in the landscape / view and;
- e) The anticipated change in lighting as a result of the proposed development, both on landscape and visual receptors (key viewpoints include, but not limited to: Gypsy Lane, Glastonbury Road, Bridleways Nowton BR1 and Nowton BR2 and Park Lane.)

Environmental Colour Assessment

58. Prior or concurrent with any reserved matters application for Appearance an Environment Colour Assessment (ECA) needs to be produced (in accordance with the Natural Colour System) and approved by the LPA. The colour palette which is developed through the ECA process must be based on on-the-ground surveys and supported by a desk top study, which analyses and synthesises the colours found within the local landscapes. This study must then inform the colour palette for built form.

Soft Landscaping including in the reserved matters including the structural landscape areas

59. Concurrent with any reserved matters application for Landscape, a scheme of soft landscaping for the site (including the northern and southern Structural Landscape buffer areas) drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include a bespoke planting mix that takes into consideration impacts on

residential visual amenity; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities. The approved scheme of soft landscaping shall be implemented in accordance with a phasing plan that shall be submitted to and approved in writing with the Local Planning Authority at the same time as the Reserved Matter for Landscape and delivered in accordance with the approved phasing plan.

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.

Hard Landscaping

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

Landscape and Ecological Management Plan (LEMP)

- 61.Concurrent with the last Reserved Matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed.
 - b. BNG management and monitoring plan for the length of time to achieve condition of each habitat required by BNG Metric.
 - c. Ecological trends and constraints on site that might influence management.
 - d. Aims and objectives of management.
 - e. Appropriate management options for achieving aims and objectives.
 - f. Prescriptions for management actions.
 - g. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - h. Details of the body or organization responsible for implementation of the plan.
 - i. Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will

be secured by the applicant with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Protective fencing and planting for veteran trees and other gates, walls and fencing

62. Concurrent with the submission of the details required under condition 59 (soft landscaping) details of the Protection Barriers necessary for arboretum veteran trees and other areas as shown on drawing Proposed Zones of Restricted Access WSH RYD MM ZZ DR L 2100 Rev P6 and any other fencing, walls, boundary treatments including gates shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences/ gates to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed in accordance with the approved details.

Ecology

mitigation and enhancement measures

63. Prior to development commencing on site a timetable shall be submitted to and approved in writing by the local planning authority which sets out when all the mitigation and enhancement measures as detailed in the Environmental Statement biodiversity chapter 11 (Sweco, April 2022) will be delivered. The approved mitigation and enhancement measures shall be implemented in accordance with the agreed timetable and thereafter retained in the approved form. An appropriately competent person (for example an ecological clerk of works (ECoW)) shall provide on-site ecological expertise during construction of the development. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

EPS licence needs to be submitted before development commences on site

64. Prior to any commencement of development on the hereby approved development a copy of the EPS licence for bats shall be submitted to the local planning authority. Any works which will impact the breeding / resting place of bats (European Protected Species (EPS)), shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as

- amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Biodiversity Enhancement Strategy

65. Within 6 months of development commencing of the hereby approved hospital a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).
- f) Delivery implementation timeline of the Biodiversity Strategy

The works shall be implemented in accordance with the delivery timeline submitted under part f) and shall be retained in the approved manner thereafter.

copy of Natural England Mitigation Licence for Great Crested Newts

66. Concurrent with the submission of the last Reserved Matter application a copy of Natural England Mitigation Licence for Great Crested Newts shall be submitted to the local planning authority.

Any works which will impact the breeding / resting place of great crested newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a method statement relating to a registered site supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or
- c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Grampian condition to agree and secure the necessary Compensation Strategy details

67. Before any development commences on site (including the translocation of waxcap turfs, or archaeological trial trenching) the details of the land that will be brought forward to deliver the compensation strategy shall be submitted to and agreed in writing with

the Local Planning Authority. The submitted details shall be in accordance with the principles established in the Compensation Strategy for the Loss of Irreplaceable Habitat (Sweco, 1 August 2022) but also include the following detail;

- a) purpose and conservation objectives for the proposed offsite compensation measures;
- b) detailed designs to achieve the stated conservation objectives;
- c) locations of proposed compensation measures by appropriate maps and plans;
- d) translocation method statement for the waxcap grassland to be translocated which shall be informed by the eDNA surveys;
- e) persons responsible for implementing the compensation measures;
- f) details of initial aftercare and long-term maintenance to meet the required objectives.
- g) confirmation and full details of the proposed legal mechanism to secure and deliver the land required to compensate for the loss of irreplaceable habitat in general accordance with the "Loss of Irreplaceable Habitat" Document Reference: 65206048-SWE-ZZ-XX-RP-J-0001 Rev C01". The details submitted shall demonstrate that the land has been secured for at least 125 years in accordance with the conservation objectives.
- h) details of the maintenance including funding mechanism and timeframe (which shall be at least 30 Years) for the maintenance and ongoing monitoring; and persons responsible for maintenance and monitoring
- i) a timetable for implementation of the compensation measures.

The approved details shall be implemented in their entirety in accordance with the agreed timetable.

Mitigation licence for badgers

68. Concurrent with the submission of the last Reserved Matters application a copy of mitigation licence for badgers shall be submitted to the local planning authority.

The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

CEMP

69. Concurrent with the submission of last Reserved Matter application a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Biodiversity Net Gain Design Stage Report

70. Concurrent with the submission of the last Reserved Matter application a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain report should include the following:

Baseline data collection and assessment of current conditions on site;

- a) A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- b) Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- c) Details of the implementation measures and management of proposals;
- d) Details of the monitoring and independent auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Lighting design for the site

71. Concurrent with the submission of the last Reserved Matter application a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances

should any other external lighting be installed without prior consent from the local planning authority.

Habitat Management and Monitoring Plan (HMMP)

72. Concurrent with the submission of the last Reserved Matters application a Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the HMP shall include the following:

- a) Description and evaluation of compensatory habitats created off site to be managed and length of time to achieve condition required by BNG Metric.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management and monitoring.
- d) Appropriate management and monitoring options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period in perpetuity with 30 years funding).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Biodiversity information boards for areas to be restricted.

73. Before the hereby approved hospital is first brought into use, details shall be submitted to and agreed in writing with the Local Planning Authority on the location of at least 5 information boards and content of the boards which will inform the general public of the importance of the ecology on the wider Hardwick Manor site, setting out why the general public are restricted from accessing a number of key ecologically important and sensitive locations like the arboretum, orchard and buffer zones of candidate veteran and veteran trees. The hereby approved signage shall be implemented before the hereby approved hospital is first brought into use and retained thereafter unless otherwise agreed in writing with the Local planning

Arb conditions

Arb Method Statement

74. Prior to commencement of development a finalised Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local

Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
- b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hard standings, roads and footpaths,
- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
- d. Construction phasing Plan

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Arboricultural site supervision and monitoring

75. The Arboricultural Method Statement and plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the submitted Method Statement, to be carried out at a minimum of every four weeks during the construction phase, by a suitably qualified tree specialist. Details of site supervision shall be provided in writing after each visit to the Local Planning Authority.

Updated Veteran Tree Management Plan based on the changed site use

76. Prior to commencement of development a Construction Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. No development shall occur within any construction phase shown in the Construction Phase Plan until an updated Veteran Tree Management Plan for that phase which is based on the changed site use (publicly available hospital) has been submitted to and agreed in writing with the Local Planning Authority. The Veteran Tree Management Plan shall be implemented in accordance with the approved details.

Alternative access to Hardwick Manor

77. The change of use of Hardwick Manor from residential dwelling (C3) to health related uses (C2) shall not commence until the existing access to the property has been extinguished and full details of an alternative access (in accordance with drawing No. WSH-RHD-MM-ZZ-DR-L-2004 Rev P16) have been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include;
- a) Details of Trees to be removed
 - b) Construction details and alignment of the new access in relation to trees in the immediate area
 - c) Lighting to be installed
 - d) Details of the existing access to be extinguished
 - e) Method statement for the removal of the existing access

The works thereafter shall be carried out in accordance with the approved details and before the hereby consented change of use is implemented.

OTHER

Restore field to be used for the construction compound to its current state

78. Before the agricultural field that will be the construction compound is prepared to be used as a construction compound a Method Statement shall be submitted to and approved in writing with the Local planning Authority that details how the agricultural field shall be fully restored to its current state so that it can be a viable agricultural field again. Within 6 months of the current West Suffolk Hospital being demolished or another timeframe otherwise agreed with the local planning Authority the field shall be restored to its current state in accordance with the approved Method Statement.

Relocate Railings and piers

79. Prior to any alteration to the existing junctions on Hardwick Lane commencing details of the new location for the existing wrought iron railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for their removal and relocation. The agreed relocation of the railings and piers shall be carried out in accordance with the agreed timetable and thereafter retained in the agreed location unless otherwise agreed in writing with the Local Planning Authority.

Ancillary uses

80. The ancillary restaurant and kitchen facilities on site shall not exceed 1,800sqm (GIA) unless otherwise agreed in writing by the Local Planning Authority.
81. Concurrently with the submission for the Reserved Matter application for Appearance details of facing and roofing 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.

Agree details of the waste bins

82. Concurrently with the submission of Reserved Matters for Layout, details of the areas to be provided for storage of Refuse/Recycling bins within the facilities management yard (as shown on page 82 of the approved Design and Access Statement) serving the new hospital shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in their entirety before the development is brought into first use. No other area shall be used for the storage of Refuse/Recycling bins on the site unless the written approval of the Local Planning Authority is provided. The approved areas shall be retained thereafter and used for no other purpose.

(Partway through the debate on the application the Chair permitted a short comfort break.)

The meeting concluded at 1.15pm

Signed by:

Chair

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 7 December 2022** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith
Carol Bull
John Burns
Jason Crooks
Nick Clarke
Roger Dicker
Susan Glossop
Brian Harvey

Ian Houlder
James Lay
Andy Neal
David Nettleton
David Palmer
David Smith
Peter Stevens

299. **Welcome**

The Chair welcomed all present to the Development Control Committee and highlighted the fact that the meeting was due to be operated in two parts, as indicated on the agenda.

300. **Apologies for absence**

Apologies for absence were received from Councillors Mike Chester, Andy Drummond, David Roach and Jim Thorndyke.

301. **Substitutes**

The following substitutions were declared:

Councillor Nick Clarke substituting for Councillor Mike Chester;
Councillor James Lay substituting for Councillor Andy Drummond; and
Councillor David Nettleton substituting for Councillor Jim Thorndyke.

302. **Minutes**

The minutes of the meeting held on 2 November 2022 were confirmed as a correct record, with 12 voting for the motion and with 3 abstentions, and were signed by the Chair; subject to the following addition, which had been mistakenly omitted:

292. Planning Application DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare (Report No: DEV/WS/22/043)

Councillor Glenn Patullo (Clare Town Council) spoke against the application

303. **Declarations of interest**

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

304. **Planning Application DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare (Report No: DEV/WS/22/047)**

Outline planning application (means of access to be considered) - 20 dwellings

This application was originally referred to the Development Control Committee on 2 November 2022 following call-in by one of the Clare, Hundon and Kedington Ward Members (Councillor Nick Clarke). In addition, Clare Town Council objected to the application.

At the November Committee meeting Members resolved to defer consideration of the application in order to allow a Committee site visit to be undertaken and to allow time for Officers to have further discussions with Anglian Water.

Accordingly, a Member site visit was held on 5 December 2022. The Senior Planning Officer also showed videos of the site by way of a virtual 'site visit'.

As part of her presentation to the meeting the Senior Planning Officer drew attention to the supplementary 'late papers' which were issued following publication of the agenda and which set out comments from Anglian Water.

Officers were continuing to recommend that the application be approved, subject to conditions and the completion of a S106 legal agreement, as set out in Paragraph 18 of Report No DEV/WS/22/047.

Speakers: Gary Brown (objector, speaking on behalf of himself and other neighbouring resident objectors) spoke against the application
Councillor Glenn Patullo (Clare Town Council) spoke against the application
Councillor Nick Clarke (Ward Member: Clare, Hundon and Kedington) spoke on the application
Phil Cobbold (agent) spoke in support of the application

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

Air Quality – Environmental Health had not flagged any air quality related concerns in respect of the application;

Electric Charging Points – the relevant condition could be reworded as requested by Councillor John Burns, in relation to occupation of individual units;

Courtesy Crossing – the type of crossing specified in the conditions was requested by the Local Highways Authority and was considered proportionate to the development;

Education Contribution – the contribution within the recommendation was requested by Suffolk County Council as Education Authority.

Considerable discussion again took place on the drainage/flooding issues experienced in Clare and the concerns that the scheme would exacerbate the problem, as raised by the Ward Members, Town Council and resident objectors.

The Service Manager (Planning – Development) explained that Anglian Water was a statutory consultee and without a technical objection from them or evidence which contradicted their response, the Planning Authority could not refuse the application on this basis.

Councillor Ian Houlder spoke in support of the application which he considered to be a good use of the site in question. Accordingly, he proposed that the application be approved as per the Officer recommendation and inclusive of the amendment to the condition regarding electric vehicle charging points. This was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 10 voting for the motion, 4 against and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED** subject to:

A signed S106 Agreement to secure the following:

- 30% affordable housing
- £75,759 for Secondary school provision (3 places)
- £25,253 for post 16 education (1 place)
- £4,176 for libraries
- £1,746 for waste recycling centre

And the following conditions:

- 1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters; or,In the case of approval on different dates, the final approval of the last such matter to be approved.
- 2 Prior to commencement of development details of the appearance, landscaping, layout and scale [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.
3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
4. Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning

Authority:

- a. A site investigation scheme,
 - b. The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - c. Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
- 5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 7 Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:
- a. Dimensioned plans and drawings of the surface water drainage scheme;
 - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
 - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or $2l/s/ha$ for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
 - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
 - g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
 - h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance

operations) is submitted to and agreed in writing by the local planning authority.

The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

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

The scheme shall be fully implemented as approved.

- 8 Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology report (Framlingham Environmental, 25th August 2020) and Bat Surveys (Aspen Ecology, 22 July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 10 Concurrent with reserved matters a Reptile Mitigation Strategy addressing the mitigation of reptiles has been submitted to and approved in writing by the local planning authority.
The Reptile Mitigation Strategy shall include the following.
 - a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that

- manner thereafter.
- 11 Concurrent with reserved matters a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority
- 12 Concurrent with reserved matters a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
- 13 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances

- should any other external lighting be installed without prior consent from the local planning authority.
- 14 Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays provided) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained thereafter in its approved form.
 - 15 Before the access is first used, visibility splays shall be provided as shown on Drawing No. 184/2019/02 and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.
 - 16 Before the development is commenced, details of the roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
 17. 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.
 - 18 Before the development is commenced details of a new footway and pedestrian crossing to the frontage of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed fully before first occupation of any dwellings The footway shall be retained thereafter in its approved form.
 - 19 No dwelling shall be occupied until it has been provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.
 - 20 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
 - 21 Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities

- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction
 - l) haul routes for construction traffic on the highway network and
 - m) monitoring and review mechanisms.
 - n) Details of deliveries times to the site during construction phase
- 22 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.
- 23 Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose.

305. Planning Application DC/22/1447/RM - Land NW of Haverhill, Anne Sucklings Lane, Haverhill (Report No: DEV/WS/22/048)

(Councillors John Burns and David Smith both declared, in the interests of openness and transparency, that they had attended Haverhill Town Council's meeting when the Town Council considered the application. However, they stressed they would keep an open mind and listen to the debate prior to voting on the item.)

Reserved matters application - submission of details under outline planning permission SE/09/1283 - all matters reserved for the construction of 113 dwellings, with associated private amenity space, means of enclosure, parking, vehicle and access arrangements, and proposed areas of landscaping and areas of open space for phase 3b. The application includes the submission of details to enable the discharge of conditions B4, B8, B9, B16, B17, B20, B21, B24

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

Members were advised that the application was part of the wider North-West Haverhill site, which is one of the two strategic growth sites for Haverhill identified in the adopted Core Strategy. The application before the Committee sought approval of details for parcel 3b of residential development.

Outline planning permission was granted on 27 March 2015 for residential development, a primary school, local centre including retail and community uses, public open space, landscaping infrastructure, servicing and other

associated works alongside full permission for the construction of a relief road.

The Senior Planning Officer explained that since the agenda was published a revised plan has been received for the house type 'Greenwood – village green' as used on plots 72 and 75. The change substituted an area of brickwork for render. The list of approved plans would be updated to reflect this change.

In addition, the description of the application within Report No DEV/WS/22/048 stated that it sought to discharge condition B4 of the outline application (SE/09/1283). However, this had now been removed from the description and the condition would be discharged separately.

As part of her presentation to the meeting the Senior Planning Officer made reference to the Town Council's frustrations on the progress of the wider infrastructure related to the strategic growth sites. For the benefit of the Committee she outlined the delivery timetable and the progress made to date.

Officers were recommending that the application be approved, subject to conditions as outlined in Paragraph 11.0 of the report.

Speakers: Councillor Tony Brown (Haverhill Town Council) spoke against the application
Isaac Jolly (Persimmon – applicant) spoke in support of the application

During the debate Members posed questions in relation to the management of the green spaces, street lighting and public transport which were responded to by the Senior Planning Officer.

Councillor Jason Crooks raised a specific query with regard to how the biodiversity net gain was calculated and the Service Manager (Planning – Development) provided an explanation.

Councillor Peter Stevens proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor David Nettleton.

Upon being put to the vote and with 11 voting for the motion and with 4 against it was resolved that

Decision

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

1. **Approved plans**

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

2. **External materials – Pre-above slab level**

No development above slab level shall take place until details of the

external materials to be used in the construction of the buildings and details of the fenestration (including fenestration colour and depth of reveals), doors, garage doors, porches, balconies and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

3. CEMP – Prior to commencement

Prior to commencement of development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities
- b. Identification of "biodiversity protection zones"
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d. The location and timing of sensitive works to avoid harm to biodiversity features
- e. The times during construction when specialist ecologists need to be present on site to oversee works
- f. Responsible persons and lines of communication
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Containment, control and removal of invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

4. Action required in accordance with ecological appraisal recommendations

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the following reports as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

- Ecology walkover survey report for Phases 3b at Haverhill, Suffolk (JBA, 4th November 2021)
- Updated Ecological Walkover Survey of Phases 2 to 6 and the Relief Road at Haverhill (James Blake Associates, 25th March 22, revised 9th June 2022)
- Preliminary Ecological Appraisal of Phases 2-6 (JBA, January 2019)
- Botanical Survey (Including Sulphur Clover Survey) of Phases 2 – 6 and Relief Road (August 2019)
- Hazel Dormouse Survey Report of Phases 2- 6 (JBA, December 2019)
- Reptile Survey of Phases 2 – 6 and relief Road (JBA, June 2019)
- Breeding Bird Survey of Phases 2 – 6 and Relief Road (JBA, October 2019)
- Hedgerow Survey of Phases 2 – 6 and Relief Road (JBA, August 2019)
- Wintering Bird Survey of Phases 2- 6 and relief Road (JBA, February 2020)

- Great crested Newt eDNA Survey of Phases 2 -6 (JBA, June 2019)
- Bat Activity Survey Report of Phases 2 - 6 and Relief Road (JBA, October 2019
- Badger Survey of Phases 2-6 and Relief Road (JBA (2019b)

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

5. Time limit of development before further surveys are required

If the phase 3b development hereby approved does not commence within a period of 2 years from the date of the planning consent, the approved ecological mitigation measures secured by condition shall be reviewed and where necessary amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- Establish if there have been any changes in the presence and/or abundance of the existing habitat and protected and priority species, and
- Identify any likely new ecological impacts that might arise from these changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation shall be submitted and approved in writing to the Local Planning Authority prior to the commencement of the site infrastructure phase. Works will then be carried out in accordance with the new approved ecological measures and timetable.

6. Lighting design scheme – Prior to installation of lighting

Prior to the installation of lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

7. Ecological enhancements – Prior to occupation

Prior to occupation and notwithstanding the details shown on the soft landscaping plans, 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.

8. Designing out crime - Pre-above slab level

No construction above slab level shall take place until details of the measures and strategies to design out opportunities for crime have been submitted to and approved in writing by the Local Planning Authority. The measures shall include, but not be limited to: - Details of the anti-crime features to be provided for each dwelling, Details of measures to improve the safety of rear access paths, remote and undercroft parking including but not limited to lighting and gates, Details of access control to communal areas for flats.

All work shall be carried out in accordance with the approved details.

9. Access Strategy - Prior to construction above binder course

Prior to construction above binder course level of the access road an access strategy setting out an appropriate network of dropped kerbs across the site to facilitate access for all and to facilitate the safe collection of refuse and recycling, shall be submitted the local planning authority and agreed in writing.

10. Visitor parking – Prior to slab level

No above ground construction shall take place until details of the visitor parking designation including the lining or signage to promote use as well as the future management arrangement where spaces do not form part of the adopted highway, shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be provided and maintained in accordance with the approved details.

11. Access driveway gradient

The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the width of the carriageway.

12. Cycle storage – Prior to occupation

No dwellings where cycle storage is required are to be occupied until the cycle storage facilities shown on Drawing no. 21-3114-04 Rev B have been provided in their entirety and been made available for use. Thereafter these facilities shall be maintained and retained and used for no other purpose.

13. Tree pit details – Prior to installation of tree adjacent highway

Prior to the installation of any tree within 2.5 metres of a highway, the full details of the proposed tree pit or linear root guard as appropriate for that tree shall be submitted to the local planning authority and agreed in writing. All work shall be carried out in full accordance with the approved details.

14. Noise (internal) – Prior to occupation

The dwellings hereby approved shall be constructed with appropriate glazing and ventilation as recommended in noise report reference LA/1780/01R/ML as required, so as to ensure that the internal ambient noise levels meet the current guideline levels within BS8233:2014 - Guidance on sound insulation and noise reduction for buildings.

15. Boundary treatment – Prior to occupation

The boundary treatment shown on the approved plan drawing no 21-3114-005 Rev C shall be constructed or erected before the dwelling to which it relates is first occupied and thereafter retained in the form and manner installed.

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

306. **Planning Application DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, Bury St Edmunds (Report No: DEV/WS/22/049)**

(Councillor John Burns declared, in the interests of openness and transparency, that he was a shareholder of a gym in Haverhill. However, it did not have any members from Bury St Edmunds and would not influence his ability to keep an open mind on the item.)

Planning application - change of use from gym (class E) to retail (class E commercial, business and service)

This planning application was referred to the Development Control Committee as it proposed 'major' development and Bury St Edmunds Town Council had objected, as had Bury St Edmunds BID.

In addition, the consideration of the merits of the application involved complex policy matters relating to retail, employment and community/leisure facilities.

The Principal Planning Officer advised the Committee that since the agenda papers were published a further 33 late representations had been received objecting to the proposal; these largely covered matters previously raised by objectors which were briefly summarised to the meeting.

Furthermore, Councillor Birgitte Mager (one of the Ward Members for Moreton Hall) had emailed some Members of the Committee objecting to the application. This was read out in full so that those Members who had not received it were aware of the content.

As part of her presentation to the meeting the Principal Planning Officer explained that the Council had a duty to determine planning applications submitted to them and could only assess the proposed change of use in planning terms. Theoretically, the existing facility was a commercial operation and could cease operation irrespective of this application and the Council would have no influence on this.

Officers were recommending that the application be approved, subject to a S106 Agreement and conditions as set out in Paragraph 72 of Report No DEV/WS/22/049, subject to an amendment to the wording of condition 1 and with an additional condition in relation to the Gross Internal Area.

Speakers: Melanie Soanes (member of Sports Direct Fitness, speaking on behalf of herself and fellow members) spoke against the application
Michael Crichton (member of Sports Direct Fitness, speaking on behalf of himself and fellow members) spoke against the application
Councillor Trevor Beckwith (Ward Member: Moreton Hall) spoke against the application
(Councillor Beckwith was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on his behalf.)

During the debate a number of Members voiced concern at the loss of a well-used sports facility, particularly in light of the importance of supporting healthy communities.

Councillor John Burns raised specific reservations with the independent retail assessment that had been submitted, in light of it having been carried out 18 months ago. Officers referred Members to the numerous working papers which set out the chronology of the retail impact assessment since the application was submitted, culminating in more recent comments from the Council's retail consultant earlier this year.

Councillor Nick Clarke highlighted the fact that the premises was not a purpose-built facility and had previously had retail uses.

Councillor Peter Stevens questioned why planning restrictions had been placed on the premises in relation to its defined use and the Service Manager (Planning – Development) gave an explanation as to the reasoning.

During the debate a note was passed to the Chair from a member of the public, the Chair asked the Lawyer to advise the Committee of the content, which drew attention to the fact that the applicant was not Sports Direct Fitness (who was a tenant of the building) but the owner of the premises.

The Service Manager (Planning – Development) explained that the identity of the applicant was not a material consideration and that the Planning Authority was duty bound to determine the application on the basis of planning merits and material considerations.

Councillor David Nettleton disagreed with the comments made by Bury St Edmunds BID and spoke on the strength of the town centre retail offer. He therefore proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 6 voting for the motion, 8 against and with 1 abstention the Chair declared the motion lost.

Councillor Carol Bull then proposed that the application be refused, contrary to the Officer recommendation, due to the loss of a leisure facility and therefore contrary to Policy DM42. This was duly seconded by Councillor Andy Neal.

The Service Manager (Planning – Development) confirmed that the Decision Making Protocol would be invoked and the motion would be 'minded to' and subject to the production of a Risk Assessment for future consideration by the Committee.

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

Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to the conflict with Policy DM42

and the loss of a leisure facility. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

307. **Planning Application DC/22/0994/FUL - The Old Blacksmiths, The Street, Gazeley (Report No: DEV/WS/22/050)**

Planning application - Reconstruct existing building, extension and conversion of forge to create two dwellings

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 15 November 2022, having been referred to the Panel at the request of the Ward Member (Councillor Roger Dicker).

A Member site visit was held prior to the meeting. The Planning Officer also showed videos of the site by way of a virtual 'site visit'.

Within the Officer's presentation it was highlighted that the scheme included no on-site parking; with all parking having to take place on-street. However, the Local Highways Authority had not objected to the proposal on the basis of the parking provision.

The Committee was also advised that, if granted, Permitted Development rights would be removed (as per conditions 9 and 10) in order to further safeguard the character and appearance of the area and protect the residential amenity of neighbours.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 49 of Report No DEV/WS/22/050.

Speakers: Hilary Appleton (Gazeley resident) spoke against the application
Pat Spillane (Landlord of The Chequers Public House, Gazeley) spoke against the application
Councillor Robert Connelly (Gazeley Parish Council) spoke against the application

Councillor Roger Dicker, as Ward Member for the application (Kentford and Moulton) was invited by the Chair to open the debate. Councillor Dicker highlighted the history of the site; with the existing building being subject to ongoing enforcement investigations and the subsequent issue of a Notice under Section 215, for which compliance had been outstanding since July 2021.

Councillor Dicker explained that residents of the village were in support of the building on the site being remedied as it was considered an eyesore in its current condition and also posed a safety risk. Therefore, whilst there were some reservations with scheme proposed, there was also support for the application as it would enable work to commence.

Lastly, reference was made to the bus stop that sat towards the south of the site and which was fenced off due to the current condition of the building. Councillor Dicker asked if this could be protected in some way.

The Service Manager (Planning – Development) advised that the issue of parking in the vicinity of the bus stop would be raised directly with Suffolk County Council.

Councillor Brian Harvey raised a question in connection with the construction of the scheme, in light of the constrained nature of the site and the need for construction vehicles to use the adjacent highway.

The Service Manager (Planning – Development) agreed that an additional condition could be added to request the applicant to submit a Construction Method Statement to the Planning Authority.

Councillor Jason Crooks proposed that the application be approved, as per the Officer recommendation and inclusive of the additional condition in relation to construction. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 12 voting for the motion, 1 against and with 2 abstentions it was resolved that

Decision

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

1. Time limit

The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

2. Approved plans

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

3. Construction hours

Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the works shall only be carried out between the hours of:

8am to 6pm Mondays to Fridays

8am to 1pm Saturdays

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

4. Limit water use

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.

5. Bin storage

The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 22-2663-1 Rev C shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

6. Cycle storage

The use shall not commence until the areas within the site shown on Drawing No. 22-2663-1 Rev C for the purposes of secure cycle storage

have been provided and thereafter the areas shall be retained, maintained and used for no other purposes.

7. Ecological enhancements

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.

8. Material details

No development above slab level shall take place until details of all external 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.

9. Removal of PD rights – alterations to roof

Notwithstanding the provisions of Schedule 2 Part 1 Class A, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the roof space of each dwelling shall not be extended or altered in any way and shall not be used for living, hobby or other incidental domestic use, except for domestic storage associated with the occupation of the dwelling.

10. Removal of PD rights – fences, gates and walls

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse in front of any wall of the dwellinghouse which fronts onto a road.

11. Construction Method Statement

Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. The parking of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of plant and machinery
- d. Measures to control the emission of dust and dirt during construction
- e. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

(On conclusion of this item and Part A of the meeting, the Chair permitted a short interval before commencing Part B of the meeting. During the interval Councillors Jason Crooks Ian Houlder left the meeting at 1.51pm.)

308. **Planning Application DC/22/0359/FUL - Green Farm, The Green, Hargrave (Report No: DEV/WS/22/051)**

Planning application - a. change of use of land to domestic garden b. all weather tennis court with associated fencing

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

A Member site visit was held prior to the meeting. The Planning Officer also showed videos of the site by way of a virtual 'site visit'.

Hargrave Parish Council had voiced support for the proposal, which was contrary to the Officer's recommendation of refusal for the reasons set out in Paragraph 22 of Report No DEV/WS/22/051.

Speakers: Councillor Mike Chester (Ward Member: Chedburgh and Chevington) spoke in support of the application
Phil Cobbold (agent) spoke in support of the application
(Councillor Chester was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on his behalf.)

Councillor Peter Stevens spoke in support of the application and proposed that it be approved, contrary to the Officer recommendation, as he did not consider that the scheme would have a detrimental impact on the views in/out of Hargrave and it was therefore not in conflict with Policies HAR6 and HAR10. This was duly seconded by Councillor David Nettleton.

The Service Manager (Planning – Development) advised that the Decision Making Protocol would not be invoked in this instance as the impact on the distinct key views was a subjective consideration.

Councillor John Burns drew attention to the Parish Council's comments in respect of lighting and asked that this was picked up within the conditions.

Likewise, other Members made comment on the fencing within the proposal and they were advised that a further condition could be added for the Planning Authority to request fencing details.

The Chair then invited the Planning Officer to outline a list of conditions that could be appended to a permission, if granted.

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

Decision

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

1. Time limit

The development hereby permitted shall be commenced no later than 3

years from the date of this permission.

2. Approved plans

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

3. Soft landscaping

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.

4. Removal of PD rights (outbuildings)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), no structures shall be erected within the curtilage of the dwelling.

5. Details of fencing

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

6. Lighting

No external lighting associated with the approved tennis courts shall be provided on the application site unless details thereof have first been submitted to and approved in writing by the Local Planning Authority.

309. Planning Application DC/22/0511/FUL - 104 High Street, Newmarket (Report No: DEV/WS/22/052)

(Councillor James Lay declared a non registerable interest in this item in view of his comments made in respect of the application, as referenced in the report and late paper. Following advice from the Monitoring Officer he would abstain from taking part in the debate and the voting thereon.)

Planning application - change of use from Bank (Class E) to Adult Gaming Centre (Sui Generis)

This application was referred to the Development Control Committee following consideration at the Delegation Panel. It was presented to the Panel due to the concerns from Newmarket Town Council, as well as from Councillor James Lay and Councillor Andy Drummond (Ward Members: Newmarket West).

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 33 of Report No DEV/WS/22/052.

During the Senior Planning Officer's presentation to the meeting he drew attention to Paragraph 23 of the report and explained that the applicant had 7 other sites within Suffolk and Essex, and not 10 as inaccurately referenced in the papers.

Speakers: Newmarket Town Council spoke against the application
Amanda Usher (agent) spoke in support of the application
(A representative from Newmarket Town Council did not attend to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on the Town Council's behalf.)

Following some questions and comments raised during the debate, the Service Manager (Planning – Development) reminded the Committee that the licensing process was entirely separate to the Development Control Committee's role in determining planning applications. Questions of ethics and morals relating to gambling were also not a material planning consideration.

Councillor Roger Dicker made reference to the need for high street premises to diversify in the current economic climate and proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Carol Bull.

Upon being put to the vote and with 9 voting for the motion and 4 abstentions, it was resolved that

Decision

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

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
- 3 The opening hours of the premises shall be restricted to the following hours:
Between 08:00 and 23:00 Monday to Thursday, 08:00 and 02:00 on Fridays and
Saturdays and 08:00 to 23:00 on Sundays and Bank Holidays.

310. **Planning Application DC/22/1439/TPO - 66 Woodlands Way, Mildenhall (Report No: DEV/WS/22/053)**

Tree preservation order TPO 097 (1969) - one Sweet Chestnut (indicated on plan, within area A1 on order) fell

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

The application came before the Panel as the Officers' recommendation of approval, subject to conditions as set out in Paragraph 20 of Report No DEV/WS/22/053, was contrary to the Town Council's objection to the application.

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

Speaker: Charlotte Nivet (applicant) spoke in support of the application

Councillor Andy Neal spoke against the application and was of the view that the tree should remain in situ and be regularly managed.

In response to a question from Councillor James Lay, the Service Manager (Planning – Development) explained that, although irrelevant to the consideration of this application, whilst there was a vacancy for a West Suffolk Tree Officer the work was being carried out by consultants at present. In any event, this application had been considered by one of the Council's Trees Officers.

Councillor David Nettleton spoke in support of the application in view of a condition being that the tree was replaced with a recommended species. Accordingly, he proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor David Palmer.

Upon being put to the vote and with 11 voting for the motion, 1 against and with 1 abstention it was resolved that

Decision

Consent be **GRANTED** subject to the following conditions:

1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations).
2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.
3. The 1 No. Sweet Chestnut tree, the removal of which is authorised by this consent, shall be replaced by 1 No. standard tree of 8-10cm girth, planted anywhere within the bounds of the applicant's property, from the following list: Liquidambar styraciflua; Acer campestre; Prunus avium; Acer buergerianum; Davidia involucrate; or Amelanchier arborea 'Robin Hill'; within 6 months of the date on which felling is commenced or during the same planting season within which that felling takes place (whichever shall be the sooner) and the Local Planning Authority shall be advised in writing that the replanting has been carried out. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

311. **Planning Application DC/22/1631/FUL - Abbots House, 2 Newmarket Road, Bury St Edmunds (Report No: DEV/WS/22/054)**

Planning application - a. single storey rear extension (demolition of existing conservatory) b. external wall insulation c. re roofing d. PV solar panels to south and east elevation e. free-standing pergola in rear garden

This application was referred to the Development Control Committee as the applicant is West Suffolk Council.

The Town Council had raised no objections to the application and Officers were recommending that it be approved, subject to conditions.

Councillor John Burns proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor David Nettleton.

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

Decision

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

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

The meeting concluded at 3.33pm

Signed by:

Chair

Development Control Committee 4 January 2023

Planning Application DC/21/0427/FUL – Sports Direct Fitness, Easlea Road, Bury St Edmunds

Date registered:	2 March 2021	Expiry date:	27 April 2021 EOT agreed 06.01.2023
Case officer:	Gareth Durrant	Recommendation:	Grant application
Parish:	Bury St Edmunds Town Council	Ward:	Moreton Hall
Proposal:	Planning application - change of use from gym (class E) to retail (class E commercial, business and service)		
Site:	Sports Direct Fitness, Easlea Road, Bury St Edmunds		
Applicant:	K/S Cratfield		

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:

Sarah Drane
Email: sarah.drane@westsuffolk.gov.uk
Telephone: 01638 719432

Section A – Background

This application was considered at the Development Control Committee meeting on 7 December 2022.

Officers were recommending that the planning application be approved, subject to conditions and a S106 as set out in Paragraph 72 of Report No DEV/WS/22/049. Bury St Edmunds Town Council do not support the proposals.

Members at the meeting of 7 December 2022 resolved that they were 'minded to' refuse planning permission, contrary to the Officer recommendation of approval. At this point, the decision making protocol was invoked requiring a risk assessment report to be prepared for this matter before any decision is made.

The reason why Members resolved that they were minded to refuse the application was that they considered the loss of the existing leisure facility would be contrary to policy DM42.

The previous Officer report for the 7 December 2022 meeting of the Development Control Committee is included as Working Paper A to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal. Working Papers 1 to 8 which accompanied the December report are viewable on that agenda item from the 7 December 2022 Development Control Committee.

Proposal:

1. See Working Paper A

Application supporting material:

2. See Working Paper A

Site details:

3. See Working Paper A
4. The applicant is 'K/S Cratfield', the owners of the site. The building is currently leased to Sports Direct.

Relevant planning history:

5. See Working Paper A

Consultations:

6. See Working Paper A
7. A further response has been received from the Economic Development team:

'Economic Development still objects to this proposal for the following reasons:

1. This premises was part of the employment stock for Bury St Edmunds before planning permission was granted for leisure use. It was accepted that this was an exception and therefore a planning condition was added to ensure that the premises would return (as far as possible) back to employment use. The changes to the Use Classes Order in our opinion are irrelevant as local factors over-ride the National approach. This premises is on an industrial estate designated as a General Employment Area, that was properly planned to cater for the growth of our employment uses.
 2. There is a shortage of employment land in Bury St Edmunds. This property is part of that stock. It is essential that all opportunities to support the economic growth of the town are not undermined.
 3. Whilst the property was allowed to be used for leisure purposes, it should not be automatically considered appropriate for retail use which is entirely different.
 4. This proposal does not accord with Policy DM30. The proposal only has to accord with one of the following factors and it fails all, for the reasons explained.
 - a) There is insufficient employment land to meet local job growth requirements;
 - b) No evidence has been provided that there have been genuine attempts to sell this site for the current or employment use;
 - c) There are no over-riding environmental problems as a result of the current use;
 - d) There are no urban regeneration or community over-riding benefits;
 - e) The proposal is not for an employment related support facility; and
 - f) There are no sustainability benefits that would outweigh the loss of an employment site.
 5. The Economic Development team regularly receives requests from companies for premises and Bury St Edmunds is often the most popular location. There are several times when the requests go unfulfilled due to the shortage of available employment space.'
8. The planning Policy Team have also provided further comments in an updated note:

DC/21/0427/FUL – Sports Direct
Planning policy note – 20/12/2022

This report is supplemental to the previous policy comments dated 29/09/22 on application DC/21/0427/FUL regarding Sports Direct. The purpose of this report is to provide clarification on the previous leisure comments provided, and inform a members' risk assessment should they continue to be minded to refuse the application.

Swimming pool

West Suffolk Sports Facilities Assessment (March 2022) Paragraph 6.18.2 states that there is a need for an additional four lane 25m pool by 2040 across the district. Sub area analysis cannot be considered in isolation. Almost all facilities serve catchments that extend beyond immediate sub-area boundaries. In relation to comfortable capacity, the assessment considers quantity, quality, accessibility and availability.

Table 13.2 clarifies the need for the Bury St Edmunds sub area:

The application proposes the loss of a 20m x 8m (160sqm) pool to the Bury St Edmunds catchment. The assessment classifies the Sports Direct pool as a 'community accessible facility' as it can be used by anyone who is a member of the sports club and records a peak usage level of 60%. Sport England recognises a measure of 'comfortable capacity', where a swimming pool is regarded as effectively fully utilised when peak usage levels reach 70%. The average used capacity figure for pools in and around Bury St. Edmunds is 69% (the same as for the district as a whole) and therefore based upon Sport England's 70% comfortable capacity, Bury St Edmunds has no existing spare capacity for swimming pools.

The loss of the Sports Direct swimming pool facility creates a deficit in Bury St Edmunds, which should be addressed. The applicants are not seeking to facilitate the provision of a replacement pool by providing land elsewhere.

Leisure

Presently Sports Direct provide 62 stations and a 15m by 10m studio, which scored well in the 2022 Sports Facilities assessment with good all week around availability. The assessment concludes that currently, there is a need (dependent on population increases) for an additional 6-127 stations in West Suffolk district to 2040.

The application does not propose any replacement fitness facilities to be provided elsewhere. However, the loss of the stations will not result in an overall deficit at this time and therefore a contribution is not required.

Conclusion

Bury St Edmunds swimming pools are already at 69% capacity which is at the maximum level considered comfortable by Sport England. The proposal will result in the loss of 20m x 8m (160sqm) of pool space to the Bury St Edmunds catchment, which is already at the maximum level of comfortable capacity. The closure of the Sports Direct facility will add to that pressure in the Bury St Edmunds catchment and create a deficit.

It is considered that the loss of the swimming pool and proposed retail use requires an appropriate contribution, in accordance with policy DM42 and the findings of the West Suffolk 2022 Sports Facilities Assessment. In order to calculate the necessary contribution to compensate for the swimming pool loss, we consider the rates stated in the latest version of Sport England third quarter 2022 facility cost updates document (SQM rate of £1,084 per sqm) should be used. The value of that loss is therefore calculated as $160 \times £1,084 = £173,440$.

Recommendation

The proposal as submitted is contrary to Policy DM42 in that it results in the loss of a swimming pool and fitness facilities creating a deficit of provision. Financial contributions for £173,440 would be required in order to address this.

The application would be considered acceptable if all other material considerations, including retail impact are satisfactorily addressed and contributions of £173,440 are made in respect of swimming pool reprovision within the Bury St Edmunds catchment.

Representations:

9. See Working Paper A
10. At the time of completing the report a further 36 representations have been received from members of the gym since the last Committee meeting, many of which have already made representations. No new matters are raised.

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:

St Edmundsbury Core Strategy (2010)

- Policy CS9 – Employment and the Local Economy
- Policy CS10 Retail, Leisure, Cultural and Office Provision
- Policy CS14 – Community infrastructure capacity and tariffs

Bury St Edmunds Vision 2031 (September 2014)

- BV14 (j) – General Employment Areas – Bury St Edmunds (Moreton Hall)
- BV15 – Alternative Business Development within General Employment Areas
- BV17 – Out of Centre Retail Proposals

Joint Development Management Policies Document (2015)

- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Business
- DM35 – Proposals for Main Town Centre Uses
- DM41 – Community Facilities and Services
- DM42 – Open Space, Sport and Recreation Facilities
- DM46 – Parking Standards

Other planning policy:

National Planning Policy Framework (NPPF)

13. The NPPF is a material consideration in planning decisions. 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 such policies 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 (including those listed above) 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. Please refer to Working Paper A from paragraph 31 for the officer assessment of the proposals.

Section B – Update & Policy Assessment

When permission was granted to change the property to a gym in 2000 a condition was imposed preventing any change to any other use (that would otherwise either be permitted development or in some cases not even development for the purposes of the planning system) once the gym use had been implemented. This was imposed to prevent uncontrolled future changes of use without reference to the prevailing planning policy context at the time. When this permission was granted a gym use fell within use class D2. Following the changes to the Use Classes Order in 2020, use class D2 now falls within a more broader class E, as of course does the former retail use class A1. Had the previous gym permission not had the restrictive condition imposed therefore, the current application would not have needed to be submitted on the basis that the 'change' of use falling within the same use class E, would be permitted development. A change of use within a single use class is not development and therefore does not require planning permission. The Government's rationale for this change to the use classes order was to deregulate the planning system and make it easier and more flexible for premises and business to change and adapt, without the regulatory requirements, and the timescales, costs and uncertainty, otherwise imposed by the planning system and the need, as was previously, for planning permission for such changes. So, in this light, it is only the existence of an old condition, imposed prior to the changes to the Use Classes Order, that is the reason why the Authority currently has any control in this regard.

15. In response to the further comments from the Economic Development team, these are largely addressed within the officer comments in the committee report copied at Working Paper A. Advice from the Council's independent retail consultant concludes that the economic growth of the town will not be undermined if a retail use was to operate from this site, subject to suitable restrictions. The development plan does protect employment sites, but it also allows, under certain circumstances, other types of development as has been concluded to be acceptable in this case, subject to strict conditions to ensure there is no impact on the retail offer of the town centre. The retail use proposed would not replace an existing 'B' Class employment use; the gym use is a use which falls within Class E (formerly D2). Accordingly, there would be no net loss of employment including the favoured former 'B' Class employment from the site/premises. As the application maintains the status

quo with respect to policies BV14 and DM30 and would not result in the loss of an employment site (it has already been lost to B-Class uses) the proposals are not considered contrary to the provisions of these policies.

Analysis against policy DM42 – Open space, sport and recreation facilities

16. Members have stated that they were minded to refuse permission due to the change of use resulting in the loss of a leisure facility and consequently that the proposal conflicts with policy DM42.
17. Updated comments from the Planning Policy team have been provided, specifically in relation to their leisure comments.
18. Policy DM42 states:

'Proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other Policies in this and other adopted Local Plans. Development which will result in the loss of existing amenity, sport or recreation open space or facilities will not be allowed unless:

- a. it can be demonstrated that the space or facility is surplus to requirement against the local planning authority's standards for the particular location, and the proposed loss will not result in a likely shortfall during the plan period; or
- b. replacement for the space or facilities lost is made available, of at least equivalent quantity and quality, and in a suitable location to meet the needs of users of the existing space or facility.

Any replacement provision should take account of the needs of the settlement where the development is taking place and the current standards of open space and sports facility provision adopted by the local planning authority.

Where necessary to the acceptability of the development, the local planning authority will require developers of new housing, office, retail and other commercial and mixed development to provide open space including play areas, formal sport/recreation areas, amenity areas and where appropriate, indoor sports facilities or to provide land and a financial contribution towards the cost and maintenance of existing or new facilities, as appropriate. These facilities will be secured through the use of conditions and/or planning obligations. Clubhouses, pavilions, car parking and ancillary facilities must be of a high standard of design and internal layout, and be in accordance with other policies in this Plan. The location of such facilities must be well related and sensitive to the topography, character and uses of the surrounding area, particularly when located in or close to residential areas. Proposals which give rise to intrusive floodlighting will not be permitted.'

19. Sports Direct is a privately run gym facility, providing a range of fitness services to its members. As noted within the planning policy team's comments, there is no deficit of fitness stations, but a need of between 6 and 127 will be required (depending on population growth) by 2040 within West Suffolk. Fitness stations are much more transient in nature and can be more easily re-provided by the market (unlike swimming pools). On

this basis there is no reasonable requirement for the loss of the fitness facilities to be re-provided for through a S106 Obligation. Of greater concern is the loss of the swimming pool. The proposal will result in the loss of 20m x 8m (160sqm) of pool space to the Bury St Edmunds catchment, which is already at the maximum level of comfortable capacity. The closure of the Sports Direct facility will add to that pressure in the Bury St Edmunds catchment. It can therefore be reasonably concluded that the proposal fails to comply with criteria a. of policy DM42.

20. It is important to note that in order for a proposal to be compliant with policy DM42, it must satisfy criteria a. **or** criteria b. Criteria b. of the policy seeks to ensure replacement facilities are made available, of at least equivalent quantity and quality, and in a suitable location to meet the needs of users of the existing space or facility. The reasons for refusal provided by members were not fully or precisely articulated at the meeting, reasonably so, given the concerns raised, officers have interpreted the Committee resolution as to include the inadequacy of replacement provision to meet the needs of users of the existing facility as required under criteria b.
21. There is a need for the provision of a four lane 25m pool by 2040 across West Suffolk. The loss of the swimming pool to the proposed retail use requires appropriate compensation, in accordance with policy DM42 and the findings of the West Suffolk 2022 Sports Facilities Assessment. One of the site specific opportunities for consideration at Bury Leisure Centre stated within the West Suffolk Sports Facilities Assessment (2022) was to 'Re-provide and re-configure 716sq.m of water space as part of the Leisure Centre redevelopment, including the provision of an 8-lane 25m pool.' (Para 6.20.3). This Assessment also shows that there is justification in seeking developer contributions towards the costs of provision of additional facilities in Bury St. Edmunds on the basis of existing insufficient spare capacity.
22. As previously advised, in order to calculate the necessary contribution to compensate for the swimming pool loss, we consider the rates stated in the latest version of Sport England third quarter 2022 facility cost updates document (SQM rate of £1,084 per sqm) should be used. The value of that loss is therefore calculated as $160 \times £1,084 = £173,440$.
23. The proposal as submitted is contrary to policy DM42, criteria a. in that it results in the loss of a swimming pool where there is already a deficit of provision. Financial contributions for £173,440 would be required in order to address this and this has been agreed with the applicant. Where this money will be spent within Bury St Edmunds is yet to be determined. Although a replacement leisure centre is planned at Western Way, the wording of the S106 clause would refer to a facility in the Bury St Edmunds area. It is acknowledged that any replacement facilities may not be in an equally convenient location to those residents who currently live so close to the Sports Direct facility. However, there is no reasonable case to be made or evidence before us to suggest that these funds do not adequately compensate for the lost facility. Officers are firmly of the view that whilst the change of use would result in the loss of a leisure facility, this harm can be appropriately compensated through securing funds towards new swimming pool provision, in accordance with policy CS14. There are therefore no grounds to refuse permission.

Section C – Refusal Reasons

24. The Officer recommendation remains one of approval, as per paragraph 72 of Working Paper A (with an amendment to condition 1 and an additional condition as verbally advised at the last committee meeting):

A) The prior completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:

- Developer contribution to be used towards replacement swimming pool capacity to serve the town (Bury St Edmunds);

and

B) The following planning conditions:

- 1) The unit shall be used for the sale of convenience goods Use Class E(a), or for the sale of non-food comparison goods within Use Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) excluding fashion clothing, footwear and fashion accessories, health and beauty / personal care products, jewellery, sports, toys and hobby goods and books and stationary, unless ancillary (no more than 10% of the floorspace combined) to the primary use of the unit. The sale of convenience goods shall be limited to a maximum net sales area of 992sqm or the sale of comparison goods shall be limited to a maximum net sales area of 1000sqm.
- 2) Prior to commencement of development a written 'Ecological Enhancement Strategy' shall be submitted to the Local Planning Authority for approval in writing. The written strategy shall include proposals at the application site for enhancements to biodiversity interests. Thereafter, the approved strategy shall be fully implemented and/or adhered to in accordance with a timetable and/or trigger points agreed as part of the written strategy.
- 3) Prior to the first use of the building or site for retail use a scheme for the provision and implementation of electric vehicle charging points shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and the approved charge points installed and made available for use prior to the first use of the building or site for retail purposes.
- 4) There shall be no retail sales or display of goods or services for sale externally within the application site, outside of the building, unless precise details of the goods/services and their location/s have been agreed in advance with the Local Planning Authority following submission of a formal planning application.
- 5) No plant or machinery required for the operational use of the premises shall be installed on the building (including its roof) or within its curtilage unless full details of the location/s and specification of any plant or machinery to be installed has been submitted to the Local Planning Authority for approval in writing. Only the approved plant or machinery shall be installed at the site in the locations approved by the Local Planning Authority.

6) The Gross Internal Area (GIA) of the building for retail use shall not exceed 1452 sqm and shall be limited to the ground floor. The existing mezzanine floor shall be limited to the uses shown on the floor plan (drawing no. SPORTD-IWD-XX-XX-DR-A-2002 rev P01). There shall be no insertion of additional mezzanine floorspace within the building, without the prior submission of a planning application to the Local Planning Authority.

25. However, if the Committee remains of the opinion that this application should be refused, then Officers would recommend the following reason:

1) Policy DM42 of the Joint Development Management Policies Document seeks to secure the provision of new open space, sport and recreation facilities and to protect and safeguard existing facilities from being lost to other uses or development. Policy CS14 enables financial contributions to be secured to mitigate the impact of new development. The change of use of the building from a gym to a retail use would result in the loss of a highly valued and well used leisure facility. The loss of this leisure facility will result in a deficit of swimming pool provision within West Suffolk. The proposed developer contribution would not provide immediate replacement provision in a suitable location to meet the needs of users of the existing facility. The proposal therefore conflicts with policy DM42 of the Joint Development Management Policies Document and policy CS14 of the St Edmundsbury Core Strategy.

Section D – Risk Assessment:

26. Members are again reminded, notwithstanding the above refusal reason, that Officers remain very firmly of the view that this proposal should be supported and that to refuse would be at odds with the clear and considered advice from both our retail consultant and Planning Policy team. Accordingly, if the Committee remains of the opinion that this application should be refused then they must be aware of any potential risks that may arise.

27. Members will be aware that applicants have the right to appeal a refusal of planning permission and robust reasons for refusal must be given, directly related to planning policy, providing evidence of harm and following consideration of the material planning issues.

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise. It is considered that there are no overriding material considerations that would indicate that the application should not be approved.

29. Should the application be subject to an appeal against a refusal of planning permission and the Inspector concludes that the Local Planning Authority had acted unreasonably in refusing a proposal that complies with the Development Plan, the applicants would have the right to seek to recover their appeal costs (in full or in part depending on the circumstances) from the Local Planning Authority. This may result in financial implications for the Council.

30.A further risk to the Authority from a refusal is reputational as it may show a lack of regard for the interpretation of our local plan policies. In coming to their decision Members must clearly identify whether they consider the proposal conflicts with the development plan and their reasons for reaching their decision. If it is decided that the proposal does not comply with the policies of the development plan and they wish to refuse the application, the material considerations which justify this position must be identified. Failure to adequately identify the reasons for a decision would adversely impact on the reputation of the Council.

Section E – Conclusion

31.For the reasons outlined above and also set out within the original report to Development Control Committee, Officers consider that whilst the change of use would result in the loss of a leisure facility, this harm can be appropriately compensated through securing funds towards new swimming pool provision.

32.In coming to their decision, Members must clearly identify how they consider the proposal conflicts with the development plan and their reasons for reaching their decision in circumstances such as this where the proposal does otherwise comply with the Development Plan.

33.It is recommended still therefore that planning permission be **APPROVED** subject to the following:

A) The prior completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:

- Developer contribution to be used towards replacement swimming pool capacity to serve the town (Bury St Edmunds);

and

B) The following planning conditions:

1) The unit shall be used for the sale of convenience goods Use Class E(a), or for the sale of non-food comparison goods within Use Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) excluding fashion clothing, footwear and fashion accessories, health and beauty / personal care products, jewellery, sports, toys and hobby goods and books and stationary, unless ancillary (no more than 10% of the floorspace combined) to the primary use of the unit. The sale of convenience goods shall be limited to a maximum net sales area of 992sqm or the sale of comparison goods shall be limited to a maximum net sales area of 1000sqm.

2) Prior to commencement of development a written 'Ecological Enhancement Strategy' shall be submitted to the Local Planning Authority for approval in writing. The written strategy shall include proposals at the application site for enhancements to biodiversity interests. Thereafter, the approved strategy shall be fully implemented and/or adhered to in accordance with a timetable and/or trigger points agreed as part of the written strategy.

- 3) Prior to the first use of the building or site for retail use a scheme for the provision and implementation of electric vehicle charging points shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and the approved charge points installed and made available for use prior to the first use of the building or site for retail purposes.
- 4) There shall be no retail sales or display of goods or services for sale externally within the application site, outside of the building, unless precise details of the goods/services and their location/s have been agreed in advance with the Local Planning Authority following submission of a formal planning application.
- 5) No plant or machinery required for the operational use of the premises shall be installed on the building (including its roof) or within its curtilage unless full details of the location/s and specification of any plant or machinery to be installed has been submitted to the Local Planning Authority for approval in writing. Only the approved plant or machinery shall be installed at the site in the locations approved by the Local Planning Authority.
- 6) The Gross Internal Area (GIA) of the building for retail use shall not exceed 1452 sqm and shall be limited to the ground floor. The existing mezzanine floor shall be limited to the uses shown on the floor plan (drawing no. SPORTD-IWD-XX-XX-DR-A-2002 rev P01). There shall be no insertion of additional mezzanine floorspace within the building, without the prior submission of a planning application to the Local Planning Authority.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0427/FUL](https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?CIId=527&MIId=5186)

Working Paper A – 7 December 2022 Development Control Committee report

Working Papers 1 to 8 which accompanied the December report are viewable on that agenda item from the 7 December 2022 Development Control Committee agenda on the Council's website here:

<https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?CIId=527&MIId=5186>

WORKING PAPER A

**Development Control Committee
7 December 2022**

**Planning Application DC/21/0427/FUL –
Sports Direct Fitness, Easlea Road, Bury St
Edmunds**

Date registered:	2 March 2021	Expiry date:	27 April 2021
Case officer:	Gareth Durrant	Recommendation:	Grant application
Parish:	Bury St Edmunds Town Council	Ward:	Moreton Hall
Proposal:	Planning application - change of use from gym (class E) to retail (class E commercial, business and service).		
Site:	Sports Direct Fitness, Easlea Road, Bury St Edmunds		
Applicant:	K/S Cratfield		

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:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

The planning application is reported to the Development Control Committee as it proposes 'major' development and the officer recommendation is contrary to the views of the Town Council. In addition, the consideration of the merits of the application involve complex policy matters relating to retail, employment and community/leisure facilities.

Proposal:

1. The application proposes change of use of the existing premises (gymnasium) to retail use. Planning permission is only required given that a condition on the planning permission for the gymnasium (which remains the extant planning permission) restricts the use of the premises.

Application supporting material:

2. The following documents have been submitted to support this application:
 - Application form, including certifications
 - Location Plan
 - Existing and proposed block plan
 - Existing and proposed floor plans
 - Planning Statement
 - Retail Impact Assessment and Sequential Test (as supplemented)

Site details:

3. The application site contains an existing 'commercial' building within the Moreton Hall industrial estate towards the northeast of Bury St Edmunds. The building was constructed as a factory but has been used more latterly (with planning permission) as a gymnasium. The site has its own access off Easlea Road and contained car parking.

Relevant planning history:

Reference	Proposal	Status	Decision date
SE/00/2145/P	Planning Application - Change of use and extension of former car showroom to health and fitness club (Class D2) and alterations to existing vehicular access	Application Granted	21 September 2000
E/84/2304/P	Erection of industrial unit with access for processing and packaging of pork meat as amended	Application Granted	7 August 1984

Consultations:

4. **SCC Highway Authority** – The Highway Authority notes that the proposed change of use will not affect the highway access or the site's parking provision. We also note the proposal would not have any severe impact on the highway network, in terms of vehicle volume or highway safety. Therefore, Suffolk County Council, as the Highway Authority, does not wish to restrict the grant of permission.
5. **Suffolk Fire and Rescue Service** – advisory comments relating to access and firefighting facilities, confirm that no additional water supply measures for firefighting purposes are required and advise about the benefits of installing sprinkler systems within buildings.
6. **WS Planning Policy Team – (initial comments April 2021)** -The advice notes the nature of and reasons for planning conditions attached to the planning permission which i) restrict the use of the premises as a health and fitness club only and ii) which prevent retail sales other than sales ancillary to the use of the premises as a health and fitness centre.
7. The policy team advise that the applicant should be required to submit a sequential and impact test, in accordance with NPPF and Development Plan policies. They advise that such submission should provide details of the nature of the retail use, whether it's for convenience or comparison retail. If the later whether the proposal is for bulky goods.
8. The NPPF directs that where an application fails the sequential or impact test it should be refused planning permission. It is therefore necessary to demonstrate both tests have been met.
9. In addition, the applicant is required to submit details to demonstrate the proposal complies with policy DM30 (protection of employment land).
10. **WS Planning Policy Team (comments post retail impact assessment April 2021)** – notes that the out-of-town centre retail matters are addressed elsewhere and confirms the latest advice relates to the proposed loss of a leisure facility including a swimming pool. In this regard, the advice refers to policy DM42 of the Joint Development Management Policies Document and introduces the recently commissioned (March 2022) 'West Suffolk Sports Facilities Assessment' policy evidence document.

Leisure – Existing

11. Presently Sports Direct provide 62 [fitness] stations and a 15m by 10m studio, which scored well in the 2022 Sports Facilities assessment with good all week around availability. The assessment concludes that currently there is a need, (dependent on population increases) for an additional 6-127 stations in the Bury St Edmunds area.
12. The application does not propose any replacement fitness facilities to be provided elsewhere.

Swimming Pool – Existing:

13. In the Bury St Edmunds catchment swimming pools are more sensitive. Paragraph 6.18.2 of the Sports Facilities Assessment states there is a need for the provision of a four lane 25m pool by 2040. In terms of the existing swimming pool at Sports Direct, 20m x 8m (160sqm) would be lost to the Bury St Edmunds catchment.
14. The assessment classifies the Sports Direct pool as a 'community accessible facility' as it can be used by anyone who is a member of the sports club and records a peak usage level of 60%. Sport England recognises a measure of 'comfortable capacity', where a swimming pool is regarded as effectively fully utilised when peak usage levels reach 70%.
15. The applicants are not seeking to facilitate the provision of a replacement pool by providing land elsewhere, or a financial contribution towards the cost and maintenance of a new facility.

Conclusion

16. There is currently a deficit of 6-127 fitness stations in the Bury St Edmunds area and the proposal would see a further loss of 62 stations in addition to the 15m by 10m fitness studio. Of greater concern is the swimming pool loss. Bury St Edmunds swimming pool is already at 70% capacity which is the maximum level considered comfortable by Sport England. The proposal will result in the loss of 20m x 8m (160sqm) of pool space to the Bury St Edmunds catchment, which is already at the maximum level of comfortable capacity. The closure of the Sports Direct facility will add to that pressure in the Bury St Edmunds catchment.
17. There is a need for the provision of a four lane 25m pool by 2040 in Bury St Edmunds. It is considered that the loss of the swimming pool to the proposed retail use requires an appropriate contribution, in accordance with policy DM42 and the findings of the West Suffolk 2022 Sports Facilities Assessment. The expansion of Bury St Edmunds sports centre and pool by 716sqm water and an 8 lane 25m pool amount is a high priority, (Para 6.20.3). The West Suffolk Sports Facilities Assessment (2022) shows that there is justification in seeking developer contributions towards the costs of provision of additional sports hall, swimming pool and fitness facilities in Bury St. Edmunds on the basis of limited or no spare existing capacity.

In order to calculate the necessary contribution to compensate for the swimming pool loss, we consider the rates stated in the latest version of Sport England third quarter 2022 facility cost updates document (SQM rate of £1,084 per sqm) should be used. The value of that loss is therefore calculated as $160 \times £1,084 = £173,440$.

Recommendation

18. The proposal as submitted is contrary to Policy DM42 in that it results in the loss of a swimming pool and fitness facilities where there is already a deficit of provision and need for a new facility in the Bury St Edmunds catchment. Financial contributions for £173,440 would be required in order to address this.
19. The application would be considered acceptable if all other material considerations, including retail impact are satisfactorily addressed and

contributions of £173,440 are made in respect of swimming pool reprovision within the Bury St Edmunds catchment.

20. **WS Economic Development Team** - objects to the application to convert this unit, more recently occupied by a leisure use, into retail provision. The unit in question is centrally located within an existing General Employment Area within Bury St Edmunds, and it is felt that allowing such a use would set a damaging precedent, resulting in a detrimental impact on Bury St Edmunds retail core.
21. Whilst many businesses have been significantly impacted by the Covid 19 pandemic, town centre retail was already seriously challenged by the increase in online retail. The further restrictions placed on many retailers, leisure and hospitality businesses by the pandemic has further exacerbated this position. Economic Development is keen that West Suffolk's town centres are supported and are able to thrive. This will not be achieved by diluting the retail offer away from the town centres.
22. **WS Environment Team** – Do not wish to comment in relation to air quality or contaminated land.
23. **WS Public Health and Housing** - have no adverse comments to make about the proposals but recommend imposition of a condition to any planning permission granted to ensure that any installation of new plant or equipment can be assessed via the planning system.

Representations:

24. **Bury Town Council** – Objects on the ground of loss of amenity which is a disbenefit to local residents.
25. **Our Bury St Edmunds Business Improvement District ('BID')** represents over 400 business in the town centre and objects to the proposals on the basis that the out- of-town retail facility is likely to be detrimental to the town centre of Bury St Edmunds. The proximity of this location to residents of Moreton Hall, with free car parking, means it will be a huge threat to town centre businesses. Footfall in the town centre was already decreasing before the corona virus and its huge negative impact to town centre businesses. The town centre needs all of the support it can receive and not increasing our out-of-town retail facilities. Bury St Edmunds town centre is the "Jewel in the Crown of Suffolk" & mustn't be allowed to turn into a "Ghost Town". It provides so much positivity for the local community & economy & needs the support of the Council & it's customers. Now is not the time to be allowing further out of town retail.
26. **Nine letters** have been received (predominantly from members of the existing gymnasium operating at the site) expressing concerns and/or objections to the proposals. The issues and objections raised are summarised as follows:
 - Concerned about loss of the gym facility. It is affordable and relied upon to assist with mental and physical health, particularly so since the impact of the Covid 19 virus.
 - The community does not need another shop.

- People can walk to the gym from within the community.
- There are plenty of empty premises within the town centre for retail outlets; that is where retailers should be encouraged.
- Without the Sports Direct gym facility there would not be sufficient facilities to support a growing local population.
- An increase in traffic at Easley Road would be detrimental to existing traffic flow and increase collision risks.
- The community would suffer if it were to lose the swimming pool within this facility.
- *[The existing use]* provides an easily accessible out of town facility which is well supported and required.

Policy:

27. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
28. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

St Edmundsbury Core Strategy (2010)

- Policy CS9 – Employment and the Local Economy
- Policy CS10 Retail, Leisure, Cultural and Office Provision

Bury St Edmunds Vision 2031 (September 2014)

- BV14 (j) – General Employment Areas – Bury St Edmunds (Moreton Hall)
- BV15 – Alternative Business Development within General Employment Areas
- BV17 – Out of Centre Retail Proposals

Joint Development Management Policies Document (2015)

- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Business
- DM35 – Proposals for Main Town Centre Uses
- DM41 – Community Facilities and Services

- DM42 – Open Space, Sport and Recreation Facilities
- DM46 – Parking Standards

Other planning policy:

National Planning Policy Framework (NPPF)

29. The NPPF is a material consideration in planning decisions. 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 such policies 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 (including those listed above) 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.
30. The relevant parts of the NPPF are discussed in the next section of this report.

Officer comment:

31. The issues to be considered in the determination of the application are:
 - Principle of Development (with particular regard to national and local planning policies).
 - Whether the existing building and support infrastructure (including parking provision) is suitable for the intended use.

Principle of Development

Policy context i) town centre uses

32. The planning application which proposes a retail use in an out-of-town-centre location triggers a number of national and local planning policies.
33. Extant national and local planning policies raise a number of matters in response to the application proposals. These include the location and impact of a town centre use outside of the town centre, development (in this case change of use) on allocated employment land/premises and loss of leisure/sports and community facilities. The policy context is summarised below.
33. Chapter 7 of the NPPF is titled 'Ensuring the vitality of town centres'. This chapter seeks to support and (insofar as is possible) protect the vitality and function of town centres. The chapter opens by stating "planning...decisions...should support the role that town centres play at the heart of local communities".
34. Retail use is defined by the NPPF as a 'main town centre use' (Annex 2 – Glossary). Paragraph 87 confirms that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an

existing centre nor in accordance with an up-to-date plan. The NPPF explains that the sequential test means that main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

35. The application site is situated at an out of town centre location.
36. The national policy requirement for the sequential approach to site selection to be followed is reflected in the Development Plan. Core Strategy policy CS10 states that (in the old 'St Edmundsbury' Council geographical area) the town centres of Bury St Edmunds and Haverhill will continue to be the focus for (inter alia) retail development taking into account (inter alia) the sequential approach to development. Furthermore policy DM35 of the Joint Development Management Policies Document and BV17 of Bury St Edmunds Vision repeats the national requirement to follow the sequential approach to the location of new town centre uses/proposals and 'out-of-town centre' locations are positioned at the base of the hierarchy.
37. In addition to the 'sequential test' the NPPF (paragraph 90) requires that when assessing applications for retail and leisure development outside town centres which are not in accordance with an up-to-date plan, LPAs should require an impact assessment if the development is over a proportionate, locally set threshold (or default threshold of 2,500sqm gross floorspace in the absence of a locally set threshold).
38. The NPPF goes on to require that the impact assessment (where required to be prepared and submitted) should include assessment of:
 - (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
39. The NPPF concludes this section by confirming where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the criteria above it should be refused.
40. Policy BV17 of the Vision document and DM35 of the Joint Development Management Policies document repeat the NPPF requirement for impact assessments to be submitted alongside proposals for 'town centre uses' proposed outside of town centres. These reduce the statutory national threshold of 2,500 square metres of floorspace (gross) to a locally set threshold of 1,000 square metres. The application building exceeds 1,000 square metres in size and given that retail use is defined as a 'town centre use' by the NPPF and the Development Plan, an impact assessment is required to accompany the planning application.

Policy context ii) Allocated/Protected Employment land

41. Policy BV14 of the Bury St Edmunds Vision document formally allocates the Moreton Hall industrial estate as a General Employment Area. It defines the favourable uses as Class B1, B2 and B8. Whilst the use classes Order has changed significantly in recent months with many definitions and classes having been changed, the references to Classes B1, B2 and B8 can still be used to underpin the intentions of relevant development plan policies. The retail use proposed in the application is not a B1, B2 or B8 use. This triggers consideration of policy BV15 of the vision document.
42. Whilst policy BV14 of the Vision document confirms the focus of uses within the Moreton Hall Industrial Park Policy BV15 sets out criteria against which proposals for non-B1, B2 and B8 commercial uses are considered. However, this policy does not include the Moreton Hall allocation thus, there is a policy presumption in the Vision document against uses which are not 'traditional' Class B1, B2 or B8 uses in this location.
43. Policy CS9 of the Core Strategy is positively worded to support employment related development, particularly at the towns of Bury St Edmunds and Haverhill and is largely a supporting/contextual policy. The policy does not seek to protect existing employment premises and land from being lost to other non-B Class employment uses or non-employment uses. This protection is provided by policy DM30 of the Joint Development Management Policies document.
44. Policy DM30 states that any non-employment use proposed on sites and premises used and/or designated for employment purposes and that is expected to have an adverse effect on employment generation will only be permitted where the LPA is satisfied that the proposal can demonstrate that it complies with other policies in the adopted plans and one or more of the following criteria has been met (as appropriate to the site/premises):
 - a) There is a sufficient supply of alternative and suitable employment land available to meet local job growth requirements
 - b) Evidence can be provided that genuine attempts have been made to sell/let the site in its current use and that no suitable and viable alternative employment uses can be found or are likely to be found
 - c) The existing use has created over-riding environmental problems and permitting an alternative use would be a substantial environmental benefit
 - d) An alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community
 - e) It is for an employment related support facility (e.g. training/education, creche, café)
 - f) An alternative mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.

Policy context iii) – Loss of community and Leisure facilities

45. Policy DM41 of the Joint Development Management Policies Document seeks to support the provision of new and protect existing community facilities and services. The health club facility currently operating from the application premises which offer gymnasium, swimming and other health & fitness related services to the local community on a membership basis, qualifies as a community facility. Whilst in some circumstances a retail use can qualify as a community facility (e.g. a village shop or locally accessible convenience

retail facility in an urban location) it is unlikely the retail use proposed in this application would qualify as a community facility (i.e. a continued community use of the premises) given the large size of the unit and its location away from residential areas. Accordingly the protectional provisions of policy DM41 are triggered.

46. The policy seeks to safeguard against the loss of valued facilities or services and confirms these will only be permitted where:
- a) it can be demonstrated that the current use is not economically viable nor likely to become viable (this is likely to be demonstrated via marketing of the site/premises).
 - b) it can be demonstrated there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use, or
 - c) alternative facilities and services are available or replacement provision is made, of at least equivalent standard, in a location that is accessible to the local community it serves with good access by public transport or by cycling or walking.
47. Policy DM42 of the Joint Development Management Policies document seeks to secure the provision of new open space, sport and recreation facilities and protect & safeguard existing such facilities from being lost to other uses or development.
48. The policy confirms that development that will result in the loss of existing amenity, sport or recreation open space or facilities will not be allowed unless:
- a) It can be demonstrated that the space or facility is surplus to requirements against the LPAs standards for the particular location and the proposed loss will not result in a likely shortfall during the plan period, or
 - b) Replacement for the space or facilities lost is made available, of at least equivalent quantity and quality and in a suitable location to meet the needs of users of the existing space or facility.
49. The policy qualifies the above criteria by confirming that any replacement provision should take account of the needs of the settlement where the development is taking place and the current standards of open space and sports facility provision adopted by the LPA. The policy goes on to confirm that, where necessary to the acceptability of the development developers of (inter alia) new retail development to provide or contribute financially towards new or existing facilities, as appropriate. Planning conditions and/or obligations are cited as the tools for securing this provision.

Analysis against policy – i) retail impact and sequential test.

50. The applicant has submitted a retail statement to accompany the planning application. This analyses the potential impacts of the proposals upon the vitality of the town centre in accordance with the NPPF (and local policy) requirements discussed above. The statement also includes a demonstration of the applicants analysis of potential alternative sites in and around the Bury St Edmunds town centre as part of the sequential test requirement.

51. The Council has commissioned independent analysis of the applicants retail assessment from an expert retail consultancy. The response was initially to request further information from the applicants particularly with regard to the nature of the operator but also with respect to some of the assumptions and inputs placed into the applicants modelling of the forecast retail impacts to the town centre. The applicants responded to the request for further information and supplied this alongside the inclusion of more sites within and deeper analysis of other sites as part of the sequential test. The initial retail appraisal, the applicants response and other relevant exchanges with respect to the retail impact assessment and sequential test are included in an appendix at the end of the report. This will enable committee Members to satisfy themselves that these important policy requirements have been met by the applicants.
52. In accordance with the independent advice received from the retail consultant, it is considered that the applicants have adequately considered alternative sites in and around (on the edge of) the town centre for the proposed retail use and have adequately demonstrated that no alternative sites are currently available (sequential test).
53. The applicants' retail impact assessment concluded there would be some inevitable impacts upon the vitality of the town centre as some trade would be drawn to the new unit from the town centre but considered this would not be significant. Whilst the Council's consultant agreed with the overall conclusions of the applicants assessment (as supplemented) they advised that because of the speculative nature of the proposals (no end user had been identified) and the limits within the applicants retail appraisal (i.e. they had not considered and tested every scenario, including a major retailer moving to the new site from an important town centre 'anchor' store, a condition was recommended to limit the range and nature of goods that can be displayed for sale within the new unit.
54. The condition by the independent retail consultant is as follows:
- *The unit shall be used for the sale of convenience* goods Use Class E(a), and for the sale of non-food comparison** goods within Use Class E(a1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) excluding fashion clothing, footwear and fashion accessories, health and beauty / personal care products, jewellery, sports, toys and hobby goods and books and stationary, unless ancillary to the primary use of the unit.*
- * goods which are purchased frequently and immediately – widely available (every-day items)
- ** higher value goods purchased less frequently, normally non-perishable
55. The applicant has expressed concern about the extent of the limitations included in the condition and has requested that most of the goods proposed to be restricted by the condition are removed from the list as this would, in their opinion, severely restrict the marketability of the unit to retail providers. The applicant suggested the following categories could remain as part of the condition; fashion clothing, footwear and fashion accessories & jewellery.

56. Whilst it is true that the proposed planning condition would restrict the nature of the retail operation of the unit at the Easley Road site, it is important that the reasoning behind the condition is considered when deciding which version of it should be imposed upon the planning permission. The applicant was not able to demonstrate that all potential retail scenarios operating from the unit would not be significantly damaging to the town centre and the retail consultant advised that their suggested condition would serve to introduce safeguards against that harm arising.
57. The primary motive of the suggested condition (and the national/local policy aspirations that will underpin it) is to protect the town centre from the adverse effects of trade draw from retail uses located outside of the centre. There is nothing to prevent the applicant nor indeed their interested retail operator from proposing amendments to the condition at a later date if they can demonstrate that their specific operation would not lead to significantly adverse retail impacts arising. Accordingly it is considered that the condition recommended by the retail consultant, as set out above, accords with national and local planning policy, is reasonable and proportionate in the circumstances and is sufficiently flexible that it could (if appropriate) be amended in future via formal planning application.

Analysis against policy - iii) Development (change of use) of premises allocated for employment purposes.

58. The application site is allocated for employment related use/development by policy BV14 of the Bury St Edmunds Vision 2031 document. This seeks to support new proposals for and safeguard against the loss of employment related uses for the traditional B1, B2 and B8 use classes. Policy DM30 of the Joint Development Management Policy sets out criteria against which proposals for non-employment uses of existing or allocated employment land are considered. It is important to note in this policy context that i) the retail use proposed by the planning application does provide 'employment' in the form of jobs in the retail sector, albeit not the B1, B2, B8 employment types required by planning policy.
59. Furthermore, the retail use proposed would not replace an existing 'B' Class use; the fitness centre use is a Use Class D2 use. Accordingly there would be no net loss of employment including the favoured 'B' Class employment from the site/premises. As the application maintains the status quo with respect to policies BV14 and DM30 and would not result in the loss of an employment site (it has already been lost to B-Class uses) the proposals are not considered contrary to the provisions of these policies and no harm would occur to employment provision in the town overall.

Analysis against policy - iii) Loss of community facility and loss of sports/leisure facility.

60. The requirements of the policies DM41 and DM42 which address loss of i) community facilities and ii) open space, sport and recreation facilities, to other uses are similar in their application and intention. There is a large degree of overlap in how the policies seek to approach consideration of these matters. Accordingly, this section of the report considers the loss of the health and fitness club as both a community facility and a sports/leisure facility.

61. The Council's planning policy team has analysed the likely impact of the loss of the facility upon the provision and availability of fitness and swimming facilities in the town. The analysis, which is summarised at paragraphs 10-17 above was prepared in consultation with officers from the Council's Parks and Leisure team.
62. Whilst the advice is focussed on the provisions of policy DM42 and its requirements, there are no reasons to separate it from the requirements of policy DM41 too given the similarities.
63. Officers have no reason to challenge or disagree with the analysis provided by the planning policy team and the applicant has agreed, in accordance with the provisions of policies DM41 and DM42 to provide a contribution towards replacing the swimming pool facility that would be lost as a consequence of this development. This would be provided as part of the redevelopment of the existing public swimming pool building when that facility is replaced as part of the West Suffolk Hub redevelopment which has already attained a planning permission.
64. Officers consider that upon securing the contribution as part of an Agreement under S106 of the planning act, the application proposals would accord with the requirements and criteria of policies DM41 and DM42.
65. In particular:
 - There is no need to replace or compensate for the loss of the gym/fitness facilities (this is likely to be compensated by the market)
 - It is unlikely that the swimming pool facility would be replaced by the market given the significant up-front investment required and the associated risks.
 - A financial contribution towards a replacement swimming pool facility within the town is justified in this instance. This would be secured by a S106 Agreement.
 - The contribution would ensure that adequate alternative facilities (of at least equivalent quantity and quality) are provided at an appropriate alternative location in the town thus mitigating the impact of the loss of the swimming pool facility from within the application building. Indeed the replacement swimming facility is anticipated to be more accessible to the public given there is unlikely to be a requirement to become a subscribing Member (even if an option to do this is provided).

Other material planning issues

66. There are no site-specific reasons to suggest that planning permission should be withheld for the development proposals. The building is adequately served by car parking and service arrangements for the intended retail use and given that the building exists and has been operating for many years already benefits from drainage and other service infrastructure/connections. It is recommended that a scheme for the provision of electric vehicle charge points is submitted for later approval of

the Local Planning Authority. Enhanced parking spaces in this regard could be secured via a suitably worded planning condition.

67. Policy DM12 of the Joint Development Management Policies Document requires that “enhancement for biodiversity should be included in all proposals”. The policy goes on to give some generic examples of the types of enhancement that could be included in proposals (e.g. watercourse improvements, habitat creation, wildlife links, and design features (e.g. bird/bat boxes). Whilst opportunities for biodiversity enhancement for the application proposals will be limited given the fact that the building and its infrastructure is already in place, there are some biodiversity enhancements which could be secured (for example bat and bird boxes and opportunities for native species planting if site conditions allow). These could be considered and implemented at a later date (i.e. prior to the first use of the unit for retail purposes) and secured by an appropriately worded planning condition.

Conclusion:

68. The decision on this planning application turns on whether the applicant has adequately demonstrated and/or mitigated potential impacts upon i) the vitality of the Bury St Edmunds town centre (as defined), ii) the provision of community facilities and services and iii) the provision of open space, sport and recreation facilities.
69. These policy-based requirements have been independently assessed and, subject to controlling conditions and a S106 clause, advice has been received which concludes impacts would be insignificant or capable of mitigation.
70. The application proposals are therefore considered to accord with the requirements of relevant National Policies set out in the NPPF and relevant local Development Plan policies. These are identified and discussed within the report and its appendices/background documents.
71. The Committee is recommended to approve the planning application subject to the conditions and caveats included in the next section.

Recommendation:

72. It is recommended that planning permission be **APPROVED** subject to:
- A) The prior completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
- Developer contribution to be used towards replacement swimming pool capacity to serve the town (Bury St Edmunds);
- and
- B) The following planning conditions:
- 1) The unit shall be used for the sale of convenience goods Use Class E(a), and for the sale of non-food comparison goods within Use Class E(a1) of the Town and Country Planning (Use Classes) Order 1987 (as amended)

excluding fashion clothing, footwear and fashion accessories, health and beauty / personal care products, jewellery, sports, toys and hobby goods and books and stationary, unless ancillary (no more than 10% of the floorspace combined) to the primary use of the unit.

- 2) Prior to commencement of development a written 'Ecological Enhancement Strategy' shall be submitted to the Local Planning Authority for approval in writing. The written strategy shall include proposals at the application site for enhancements to biodiversity interests. Thereafter, the approved strategy shall be fully implemented and/or adhered to in accordance with a timetable and/or trigger points agreed as part of the written strategy.
- 3) Prior to the first use of the building or site for retail use a scheme for the provision and implementation of electric vehicle charging points shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and the approved charge points installed and made available for use prior to the first use of the building or site for retail purposes.
- 4) There shall be no retail sales or display of goods or services for sale externally within the application site, outside of the building, unless precise details of the goods/services and their location/s have been agreed in advance with the Local Planning Authority following submission of a formal planning application.
- 5) No plant or machinery required for the operational use of the premises shall be installed on the building (including its roof) or within its curtilage unless full details of the location/s and specification of any plant or machinery to be installed has been submitted to the Local Planning Authority for approval in writing. Only the approved plant or machinery shall be installed at the site in the locations approved by the Local Planning Authority.

Documents:

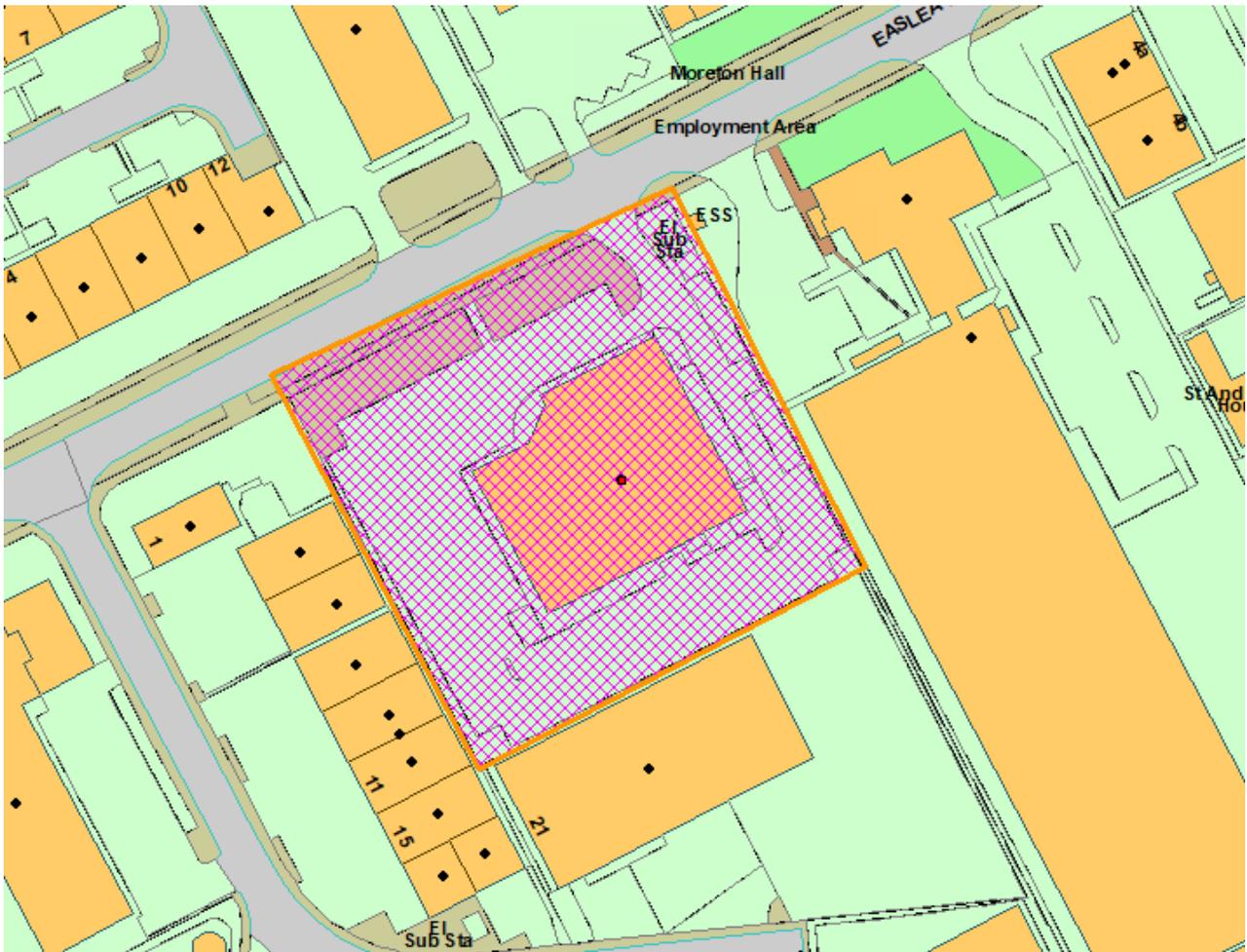
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0427/FUL](https://www.dorsetcouncil.gov.uk/DC/21/0427/FUL)

Working Papers 1 to 8 – Retail Assessment Papers including applicant's submissions and independent retail consultant advice

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DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, Bury St Edmunds

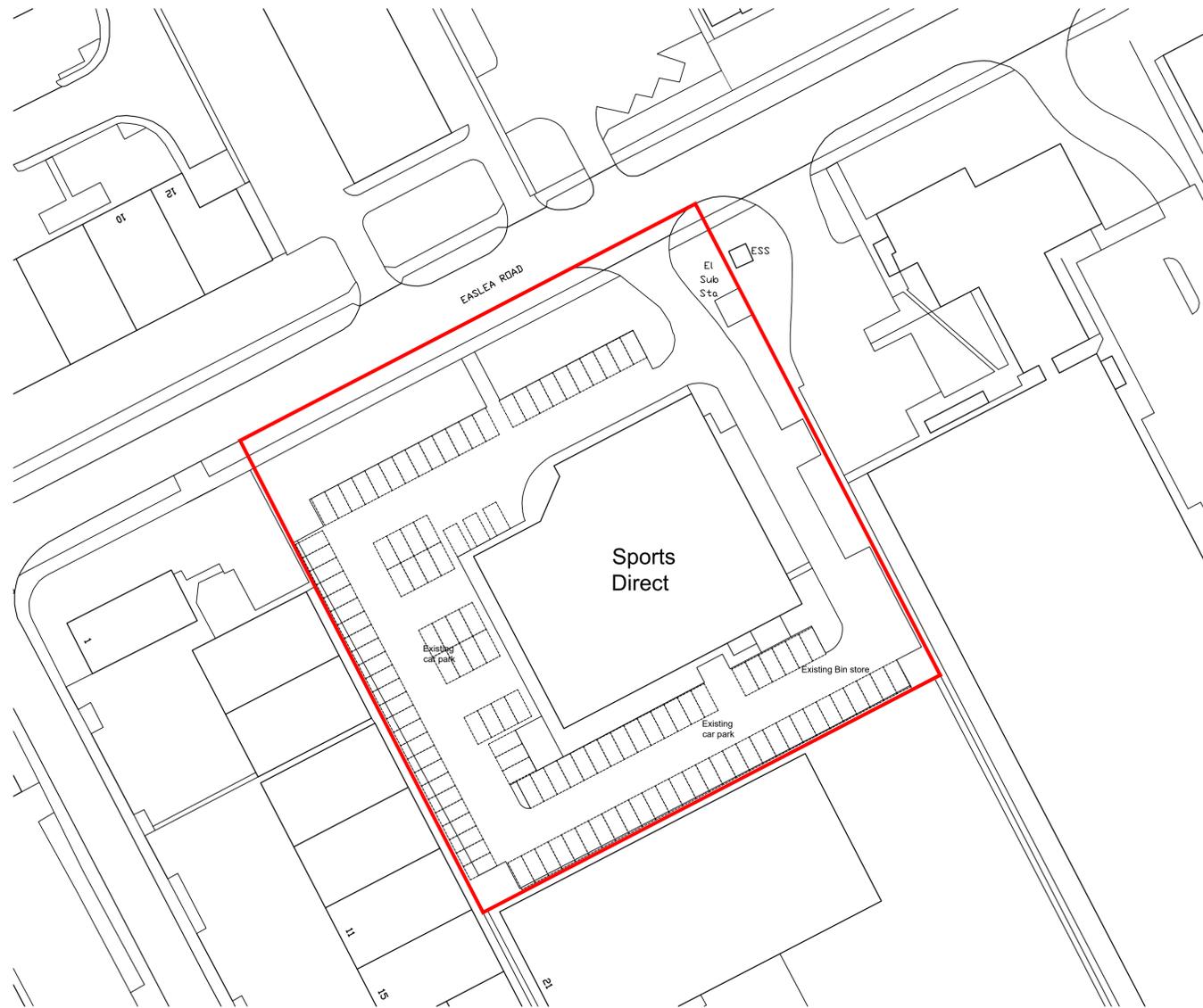


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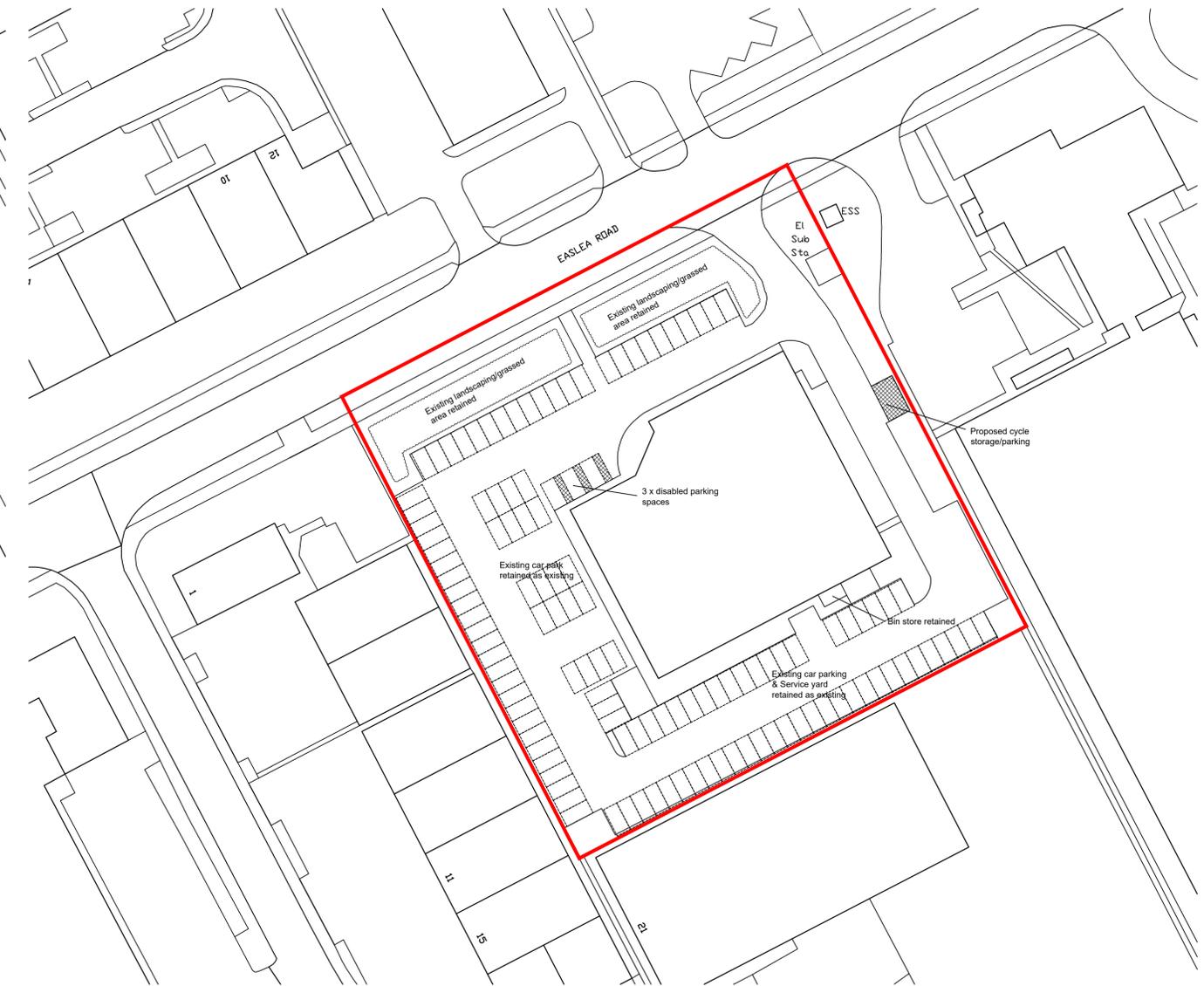


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Existing Block Plan



Proposed Block Plan

P01	First Issue	10/12/20	AC	AC
Rev	Description	Date	CHK	APP
Project No:	501865	Scale @ A1:	As Indicated	Drawn By: JD

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Vision, form and function

Project:
Sports Direct
 Easlea Road
 Bury St Edmunds
 IP31 7BY

Client:
Nectar Asset Management

Title:
Existing & Proposed Block Plan

Drawing Number:
SPORTD-IWD-XX-XX-DR-A-1001

Status:	Purpose of Issue:	Revision:
S2	Planning	P01

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Development Control Committee 4 January 2023

Planning Application DC/21/2148/FUL – Agricultural Building, Maids Cross Hill, Lakenheath

Date registered:	17 November 2021	Expiry date:	12 January 2022 EOT 06 January 2023
Case officer:	Amey Yuill	Recommendation:	Approve application
Parish:	Lakenheath	Ward:	Lakenheath
Proposal:	Planning application - agricultural storage building		
Site:	Agricultural Building, Maids Cross Hill, Lakenheath		
Applicant:	Mr Joe Bussey		

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:

Amey Yuill
Email: amey.yuill@westsuffolk.gov.uk
Telephone: 01284 763233

Background:

This application was referred to the Delegation Panel as the comments received from Lakenheath Parish Council were one of objection, contrary to the officer recommendation of approval of the application.

Following the Delegation Panel meeting on 6 September 2022 it was concluded that the application should be determined by the Development Control Committee.

During the course of the application three consultations have taken place with statutory consultees and neighbouring properties due to a number of amendments being received, including the revision of the red outline of the site, an alteration to the orientation of the proposed building, as well as a change to the proposed external colour of the building.

A site visit is scheduled to take place on Tuesday 3 January 2023.

Proposal:

1. Planning permission is sought for an agricultural storage building on land off Maids Cross Hill to the south and Sandy Drove to the east. The building would measure 6 metres in height (4.89 metres to the eaves), 28.20 metres in length and 16 metres in width.
2. The proposed purpose of the agricultural building is to store machinery which is used for the applicant's agricultural business.
3. The permission being sought follows an enforcement case which raised concerns about the untidy nature of the site due to the materials and machinery being stored in the open. It was suggested an agricultural building be constructed to tidy up the site.

Application support material

- Application form
- Location plan
- Proposed block plan
- Proposed floor plans and elevations
- Flood map
- Flood risk map
- Land contamination questionnaire
- Land contamination report
- Brief from Suffolk County Council Archaeology
- Archaeological trial trench evaluation
- Design and access statement

Site details:

4. The application site sits on the corner of Maids Cross Hill to the south, Sandy Land to the east and a track road to the north. It is located within land designated as countryside for the purpose of planning and has a history of use as agricultural land.

5. A formal access currently exists to the south-western corner of the site via Maids Cross Hill, however, there is also an access gate on the eastern side of the site off Sandy Drove, which is known to be used also.
6. The site is currently used to store material, hay and machinery which is said by the applicant to be used in connection with the applicant's agricultural business.
7. To the east of the site, sitting on the other side of Sandy Lane is Roughts poultry farm which contains a mix of agricultural buildings, as well as two residential properties (Home Farm and Flat 1 Home Farm). To the west and north are open fields, and to the south is Maids Cross Hill which sits between the village of Lakenheath and RAF Lakenheath.
8. The site is located within the 1500m buffer around components parts of Breckland Special Protection Area (SPA) designated for Stone Curlew.
9. Sandy Lane, to the east of the application site, is a Public Right of Way (PROW) and is classified as a Byway Open to All Traffic (BOAT) – Lakenheath Byway 17.

Planning history:

10. No relevant planning history.

Consultations:

11. **County Archaeologist** – Advised that due to the high potential for encountering archaeological features of high significance in the immediate area, the proposed agricultural building would need to be investigated for archaeology prior to the determination of the planning application.
12. Following the submission of an archaeological evaluation and report, which showed that there was no significant archaeology present within the proposed footprint of the agricultural building to prevent development, it was advised that there would be no requirement for conditions for archaeological investigation and reporting on this application.
13. **RSPB Eastern England Regional Office** – No comments received.
14. **Suffolk Wildlife Trust** – No comments received.
15. **Environment and Transport – Highways** – No objections raised during any of the three consultations. Stated that the proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a Highway Authority does not wish to restrict the grant of permission.
16. **Natural England** – No comments to make regarding proposal.
17. **Public Health and Housing** – No objections raised.
18. **Place Services – Ecology** – No comments received.

19. **Place Services – Landscape** – No comments received.
20. **British Horse Society** – No comments received.
21. **Ramblers Association** – No comments received.
22. **Ecology and Landscape Officer** – In terms of the proposal's impact on the SPA for Stone Curlew, the Ecology Officer stated that evidence suggests that agricultural buildings have less of a displacement effect than other types of building. Furthermore, with the proposed development failing to trigger the Natural England SSSI Impact Risk Zones because of the scale of the building which is below the threshold of 1000m² and Natural England not objecting to the proposals, it has been advised that the likely significant effects can be screened out.
23. In relation to landscape effects, it was suggested that tree and shrub planting is required to integrate this structure into the landscape and any planting should be reflective of the existing hedge and tree lines.
24. Furthermore, it was advised that ecological enhancements should be secured (as required by NPPF 174 and DM12), which could be delivered through new tree and hedge planting.
25. **Public Rights of Way and Access Team** – No objections raised but provided general advice including that the PROW must remain open, unobstructed, and safe for the public to use at all times, as well as that any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW.

Representations:

26. **Lakenheath Parish Council** – Following the first round of consultations, the Lakenheath Parish Council objected to the application, stating:

“The view from Maids Cross Hill and the Warren northwards was identified by Parishioners in the Neighbourhood Plan Survey as reflecting the most distinct and important in the area; it encompasses features of the area's history and the way its landscape has been shaped by those who have lived and worked in it, and by nature. It is currently spoiled by an unsightly collection of vehicles and equipment on what should be agricultural land and has been the source of considerable complaint involving the Council's Enforcement team. On the face of it, a discreet building which could contain all the trade stock and equipment currently spread over the area would be welcomed.

However, there are number of issues. The proposed building is described as an agricultural building; agriculture is the practice of cultivating plants and livestock, and the business currently occupying the site is not agricultural – although hay is one of its products, it is brought in. Activity on the site is fundamentally that of a contracting and trading business and should be acknowledged as such when considering the application. This application runs counter to DM13, which states that all proposals for development should be informed by, and be sympathetic to, the character of the landscape.

The applicant is looking to provide a very large warehouse with a new access. The Design and Access statement states "The site already has an entrance in place from Sandy Lane it is not proposed to amend this or change the entrance as it serves the existing use." However, Sandy Drove is a narrow (3 metre) Right of Way enclosed by hedges, with only limited traffic to the neighbouring farm. The splay required by large vehicles using the entrance – including 12metre trailers - is simply not available without destruction of existing hedgerow. The ground on this track is unstable sand which is incapable of taking heavy manoeuvring traffic. As currently, vehicles accessing the site should only be from Station Road and along the North end of the field. A new entrance was opened onto Maids Cross Hill resulting in heavy vehicles using residential streets at speed. The Sandy Drove entrance would legitimise and presumably exacerbate this issue.

Consideration must also be given to the safety, working and enjoyment of the larger adjacent farm business and the families who live there.

The field the other side of Sandy Drove is known locally as the Roman field, with many Roman artifacts having been found there and recorded by the archaeology section of Suffolk County Council. On the field in question, a complete and untouched Roman kiln was found some 18" below the plough level as well as various pots and parts of pots and coins. In considering the case, an archaeological dig should be arranged to ensure that historical content is not lost.

The proposal is not proportionate and cannot be balanced against the potential harm to the landscape as the area is fully visible from many vantage points. It is noted that the size of the warehouse has been reduced, but even at its original size there was doubt that it would not be big enough to accommodate the equipment currently on the site. There is therefore a concern that the warehouse would simply be an additional loss of visual amenity – as well as, rather than instead of!

The proposal should be rejected as it would probably not resolve the current issues and represents an inappropriate development where the landscape impacts cannot be effectively mitigated."

27. Following the second and third consultations, which have included the archaeological report, a revision to which access is proposed to be used for the agricultural building, and the alteration of the building's orientation and external colour, no further comments have been received from the Parish Council.
28. **Ward Member** – No comments received from either of the Lakenheath Ward Members.
29. **Neighbour Representation** – 14 neighbour representations were received during the three consultation periods of the application (three during the first round, four during the second round and seven from the third round).
30. For the first consultation representations were received from Flat 1 Home Farm and Home Farm, all stating their objection to the proposal for the following summarised reasons:

- Highway issues regarding access, safe manoeuvring and pedestrian safety
- Questions of existing use of field where proposal sits and use of storage building – commercial use not agricultural
- Concerns in terms of impact on SSSI and protected species
- Adverse impact on character of area
- Impact on neighbouring amenity due to loss of light, light pollution and noise
- Queries regarding inaccuracies with the submitted plans

31. Following the second round of consultation, whereby the proposal has been amended and clarification had been provided in terms of the access to be used being via Maids Cross Hill, not Sandy Drove, representations were received from Home Farm x 2, Flat 1 Home Farm and 6 Delph Road. All representations objected to the proposal for the same reasons as listed above, as well as concerns regarding the increased risk of a fire hazard as a result of the proposal.

32. During the third and final round of consultation, which was carried out due to an amended red outline of the site, extending to the access via Maids Cross Hill to the southwestern corner of the site, seven representations were received from 41 High Street, 6 Delph Road, 23 Windmill Close, 29 Meadow Drive, Flat 1 Home Farm, Rumbles and Home Farm, all of which objected to the proposal for the reasons listed above, as well as the following additional summarised reasons:

- Adverse impact on landscape and rural nature of the area
- Concerns the building will not be used for agricultural purposes
- Queries raised regarding existing access gates which do not have planning permission
- Proposal may impact Public Right of Way use
- Building will be imposing to those using Public Right of Way
- Suggestion to move building away from neighbouring farm
- Current contents of field (machinery etc) will not fit into the proposed building
- Sandy Drove access is being used without owner's permission
- Design of building is not suitable for agricultural use

Policy:

33. 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.

34. 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:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM44 Rights of Way
- 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 CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS10 - Sustainable rural communities

Other planning policy:

35.National Planning Policy Framework (NPPF)

36.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:

37.The main considerations in the determination of these applications are:

- o Principle of development
- o Design and impact on character
- o Impact on neighbouring amenity
- o Highway impact
- o Public Right of Way impact
- o Archaeological impact
- o Impact on biodiversity

Principle of development

38. Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Policy DM5 also provides support for buildings in the countryside which are directly related to agriculture subject to the proposal having, amongst other things, an acceptable impact upon the character and beauty of the countryside.
39. Policy CS10 also supports the diversification of existing rural enterprises and the development of new enterprises where a rural location is either environmentally or operationally justified, provided there are no significant detrimental environmental, landscape, conservation or highway impacts.
40. In this case, the proposed building is to be used to store machinery which is used for the applicant's agricultural business. However, the use of the proposed building has been highlighted as an area of concern by neighbours and the Lakenheath Parish Council, as it has been suggested that the application site is currently used for additional purposes, such as storing and selling general machinery and for light industrial use.
41. Following these concerns being raised, officers have sought evidence from the applicant regarding the agricultural business to ensure that an agricultural use is taking place on the site which would warrant the need for the proposed agricultural building. Invoices have been provided which evidence the applicant's agricultural business which operates from the application site. Those include baling of straw, cutting of shelter belts and ditches, the provision of a tractor, trailer, and driver for the harvesting of crops and irrigation of fields.
42. Whilst the concerns from neighbours and the Parish Council are acknowledged, officers are content that the proposed use of the building for agricultural purposes is warranted, on a site that the documentary evidence provided indicates is used, to a sufficiently material degree, for agricultural purposes. To ensure the use of the building remains agricultural in nature, officers consider it appropriate to control the use of the building via condition.
43. The principle of the development is therefore considered generally acceptable, in accordance with DM5 and CS10, subject to further material considerations as discussed below.

Design and impact on character and landscape

44. Development such as the provision of an agricultural building will need to be in accordance with policy DM2 and requires proposals to respect the character and appearance of the immediate and surrounding area, and

that there is not an adverse impact upon residential amenity, highway safety or important trees within the street scene.

45. Along with DM2, CS2 of the Forest Heath Core Strategy requires development to conserve and where possible enhance the character and local distinctiveness of the area. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable.
46. Policy DM13 and policy CS3 state that development should be informed by, and be sympathetic to, the character of the landscape and proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape.
47. The application site is located in a rural countryside location. The site and wider area are overtly agricultural in character and appearance, with open fields to the north and west, Roughts poultry farm to the east which comprises multiple agricultural structures and dwellings, and Maids Cross Hill to the south. The site is bordered to the east by hedgerows and vegetation, apart from an element where the hedgerow breaks for an access onto Sandy Drove. The other boundaries are relatively open, with the site being visible from a track to the north and Maids Cross Hill. It should also be noted that the site is located within an area of local landscape value.
48. The proposed structure is positioned on the north eastern corner of the site, in an area which enables the building to sit near the agricultural buildings which belong to Roughts poultry farm to the east, and which will minimise the proposal's impact on the landscape, preventing the building from otherwise being a stark object in an open field. Concerns were raised by both neighbours and the Parish Council in terms of the proposal's positioning and how it may negatively impact the character of the area and landscape. However, officers consider the positioning on the site would ensure the least impact is caused, with it being situated near and viewed within the context of other elements of built form.
49. In addition, the proposed structure is agricultural in character and appearance. The proposed building is lengthy, measuring 28.20 metres, but is not otherwise considered disproportionately large, and with a height of 6 metres is considered to be of a respectful scale. The external appearance of the building has been amended throughout the course of the application, with the previously proposed colour for the external elevations being Goosewing Grey coated profiled steel and the proposed elevations now being Moss Green coated profiled steel, which is considered to be more in keeping with the surrounding area's character. This can be controlled through a condition.
50. In relation to landscape effects, whilst the addition of an agricultural building would introduce a large structure into the existing field, this kind of development is not unexpected in such a location and is considered to respect the wider landscape character. It was, however, suggested by the Ecology and Landscape Officer that tree and shrub planting should be required to integrate this structure into the landscape, which is considered

appropriate to be controlled through a pre-commencement condition for the submission of a soft landscaping scheme prior to the commencement of any development – this has been agreed with the applicant. It was advised by the Ecology and Landscaping Officer that any planting should be reflective of the existing hedge and tree lines.

51. In summary, the proposed addition of the agricultural building is deemed to be appropriate in terms of its design and impact on the surrounding character and landscape, in accordance with policy DM2, DM13 and CS5.

Impact on neighbouring amenity

52. Policies DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated), must be considered.

53. DM14 states that proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. The policy goes on to say that all applications for development where the existence of, or potential for creation of, pollution is suspected must contain sufficient information to enable the Planning Authority to make a full assessment of potential hazards.

54. Concerns have been raised by the residents of the farm which sits to the east of the application site and proposed agricultural building, on the opposite side of Sandy Lane, Home Farm and Flat 1 Home Farm. The residents are concerned that the proposed building will adversely impact their amenity due to:

- The proximity of the building to their properties and how this may result in loss of light into their lounge in afternoons and evenings in winter
- Disturbance due to light pollution if lighting is proposed inside or outside the building
- Noise as a result of the buildings proximity to their dwellings paired with the applicant's nature of business which involves power tools, grinders, diggers and other machinery which could generate noise

55. Since the first plans were submitted for the proposal, some minor amendments have been made which has altered the orientation of the building slightly so that the main access doors face west, away from Home Farm and Flat 1 Home Farm to reduce impacts on neighbouring amenity in terms of an overbearing sense, as well as noise and light impacts.

56. The proposed building being positioned approximately 45 metres from the dwellings to the northeast, the soft landscaping on the application site boundary as well as at Home Farm and an access track separating the buildings and creating a buffer, as well as the surrounding area being agricultural in nature, officers do not consider the proposed development would have such an adverse impact on the neighbouring properties to warrant its refusal.

57. The proposed development would be set off to an angle on the opposite side of Sandy Drove, therefore, even with its 6-metre height, it is not considered to have an adverse impact on the light into Home Farm and Flat 1 Home Farm.
58. Furthermore, it is considered reasonable by officers that a condition should be placed upon the permission which states that no external lighting shall be installed on the application site without prior written consent from the Local Planning Authority, in the interest of residential amenity.
59. Therefore, in summary, the proposal is deemed to be acceptable in terms of its impact on residential amenity and would comply with policy DM2 and policy DM14 in that regard.

Highway Impact

60. Policy DM2 of the Joint Development Management Policies Document seeks to ensure that proposals maintain or enhance the safety of the highway network and paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
61. Initially, the submitted plans and details showed that the proposed agricultural building would be accessed via Sandy Drove, to the east of the application site where an entrance currently exists. However, following neighbour representations being received from the owner of Sandy Drove, highlighting concerns that permission for access via Sandy Drove has not been given, and with no notice being served on the owner for the use of the Sandy Drove for the proposed development, as well as the suitability of Sandy Drove for agricultural vehicles, which was also brought up by neighbours and the Parish Council, it was concluded by the agent for the application that an existing access to the southwest of the application site via Maids Cross Hill would be used to gain access to the proposed agricultural building instead. A revised location plan and Design and Access Statement were received to formalise this change and a re-consultation was carried out with both neighbours and statutory consultees.
62. During the course of the application, the Suffolk County Council Highway Authority provided comments twice in response to consultations, both of which stated they did not wish to restrict the granting of permission for the proposed development as the proposal is not considered to have a detrimental effect on the public highway. Therefore, with the change of access location as to avoid Sandy Drove, therefore avoiding the narrow track road, it has been concluded that the proposal would comply with both policy DM2 and paragraph 111 of the NPPF.

Public Right of Way impact

63. Policy DM44 states that a development which would adversely affect the character of, or result in the loss of, existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be

arranged which are at least as attractive, safe and convenient for public use.

64. Sandy Drove, which is adjacent to the application site to the east, is a Public Right of Way which falls under the Byway Open to All Traffic (BOAT) classification (Lakenheath Byway 17), meaning it can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle.

65. Concerns have been raised by both the Lakenheath Parish Council and several neighbours in terms of the proposal's potential impact on the Public Right of Way in terms of functionality and safety, as well as the impact on character. Concern has been raised that vehicles accessing the application site via Sandy Drove would force those walking along the Public Right of Way to have to move up onto the banks of the track which could cause a hazard. In addition, the owner of Sandy Drove has raised concerns, stating the applicant currently uses Sandy Drove as the main access to the site, despite not having permission and accesses have been created onto Sandy Drove from the application site which do not have permission.

66. Firstly, with the Public Right of Way being a Byway Open to All Traffic, vehicles are permitted to drive up and down Sandy Drove. However, following the concerns raised by the Parish and neighbours being passed to the agent for the application regarding the access via Sandy Drove, it was agreed that the access for the building would be via the Maids Cross Hill access to the southwestern corner of the site instead. Following this agreement, a revised location plan was submitted to show the Maids Cross Hill access would be used for the proposed agricultural building, therefore resolving concerns in terms of vehicles in relation to the agricultural building driving up and down Sandy Drove.

67. In terms of the impact on the character of the Public Right of Way, as advised previously, the site and the surrounding land is agricultural in nature, with the existing Rought poultry farm sitting to the east of the application site, which benefits from a number of agricultural buildings on site. In addition, the design, positioning and scale of the building is deemed to be appropriately agricultural in character.

68. Therefore, the addition of the agricultural building being considered under this application is considered to be acceptable both in terms of its impact on the character and accessibility of the Public Right of Way, in accordance with DM44.

Archaeological Impact

69. Policy DM20 states that on sites of archaeological interest, or of potential archaeological importance, provided there is no overriding case against development, planning permission will be granted subject to satisfactory prior arrangements being agreed.

70. In addition, paragraph 194 of the NPPF states 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should

require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.

71. The application site is located within an area of high archaeological potential, adjacent to a significant multiperiod site (HER ref no. LKH 072) consisting of Roman buildings and kilns, Saxon cemetery and medieval remains. This area is extremely rich in archaeological remains, with numerous Prehistoric, Roman and later sites and finds spots in the immediate vicinity (e.g., LKH 073, LKH 128, LKH 188 & LKH 195).
72. With the site having never been the subject of systematic archaeological investigation and due to the high potential for significant archaeological remains to be present, as well as the possibility that the proposed agricultural storage barn could cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that exist, the Suffolk County Council Archaeological Service advised that in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant would be required to provide an archaeological evaluation of the site prior to the determination of any planning application, to allow for preservation in situ of any sites of national importance that might be defined, in accordance with paragraphs 194 and 195 of the National Planning Policy Framework.
73. Following the advice received from the Archaeological Service, an archaeological evaluation was undertaken, and the report has been reviewed by the Archaeological Service. The Archaeological Service advised that the results from the report show that there is no significant archaeology present within the proposed footprint of the agricultural building to prevent development. Therefore, based on the results of the archaeological evaluation the Archaeological Service advised that they would not be asking for any further archaeological work and there would be no requirement for conditions for archaeological investigation and reporting on this application. Therefore, the proposal is considered to be acceptable in terms of the impact on archaeology.

Impact on biodiversity

74. Policy DM10 states that when considering development proposals which may have an adverse impact on nature conservation sites or interests, the Local Planning Authority will have regard to the expert nature conservation advice provided by Natural England, the Suffolk Wildlife Trust and other specialist sources.
75. Policy DM11 states that development which would have an adverse impact on species protected by the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981), the Protection of Badgers Act (1992), and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation, will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to: a. reduce disturbance to a minimum; and b. i. maintain the population identified on site; or ii. provide adequate alternative habitats to sustain at least the current levels of population.

76. Policy DM12 states as part of the requirements of other policies in this DPD, measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.
77. Policy CS2 requires new built development to be restricted within 1,500m of components of the Breckland SPA designated for Stone Curlew. Proposals for development in these areas will require a project level Habitat Regulations Assessment (HRA). Development which is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.
78. The application site is located within the 1500m buffer around any 1km grid squares that have a functional link to the SPA because they support Stone Curlew outside, but in close proximity to the SPA. However, as advised by the Ecology and Landscaping Officer in their comments, evidence suggests that agricultural buildings have less of a displacement effect than other types of building. Whilst the reasoning for this is not conclusive it is assumed to be as a result of fewer movements to the site, no disturbance as a result of recreational usage of the immediate surrounds, reduced lighting and no disturbance or predation by pets.
79. Furthermore, the proposed application site is associated with and separated from functionally linked land by other existing agricultural buildings reducing the likelihood of construction disturbance. The proposed development does not trigger the Natural England SSSI Impact Risk Zones because of the scale of the building which is below the threshold of 1000m². Natural England has not objected to the proposals. Therefore, the likely significant effects on the SPA can be screened out.
80. The Ecology and Landscaping Officer did, however, advise that ecological enhancements should be secured (as required by NPPF para 174 and DM12), which could be delivered through new tree and hedge planting. It is therefore considered reasonable and necessary to condition the requirement for a soft landscaping plan to be submitted prior to the commencement of the development, as well as the submission of an ecological enhancement strategy prior to the building first being brought into use.

Conclusion:

81. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies such as DM2, DM5, DM13 and DM44 of the Joint Development Management Policies Documents and the National Planning Policy Framework, noting the use of the building is to be in connection with the applicant's current agricultural business and the building would sit in an area which is close to other buildings of an agricultural nature as to not adversely impact the character of the area in way which would be deemed unacceptable.

Recommendation:

82. 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:

Plan Type	Reference	Date Received
Location Plan	140/PP/300 B	11 October 2022
Proposed Block Plan	140/PP/003 B	12 October 2022
Proposed Floor Plans and Elevations	140/PP/007 D	01 November 2022
Design and Access Statement		12 October 2022
Land Contamination Report		18 November 2021
Land Contamination Questionnaire		18 November 2021
Archaeological Trial Trench Evaluation		12 July 2022

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

- 3 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.

- 4 The agricultural building hereby approved shall be solely used in connection with the carrying out of agricultural operations and for the purpose of any agricultural uses/operations, carried out on the holding. It shall not be used for or otherwise in connection with any other machinery/plant hire use.

Reason: To ensure that areas designated as countryside will be protected from unsustainable development, as required by Policy DM5 of the Joint Development Management Document (2015).

- 5 No external lighting shall be installed on the application site without prior written consent from the Local Planning Authority.

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

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

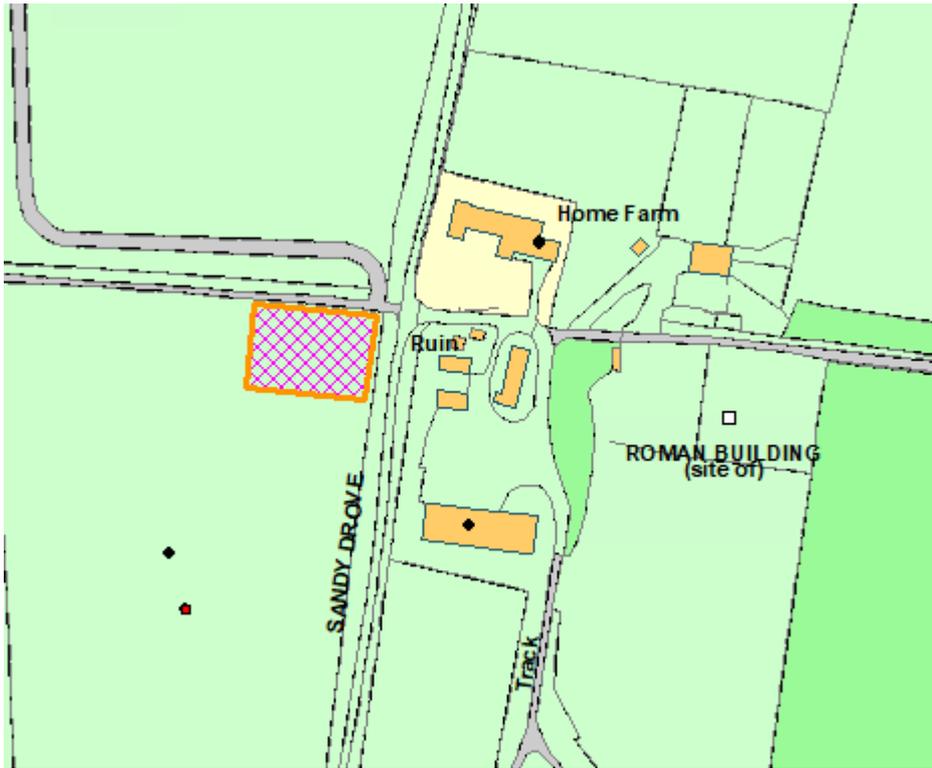
Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

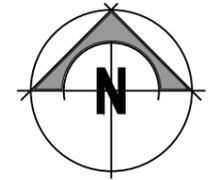
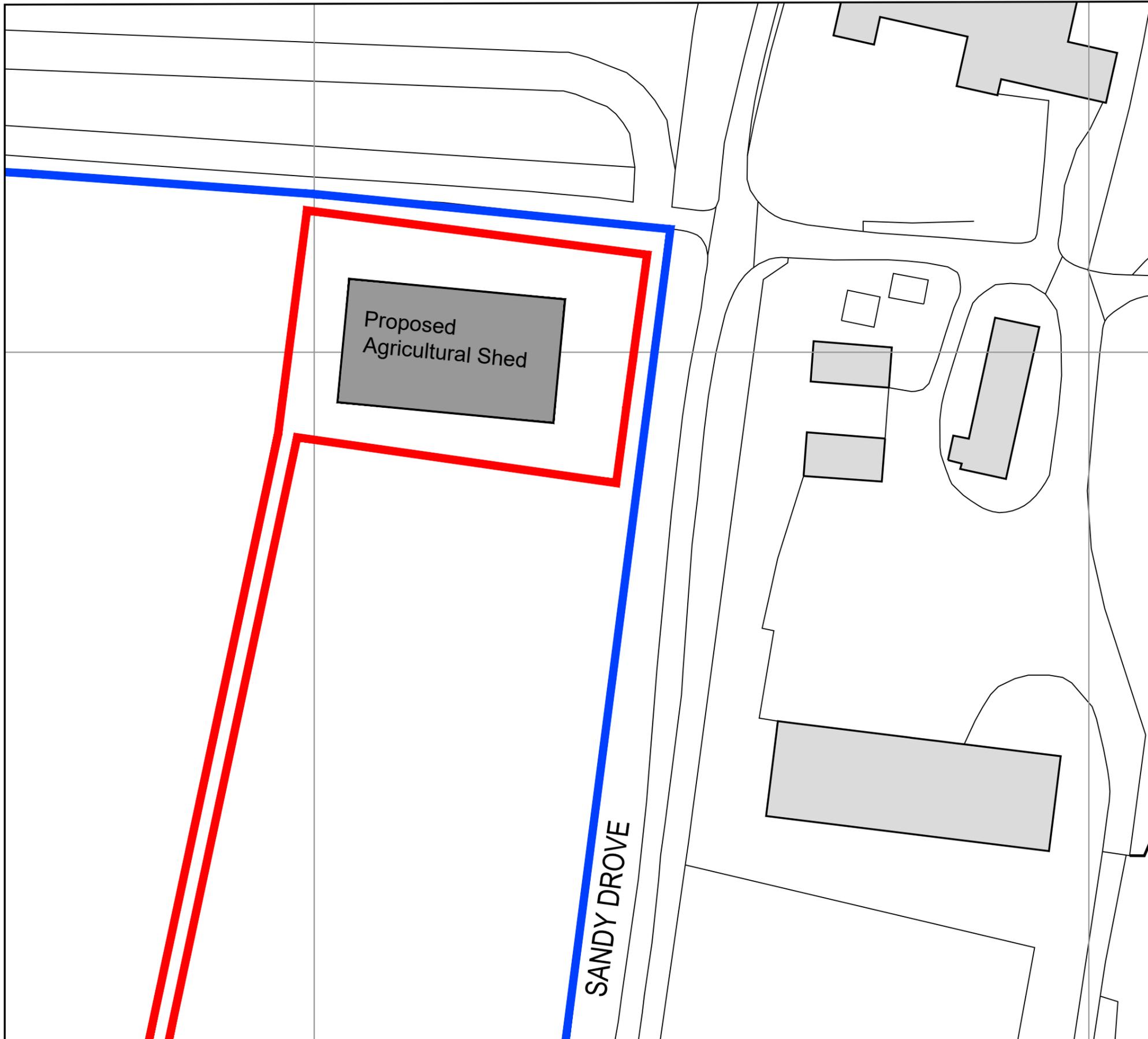
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/2148/FUL](https://www.westsuffolk.gov.uk/DC/21/2148/FUL)



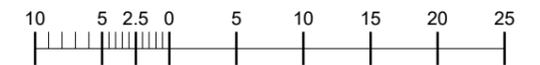
DC/21/2148/FUL - Agricultural Building, Maids Cross Hill, Lakenheath



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1:500 - DRAWING SCALE REFERENCE (m)



Drawing Notes:

1. Drawing based of OS Data
2. Red Line indicates Proposed Planning Boundary

Key:

-  Site Boundary (2487m²/0.25ha)
-  Ownership Boundary

Project
Proposed Agricultural Shed

Client
Joe Bussey

Location
Land Off Sandy Lane,
Lakenheath,
IP27 9EE

Title
Site Block Plan

Drawing Details

Scale	U.N.O.	Date	Drawing No.	Revision
1:500	(A3)	Oct 2021	140/PP/003	B

Revision Notes

- 0 - Initial for Comments - 27.10.2021
- A - Amended Detail - 17.12.2021
- B - Amended Redline - 12.10.2022

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Development Control Committee 4 January 2023

Planning Application DC/22/1888/FUL – Provincial House, 32 High Street, Haverhill

Date registered:	1 November 2022	Expiry date:	29 December 2022 EOT - 5 January 2023
Case officer:	Tamara Benford-Brown	Recommendation:	Approve application
Parish:	Haverhill Town Council	Ward:	Haverhill Central
Proposal:	Planning application - a. replacement of entrance door off High Street and associated glazing b. external bin collection point c. external platform lift d. goods lift to service yard		
Site:	Provincial House, 32 High Street, Haverhill		
Applicant:	Patrick Davey on behalf of 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:

Tamara Benford-Brown

Email: tamara.benford-brown@westsuffolk.gov.uk

Telephone: 01284 757133

Background:

This application is before Development Control Committee as the applicant is West Suffolk Council.

The Town Council raise no objections and the application is recommended for approval.

Proposal:

1. Planning permission is sought for alterations and additions to Provincial House, 32 High Street in Haverhill including:
 - i. Replacement of the existing revolving entrance door with automatic sliding doors and replacement glazing to front (north-east elevation) windows.
 - ii. To the side of Provincial House on the south-east elevation, a new platform lift will be added to provide an accessible entrance to the office entrance.
 - iii. A new goods lift is to be added on the south-east elevation to allow trade waste to be manoeuvred from the various shops and uses from within Provincial House to ground floor level to the service yard.
 - iv. Addition of a new external bin collection compound within the car park along Helions Service Road. The new compound will measure approx. 6.5m deep, 19.9m in width and include galvanised steel mesh fencing of max. height 2.5m.

Site details:

2. The application site comprises of a four-storey building located along the main High Street in Haverhill. The building occupies units Nos. 30-38, with No. 32 located at the rear of the site with a separate access. Provincial House is located within the Haverhill settlement boundary, town centre boundary and the primary shopping area with the main building occupying a total of 2215.26m². The adjacent car park is located towards the south-west with access gained via Duddery Hill to the south-east. Haverhill Town Hall and Arts Centre is Grade II Listed and is located approx. 25m towards the south-east. There are no protected trees within close proximity to Provincial House.

Planning history:

3. No associated planning history.

Consultations:

4. Haverhill Town Council:

24.11.2022

NEUTRAL with the following COMMENTS:

- To increase number of disabled spaces provided and that spaces are placed to consider adequate access to the town centre.
- Fence to be replaced with close board rather than galvanised mesh, which will be more aesthetically pleasing and ensure that skips and bins are not on display in a prominent car park in the town.
- Whilst work is being carried out, parking spaces must be provided in the Cleales side of the car park

5. Ward Councillor:

Cllr Luccarini – No comments received.

6. Waste and Management Team:

15.11.2022

No comment

7. Conservation Officer:

19.12.2022

Conservation have not had a formal consultation but are satisfied the proposals will not adversely affect any nearby heritage assets. The proposals involve alterations to a large modern building and development within the carpark to the rear both of which are located outside the conservation areas but in close proximity to a listed building which is separated by further modern development. I am satisfied the proposals to include those within the carpark will not adversely affect the setting of the nearby listed building; the two conservation areas or the setting of other heritage assets which are further afield. Conservation would therefore have no objections to the proposed development. No conditions required from a conservation point of view.

Representations:

8. No public representations received.

Policy:

9. 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.

10. 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 DM15 Listed Buildings

Policy DM35 Proposals for main town centre uses

Policy DM37 Public Realm Improvements

Policy DM46 Parking Standards

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision

Other planning policy:

National Planning Policy Framework (NPPF)

11. 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:

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

- Principle of Development
- Character and Design of Proposal
- Impact to Listed Building
- Impact on Amenity
- Parking Impacts

Principle of Development

13. Policy DM37 seeks to support proposals for development in the towns and Key Service Centres. Such proposals will be permitted providing the proposed development contributes towards public realm improvements appropriate to the scale and nature of the proposal. The policy also seeks to ensure proposals in sites located within the Primary Shopping Areas,

which Provincial House is, should also provide active street frontages to create attractive and safe street environments.

14. In addition, policy CS10 specifies that the town centre of Haverhill will continue to be the focus for new retail, leisure, cultural and office development taking into account the need to maintain a buildings vitality and viability.

15. In this case, Provincial House is located along the main High Street in Haverhill. The proposal intends to improve the facilities of the building by creating new accessible entrance ways on the north-east and south-east elevations alongside designated areas and service lifts for waste removal. Furthermore, as the proposal is intended to improve the building within the public realm it is welcomed and can therefore be supported in principle. Matters of design and wider impacts are considered further below.

Character and Design of Proposal

16. Policies DM2, DM35 and CS3 all seek to ensure that proposed development respects the character, scale and design of the existing and the surrounding area.

17. The alterations and additions to Provincial House are considered to be relatively minor in nature and are in-keeping with the existing building. Changes to the front elevation include the replacement of the revolving entrance door with improved accessible sliding doors and replacement of the front window glazing. To the side, and entrance into No. 32, a new accessibility lift will be installed to provide an additional entrance to the building. Currently, due to the difference in levels and that Provincial House is sited on a slight hill, to access the rear and side of the building there are steps which lead down to ground floor level. The addition of a new access lift will provide a more accessible option to the building.

18. Policy DM35 states that proposals will "retain or provide a shop front with a display function and entrances which relate well to the design of the host building and the street scene". Replacement of the entrance door and glazing will not only retain an appropriate entrance and frontage for Provincial but also allow a more accessible entrance by replacing the revolving door. Both new additions will be aluminium and 'Van Dyke' brown to match the existing fenestration at the upper floors of the building.

19. The new platform access lift and goods lift will be sited at the side of the building within the servicing area of Provincial House. The area is currently used to hold the refuse bins used by Provincial House and other business units/offices within the building. Access to No.32 can be gained also at this side by a series of short steps which takes you to ground floor level. The addition of the access platform lift and goods lift will improve access and transportation of waste within the vicinity of the area and is considered to be an improvement to the current design and use of the building. The proposal includes a range of boundary treatments including metal mesh fencing, a small concrete wall and steel balustrades to screen the new lifts and designate the areas for public access into the building.

20. For the new external bin compound, the area is proposed to be within the adjacent car park sited in the south-east corner. The area is currently vacant with hatched marking on the ground indicating it is not designated for parking. The compound area will allow the refuse bins to have an allocated area for disposal away from Provincial House with appropriate boundary treatment to screen the area from public view within the car park.
21. The applicant has offered the possibility of hit and miss cedar fencing around the refuse compound in response to the comments submitted by Haverhill Town Council. If further comments are received from the Town Council commenting on this suggested change in material, this will be reported in late papers or orally in the meeting. It is not considered the new compound will impact the design or character of the building and is acceptable and therefore is compliant with policies DM2, DM35 and CS3.

Impact to Listed Building

22. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) 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 architecture or historical interest which it possesses.
23. Policy DM15 aims to protect the character and setting of Listed Buildings. Haverhill Town Hall and Arts Centre is Grade II Listed and sits adjacent to Provincial House towards the south-east.
24. The LPA considers that there is sufficient separation distance between Provincial House and the Listed Building. In addition, the proposal aims to improve the overall design of Provincial House which will in turn improve the surrounding area. Furthermore, officers consider that no adverse impacts will be caused to the Listed Building and the proposal is considered to accord with policy DM15.

Impact on Amenity

25. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated), must be considered.
26. The alterations to Provincial House within the proposal are to the exterior of the building and will therefore be visible within the public domain. There are residential flats situated within the High Street above the retail units which will face the front elevation of Provincial House. As the changes proposed for the front elevation include the replacement entrance door and glazing, it is not considered the changes will impact the amenity of the flats. The closest residential dwellings at the rear of the site are located along Helions Walk, parallel to the entrance road into the car park. The dwellings are approx. 50m away from the site and it is not considered the proposal will create adverse amenity impacts. The proposal is deemed acceptable in accordance with policy DM2 and impacts to amenity.

Parking Impact

27. The new refuse compound is to be sited within the car park adjacent to Provincial House. The area within the car park is currently marked with hatched markings, indicating it is not for use as a parking area. As a result, the addition of the new refuse compound will not result in a loss or gain of car parking bays. The Town Council have highlighted that disabled car parking must be provided. Within the existing car park, 10 disabled parking bays are illustrated on the plans with 2 of the spaces providing EV charging. The disabled parking bays are to be retained and will be unchanged by the proposal. Furthermore, it is not considered the proposal will result in any adverse impacts to the parking arrangement within the car park and would therefore accord with the standards and policy DM46.
28. In addition, a new pedestrian crossing, tarmac areas, tactile paving and dropped kerbs are proposed alongside the implementation of the refuse compound. As these elements of the proposal are within West Suffolk owned land, officers consider these changes will help to improve the transportation of refuse waste from the goods service lift to the compound in a safe way and improve the access for pedestrians from the car park to the new entrance for No. 32. The application is considered to be acceptable and complies with policy DM2 and DM46.

Conclusion:

29. 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:

30. 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
30-003 REV A	Parking plan	1 November 2022
30-001 REV A	Site location plan	1 November 2022
30-019 REV A	Details	1 November 2022
30-018	Visuals	1 November 2022
30-017 REV A	Visuals	1 November 2022
30-014	Proposed ground floor plan	1 November 2022
30-013 REV A	Refuse plan	1 November 2022

30-12 REV A	Proposed elevations	1 November 2022
30-011 REV A	Proposed elevations	1 November 2022
30-010 REV A	Proposed floor plans	1 November 2022
30-009 REV A	Proposed floor plans	1 November 2022
30-004 REV A	Parking plan	1 November 2022
30-016 REV A	Site plan	1 November 2022

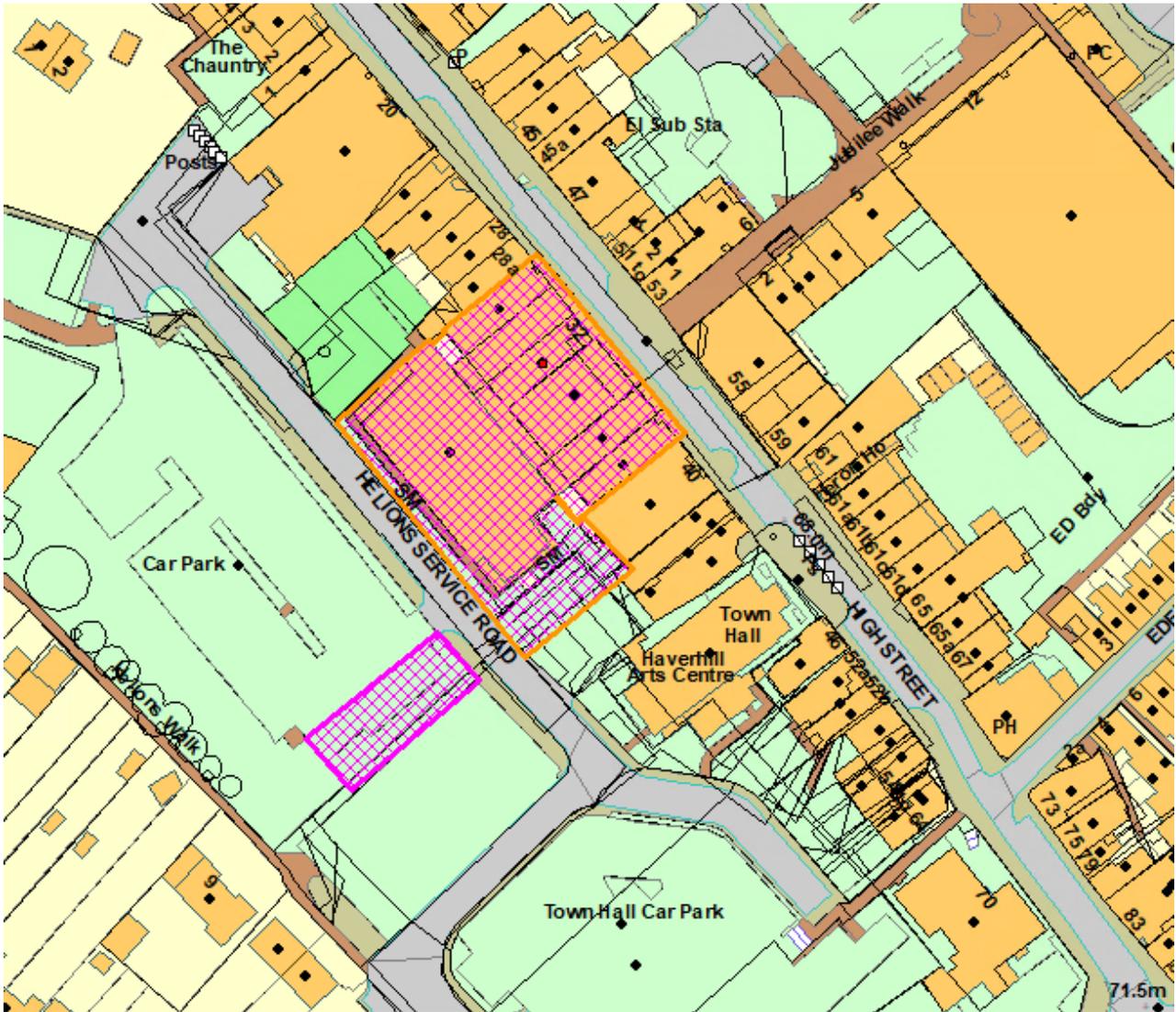
Reason: To define the scope and extent of this permission.

Documents:

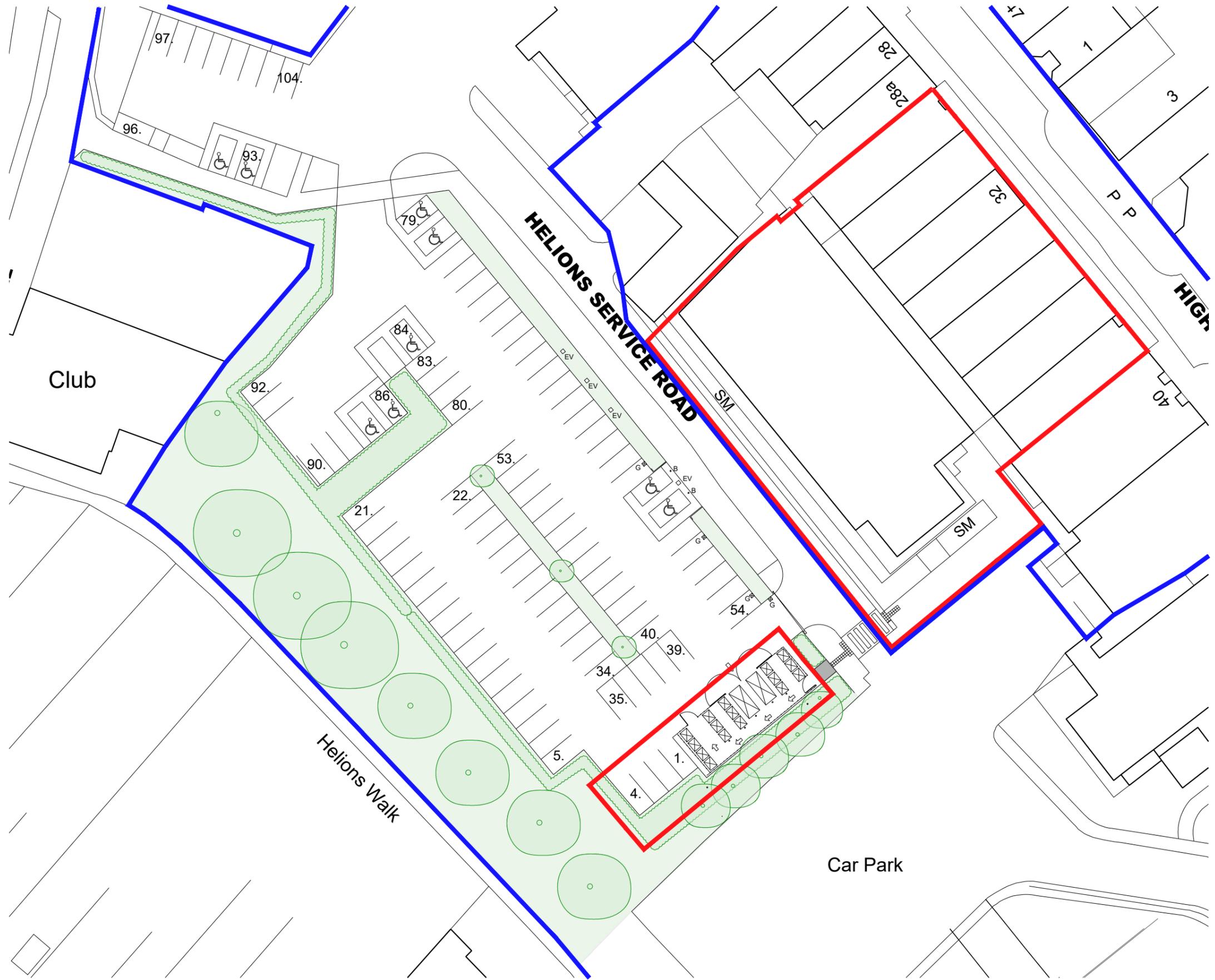
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1888/FUL](https://www.cityofdenver.com/DC/22/1888/FUL)



DC/22/1888/FUL- Provincial House, 32 High Street, Haverhill



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BLOCK PLAN
Scale 1:500



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Rev.	Date	Details	Drawn	Checked
A	20.10.22	AMENDED TO SUIT	PD	RL
	15.07.22	FIRST ISSUE	PD	RL

Issued for: **PLANNING**



West Suffolk House
Western Way,
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E-Mail: property.services@westsuffolk.gov.uk

Project:
**32 HIGH ST, HAVERHILL,
SUFFOLK, CB9 8BZ**
Title:
BLOCK PLAN

Scale: 1:500	Drawing Size: A3
Date: JULY 22	Drawn By: PD
File No.: 10919	Approved By: RL
Drawing No.: 30-002	Revision: A

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Development Control Committee 4 January 2023

Planning Application DC/22/1102/FUL – 6A Angel Hill, Bury St Edmunds

Date registered:	15 July 2022	Expiry date:	10 September 2022 EoT Requested
Case officer:	Connor Vince	Recommendation:	Approve application
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning application: a. installation of roof extractor unit b. re painting doors and windows as amended by plans received 19 October 2022.		
Site:	6A Angel Hill, Bury St Edmunds		
Applicant:	Mrs Sophia Carn-Pryor		

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

Telephone: 01284 757373

Background:

This application is before Development Control Committee as the application is on land owned by West Suffolk Council.

Bury St Edmunds Town Council recommends approval and the application is recommended for approval.

Proposal:

1. Planning application is sought for the installation of a roof extractor unit plus for the repainting of doors and windows.
2. The application is submitted to facilitate the applicant's aspirations to utilise the premises for the sale of hot food. Such a use falls within the same use class (E) as the current lawful use of the premises, and so no change of use permission is needed.
3. The property is owned by West Suffolk Council. The applicant has served notice on West Suffolk Council as landowner through Certificate B. It is for this reason that the matter is before the Development Control Committee.

Site details:

4. The property is a single storey flat roofed building located in a prominent position facing Angel Hill. The site is situated within the Bury St. Edmunds Town Centre Conservation Area, subject to an Article 4 Direction.

Planning history:

Reference	Proposal	Status	Decision date
DC/17/1466/PA	Notification to use the premises as a florist shop for the retail sale of flowers and related accessories within Class A1 of the Town and Country Planning (Use Classes) Order 1987, to commence 10th August 2017.	Permitted Development	14 July 2017
DC/19/0396/FUL	Planning Application - Change of Use from Class B1 (offices) to Class A1 (retail) (Retrospective)	Application Granted	24 May 2019
SE/09/0408	Planning Application - Change of use from mobility scooter hire shop to a safer neighbourhood team base	Application Granted	26 May 2009
E/98/2021/P	Regulation 3 Application - Change of use from bus shelter to shopmobility unit together with associated	Application Granted	7 July 1998

external alterations and
erection of rear extension

Consultations:

5. Public Health and Housing – No objection subject to conditions.
6. Conservation Officer – No objection (Verbal comments received).

Representations:

7. Two letters of representation have been received which, between them, raise the following summarised comments –
 - As a resident I am concerned that the Extraction system should be directed towards Angel Hill and not towards the properties behind and above.
 - I am concerned about the potential amenity impact on my property (6 Angel Hill) caused by fumes and noise from the extract system.

Policy:

8. 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.
9. 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 DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM17 Conservation Areas

Other planning policy:

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
- Impact on Character and Appearance
- Impact on Amenity

Principle of Development

11. Policy DM1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
12. Policies DM2 and DM17 both seek to ensure that proposed development respects the character, scale and design of the existing and the surrounding area, and the principle of the works is therefore supportable.

Impact on Character and Appearance

13. Policy DM2 and DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area.
14. The application site lies within the Bury St Edmunds Town Centre Conservation area. Accordingly, the impact upon this heritage asset must be considered fully as per the statutory duty placed on the LPA by paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. The alterations and additions are considered to be minor in nature and are in-keeping with the existing building. Changes to the front elevation include the repainting of windows and doors and the provision of an extraction unit on the roof. The application of paint in this regard is possibly not development, and would in any event otherwise be 'permitted development' (Part 2, Class C) if it were not for the Article Four restrictions placed on this property. As per the elevations it is stated "Door and Window painted to match fascia sign" which is detailed in the planning statement as "Farrow and Ball Estate Eggshell – St Giles Blue No 280." Regardless, the work is minor in nature and otherwise acceptable and the colour will be conditioned.
16. The extraction unit proposed is to be positioned on the flat roof of the building, Due to its modest height, and the fact that the building has a

parapet around its flat roof, visibility of the unit will be negligible which is reflected in the elevational drawings. Following receipt of amended details, and in consultation with the Senior Conservation Officer, this element is considered satisfactory.

Impact on Amenity

17. Policy DM14 requires proposals for all new development to minimise all emissions, including with reference to noise. The matter has been considered by Public Health and Housing colleagues who have raised no objection to the proposed extraction system subject to conditions relating to odour and noise, and the need for specific details of the extraction unit to be provided prior to the installation of the extraction unit.

Conclusion:

18. 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:

19. 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.

Reference number	Plan type	Date received
-	Application Form	21 June 2022
-	Location Plan	21 June 2022
22/095-02	Location & Block Plan	08 July 2022
22/095-01	Existing Elevations & Floor Plans	08 July 2022
DR-001 REV 1	Amended – Proposed Floor Plan	16 August 2022
22/095-03C	Amended – Proposed Elevations	19 October 2022
20/095	Planning Statement	08 July 2022
-	Ventilation Report	22 October 2022

3. Prior to the installation of the extractor unit hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the installation, operation, and maintenance of the odour abatement

equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the EMAQ+ document Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

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

4. Prior to the installation of the extractor unit hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the external sound level emitted from the installation of the kitchen extraction system / flue, and / or any other plant / equipment [e.g. refrigeration condensers etc] and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted will be lower than the lowest existing background sound level by at least 5 dB(A) inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics in order to prevent any adverse impact. The assessment shall be made in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound at the nearest and/or most affected noise sensitive premises, with all equipment operating together at maximum capacity and inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

Reason To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 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. Prior to first use, any external plant / equipment associated with the development hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such. 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.

Reason To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 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. The re-painting of the windows and doors hereby permitted shall be applied entirely of the colour detailed within the submitted Planning Statement ref. 20/095, submitted 08 July 2022, paragraph 4.6 as "Farrow and Ball Estate Eggshell – St Giles Blue No 280."

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/22/1102/FUL](#)

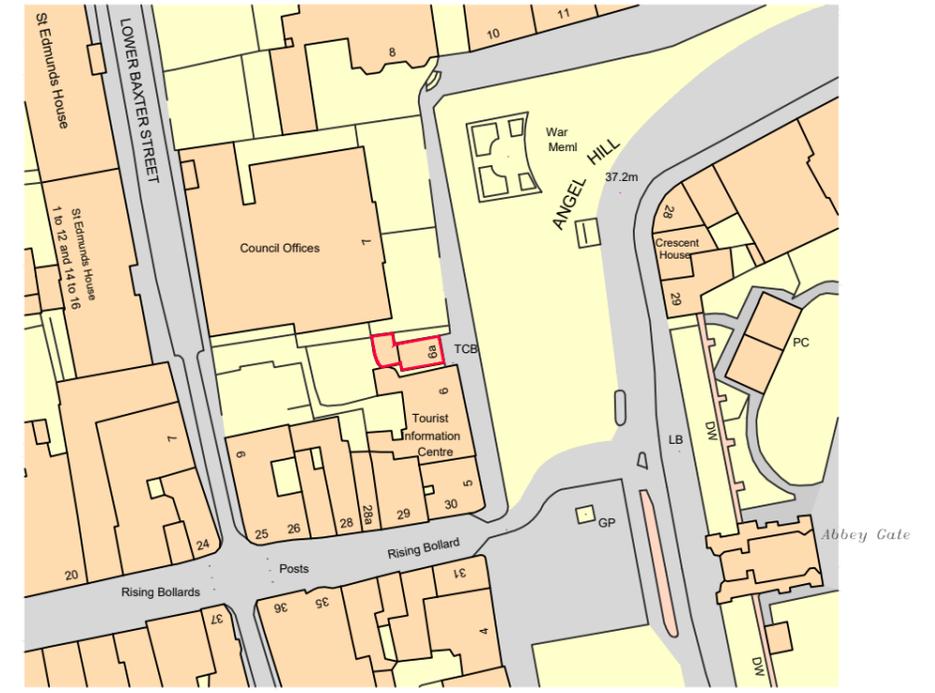
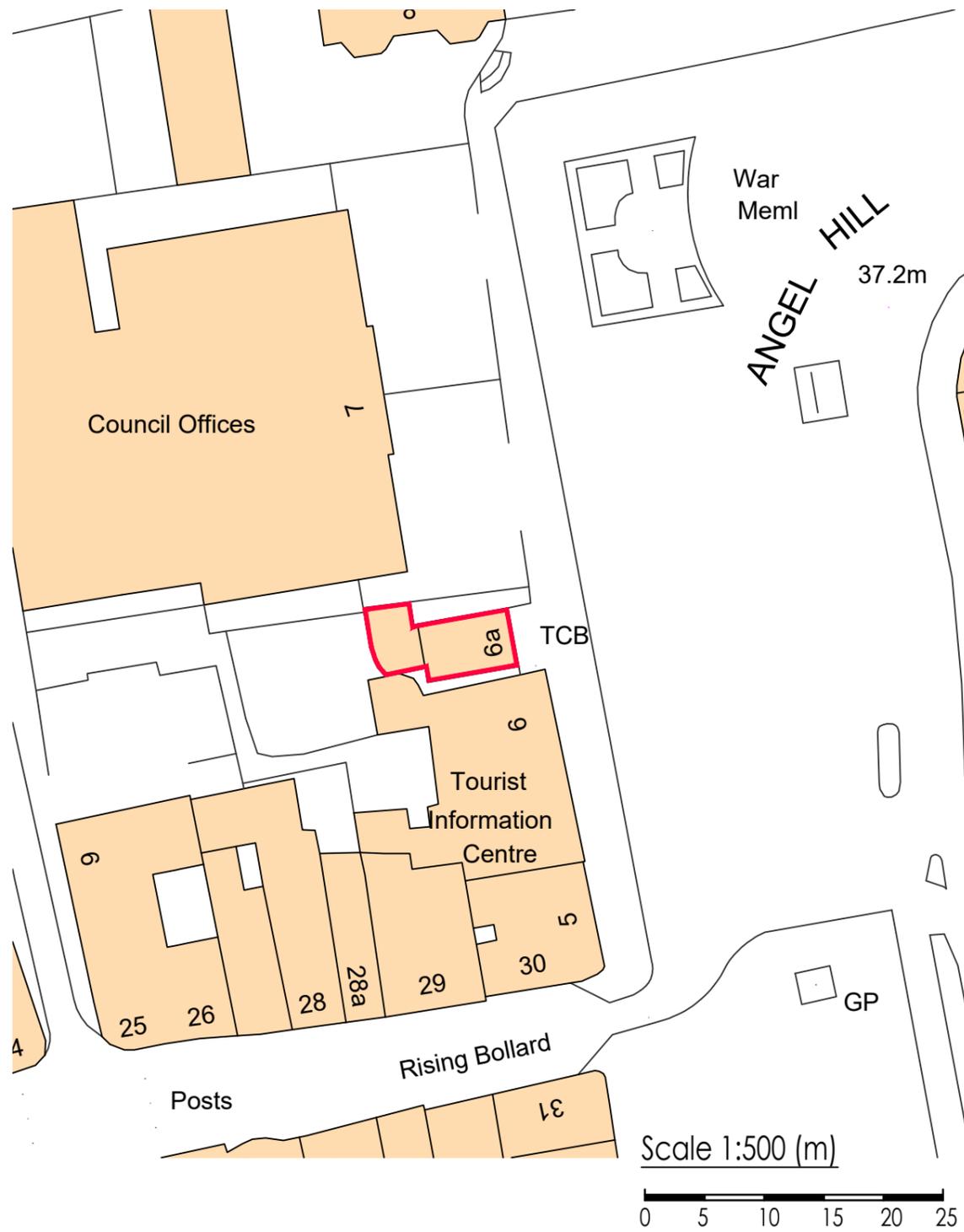
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DC/22/1102/FUL - 6A Angel Hill, Bury St Edmunds



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Scale 1:1250 (m)
0 10 20 30 40 50

Project
**PROPOSED ALTERATIONS
 6A ANGEL HILL
 BURY ST EDMUNDS**

SITE AND LOCATION PLANS

Amendments

Scale **1:500, 1:1250** Date **July 2022**

Drawing No **22/095-02**



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 Building Engineers

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