

Development Control Committee

Title	Agenda											
Date	Wednesday 26 April 2023											
Time	10.00 am											
Venue	Conference Room Mildenhall Hub Sheldrick Way, Mildenhall, IP28 7JZ											
Full Members	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;">Conservative Group (10)</td> <td>Carol Bull Mike Chester Andy Drummond Susan Glossop Brian Harvey</td> <td>Ian Houlder David Palmer David Roach Andrew Smith Peter Stevens</td> </tr> <tr> <td style="vertical-align: top;">The Independent Group (5)</td> <td>John Burns Jason Crooks Roger Dicker</td> <td>Andy Neal Jim Thorndyke</td> </tr> <tr> <td style="vertical-align: top;">Labour Group (1)</td> <td>David Smith</td> <td></td> </tr> </table>			Conservative Group (10)	Carol Bull Mike Chester Andy Drummond Susan Glossop Brian Harvey	Ian Houlder David Palmer David Roach Andrew Smith Peter Stevens	The Independent Group (5)	John Burns Jason Crooks Roger Dicker	Andy Neal Jim Thorndyke	Labour Group (1)	David Smith	
Conservative Group (10)	Carol Bull Mike Chester Andy Drummond Susan Glossop Brian Harvey	Ian Houlder David Palmer David Roach Andrew Smith Peter Stevens										
The Independent Group (5)	John Burns Jason Crooks Roger Dicker	Andy Neal Jim Thorndyke										
Labour Group (1)	David Smith											
Substitutes	<table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;">Conservative Group (5)</td> <td>Nick Clarke John Griffiths James Lay</td> <td>Sara Mildmay-White David Nettleton</td> </tr> <tr> <td style="vertical-align: top;">The Independent Group (2)</td> <td>Richard Alecock</td> <td>Trevor Beckwith</td> </tr> <tr> <td style="vertical-align: top;">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	
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											
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.											
Quorum	Six Members											
There are no physical site visits scheduled for this agenda. Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting												
Committee administrator	Helen Hardinge - Democratic Services Officer Telephone 01638 719363 Email democratic.services@westsuffolk.gov.uk											

Development Control Committee Agenda notes

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

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

Material planning considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their officers must adhere to this important principle which is set out in legislation and Central Government guidance.**
2. **Material planning considerations include:**
 - Statutory provisions contained in planning acts and statutory regulations and planning case law
 - Central Government planning policy and advice as contained in circulars and the National Planning Policy Framework (NPPF)
 - Supplementary planning guidance/documents eg. Affordable Housing SPD
 - Master plans, development briefs
 - Site specific issues such as availability of infrastructure, density, car parking
 - Environmental; effects such as effect on light, noise overlooking, effect on street scene
 - The need to preserve or enhance the special character or appearance of designated conservation areas and protect listed buildings
 - Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
 - The following planning local plan documents covering West Suffolk Council:
 - Joint development management policies document 2015
 - In relation to the Forest Heath area local plan:
 - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
 - ii. Core strategy single issue review of policy CS7 2019
 - iii. Site allocations local plan 2019
 - In relation to the St Edmundsbury area local plan:
 - i. St Edmundsbury core strategy 2010
 - ii. Vision 2031 as adopted 2014 in relation to:
 - Bury St Edmunds
 - Haverhill
 - Rural

Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.

3. The following are **not** material planning considerations and such matters must **not** be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property or access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see section 3 above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation received after the distribution of committee papers

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

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

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

Public speaking

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

Development Control Committee

Decision making protocol

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

Decision making protocol

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

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In making any proposal to accept the officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a member wishes to alter a recommendation:
 - In making a proposal, the member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with

the Chair and Vice Chair(s) of Development Control Committee.

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

Notes

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

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

Agenda

Procedural matters

Part 1 – public

1. 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 - 10

To confirm the minutes of the meeting held on 5 April 2023 (copy 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/22/1953/FUL - PLOT 1520, Fortress Way, Rougham

11 - 36

Report No: **DEV/WS/23/011**

Planning application - ambulance hub including vehicle servicing, car parking and landscaping

6. Planning Application DC/23/0052/FUL - Solar Farm, EuroAPI, Rookwood Way, Haverhill

37 - 62

Report No: **DEV/WS/23/012**

Planning application - ground mounted solar farm with substation, CCTV, boundary fence, landscaping and associated works

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 5 April 2023** at **10.00 am** in the **Conference Room, Mildenhall Hub**, Sheldrick Way, Mildenhall, IP28 7JX

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

John Burns

Brian Harvey

Nick Clarke

Ian Houlder

Jason Crooks

Andy Neal

Roger Dicker

David Roach

Andy Drummond

David Smith

Susan Glossop

Peter Stevens

In attendance

Beccy Hopfensperger (Ward Member: The Fornhams and Great Barton)

Sarah Broughton (Ward Member: The Fornhams and Great Barton)

332. Apologies for absence

Apologies for absence were received from Councillors Carol Bull and David Palmer.

333. Substitutes

The following substitution was declared:

Councillor Nick Clarke substituting for Councillor David Palmer.

334. Minutes

The minutes of the meeting held on 1 March 2023 were confirmed as a correct record, with 14 voting for the motion and with 1 abstention, and were signed by the Chair.

335. Declarations of interest

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

336. Planning Application DC/22/2107/FUL - The New Croft, Chalkstone Way, Haverhill (Report No: DEV/WS/23/008)

(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.)

Planning application – creation of a 3G Artificial Grass Pitch (AGP) with landscape bund, perimeter fencing, hardstanding areas, storage container, floodlights, access footpath with fence and bollard lighting, acoustic fence and footpath link to north-west

This application was referred to the Development Control Committee because it was on land owned by West Suffolk Council.

A Member site visit was held prior to the meeting and the Officer also showed a video of the site during her presentation.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 94 of Report No DEV/WS/23/008.

The Committee was advised that the application had been subject to a full re-consultation as the red line was amended to include a footpath to the north-west which provided a link to the Samuel Ward Academy car park.

Speakers: Mr and Mrs Gant (neighbouring objectors) spoke against the application
(Neither Mr or Mrs Gant were in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on their behalf.)
Councillor John Burns (Ward Member: Haverhill East) spoke on the application
Peter Betts (Haverhill Community Sports Association - applicant) spoke in support of the application

During the debate a number of Members commended the use of the neighbouring car park at Samuel Ward Academy (outside of school hours) as an overflow car park.

Some questions were posed in respect of the hours of operation. Attention was drawn to Paragraph 67 of the report, which explained that Public Health and Housing had recommended that the hours proposed by the applicant should be reduced slightly to remove noise impacts between 08.00- 09.00hrs and 21.00-22.00hrs. Accordingly, the operating hours set out in the conditions (No 16) aligned with that proposed by Public Health and Housing.

Discussion also took place on the no whistles after 7pm policy outlined in condition No 17. Members were advised that this would mainly affect evening training sessions as the majority of matches were held earlier in the day.

Councillor John Burns 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 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.
- 3 The strategy for the disposal of surface water (dated 12th January 2023, ref: SIS028-09-00) and the Flood Risk Assessment (dated 13th December 2016, ref: 5003-UA008973-UU41R-04) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 4 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. 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
- 5 Within 28 days of practical completion of the development hereby approved, a surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (BJ Collins, November 2022) and the Construction and Environmental Management Plan (SIS Pitches, November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 7 Prior to first use, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist 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 or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement

measures shown on appropriate maps and plans (where relevant), including timings of installation;

- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

- 8 No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 9 Prior to first use, the site investigation and post investigation assessment shall be completed and submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition.
- 10 The development shall be carried out in accordance with the approved Construction and Environmental Management Plan (SIS Pitches, November 2022 received by the local planning authority on 10 February, 2023) throughout the construction period.
- 11 The use shall not commence until the area(s) shown on Drawing No. 13 REV 00 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter the area(s) shall be retained and used for no other purpose.
- 12 No external lighting other than that which forms part of the development hereby permitted and shown on the Lighting Assessment, Lighting Details and Sports Lighting statement (appendix E) documents; shall be provided within the application site.
- 13 The lighting system design will comply with recommendations published within ILP Guidance Notes for the Reduction of Obtrusive Light 2021 (Appendix C). On completion of the installation, the system will be tested and commissioned to ensure the LUX levels submitted as part of this application are achieved and not exceeded.
- 14 Operating hours of the lighting system shall be limited to only between

- Monday to Friday from 09:00 - 21:00hrs and Saturday, Sunday, public holidays and bank holidays from 09:00 - 20:00hrs and shall be used only at the times of the year when daylight is fading or it has gone dark.
- 15 Demolition or construction works shall not take place outside 08:00 hours to 18:00; hours Mondays to Fridays and 08:00; hours to 13:30; hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 16 Operating hours of the development hereby approved shall be limited to:
Monday to Friday: 0900- 2100 hours
Saturday, Sunday, public holidays and bank holidays: 0900-2000 hours
- 17 The development hereby approved will operate a 'no-whistle policy' beyond 7pm on any day, from which time onwards no whistles will be used.
- 18 In accordance with the submitted noise impact assessment (Reference: 9990/SF/DO, Version Rev C, dated 10.02.2023), all fencing for the artificial grass pitch shall be fixed to the support posts with a neoprene isolator installed to fully isolate the panels from the posts and a maintenance regime shall ensure panels do not become loose so as to reduce the 'rattling' noise associated with ball impacts on metal fencing.
- 19 Prior to first use of the artificial grass pitch (AGP) hereby approved a Noise Management Plan and Code of Conduct shall be submitted to and approved in writing by the Local Planning Authority.
- 20 Prior to first use the landscape bund and acoustic fence, as shown on plans 11 REV 01 and 05 REV 01, shall be installed and thereafter shall be retained and maintained in accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.

337. Planning Application DC/22/2034/FUL - Porters Farm, Queens Lane, Chedburgh (Report No: DEV/WS/23/009)

Planning application - change of use of land to well-being centre comprising of a. central hub, b. therapy building, c. pets as therapy building, d. replacement storage building and animal enclosure e. installation of four camping domes f. remodelled access, parking and associated works g. replacement garage

The application was referred to the Development Control Committee by the Delegation Panel following a call-in request by Councillor Mike Chester (Ward Member for Chedburgh and Chevington).

A Member site visit was held prior to the meeting.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 84 of Report No DEV/WS/23/009.

Speakers: Winifred Evans (neighbouring objector on behalf of herself and other neighbouring objectors) spoke against the application
David and Karen Sturgeon & William, Neil and Jean Milne (neighbouring objectors) spoke against the application

(Neither the Sturgeons or the Milnes were in attendance to personally address the Committee and, instead, the Democratic Services Officer read out joint a pre-prepared statement on their behalf.)

Matt Plummer (architect) and Jon Cardy (applicant) spoke in support of the application

During the debate a number of Members commended the aims of the scheme and recognised the real need for mental health support services such as those proposed.

Some of the Councillors that attended the site visit also remarked on the way in which the proposal would benefit the site visually from its current condition.

However, concerns were also raised in respect of the loss of trees proposed, the location (some of which is outside the settlement boundary) and the practicalities of the scheme in relation to waste removal, staffing and the number of individuals who would be on the site at any one time.

The Senior Planning Officer responded to questions/comments in connection with the following topics:

Policy – DM5 and DM34 permitted development such as that proposed outside of the settlement boundary;

Animals – whilst not a Material Planning Consideration, it was confirmed that use of the animals on site in the proposed facility would require a licence from the Licensing Authority. Irrespective of the outcome of the application the existing animals would remain on site and if granted there was no intention to increase the number of animals housed;

Refuse – the Council's waste team had been consulted and they had not raised objection to the proposal;

Listed Building – the proposed layout gave three distinct areas on the site with various areas of screening. Due to the relative lack of intervisibility the Council's Conservation Officer had therefore not raised concerns in respect of the Listed Building's setting;

Trees – a condition had been proposed for landscaping which included replacement trees, however, those seeking removal were not good quality examples;

Staffing – the facility was mainly to be operated by the two applicants, with one or two specialists being utilised where required, together with potentially one or two other part-time supplementary staff members for services such as housekeeping; and

Surfacing – a condition had been included for hard surfacing which would create low level impact in respect of both noise and visual impact.

Councillor Brian Harvey raised a specific query in respect of the timings set out in condition 21 which did not entirely align with those outlined elsewhere in the report. The Service Manager (Planning – Development) assured Councillor Harvey that this would be clarified.

Councillor Nick Clarke made reference to Central Government's stance in respect of planning consent for glamping ventures similar to that proposed. The Service Manager (Planning – Development) explained that there was

currently an open consultation being carried out in relation to Permitted Development rights to support temporary recreational campsites. However, this was still ongoing and no regulations had been put in place in connection with this matter.

Councillor Peter Stevens proposed that the application be refused, contrary to the Officer recommendation, due to overdevelopment, impact on the setting of the Listed Building, impact on neighbouring amenity and the impact on the countryside policies of the development plan. This was duly seconded by Councillor Mike Chester.

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 and 6 against it was resolved that

Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to overdevelopment, impact on the setting of the Listed Building, impact on neighbouring amenity and the impact on the countryside policies of the development plan. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

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

338. **Planning Application DC/22/1378/FUL - All Saints Hotel, The Street, Fornham St Genevieve (Report No: DEV/WS/23/010)**

Planning application - outdoor gymnasium including open sided exercise shelter, moveable exercise equipment and equipment storage container

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 Parish Council had raised objections to the proposal which was contrary to the Officer's recommendation for approval, subject to conditions as set out in Paragraph 104 of Report No DEV/WS/23/010 together with those in the supplementary 'late papers' and inclusive of the amendments as advised in the presentation to the meeting.

Since publication of the agenda and late papers further representations had been received objecting to the proposal. The content of which was outlined to the Committee alongside visual aids (photographs/maps) to demonstrate the points raised.

Members were also informed that an extension to the acoustic fence had been agreed by the applicant in order to further mitigate the impact on neighbouring properties.

Lastly, attention was drawn to the comments set out in the late papers from the Place Services Tree Officer and Natural England.

Speakers: Lizzi Flaherty (neighbouring objector) spoke against the application
(Lizzi was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on her behalf.)
Caroline Merrett (neighbouring objector) spoke against the application
Councillor Beccy Hopfensperger (Ward Member: The Fornhams and Great Barton) spoke against the application and read out a statement on behalf of 19 neighbouring objectors
Molly Bedford (Health Club Assistant Manager – Applicant) spoke in support of the application

Prior to the Chair opening the debate, the Service Manager (Planning – Development) addressed the meeting and reminded Members that the fact the application was retrospective and had been subject to enforcement investigations was not a Material Planning Consideration and the scheme seeking determination was to be judged on its planning merits and against the policies of the development plan and any other material considerations.

In response to queries as to whether the existing structure was compliant with building regulations, the Service Manager (Planning – Development) explained that this was also not a Material Planning Consideration. Moreover, the structure may not have required building regulations. Members were advised that Officers would raise this with the Council's Building Control Team directly, however, the Committee needed to be mindful that building control services were also offered by various companies in the private sector. Lastly, it was highlighted that building regulations had a separate enforcement process to that of planning applications.

The Committee was informed that Officers would provide a written update to Members outside of the meeting in respect of the discussions held with building control and to provide more detail on the enforcement element connected with the site.

Councillor Andy Drummond proposed that the application be refused, contrary to the Officer recommendation, due to:

1. The inappropriate location and the impact on residential amenity;
2. The significant loss of and potential impact on trees; and
3. Because he did not believe the application would have been granted if it had been submitted prior to construction.

This was duly seconded by Councillor David Roach.

Following a very short adjournment to allow Officers to confer with the Lawyer advising the meeting, the Service Manager (Planning – Development)

explained that she would not recommend inclusion of reason 3 for refusal, and again reminded Members that the fact the application was retrospective was not a Material Planning Consideration.

Furthermore, if reason 3 was removed the Decision Making Protocol would not need to be invoked and the motion for refusal would not be 'minded to' and not subject to the production of a Risk Assessment.

Accordingly, Councillors Drummond and Roach, as proposer and seconder for the motion agreed to remove reason 3 from the proposal.

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

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION** due to:

- 1 The provision of an outdoor gym facility as existing in this sensitive location, in an elevated position relative to the closest residential properties has had a detrimental impact on the residential amenity of those nearby residents. Notwithstanding the proposed noise mitigation measures contained in the retrospective application, concern still remains that the residential amenity of nearby residents could be adversely impacted. The proposal therefore fails to comply with the requirements set out within policy DM2 of the Joint Development Management Policies Document which seeks to ensure residential amenity is not adversely affected or with the provisions of the NPPF that relate to amenity.
- 2 The construction of the gym facility has resulted in the loss of protected woodland on the site which is an important landscape feature of this area. The installation/resurfacing of hard surfaces and structures in close proximity to trees within the woodland is likely to impact the future health of those remaining trees. The retention of the gym use and associated structures is not considered to be compatible with the surrounding remaining protected woodland and is likely to lead to future pressure to have further trees removed. The proposal therefore fails to comply with policies DM2 and DM13 of the Joint Development Management Policies Document which seeks to ensure proposals protect and enhance the character of the landscape or with the provisions of the NPPF that relate to conserving and enhancing the natural environment"

The meeting concluded at 1.13 pm

Signed by:

Chair

This page is intentionally left blank

Development Control Committee 26 April 2023

Planning Application DC/22/1953/FUL – PLOT 1520, Fortress Way, Rougham

Date registered:	10 November 2022	Expiry date:	9 February 2023 EOT 28 April 2023
Case officer:	Connor Vince	Recommendation:	Approve application
Parish:	Rushbrooke with Rougham	Ward:	Moreton Hall
Proposal:	Planning application - ambulance hub including vehicle servicing, car parking and landscaping		
Site:	Plot 1520, Fortress Way, Rougham		
Applicant:	Mr Ashley Seymour		

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:

The application is before the Development Control Committee as it represents a departure from the development plan but is recommended for approval. The proposed use which is Sui Generis does not technically fall within the allocation for Suffolk Business Park, which is for B1 and B8 uses.

West Suffolk Council also has a financial interest in the land.

Proposal:

1. The planning application seeks consent for an ambulance depot including vehicle servicing, car parking and landscaping. The application is a resubmission of the previously approved DC/19/0042/FUL, with further design and layout changes proposed. The primary function of the building remains the same, this being for the storage of ambulances and their ongoing replenishment of medical facilities and cleaning. The depot will act as a base for clinical staff to start and finish shift work. The building will also have training and office rooms. The second function of the building is for the maintenance and repair of the ambulances in the workshop. The proposed use overall is 'Sui Generis', i.e a use that does not fit into a specific use class.

Application supporting material:

2. Information, as amended, submitted with the application as follows:
 - Application Form
 - Planning Statement
 - Flood Risk Assessment
 - Flood Risk SUDs Assessment
 - Land Contamination Assessment
 - Land Contamination Assessment – Site August 2021
 - Land Contamination Appendices A-E
 - Land Contamination Appendices F-H
 - Landscape Management Plan
 - Ecological Survey
 - Arboricultural Assessment
 - Ground Gas Monitoring Report
 - Transport Assessment
 - Highways Impact Technical Note
 - Design and Access Statement
 - Design & Access Statement Continued
 - Noise Impact Assessment
 - Energy Statement
 - BREEAM Pre-Assessment
 - Amended – Lighting Product Data Sheet
 - Amended – External Lighting Layout
 - Exploratory Hole Location Plan
 - Outline Drainage Strategy
 - External Site Levels
 - External Work Details
 - Roof Canopy Details
 - Bin Store Details
 - Roof Plan – Proposed

- Location Plan
 - Proposed Ground Floor Plan
 - Proposed First Floor Plan
 - Amended – Proposed Site Plan
 - Amended – Proposed Elevations 1
 - Amended – Proposed Elevations 2
 - Amended – Sustainable Drainage Assessment
 - Amended – Proposed Site Plan (Planting)
 - Amended – Proposed Planting Plan 1
 - Amended – Proposed Planting Plan 2
3. The full list of approved plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.

Site details:

4. The site is situated north of the A14 and south of Fortress Way which links Lady Miriam Way South and Rougham Tower Avenue. The site is currently undeveloped and was previously agricultural fields. Prior to the site's agricultural use, the site formed part of the Rougham Airfield which was a Second World War airfield.
5. To the west is the original Suffolk Business Park where Sealeys, Denny Brothers and other business are situated. Directly to the north is a B8 warehouse unit as approved under DC/16/2825/OUT and subsequently DC/21/1802/RM. To the east are two further B8 units approved under DC/17/1765/RM.

Planning history:

6. Outline consent granted under DC/16/2825/OUT for B1 and B8 uses including structural landscaping, and an internal access road. One plot was identified as being for RC Treatts and was for a B1, B2 and B8 use. The internal access road has now been completed and has been called Fortress Way.
7. Planning permission was granted at St Edmundsbury Borough Council's Development Control Committee on 7 March 2019 under DC/19/0042/FUL for the construction of an access road and Ambulance Depot with associated landscaping and parking. The permission has now lapsed and this application seeks to re-establish the permission with minor changes.

Consultations:

8. Rougham Parish Council: Support
9. Jo Churchill MP: "I am pleased to support the development of a new state-of-the-art hub for the East of England Ambulance Service NHS Trust on the outskirts of Bury St. Edmunds.

Providing for improved access to the A14 and improving response times for service users, both rurally and within the town, is of paramount importance for residents of Suffolk, particularly within our growing community.

A modernised building, providing improved space for vehicle maintenance, stocking, cleaning and prepping, ready for deployment will facilitate faster life-saving care to patients.

The improved staff facilities and a sustainable and environmental design must work hand in hand with improved patient care. Minimising the environmental impact and the use of green materials and construction methods is of vital importance.

Within these parameters and with the desire to improve patient care and outcomes, I am pleased that the development of this improved facility is being considered."

10. Councillor Birgitte Mager (Ward Member): "Thank you very much indeed for this planning application. The most important part of any new planning application to the new Suffolk business park is an assurance that all traffic will have to access the site from the new junction that West Suffolk put in at great expense. I cannot see that mentioned in the planning application. Could you please reassure the Councillors that this will form key part of the application."
11. Suffolk County Council Minerals and Waste: No objections.
12. Suffolk County Council Highways: No objections subject to conditions concerning bin storage, car parking and cycle parking compliance.
13. Suffolk County Council Development Contributions: No comment.
14. Suffolk County Council Lead Local Flood Authority: No objections following receipt of further supporting information and comments, subject to conditions concerning a strategy for surface water disposal and subsequent implementation, submission of surface water drainage report and submission of a Construction Surface Water Management Plan.
15. Suffolk County Council Archaeology: The application area has already been subjected to an archaeological evaluation and no further archaeological work or mitigation is required.
16. National Highways: Final comments - No objections – National Highways do not consider the proposal to have an impact on the Strategic Road Network in the vicinity of the scheme which includes A14 Junction 44 and 45.
17. WSC Economic Development: Economic Development supports the application to develop a new ambulance hub, including vehicle servicing, car parking and landscaping at Suffolk Park, Bury St Edmunds. Bury St Edmunds has experienced significant growth since the development of the Ambulance Service facility in Brooklands Close. Providing first class healthcare services and highly skilled specialist employment in Bury St Edmunds is important, not only for the health of the local community but to support the continued growth of the whole of West Suffolk.
18. Natural England: No objection.

- 19.WSC Environment Team: No objections subject to EV charging condition – Re-wording of condition agreed with Environment Team Officer and agent as per recommended conditions below.
- 20.WSC Environment Team Sustainability: Following the submission of BREEAM Pre-Assessment, no objections are raised subject to a condition requiring confirmation of the BREEAM Excellent standard being achieved.
- 21.WSC Waste Management: No comment.
- 22.Place Services Ecology: No objections subject to conditions requiring submission of a biodiversity enhancement strategy and compliance with ecological appraisal recommendations.
- 23.Place Services Landscaping: No objections subject to a hard landscaping scheme condition – Having received amended plans which detail the pond as raised, PS Landscaping have confirmed the earthworks condition is no longer required.
- 24.WSC Public Health & Housing: "I confirm I have reviewed this application and considered the implications from a noise and nuisance impact perspective. Having considered the findings of the noise report, I am satisfied that the assessment has considered the impact on all relevant sensitive receptors, and I agree with the conclusions made. I therefore do not object to this application."
- 25.**Representations**: No representations received.
- 26.**Policy**: 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.
- 27.The following policies of the Joint Development Management Policies Document, the Bury St Edmunds Vision 2031 Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:
- 28.Joint Development Management Policies Document (adopted February 2015):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Creating Places – Development Principles and Local Distinctiveness
 - Policy DM3: Masterplans
 - Policy DM6: Flooding and Sustainable Drainage
 - Policy DM7: Sustainable Design and Construction
 - Policy 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 DM45: Transport Assessment and Travel Plans
- Policy DM46: Parking Standards

29. Bury St Edmunds Vision 2031 (adopted September 2014):

- Policy BV1: Presumption in Favour of Sustainable Development
- Policy BV13: Strategic Site – Extension to Suffolk Business Park, Moreton Hall, Bury St Edmunds
- Policy BV14: General Employment Areas – Bury St Edmunds

30. St Edmundsbury Core Strategy (adopted December 2010):

- Policy CS1 – St Edmundsbury Spatial Strategy
- Policy CS2 – Sustainable Development
- Policy CS3 – Design and Local Distinctiveness
- Policy CS7 – Sustainable Transport
- Policy CS8 – Strategic Transport Improvements
- Policy CS9 – Employment and the Local Economy
- Policy CS14 – Community Infrastructure Capacity and Tariffs

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

Other planning policy:

32. 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.

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

Officer comment:

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

- Principle of Development
- Design and Appearance
- Energy Considerations
- Landscape and Ecology
- Sustainable Transport and Highway Matters
- Other Matters

Principle of Development

34. The application seeks planning permission for an Ambulance Depot (Sui Generis), fleet depot (Class E(g), previously B1(c)) with associated parking and landscaping. Operational works within the depot include the maintenance and repair of fleet vehicles via an integral workshop, a make ready area which will clean out and replenish the medical provisions in the ambulances, offices, storage areas, changing rooms, and training rooms. The overall use is defined as a Sui Generis use (use class of its own) and as such does not accord to the uses allocated for the Suffolk Business Park. In short, the Suffolk Business Park is allocated for B1 and B8 use.
35. BV14 states "Development at Suffolk Business Park will comprise the following:
 - a) light industrial, research and office use (B1, and B8 uses);
 - b) units for new and small firms involved in high technology and related activities; and
 - c) extensive landscaping, particularly around the perimeter of the site
36. For clarity, the B8 use class remains in place, with B1 use class now incorporated into Class E.
37. Paragraph 11 of the NPPF (as well as policy DM1 and BV1) states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay. Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.
38. Policy CS1 outlines that the spatial strategy provides a framework for environmentally sustainable economic growth within the overall guidelines of the East of England Plan and the context of the Western Suffolk Sustainable Community Strategy.
39. Policies CS7 and CS8 state the Council will develop and promote a high quality and sustainable transport system across the borough and reduce the need for travel through spatial planning and design, as well as stating the Council will continue to work with relevant partners, including Suffolk County Council and the Highways Agency, and developers, to secure the necessary transport infrastructure.
40. Policy CS9 aims to provide sufficient employment to support the local economy and includes Suffolk business park to enable the delivery of additional jobs in a sustainable location.
41. Policy DM3 requires proposals for development of sites subject to Masterplans will be permitted only where proposals accord with Policy DM2 and with any relevant design guidance, Concept Statements, and Development Briefs approved by the Local Planning Authority or other adopted Supplementary Planning Documents.
42. The application refers to the development of the plot for employment use for the maintenance and administrative centre for ambulance fleet vehicles, which given the use does not fall comfortably within any use class, determines it to be considered as Sui Generis.

43. The application site lies within an extension to Suffolk Business Park, described as an 'Enterprise Zone' for business, distribution and industrial units. Whilst the site was clearly earmarked within the adopted masterplan for the aforementioned uses, it was referring to the St Edmundsbury Local Plan, 2016 which is now superseded by the current local plan. Policy BV13 refers only to B1 or B8 uses, as such, the proposal represents a departure from the development plan as the proposed use is not a B1 or B8 use. The masterplan is however adopted and therefore still valid and carries weight as a material consideration.
44. The proposal would fail to deliver employment uses which fall within classes B1 or B8, on a strategic employment site and the proposal is therefore contrary to policies BV13 and CS9. The proposal would instead provide employment uses via the provision of an Ambulance Hub to be utilised by the National Health Service. It therefore must be concluded that the principle of development is contrary to these policies within the development plan.
45. Given the function of the building proposed, its location observed in context with the A14 and junctions 44 and 45, as well as the obvious administrative benefits to having an Ambulance Hub of this nature in this location, the proposal is considered to be supportable, subject to other material planning considerations discussed below.
46. Whilst the application is essentially a resubmission with modest changes of a previous, Sui Generis approval (ref. DC/19/0042/FUL), this is not to say that a precedent has been set, not least noting that the previous permission has now expired. However, parallels can be drawn from the previous permission. In any event, the LPA are assessing the application on its own merits. These exceptional circumstances are acknowledged within the supporting Planning Statement at paragraphs 1.3 and 1.4, stating:
- *Due to the nature of this proposal, it is not covered by this consent or the main planning policy for the site which seeks B1 and B8 use, therefore there is a need for the applicant to demonstrate that there are exceptional circumstances that would enable the local planning authority to consider them as material considerations that would allow it to approve the application as a departure from the adopted policy.*
 - *These exceptional circumstances were previously demonstrated and agreed by the Local Planning Authority (LPA) under planning consent DC/19/0042/FUL. These exceptional circumstances have not changed because of this revised submission.*
47. Previously, officers argued that the public benefit of the use should be given significant weight as the service provided is essential to society and the wider health service. This is a notion that is echoed within this assessment.
48. Therefore, the acceptability of the proposal as a whole will be critically assessed within this report, with a conclusion weighing up the planning balance.

Design and Appearance

49. The Suffolk Business Park Extension is intended to be a high-quality business park, which is a clear instruction of the adopted Masterplan. To achieve a high-quality business park both the design of buildings and landscaping are equally important. Furthermore, the NPPF advocates the importance of good design and this is echoed through policies CS3 and DM2 of the development plan. Collectively, these policies, including the masterplan, require proposals to respect their surroundings and present as well designed additions which respond intelligently to their context.
50. Similarly, to that approved under DC/19/0042/FUL, the building comprises two key elements, which join to form an inverted 'L' built form. However, the orientation and layout has been altered since the previous approval. The ambulance station would be located to the north along an east-west alignment, and the fleet depot to the east side of the building leading through from the north to south of the building. The building will be set centrally within the site to enable movement of the vehicles around the building.
51. The building will be two storey in scale, with the western elevation offering some articulation in the form of varying pitches meeting at a central point with a maximum height of approximately 11 metres to ridge height. This has increased from the previously approved 7.625m maximum height. The taller, two storey elements will be focused on the northern and southern boundaries of the site, with the decreasing heights meeting and visible upon approach to the site from the north-west. Given the location of the building, introduction of varying roof heights and mixed use of materials, fenestration arrangements and colour palette, the overall height of the building is considered to be sympathetic to the locality and acceptable.
52. Therefore, given the above in combination with the design and appearance of the building, officers are satisfied that the design of the building is acceptable and will positively contribute to the appearance of a high quality business park.

Energy Considerations

53. The applicant has provided an Energy Statement, as well as a BREEAM Pre-Assessment to outline the use of materials, energy performance and environmental goals for the building.
54. Policy DM7 states that all new non-residential developments over 1000 square metres will be required to achieve the BREEAM Excellent standard or equivalent unless it can be demonstrated that one or more of the following conditions apply:
- It is not possible to meet one or more of the mandatory credits for an Excellent rating due to constraints inherent within the site. In this case development will be expected to accrue the equivalent number of credits by targeting other issues while achieving an overall Very Good rating.
 - The cost of achieving an Excellent rating can be demonstrated to compromise the viability of the development. In this case applicants will be expected to agree with the Council whether the target should be

relaxed, or whether cost savings could be achieved in another aspect of the development.

55.As per paragraphs 4.4 and 4.5 of the Planning Statement, the ground floor comprises 1,795sqm GIA ambulance station with make ready parking for 3 ambulances with various offices, workshop spaces crew room and facilities, together with a fleet depot comprising workshop space for 4 ambulances and other workshop space and ancillary office and storage rooms. The first floor comprises 1,110sqm of ambulance station space for training rooms and offices, including 469sqm of expansion space. As per the Application Form, the total gross internal floor area equates to 3,071sqm, up from 2657sqm from the previous approval, therefore exceeding the aforementioned threshold.

56.As per the Energy Statement, the development has been designed to incorporate several sustainability measures to address the aims and objectives established so that an intrinsically sustainable building is delivered. BREEAM Excellent requires a rating of 70%, typically accompanied with a request by the LPA's Environment Team: Sustainability Officer to include a 5% buffer, therefore 75%, to ensure that the Excellent rating can still be met in the event some credits are lost during the construction phase. The submitted BREEAM Pre-Assessment illustrates a 77.99% rating, therefore achieving the standard identified by Policy DM7. In this respect, the proposal is seen to accord with the provisions of DM7 in its entirety.

Landscape and Ecology

57.Policy BV13 states in part that amongst other things, *the design and landscaping have been informed by a masterplan for the site.* The Suffolk Business Park Extension Masterplan was adopted in June 2010. Landscaping and ecology is dealt with in chapter 5. This states that *the landscape objectives for the site are to retain where possible the existing landscape features which make a positive contribution to the appearance of the area, and to enhance the site with extensive new planting. Therefore, the principal trees and hedgerows will be substantially retained and will be incorporated into the structure of Suffolk Park Extension.* The masterplan goes on to state that, *within plots, planting will be used to soften frontages and provide some enclosure of vehicle parking and manoeuvring areas appropriate to the use. A landscaping strategy will be formulated to ensure consistency in the nature of the planting and in the species used. Native species will be used where possible. This will ensure that landscape is an integral part of plot design and result in a consistent appearance throughout the development.*

58.Policy DM2(g) states proposals for all development should, as appropriate, taking mitigation measures into account not adversely affect important landscape characteristics and prominent topographical features as well as sites, habitats, species and features of ecological interest. This is further echoed in the same policy with proposals needing to recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate this.

59.Policy DM11 seeks to prevent development that would have an adverse effect on protected species. The application submission contains an

Ecological Survey, as well as Landscape Management Plan. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

60. "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
61. The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.
62. The National Planning Policy Framework (NPPF, 2021) states that "the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value..." and "minimising impacts on and providing net gains for biodiversity ..." (paragraph 174).
63. Policy DM12, in addition to the requirements of DM11, requires measures to 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. Policy DM13 of the Joint Development Management Policies document requires that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. The policy goes on to note the sensitivity of the Special Landscape Areas and requires that individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact. Policy DM13 also requires that all development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape. Finally, the policy advises that where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations. However, the policy also requires that it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.
64. The site layouts and finer technical details attributed to the proposal have been discussed with Landscaping and Ecological consultant throughout the consideration of the application. However, the majority of the landscaping proposed, and ecological matters have remained consistent. The landscaping primarily consists of strips of hedging within integrated trees of various species on the southern, western, eastern and northern site boundaries, with internal landscaping to the car parks. An existing 30-metre landscaping buffer on the southern boundary will be left unaffected by the proposal. Following extensive discussions with the landscaping consultant, although it is acknowledged that the inclusion of further trees and soft landscaping within the car parks could be improved to soften the appearance and approach to the depot, when considering the wider site landscaping, the proposed landscaping is considered acceptable. The existing and proposed boundary landscaping will frame and set the building appropriately and as such it is considered that the scheme accords with the adopted Masterplan for the Park and is therefore acceptable.

65. With reference to the Ecological context of the proposal, the Ecological Consultant is satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Walkover Ecology Survey Report (James Blake Associates, September 2022) have been secured by a condition and will therefore be implemented in full. This is necessary to conserve and enhance protected and Priority species particularly nesting birds and badger.
66. The Walkover Ecology Survey Report (James Blake Associates, September 2022) reports that, due to the abundance of suitable foraging and sett creation habitats on site, if ground works do not take place within six months of the survey, then an updated badger check should take place to ensure badgers have not started using the site in this interim period. This has been added as an informative in agreement with Place Services Ecology, noting the 6-month period has now lapsed. However, it is understood that this report is being commissioned by the applicant to avoid further delays in proceeding with the project, in the event the application is approved. Having received lighting specification, the removal of this previously proposed wildlife sensitive lighting scheme condition has occurred.
67. Overall, the proposal is considered to sufficiently comply with the provisions of Policies DM2, DM11, DM12, DM13, BV13 and the relevant paragraphs of the NPPF.

Sustainable Transport and Highway Matters

68. Policy CS14 requires all new proposals for development will be required to demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure exists or will exist prior to that development being occupied.
69. Policy DM45 states for major development and/or where a proposal is likely to have significant transport implications, the Council requires the applicant to submit the following documents alongside their planning applications:
- a. a Transport Assessment appropriate to the scale of development and the likely extent of transport implications;
 - b. a Travel Plan that identifies the physical and management measures necessary to address the transport implications arising from development.
70. Policy DM46 states the authority will seek to reduce over-reliance on the car and to promote more sustainable forms of transport and for proposals to accord with Suffolk Parking Guidance.
71. Policy BV13 requires a Travel Plan to be implemented to reduce dependency on the motor vehicle. It is Officers' understanding, as per the previous approval DC/19/0042/FUL, that having discussed this with officers at Suffolk County Council who oversee Public Transport Operations and Travel Plans it was agreed that the requirement for a Travel Plan and contributions towards a bus service would not be sought unless in exceptional circumstances. This

decision was taken by the LPA when determining the outline application DC/16/2825/OUT.

72. To replace this approach West Suffolk Council has been requiring facilities are installed in all new premises on the Suffolk Business Park Extension that allow for staff to walk and cycle to work. Such facilities will include separate male and female changing rooms, with lockers that can accommodate wash kit, a suit or other work wear, drying rooms to dry wet clothes, and multiple shower cubicles.
73. The outline consent DC/16/2825/OUT required a cycling and walking strategy to be drawn up and approved by the Local Planning Authority. Whilst this application is not a reserved matter application that is bound by the parameters set by the outline, officers considered what would have been required by the strategy and how this proposal compared to those requirements.
74. With specific reference to this application, all of the aforementioned facilities are provided on the ground floor of the building, with gender neutral facilities inclusive. Whilst this does not specifically accord with the intended male and female facilities, given the allocation of lockers, changing facilities, WCs and showers at the site and encouragement for users to travel sustainably to the site, this is considered appropriate mitigation.
75. As previously stated, the internal floor area of the building equates to 3,071sqm. The Suffolk Parking Standards do not have parking standards for the proposed Sui Generis use. The proposal includes parking for 37 ambulance/rapid response vehicles, of which 19 would provide Electric Vehicle (EV) charging. The proposal also includes 143 car parking spaces for staff and visitors, including 8 disabled and 10 EV spaces. A further 40 cycle parking spaces will be provided onsite, with 8 visitor spaces adjacent the north-western main building lobby and 32 staff cycle spaces located to the rear of the building in a covered, well monitored area. A further 8 motorcycle parking spaces are also provided on the south-western edge of the site.
76. Suffolk County Council Highway Authority has raised no objections to the provision of parking spaces and are aware that in the past on the Moreton Hall area uses have come forward which have not had sufficient parking on site which has led to parking on the highway network. This is a matter also raised by the National Highways. Given the unusual nature of the proposal and the shift pattern of many of the staff National Highways required additional information from the applicant / operator to understand staff numbers, parking on site at existing facilities and how future demands / staff increases had been planned for. A Transport Assessment Addendum was submitted which set out to demonstrate the acceptability of the scheme and how the amount of parking on site was acceptable. This has been accepted by National Highways who are satisfied with the scheme. National Highways had requested further information related to the aforementioned trips the proposed development would generate on the Strategic Road Network junctions in the AM and PM peaks. This information was subsequently submitted. Based on the new information provided within the Highway Impact Technical Note, National Highways are content with the proposed traffic distribution and associated trips in the AM and PM peaks generated by the proposed development (Junction 44 – 18 two-way trips in

the AM and 21 two-way trips in the PM, Junction 45 – 7 two-way trips in the AM and PM), which will result in minimal impact during the network weekday peak hours and resulting in no material impact on the SRN junctions within the vicinity of the proposed development.

77. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality.
78. Section 3.4.2 of the Suffolk Parking Standards states that "Commercial developments must provide suitable charging systems for a number of the parking spaces, with ducting and infrastructure in place to install additional charging systems when future demand dictates." For business uses the Suffolk guidance requires 20% of spaces to be equipped with charging systems with a minimum of 7.4Kw charging speed.
79. The Environment Team are content with the provision of EV charging points and have agreed to an appropriately worded condition (below) that states prior to first operational use of the site, at least 20 (twenty) car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces and shall be retained thereafter and maintained in an operational condition.
80. The proposal is therefore considered to comply with the provisions of policies CS2, CS14, DM2, DM14, DM45 and DM46 and BV13.

Other Matters

81. Policy DM6 states proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.
82. The application has been accompanied by a Sustainable Drainage Assessment, site specific flood risk assessment and outline drainage strategy. Having engaged in extensive discussions with the Lead Local Flood Authority, no objections are raised regarding the proposal, subject to the imposition of conditions requiring a strategy for surface water disposal and subsequent implementation, submission of surface water drainage report and submission of a Construction Surface Water Management Plan. The proposal therefore accords with Policy DM6.
83. Policy DM20 states development will not be acceptable if it would have a material adverse effect on Scheduled Ancient Monuments or other sites of archaeological importance, or their settings.
84. As confirmed by Suffolk Archaeology, the application area has already been subjected to an archaeological evaluation and no further archaeological work or mitigation is required. No adverse archaeological impacts are therefore considered to arise and the proposal accords with Policy DM20.

Conclusion:

The application site lies within the Suffolk Business Park which is an allocated employment site under policy BV13 of the Bury St Edmunds Vision Document. BV13 sets out that B1 and B8 uses are acceptable in principle. The proposed use, being an Ambulance Hub, falls under sui generis use class. As such the proposal fails to accord with policy BV13 and represents a departure from the development plan. However, the function that the use will fulfil and the public benefit that it will bring are considered to carry significant positive weight.

85. As assessed within this report it is not considered the proposal would have a detrimental impact upon the form and character of the locality, ecology, archaeology or highway safety. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the development plan is the starting point for decision making and proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise. It is clear that the proposal fails to accord with policy BV13 as the proposed development is not for B1 or B8 uses and this therefore weighs against the proposal. As set out within this report it is considered that significant weight can be attached to the proposed use, given the public benefit attributed to it. Suitable landscaping is proposed to help screen and mitigate the visual impact of the proposal. The site is in an easily accessible location, with links for cycling and pedestrian access. Having regard to all relevant material planning considerations the proposal is considered on balance to be acceptable.

Recommendation:

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

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

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

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

- Application Form
- Planning Statement - 11074 rev B
- Flood Risk Assessment - 49498
- Flood Risk SUDs Assessment - 49498 - January 2019 Rev A
- Land Contamination Assessment - 48273 - October 2017
- Land Contamination Assessment – Site August 2021 - DGWD/21.217
- Land Contamination Appendices A-E - 48273 - October 2017
- Land Contamination Appendices F-H - 48273 - October 2017
- Landscape Management Plan – Indigo - September 2022
- Ecological Survey - JBA 18/298 ECO03 SR
- Badger Technical Note - JBA 18/298 ECO06 (Sensitive Information)
- Arboricultural Assessment
- Ground Gas Monitoring Report - KB/48273

- Transport Assessment - MAYER BROWN SEPTEMBER 2022 - FINAL 01
- Highways Impact Technical Note – Apr-23 – Final 01
- Design and Access Statement - 21712 - 8005 - 01
- Design & Access Statement Continued - 21712 - 8005 October 2022
- Noise Impact Assessment - 10251.1 Revision A
- Energy Statement - ESC1887
- BREEAM Pre-Assessment - ESS0373 REV B
- Amended – Lighting Product Data Sheet
- Amended – External Lighting Layout - 1830-ESC-00-ZZ-DR-E-2100
- Exploratory Hole Location Plan - 48273/G/FIG02
- Outline Drainage Strategy - CWA-22-100-SK530
- External Site Levels - CWA-22-100-515
- External Work Details - 21712-6003
- Roof Canopy Details - 21712-6001
- Bin Store Details - 21712-6002
- Roof Plan – Proposed - 21712-1004 P01
- Location Plan - 21712-1000
- Proposed Ground Floor Plan - 21712-1002
- Proposed First Floor Plan - 21712-1003
- Amended – Proposed Site Plan - 21712-2011-P02
- Amended – Proposed Elevations 1 - 21712-2151-P02
- Amended – Proposed Elevations 2 - 21712-2152-P02
- Amended – Sustainable Drainage Assessment - CWA-22-100-SUD-001 REV 3
- Amended – Proposed Site Plan (Planting) - 21712-2011-T02
- Amended – Proposed Planting Plan 1 - 1042-SW-01 REVB
- Amended – Proposed Planting Plan 2 - 1042-SW-02 REVB

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

3. The development shall achieve BREEAM Excellent standard. This must be evidenced by a BREEAM fully-fitted certificate upon completion. The development shall achieve a Final BREEAM Excellent rating in accordance with the requirements of the relevant BREEAM scheme. The projects Final Certificate must be issued to the local planning authority within a maximum of 6 months post completion.

Reason: In the interests of sustainability as required in policy DM7 of the Joint Development Management Policy Document 2015.

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

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of water drainage, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

5. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

6. Prior to commencement of development details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) shall be submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

A. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

1. Temporary drainage systems
2. Measures for managing pollution / water quality and protecting controlled waters and watercourses
3. Measures for managing any on or offsite flood risk associated with construction.

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan, in accordance with policies DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in

accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

8. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 21712-2011-P02 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure the incorporation of waste storage and recycling arrangements, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

9. The use shall not commence until the areas within the site shown on Drawing No. 21712-2011-P02 for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter the areas shall be retained, maintained and used for no other purposes.

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

10. The use shall not commence until the facilities within the site shown on Drawing No. 21712-2011-P02 for the purposes of cycle parking have been provided and thereafter the area shall be retained, maintained and used for no other purposes.

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

11. Prior to first operational use of the site, at least 20 (twenty) car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 107 and 112 of the National Planning Policy Framework (NPPF) and the Suffolk Parking Standards.

12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Walkover Ecology Survey Report (James Blake Associates, September 2022) as already

submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

13. Prior to any works above slab level, 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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights 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).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

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.

14. All planting comprised in the approved details of landscaping (1042-SW-01 REV B and 1042-SW-02 REV B) shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

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

15. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features);

proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

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

16. 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 temporary offices, plant and machinery
 - D. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - E. Wheel washing facilities
 - 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. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - I. Noise method statements and noise levels for each construction activity including piling and excavation operations
 - J. 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.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

17. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning

authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

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

18. The site preparation and construction works, shall only be carried out between the hours of:

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

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

(If 'quiet work activities' are permitted by the Local Planning Authority upon receiving a formal request outside these hours they will not involve the use of generators, machinery and vehicles in external areas of the site).

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

19. Within 1 month of development commencing on the hereby approved building full details of the lockers, drying room (including heating source and how clothes and other items will be stored (rails/ hook/ benches)) shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be fully installed and available to staff before the building hereby approved is first brought into operation and thereafter retained.

Reason: To ensure that the facilities to allow staff to cycle and walk to work are installed and available as mitigation for the scheme not having a Travel Plan or making a public transport contribution.

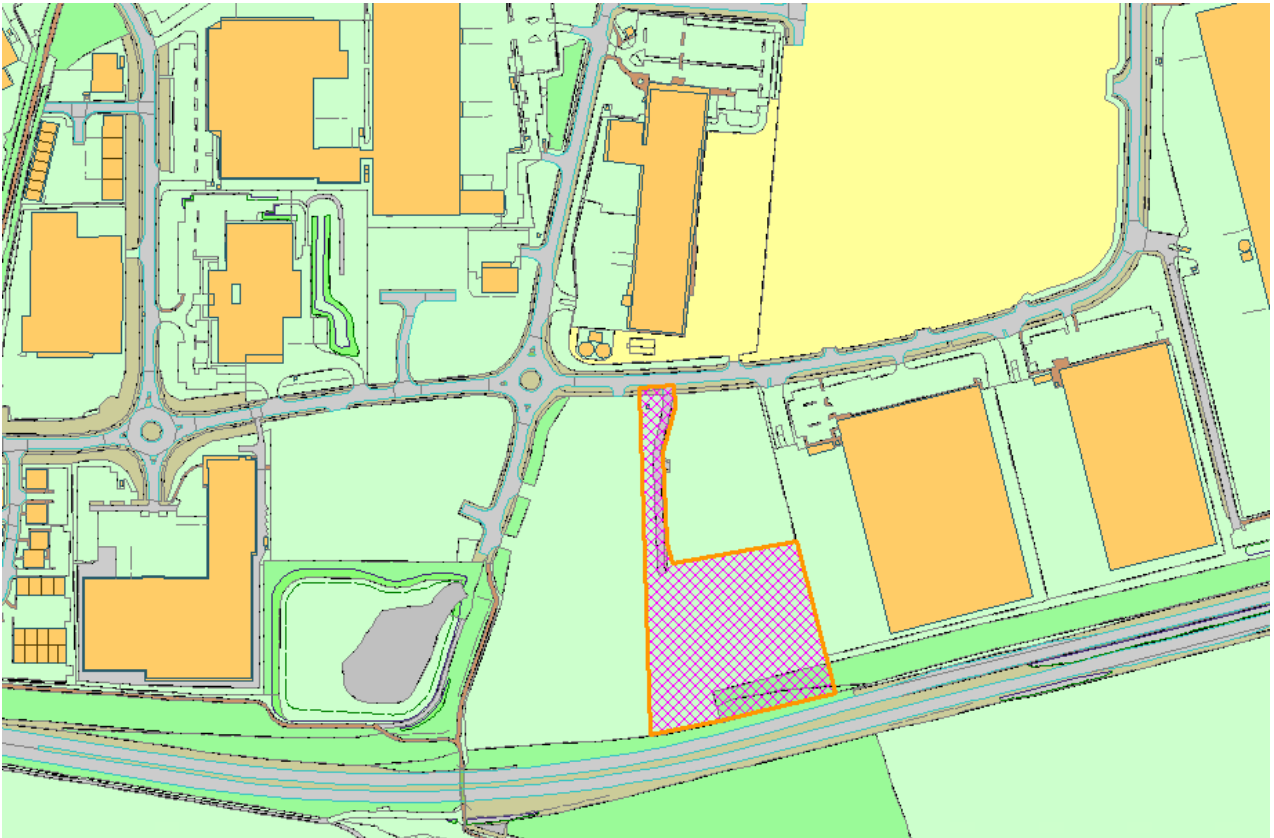
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1953/FUL](https://www.suffolk.gov.uk/DC/22/1953/FUL)

This page is intentionally left blank



DC/22/1953/FUL – Plot 1520, Fortress Way, Rougham, Bury St Edmunds



This page is intentionally left blank



Proposed Site Plan
1:250

Access Road Extract
1:250

Proposed Site Plan
1:250

NORTH

The copyright of this drawing is vested with Corstorphine & Wright Ltd and must not be copied or reproduced without the consent of the company.

P02	Sub-station relocated	20.01.23	IH	SW
P01	Preliminary tender issue	20.12.22	IH	SW
P00	Preliminary issue	14.11.22	IH	SW
Rev	Description	Date	Drw	Chk

	Vehicle grade tarmac		Resin bound gravel
	Vehicle grade brushed concrete		Wet pour rubber crumb safety flooring
	Grey vehicle grade block paving		Landscape areas as per landscape architect's details
	Buff pedestrian grade block paving		Buff concrete tactile paving to crossing points

Client
Assura Development Hub

Project
New Ambulance Hub
Bury St Edmund's

Drawing Title
Proposed Site Plan

Drawing Status
PRELIMINARY

Corstorphine & Wright

Tamworth Studio
5 Aldergate, Tamworth, B79 7DJ
01827 671123
corstorphine-wright.com

Drawing No.
21712-2011

Revision
P02

Drawn	Checked	Paper Size	Scale	Date
IH	SW	A1	1:250	16.12.22

This page is intentionally left blank

Development Control Committee 26 April 2023

Planning Application DC/23/0052/FUL – Solar Farm, EuroAPI, Rookwood Way, Haverhill

Date registered:	3 February 2023	Expiry date:	5 May 2023
Case officer:	Amy Murray	Recommendation:	Approve application
Parish:	Haverhill Town Council	Ward:	Haverhill South
Proposal:	Planning application - ground mounted solar farm with substation, CCTV, boundary fence, landscaping and associated works		
Site:	Solar Farm, EuroAPI, Rookwood Way, Haverhill		
Applicant:	Mr Lee Barratt		

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:

Amy Murray

Email: amy.murray@westsuffolk.gov.uk

Telephone: 01284 757366

Background:

This application is before the Development Control Committee (DCC) because the Ward Member (Councillor David Smith – Haverhill South) has called-in the application.

Haverhill Town Council object to the proposal. The application is recommended for approval.

Proposal:

1. Planning permission is sought for a ground mounted solar farm with substation, CCTV, boundary fence and landscaping. The solar farm will have a capacity of 2.04 MWp and will provide renewable energy to the Haverhill EuroAPI site such that, at full output, it will meet the operational site's current and predicted energy needs (no battery storage is proposed). Permission for the solar farm is requested for 30 years.
2. The proposed arrays of photovoltaic (PV) solar panels will be set out in 14 rows, east to west across the site, with 4m in between each row for maintenance and cleaning. There will be a total of 3520 panels across the site and each panel is 580 Watt (Wp). The PV solar panels will be mounted on metal frames and set in a south-facing fixed orientation. The height of the framework and panels will be 2.5m above ground level.
3. A substation is proposed, to the north of the site, measuring 3m by 8m, with a ridge height of 3m. Three CCTV cameras are also proposed, mounted on telescopic stands that extend up to 8m in height, located to the north and south of the site. Additional fencing is proposed to the south and west of the site boundary, which will be 2.5m in height and will comprise dark green mesh panel fencing.

Application supporting material:

4. The following documents have been submitted in support of the application:
 - Location Plan
 - Existing Site Plan
 - Proposed Site Layout
 - Proposed Elevations- solar panels
 - Solar Panels- 3D images
 - Fencing Elevations
 - CCTV Site Plan and Elevations
 - Indicative landscaping details
 - Substation Elevations
 - Ecology Report
 - Habitat map
 - Habitat suitability map
 - Biodiversity Net Gain Calculations
 - Landscape Ecological Management Plan (LEMP) and LEMP plan
 - Arboricultural Impact Assessment
 - Land Contamination
 - Flood Risk Assessment
 - Noise Impact Assessment
 - Landscape and Visual Statement
 - Construction Management Plan
 - SuDs Proforma

- Drainage Strategy
- Planning Statement

Site details:

5. The application site is located on Haverhill industrial estate to the south of the town. It is opposite EuroAPI’s main site and is owned by EuroAPI. It is located within a triangular parcel of land that is enclosed by Piperell Way, Moon Hall Lane and Rookwood Way. There are other businesses, adjacent to the application site, to the south and west, within the triangular parcel of land.
6. The site is approximately 2.2 hectares and comprises unused land which is mostly covered with hardstanding and overgrown vegetation. There is an existing green mesh fence at the boundary of the site along Rookwood Way. The land slopes gently from north-west to south-east. The previous use of the site was a paint and wood treatment manufacturing facility, until its closure in 2008/9. Following the closure of the manufacturing facility the land was purchased in 2010 by Sanofi (now EuroAPI) and the unused buildings were demolished. Since then, the land has remained unused by EuroAPI.
7. The site is within the vicinity of a HSE major hazard site and is within a source protection zone, above a major aquifer. The land is identified as a general employment area in policy HV9 of the adopted Haverhill Vision 2031 document.

Planning history:

8. This proposal was subject to an EIA screening opinion and it was concluded that an EIA was not required (DC/22/1948/EIASCR)

Reference	Proposal	Status	Decision date
DC/22/1948/EIASCR	EIA Screening Opinion under Regulation 6 (1) of the Environmental Impact Assessment Regulations 2017 - solar farm	EIA Not Required	30 November 2022

Consultations:

Anglian Water Services Limited

9. 16.02.2023- No comments because the applicant is not proposing to connect to Anglian Water network. Anglian Water also advise that they have no assets within the proposed site, however, they recommend that the applicant checks the site area for any unmapped or private owned assets.
05.04.2023- Anglian Water responded to the amended drainage details with no further comments.

Cadent Gas Ltd

- 10.No objection and request that an informative is added to any Decision regarding gas infrastructure in and around the site area. This has been added to the Decision accordingly.

Health And Safety Executive

- 11.No objection.

National Grid Plant Protection

12.No comments received.

Cambridge Airport - Safeguarding

13.No objection.

Minerals & Waste SCC

14.No objection.

Police Architectural Liaison Officer

15.No comments received.

Norfolk And Suffolk Constabularies

16.No comments received.

Environment Agency

17.The EA was only able to provide a partial review of the proposals. They note that the site is located above Secondary (undifferentiated) Aquifer (Lowestoft Formation), Principal Aquifer (Chalk) and a Source Protection Zone (SPZ3). The site is considered to be of moderate environmental sensitivity. The past use could present potential pollutant linkages to controlled waters. The EA has no objection, subject to a condition to secure the process required in the event that unexpected contamination is encountered.

WSC Environment Team

18.No objection, subject to a condition to secure the process required in the event that unexpected contamination is encountered. The Environment Team note previous works undertaken at the site, including site investigations, groundwater monitoring and phases of localised remediation. Given the findings of the various reports and the proposed end use, the Environment Team is satisfied that the risk to end users and controlled waters is low and no further investigation or remediation is required.

With regards to air quality, the Environment Team acknowledge that there will be some vehicle movements during the construction phase but these are unlikely to reach any thresholds for formal assessment and will only be temporary. They therefore have no further comments in relation to air quality.

SCC Flood And Water Team

19.07.03.2023- The LLFA has issued a holding objection, stating:
"A holding objection is necessary because infiltration-based drainage has been proposed for the development, however, this is not feasible due to the underlying geology of the site. Clarification should be provided to show that infiltration is a viable approach to drainage for the site within an updated site investigation report. If infiltration is not possible, then provide details for a positive discharge approach, including calculations to demonstrate adequate storage can be provided within the red line boundary."

The applicant provided amended drainage details on 03 April 2023, and the LLFA has been consulted with accordingly. At the time of writing this

report, we are awaiting their comments. The status of this will be updated with a late paper. If comments are not available prior to the committee meeting the planning application may be withdrawn from the agenda.

WSC Environment Team - Sustainability

20."In relation to policy DM8, low and zero carbon energy generation, which encourages proposals with fully assessed and mitigated impacts, we welcome this application for a solar farm."

SCC Environment & Transport - Highways

21.No objection, subject to compliance with the submitted Construction Management Plan.

WSC Private Sector Housing and Environmental Health

22.No objection, subject to conditions to prohibit burning of waste and to restrict construction hours.

SCC Green Access Team Suffolk County Council Rights of Way

23.No comments received.

Ramblers Association

24."The site is within the Town Development area of Haverhill where pre-existing public rights of way have been absorbed into the highway network as a basis for routes of more recent roads, and this seems to be the case here. In this case, I can do no more but to welcome this initiative for self-sufficiency."

WSC Waste Management Operations Manager

25."No comment".

Place Services - Ecology

26.No objection, subject to securing the measures proposed in the Ecological Impact Assessment and Biodiversity Net Gain Assessment, submission and approval of a Landscape and Ecological Management Plan, a lighting plan and a construction environmental management plan.

Natural England

27.No comments received.

Suffolk Wildlife Trust

28.No comments received.

Place Services - Landscape

29.No comments received.

Place Services - Trees

30.No objection, subject to submission of a landscaping plan and an arboricultural impact assessment.

Suffolk Fire and Rescue Service

31.No comments received.

Braintree District Council

32.No objection.

WSC Planning Policy

33. The policy team has reviewed the proposal with particular reference to DM30 'Appropriate Employment Uses and Protection of Employment Land and Existing Businesses'. They consider that, arguably, DM30 is not engaged as the site is within the ownership of an existing business and has not been used for many years. Furthermore, the site could be considered ancillary to the main planning unit. Finally, the solar panels can be dismantled in the future, thus not precluding economic use. In summary, the policy team conclude that there is no significant conflict with DM30 and that the proposed solar farm is an ancillary use to the existing operations of EuroAPI.

WSC Economic Development

34. Economic Development supports the application to develop a solar farm on the land owned by EuroAPI in Rookwood Way, Haverhill. The site was previously home to a paint and wood treatment facility but has sat dormant since it was bought by Sanofi (now EuroAPI) some years ago.

EuroAPI is a significant and key employer in Haverhill and West Suffolk, this application will help to protect the sustainability and viability of the company's operation in Rookwood Way and the important jobs that the company provides.

As we face the challenge of the climate emergency we are seeing increased take up of PVs which are providing more affordable electricity as well as delivering greater certainty around its provision. Economic Development is keen to support the take up of green electricity generation where it can assist West Suffolk's employers to continue providing the jobs and income that our residents need.

Whilst there is a significant shortage of available employment land in Haverhill and across West Suffolk, this land is owned by EuroAPI and is not available for wider commercial development.

Suffolk Chamber of Commerce (unsolicited)

35. A letter of support has been provided by Suffolk Chamber of Commerce. The letter notes that the proposal would support a local business that employs over 250 people. It also states that the proposed solar farm would help the business manage its energy costs, which would increase investor confidence and certainty that the Haverhill site is still a viable investment. In addition, the proposal would support a reduction in greenhouse gas emissions.

Haverhill Town Council

36. 02.03.2023 - "STRONGLY OBJECT- The proposed development is on prime industrial land, of which there is very little available in Haverhill, therefore this application does not comply with West Suffolk Council's DM30 Policy 'Appropriate Employment Uses and Protection of Employment Land and Existing Businesses' as there is an insufficient supply of alternative and suitable employment land available to meet local employment job growth requirements in Haverhill."

Ward Councillor

37. Councillor David Smith:
24.02.2023

"I have grave concerns about the siting of a solar farm in Rookwood Way. It is not the principle of solar energy that I object to, but the fact that we are losing yet more employment land in Haverhill.

With the coming forward of thousands of properties to the north, the town is expanding at a rate that is unsustainable with the infrastructure that we currently have. In that I include employment to service the new and existing residents coming to Haverhill. The regrettable decision of the planning inspector to allow more residential development near the EpiCentre, with a loss of the 2,000 jobs we were promised, and the warehouses on Haverhill Business Park that require low numbers of personnel, means that more and more people will be commuting out of the town to their places of employment.

As I said, I welcome the applicant's desire to power their plant with greener energy sources, but I feel that we should focus on cutting our use of fossil fuels by providing employment in places that are more easily accessible on foot, by cycling, or shorter car journeys where possible."

28.02.2023

Councillor David Smith formally called-in the planning application.

Representations:

38.No representations received.

39.**Policy:** 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.

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

Core Strategy 2010, former St Edmundsbury Area:

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS9 - Employment and the Local Economy

Joint Development Management Policies Document:

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM8 Low and Zero Carbon Energy Generation

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

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

Other planning policy:

40.National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of Development
- Impact on Character and Appearance of the Area
- Impact on Trees
- Impact on Ecology
- Drainage and Contamination
- Highways
- Neighbouring Amenity

Principle of Development

Principle of Development- renewable energy

42.Paragraph 152 of the NPPF supports renewable energy projects, stating that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and help to support renewable and low carbon energy and associated infrastructure.

Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable

43. At local plan level, policy DM8 states that all proposals for generation or recovery of low carbon or renewable energy will be encouraged subject to the following criteria:

- a) proposals will be required to demonstrate the new carbon saving benefit that they will create, taking into account both carbon dioxide savings from renewable energy generation and any additional carbon dioxide generation that results from the proposal. *[this element is no longer required as per the NPPF]*
- b) proposals will be required to include a landscape and visual assessment which should, where appropriate:
 - I. Show the impact of the proposal in the landscape or townscape. All development should be designed and sited to minimise intrusion and visual impact;
 - II. Include mitigation measures to address the visual impact of the scheme;
 - III. Include an appraisal of the impact, on the environment of the proposal either in isolation or cumulatively with any other similar developments;
- c) where appropriate the proposal includes provision for mitigation and compensation measures, such as habitat enhancement or relocation.

44. DM8 further requires that all proposals will need to demonstrate, to the satisfaction of the LPA, that due regard has been given to the following:

- d) the impact of off-site and on-site power generation infrastructure including achieving underground connections to the electricity grid system; and
- e) in respect of proposals for wind turbines, current standards relating to noise emission, shadow flicker and other negative effects such as interference to television transmission and air traffic control systems and the effects on public health; and
- f) soil quality is not affected adversely by either construction or the operation or decommissioning of the development.

There is clearly overwhelming support for the production of renewable energy, both within local and national planning policy, subject to the acceptability of other criteria and material planning considerations. In addition, West Suffolk Council has declared a climate emergency, which provides further, relevant context when assessing the principle of development for a proposal such as this one.

Principle of Development- Economic Growth

45. Chapter 6 of the NPPF (2021), and policy CS9 seek to provide support for developing and sustaining local businesses. In this case, there is a strong economic argument for supporting EuroAPI's transition to low carbon energy. The planning statement states:

46. "Over recent years, the energy cost evolution of the site has grown considerably. In 2021, the yearly energy cost for the site was circa £1.2, this grew to £2.7M in 2022 and predicted to increase to £5.0M in 2023."

47. Given the rising energy costs, self-sufficiency in this regard will help to sustain a significant business and local employer. However, the site is designated as part of a wider employment site, and this proposal comprises a non-employment use. The relevant policy to consider in this regard is DM30. This policy requires proposals for non-employment uses on sites designated for employment purposes, *and where the proposal is expected to have an adverse effect on employment generation*, to meet one or more of a number of criteria (as appropriate to the site and location)- see text box below.

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

Any non-employment use proposed on sites and premises used and/or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied that the proposal can demonstrate that it complies with other policies in this and other adopted local plans (particularly Policies DM1 and DM2 in this Plan), and one or more of the following criteria has been met (as appropriate to the site/premises and location):

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

48. Assessment of this proposal in relation to DM30 and protection of employment land has considered the following:

- The site is within the ownership of an existing business
- The site that has not been used for over ten years for separate employment purposes
- The solar farm has a limited lifespan (permission is sought for 30 years), thereby not precluding employment use in the future.

49. In this case, DM30 is not considered to be engaged as the use of the land as a solar farm, to power an existing business, is considered ancillary to the primary use. The LPA's Planning Policy team has been consulted on the application and concurs with this assessment. Furthermore, even if DM30 was considered relevant, the policy offers flexibility to consider other uses that would provide sustainability benefits (see criterion *f*) above).
50. In addition, the applicant has demonstrated that there are no other suitable locations for the solar farm on the roof of existing EuroAPI buildings. This option was rejected due to the lack of available footprint and limited supply of energy generation required to supply the site (no area was large enough individually or combined).
51. Having regard to the above national and local planning policies, subject to the acceptability of material planning considerations, the principle of supporting the economic activities of an established business is considered to be acceptable, and overall, the principle of this proposal is considered acceptable.

Impact on Character and Appearance of the Area

52. Paragraph 130 of the NPPF requires development to be sympathetic to local character. Policy DM2 and CS3 requires all proposals to recognise and address the key features, characteristics and townscape character of the area and to maintain a sense of place and/or local character. Furthermore, policy DM8 requires renewable energy proposals to be supported with a Landscape and Visual Impact Assessment where appropriate and to demonstrate how visual impacts are minimised and mitigated.
53. In this case, the surrounding area comprises an industrial estate, with typical units that are utilitarian in design, with a range of commercial uses. However, development is set back from the highway and there are attractive verdant features, including grass verges, soft edges and trees along the highway. These attractive features positively contribute to the visual amenity of the area. There is a significant change in levels from the north-west to the south-east of the site and consequently, the solar farm would be visible from wider vantage points.
54. The proposal comprises ground mounted photovoltaic (PV) solar panels which will be set out in 14 rows, east to west across the site, with 4m in between each row. The site is 2.2ha and the PV panels will cover most of the site. The solar panels will be mounted on metal frames and set in a south-facing fixed orientation. The height of the framework and panels will be 2.5m above ground level.
55. A substation is proposed, to the north of the site, measuring 3m by 8m, with a height of 3m. Three CCTV cameras are also proposed, mounted on telescopic stands that extend up to 8m in height, located to the north and south of the site. Additional fencing is proposed along the southern and north-western boundary of the site, which will be 2.5m in height and will comprise dark green mesh panel fencing (there is existing mesh fencing along the north-east boundary, along Rookwood Way).
56. The application is supported with an Arboricultural Method Statement (AMS), Landscape and Visual Statement (LVS) and an indicative landscaping plan.

57. The LVS states that the sensitivity of the landscape and townscape character of the study area is low, given the industrial estate setting and that where the site would be visible from wider vantage points, any impacts are minimised due to the surrounding industrial development and low height of the PV panels (2.5m), which would clearly not break the skyline. Views of the site from Piperell Way and Moon Hall Lane would be minimal and the report notes that hedging is proposed along Rookwood Way, where the proposed development would be more visible. The LVS concludes that there would not be any significant effects to landscape/townscape character or visual amenity as a result of the proposal.
58. The submitted landscaping plan indicates proposed hedging along the north-east boundary, adjacent to Rookwood Way. It is noted that the space for a hedge is narrow at 2.75-3m in width and suitable details of planting will need to be secured by condition. Given the context of the site and the existing grass verge and trees and shrubs along Rookwood Way, this is considered acceptable. Furthermore, the planning application will be subject to a Landscape and Ecological Management Plan (LEMP), which will require management and maintenance of the proposed hedge.
59. The Arboricultural Impact Assessment (AIA) indicates that five trees and four groups are to be removed to facilitate the development. All are category C, so are either smaller trees or ones considered to be of low quality (further discussion on tree impacts are below). However, the proposed hedging will help to reduce any visual impacts as a result of the loss of these trees and the proposed development.
60. Given the industrial estate context, it is considered that the proposed structures are acceptable in terms of impact on the character and appearance of the area. They are modest in scale and are not unacceptably out of keeping with the industrial setting. The proposed hedging along Rookwood Way will help to reduce visual impacts and further details in this regard have been requested by planning condition.
61. In summary, the proposal is considered to comply with policy CS3 of the St Edmundsbury Core Strategy, policies DM2 and DM8 of the Joint Development Management Policies Document and the NPPF (2021), with particular reference to chapter 12- *Achieving well-designed places*.

Impact on Trees

62. The Town and Country Planning Act 1990 (see section 197), requires LPAs to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees or planting of trees. This is supported in local policy by the requirements of Policies DM2 and DM13.
63. In this case, the site mostly comprises scrub vegetation and grass, with some mature or semi-mature vegetation. An AIA has been submitted to support the planning application. The AIA notes that a total of 45 arboricultural features, including 23 individual trees, 21 groups of trees and one hedgerow, were recorded during the tree survey. Place Services has reviewed the arboricultural impacts of the proposal on behalf of the Council.

64. The proposed development has the potential to adversely impact trees through root severance, changes to the root environment, compaction through the movement and storage of plant, damage through harmful construction practices, contamination due to spillage of fuel or other materials, unsympathetic facilitation pruning and direct damage to the stem and crown.
65. The AIA indicates that five trees and four groups are to be removed to facilitate the development. All are category C and are therefore not a material consideration. However, some mitigation is required to compensate for the loss of trees on site and it is considered that the proposed hedging along Rookwood Way will be sufficient in this regard.
66. There are eight trees and five groups which will be retained that have varying levels of incursion within the Root Protection Areas (RPA). One category B tree will have some encroachment within the RPA but the encroachment is minor and should not impact the tree. Three category C trees have over 20% incursion into the RPA that could negatively impact them, however, further details of how this will be managed could be submitted as part of an Arboricultural Method Statement (AMS) required by planning condition.
67. Facilitation pruning of one category B tree, one category B group, and four category C trees has also been outlined. However, precise details have not been provided and would be required as part of an AMS.
68. The AIA states that all pruning work will take place in accordance with BS3998:2010 'Tree Works' and ground protection and fencing in line with BS5837 (2012) has been proposed (the Tree Protection Plan was not included with the AIA at the time of review and will need to be included within an AMS).
69. The installation of the proposed fencing could lead to concrete leaching or direct damage if the fencing is installed within the RPA of trees. Any specialised working methods necessary must be included in an AMS. In addition, a detailed schedule for the planting and maintenance of the new hedge should be included in a landscaping plan.
70. In summary, the arboricultural impact of the proposed development is considered acceptable, subject to conditions to secure an acceptable Arboricultural Method Statement and landscaping scheme.

Ecological Impacts

71. Section 40 of the Natural Environment and Rural Communities Act (NERC Act) states that the Local Planning Authority must "in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Section 40 goes on to clarify that 'Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or *enhancing* a population or habitat'.
72. Additionally, the National Planning Policy Framework (2021), at paragraph 8c and Chapter 15, states that LPAs have a duty to protect and enhance sites of valued landscapes, biodiversity or geological value and soils when

determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

73. This application is supported with the following:

- Ecological Impact Assessment (EcIA)
- Biodiversity Net Gain Assessment
- Landscape and Ecological Management Plan (LEMP)
- Indicative landscaping plan

74. Place Services has reviewed the planning application on behalf of the Council and are satisfied that there is sufficient ecological information available for determination.

75. The EcIA identifies that the whole site is considered suitable for reptiles ranging from low, moderate to high potential. The EcIA states that, "Should areas of high suitability be impacted by the proposed development, further surveys will need to be carried out". There are some narrow strips of high potential habitat at the boundary of the site, within the red line, but these areas are not proposed to be cleared and are not required to be removed for the development. The EcIA also advises that precautionary clearance is required if some moderate habitat is retained. There is an area within the site of moderate potential habitat that is to be completely cleared to accommodate the solar panels, but it is not clear within the report what the mitigation measures are for this area.

76. The proposals include removal of existing habitats on-site, including scrub habitat. Place Services recommend that consideration is given to putting back existing soils/substrates once the solar panels are installed.

77. The Biodiversity Net Gain Assessment demonstrates that the proposed development can deliver a net gain for biodiversity of 10.06%, which is just above the emerging legislation definition of net gain of 10% (which is anticipated to be mandatory from November 2023). The BNG Assessment accepts that trading rules have not been met, for example, the development should provide like-for-like habitat or better. However, the use of scrub amongst the solar panels would not be compatible with the development and the report considers that creation of alternative habitats is appropriate and ecologically justifiable and will add heterogeneity to the wider site.

78. The Biodiversity Net Gain Assessment proposes creating a ruderal and ephemeral seed mix providing a low growing nectar rich community on nutrient poor substrate beneath and between the solar panels. It commits to new habitats that "will provide nectar resource for pollinators". Place Services agrees with this approach, stating the vegetation structure should be varied, providing opportunities for insects, birds and bats to live and breed. It should aim to create a diverse range of flowering plant species, providing nectar sources for insects. A mosaic of habitats should ideally be created for this purpose. However, this is not reflected within the submitted Landscape and Ecology Management Plan which sets out management for wildflower grassland and requires the need for a consistent, evenly mown sward up to the habitat edges.

79. Furthermore, it is stated within the submitted documents that the LEMP is planned to last for approximately 10 years before it will be necessary to re-assess its suitability. However, Place Services states that management of the site should be longer term, ideally for the lifetime of the project (30 years). There is also no consideration within the submitted documents as to what might happen to the habitats at the decommissioning stage.
80. Place Services also raised queries regarding the proposed hedging and scrub and how this is indicated on the submitted plans.
81. As indicated above, there are some areas that require further details and clarification in relation to the submitted ecological assessments. However, these details can be requested by condition. Therefore, pre-commencement conditions have been recommended to secure an acceptable Landscape and Ecology Management Plan and a Construction Environmental Management Plan (agreement from the agent to the imposition of the pre-commencement conditions is awaited). In addition, conditions are recommended to secure the proposed mitigation measures identified in the Ecological Impact Assessment (Arcadis, January 2023) and Biodiversity Net Gain Assessment (Arcadis, February 2023), submission of any lighting details prior to installation, a detailed landscaping plan and submission of details at the decommissioning stage, which includes consideration of biodiversity.
82. In summary, sufficient ecological information has been provided by the applicant to provide certainty for the LPA of the likely impacts on protected and Priority species and habitats. Subject to securing appropriate mitigation measures, the ecological impacts of the development are considered acceptable.

Flood risk, drainage and contamination

83. Joint Development Management policy DM6 (Flooding and Sustainable Drainage), requires proposals for all new development to set out how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. Policy DM14 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards) requires proposals where the existence of, or potential for creation of, pollution is suspected, to contain sufficient information to enable the Local Planning Authority to make a full assessment of potential hazards.
84. In this case, the application site is located in flood zone 1. It is above a Secondary (undifferentiated) Aquifer (Lowestoft Formation), Principal Aquifer (Chalk) and a Source Protection Zone (SPZ3), which means that groundwater supplies are at risk from potentially polluting activities and accidental releases of pollutants, and the past use of the site could present potential pollutant linkages to controlled waters. The planning application is supported with a Contamination Report, Drainage Strategy and Flood Risk Assessment. The Lead Local Flood Authority, Environment Agency and the Council's Environment Team were consulted during the course of the planning application.
85. The Environment Team note previous works undertaken at the site, including site investigations, groundwater monitoring and phases of localised remediation. Given the findings of the supporting documents and the proposed end use, the Environment Team is satisfied that the risk to

end users and controlled waters is low and no further investigation or remediation is required. Both the Environment Team and Environment Agency have no objection, subject to a condition to secure the process required in the event that unexpected contamination is encountered.

86. The LLFA has reviewed the proposal and issued a holding objection (on 07 March, 2023) because infiltration-based drainage was proposed for the development, however, this is not feasible due to the underlying geology of the site. The applicant was requested to demonstrate that infiltration is a viable approach to drainage within an updated site investigation report. If infiltration is not possible, then details of a positive discharge approach is required by the LLFA, demonstrating that adequate storage can be provided on site.

87. The applicant provided amended drainage details on 03 April 2023, and the LLFA has been consulted with accordingly. At the time of submission of this report, comments from the LLFA on the amended details are awaited. The status of this will be updated with a late paper. If there is no resolution before the committee meeting then the planning application may be withdrawn from the agenda.

Highways

88. The proposal will utilise an existing access, off Moon Hall Lane. Given the nature of the development, the key consideration in terms of highways impacts will be during the construction phase and any glint and glare impacts that may distract drivers along Rookwood Way. The planning statement states that the solar panels are designed with antireflective surfaces and, in addition, the panels will be set back from the road by 9.5m, this is therefore considered to be acceptable. The planning application is supported by a Construction Management Plan (CMP), which includes access details, site office, parking and deliveries arrangements. The proposal has been reviewed by the Highway Authority and is considered acceptable, subject to securing the submitted CMP.

Neighbouring Amenity and Health and Safety Impacts

89. Policy DM2 requires that proposals do not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution, or volume or type of vehicular activity generated.

90. Solar farms generally produce a low level of noise emissions but can produce some noise associated with their connection to electrical transformers. Given the potential for noise related impacts a Noise Impact Assessment (NIA) has been submitted to support the application. The NIA considers the nearest noise sensitive receptors on the industrial estate, which includes offices and Dizzy Day Care, and beyond the industrial estate, residential areas and the Travelodge were also considered.

91. The report notes the existing industrial noise climate, the significant distance from the site boundary to the identified nearest noise sensitive receptors and the shielding provided by existing buildings and concludes that the potential noise from the solar farm would not have any significant impact on sensitive receptors.

92. The site is also located within a Health and Safety Executive (HSE) hazard site. The HSE has therefore been consulted. The HSE stated in their response that solar farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines, because they do not, in themselves, involve the introduction of people into the area. However, HSE advised that where a new substation is proposed (which applies to this case), the operators of nearby COMAH (Control of Major Accident Hazards) establishments should be consulted. The nearby COMAH sites were consulted accordingly.

93. In summary, it is considered that the impacts of this proposal on the amenity of adjacent areas are acceptable and comply with policy DM2 and paragraph 130 of the NPPF (2021).

Conclusion:

94. Planning permission is sought for a solar farm on land owned by EuroAPI on Haverhill industrial estate. The solar farm will have a capacity of 2.04 MWp and will provide renewable energy to the Haverhill EuroAPI site such that, at full output, it will meet the operational site's current and predicted energy needs. The proposals also include a substation, CCTV cameras and fencing.

95. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable. In this case, impacts on the economy, character and appearance of the area, trees, ecology, contamination, highways and neighbouring amenity are all considered acceptable subject to the conditions detailed below. As stated above, the proposed drainage strategy is still under consultation with the LLFA and the outcome of this will be updated in a late paper.

96. Concern has been raised regarding the use of a 2.2ha site for a solar farm, rather than for an economic use that may generate employment opportunities. This relates to policy DM30 which seeks to protect employment land. However, in this case, DM30 is not considered to be engaged because the site is within the ownership of an existing business and the use as a solar farm is considered ancillary to the primary use of the planning unit, which is a pharmaceutical production facility. In addition, the applicant has demonstrated that there are no other suitable locations for the solar farm on the roof of existing buildings.

97. In summary, 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. Given the considerable support both locally and nationally for renewable energy projects and supporting local businesses, this proposal is recommended for approval.

Recommendation:

98. 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
HK00-SK-0006	CCTV location plan	1 February 2023
LXP-EN-2084-20-CP-01	Plan	1 February 2023
LXP-EN-2084-20-CV-01	Proposed layout	1 February 2023
LXP-EN-2084-20-M-01	Proposed elevations & sections	1 February 2023
LXP-EN-2084-20-M-02	Solar panel details	1 February 2023
LXP-EN-2084-20-M-03	Proposed elevations	1 February 2023
LXP-EN-2084-20-PLD-01	Proposed site layout plan	1 February 2023
LXP-EN-2084-20-PLD-02	Location plan	1 February 2023
LXP-EN-2084-20-PLD-03	Fence plan	3 April 2023
LXP-EN-2084-20-PLD-04	Landscape plan	1 February 2023
LXP-EN-2084-20-PLD-05	Existing site plan	1 February 2023
LXP-EN-2084-20-SUB-01	Substation	1 February 2023
(-)	Aerial view	3 February 2023
0052972-ARC-EBD-ZZ-DR-ZZ-00007 REV 01	Ecological plan	3 February 2023
10052972-ARC-EBD-ZZ-DR-ZZ-00006 REV 01	Ecological plan	3 February 2023
BNG Appendix A	Biodiversity report	3 April 2023
BNG Appendix B	Biodiversity report	3 April 2023
(-)	Land contamination assessment	12 January 2023
(-)	Arboricultural assessment	3 February 2023
BNG	Biodiversity report	3 February 2023
(-)	Biodiversity report	3 February 2023
(-)	Construction management plan	3 February 2023
(-)	Flood risk assessment	3 February 2023
(-)	Landscape and	3 February 2023

	visual assessment	
(-)	Noise report	3 February 2023
(-)	Planning statement	3 February 2023

- 3 The Local Planning Authority shall be notified in writing, within 5 working days, of the date of the first export of power from the site. This permission expires 30 years from the date of the first export of power or 6 months after the solar panels on site are no longer being used for the production of energy. After this date, the site shall be reinstated to its existing state in accordance with a Decommissioning Scheme that shall have first been submitted to and approved in writing by the Local Planning Authority prior to the expiration of this permission.

The scheme shall address, though not be limited to, the following areas:

- Hours of works
- Lighting
- Noise
- Traffic and highway impacts
- Trees
- Wildlife
- Soft landscaping including protection measures

Reason: The application has been assessed and determined on this basis.

- 4 Construction of the development hereby permitted shall be carried out in accordance with the submitted Construction Management Plan, Document Ref. LXP-EN-2084, Version V4.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

- 5 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Prior to commencement of development, an Arboricultural Method Statement (including any demolition, groundworks and site clearance)

shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

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

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

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

Reason: To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) and Principal aquifers and Source Protection Zone 3) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2021; paragraphs 174, 183 and 184), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7.

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

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

- 9 All mitigation and enhancement measures and/or works shall be carried

out in accordance with the details contained in the Ecological Impact Assessment (Arcadis, January 2023) and Biodiversity Net Gain Assessment (Arcadis, February 2023) 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.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 10 Prior to commencement of development, 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.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 In the event that lighting is to be installed at the site, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority, prior to installation. 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.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 12 Prior to commencement of development, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management 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).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) 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 developer with the management body/ bodies 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.

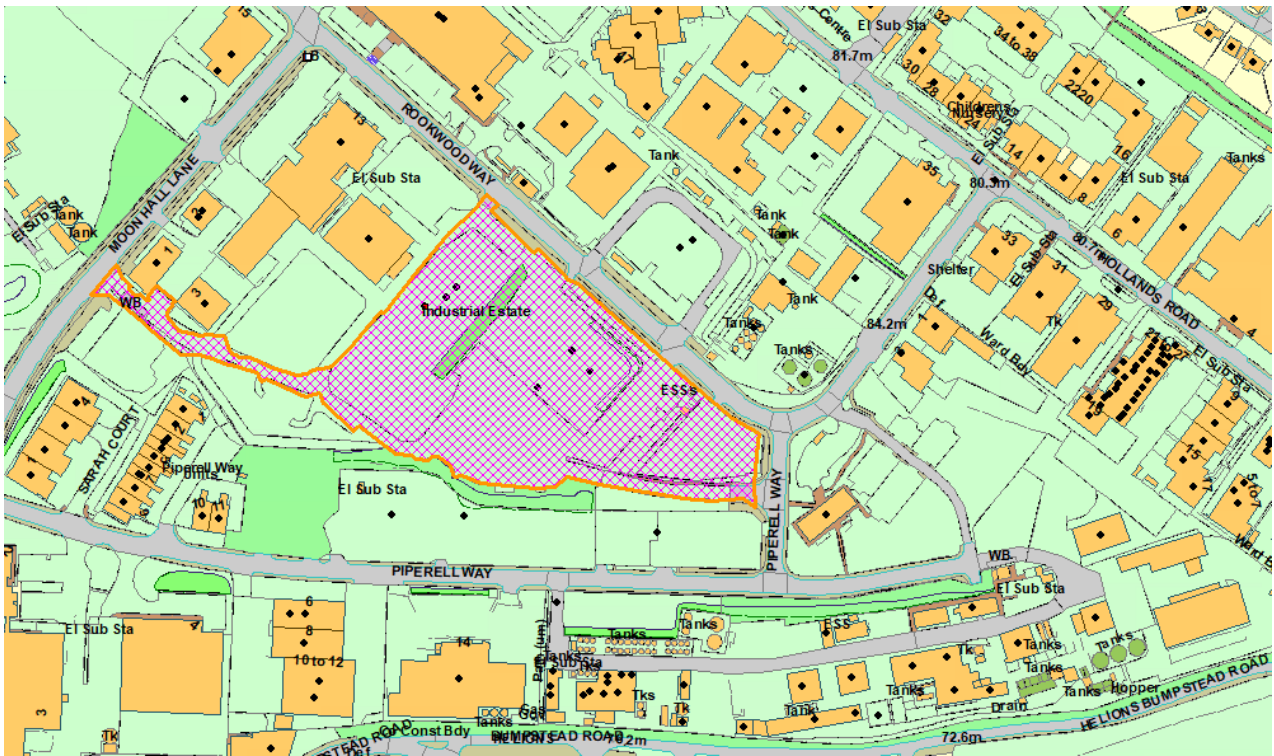
Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Documents:

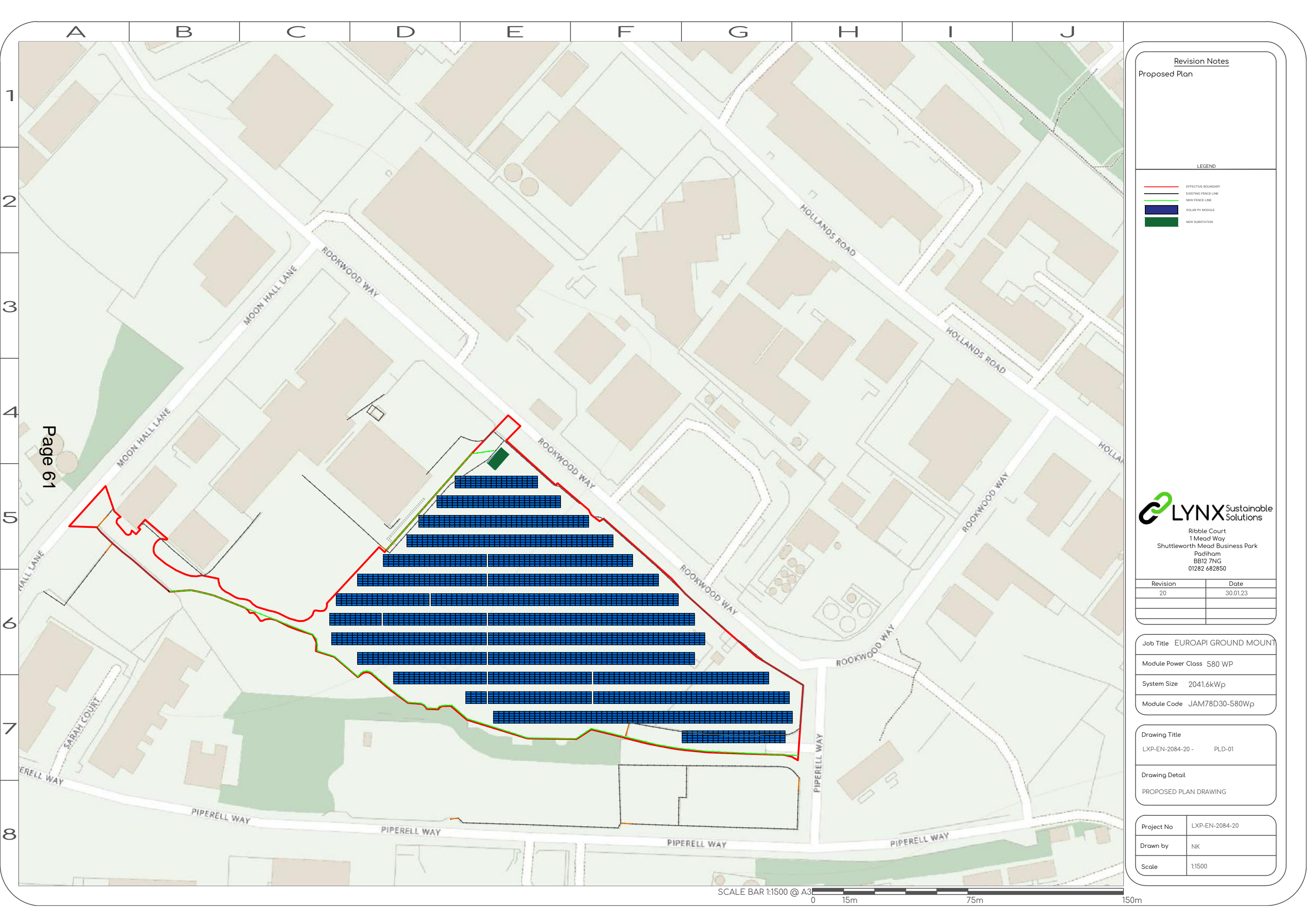
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0052/FUL](https://www.buckinghamshire.gov.uk/DC/23/0052/FUL)



DC/23/0052/FUL – Solar Farm, Rookwood Way, Haverhill, Suffolk



This page is intentionally left blank



Revision Notes

Proposed Plan

LEGEND

- EFFECTIVE BOUNDARY
- EXISTING FENCE LINE
- NEW FENCE LINE
- SOLAR PV MODULE
- NEW SUBSTATION



Ribble Court
 1 Mead Way
 Shuttleworth Mead Business Park
 Padiham
 BB12 7NG
 01282 682850

Revision	Date
20	30.01.23

Job Title EUROAPI GROUND MOUNT

Module Power Class 580 WP

System Size 2041.6kWp

Module Code JAM78D30-580Wp

Drawing Title

LXP-EN-2084-20 - PLD-01

Drawing Detail

PROPOSED PLAN DRAWING

Project No LXP-EN-2084-20

Drawn by NK

Scale 1:1500



This page is intentionally left blank